

**Winnetka Village Council
REGULAR MEETING
Village Hall
510 Green Bay Road
Tuesday, January 20, 2015
7:00 p.m.**

Emails regarding any agenda item are welcomed. Please email contactcouncil@winnetka.org, and your email will be relayed to the Council members. Emails for the Tuesday Council meeting must be received by Monday at 4 p.m. Any email may be subject to disclosure under the Freedom of Information Act.

AGENDA

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Quorum
 - a) February 3, 2015 Regular Meeting
 - b) February 10, 2015 Study Session
 - c) February 17, 2015 Regular Meeting
- 4) Approval of Agenda
- 5) Consent Agenda
 - a) Approval of Village Council Minutes
 - i) January 6, 2015 Regular Meeting 3
 - b) Approval of Warrant List dated 1/1/2015 – 1/15/2015.....8
 - c) Ordinance MC-1-2015: Closing Special Service Areas No. 1 & 2 – Adoption9
 - d) Resolution R-2-2015: Approval and Release of Executive Session Minutes – Adoption13
- 6) Stormwater Monthly Summary Report.....17
- 7) Ordinances and Resolutions
 - a) Ordinance M-2-2015: 723 Elm Street Variation – Introduction.....25
 - b) Ordinance M-3-2015: Greeley School Special Use Permit & Variations – Waiver of Introduction & Adoption47
 - c) Ordinance M-4-2015: New Trier High School Parking Lease – Waiver of Introduction & Adoption.....96
- 8) Public Comment
- 9) Old Business: None.
- 10) New Business
 - a) 127 Church Road, Zoning Variation: Policy Direction108

- 11) Appointments
- 12) Reports
- 13) Executive Session
- 14) Adjournment

NOTICE

All agenda materials are available at villageofwinnetka.org (Government > Council Information > Agenda Packets & Minutes); the Reference Desk at the Winnetka Library; or in the Manager's Office at Village Hall (2nd floor).

Broadcasts of the Village Council meetings are televised on Channel 10 and AT&T Uverse Channel 99 every night at 7 PM. Webcasts of the meeting may also be viewed on the Internet via a link on the Village's web site: <http://winn-media.com/videos/>

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator – Megan Pierce, at 510 Green Bay Road, Winnetka, Illinois 60093, 847-716-3543; T.D.D. 847-501-6041.

**MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
January 6, 2015**

(Approved: xx)

A record of a legally convened regular meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, January 6, 2015, at 7:00 p.m.

- 1) Call to Order. President Greable called the meeting to order at 7:01 p.m. Present: Trustees Carol Fessler, Richard Kates, William Krucks, Stuart McCrary, and Marilyn Prodromos. Absent: Trustee Arthur Braun. Also present: Village Manager Robert Bahan, Assistant to the Village Manager Megan Pierce, Village Attorney Peter M. Friedman, Public Works Director Steve Saunders, Director of Community Development Mike D'Onofrio, Assistant Community Development Director Brian Norkus, and approximately 22 persons in the audience.
- 2) Pledge of Allegiance. President Greable led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) January 13, 2015 Study Session. All of the Council members present indicated that they expected to attend.
 - b) January 20, 2015 Regular Meeting. All of the Council members present indicated that they expected to attend.
 - c) February 3, 2015 Regular Meeting. All of the Council members present indicated that they expected to attend.
- 4) Approval of the Agenda. President Greable announced that a payment of \$6,076.00 to the law firm of Judge, James & Kujawa, LLC, is being removed from the Warrant List, at the request of Trustee Kates. Trustee Fessler, seconded by Trustee Prodromos, moved to approve the Agenda. By roll call vote, the motion carried. Ayes: Trustees Fessler, Kates, Krucks, McCrary and Prodromos. Nays: None. Absent: Trustee Braun.
- 5) Consent Agenda
 - a) Village Council Minutes.
 - i) December 9, 2014 Study Session.
 - ii) December 16, 2014 Regular Meeting.
 - b) Warrant List. Approving the Warrant List dated 12/12/2014 – 12/30/2014, as adjusted above, in the amount of \$1,027,034.32.
 - c) Ordinance MC-1-2015: Closing Special Service Areas No. 1 & 2: Introduction. An ordinance terminating Special Service Area #1 and Special Service Area #2, as no further property taxes will be levied for these areas.
 - d) Directional Boring Contract Change Order, B-Max Inc. An authorization for the Village Manager to award a change order in the amount of \$230,000 to B-Max Inc. for directional boring services through May 31, 2015, in compliance with Bid #011-011.

- e) Northeast Winnetka Stormwater Improvements – Tower/Old Green Bay Relief Sewer – Final Change Order. An authorization for the Village Manager to award a change order in the amount of \$182,251.26 to Copenhaver Construction, for additional essential work on the Northeast Winnetka Stormwater Improvements at Tower and Old Green Bay Roads.

Trustee McCrary, seconded by Trustee Fessler, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Fessler, Kates, Krucks, McCrary and Prodromos. Nays: None. Absent: Trustee Braun.

6) Stormwater Report.

- a) Northwest Winnetka Stormwater Improvements – Authorization to Award Contract(s) for Resident Engineering Services. Mr. Saunders explained that due to the size and complexity of the Northwest Winnetka Stormwater Project, an outside engineer is required to manage the construction. After reviewing the selection process, he recommended engaging two consulting engineers: (i) Christopher B. Burke Engineering, Lt. (CBBEL) to ensure the project is carried out as designed; and (ii) the AT Group to manage day-to-day management of the project, and to function as the project communications point person.

Mr. Saunders confirmed that the consulting engineers are necessary for successful completion of the project, and that the price is fair and within budget.

Trustee McCrary, seconded by Trustee Fessler, moved to award a contract to Christopher B. Burke Engineering, Ltd. for a price not to exceed \$43,050, for engineering services related to the Northwest Winnetka Stormwater Improvements. By roll call vote, the motion carried. Ayes: Trustees Fessler, Kates, Krucks, McCrary and Prodromos. Nays: None. Absent: Trustee Braun.

Trustee Fessler, seconded by Trustee McCrary, moved to award a contract to the AT Group for a price not to exceed \$73,000 for engineering services related to the Northwest Winnetka Stormwater Improvements. By roll call vote, the motion carried. Ayes: Trustees Fessler, Kates, Krucks, McCrary and Prodromos. Nays: None. Absent: Trustee Braun.

- b) Stormwater Utility Fee: Application for Partnership Credit by Winnetka Park District for Lloyd Park – 799 Sheridan Road. Mr. Saunders briefly explained that the Park District (District) has applied for a partnership credit of \$5,501.16 based on an easement it granted the Village during construction of the Northeast Winnetka Stormwater Improvements – Lloyd Park. The easement saved the Village a significant amount of construction costs by allowing part of the new stormwater outlet to be constructed under a portion of the parking lot at Lloyd Park.

Mr. Saunders noted that the District would have qualified for a stormwater utility fee direct discharge credit prior to construction of the storm sewer in Lloyd Park, since virtually all rainwater on the site had previously drained directly to Lake Michigan. Because the District granted an easement for the storm pipe, a portion of the park's runoff now enters the new storm sewer; therefore, the District becomes a user of the stormwater utility at the site.

Trustee Kates said he was against granting the credit, as he considered the easement a routine case of intergovernmental cooperation.

The other Trustees said they could approve granting the credit in light of the huge sum of money the easement saved the Village. Trustee Fessler raised a concern about credits being in force in perpetuity and she recommended setting a twilight provision, effective when the stormwater bonds are retired.

Trustee McCrary suggested granting the credit in percentages of ERUs, rather than in a dollar amount; however, Trustee Fessler pointed out that the fee per ERU could be raised in the future, and granting the credit in ERUs would then increase the amount of the credit.

Mr. Saunders explained that more debt will be issued if the Tunnel Project ultimately goes forward. The ERU rate is based on the current debt load, and keeping the credit in the dollar amount is more in line with the intent of the partnership credit provision.

Trustee Kates asked if granting this credit will set a precedent for future credit applications. Mr. Saunders said it would not, as the Stormwater Utility Ordinance was crafted so that the Council reviews credit applications on a case-by-case basis. Attorney Friedman added that the Ordinance specifies that it is the sole and exclusive right of the Council to grant a partnership credit at its discretion.

Trustee Fessler, seconded by Trustee Prodromos, moved to grant a partnership credit to the Winnetka Park District for an annual amount of \$5,501.16, which will expire at the end of the term of the first stormwater bonds. By roll call vote, the motion failed. Ayes: Trustees Fessler, and Prodromos. Nays: Trustees Kates, Krucks and McCrary. Absent: Trustee Braun.

Trustee Krucks, seconded by Trustee McCrary, moved to grant a partnership credit to the Winnetka Park District for an annual amount of \$5,501.16. By roll call vote, the motion failed. Ayes: Trustees McCrary and Krucks. Nays: Trustees Kates, Fessler and Prodromos. Absent: Trustee Braun.

President Greable requested that the District's credit application be brought back for further Council discussion in a few weeks.

7) Ordinances and Resolutions.

- a) Ordinance M-1-2015: 385 Winnetka Avenue, New Trier High School (Waiver of Introduction & Adoption). Mr. Greg Robitaille, District 203 School Board Finance Chair and member of the Facilities Steering Committee, explained that Superintendent Linda Yonke could not be present for the meeting, and he reviewed the proposed plan to improve the Winnetka campus of New Trier Township High School. The last classroom at the campus was constructed in 1957, and improvements are needed to meet the demands of 21st Century educational goals. He said there was ample community outreach during the development process, and community input has been incorporated into the final design proposal.

Mr. Robitaille described the proposed expansion and renovation of the school, which includes the addition of an athletic storage building, circulation and parking improvements and landscaping to screen parking areas and mechanical equipment. The

improvements are in keeping with the scale of the existing building, so as not to overwhelm the adjacent residential neighborhood.

Mr. Robitaille said the Plan Commission recommended a condition requiring the posting of a crossing guard at the intersection of Sunset and Woodman Roads; and he requested clarification to affirm that the guard is only required during school hours, and not all day long. A waiver of introduction is requested for Ordinance M-1-2015, in order to expedite the first phase of the construction process.

David Powell, Kevin Havens and Scott Flanagan, the project architects, gave a detailed presentation of the proposed improvements and reviewed the zoning variation requests. Eric Russell, of Kenig, Lindgren, O'Hara, Aboona, Inc., reviewed the traffic study and new traffic circulation pattern.

The Council discussed the request and all were in favor of approving the variations and special use permit, as well as the conditions recommended by the Zoning Board of Appeals (ZBA) and Plan Commission (PC). They also concurred on the requested waiver of introduction. Attorney Friedman was asked for suggested language for the crossing guard provision in Section 4 (C) of the Ordinance.

Scott Myers, ZBA Chair and PC member. Mr. Myers clarified that the Plan Commission established the condition due to concerns about elementary school children going to and from Greeley School. He suggested the crossing guard be on duty during morning, lunchtime, and afternoon hours when the children are traversing to and from Greeley school.

There being no other audience comment, Attorney Friedman suggested two revisions to the Subject Ordinance: (i) include the correct proper name of the applicant, Board of Education of District 203; and (ii) the crossing guard must be deployed during peak student/pedestrian hours of Greeley School, at the intersection of Sunset and Woodman Roads, as established in consultation with the Chief of Police and Greeley School.

Trustee Fessler, seconded by Trustee Kates, moved to waive introduction of Ordinance M-1-2015. By roll call vote, the motion carried. Ayes: Trustees McCrary and Krucks. Nays: Trustees Kates, Fessler and Prodromos. Absent: Trustee Braun.

Trustee Fessler, seconded by Trustee McCrary, moved to adopt Ordinance M-1-2015, as amended by the Village Attorney. Ayes: Trustees McCrary and Krucks. Nays: Trustees Kates, Fessler and Prodromos. Absent: Trustee Braun.

8) Public Comment. None.

9) Old Business. None.

10) New Business. None.

11) Appointments. None.

12) Reports.

- a) Village President. None.
- b) Trustees.
 - i) Trustee Kates reported on the last Plan Commission meeting.
 - ii) Trustee Krucks reported on the last Landmark Preservation meeting.
- c) Attorney. None.
- d) Manager. Manager Bahan said the Hubbard Woods Park Master Plan is progressing through the advisory board process. He added that the Village is negotiating with Metra for a warming station at the Hubbard Woods train station.

13) Executive Session. None.

14) Adjournment. Trustee McCrary, seconded by Trustee Prodromos, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 8:52 p.m.

Deputy Clerk



Agenda Item Executive Summary

Title: Warrant List

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 01/20/2015

- | | |
|-------------------------------------|-------------------------|
| <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | Bid Authorization/Award |
| <input type="checkbox"/> | Policy Direction |
| <input checked="" type="checkbox"/> | Informational Only |

Consent: YES NO

Item History:

None.

Executive Summary:

The Warrant List for the January 20, 2015 Regular Council Meeting was emailed to each Village Council member.

Recommendation:

Consider approving the Warrant List for the January 20, 2015 Regular Council Meeting.

Attachments:

None.



Agenda Item Executive Summary

Title: Ordinance No. MC-1-2015: Closing Special Service Areas No. 1 & No. 2- Adopt

Presenter: Edward McKee, Finance Director

Agenda Date: 01/20/2015

- | | |
|-------------------------------------|-------------------------|
| <input checked="" type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | Bid Authorization/Award |
| <input type="checkbox"/> | Policy Direction |
| <input type="checkbox"/> | Informational Only |

Consent: YES NO

Item History:

The Village utilized two Special Service Areas to make parking improvements. These Special Service Areas last had financial activity in calendar year 2004 and should be closed out. An ordinance is required by Cook County to formally close these accounts.

Executive Summary:

The Cook County Tax Extension Department has requested that the Village close dormant unused Special Service Areas to simplify administration for them and the Village.

Special Service Area (SSA) Number One was established in 1989 and funded the issuance of \$630,000 of bonds used to construct parking improvements in the Hubbard Woods area, including a ground level parking lot at Locust Street and Tower Road, a two level parking deck on Scott Avenue, and reconstruct Locust Street right-of-way. This SSA last levied property taxes in 2003 and is no longer active.

Special Service Area Number Two was established in 1990 and funded the issuance of \$145,000 of bonds used to finance parking improvements in the West Elm area, including a ground level parking lot at the southeast corner of Pine and Birch Streets, and another at the southeast corner of Spruce and Birch Streets. This SSA last levied property taxes in 2000 and is no longer active.

Staff concurs that it is appropriate to close out SSA Numbers One and Two and have worked with the Village Attorney to draft the attached Ordinance to accomplish that objective.

Recommendation:

Staff recommends Adoption of Ordinance No. MC-1-2015, Terminating Special Service Area Number One and Special Service Area Number Two of the Village of Winnetka.

Attachments:

- 1) December 3, 2014 Letter from Cook County
- 2) Ordinance No. MC-1-2015

REAL ESTATE AND TAX SERVICES
OFFICE OF COOK COUNTY CLERK DAVID ORR
118 N. Clark Street Room 434, Chicago, Illinois 60602



TEL 312.603.5656 FAX 312.603.4707 WEB cookcountyclerk.com

December 3, 2014

RE: 03-1340-100 VILLAGE OF WINNETKA SPECIAL SERVICE AREA 1

Dear Municipal Official,

Our records indicate that the Special Service Area listed above has not submitted a property tax levy since tax year 2003.

We have no record in our files indicating that this Special Service Area has been terminated, so each year our office must continue to calculate a tax rate for this district.

If this Special Service Area no longer exists and should be removed from the tax rolls, we ask that you file a copy of the resolution or ordinance terminating this Special Service Area with the County Clerk's Map Department by December 31, 2014.

If you are unable to pass a resolution or ordinance by this deadline, you may send our office a letter stating your intentions regarding this Special Service Area by January 30, 2015.

Cook County Clerk Map Department
118 N. Clark Street, Room 434
Chicago, IL 60602
Clerk.Maps@cookcountyil.gov
312-603-5640

We appreciate your attention to this matter. Feel free to contact our office if you have any questions or concerns.

Sincerely,

Tanya Anthofer
Manager, Maps and Tax Extension
Office of the Cook County Clerk



ORDINANCE NO. MC-1-2015

**AN ORDINANCE
TERMINATING SPECIAL SERVICE AREA NUMBER ONE AND
SPECIAL SERVICE AREA NUMBER TWO OF THE VILLAGE OF WINNETKA**

WHEREAS, on November 28, 1989, the Council of the Village of Winnetka (“*Village Council*”) adopted Ordinance No. M-282-89, which established a special service area designated as “Special Service Area Number One” (“*SSA No. 1*”), and on November 20, 1990, the Village Council adopted Ordinance No. M-304-90, which established a special service area designated as “Special Service Area No. 2” (“*SSA No. 2*”), all for the purpose of construction and maintenance of certain capital improvements; and

WHEREAS, Ordinance No. M-282-89 and Ordinance No. M-304-90 (collectively, the “*SSA Ordinances*”) also authorized the Village to issue bonds (“*Bonds*”) to fund improvements in SSA No. 1 and SSA No. 2; and

WHEREAS, all improvements contemplated by the SSA Ordinances have been completed, all of the Bonds have been retired, the Village has not issued a tax levy over SSA No. 1 since the 2003 tax year and over SSA No. 2 since the 2000 tax year, and there are no excess funds in the SSA No. 1 fund and the SSA No. 2 fund; and

WHEREAS, the Village Council has determined that terminating SSA No. 1 and SSA No. 2 is in the best interest of the Village;

NOW, THEREFORE, be it ordained by the President and Board of Trustees of the Village of Winnetka as follows:

SECTION 1: RECITALS. The foregoing recitals are hereby incorporated as the findings of the Council of the Village of Winnetka, as if fully set forth in this Section.

SECTION 2: TERMINATION. The following special service areas are hereby terminated:

Agency Name	Agency No.
Village of Winnetka Special Service Area Number One	03-1340-100
Village of Winnetka Special Service Area No. 2	03-1340-101

SECTION 3: FILING WITH COUNTY CLERK. After the effective date of this Ordinance, the Village Clerk is authorized and directed to file a certified copy of this Ordinance in the Office of the Cook County Clerk.

SECTION 4: EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage, approval, and publication as provided by law.

PASSED this ____ day of _____, 2015, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2015.

Signed:

Village President

Countersigned:

Village Clerk

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this ____ day of _____, 2015.

Introduced: January 6, 2015

Passed and Approved: _____, 2015



Agenda Item Executive Summary

Title: Resolution No. R-2-2015: Approval and Release of Executive Session Minutes- Adopt

Presenter: Peter M. Friedman, Village Attorney

Agenda Date:

01/20/2015

Consent:

YES

NO

Ordinance

Resolution

Bid Authorization/Award

Policy Direction

Informational Only

Item History:

Semi-annual review of executive session minutes, pursuant to Section 2.06(d) of the Illinois Open Meetings Act. (5 ILCS 120/2.06(d))

Executive Summary:

Pursuant to Section 2.06(a) of the Illinois Open Meetings Act ("Act"), the Village maintains minutes of all open and closed meetings of the Council of the Village of Winnetka and verbatim audio recordings of all closed meetings. Minutes of closed meetings may only be made available for public inspection in accordance with specific procedures set forth in the Act. Pursuant to Section 2.06(d) of the Act, the Village Council must semi-annually review all closed meeting minutes that have not yet been made available for public inspection to determine: (i) whether a need for confidentiality exists with respect to the minutes; and (ii) if not, that the minutes may be made available for public inspection. Additionally, the Village Council may, pursuant to Section 2.06(c) of the Act, approve the destruction of verbatim audio recordings of all closed meetings that took place at least 18 months previously for which minutes have been approved.

