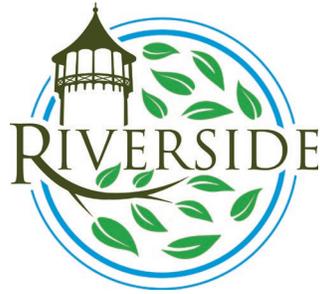


Residents and visitors are welcome to all meetings of the Planning and Zoning Commission. Public comments are welcome on any topic related to the business of the Public Body at Regular and Special Meetings. Comments may be made at any time. Individuals who wish to comment must be recognized by the Chairperson and then speak at the podium, beginning by identifying themselves by name and address.

Any individual with a disability requiring a reasonable accommodation in order to participate in the meeting should contact Village Manager Jessica Frances at least five working days in advance of the next scheduled meeting at (708) 447-2700 ext. 254.



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

**Wednesday, April 24, 2019**

**7:00 PM**

**Riverside Township Hall, Room 4, 27 Riverside Rd., Riverside, IL 60546**

**A G E N D A**

1. Call to Order
2. Roll Call

**Chairperson**

Jill Mateo

**Commission Members**

Edward Hannon

Joel Marhoul

Adrian Mendoza

Jacqueline Miller

Theresa Pelletier

Sean May

3. Approval of Minutes:
  - A. Planning & Zoning Commission Regular Meeting minutes of October 24, 2018
4. Visitors, Petitions, Citizen Requests, and Communications:
5. Liaison Report:
  - A. Village Board Update
6. Old Business:
7. New Business:
8. Information:
  - A. RTA Community Planning Grant – Riverside Zoning Ordinance Update
9. Adjournment:

**VILLAGE OF RIVERSIDE, ILLINOIS**  
**PLANNING AND ZONING COMMISSION**  
**MINUTES OF THE REGULAR MEETING AND PUBLIC HEARING**  
Wednesday, October 24, 2018 7:00 pm  
Riverside Township Hall, Room 4

1. **Call to Order:** 7:03 p.m.

2. **Roll Call**

Present: Chairperson Mateo  
Commissioner Mendoza  
Commissioner Scanlon  
Commissioner Marhoul  
Commissioner Miller  
Commissioner Pelletier  
Commissioner Hannon

Absent: None

Also in attendance: Village Attorney Marrs  
CD Director Abt  
Marisol Castellano, Petitioner

3. Approval of Minutes:

A. Planning & Zoning Commission Regular Meeting Minutes of September 26, 2018

Chairperson Mateo noted a spelling error on Page 6. A motion to approve the minutes with the spelling correction on Page 6 was made by Commissioner Miller, seconded by Commissioner Scanlon.

Voice vote. 7 Ayes. 0 Nays.

**Motion passed.**

4. Visitors, Petitions, Citizen Requests, and Communication:

President Sells spoke to the Commission. He stated that he knows the Commission has had some difficult items before them this year and that they have handled those cases with grace, skill and dedication. So on behalf of the Village Board he wanted to say thank you for all the work that they do for the Village.

5. Liaison Report:

A. Village Board Update:

Trustee Sedivy was not present. Chairperson Mateo asked Director Abt if there was any Village Board update. Director Abt noted the Board had approved the small cell zoning amendments at their last meeting. She also noted that the Garage and Driveway text amendment was continued to the December 6<sup>th</sup> Board meeting. Attorney Marrs noted that he wanted to follow up on the small cell amendments as well. One of the points Commissioner Hannon brought up was a concern about small cell poles being located on the house side of sidewalk. Following up on that, he stated the Preservation Commission expressed similar concerns with their review. He stated that what the Village is going to do is to add some language to the village code, not the zoning code, giving the Preservation Commission some power over these applications based on our landmark status which is unique. With Preservation Commission review he stated he believes the Village can affirmatively prevent them from being placed on the house side of the sidewalk.

6. Public Hearings and Recommendations:

- A. PZ18-04 – Text Amendment to add daycare centers, adult or child as a Special Use in the B1-C Commercial Zoning District and a concurrent request for a special use for a child daycare center at 2722-2726 S. Harlem Avenue.

