

**VILLAGE OF BANNOCKBURN
PLAN COMMISSION/ZONING BOARD OF APPEALS
OCTOBER 7, 2013
MEETING MINUTES**

1. 01-10/07: **Call To Order.** Chairman McShane called the meeting of the Plan Commission and Zoning Board of Appeals to order at 7:01 p.m.

Chairman: James McShane

Commissioners Present: Robert Borden, David Elston, Louise Feeney, William Montgomery, Richard Peters

Commissioners Absent: Susan Knaack

Also Present: Village Manager Maria Lasday, Assistant to the Village Manager Ryan Mentkowski, Village Attorney Betsy Gates

Visitors: None

2. 02-10/07: **Pledge of Allegiance.** Chairman McShane led everyone in reciting the Pledge of Allegiance.

3. 03-10/07: **Approval of the September 3, 2013 Plan Commission & Zoning Board of Appeals Regular Meeting Minutes.**

Commissioner Borden moved, seconded by Commissioner Peters, to approve the September 3, 2013 minutes, as amended. Upon voice vote the motion was approved. Ayes: Six (Borden, Elston, Feeney, Montgomery, Peters, McShane); Nays: None; Absent: One (Knaack).

4. 04-10/07: **Continued Public Hearing for the Consideration of Various Text Amendment(s) to the Bannockburn Zoning Code, including, without limitation, Amendments Pertaining to Definitions of Terms, Exterior Lighting, and the Keeping of Chickens as an Accessory Use, Submitted by the Village of Bannockburn.**

Definition of Terms

Village Attorney Betsy Gates discussed the proposal and the amendments before the Commission, including the changes that were made from the last meeting on the same item. Specifically, the Commissioners reviewed, in particular, and suggested changes to Section 12-206, Section 3-111, and Section 9-109 of the Village of Bannockburn Zoning Code pertaining (i) to whether patios should be defined as structures (like porches and terraces) or non-structures (like paved driveways); (ii) which open-air structures should be included in floor area ratio calculations, and (iii) what limitations, if any, should be placed on the location of patios in required yards. She also noted that any material other than wood would not be a defined as a deck.

Commissioner Peters noted that the deck definition is limited to a structure that is made out of wood. He posed the question that with all the new synthetic materials out there, do we want to expand the definition to allow synthetic materials for a deck.

Commissioner Elston asked why a driveway or a walkway is not a porch per the definition of a patio because he doesn't know how it is different than a patio as defined. He also inquired where we define what the open area of the building is.

Village Attorney Betsy Gates noted that she did not read the definition of a porch or patio to encompass a driveway. She asked if it would be helpful to include the intended use for a driveway in the definition to clarify that a driveway is not a patio.

Commissioner Elston felt that a deck not triggering an ARC review doesn't make sense when a patio does require an ARC definition.

Chairman McShane clarified whether the Commission is disagreeing over definitions proposed by Counsel.

Commissioner Elston stated that he is trying to have it phrased in a way that eliminates potential conflicts, as well as his concern that there is a whole other consequence for having a deck compared to a patio. A deck doesn't require bufferyard requirements but if you are a larger patio you would have a bufferyard requirement. He believes that a deck is more visible than a patio and would suggest changing the bufferyard language to include a deck.

Village Attorney Betsy Gates noted that the bufferyard materials are on page 3, including some exclusions. She noted that they added a patio smaller than 200 square feet based on the last Commission meeting. She stated we could add decks less than 200 square feet to this bufferyard language if the Commission desired.

Commissioner Elston felt that decks over 200 square feet should be included but decks under 200 square feet could be exempted. He would personally include all decks and all patios in the bufferyard requirement, no matter the size, but he could see reasonable people having a completely different view on that. Commissioner Peters agreed that it makes sense to keep it consistent and that a small deck or a small patio should be treated the same.

Village Attorney Betsy Gates verified that a deck or "patio" not exceeding 200 square feet could be added to the exclusion provision for the bufferyard section.