In accordance with Section 2.06 of the Act, Resolution No. R-2-2015: (i) approves all minutes of closed meetings of the Village Council that have taken place between July 1, 2014 and December 31, 2014; (ii) determines that a need for confidentiality remains as to certain closed meeting minutes; (iii) authorizes all other minutes of closed meetings to be made available for public inspection; and (iv) authorizes the destruction of the verbatim audio recordings of all closed meetings that took place prior to July 20, 2013.

Recommendation:

Consider adopting Resolution No. R-2-2015, which approves minutes of closed meetings, determines which minutes still require confidential treatment, and authorizes the destruction of audio recordings of executive sessions held on or before July 20, 2013.

Attachments:

1) Resolution No. R-2-2015

**A RESOLUTION APPROVING AND RELEASING
CERTAIN CLOSED MEETING MINUTES AND
AUTHORIZING THE DESTRUCTION OF
VERBATIM RECORDINGS OF CERTAIN CLOSED MEETINGS
OF THE WINNETKA VILLAGE COUNCIL**

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, pursuant to the Illinois Open Meetings Act, 5 ILCS 120/1 *et seq.* (“**Act**”), the Village has maintained verbatim audio recordings and has approved written minutes of all meetings of the Council of the Village of Winnetka (“**Village Council**”) that were closed to the public pursuant to the Act (collectively, the “**Closed Meetings**”); and

WHEREAS, pursuant to Section 2.06(c) of the Act, the Village Council has determined that it will serve and be in the best interest of the Village to destroy the audiotaped verbatim recordings of those Closed Meetings that occurred prior to July 20, 2013; and

WHEREAS, pursuant to Section 2.06(d) of the Act, the Village Council has conducted its semi-annual review of all written minutes of the Closed Meetings; and

WHEREAS, the Village Council has determined that: (i) a need for confidentiality still exists as to the written minutes of the Closed Meetings that were held on the dates set forth in **Exhibit A** attached to and, by this reference, made a part of this Resolution; and (ii) a need for confidentiality no longer exists as to the written minutes of all Closed Meetings held prior to December 31, 2014 other than the Closed Meetings held on the dates set forth in Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Winnetka as follows:

SECTION 1: RECITALS. The foregoing recitals are hereby incorporated as the findings of the Village Council as if fully set forth herein.

SECTION 2: APPROVAL OF CLOSED MEETING MINUTES. The Village Council publicly discloses that it has reviewed and hereby approves the minutes of all Closed Meetings held between July 1, 2014, and December 31, 2014.

SECTION 3: DETERMINATION OF CONFIDENTIALITY OF CLOSED MEETING MINUTES. The Village Council hereby determines that a need for confidentiality still exists as to the written minutes of all Closed Meetings that took place on the dates set forth in Exhibit A attached to this Resolution and for which the Village Council has not previously authorized public inspection.

SECTION 4: PUBLIC INSPECTION OF WRITTEN MINUTES OF CLOSED MEETINGS. The Village Council hereby authorizes the public inspection of the written minutes of all Closed Meetings that took place prior to December 31, 2014 other than the Closed Meetings that took place on the dates set forth in Exhibit A attached to this Resolution.

SECTION 5: DESTRUCTION OF VERBATIM RECORDINGS. The Village Council hereby authorizes and directs the Village Clerk to destroy all verbatim audio recordings of all Closed Meetings held prior to July 20, 2013.

SECTION 6: CONFIDENTIALITY OF VERBATIM AUDIO RECORDINGS OF CLOSED MEETINGS. The Village Council hereby affirms that a need for confidentiality remains as to the verbatim audio recordings of all Closed Meetings, which verbatim audio recordings will not be made available for public inspection.

SECTION 7: EFFECTIVE DATE. This Resolution will be in full force and effect from and after its passage and approval according to law.

ADOPTED this 20th day of January, 2015, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk

EXHIBIT A

CLOSED MEETINGS FOR WHICH A NEED FOR CONFIDENTIALITY EXISTS

November 8, 2011
January 17, 2012
February 7, 2012
February 14, 2012
March 8, 2012
March 13, 2012
March 20, 2012
April 17, 2012
June 12, 2012
October 16, 2012
November 8, 2012
January 15, 2013
June 4, 2013
September 3, 2013
October 8, 2013
January 14, 2014
January 21, 2014
March 4, 2014
March 11, 2014
March 26, 2014
June 3, 2014
October 7, 2014
November 18, 2014
December 16, 2014



Agenda Item Executive Summary

Title: Stormwater Monthly Summary Report

Presenter: Steven M. Saunders, Director of Public Works/Village Engineer

Agenda Date: 01/20/2015

Consent: YES NO

<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Bid Authorization/Award
<input type="checkbox"/>	Policy Direction
<input checked="" type="checkbox"/>	Informational Only

Item History:

Monthly Report

Executive Summary:

The Village's Stormwater Project Manager has prepared a monthly report for the Village Council that brings together status, cost, and schedule information, for each separate stormwater project, in one place. The report consists of four documents, explained below:

AT Group Project Summary Report (Attachment #1)

This report provides a brief outline and summary of each major stormwater project currently being undertaken by the Village.

One Year Look-Ahead Schedule (Attachment #2)

This document provides an overview schedule for each project.

Program Budget (Attachment #3)

This report provides financial information for the stormwater and sanitary sewer improvement programs.

Program Organization Chart (Attachment #4)

This document presents a one-page "snapshot" view of the status of each project, and how each project fits into the overall stormwater and sanitary sewer management program.

Recommendation:

Informational Report

Attachments:

1. AT Group Project Summary Report
2. One Year Look-Ahead Schedule
3. Program Budget
4. Program Organization Chart



MEMORANDUM

DATE: January 13, 2015
TO: Steven Saunders, P.E.
Village of Winnetka
SUBJECT: Project Summary

Active Projects

NW Winnetka (Greenwood/Forest Glen)

Activity Summary The construction contract was awarded to A Lamp, in the amount of \$6,117,230, on November 6, 2014. The Council also awarded resident engineering contracts on January 6, 2015. The schedule anticipates contract processing, submittals/shop drawings, and long lead-time ordering to take place during the winter. Construction is anticipated to start in March 2015.

Budget Summary The total cost estimate for the project, including engineering and pond restoration, is now \$6,600,000. The Village has expended \$238,858 on engineering to date. The Metropolitan Water Reclamation District is funding \$2,000,000 of this project.

6-Month Look Ahead The project team will:

1. Conduct project team meeting (1/21)
2. Conduct resident open house (mid-February 2015)
3. Process shop drawings and submittals
4. Bid and award pond restoration work
5. Start Construction (March 2015)

Willow Road Tunnel

Activity Summary Sub-consultants TSC and American Surveying and Engineering have completed the soil borings and survey work, respectively. Water quality samplers and flow meters were used to collect wet weather samples for analysis. Several wet-weather and dry-weather samples were collected and are being analyzed. MWH is proceeding with its research related to stormwater treatment options and efforts focused on the development of the stormwater quality management plan for the project in preparation for Project Review Point #2 anticipated in February or March.

6-Month Look Ahead The project team will:

1. Present Review Point #2 to the Village Council for approval
2. Proceed per Village Council Direction

Sanitary Sewer Evaluation

Activity Summary The Village awarded a sewer lining contract to address sanitary sewer deficiencies identified during the evaluation. The lining should be complete by the end of 2015. Bids for manhole repairs were opened on October 14, and the Council awarded the contract on October 21. The manhole repairs are scheduled for Spring 2015.

Budget Summary The Village has budgeted \$150,000 and committed \$152,157.

6-Month Look Ahead The project team will:

1. Complete lining and manhole repair improvements
2. Complete design of remaining public system improvements

Public Outreach

Activity Summary Staff continues to provide E-Winnetka and website updates on the multiple projects in the stormwater management program.

Budget Summary There is no separate budget associated with this project.

6-Month Look Ahead The project team will continue to update the website and monitor activity.

Ravine/Sheridan Road Improvements

Activity Summary IDOT is planning pavement and drainage improvements for the area. The project is scheduled for construction in 2015.

Budget Summary This project is funded in its entirety by IDOT.



AT Group, Inc.

6-Month Look Ahead The project team will:

1. Monitor IDOT activities
2. Update the Council as needed

Ash Street Pump Station

Activity Summary CBBEL completed plans and specifications for the station, including pump and electrical equipment replacement. Staff also reviewed the project scope as part of the FY 14 budget. The Council awarded the design-build contract, and the project team is proceeding with submittals and equipment purchase. Pumps have been ordered and the project is scheduled for construction in 2015.

Budget Summary This project is budgeted within the Stormwater Fund Capital Budget at \$260,000.

6-Month Look Ahead The project team will:

1. Construct the project

Completed Projects

Stormwater Master Plan (SMP)

Activity Summary The Council adopted the plan at its April 17, 2014 meeting.

Budget Summary The Village has expended \$100,932.

Spruce Outlet (Lloyd)

Activity Summary The project is complete and operational.

Budget Summary The Village has expended \$296,299.



Spruce Outlet (Tower)

Activity Summary The project is complete and operational.

Budget Summary The Village has expended \$1,269,686.

Winnetka Avenue Pump Station

Activity Summary Construction of the Pump Station is complete and the station is operational.

Budget Summary The Village has expended \$1,039,451.

Stormwater Utility Implementation

Activity Summary The utility was implemented effective July 1 and the project team is responding to resident inquiries as needed. MFSG's contract for staffing the customer support line ended, and Public Works staff has taken the lead in phone and email communications.

Budget Summary The Village has expended \$179,516.

IKE Grant

Activity Summary The final report was presented for adoption at the September 16, 2014 Council meeting. Final project and grant reporting has been submitted to the State for approval.

Budget Summary This project was funded by an IKE Grant of \$200,000.

Attached are the following documents:

1. One-Year Look-Ahead Schedule including Council Meeting Presentations
2. Program Budget
3. Program Organization Chart

If you have any questions or need additional information, please call me at 847-691-9832, or send an e-mail to jjohnson@theatgrp.com.



AT Group, Inc.

**Village of Winnetka
Stormwater Management Program**

One-Year Look Ahead Schedule

01/15/2015

	Jan 15	Feb 15	Mar 15	Apr 15	May 15	Jun 15	Jul 15	Aug 15	Sep 15	Oct 15	Nov 15	Dec 15
Ash Street Pump Station												
Construction												
Tunnel (Willow North, Willow South, Provident, Cherry Outlet, Underpass)												
Permitting/Preliminary Engineering												
NW Winnetka (Greenwood/Forest Glen)												
Construction												
Sanitary Sewer												
Construction (Lining & MH Repairs)												
Community Outreach												
Council Meetings												
Stormwater Monthly Report												
MWH Review Point #2												

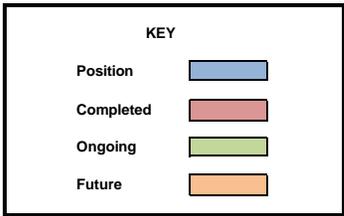
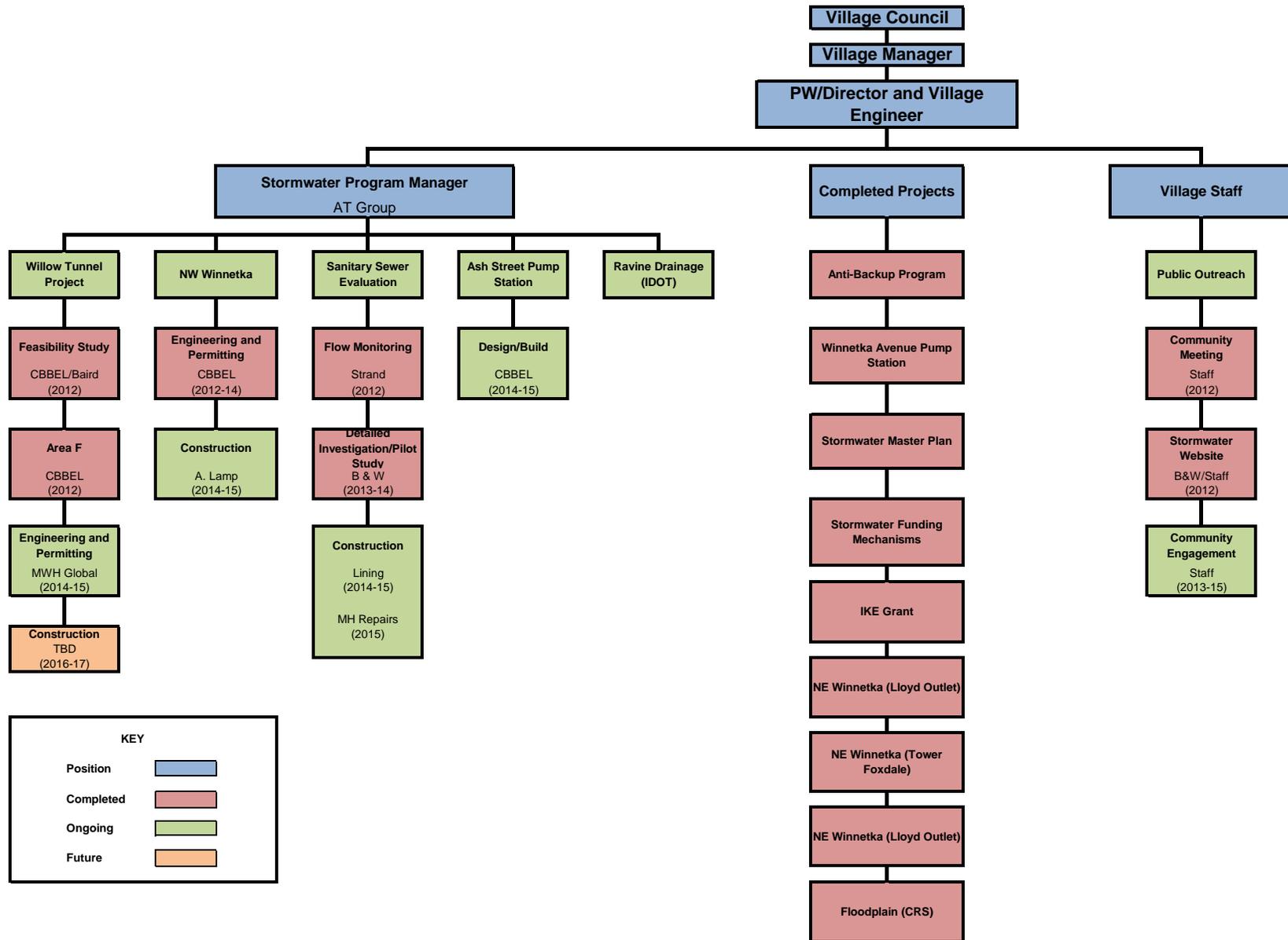


**Village of Winnetka
Stormwater Management Program Budget**

Project	Initial Estimated Project Costs	Current Estimated Project Costs	2015 Budget	Council Authorized	Spent	Comments
<u>Stormwater Fund</u>						
<u>58.75.640.601</u>						
Winnetka Ave. pump station	\$ 1,188,562	\$ 1,039,451	\$ -	\$ 1,039,451	\$ 1,039,451	Complete
Tower Road/Foxdale	\$ 1,419,544	\$ 1,269,686	\$ -	\$ 1,269,686	\$ 1,269,686	Complete
Lloyd Park/Spruce Street	\$ 601,030	\$ 296,299	\$ -	\$ 296,299	\$ 296,299	Complete
Stormwater rate study	\$ 50,000	\$ 179,516	\$ -	\$ 179,516	\$ 179,516	Complete - includes call center staffing
Stormwater master plan	\$ 50,000	\$ 100,932	\$ -	\$ 100,932	\$ 100,932	Complete
NW Winnetka Greenwood/Forest Glen	\$ 2,880,887	\$ 6,600,000	\$ 6,212,730			Added Forest Glen and included utilities from different line item. MWRD grant will offset \$2m.
Design Engineering			\$	\$ 226,874	\$ 238,858	Added complete pavement replacement in lieu of patching
Sewer Construction			\$	\$ 6,117,230	\$ -	
Pond Construction			\$	\$ -	\$ -	
Construction Observation/Engineering			\$	\$ 116,050	\$ -	
MWRD Phase II Stormwater Funding	\$	\$ (2,000,000)	\$	\$ (2,000,000)	\$ -	
Willow Rd tunnel	\$ 32,498,697	\$ 34,369,048	\$ 800,000			CBBEL October 2011 budget w/Kenny and Baird estimates
Feasibility Study			\$	\$ 37,750	\$ 37,705	Complete
Proposed Area F			\$	\$ 17,600	\$ 17,407	Complete
Permitting and Design			\$	\$ 2,145,218	\$ 520,700	MWH Global \$2,094,318; purchase of sampling equipment \$50,900
Total Stormwater Costs	\$ 38,688,720	\$ 41,854,932	\$ 7,012,730	\$ 9,546,606	\$ 3,700,554	
<u>Sanitary Sewer Fund</u>						
<u>54.70.640.201</u>						
Sanitary Sewer Studies/Engineering	\$ 150,000	\$ 187,247	\$ -	\$ 187,247	\$ 184,008	Includes initial system evaluation, some amd dyed-water testing, and engineering
System I & I repairs	\$ 1,000,000	\$ 960,000	\$ 450,000	\$ 196,220	\$ -	Council awarded manhole lining contract
Total Sanitary Sewer Costs	\$ 1,150,000	\$ 1,147,247	\$ 450,000	\$ 383,467	\$ 184,008	



Village of Winnetka
 Stormwater Management Program
 Organizational Chart





Agenda Item Executive Summary

Title: Ordinance No. M-2-2015: 723 Elm Street Variation- Introduction

Presenter: Michael D'Onofrio, Director of Community Development

Agenda Date: 01/20/2015

Consent: YES NO

- | | |
|-------------------------------------|-------------------------|
| <input checked="" type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | Bid Authorization/Award |
| <input type="checkbox"/> | Policy Direction |
| <input type="checkbox"/> | Informational Only |

Item History:

None

Executive Summary:

The request is for a variation from Section 17.46.110 [Parking] of the Winnetka Zoning Ordinance to permit the conversion of two offices on the second floor into two one-bedroom apartments without providing the required 2¼ parking spaces per residential unit (or a total of 5 parking spaces).

The Zoning Ordinance requires at least two (2) off-street parking spaces for each dwelling unit, plus an additional ¼ parking space per dwelling unit designated as guest parking.

The existing building consists of retail on the first floor, offices on the second floor, and apartments on the third floor. Off-street parking is not required for the existing uses in the building.

The Zoning Board of Appeals considered the application at their meeting on December 8, 2014. The five members present voted unanimously to recommend approval of the variation.

Recommendation:

Consider introduction of Ordinance No. M-2-2015, granting a variation to permit the conversion of two offices on the second floor into two one-bedroom apartments without providing the required 2¼ parking spaces per residential unit at 723 Elm Street.