1. CONTINUED PUBLIC HEARING to consider a request for 1) a proposed text amendment to the Village of Riverside Zoning Ordinance to allow daycares, adult or child, as special uses in the B1-C Commercial Zoning District, amending Section: 10-5-9/Table 4 (Use and Bulk Requirement Tables for the B-1 and B-2 Zoning Districts) to daycares, adult as special uses in the B1-C Commercial Zoning District, and make such other conforming changes to other sections of the Village of Riverside Zoning Ordinance as may be necessary; and 2) a concurrent request for a Special Use Permit to allow a child daycare center in the B1-C Commercial Zoning District for the property located at 2722-2726 S. Harlem Avenue. Petitioner: Marisol, Castellano, Happy Times Child Development Inc.

*Chairperson Mateo reopened the public hearing and Director Abt swore in the Petitioner, Marisol Castellano.*

Director Abt explained that the Zoning Ordinance does not currently allow daycares in the B1-C Commercial zoning district; however they are special uses in the B-2 Zoning District. The proposed Text Amendment, as drafted by Staff, adds the use of “daycare center, adult or child” as a special use to the use table (Table 4) in Section 10-5-9 of the Zoning Code for the B1-C Zoning District only and references the existing standards for the use. She stated there were no proposed changes to the standards or definitions. Director Abt went over the standards and the definitions for the PZC. If the Text Amendment is approved, the Petitioner is requesting a Special Use for a child daycare center at 2722-2726 S. Harlem Ave. Director Abt noted that the shopping center that the daycare would be locating in has 16 parking spaces and has access from both Longcommon Rd. and Harlem Ave. In their application, the Petitioner estimates that the daycare could care for a maximum of 50 children and that they would have 9 employees. A final determination for the maximum number of children will be made by DCFS once the zoning approvals are secured. She also noted that the Petitioner would not be providing an on-site outdoor play area; however she has obtained State approval to utilize a nearby park.

The Petitioner, Ms. Castellano, explained that she currently runs a home daycare in Berwyn and is looking to open a daycare center in the vacant storefront located in Riverside to serve the community. She elaborated that she currently has 20 children in her home daycare and has a wait list. They are a language immersion daycare. She anticipates that they will start with those existing 20 children and will increase from there.

The Commissioners asked several questions of the Petitioner. Commissioner Scanlon asked what park they would be using. Commissioner Scanlon also had questions about where Staff would be parking and how many employees would be working at one time and about peak hours for drop off and pick up. Commissioner Hannon had questions about how pick-up and drop-off would work. Chairperson Mateo had questions about how the unit would be laid out and how meals and napping would be accommodated.

The Petitioner stated that they proposed to use Proksa Park in Berwyn. She explained they would have 6 full-time employees and 4 part-time employees and that she anticipated recommending Staff park off-site on the street to leave more parking spaces open. She stated that they could also park across the street in Berwyn. The Petitioner explained that pick-up and drop-off only take 5-10 minutes and that peak drop-off time is between 6:30 AM and 8:30 AM and neither of the other businesses are open during that time. She also mentioned that 50 children does not mean there will be 50 cars, as families will typically have more than one child enrolled. She noted that currently she cares for 20 children however there are only 8 families (or cars) that make up that number. She stated that peak pick-up time is typically between 3 PM and 6 PM.

The Petitioner stated that they would have four classes, they would offer Spanish immersion and that meals (breakfast, snack and lunch) and napping areas would be provided as required by the State licensing requirements.

The Commissioners expressed some concerns about how pick up and drop off would be handled given the closeness to the intersection and the high traffic levels on Harlem Ave. Commissioner Scanlon expressed concern about employees parking on the street in the residential areas, she was not comfortable taking up on-street parking in the residential districts to accommodate business parking. Other Commissioners did not have an issue with the parking and did not believe it would have a significant impact. Commissioner Marhoul noted that if it does become an issue, the homeowners can ask for the Board to restrict parking hours in that area similar to what they have done in other areas near the Metra Stations and schools. Commissioner Marhoul suggested that left turns onto Harlem Ave. from the curb cut onto Harlem Ave. be prohibited. Commissioner Hannon and Commissioner Pelletier wondered if there should be a traffic evaluation of the use.