Commissioner Montgomery asked if in a roundabout way we are going to encourage people to build 200 square foot decks with the provision proposed. He inquired what the typical size of a deck or patio is and Commissioner Peters noted that his was about 600 square feet. Chairman McShane noted that most of the patios around the Village are bigger than 600 square feet.

Commissioner Elston stated that clarification needs to be made about adding onto the patio upon completion and what the trigger is for additional square footage beyond the 200 square feet.

Village Attorney Betsy Gates noted that we could clarify the total square footage requirement as being cumulative.

Commissioner Elston inquired as to whether or not we want to include very small decks.

Chairman McShane commented that if he were to build a 200 square foot deck right now, then he wouldn't have to do a bufferyard.

Commissioner Elston questioned the Commission as to whether they should take out the requirement of ARC for decks and patios. Commissioner Montgomery and Chairman McShane commented that they thought the bufferyard requirements should apply to decks and patios. Commissioner Elston stated that if the patio has the bufferyard requirement, then the deck should have it, as least if it is greater than 200 square feet.

Chairman McShane stated he does not think that patios should go to ARC and asked if a patio and deck have to go to ARC. It was noted that all decks require ARC review and patios less than 200 square feet require ARC approval. Decks and patios greater than 200 square feet have to meet the bufferyard requirements. It was also noted that the material of the deck should be amended to allow a deck to be built of wood or synthetic material. It was also noted that decks should be excluded from the FAR requirement.

Commissioner Elston asked about the gazebo and where it fits in the definition of this ordinance and it was clarified that gazebo's are covered porches.

Commissioner Borden moved, seconded by Commissioner Peters, to recommend approval of the Text Amendment to the Bannockburn Zoning Code Pertaining to Definitions of Terms, as amended by the Village Attorney. Upon roll call vote the motion was approved. Ayes: Six (Borden, Elston, Feeney, Montgomery, Peters, McShane); Nays: None; Absent: One (Knaack).

Keeping of Chickens

Chairman McShane opened the continued public hearing to consider the proposal by the Village of Bannockburn to amend Section 9-101 and Section 11-503 of the Village of Bannockburn Zoning Code to allow chickens on residential properties under certain circumstances.

Commissioner Elston stated that based on the last meeting he thought we were going to allow swans and ducks. He noted that swans or ducks are not allowed anywhere in the Village. He said that it should be drafted to allow swans or ducks separately from chickens and that property owners should be allowed to keep swans or ducks on the property. He suggested that Section 13 should be titled chickens/swans/ducks.

Chairman McShane raised a concern about the ducks specifically citing an example of his neighbors' ducks which he notes just run all over the place. He raised the question whether the Village really wants to allow ducks.

Commissioner Elston did not necessarily want to keep the duck provision and was more focused on the swan provisions.

Chairman McShane suggested taking out ducks from the amendment. He also noted that he did not think that swans were as effective as they were previously thought to be, but he did not have an issue with the swans.

Village Attorney Betsy Gates cautioned about the Commission's suggested blanket permitted use of the swans on residential properties.

Village Manager Lasday suggested removing ducks from the text amendment.

Commissioner Elston noted that if people have swans, they should be allowed to keep them considering they already have them.

It was noted that swans should not be prohibited on residential properties.

Commissioner Peters then moved on and questioned if the opacity restrictions proposed for chicken coops are over and above what is necessary and if the 100% opacity requirement is too restrictive.

Village Attorney Betsy Gates noted, when asked, that the existing chicken coops would be grandfathered in and legal non-conforming and would not require ARC approval. In addition, it would not require an ARC approval if they move the coop. However, a new coop would require ARC approval.

Commissioner Elston had concerns about the variation language and he was against the proposed use and did not feel the variation option should be part of the amendment.

Village Attorney Betsy Gates noted that the variation would only be allowed as written by the Village Board and prescribed by the Village Board on the text amendment.