Attachments:

Agenda Report
Attachment A: Variation Application
Attachment B: Ordinance M-2-2015
Attachment C: GIS Map

AGENDA REPORT

TO: Village Council

PREPARED BY: Michael D'Onofrio, Director of Community Development

SUBJECT: 723 Elm St., Ord. M-2-2015
(1) Parking

DATE: January 7, 2015

Ordinance M-2-2015 grants a variation from Section 17.46.110 [Parking] of the Winnetka Zoning Ordinance to permit the conversion of two offices on the second floor into two one-bedroom apartments without providing the required 2¼ parking spaces per residential unit (or a total of 5 parking spaces).

The Zoning Ordinance requires at least two (2) off-street parking spaces for each dwelling unit, plus an additional ¼ parking space per dwelling unit designated as guest parking.

The existing building consists of retail on the first floor, offices on the second floor, and apartments on the third floor. Off-street parking is not required for the existing uses in the building. More specifically, parking is not required for nonresidential uses at street level. Also, the existing offices and residential units on the second and third floors do not require off-street parking because they were in existence as of February 3, 1998.

The property is located in the C-2 Retail Overlay District. The building was constructed in 1929. Several subsequent building permits have been issued for various interior remodeling projects throughout the building. There is one previous zoning case for the subject site. In September 2004, Ordinance M-24-2004 was adopted by the Village Council approving a Special Use Permit to operate a health club facility (Curves for Women) in the basement. The business never opened.

Recommendation of Advisory Board

The Zoning Board of Appeals considered the application at their meeting December 8, 2014. The five members present voted unanimously to recommend approval of the variation.

Introduction of the ordinance requires the concurrence of the majority of the Council.

Recommendation

Consider introduction of Ord. M-2-2015 granting a variation to permit the conversion of two offices on the second floor into two one-bedroom apartments without providing the required 2¼ parking spaces per residential unit at 723 Elm St.

Attachments

Attachment A: Variation Application

Attachment B: Ordinance M-2-2015

Attachment C: GIS Map

ATTACHMENT A

CASE NO. 14-33-V2

APPLICATION FOR VARIATION
WINNETKA ZONING BOARD OF APPEALS



Owner Information:

Name: Winnetka I, LLC

Property Address: 723 Elm Street

Home and Work Telephone Number: Kearby Kaiser- 312-731-9000

Fax and E-mail: Fax 312-729-5105 E-mail KK@KearbyKaiser.com

Architect Information: Name, Address, Telephone, Fax & E-mail:

Kauffman O'neil Architecture

1102 Davis Street, Evanston, IL 60201

Phone 847.440.2180 E-mail Jim@KaufmanOneil.com

Attorney Information: Name, Address, Telephone, Fax & E-mail:

Date Property Acquired by Owner: 09/11/2005

Nature of Any Restrictions on Property: The building was built with no onsite parking, making a change of use require a parking variance. Due to the character of the building parking cannot be added.

Explanation of Variation Requested: Ownership would like to make offices on the second floor of the building into apartments. Demand for apartments is much greater than larger offices. As well specific build outs for office uses make offices sit vacant for many months each time they come available.

The needs of small apartment dwellers are consistent from tenant to tenant. The third floor of the building is currently small apartments and there is great demand for these type of apartments.

We ask that a parking variance be granted to permit this permitted use for this space.

OFFICE USE ONLY

Variation Requested Under Ordinance Section(s): _____

Staff Contact: _____ Date: _____

STANDARDS FOR GRANTING OF ZONING VARIATIONS

Applications must provide evidence and explain in detail the manner wherein the strict application of the provisions of the zoning regulations would result in a clearly demonstrated practical difficulty or particular hardship. In demonstrating the existence of a particular difficulty or a particular hardship, please direct your comments and evidence to each of the following items:

1. The property in question can not yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.
2. The plight of the owner is due to unique circumstance. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants.
3. The variation, if granted, will not alter the essential character of the locality.
4. An adequate supply of light and air to the adjacent property will not be impaired.
5. The hazard from fire and other damages to the property will not be increased.
6. The taxable value of the land and buildings throughout the Village will not diminish.
7. The congestion in the public street will not increase.
8. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired.

For your convenience, you will find attached examples of general findings, for and against the granting of a variation, which have been made by the Zoning Board of Appeals and Village Council in prior cases.

NOTE: The Zoning Board of Appeals or the Village Council, depending on which body has final jurisdiction, must make a finding that a practical difficulty or a particular hardship exists in order to grant a variation request.

Property Owner's Signature: _____

Date: _____

11-4-14

(Proof of Ownership is required)

Variations, if granted, require initiation of construction activity within 12 months of final approval. Consider your ability to commence construction within this 12 month time period to avoid lapse of approvals.

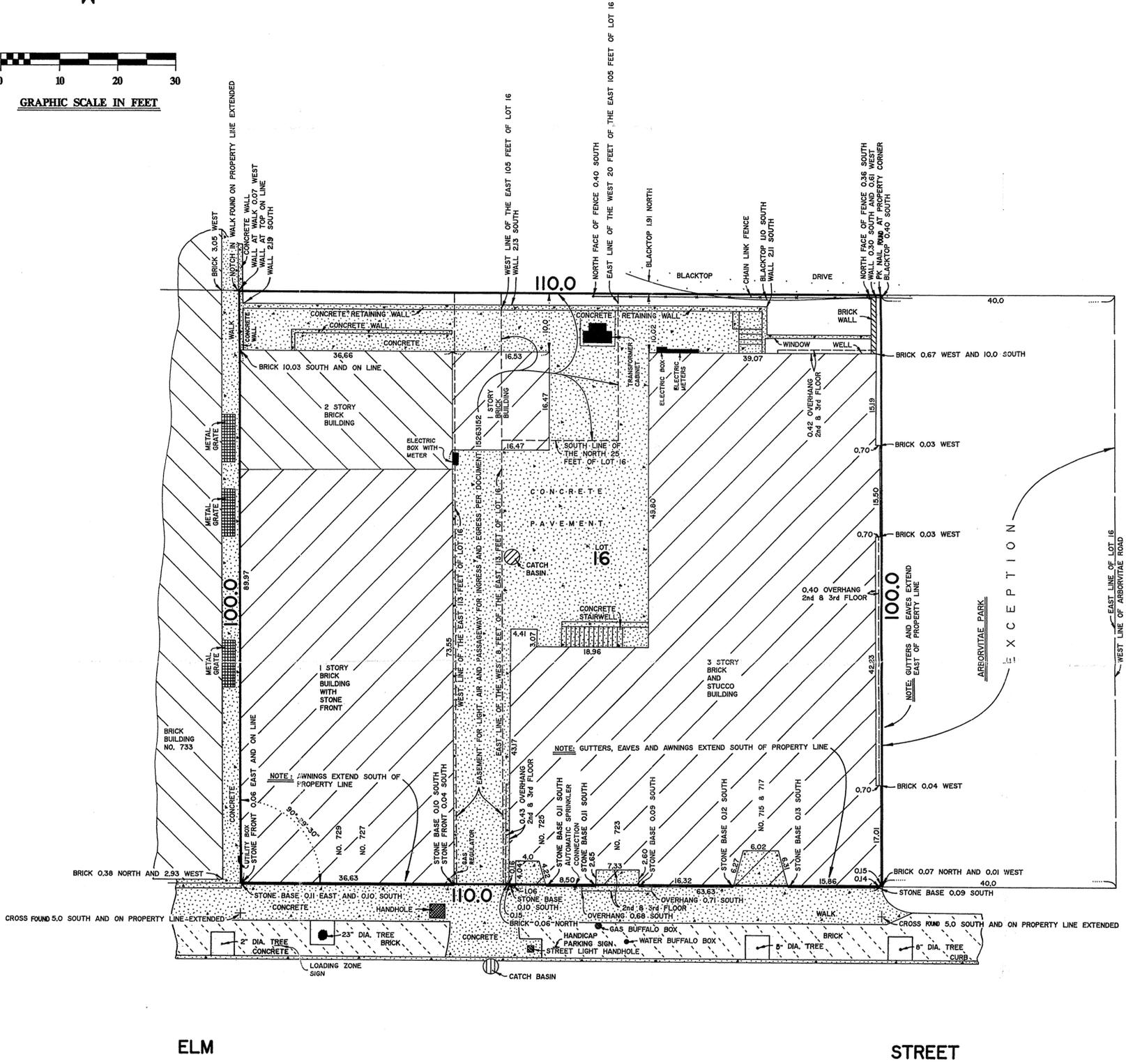
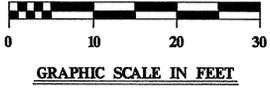
STANDARDS FOR GRANTING OF ZONING VARIATIONS

1. Larger, more expensive offices take much time to market and require construction work each time between users when the offices come open. There is greater demand for quality apartments that do not need renovations or down time, only maintenance between residents. We are proposing to make two large offices into one bedroom apartments.
2. The building is a gem of Winnetka's downtown and the building, as all buildings of its era, is built lot line to lot line with little or no onsite parking. The use we are requesting of apartments, is a permitted use, it is just a question of allowing the variance of parking of residential vs office space.
3. The building already has apartments on the 3rd floor and there is residential on two sides of the building now. More residential will not change the character of the area.
4. The outside of the building will not change or have any impact on neighboring buildings.
5. Fire and potential hazards should be less or the same with brand new apartments versus vintage offices. We are working with a certified engineer to determine all construction is in line with the building code.
6. Apartments vs. Offices should not diminish or change the value to the village.
7. The busiest time for parking and pedestrians in this area is during the day. Parking is not an issue in the evenings when residents will be at home. Residents who come home at night will provide much needed night pedestrian traffic and evening clients for first floor Lincoln and Elm Street Retail. The apartments being located so close to the train will also provide a housing option for very public transit oriented residents to choose these apartments.
8. We do not see any reason that health, safety, comfort, morals or welfare will change in any way if this parking variance is granted.

ALTA / ACSM LAND TITLE SURVEY

OF

LOT 16 (EXCEPT THE EAST 40 FEET THEREOF) IN MCGUIRE AND ORR'S ARBOR VITAE ROAD SUBDIVISION OF BLOCK 4 AND THAT PART OF BLOCK 5 LYING EAST OF THE EAST LINE OF LINCOLN AVENUE IN WINNETKA, A SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 20 AND THE NORTH FRACTIONAL 1/2 OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



AREA : 10,999.6 SQ. FT.
0.2525 ACRES

STATE OF ILLINOIS
COUNTY OF COOK) S.S.

CERTIFY TO: CHICAGO TITLE & TRUST COMPANY
LASALLE BANK N.A. & WINNETKA I. LLC

THIS IS TO CERTIFY THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA / ACSM LAND TITLE SURVEYS" JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999; AND INCLUDES ITEMS 1, 2, 4, 7(a), 8, 10 AND 11(a) OF TABLES "A" THEREOF, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, ACSM AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION. UNDERSIGNED FURTHER CERTIFIES THAT THIS SURVEY MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE "MINIMUM ANGLE, DISTANCE AND CLOSURE REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA / ACSM LAND TITLE SURVEYS."

DES PLAINES, ILLINOIS
OCTOBER 27, 2005.
John M. Henriksen
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2668
LICENSE EXPIRES NOVEMBER 30, 2006.

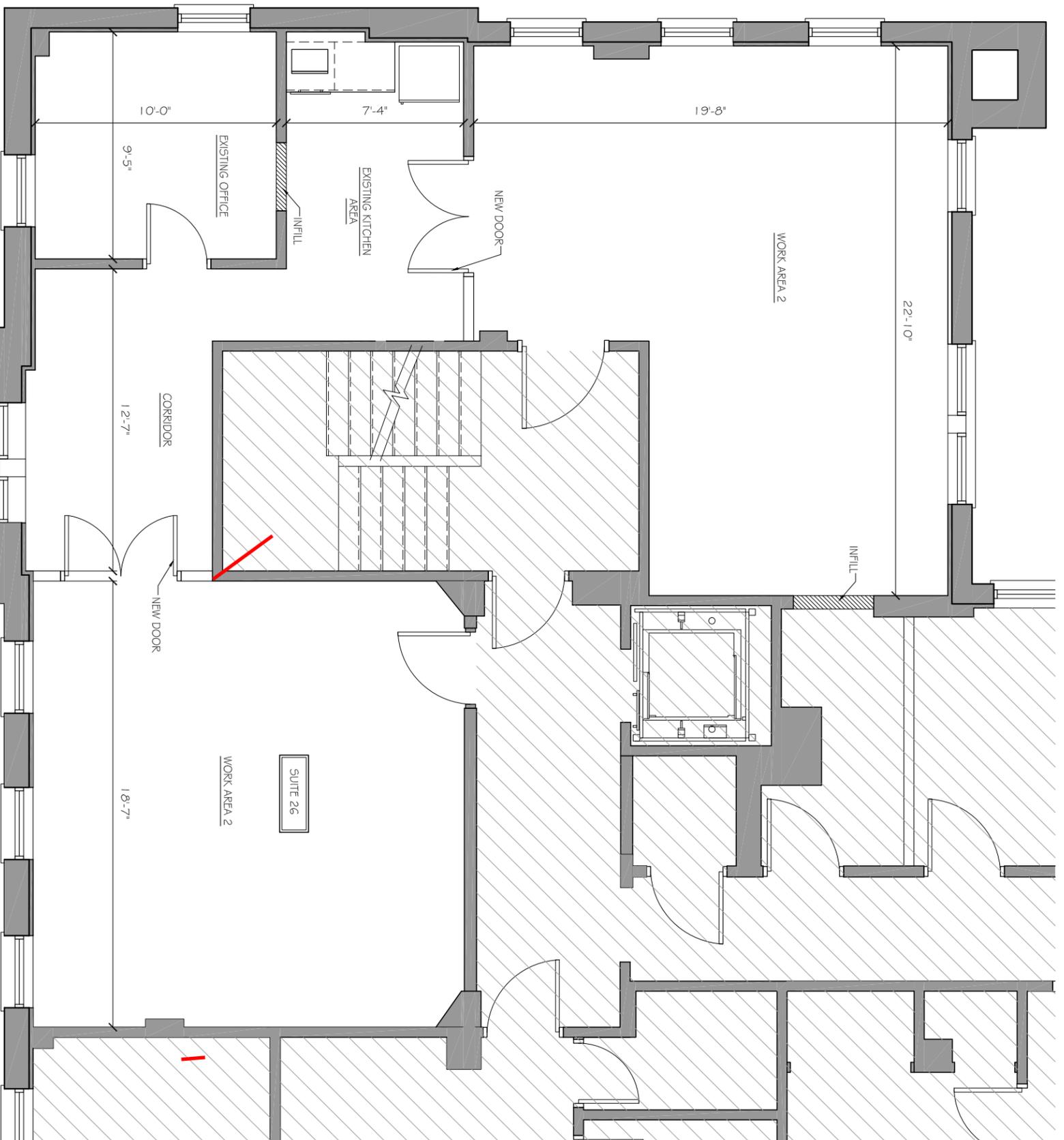


PREPARED BY:
JOHN M. HENRIKSEN
LAND SURVEYOR
58 BROADWAY
DES PLAINES, ILLINOIS 60016
847-795-0301

ORDER NUMBER : 931461

ORDERED BY : LARS NILSSON

Existing Floor Plan



PARTITION TYPE LEGEND	
	EXISTING PARTITIONS TO REMAIN
	NEW INTERIOR PARTITION WALLS

SUITE 26 - FLOOR PLAN
 SCALE: 3/16" = 1'-0"

Proposed Floor Plan Layout

FORMA
 Architecture, Ltd.
 DESIGN SOLUTIONS
 155 N. MICHIGAN AVE. SUITE 417
 CHICAGO, IL 60601
 WWW.FORMARCH.COM
 (P) 312.729.5195
 (F) 312.729.5196

715-23 Elm St.

August 19, 2011

Winnetka, IL.

ATTACHMENT B

ORDINANCE NO. M-2-2015

**AN ORDINANCE GRANTING A VARIATION
FROM THE PARKING REGULATIONS OF
THE WINNETKA ZONING ORDINANCE
FOR THE CONSTRUCTION AND OPERATION OF TWO DWELLING UNITS
WITHIN THE C-2 RETAIL OVERLAY ZONING DISTRICT
(723 Elm Street)**

WHEREAS, Winnetka I, LLC ("**Applicant**"), is the record title owner of that certain parcel of real property commonly known as 723 Elm Street in Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance ("**Subject Property**"); and

WHEREAS, the Subject Property is improved with a mixed-use building ("**Building**"), which Building consists of retail space on the ground floor, commercial office space on the second floor, and residential space on the third floor; and

WHEREAS, the Applicant desires to demolish the existing commercial office space, and construct two dwelling units, on the second floor of the Building ("**Proposed Improvements**"); and

WHEREAS, the Subject Property is located within the C-2 Retail Overlay District of the Village ("**C-2 Overlay District**"); and

WHEREAS, in order to construct the Proposed Improvements on the Subject Property within the C-2 Retail Overlay District, the Applicant must provide, pursuant to Section 17.46.110 of the Winnetka Zoning Ordinance ("**Zoning Ordinance**"), a minimum of two and one quarter off-street parking spaces per dwelling unit, for a total of five off-street parking spaces; and

WHEREAS, the Applicant desires to construct the Proposed Improvements on the Subject Property without providing any off-street parking spaces, in violation of Section 17.46.110 of the Zoning Ordinance; and

WHEREAS, the Applicant filed an application for a variation from Section 17.46.110 of the Zoning Ordinance to permit the construction of the Proposed Improvements on the Subject Property without providing any off-street parking spaces ("**Variation**"); and

WHEREAS, on December 8, 2014, after due notice thereof, the Zoning Board of Appeals ("**ZBA**") conducted a public hearing on the Variation and, by the unanimous vote of the five members then present, recommended that the Council of the Village of Winnetka ("**Village Council**") approve the Variation; and

WHEREAS, pursuant to Chapter 17.60 of the Zoning Ordinance, the ZBA heard evidence and made certain findings in support of recommending approval of the Variation, which findings are set forth in the ZBA public hearing minutes attached to and, by this reference, made a part of this Ordinance as **Exhibit B**; and

WHEREAS, pursuant to Section 17.60.050 of the Zoning Ordinance, the Village Council has determined that: (i) the Variation is in harmony with the general purpose and intent of the Zoning Ordinance and is in accordance with general or specific rules set forth in Chapter 17.60 of the Zoning Ordinance; and (ii) there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions or regulations of the Zoning Ordinance from which the Variation has been sought; and

WHEREAS, the Village Council has determined that approval of the Variation for the construction of the Proposed Improvements on the Subject Property within the C-2 Overlay District is in the best interest of the Village and its residents;

NOW, THEREFORE, the Council of the Village of Winnetka do ordain as follows:

SECTION 1: RECITALS. The foregoing recitals are hereby incorporated into this section as the findings of the Village Council, as if fully set forth herein.

SECTION 2: APPROVAL OF VARIATION. Subject to, and contingent upon, the terms, conditions, restrictions, and provisions set forth in Section 3 of this Ordinance, the Variation from Section 17.46.110 of the Zoning Ordinance to permit the construction of the Proposed Improvements on the Subject Property within the C-2 Overlay District without the provision of any off-street parking spaces is hereby granted, in accordance with and pursuant to Chapter 17.60 of the Zoning Ordinance and the home rule powers of the Village.