Petitioner stated they believed there was sufficient parking on the site to accommodate her clients and that she did not anticipate there being traffic issues related to the daycare. She noted she had not created a plan for drop off and pick up but was willing to create one.

Commissioner Mendoza had questions about why daycares were not permitted in the B1 District but were allowed in the downtown. He asked Staff if there was a policy issue. Director Abt did not know if it was overlooked when the B1 district was updated or if there was a specific policy issue. Commissioner Scanlon asked about the Harlem Avenue Business District and if there were any restrictions on non sales-tax producing businesses. Director Abt noted that this property was located in the Harlem Avenue Business District that the Village created, however there were no restrictions as part of that designation that only retail businesses can locate there. The Village would like to maximize sales tax generating business in that district however the underlying zoning district allows a mix of uses which include personal services, medical offices and professional offices as well as retail uses.

*No one in the audience wished to comment.*

There being no further questions of Staff, Chairperson Mateo asked for a motion to close the public hearing. Commissioner Mendoza motioned to close the public hearing. Motion was

seconded by Commissioner Pelletier. Voice vote. All Ayes.

*The public hearing was closed.*

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

The Commissioners discussed the proposed Text Amendment and the standards and concluded that the Text Amendment is not inconsistent with the intent of the Zoning Ordinance and that allowing daycares, as a special use, in the B1-C District would be a benefit to the community. Some Commissioners also noted that the increase in traffic/activity from a daycare use could have a positive impact on surrounding businesses and the Village's overall economic development goals.

Commissioner Pelletier motioned to recommend approval of the Petitioner's application for a Text Amendment to Section 10-5-9/Table 4 (Use and Bulk Requirement Tables for the B-1 and B-2 Zoning Districts) to allow "daycare centers, adult or child" as special uses in the B1-C Commercial Zoning District. The Motion was seconded by Commissioner Mendoza.

AYES: Scanlon, Marhoul, Mendoza, Miller, Hannon, Pelletier, Mateo

NAYS: None.

**Motion Passes.**

The Commission also discussed the Special Use for a child daycare center at 2722-2726 S. Harlem and the standards for a special use. The Commission determined that once the text amendment was adopted the use would be a special use and that with conditions it would comply with all applicable regulations. A majority of the Commissioners determined that the intensity of the use fits with the other existing uses in the area and other uses that would be permitted in the area. Some Commissioners believed certain additional conditions would prevent any traffic or parking issues caused by the use. Commissioner Marhoul proposed a condition that left hand turns from the site onto Harlem Avenue be prohibited. After some discussion about whether IDOT would allow this, the Commission was in agreement on this condition. The Commission also discussed having a traffic engineer review the traffic impact. Some Commissioners did not think that was necessary. Ultimately the Commissioners wanted to know that some thought had been put into how drop off and pick up would work on the site. Commissioner Hannon proposed that the Petitioner be required to create a drop-off and pick-up procedures plan that would be provided the parents. The other Commissioners were in agreement. In discussing the findings for the Special Use, Commissioner Pelletier noted that she did not believe that the use was appropriate for the site given the site's layout and the access point's proximity to the intersection. Commissioner Hannon believed that requiring a traffic study or an engineering review was more than what was necessary, he just wanted to know that drop off and pick up had been thought about and that there was a plan that was communicated to parents and was part of the daycare's procedures.

Commissioner Miller motioned to recommend approval of the Petitioner's application for a Special Use for a child daycare center with the following conditions discussed by the Commission and outlined in the Staff Report:

- A. A building permit/occupancy permit must be obtained by the Petitioner.
- B. A sign permit must be obtained by the Petitioner for any exterior signage.
- C. A copy of the state daycare facility license must be provided to the Village.
- D. A copy of State Fire Marshall approval must be provided to the Village.
- E. Proof of state approval of off-site outdoor play area must be provided to the Village.
- F. A "No Left Hand Turn" sign be posted on the Property at the Harlem Avenue curb cut.
- G. A plan for drop-off and pick-up for parents be created by the Petitioner and submitted to the Village.