Chairman McShane stated that he was okay with the variation even though it would be difficult to meet the hardship requirement for the variation and felt they should keep the variation provisions in.

Commissioner Borden moved, seconded by Commissioner Peters, to recommend approval of the Text Amendment to the Bannockburn Zoning Code to amend Section 9-101 and Section 11-503 to allow chickens on residential properties under certain circumstances, as amended by the Village Attorney. Upon roll call vote the motion was approved. Ayes: Six (Borden, Elston, Feeney, Montgomery, Peters, McShane); Nays: None; Absent: One (Knaack).

Lighting

Village Manager Lasday noted that Section 9-101.10.b.iii of the Village's Zoning Code mandates that coach lights be mounted at a height that does not exceed 8 feet (measured from the top of the fixture to grade). An exception needs to be made for light fixtures required per the Village's building code regulations at second level balconies since the Village's current zoning lighting regulations are in conflict with the Village's Building Code regulations, which is highlighted when the ARC approves balconies on the second floor of a residential structure.

Commissioner Elston noted that on the last page of the packet, D, the redlined language it should be made clear that "it" is to be a *coach light fixture*.

Commissioner Peters moved, seconded by Commissioner Borden, to recommend approval of the Text Amendment to the Bannockburn Zoning Code to amend Section 9-101.10.b.iii, amending the mounting height requirement for coach lights. Upon roll call vote, the motion was approved. Ayes: Six (Borden, Elston, Feeney, Montgomery, Peters, McShane); Nays: None; Absent: One (Knaack).

5. 05-10/07: **Work Session on the Comprehensive Plan Update.**

Commissioner Elston and Peters noted that they had a number of comments that are minor in nature that they will give to Village Manager Lasday for grammatical comments.

Chairman McShane stated that he loved the clarity of the maps and appreciated the change. He also noted that some of the pictures were "lousy".

Commissioner Borden noted that photo 6, the photo of the Deerfield High School, is actually a picture of the Highland Park High School and should be changed to reflect this.

Chairman McShane discussed the zoning, development and land use planning section of the plan, specifically regarding the B district and the future of the district. Discussion ensued as to whether the Commission wanted to continue with the A district and the B District recommendation in the Comprehensive Master Plan.

Commissioner Elston noted that page 77 was changed by the Commission previously and the reference point was substantially modified and was made to be non-committal.

Chairman McShane felt that we need to have definitive direction in this document so that we have clear direction in the future of the zoning ordinances.

Village Attorney Betsy Gates stated that showing long standing tradition, as the Village has historically done with the Comprehensive Master Plan, would put the Village in a more defensible decision if any lawsuits were made in the future regarding proposed Rezoning's that were inconsistent with the Comprehensive Master Plan.

Discussion continued on the future and past history of the existing zoning lots, as well as some of the ambiguity in the zoning ordinance.

Commissioner Elston noted that creation of a C district is something that is appropriate to do with a Comprehensive Master Plan if the Commission thought it was a good idea.

Village Manager Lasday noted that Staff did take out a lot of Trinity information as previously recommended by the Commission.

Chairman McShane stated that we use the phrase green community a lot in the Comprehensive Plan and in his profession it is just an overworked word. He suggested coming up with something different.

Village Manager Lasday suggested the phrase “environmentally sensitive community” versus the “green community”.

Chairman McShane asked about the differentiation between sidewalks and pathways.

Manager Lasday noted that a sidewalk is made out of concrete and a pathway is made out of asphalt and that the Village Board has been very explicit in not having “sidewalks” in the Village.

Commissioner Elston suggested removing the sidewalk prohibition and noted that we had meandering pathways.

Chairman McShane asked where Figure 1 came from and noted that the information illustrated in here is very confusing and not knowing where it came from caused him some concern.

It was agreed by the Commission that Figures 1 and 2 should be removed from the document.

Village Manager Lasday noted that Staff will need to do a quick cross-reference on the removal of the Figures within the document to ensure all mention of the figure are removed.