SECTION 3: CONDITIONS. The Variation granted by Section 2 of this Ordinance is subject to, and contingent upon, compliance by the Applicant with the following conditions:

- A. **Commencement of Construction.** The Applicant must commence the construction of the Proposed Improvements no later than 12 months after the effective date of this Ordinance.
- B. **Compliance with Regulations.** Except to the extent specifically provided otherwise in this Ordinance, the development, use, and maintenance of the Proposed Improvements and the Subject Property must comply at all times with all applicable Village codes and ordinances, as they have been or may be amended over time.
- C. **Reimbursement of Village Costs.** In addition to any other costs, payments, fees, charges, contributions, or dedications required under applicable Village codes, ordinances, resolutions, rules, or regulations, the Applicant must pay to the Village, promptly upon presentation of a written demand or demands therefor, of all fees, costs, and expenses incurred or accrued in connection with the review, negotiation, preparation, consideration, and review of this Ordinance. Payment of all such fees, costs, and expenses for which demand has been made shall be made by a certified or cashier's check. Further, the Applicant must pay upon demand

all costs incurred by the Village for publications and recordings required in connection with the aforesaid matters.

- D. Compliance with Plans. The development, use, and maintenance of the Proposed Improvements on the Subject Property must be in strict accordance with the following documents and plans, except for minor changes and site work approved by the Director of Community Development or the Director of Public Works (within their respective permitting authority) in accordance with all applicable Village codes, ordinances, and standards: the “Second Floor Plan – Unit 2 New Bath Location” prepared by Kaufman O’Neil Architecture, consisting of one sheet, and with a latest revision date of October 15, 2014, a copy of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit C**.

SECTION 4: RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded with the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon, the Applicant and each of its heirs, representatives, successors, and assigns.

SECTION 5: FAILURE TO COMPLY. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, in addition to all other remedies available to the Village, the approvals granted in Section 2 of this Ordinance will, at the sole discretion of the Village Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Council may not so revoke the approvals granted in Section 2 of this Ordinance unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village Council. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the applicable zoning district and the applicable provisions of the Zoning Ordinance, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 6: AMENDMENTS. Any amendment to this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance for amending or granting variations.

SECTION 7: SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 8: EFFECTIVE DATE.

- A. This Ordinance will be effective only upon the occurrence of all of the following events:

1. Passage by the Village Council in the manner required by law;
2. Publication in pamphlet form in the manner required by law; and
3. The filing by the Applicant with the Village Clerk of an Unconditional Agreement and Consent in the form of **Exhibit D** attached to and, by this reference, made a part of this Ordinance to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance.

B. In the event that the Applicant does not file with the Village Clerk a fully executed copy of the unconditional agreement and consent described in Section 8.A.3 of this Ordinance within 60 days after the date of passage of this Ordinance by the Village Council, the Village Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

PASSED this ____ day of _____, 2015, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2015.

Signed:

Village President

Countersigned:

Village Clerk

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this ____ day of _____, 2015.

Introduced: January 20, 2015

Passed and Approved: _____, 2015

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

Lot 16 (except the East 40 Feet thereof) in McGuire and Orr's Arbor Vitae Road Subdivision of Block 4 and that part of Block 5 lying East of the East line of Lincoln Avenue in Winnetka, a subdivision of the Northeast $\frac{1}{4}$ of Section 20 and the North fractional $\frac{1}{2}$ of Section 21, Township 42 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 715-729 Elm Street, Winnetka, Illinois.

EXHIBIT B

DECEMBER 8, 2014 PUBLIC HEARING MINUTES OF THE ZBA

(SEE ATTACHED EXHIBIT B)

EXHIBIT C

SECOND FLOOR PLAN – UNIT 2 NEW BATH LOCATION

(SEE ATTACHED EXHIBIT C)

EXHIBIT D

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Winnetka, Illinois ("*Village*");

WHEREAS, Winnetka I, LLC ("*Applicant*"), is the record title owner of the property commonly known as 723 Elm Street in the Village ("*Subject Property*")

WHEREAS, the Applicant desires to construct on the Subject Property two dwelling units on the second floor of an existing building; and

WHEREAS, Ordinance No. M-2-2015, adopted by the Village Council on _____, 2015 ("*Ordinance*"), grants a variation from the provisions of the Winnetka Zoning Ordinance to the Applicant to permit the construction of the dwelling units on the Subject Property without providing any off-street parking spaces; and

WHEREAS, Section 8 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant has filed, within 60 days following the passage of the Ordinance, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Applicant does hereby agree and covenant as follows:

1. The Applicant does hereby unconditionally agree to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Applicant acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Applicant acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's grant of the variation for the Subject Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time.
4. The Applicant does hereby agree to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Ordinance granting the variation for the Subject Property.
5. The Applicant hereby agrees to pay all expenses incurred by the Village in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and

Consent. These expenses will include all out-of-pocket expenses, such as attorneys' and experts' fees, and will also include the reasonable value of any services rendered by any employees of the Village.

Dated: _____, 2015

ATTEST: **WINNETKA I, LLC**

By: _____
Its: _____

By: _____
Its: _____

EXHIBIT B

Minutes adopted 01.12.2015

WINNETKA ZONING BOARD OF APPEALS EXCERPT OF MINUTES DECEMBER 8, 2014

Zoning Board Members Present: Joni Johnson, Chairperson
Andrew Cripe
Mary Hickey
Carl Lane
Scott Myers

Zoning Board Members Absent: Chris Blum
Jim McCoy

Village Staff: Michael D'Onofrio, Director of Community
Development
Ann Klaassen, Planning Assistant

Case No. 14-33-V2: 723 Elm Street
Winnetka I, LLC
Variation by Ordinance
1. Parking

723 Elm Street, Case No. 14-33-V2, Winnetka I, LLC, Variation by Ordinance – Parking

Mr. D'Onofrio read the public notice. Notice is hereby given that a public hearing will be held Monday, December 8, 2014 at 7:30 p.m. in the Council Chamber of the Winnetka Village Hall at 510 Green Bay Rd., Winnetka, Illinois. The purpose of this hearing is to hear testimony and receive public comment regarding a request by Winnetka I, LLC, concerning a variation by Ordinance from Section 17.46.110 [Parking] of the Winnetka Zoning Ordinance to permit the conversion of two offices on the second floor into two one-bedroom apartments without providing the required 2 1/4 parking spaces per residential unit (or a total of 5 parking spaces).

Chairperson Johnson swore in those that would be speaking on this case.

Kearby Kaiser of Winnetka I, LLC stated that is the ownership entity. He informed the Board that the building has first floor retail and a basement with ancillary retail and storage. Mr. Kaiser then stated that on the second floor, there is office space and apartments on the third floor. He noted that there is no parking currently. Mr. Kaiser also referred to how deliveries are made. Mr. Kaiser then stated that the market for office space has been difficult and that office space takes many months to rent and renovate. He also stated that the space has sat vacant for a long time and that the apartments on the third floor move faster. Mr. Kaiser stated that it is the ownership's desire to have apartments and that two apartments would lay out nicely on that floor. He then referred to the easy conversion plans which were drawn up.

Chairperson Johnson asked if there were any questions.
Ms. Hickey asked if there are third floor tenants.

Mr. Kaiser responded that those are apartments.

Ms. Hickey then asked where did they park.

Mr. Kaiser stated that there is a tenant mix and referred to smaller apartments. He noted that it is located next to the train and that there is not a big concern with regard to parking.

Mr. D'Onofrio stated that they would park on the street or in the nearby public lots and that overnight parking is allowed but not on the street. He then stated that they found with the building stock which went from lot line to lot line is when the downtown areas were developed. Mr. D'Onofrio then stated that it is not unique to other multi-family residential areas. He noted that the Galleria provided parking and that for anything before that, second and third floors were not required to have off-street parking.

Mr. Lane referred to the fact that there are residences already on the third floor and asked if that was before that requirement.

Mr. D'Onofrio responded that it is legal nonconforming.

Mr. Kaiser stated that the office space is also legal nonconforming and that there is no parking for that either. He added that in the daytime, it is more difficult to park.

Chairperson Johnson referred to the concrete area in the middle which is not usable parking.

Mr. Kaiser stated that it touched both sides.

Chairperson Johnson asked Mr. Kaiser if they are maintaining office space on the second floor.

Mr. Kaiser responded that there is some intent for it to go to all apartments eventually. He then referred to the floor plans which he commented laid out well to eventually convert to apartments and that they can go for a future variation if they want.

Mr. Lane asked if the space was for an office, how many parking spaces would be required.

Mr. D'Onofrio responded that there is a requirement of two parking spaces per 1,000 square feet or three for this property. He then stated that he would like to point out a series of changes, that the Board looked at, to the parking requirement, particularly for a case such as this where there would not be an increase or if there was no parking to begin with. Mr. D'Onofrio stated that the fact that it would be permitted by right and that there would be no need for a variation is the change that was discussed.

Mr. Kaiser informed the Board that they sat on the space for months and determined that it would be better to spend money on the fee than to wait more time.

Chairperson Johnson asked if there were any other questions. No additional questions were raised by the Board at this time. She then asked if there were any questions from the audience. No questions were raised by the audience at this time. Chairperson Johnson then called the matter in for discussion.

Mr. Lane stated that with two apartments, there is not a need for five parking spaces and that three parking spaces were probably like office space use. Mr. Lane then stated that they do not need it now and referred to the fact that it would be extremely expensive or impossible to do it. He also stated that they would not be adding parking but improving a situation where there is only parking there at night. Mr. Lane concluded that he is generally in favor of the request.

Ms. Hickey stated that she agreed with Mr. Lane's comments. She then stated that the rental space has been vacant for some time and that this unit is legal nonconforming with regard to current parking requirements.

Mr. Myers and Mr. Cripe stated that the request is fine.

Chairperson Johnson stated that she would like to point out that the Village Council has not made a final decision on the proposals to reduce the number of spaces for residential uses. She then commented that she is surprised that the Village did not allow overnight parking on commercial streets. Chairperson Johnson suggested that they look into it if they want to encourage apartments and residences in transit areas. She then asked for a motion.

Ms. Hickey moved to recommend approval of the variation for 723 Elm Street for the conversion of two offices to two one bedroom apartments without requiring parking spaces for the residential units. She stated that with regard to reasonable return, the applicant would not be able to have reasonable return if the property is vacant. Ms. Hickey then stated that she would adopt the standards for granting variations outlined on page 5 of the application.

Mr. Myers seconded the motion. A vote was taken and the motion was unanimously passed, 5 to 0.

AYES: Cripe, Hickey, Johnson, Lane, Myers

NAYS: None

FINDINGS OF THE ZONING BOARD OF APPEALS

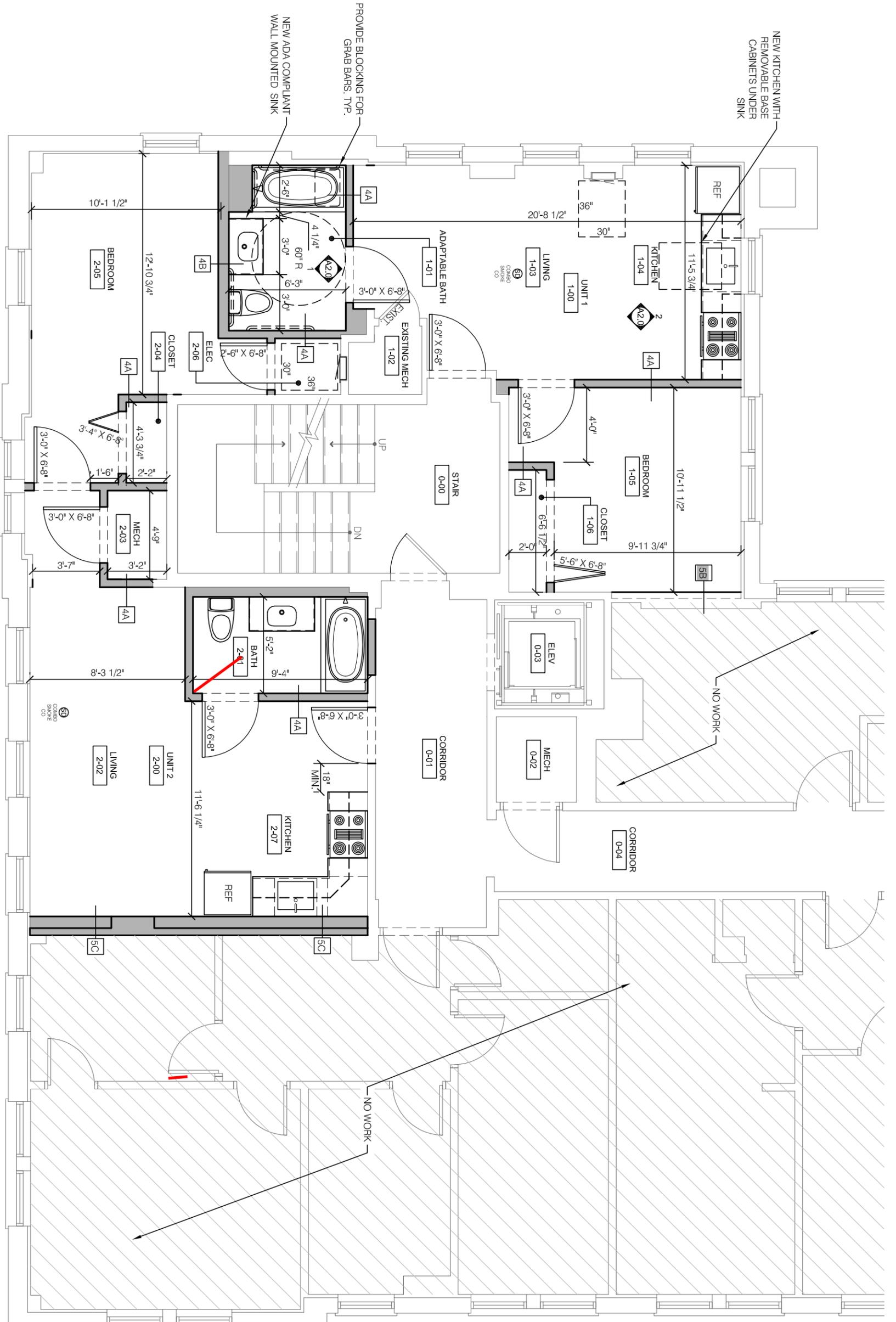
1. The requested variation is within the final jurisdiction of the Village Council.
2. The requested variation is in harmony with the general purpose and intent of the Winnetka Zoning Ordinance. The proposal is compatible, in general, with the character of existing development within the immediate neighborhood with respect to architectural scale and other site improvements.
3. There are practical difficulties or a particular hardship which prevents strict application of

Section 17.46.110 [Parking] of the Winnetka Zoning Ordinance which is related to the use or the construction or alteration of buildings or structures.

The evidence in the judgment of the Zoning Board of Appeals has established:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone. Larger, more expensive offices take much time to market and require construction work each time between users when the offices come open. There is greater demand for quality apartments that do not need renovations or down time, only maintenance between residents. They are proposing to make two large offices into one bedroom apartments.
2. The plight of the owner is due to unique circumstances. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants. The building is a gem of Winnetka's downtown and the building, as all building of its era, is built lot line to lot line with little or no onsite parking. The use they are requesting of apartments, is a permitted use, it is just a question of allowing the variance of parking of residential vs office space.
3. The variation, if granted, will not alter the essential character of the locality. The building already has apartments on the third floor and there is residential on two sides of the building now. More residential units will not change the character of the area.
4. An adequate supply of light and air to adjacent property will not be impaired. The outside of the building will not change or have any impact on neighboring buildings.
5. The hazard from fire or other damages to the property will not be increased. Fire and potential hazards should be less or the same with brand new apartments versus vintage offices. The applicant is working with a certified engineer to determine all construction is in line with the building code.
6. The taxable value of land and buildings throughout the Village will not diminish. Apartments vs offices should not diminish or change the value to the Village.
7. The congestion in the public street will not increase. The busiest time for parking and pedestrians in this area is during the day. Parking is not an issue in the evenings when residents will be at home. Residents who come home at night will provide much needed night pedestrian traffic and evening clients for first floor Lincoln and Elm Street retail. The apartments being located so close to the train will also provide a housing option for very public transit oriented residents to choose these apartments.
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not otherwise be impaired. The Board did not find any reason that health, safety, comfort, morals or welfare will change in any way if this parking variation is granted.

PROPOSED



SECOND FLOOR PLAN - UNIT 2 NEW BATH LOCATION

723 ELM ST. APARTMENTS

SCALE: 3/16" = 1'-0"

10.15.2014



ATTACHMENT C



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Disclaimer: This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.



Agenda Item Executive Summary

Title: Ordinance No. M-3-2015: Greeley School Special Use Permit & Variations- Intro/Adopt

Presenter: Michael D'Onofrio, Director of Community Development

Agenda Date: 01/20/2015

- Ordinance
- Resolution
- Bid Authorization/Award
- Policy Direction
- Informational Only

Consent: YES NO

Item History:

None

Executive Summary:

Winnetka Public School District 36 is requesting a Special Use Permit and variations (Front and Corner Yard Setbacks) to permit the modification of the playground and related site improvements, to establish an outdoor learning and play space. The play equipment is required to comply with the minimum 30 ft. front yard setbacks from all property lines. In addition to the proposed play structures, the proposed plan incorporates replacement of the existing chain-link fencing with an ornamental aluminum fence to match existing ornamental fencing on the north side of the property adjacent to Hawthorn Lane.

The Plan Commission reviewed the proposal at its meeting on November 19, 2014. The nine voting members present voted 8 to 0, with one abstention, to recommend approval.

The Design Review Board reviewed the proposal at its meeting on November 20, 2014 and voted unanimously to recommend approval.

The Zoning Board of Appeals reviewed the proposal at its meeting on December 8, 2014. The five members present voted unanimously to recommend approval.

The petitioner has requested introduction of the ordinance be waived.

Recommendation:

1. Consider waiving introduction of Ordinance No. M-3-2015 and consider adoption, granting a Special Use Permit and variations to allow Winnetka Public School District 36 to make improvements to the playground at Greeley School.

Or

2. Consider introduction of Ordinance No. M-3-2015 granting a Special Use Permit and variations to allow Winnetka Public School District 36 to make improvements to the playground at Greeley School.

Attachments:

- Agenda Report
- Attachment A: Zoning Matrix
- Attachment B: Ordinance No. M-3-2015
- Attachment C: GIS Aerial Map
- Attachment D: Special Use Permit and Variation Application Materials
- Attachment E: Excerpt of November 19, 2014 PC meeting minutes
- Attachment F: Excerpt of November 20, 2014 DRB meeting minutes
- Attachment G: Letter Requesting Waiver of Introduction

AGENDA REPORT

TO: Village Council

PREPARED BY: Michael D'Onofrio, Director of Community Development

SUBJECT: 275 Fairview Ave., Greeley School, Ord. M-3-2015
(1) Special Use Permit
(2) Variations:
 a. Front and Corner Yard Setbacks

DATE: January 7, 2015

Ordinance M-3-2015 grants a Special Use Permit to Winnetka Public School District 36 in accordance with Section 17.56.010 of the Winnetka Zoning Ordinance, to permit improvements to the playground at Greeley School, as well as variations from Section 17.30.050 [Front and Corner Yard Setbacks] to permit play equipment that will result in a front yard setback of 11 ft. from Elder Ln., whereas a minimum of 30 ft. is required, a variation of 19 ft. (63.33%), a trellis that will result in a front yard setback of 24 ft. from Elder Ln., whereas a minimum of 30 ft. is required, a variation of 6 ft. (20%), and an outdoor classroom and play equipment that will result in a front yard setback of 7 ft. from Woodland Ave., whereas a minimum of 30 ft. is required, a variation of 23 ft. (76.67%).