The Motion was seconded by Commissioner Marhoul.

AYES: Marhoul, Mendoza, Miller, Hannon, Scanlon, Mateo

NAYS: Pelletier

**Motion Passes.**

- B. PZ18-06 – Text Amendment to Remove Vacation Rentals as a Permitted Use in Residential Zoning Districts and to Make Vacation Rentals a Special Use in Commercial Zoning Districts.
  - 1. PUBLIC HEARING to consider proposed text amendments which include, but may not be limited to: Amending Section 10-4-5 (Use and Bulk Requirement Tables)/Table 2 (Residential Districts Permitted Uses) and Section 10-5-9 (Use and Bulk Requirement Tables)/Table 4 (Business Districts Permitted Uses), to remove vacation rentals as a permitted use in the residential zoning districts and to consider changing their designation from permitted use to a special use in the business zoning districts. Petitioner: Village of Riverside.

*Chairperson Mateo summarized the public notice and entered it into the record as **Exhibit A**.*

Chairperson Mateo asked Staff to provide some background.

Director Abt explained that in 2016 the Village adopted a text amendment that would allow vacation rentals as permitted uses in both the residential and commercial zoning districts along with licensing regulations. In July 2018, in response to concerns shared by residents about vacation rentals in residential areas, the Village Board began discussing changes to the licensing regulations to better address issues such as the number of visitors, noise, parking and traffic. Ultimately, the Village Board determined that vacation rentals were not an appropriate use for the residential neighborhoods and would be best suited to the business districts and adopted an ordinance removing the ability to obtain a vacation rental license for the residential districts. Since vacation rentals are listed as permitted uses in the residential zoning districts in the Zoning Ordinance a text amendment is also needed for vacation rentals to be prohibited in the residential districts.

Director Abt also explained that the Village Board requested that the PZC consider changing vacation rentals from permitted uses to special uses in the business districts. Some Trustees expressed concern that a vacation rental in a condominium could have some of the same

negative impacts on a condominium building as they could on a residential neighborhood which should allow some additional notification and review. The Village Board incorporated a notification and Village Board approval process as part of the licensing requirements; however if the PZC recommends changing the use to a special use, those requirements would be removed from the licensing requirement since they would already be required as part of the special-use approval process.

The Board also adopted the various changes to the licensing regulations they had discussed over the summer. These new requirements included requiring the vacation rental property to be the owner's primary residence, prohibiting outdoor activities between 10 PM and 8 AM, clearly posting the Village's quiet hours of 10 PM – 8 AM, limiting the number of guest rooms to two (2) and limiting the maximum occupancy to six (6) guests. The new regulations also expressly prohibit utilizing the vacation rental as a venue for weddings, conferences, parties or other events. Director Abt also noted that the maximum number of days the vacation rental can be rented stayed the same at sixty (60) days during the license period.

Director Abt explained that the Proposed Text Amendments remove vacation rentals from the use table (Table 2) for the Residential Districts (Chapter 4) thus making the use prohibited. The Amendments also change the use designation for vacation rentals in the use table (Table 4) for the Business Districts (Chapter 5) from permitted ("P") to special ("S").

The Commissioners discussed the Proposed Text Amendments. The Commissioners were in agreement that if there is no license for vacation rentals in residential districts that the use should be removed from the use list and that it was really a housekeeping matter.

There was some discussion about the licensing requirements including the restriction on two rooms and how the Village would enforce these requirements. Director Abt stated that as part of the application review process the applicant would need to indicate which rooms would be utilized as part of their submittal and the village inspectors would then verify if those rooms met life safety code standards and occupancy minimums. The Commission also asked about the licensing fee and the special use application fee. Director Abt noted that there were inspections and reviews required for the licensing; therefore the Board was looking at increasing the license fee from \$100 to \$500. The Special Use fee is \$1,000 and is treated like a deposit. If the notification, publication and attorney costs are less than \$1,000 the balance can be refunded to the applicant. The Commission asked what the typical cost was for a special use; Director Abt noted that it is typically between \$500 and \$600.