Commissioner Elston noted that the examples of development, like the Long Grove reference photos, should be changed, as well as, any other pictures that do not have reference to Bannockburn. He felt that we should use Bannockburn photos wherever we can to better illustrate what Vision the Village is trying to accomplish.

Commissioner Borden stated that we need to change photo 16 because it does not illustrate the Village of Bannockburn.

Chairman McShane suggested changing photo 46 of Trinity International University to have a better or even just a closer view of the school versus just a large open field.

Chairman McShane noted that in the non-residential property discussion on page 56, “the Beeson property” was referenced at the bottom, but it did not seem an appropriate

recommended use. He felt it should be more generic to the location and could be similar to what we have illustrated on page 76.

Village Manager Lasday mentioned that she would look at the maps again and was having the Village Engineer work on revising the maps.

Chairman McShane noted that the document talked about the area south of Duffy along the Tollway (Interstate 1-94) and we know that the Tollway Authority will not put anything in there to inhibit the sound from all the vehicles. He suggested putting something more specific about the development in this area to suggest the Village's desire to have the sound issue examined when developed. He felt we should deal with this noise issue and how the Village should deal with it from a Comprehensive Master Plan stand point. If there is an opportunity to develop it in the future, it should be paid for by the developers.

Commissioner Peters suggested looking at page 62 of the document to look at the noise concerns raised by Chairman McShane.

Chairman McShane discussed whether the commercial development proposed on the east side of the Waukegan road should be office or if it should be allowed to be something else.

Commissioner Elston noted that when looking at page 61, the streets language is out of place now with many of the paragraphs moving around.

Village Manager Lasday noted that the lineal feet noted in this section was modified following conversation with the Village Engineer to state that 70% of the roadways have been resurfaced or rebuilt over the last 5 years.

Commissioner Elston noted that the roadway section was improved but the language still needs to be massaged and modified a little bit.

Chairman McShane asked if Gewalt reviewed the sanitary sewer documentation and the maps.

Village Manager Lasday verified that they were modified and reviewed by the Village Engineer.

Chairman McShane asked about the specifics of the services provided to the Village, like the number of employees proposed.

Village Manager Lasday noted that she would footnote the dates of the services and people.

Chairman McShane asked whether the library was taken out of the document and it was verified that the proposed library was removed from the document as recommended at the last Commission meeting.

Commissioner Peters stated that on page 63, bio-infiltration should be bio-filtration system.

Chairman McShane noted the wetland on the wetland map which shows an army core of engineers' regulated wetland and stated that it was very difficult to do anything with those wetlands. He also questioned the source of the wetland mapping information on the maps provided.

Commissioner Peters noted that on page 68, under volunteers, it should read various "seasonal" decorations.

Chairman McShane discussed the divide of the water within the Village of Bannockburn. Some of the water diverts one way and one to the other and felt it should be made clear that there are two different water sheds within the Village.

Chairman McShane discussed the parking space requirements and suggested that we should look at this in the future because Bannockburn Green is already really tight from a retail standpoint.

Commissioner Elston noted that on page 81, Wilmot road should be added to the document as it was mistakenly left out.

No formal motion was made on the item, but it was agreed that Staff would bring revisions back to the Commission at the next regular meeting.

6. **06-10/07: Consider Approval of a 2014 Calendar Year Schedule for the Plan Commission Zoning Board of Appeals Meetings.**

It was decided that the PCZBA will wait to vote on this item until the next meeting after amendments have been made by staff as discussed at the meeting tonight.

7. **Adjournment.**

Commissioner Borden moved, seconded by Commissioner Feeney, to adjourn the meeting. On a voice vote, the motion was unanimously approved. Motion approved. Ayes: Six (Borden, Elston, Feeney, Montgomery, Peters, McShane); Nays: None; Absent: One (Knaack). The meeting was adjourned at 9:05 p.m.