Summary of Request

The petitioners have requested a Special Use Permit, Zoning Variations, and a Certificate of Appropriateness to permit the modification of the playground and related site improvements, to establish an outdoor learning and play space. The play equipment is required to comply with the minimum 30 ft. front yard setbacks from all property lines. The proposed play equipment is represented within Attachment B, Exhibit D. In addition to the proposed play structures, the proposed plan incorporates replacement of the existing chain-link fencing with an ornamental aluminum fence to match existing ornamental fencing on the north side of the property adjacent to Hawthorn Ln.

As identified on the attached zoning matrix, the existing impermeable lot coverage (ILC) exceeds the maximum permitted. The proposed improvements to the playground will reduce the ILC by 1,349 s.f.

The property is located in the R-5 Single Family Residential zoning district. The school was constructed circa 1912. Significant additions were constructed in 1923, 1954 and 2008. There are five previous zoning cases for this property. In 1964, a setback variation was approved to allow a reduced north front yard setback for placement of a temporary classroom structure that was removed in 1969. The second case was in 1994 for a Special Use Permit and GFA variation that was approved for a storage shed. In 1999, setback variations were approved to allow play equipment to encroach the front yard setbacks. In 2007 a Special Use Permit and zoning variations for intensity of use of lot and GFA were approved to allow an addition to the school. Lastly, Case No. 14-11-SU for a Special Use Permit and front yard setback variations was withdrawn in May 2014.

After the application was withdrawn, Greeley modified its plans to reduce the scope and scale of the proposed improvements. Subsequently, the request currently before the Council was submitted October 30, 2014.

Recommendations of Advisory Boards

The Plan Commission reviewed the proposal at its meeting November 19, 2014. The nine voting members present voted 8 to 0, with one abstention, to recommend approval (Attachment E).

The Design Review Board reviewed the proposal at its meeting November 20, 2014 and voted unanimously to recommend approval (Attachments F).

The Zoning Board of Appeals reviewed the proposal at its meeting December 8, 2014. The five members present voted unanimously to recommend approval (Attachment B, Exhibit B).

The petitioner has requested introduction of the ordinance be waived (Attachment G). Introduction, or adoption, of the ordinance requires the concurrence of the majority of the Council.

Recommendation

Consider waiving introduction of Ord. No. M-3-2015 and consider adoption, granting a Special Use Permit and variations to allow Winnetka Public School District 36 to make improvements to the playground at Greeley School at 275 Fairview Ave.

Or

Consider introduction of Ord. No. M-3-2015 granting a Special Use Permit and variations to allow Winnetka Public School District 36 to make improvements to the playground at Greeley School at 275 Fairview Ave.

Attachments

- Attachment A: Zoning Matrix
- Attachment B: Ordinance M-3-2015
- Attachment C: GIS Aerial Map
- Attachment D: Special Use Permit and Variation Application Materials
- Attachment E: Excerpt of November 19, 2014 PC meeting minutes
- Attachment F: Excerpt of November 20, 2014 DRB meeting minutes
- Attachment G: Letter Requesting Waiver of Introduction

ATTACHMENT A

ZONING MATRIX

ADDRESS: 275 Fairview
CASE NO: 14-34-SU
ZONING: R-5

ITEM	REQUIREMENT	EXISTING	PROPOSED	TOTAL	STATUS
Min. Lot Size	8,900 SF	117,796 SF	N/A	N/A	OK
Min. Average Lot Width	70 FT	340.45 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	31,804.92 SF (1)	33,354.74 SF	N/A	N/A	EXISTING NONCONFORMING
Max. Gross Floor Area	28,908.08 SF (1)	73,424.74 SF	N/A	N/A	EXISTING NONCONFORMING
Max. Impermeable Surface	58,898 SF (1)	94,061.68 SF	(1,349) SF	92,712.68 SF	EXISTING NONCONFORMING
Min. Front Yard (Elder/South)	30 FT	10 FT (2)	11 FT (3)	N/A	19 FT (63.33%) VARIATION
Min. Corner (Front) Yard (Fairview/West)	30 FT	49.19 FT	N/A	N/A	OK
Min. Through Lot (Hawthorn/North)	30 FT	13 FT (2)	N/A	N/A	EXISTING NONCONFORMING
Min. Third Street (Woodland/East)	30 FT	122 FT (4)	7 FT (5)	N/A	23 FT (76.67%) VARIATION

NOTES:

- (1) Based on lot area of 117,796 s.f.
- (2) Setback to existing play structure.
- (3) Setback to proposed play equipment. Proposed trellis would provide a setback of 24 ft.
- (4) Setback to school building.
- (5) Setback to outdoor classroom/play equipment.

ATTACHMENT B

ORDINANCE NO. M-3-2015

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND
VARIATIONS FROM THE WINNETKA ZONING ORDINANCE
FOR THE CONSTRUCTION AND OPERATION OF
OUTDOOR CLASSROOM AND PLAYGROUND IMPROVEMENTS
WITHIN THE R-5 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT
(275 Fairview Avenue)**

WHEREAS, Winnetka Public School District No. 36 ("*Applicant*") is the record title owner of that certain parcel of real property commonly known as 275 Fairview Avenue in Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance ("*Subject Property*"); and

WHEREAS, the Subject Property is improved with buildings and structures known as the Greeley School ("*School*"); and

WHEREAS, the Applicant desires to construct on the Subject Property certain outdoor classroom and playground improvements for use by students and teachers at the School (collectively, the "*Proposed Improvements*"); and

WHEREAS, the Subject Property is located within the R-5 Single Family Residential Zoning District of the Village ("*R-5 District*"); and

WHEREAS, in order to be constructed on the Subject Property within the R-5 District, the Proposed Improvements must have, pursuant to Section 17.30.050 of the Winnetka Zoning Ordinance ("*Zoning Ordinance*"), a minimum front yard setback of 30 feet from Elder Lane and Woodland Avenue, respectively; and

WHEREAS, the Applicant desires to construct the Proposed Improvements with front yard setbacks from: (i) Elder Lane of 11 feet and 24 feet; and (ii) Woodland Avenue of seven feet, in violation of Section 17.30.050 of the Zoning Ordinance; and

WHEREAS, pursuant to Section 17.12.020 of the Zoning Ordinance, the operation of an elementary school is not permitted within the R-5 District without a special use permit; and

WHEREAS, pursuant to Section 17.56.090 of the Zoning Ordinance, no special use may be enlarged or extended by structural alteration of a building or structure without a special use permit; and

WHEREAS, the Applicant filed an application for: (i) variations from Section 17.30.050 of the Zoning Ordinance to permit the construction of the Proposed Improvements on the Subject Property with front yard setbacks from (a) Elder Lane of 11 feet and 24 feet, and (b) Woodland Avenue of seven feet (collectively, the "*Variations*"); and (ii) a special use permit pursuant to Section 17.12.020 and Chapter 17.56 of the Zoning Ordinance to allow the extension of the operation of the School by the construction of the Proposed Improvements within the R-5 District

("Special Use Permit") (collectively, the Variations and the Special Use Permit are the "**Requested Relief**"); and

WHEREAS, on December 8, 2014, after due notice thereof, the Zoning Board of Appeals ("**ZBA**") conducted a public hearing on the Requested Relief and, by the unanimous vote of the five members then present, recommended that the Council of the Village of Winnetka ("**Village Council**") approve the Requested Relief; and

WHEREAS, pursuant to Chapter 17.60 and Chapter 17.56 of the Zoning Ordinance, the ZBA heard evidence and made certain findings in support of recommending approval of the Variations and the Special Use Permit, respectively, which findings are set forth in the ZBA public hearing minutes attached to and, by this reference, made a part of this Ordinance as **Exhibit B**; and

WHEREAS, on November 19, 2014, after due notice thereof, the Plan Commission met to consider whether approval of the Requested Relief is consistent with "Winnetka 2020," the Winnetka comprehensive plan ("**Comprehensive Plan**"), and found, by a vote of eight in favor, none opposed, and one abstention, that approval of the Requested Relief is consistent with the Comprehensive Plan; and

WHEREAS, on November 20, 2014, after due notice thereof, the Design Review Board met to consider the Requested Relief and, by unanimous vote of the five members then present, recommended that the Village Council approve the Requested Relief; and

WHEREAS, pursuant to Section 17.60.050 of the Zoning Ordinance, the Village Council has determined that: (i) the Variations are in harmony with the general purpose and intent of the Zoning Ordinance and are in accordance with general or specific rules set forth in Chapter 17.60 of the Zoning Ordinance; and (ii) there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions or regulations of the Zoning Ordinance from which the Variations have been sought; and

WHEREAS, the Village Council has determined that approval of the proposed Special Use Permit: (i) is consistent with the Comprehensive Plan; and (ii) satisfies the standards for the approval of special use permits set forth in Chapter 17.56 of the Zoning Ordinance; and

WHEREAS, the Village Council has determined that approval of the Requested Relief for the construction of the Proposed Improvements on the Subject Property within the R-5 District is in the best interest of the Village and its residents;

NOW, THEREFORE, the Council of the Village of Winnetka do ordain as follows:

SECTION 1: RECITALS. The foregoing recitals are hereby incorporated into this section as the findings of the Village Council, as if fully set forth herein.

SECTION 2: APPROVAL OF SPECIAL USE PERMIT. Subject to, and contingent upon, the terms, conditions, restrictions, and provisions set forth in Section 4 of this Ordinance, the Special Use Permit is hereby granted, pursuant to Chapter 17.56 and Section 17.12.020 of the

Zoning Ordinance and the home rule powers of the Village, to allow the extension of the operation of the School by the Applicant by the construction of the Proposed Improvements on the Subject Property within the R-5 District.

SECTION 3: APPROVAL OF VARIATIONS. Subject to, and contingent upon, the terms, conditions, restrictions, and provisions set forth in Section 4 of this Ordinance, the following Variations are hereby granted with respect to the construction of the Proposed Improvements on the Subject Property, in accordance with and pursuant to Chapter 17.60 of the Zoning Ordinance and the home rule powers of the Village: variations from Section 17.30.050 of the Zoning Ordinance to permit front yard setbacks of: (i) 11 feet from Elder Lane to certain play equipment; (ii) 24 feet from Elder Lane to a certain trellis; and (iii) seven feet from Woodland Avenue to an outdoor classroom and certain play equipment.

SECTION 4: CONDITIONS. The Special Use Permit granted by Section 2 of this Ordinance and the Variations granted by Section 3 of this Ordinance are subject to, and contingent upon, compliance by the Applicant with the following conditions:

- A. Commencement of Construction. The Applicant must commence the construction of the Proposed Improvements no later than 12 months after the effective date of this Ordinance.
- B. Compliance with Regulations. Except to the extent specifically provided otherwise in this Ordinance, the development, use, and maintenance of the Proposed Improvements on the Subject Property must comply at all times with all applicable Village codes and ordinances, as they have been or may be amended over time.
- C. Reimbursement of Village Costs. In addition to any other costs, payments, fees, charges, contributions, or dedications required under applicable Village codes, ordinances, resolutions, rules, or regulations, the Applicant must pay to the Village, promptly upon presentation of a written demand or demands therefor, of all fees, costs, and expenses incurred or accrued in connection with the review, negotiation, preparation, consideration, and review of this Ordinance. Payment of all such fees, costs, and expenses for which demand has been made shall be made by a certified or cashier's check. Further, the Applicant must pay upon demand all costs incurred by the Village for publications and recordings required in connection with the aforesaid matters.
- D. Compliance with Plans. The development, use, and maintenance of the Proposed Improvements at the Subject Property must be in strict accordance with the following documents and plans, except for minor changes and site work approved by the Director of Community Development or the Director of Public Works (within their respective permitting authority) in accordance with all applicable Village codes, ordinances, and standards:

1. The “Dream Green – Play Area Improvement Plan” prepared by Green Associates, consisting of one sheet, and with a latest revision date of October 28, 2014, attached to and, by this reference, made a part of this Ordinance as **Exhibit C**; and
2. The “Proposed Play Equipment and Site Improvements (Reference Drawing L-101)” prepared by Green Associates, consisting of two sheets, and with a latest revision date of October 28, 2014, attached to and, by this reference, made a part of this Ordinance as **Exhibit D**.

SECTION 5: RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded with the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon, the Applicant and each of its heirs, representatives, successors, and assigns.

SECTION 6: FAILURE TO COMPLY. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, in addition to all other remedies available to the Village, the approvals granted in Sections 2 and 3 of this Ordinance will, at the sole discretion of the Village Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Council may not so revoke the approvals granted in Sections 2 and 3 of this Ordinance unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village Council. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the applicable zoning district and the applicable provisions of the Zoning Ordinance, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 7: AMENDMENT OF SPECIAL USE PERMIT. Any amendments to the approvals granted in Sections 2 and 3 of this Ordinance that may be requested by the Applicant after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance.

SECTION 8: SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 9: EFFECTIVE DATE.

- A. This Ordinance will be effective only upon the occurrence of all of the following events:
1. Passage by the Village Council in the manner required by law;

2. Publication in pamphlet form in the manner required by law; and
3. The filing by the Applicant with the Village Clerk of an Unconditional Agreement and Consent in the form of **Exhibit E** attached to and, by this reference, made a part of this Ordinance to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance.

B. In the event that the Applicant does not file with the Village Clerk a fully executed copy of the unconditional agreement and consent described in Section 9.A.3 of this Ordinance within 60 days after the date of passage of this Ordinance by the Village Council, the Village Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

PASSED this ____ day of _____, 2015, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2015.

Signed:

Village President

Countersigned:

Village Clerk

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this ____ day of _____, 2015.

Introduced: January 20, 2015

Passed and Approved: _____, 2015

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

All of Block 9, Lots 1 through 14 inclusive, and vacated alley in the Lake Shore Subdivision, Village of Winnetka, being a subdivision of Lot 1 in a subdivision of Nicholas Simons and Others of a part of the Fractional Southeast Quarter of Section 21 and a Fractional Southwest Quarter of Section 22, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as 275 Fairview Avenue, Winnetka, Illinois.

EXHIBIT B

DECEMBER 8, 2014 PUBLIC HEARING MINUTES OF THE ZBA

(SEE ATTACHED EXHIBIT B)

EXHIBIT C

DREAM GREEN – PLAY AREA IMPROVEMENT PLAN

(SEE ATTACHED EXHIBIT C)

EXHIBIT D

PROPOSED PLAY EQUIPMENT AND SITE IMPROVEMENTS

(SEE ATTACHED EXHIBIT D)

EXHIBIT E

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Winnetka, Illinois ("*Village*"):

WHEREAS, Winnetka Public School District No. 36 ("*Applicant*") is the record title owner of the property commonly known as 275 Fairview Avenue in the Village ("*Subject Property*")

WHEREAS, the Applicant desires to construct on the Subject Property certain outdoor classroom and playground improvements for use by students and teachers; and

WHEREAS, Ordinance No. M-3-2015, adopted by the Village Council on _____, 2015 ("*Ordinance*"), grants certain variations from the provisions of the Winnetka Zoning Ordinance and a special use permit to the Applicant to permit the construction of the outdoor classroom and playground improvements on the Subject Property and the expanded use of the Subject Property for the operation of an elementary school; and

WHEREAS, Section 9 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant has filed, within 60 days following the passage of the Ordinance, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Applicant does hereby agree and covenant as follows:

1. The Applicant does hereby unconditionally agree to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Applicant acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Applicant acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's grant of variations and a special use permit for the Subject Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time.
4. The Applicant does hereby agree to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Ordinance granting the variations and the special use permit for the Subject Property.

5. The Applicant hereby agrees to pay all expenses incurred by the Village in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses will include all out-of-pocket expenses, such as attorneys' and experts' fees, and will also include the reasonable value of any services rendered by any employees of the Village.

Dated: _____, 2015

ATTEST: **WINNETKA PUBLIC SCHOOL DISTRICT
NO. 36**

By: _____ By: _____
Its: _____ Its: _____

EXHIBIT B

Minutes adopted 01.12.2015

WINNETKA ZONING BOARD OF APPEALS EXCERPT OF MINUTES DECEMBER 8, 2014

Zoning Board Members Present: Joni Johnson, Chairperson
Andrew Cripe
Mary Hickey
Carl Lane
Scott Myers

Zoning Board Members Absent: Chris Blum
Jim McCoy

Village Staff: Michael D'Onofrio, Director of Community
Development
Ann Klaassen, Planning Assistant

Case No. 14-34-SU: 275 Fairview Avenue (Greeley School)
Winnetka Public School District 36 (Greeley PTO)
Special Use Permit
1. Playground Improvements
Variations by Ordinance
1. Front and Corner Yard Setbacks

275 Fairview Avenue (Greeley School), Winnetka Public School District 36 (Greeley PTO), Case No. 14-34-SU, Special Use Permit (1) Playground Improvements and Variations by Ordinance - Front and Corner Yard Setbacks

Mr. D'Onofrio read the public notice. Notice is hereby given that a public hearing will be held Monday, December 8, 2014 at 7:30 p.m. in the Council Chamber of the Winnetka Village Hall at 510 Green Bay Road, Winnetka, Illinois. The purpose of this hearing is to hear testimony and receive public comment regarding a request by Winnetka Public School District 36 and the Greeley PTO, concerning a Special Use Permit in accordance with Section 17.56.010 of the Winnetka Zoning Ordinance, to permit improvements to the playground, as well as variations by Ordinance from Section 17.30.050 [Front and Corner Yard Setbacks] of the Winnetka Zoning Ordinance to permit play equipment that will result in a front yard setback of 11 ft. from Elder Ln., whereas a minimum of 30 ft. is required, a variation of 19 ft. (63.33%), a trellis that will result in a front yard setback of 24 ft. from Elder Ln., whereas a minimum of 30 ft. is required, a variation of 6 ft. (20%), and an outdoor classroom and play equipment that will result in a front yard setback of 7 ft. from Woodland Ave., whereas a minimum of 30 ft. is required, a variation of 23 ft. (76.67%).

Chairperson Johnson swore in those that would be speaking on this case.

Mr. Myers stated that this is the second time the request has been before the Board. He also stated

that they have all read the materials and suggested that they either rehash the material or jump to any questions unless there is more enhancement from the applicant. Mr. Myers then stated that the key thing which is different from the first time is that there is no canopy over the teaching area.

Karen York of the PTO confirmed that is correct. She also stated that there is no stage and that now, there would be an outdoor classroom set in place. Ms. York also stated that there would be a fence which would be a black cast iron fence.

Chairperson Johnson referred to the original proposal and asked the applicant to highlight the changes.