Commissioner Pelletier stated that she did not believe it was necessary for vacation rentals to be a special use in the business districts given the requirements in the licensing standards. Commissioners Marhoul and Mendoza questioned what the difference between the current requirements and the new requirements would be if it was made a special use. Attorney Marrs stated that the latest requirements imposed a notification requirement and Village Board approval of the license. He noted that since the zoning process can take some time, the Board wanted a process in place for any new license applications that may come in while the text amendment was going through the approval process, but that if the decision was ultimately made to make vacation rentals a special use in the business districts, the existing Board licensing approval procedure would be deleted as it would no longer be necessary.

Commissioner Miller stated she understood Commissioner Pelletier's position but thought that given the newness of the use and some of the unforeseen issues that arose from the previous vacation rental, designating it as a special use was the more prudent choice and that maybe in the future after some more experience with these types of uses, if there really are no issues, then the Village can change the designation.

Commissioner Mendoza believed redesignating vacation rentals as special uses in the business zoning districts was an overreaction and that the new restrictions on vacation rentals should address any issues with the use. He was also concerned that, absent some very specific reasons regarding an application, the Commission would have a difficult time denying a special use for a vacation rental in the business districts.

Commissioner Hannon expressed some concern with the number of multi-unit buildings in the business districts and the possibility of a majority of the units in a building becoming vacation rentals. Without the additional level of review as a Special Use, he thought it limited the Village's ability to monitor and respond to issues or reassure neighbors when abuses happen.

Commissioner Scanlon asked about the reasoning behind the Commission originally recommending a special use in the residential and not in the business districts. Director Abt stated the Commission was more concerned about the potential impact on the residential districts. The business districts already allow mixed uses of commercial and residential so there is already a certain level of expectation of commercial uses in close proximity to residences; additionally Bed and Breakfasts were already designated as permitted uses, therefore the Commission was not as concerned that vacation rentals needed to be reviewed more closely than those.

*The Chairperson opened the public hearing to the public.*

*No one in the audience wished to comment.*

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

The Commission discussed the proposed Text Amendments and the standards and determined that prohibiting vacation rentals in the residential districts minimizes commercial activity that could be incompatible with single family properties. A majority of the Commission found that making them special uses in the business districts will ensure individual review of the appropriateness of each location and afford neighbors the opportunity to express their concerns. Some Commissioners felt that with the new restrictions in the licensing requirements for vacation rentals, the special use designation was not necessary.

Commissioner Marhoul motioned to recommend approval of the Proposed Text Amendment to Section 10-4-5 (Use and Bulk Requirement Tables)/Table 2 (Residential Districts Permitted Uses) to remove vacation rentals as a permitted use in the residential zoning districts. The Motion was seconded by Commissioner Miller.

AYES: Marhoul, Mendoza, Miller, Hannon, Pelletier, Scanlon, Mateo

NAYS: None.

**Motion Passes.**

Commissioner Miller motioned to recommend approval of the Proposed Text Amendment to Section 10-5-9 (Use and Bulk Requirement Tables)/Table 4 (Business Districts Permitted Uses) to change vacation rentals designation from permitted use to a special use in the business zoning districts. The Motion was seconded by Commissioner Mateo.

AYES: Miller, Hannon, Scanlon, Mateo

NAYS: Pelletier, Mendoza, Marhoul

**Motion Passes.**

*Chairperson Mateo noted that she had not closed the public hearing. The public hearing was then closed.*

7. Old Business:

- A. Continued discussion and recommendations to Staff on proposed Text Amendments related to stoops/porches/awnings/canopies.

Director Abt updated the Commission on the Board's comments on their proposed amendment for stoops, entryways, canopies and awnings. She noted that the Board recommended the Commission define the new encroachment. There was some concern about what the difference between a stoop and a porch is and that this needed to be clarified better. Therefore Staff thought it would be helpful to review some houses and state whether the Commissioners thought there was a porch or a stoop and try to build a consensus in order to develop a definition before moving to a public hearing for a text amendment. She noted that she had provided some definitions for them to review from other communities. She also stated she shared some examples of ADA clearance requirements that could be used as a point of reference in determining maximum width or maximum encroachment. The Commissioners discussed not wanting to create new nonconformities with any new regulations. Chairperson Mateo noted that the proposed regulations were more permissive than the current code.