Ms. York informed the Board that nothing in the original proposal is still in place and that they started from scratch with the exception of the trellis which is smaller. She also stated that the equipment is not being moved from the south end and that there are new things along the east side and a small playground on the south side.

George Reigle of Green Associates provided the Board with an illustration of the existing conditions. He stated that in developing the site of the property, they would be adding more green space and that there would still be a reduction of square footage. Mr. Reigle added that they planned to create more green space along the fence line and then identified the playground and classrooms for the Board, as well as the new trellis area.

Ms. York then identified the JK and kindergarten areas for the Board.

Chairperson Johnson referred to page 2 and the second bullet point which stated that there are a number of pieces which are to be removed.

Mr. Reigle informed the Board that the basketball goal would be removed, as well as the structure for the ball toss. He noted that the playground equipment which he identified would remain intact.

Ms. York also stated that there would not be new equipment and that they would lose the warranty if it was rebuilt after moving it.

Mr. Reigle referred to an alternate bid for the wrought iron fence and that now there is a chain link fence. He stated that the intent was to replace it in an area which he identified along the property line. Mr. Reigle stated that they want an ornamental fence identical to what is on the property now.

Chairperson Johnson asked if there were any questions.

Mr. Lane stated that they have heard the request before and that everything which was an issue is now gone. He stated that the request would improve the use of the play area and bring it to the standards which are required for preschool and K-5. Mr. Lane then commented that it made sense and that this clearly fit in with the requirements.

Ms. Hickey also stated that they would be increasing the amount of green space from the first proposal and that the variation would not be as significant.

Mr. Cripe stated that he supported the last proposal.

Chairperson Johnson noted that the DRB and Plan Commission had no conditions on their recommendation for approval. She then asked for a motion for the special use and variations.

Mr. Cripe moved to recommend approval of the special use permit and the variations for the setback requirements. He then stated that with regard to the standards for reasonable return, it related to the ability of an educational institution to deliver educational value within the property it has. Mr. Cripe stated that the unique circumstances are that the school has to work within the property it has. He then referred to page 13 and page 8 in support of the recommendation to adopt the standards and narratives on page nos. 8, 13 and 14 and the overall comment that the request is reasonable and that the proposal addressed the concerns raised by the community before.

Ms. Hickey seconded the motion. A vote was taken and the motion was unanimously passed, 5 to 0.

AYES: Cripe, Hickey, Johnson, Lane, Myers
NAYS: None

Standards for Granting Special Uses

The standards for granting Special Uses are set both by statute and by Village Code. Section 17.56.010 requires that special uses be permitted only upon evidence that these meet standards established by the applicable classification in the zoning ordinances. Conditions “reasonably necessary to meet such standards” are specifically authorized. Section 17.56.010 establishes the following standards for granting Special Use permits:

1. That the establishment, maintenance, and operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare. The Greeley Outdoor Learning and Play Space will not be detrimental or endanger the public health, safety, comfort, morals, and general welfare.

The new space is an improvement on the current site and will add more natural elements to the Greeley property as well as more places for children to play, learn, and gather. All of the structures and the entire site will meet all applicable playground, building and outdoor structure and environmental codes. The entire design has been developed with safety as the first priority and will likely create safer places to play and learn because it is more than just traditional climbing and swinging structures and includes places for sitting and gathering. The overall improved appearance and integration with the surrounding environment should provide for an improved general welfare.

2. That the Special Use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of

concern, nor substantially diminish or impair property values in the immediate vicinity.

The new space will be an improvement for the surrounding community in that it is thoughtfully designed to be a more natural environment meant to complement the surrounding neighborhood. Much of the asphalt will be replaced with natural surfaces such as grass, mulch and plantings where possible. The new site will not impair property values; rather, it will likely improve them with the improved aesthetics.

3. That the establishment of the Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern.

The site is currently a school ground with playground equipment where children have recess, gym, and play. The new site does not change this or the use of the site so it will not impede the normal and orderly development or improvement of other property in the vicinity.

4. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public ways.

The surrounding site remains the same as well as the usage. Pedestrian and vehicular traffic will not be affected.

5. That adequate parking, utilities, access roads, drainage and other facilities necessary for the operation of the Special Use either exists or will be provided.

Parking, utilities, access roads and other facilities will not have to be changed or addressed in order for the Greeley outdoor learning and play space to operate successfully within the community. However, drainage issues are being assessed and with the new site will be constructed to allow for optimal drainage. Additionally, there is a reduction in asphalt and impermeable surface so any drainage issues from the current site are improved.

6. That the Special Use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes.

The Greeley outdoor learning and play space will conform to all applicable regulations of the Village.

FINDINGS OF THE ZONING BOARD OF APPEALS

1. The requested variations are within the final jurisdiction of the Village Council.
2. The requested variations are in harmony with the general purpose and intent of the Winnetka Zoning Ordinance. The proposal is compatible, in general, with the character of existing development within the immediate neighborhood with respect to architectural scale and other site improvements.

3. There are practical difficulties or a particular hardship which prevents strict application of Section 17.30.050 [Front and Corner Yard Setbacks] of the Winnetka Zoning Ordinance which is related to the use or the construction or alteration of buildings or structures.

The evidence in the judgment of the Zoning Board of Appeals has established:

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.

If the learning space can only be located 30 feet from the property line, then many of the existing features would have to be eliminated because there is not enough room in the center of the school property to accommodate them. Furthermore, the children would lose much of their current play space because it would require the elimination of some of the basketball courts and other game space. The new fence will be installed along the same line on the property as the current fence is standing.

2. The plight of the owner is due to unique circumstances. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants.

The site of the play yard is surrounded on three sides by streets, on the north by Hawthorn Lane, on the east by Woodland Avenue, and on the south by Elder Lane. The school occupies the west side of the play yard. There is no place to relocate the outdoor learning space if the setback requirement is not waived without placing it in the center of the asphalt area. This would place the equipment and other activities closer to the school, possibly disrupting the quiet atmosphere required for the learning environment inside the school. It would also place the equipment in the center area the children use for playing games and recess, visually blocking the supervision of the entire play yard. Furthermore, the amount of play and learning space would be significantly reduced with the setback requirement.

3. The variations, if granted, will not alter the essential character of the locality.

Existing playground equipment currently sits in the areas proposed for the new learning space. All of the design for new outdoor learning space is intended to be more natural and to blend with the outdoors and the neighborhood. Wherever possible, both natural and natural-looking materials will be used including natural grass and other green materials. Regarding the fence, the new fence design is much more in alignment with neighborhood fences and would be a significant aesthetic improvement to the current chain link fence that is there now. A playground has existed on this site for many years and the proposed learning space is a vast improvement both visually and as a place for student and the community to learn, gather, and imagine. The new outdoor learning space will greatly enhance and benefit the students at Greeley school and the surrounding neighborhood as an open space where learning and fun are combined.

4. An adequate supply of light and air to adjacent property will not be impaired.

The new learning space will not change the amount of light and air on the school property or the properties across the streets.

5. The hazard from fire or other damages to the property will not be increased.

The hazard will not be increased and the site and all the features will comply with all safety codes.

6. The taxable value of land and buildings throughout the Village will not diminish.

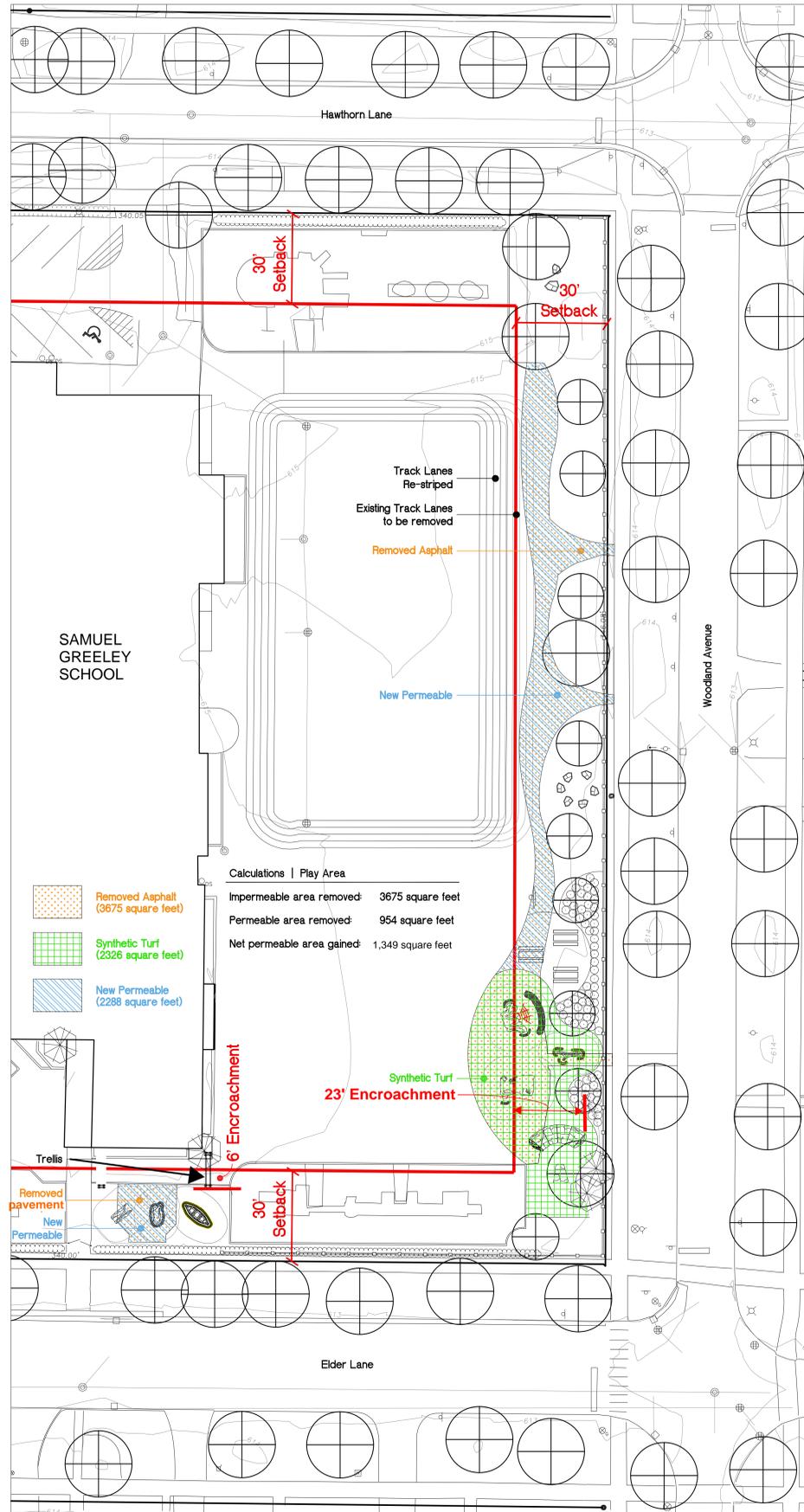
The current school property is not taxed and this would not change with the addition of the new learning space.

7. The congestion in the public street will not increase.

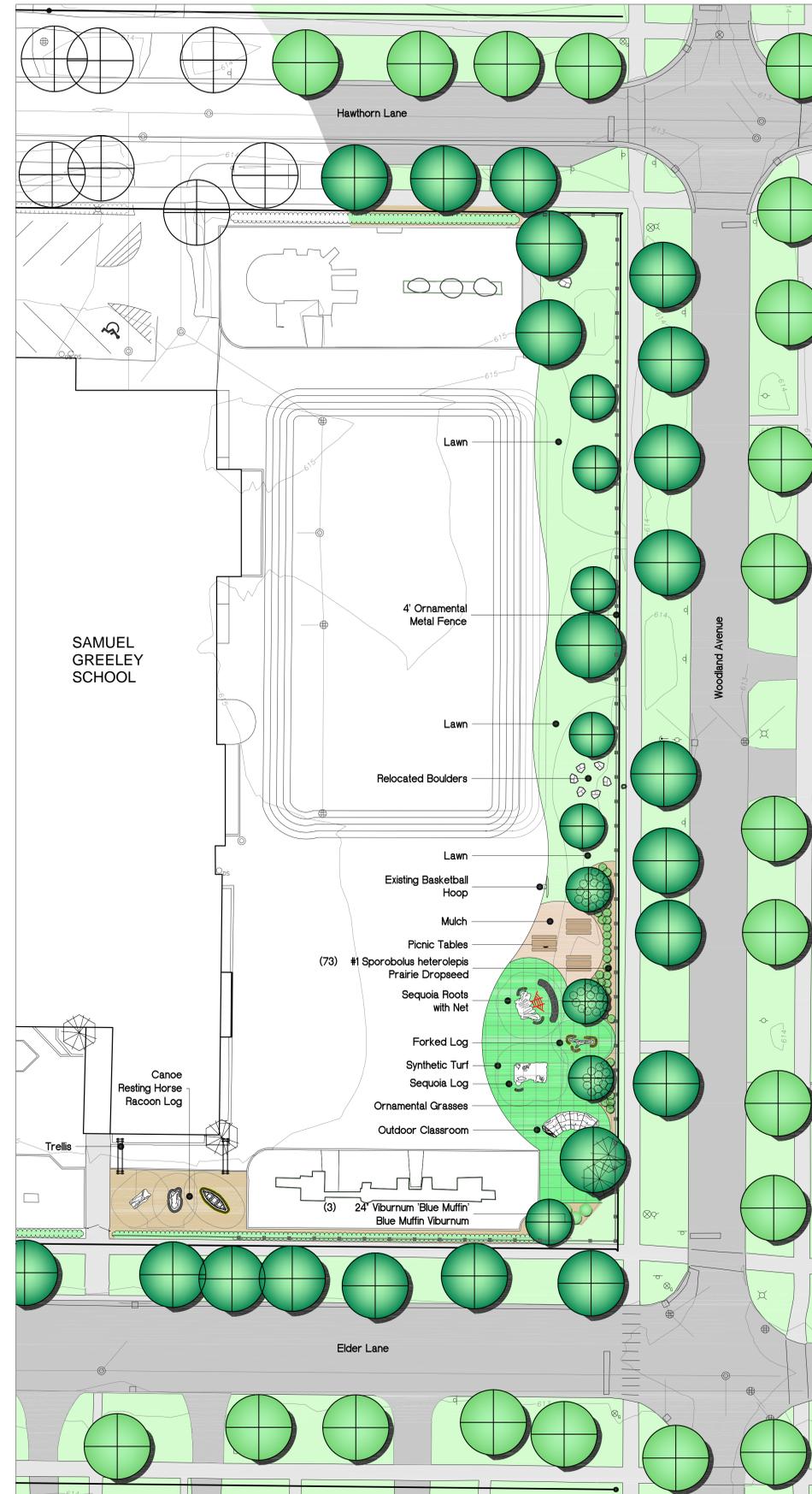
The learning playground will not affect the amount of traffic on the surrounding streets.

8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not otherwise be impaired.

The new learning space and equipment will meet the current standards and guidelines of the United States Consumer Product Safety Commission (USCPSC), the American Society for Testing Material (ASTM), and the Americans for Disabilities Act (ADA). This will result in a safe, fun, and educational learning space and play space for the children of the community. In addition, less impermeable surface and generally a more natural environment are proposed in the new design, which will provide additional aesthetic benefits to the neighbors. The amount of impervious surfacing will be reduced by 1300 square feet.



▲ Play Area Setbacks and Calculations



▲ Play Area Plan

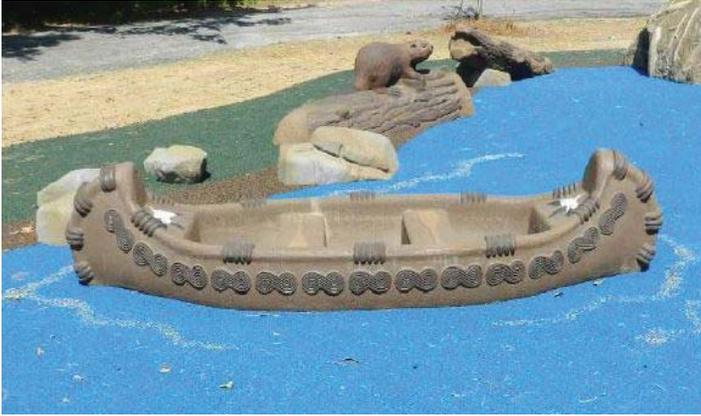


Drawn	Checked
DRM	DRM
Issue Date	Revision Schedule
28 OCT 2014	Number Description Date

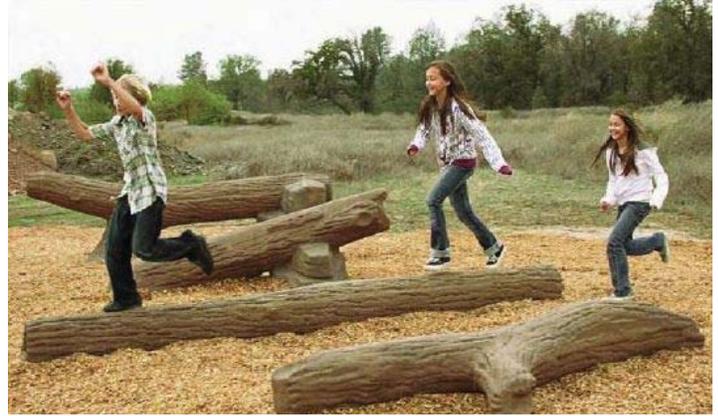
EXHIBIT D



PROPOSED PLAY EQUIPMENT and SITE IMPROVEMENTS (REFERENCE DRAWING L-101)



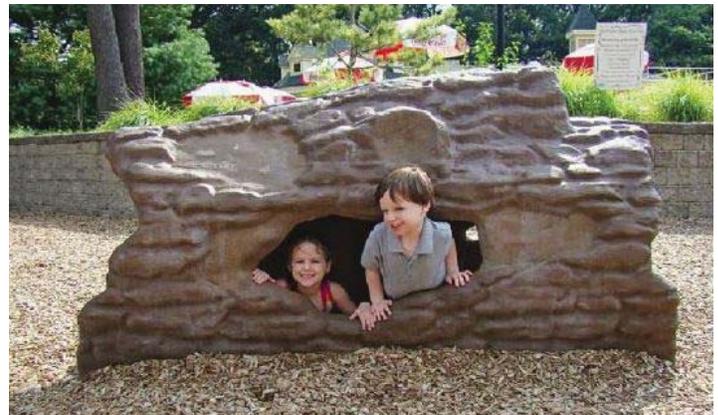
Canoe



Forked Log



Outdoor Classroom



Raccoon Log

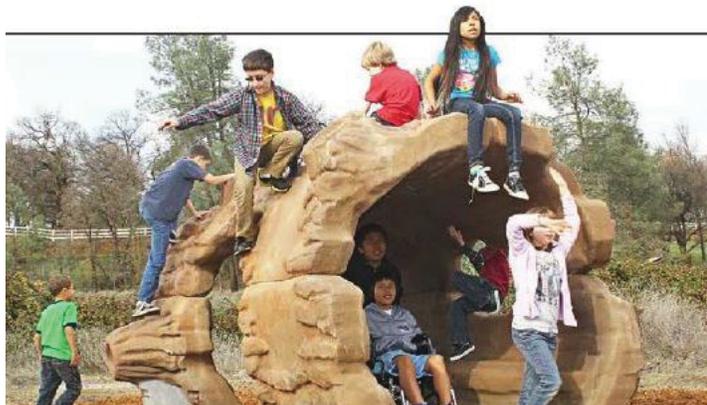


Resting Horse

Dream Green Project
Winnetka School District 36
Samuel Greeley School

1310-201437
28 Oct 2014

PROPOSED PLAY EQUIPMENT and SITE IMPROVEMENTS
 (REFERENCE DRAWING L-101)



Sequoia Log



Sequoia Roots with Net



Wood Slat Table



Ornamental Metal Fence (existing fence at northwest corner of school property)



Trellis

Dream Green Project
 Winnetka School District 36
 Samuel Greeley School

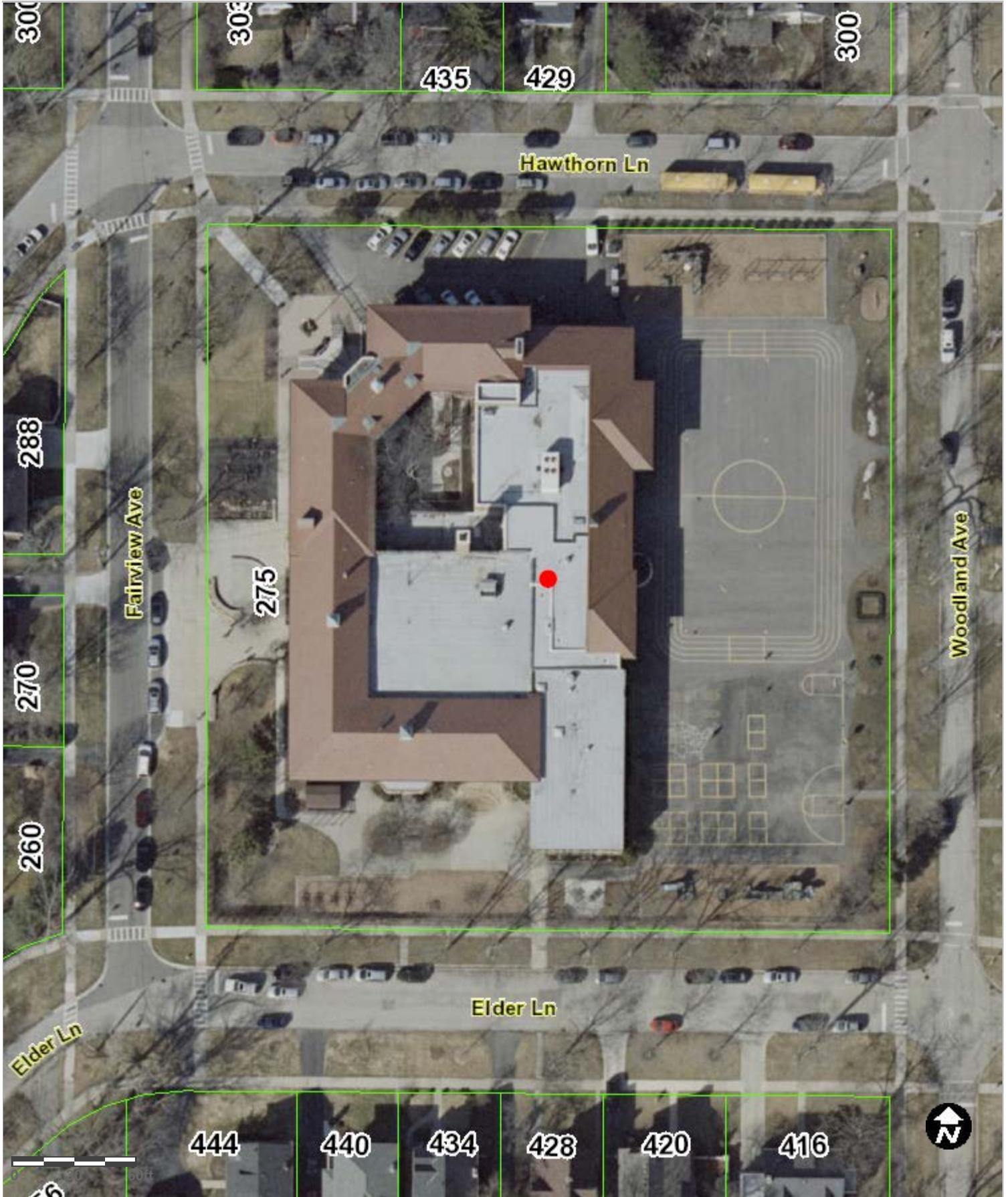
1310-201437
 28 Oct 2014

ATTACHMENT C



MapOffice™

Samuel Greeley School, 275 Fairview



Explain in detail how the proposed Special Use meets the following standard. Under the terms of the Zoning Ordinance, no Special Use Permit shall be granted unless it is found:

1. That the establishment, maintenance, and operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare;
2. That the Special Use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;
3. That the establishment of Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;
4. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways;
5. That adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the Special Use exists or are to be provided; and
6. That the Special Use in all other respects conforms to the applicable regulations of this and other village ordinances and codes.

Respectfully Submitted,



Property Owner

Dr. Susan Pingitore, Business Manager
Winnetka Public School District 36
1235 Oak Street
Winnetka, IL

Address

28 October 2014

Date

28 October 2014

SPECIAL USE PERMIT APPLICATION – Narrative and Standards Response

Greeley Outdoor Learning and Play Space – Dream Green

Samuel Greeley School
Winnetka Public School District 36
275 Fairview Avenue
Winnetka, Illinois 60093

Narrative:

Over the last several years the Greeley Parent Teacher Organization (PTO) has been working to make a new outdoor learning and play space – a project we’ve called “Dream Green”- a reality. The project is much more than a playground upgrade. For almost 3 years, the Greeley community painstakingly researched the needs and desires of our community and developed something truly unique: an outdoor play and learning environment that operates, not just as a space for recess and gym, but as a seamless outdoor extension of the school’s deeper mission. We are very pleased and excited that District 36 is working in partnership with us to bring this project to fruition.

The new Greeley Outdoor Learning and Play Space extends Greeley’s curriculum beyond the walls of the school, provides opportunities for every child to engage and grow while addressing the practical needs of our administration, teachers, staff, parents, and the greater neighborhood community.

The project stands as an example of Winnetka’s leadership in education, demonstrating how outdoor space can serve a school well beyond recess and gym when it is woven into the fabric of the school’s mission, the hearts and minds of each individual student and the framework of the community at large. All of the funds to design, build and maintain the new space were raised by the PTO with the generous support from the extended Greeley community. Furthermore, no current play structures will be lost or moved in this redesign and all of the existing trees on the campus will remain and be incorporated as part of the plan for shade, learning, and play

Recess isn’t lost time. It’s a time to learn differently; viscerally or contemplatively, at one’s own pace and without direction from teachers. The space was thoughtfully redesigned using suggestions and thoughts from the community to provide the outdoor environment that will inspire creativity, curiosity, and engagement throughout the day while still maintaining the integrity of the neighborhood. It has also been designed to allow for sustainability and expansion should the Greeley community want to do so in the future.

The new space is designed to have the children engage nature everyday and is intended to complement the Greeley curriculum with features such as a natural outdoor classroom, climbing logs, and places to write, socialize and do artwork. This part of the Greeley site, which largely covers the corner area between Elder Lane and Woodland Avenue is designed to bring more nature to the campus with added grass and natural looking play structures while still preserving the recreational activities that take place on the blacktop in including four square, the running track, and basketball.

A revitalized Greeley outdoors will also invite community interaction. With places to congregate and visit, to perform and observe, to rest and play, a new community center may emerge.

Net Reduction in Impermeable Surface Area:

Impermeable Surface Area: The project will move the eastern edge of the hard surface play area further west toward the building thereby increasing the turf area along Woodland Avenue. A synthetic turf product is proposed for the play area to be installed at the south end of the playground along Woodland.

The proposed project results in the following changes to the surface area:

Removed asphalt, east edge of playground	-3,337 SF
New impermeable synthetic turf	+2,326 SF
Removed hard surface at south property line	-338 SF
Net reduction in impermeable surface	1,349 SF

28 October 2014

SPECIAL USE PERMIT APPLICATION – Narrative and Standards Response

Explain in detail how the proposed Special Use meets the following standard. Under the terms of the zoning ordinance, no Special Use Permit shall be granted unless it is found:

- 1) That the establishment, maintenance, and operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare.

The Greeley Outdoor Learning and Play Space will not be detrimental or endanger the public health, safety, comfort, morals, and general welfare. The new space is an improvement on the current site and will add more natural elements to the Greeley property as well as more places for children to play, learn, and gather. All of the structures and the entire site will meet all applicable playground, building and outdoor structure and environmental codes. The entire design has been developed with safety as the first priority and will likely create safer places to play and learn because it is more than just traditional climbing and swinging structures and includes places for sitting and gathering. The overall improved appearance and integration with the surrounding environment should provide for an improved general welfare.

- 2) That the Special Use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;

The new space will be an improvement for the surrounding community in that it is thoughtfully designed to be a more natural environment meant to complement the surrounding the neighborhood. Much of the asphalt will be replaced with natural surfaces such as grass, mulch and plantings where possible. The new site will not impair property values; rather, it will likely improve them with the improved aesthetics.

- 3) That the establishment of Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;

The site is currently a school ground with playground equipment where children have recess, gym, and play. The new site does not change this or the use of the site so it will not impede the normal and orderly development or improvement of other property in the vicinity.

- 4) That adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion and in the public ways;

The surrounding site remains the same as well as the usage. Pedestrian and vehicular traffic will not be affected.

- 5) That adequate parking, utilities, access roads, drainage, and other facilities necessary to operation of the Special Use exists or are to be provided; and

Parking, utilities, access roads and other facilities will not have to be changed or addressed in order for the Greeley outdoor learning and play space to operate successfully within the community. However, drainage issues are being assessed and will the new site will be constructed to allow for optimal drainage. Additionally, there is a reduction in asphalt and impermeable surface so any drainage issues from the current site are improved.

- 6) That the Special Use in all other respects conforms to the applicable regulations of this and other village ordinances and codes.

The Greeley outdoor learning and play space will conform to all applicable regulations of the village.

CASE NO. 14-34-SU

**APPLICATION FOR VARIATION
WINNETKA ZONING BOARD OF APPEALS**

Owner Information:

Name: Greeley School PTO; Winnetka Public School District 36 (owner)

Property Address: Samuel Greeley School, 275 Fairview Ave., Winnetka, IL 60093

Home and Work Telephone Number: 847-446-9400 Susan Pingitore (SD36)
home; [redacted] Kim Ronan (PTO)

Fax and E-mail: [redacted] - Kim Ronan (PTO)
susanpingitore@winnetka36.org - Susan Pingitore (SD36)

Architect Information: Name, Address, Telephone, Fax & E-mail:

George W. Reigle, greig@greenassociates.com

GreenAssociates, Inc., 111 Deerlake Road, #135, Deerfield, IL 60015 847-317-0852

Attorney Information: Name, Address, Telephone, Fax & E-mail:

Date Property Acquired by Owner: _____

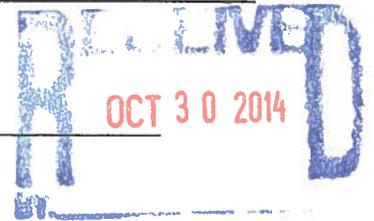
Nature of Any Restrictions on Property: _____

Explanation of Variation Requested: Please see attached.
(Attach separate sheet if necessary)

OFFICE USE ONLY

Variation Requested Under Ordinance Section(s): _____

Staff Contact: _____ Date: _____



STANDARDS FOR GRANTING OF ZONING VARIATIONS

Applications must provide evidence and explain in detail the manner wherein the strict application of the provisions of the zoning regulations would result in a clearly demonstrated practical difficulty or particular hardship. In demonstrating the existence of a particular difficulty or a particular hardship, please direct your comments and evidence to each of the following items:

1. The property in question can not yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.
2. The plight of the owner is due to unique circumstance. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants.
3. The variation, if granted, will not alter the essential character of the locality.
4. An adequate supply of light and air to the adjacent property will not be impaired.
5. The hazard from fire and other damages to the property will not be increased.
6. The taxable value of the land and buildings throughout the Village will not diminish.
7. The congestion in the public street will not increase.
8. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired.

For your convenience, you will find attached examples of general findings, for and against the granting of a variation, which have been made by the Zoning Board of Appeals and Village Council in prior cases.

NOTE: The Zoning Board of Appeals or the Village Council, depending on which body has final jurisdiction, must make a finding that a practical difficulty or a particular hardship exists in order to grant a variation request.

Property Owner's Signature  Date: 28 Oct 2014

Dr. Susan Pingitore

(Proof of Ownership is required)

Variations, if granted, require initiation of construction activity within 12 months of final approval. Consider your ability to commence construction within this 12 month time period to avoid lapse of approvals.



Greeley School PTO

October 28, 2014

Dear Members of the Zoning Board of Appeals:

Winnetka Public School District 36 and Greeley School are pleased and excited to present the new Greeley Outdoor Learning and Play Space to the Zoning Board of Appeals. In addition to hoping to obtain the Special Use Permit we applied for, we also have several items for which we would like to obtain a zoning variance. The PTO has been working on this project for several years developing the plans and working with the community to raise the funds necessary to make it a reality. The efforts of many people have gone into development of this new outdoor learning space and our hope is that it will not only provide a new exciting place for Greeley students to play, learn, and discover, but it will also provide enhance the appearance of the playground area to the surrounding neighborhood.

Since Greeley is so much a part of the local neighborhood and the surrounding streets, we are committed to ensuring that the appropriate communication and feedback is taken into consideration as we proceed. To date, were several neighborhood meetings that occurred over the years as part of the planning process and we presented an earlier design to the Design Review Board and Zoning Board of Appeals in the spring of this year. However, the previous design was not appealing to everyone in the process in terms of their perception and appearance and we felt it was prudent to take more time to redesign the space to incorporate the feedback and design the right fit for the neighborhood

We would, if financially possible, like to incorporate a new fence into this project. Discussion and feedback from the last Village meetings we attended was taken into account in terms of aesthetics, as well as long term maintenance and durability and safety and functionality for the children. Most can agree the chain link fence currently surrounding Greeley which is 8 feet high on the entire East side of the playground, is not very aesthetically pleasing to the eye, nor does it convey the warm and inviting environment that you'll find inside Greeley School. It is our hope that we can replace the fence with the same type and style of fence that is currently found at the northwest entrance to the school.

We have raised the necessary funds from donations and the Greeley community, including the students, are very excited about the project overall and would like to see the transformation of the grounds begin to happen after years of planning. We hope you will consider the redesigned project so that we can move it forward and begin breaking ground in the spring of 2015.

Our variance items requested include:

- A decorative trellis intended to connect the new play space to the current kindergarten playground on the south side of the school on Elder road. The trellis is approximately 7.5 feet tall and, as mentioned, is meant to serve as an attractive and natural looking connection, or entryway, between the two playgrounds. The trellis was presented by the 4th grade class as their gift to the new playground. (a photo of a similar style to that being considered is included in the supporting documentation.) You will note on drawing L-101 that the trellis encroaches 6' into the setback.
- Playground equipment and seating proposed for the southeast edge of the property. You will note that a number of pieces of new equipment are placed such that they encroach up the easement along Woodland Avenue; the maximum encroachment being approximately 23'. There are a number of existing pieces of equipment already located in the area that will be removed. The layout presented is meant to maximize the balance of hard surface play area with informal individual and small group play areas for socialization and exercise. Additional low level landscaping will be provided along the eastern edge of this area to soften the appearance.

We hope you will consider our project for the special use permit, as well as the variance item, with our significant changes to the previous plans . We feel the new design is a very natural complement to the existing playground, as well as the neighborhood and will significantly enhance the outdoor experience for the Greeley community

Thank you for your time and consideration of the new Greeley Outdoor Learning and Play Space.

Sincerely,

Greeley School PTO

**Greeley School Outdoor Learning and Play Space
Zoning Variation Request**

Greeley Outdoor Learning and Play Space – Dream Green

Samuel Greeley School
Winnetka Public School District 36
275 Fairview Avenue
Winnetka, Illinois 60093

1. The property in question can not yield a reasonable return if permitted to be used only the conditions allowed by regulation in that zone.

If the learning space can only be located 30 feet from the property line, then many of the existing features would have to be eliminated because there is not enough room in the center of the school property to accommodate them. Furthermore, the children would lose much of their current play space because it would require the elimination of some of the basketball courts and other game space. The new fence will be installed along the same line on the property as the current fence is standing.
2. The plight of the owner is due to the circumstance. Such circumstances must be associated with the characteristics in question, rather than being related to the occupants.

The site of the play yard is surrounded on three sides by streets, on the north by Hawthorn Lane, on the east by Woodland Avenue, and on the south by Elder Lane. The school occupies the west side of the play yard. There is no place to relocate the outdoor learning space if the setback requirement is not waived without placing it in the center of the asphalt area. This would place the equipment and other activities closer to the school, possibly disrupting the quiet atmosphere required for the learning environment inside the school. It would also place the equipment in the center area the children use for playing games and recess, visually blocking the supervision of the entire play yard. Furthermore, the amount of play and learning space would be significantly reduced with the setback requirement
3. The variation, if granted, will not alter the essential character of the locality.

Existing playground equipment currently sits in the areas proposed for the new learning space. All of the design for new outdoor learning space is intended to be more natural and to blend with the outdoors and the neighborhood. Wherever possible, both natural and natural-looking materials will be used including natural grass and other green materials. Regarding the fence, the new fence design is much more in alignment with neighborhood fences and would be a significant aesthetic improvement to the current chain link fence that is there now. A playground has existed on this site for many years and the proposed learning space is a vast improvement both visually and as a place for students and the community to learn, gather, and imagine. The new outdoor learning space will greatly enhance and benefit the students at Greeley school and the surrounding neighborhood as an open space where learning and fun are combined.
4. An adequate supply of light and air to the adjacent property will not be impaired.

The new learning space will not change the amount of light and air on the school property or the properties across the streets.
5. The hazard from fire and other damages to the property will not be increased.

The hazard will not be increased and the site and all the features will comply with all safety codes.
6. The taxable value of the land and buildings throughout the Village will not diminish.

The current school property is not taxed and this would not change with the addition of the new learning space.