The Commissioners reviewed several photographs of various houses in the Village and the structures on the houses. The Commissioners were not in agreement on a number of photos presented and after much discussion the Commission was not able to provide clear direction to Staff to create a text amendment for public hearing. Director Abt and Attorney Marrs agreed to look into the matter further before preparing a public notice.

8. New Business: None.

9. Information:

Director Abt noted that the 2019 meeting calendar was being drafted. She stated that typically the November and December meetings have conflicts with holidays. Due to the lateness of the hour, she stated she would email the commissioners some alternate dates in the morning and asked if they would look at their schedules and get back to her with which dates would work best for them.

10. Adjournment:

**Meeting adjourned at 10:47 p.m.**

**VILLAGE OF RIVERSIDE, ILLINOIS  
NOTICE OF PUBLIC HEARING**

Notice is hereby given to all interested persons that a public hearing before the Planning and Zoning Commission of the Village of Riverside will be held on Wednesday, October 24, 2018 at 7:00 p.m., or as soon thereafter as the business of the Planning and Zoning Commission may permit, in Room 4 of the Riverside Township Hall, 27 Riverside Road, Riverside, Illinois, to consider an application from the Village of Riverside for text amendments to the Village of Riverside Zoning Ordinance regarding vacation rentals and the regulation of vacation rentals.

The Village of Riverside is requesting text amendments which include, but may not be limited to: Amending Section 10-4-5 (Use and Bulk Requirement Tables)/Table 2 (Residential Districts Permitted Uses) and (Section 10-5-9 (Use and Bulk Requirement Tables)/Table 4 (Business Districts Permitted Uses), to remove vacation rentals as a permitted use in the residential zoning districts and to consider changing their designation from permitted use to a special use in the business zoning districts.

Application No.: PZ18-006

Petitioner: Village of Riverside

Text Amendments will be Applicable Throughout the Village

Copies of the proposed text amendments are available for inspection at the office of the Village Clerk, 27 Riverside Road, Riverside, Illinois 60546. During the public hearings the Planning and Zoning Commission will hear testimony from and consider any evidence presented by persons interested to speak on these matters. Persons wishing to appear at the hearings may do so in person or by attorney or other representative and may speak for or against the proposed text amendments. Communications in writing in relation thereto may be filed at such hearing or with the Planning and Zoning Commission in advance by submission to the Village's Building Department at 27 Riverside Road, Riverside, Illinois prior to 4:00 p.m. on the day of the public hearings.

The public hearings may be continued from time to time without further notice, except as otherwise required under the Illinois Open Meetings Act.

Dated this 3<sup>rd</sup> day of October, 2018

Jill Mateo, Chairperson  
Planning and Zoning Commission



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March 22, 2019

Sonya Abt  
Community Development Director  
Village of Riverside  
27 Riverside Road  
Riverside, IL 60546

**RE: Community Planning Technical Assistance with Riverside**

Dear Ms. Abt:

We are pleased to inform you the Village of Riverside's Community Planning Application for technical assistance to complete zoning code updates for the Village has been accepted as part of the 2019 Community Planning Program of Projects. We have set a \$35,000 budget for consultant assistance on this project which will come entirely from the RTA.

I will be in contact with you during the next few weeks to discuss project development timing. Project development tasks will include drafting the project scope of work, executing a governing resolution, identifying any project partners with whom we might engage and procuring consultant assistance necessary for this project to commence. The RTA reserves the right to withdraw the project from the Community Planning program if these project development milestones are not completed by December 31, 2019.

The RTA looks forward to working with you in pursuing this project. Should you have any immediate questions, please contact me at (312) 913-3159 or [horstingm@rtachicago.org](mailto:horstingm@rtachicago.org).

Sincerely,

A handwritten signature in black ink, appearing to read "M. Horsting".

Michael Horsting, AICP  
Manager, Local Planning



**Metra**



**pace**