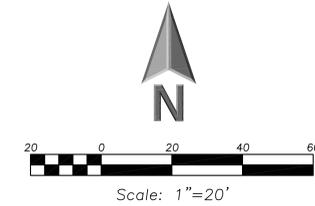
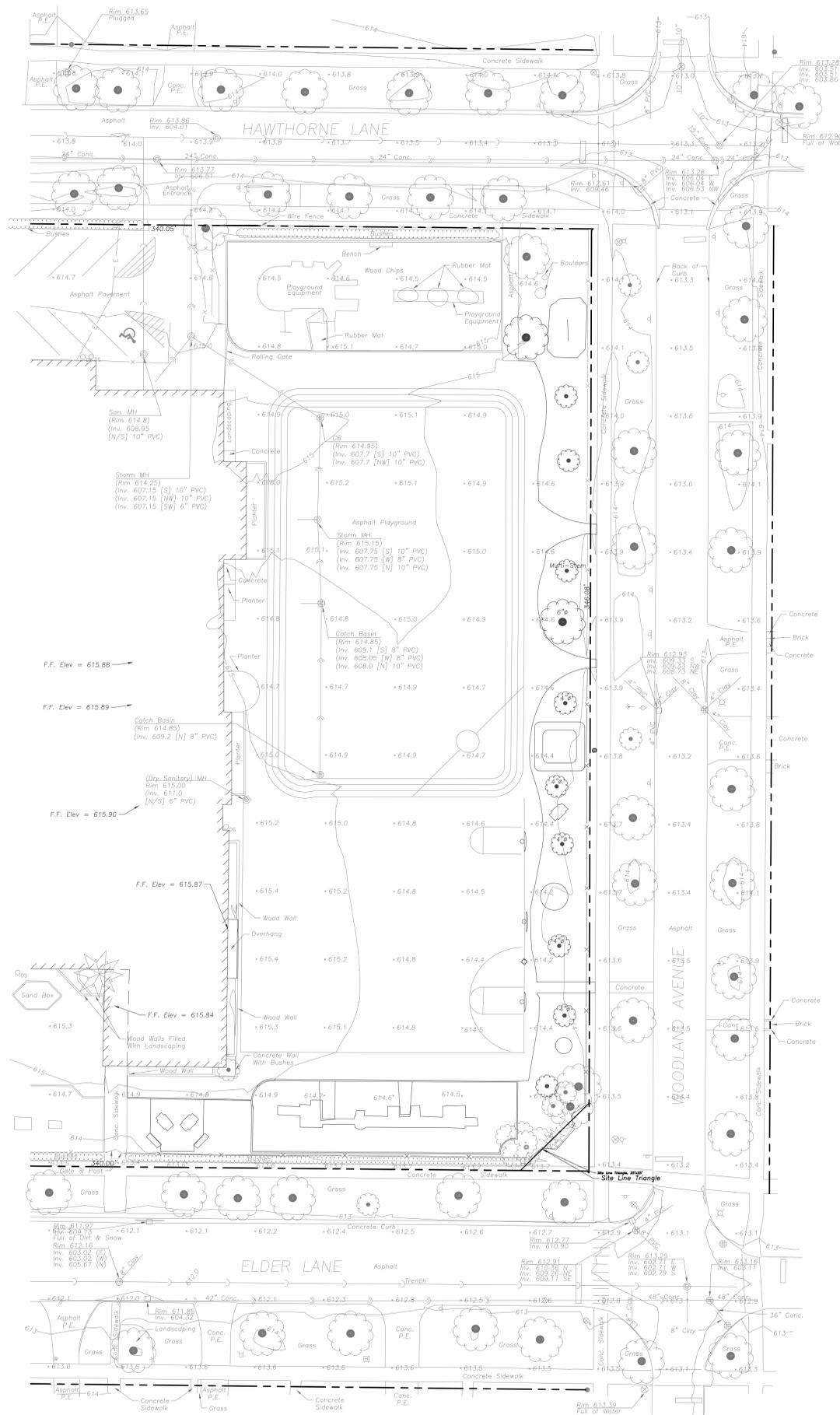
**Greeley School Outdoor Learning and Play Space
Zoning Variation Request**

7. The congestion in the public street will not increase.

The learning playground will not affect the amount of traffic on the surrounding streets.

8. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired.

The new learning space and equipment will meet the current standards and guidelines of the United States Consumer Product Safety Commission (USCPSC), the American Society for Testing Materials (ASTM), and the Americans for Disabilities Act (ADA). This will result in a safe, fun, and educational learning space and play space for the children of the community. In addition, less impermeable surface and generally a more natural environment are proposed in the new design, which will provide additional aesthetic benefit to the neighbors. The amount of impervious surfacing will be reduced by 1300 square feet



DREAM GREEN - PLAY AREA IMPROVEMENT PLAN
WINNETKA PUBLIC SCHOOL DISTRICT 36
275 FAIRVIEW AVENUE
WINNETKA, ILLINOIS 60093

**GREELEY SCHOOL
EXISTING CONDITIONS**

Drawn Author Checked Checker

Issue Date
28 OCT 2014

Number	Description	Date
	Revision Schedule	

SURVEY PROVIDED BY:

Plat of Survey and Topography Provided By Wendler Engineering Services, Inc. For Greeley School - Winnetka on January 19, 2007. Job Number 206650.

Additional Site And Building Information Has Been Traced From Google Earth Images, Oct. 2013. EEA Makes No Claims To Accuracy of Information. Contractor To Verify All Conditions in Field.

Project Number
1310-201437

Project Phase
DESIGN DEVELOPMENT

Sheet

EX-101

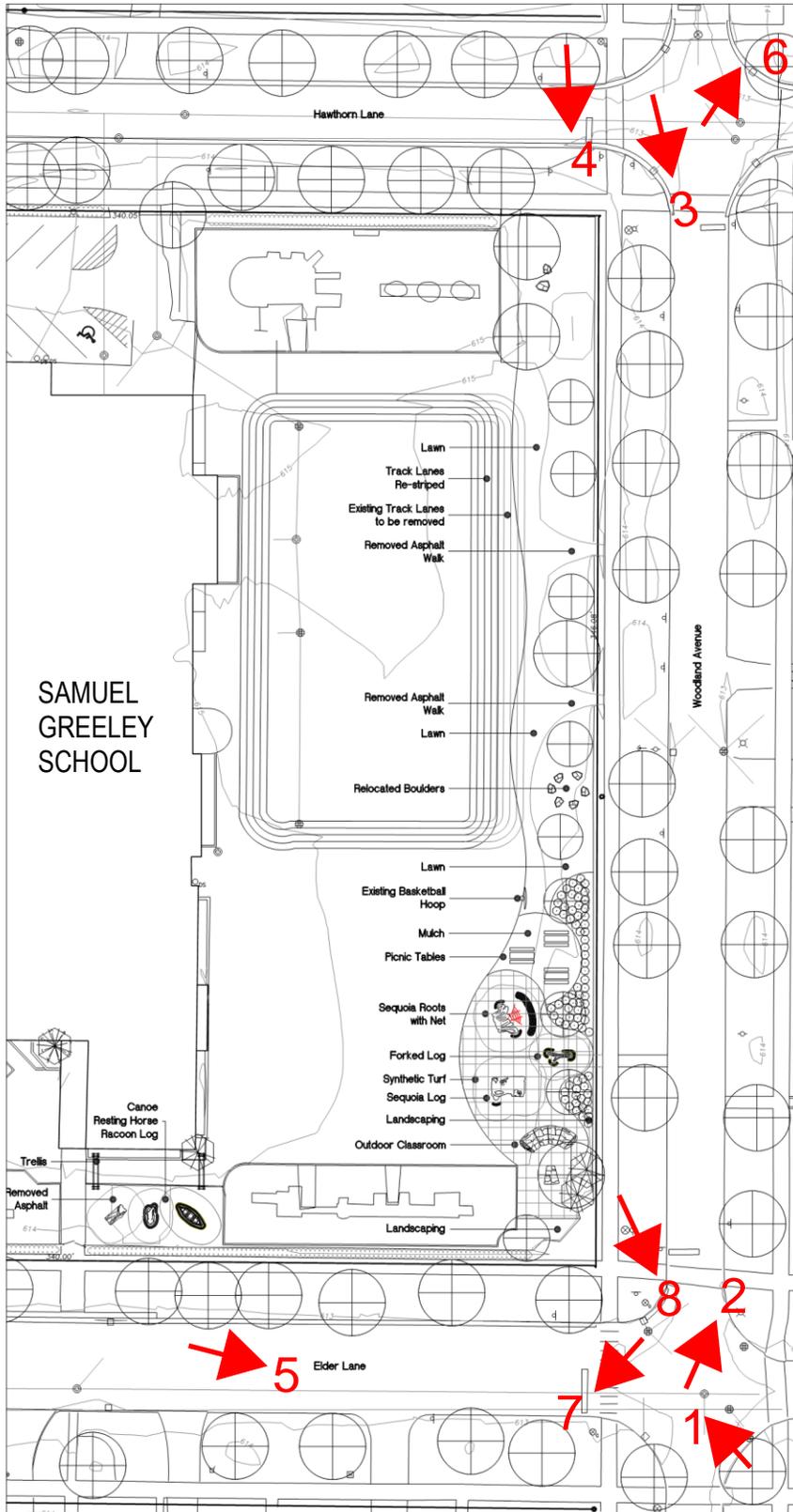


PHOTO KEY - SITE PLAN



Dream Green Project
 Winnetka School District 36
 Samuel Greeley School

1310-201437
 28 Oct 2014

ADJACENT PROPERTY PHOTOS
(REFERENCE PHOTO KEY - SITE PLAN)



1.



2.



3.



4.

Dream Green Project
Winnetka School District 36
Samuel Greeley School

1310-201437
28 Oct 2014

ADJACENT PROPERTY PHOTOS
(REFERENCE PHOTO KEY - SITE PLAN)



5.



6.



7.



8.

Dream Green Project
Winnetka School District 36
Samuel Greeley School

1310-201437
28 Oct 2014

ADJACENT PROPERTY PHOTOS
(REFERENCE PHOTO KEY - SITE PLAN)



9.

Dream Green Project
Winnetka School District 36
Samuel Greeley School

1310-201437
28 Oct 2014

ATTACHMENT E

WINNETKA PLAN COMMISSION EXCERPT OF MEETING MINUTES NOVEMBER 19, 2014

Members Present:

Scott Myers, Acting Chairman
Caryn Adelman
Jan Bawden
Jack Coladarci
Paul Dunn
John Golan
Matt Hulsizer
Keta McCarthy
Jeanne Morette
John Thomas

Non-voting Members Present:

Richard Kates

Members Absent:

Tina Dalman
Louise Holland

Village Staff:

Brian Norkus, Assistant Director of Community
Development

Consideration of Special Use Permit Request by Winnetka Public Schools District 36 for Proposed Renovations at Greeley School, 275 Fairview Avenue

Chairman Myers noted that for the record, he is a member of the ZBA and would not be voting on the matter since he would be hearing the same item at that meeting. He also stated that before they get started, the Commission has received all of the material. Chairman Myers stated that he would now go around the table and that if any Commission members had any specific questions that they want the applicant to address in their presentation, to get those out ahead of time.

Ms. Bawden asked what the contingency for cost overruns is.

Mr. Dunn stated that he had no questions.

Mr. Thomas asked if the photograph is on water or if it is fake water.

George Riegle of Green Associates, Inc. responded that it is fake water.

Mr. Hulsizer stated that he would abstain from the matter.

Ms. Adelman stated that her question related to the relationship between the school district and the

PTO and if they would be assuming different obligations.

Mr. Kates commented that he is glad to see the neighbors here.

Ms. McCarthy asked if there would be any traffic impact during construction with regard to the children, the school and safety precautions.

Chairman Myers stated that this is the second time that School District 36 went through the process on the playground. He noted that it did not reach planning last time and that it was presented to the ZBA and the DRB. Chairman Myers then stated that the concern last time related to the structure being proposed which contained a fairly large tent over it. He also stated that the neighbors were concerned with visibility and what it would look like. Chairman Myers noted that is no longer part of the plan and that otherwise, there were no real issues. He then stated that he would like to applaud the applicant for their responsiveness to neighbor concerns.

Mr. Riegle stated that he would present the request for the Winnetka Public Schools District 36 and introduced Kim Ronan of the Greeley PTO, and Susan Pingitore of District 36. He informed the Commission that he would walk through the plans as they exist today and which are in the material. Mr. Riegle noted that the plan changed considerably from the last time the request was presented to the Village. He then referred the Commission to an illustration and stated that with regard to the edge of the asphalt, the plan is to maintain the trees along the eastern edge and to pull the edge of the asphalt paving to the play space edge in order to increase the green space between the sidewalk and the edge of the building. Mr. Riegle also stated there are a number of sidewalks which he identified for the Commission and then referred to the attachment of the sidewalk along the street. He then stated that they planned to eliminate that increase the amount of green space. Mr. Riegle informed the Commission that they planned to make an undulating border along the asphalt. He also stated that they planned to maintain the trees and develop the playground toward the south edge which will have an artificial turf surface and a small seating area. Mr. Riegle informed the Commission that the playground on the south side would remain intact and that they would develop a small play area at the south of the building.

Mr. Riegle then stated that there are a number of photographs of the playground equipment. He informed the Commission that in the previous version of the plan, there were a number of structures which are not part of this plan. Mr. Riegle stated that they are proposing new pieces of equipment for the children which would be arranged in an area he identified for the Commission.

Mr. Coladarci arrived at the meeting at this time.

Mr. Riegle stated that the existing stone would be relocated to another area and identified the seating area for the Commission. He also stated that it is their hope to replace the fencing. Mr. Riegle stated that on the southeast and north edge of the property, there is a chain link fence of varying heights and generations which is in bad condition. He then stated that the plan is to replace it with a 4 foot ornamental aluminum fence and identified what was installed at the northwest corner of the property when the renovation work was done at the school 5 years ago. Mr. Riegle stated that the new fence would be more residential in scale and would deter foot traffic across the property. He then asked the Commission if they had any questions.

Chairman Myers questioned construction traffic.

Mr. Riegle responded that the plan is to begin in early spring and do a majority of the work then. He then stated that if they can get in before the playground gets utilized regularly, they would take precautions to have the work done at a time when the children are not there or to set up a means to protect them from the construction activity. Mr. Riegle indicated that they did not envision the construction being a long, drawn out process and that there is not a lot of work involved. He also stated that it may take weeks for the equipment to arrive on a truck or two which would be placed over a matter of days. Mr. Riegle stated that they would make sure that the children would be monitored during activity.

Ms. McCarthy asked Mr. Riegle if they envision having trucks park in an area where the children are picked up.

Mr. Riegle responded that they envision trucks delivering materials and equipment and that they would not be parked there all day but maybe for an hour or so. He also stated that they would schedule deliveries so as not to interfere with the arrival and departure of the children which is typical of work they have done in the past. Mr. Riegle then stated that in connection with parking for the workers, they envision half a dozen vehicles and trucks which he commented is not a lot.

Chairman Myers asked if there were any questions for the PTO.

Kim Ronan introduced herself to the Commission as the Vice President of the PTO. She informed the Commission that the project has been going on for a number of years and that there have been a number of different iterations. Ms. Ronan stated that the project started as a PTO project and informed the Commission that they raised funds from the Greeley community. She then stated that the first time the request was presented, the PTO and owners worked with the school district. Ms. Ronan then referred to the separate architectural firm which was hired.

Ms. Ronan stated that they found that the request presented challenges from implementation and maintenance standpoints. She then stated that they worked those issues out with the school district and that they were also going through the Village process and heard feedback from the neighbors. Ms. Ronan stated that the PTO gifted money to the school district. She noted that there would be 10% held in reserve for overruns and that 10% would be set aside for maintenance which would roll over every year into a maintenance fund for the PTO to keep up.

Mr. Thomas asked if they held any public meetings in order for neighbors to comment before they finalized the plans and presented the request to the various Village boards.

Ms. Ronan confirmed that it has been a long project and that there were public meetings held with regard to the original design for the neighbors' input. She then stated that as it turned out, through the Village process, the other neighbors showed up. Ms. Ronan noted that they put the information in all of the neighbors' mailboxes with regard to the new plan as well as photographs. She stated that the project was then scaled back.

Chairman Myers asked if there were any other questions.

Mr. Kates asked if there were any drainage and storm water issues.

Mr. Riegler noted that they would not be changing a lot there and that they would be reducing the amount of impermeable surface. He then stated that with regard to grading, not a lot is going to change. Mr. Riegler added that the storm water on the property would be easily accommodated.

Chairman Myers asked the neighbors for both projects if they had any questions for Greeley. No questions were raised at this time. He then called the matter in for discussion.

Chairman Myers stated that in the packet of materials, the first two pages represented the criteria for a special use. He proposed that they not go through every item and suggested that the Commission look through them and that if there was something they want to discuss specifically, take out or have questions on, they would talk about it. Chairman Myers then stated that otherwise, he suggested that they deal with it in totality in one motion.

Ms. Adelman asked what if they had concerns about things like the design and whether that would be in the Commission's purview.

Chairman Myers referred to safety as one criteria that the Commission would be responsible for and that if they did not like the look of it, that would be the DRB.

Ms. Adelman then referred to the raccoon log and the sequoia where people can crawl into the hidden spaces and stated that she worried about what would happen during non-school hours.

Chairman Myers asked the applicant where the equipment came from and if it was used in other places.

Mr. Riegler informed the Commission that it is a manufactured product which is used in playgrounds around the country. He then stated that there are two different perspectives on safety. Mr. Riegler noted that the equipment met the safety standards and that the installation would meet the safety standards which are nationally recognized standards. He stated that they would be creating areas where the children can hide out of sight and that there would be an attempt to orient them so that they would be visible by the school staff. Mr. Riegler stated that on the weekends and after hours, it is their hope to have a fence which would provide discouragement which is the best they can hope for. He also stated that there are trees there now and underbrush which allowed concealing and that they planned to clean and open that area up. Mr. Riegler then stated that if the pieces were oriented where people could hide, it would be exposed to the street side. He added that there would also be lights on the building.

Ms. Ronan informed the Commission that was a very big point of discussion in connection with the use of the equipment after hours. She also stated that the redesign from the original plan was much more covered. Ms. Ronan stated that while the new equipment has openings, it would be and would be for five to six year old children. She reiterated that they did take into consideration after-hours activity.

Chairman Myers asked if there were any other questions with regard to the criteria. No additional

questions were raised by the Commission at this time. He then stated that he would like to entertain a motion and referred to the two pages in the packet of material in which Mr. Norkus provided the wording. Chairman Myers added that the motion can reference page nos. 2 and 3 of the document.

Mr. Thomas moved to recommend approval of the special use permit with an agreement that point nos. 1-13 on page nos. 2 and 3 of the draft from Mr. Norkus be treated as the Commission's consent. Ms. McCarthy seconded the motion. A vote was taken and the motion was unanimously passed.

AYES:	Adelman, Bawden, Dunn, Golan, Hulsizer, McCarthy, Morette, Thomas
NAYS:	None
NON-VOTING:	Kates, Myers
ABSTAIN:	Coladarci

**Findings of the Winnetka Plan Commission -
Consistency of the Greeley Elementary Special Use Permit
with the Village of Winnetka Comprehensive Plan**

After considering the application, the Commission makes its findings as follows,

The proposal **is consistent** with the following policies and objectives contained within the Village 2020 Comprehensive Plan:

Village Character and Appearance (pages 2-2 & 2-3)

- (1) "Encourage organizations, schools, religious institutions, businesses, and citizens in their efforts to beautify the Village."
- (2) "Use high quality design and materials when constructing public improvements. Enhance improvements with appropriate decorative details, artwork or sculpture."
- (3) "Ensure that commercial, institutional and residential development is appropriate to the character of and minimizes the adverse impact on its surrounding neighborhood."

Residential Areas (page 2-3)

- (4) "Protect residential neighborhoods and home from encroachment of incompatible land uses and traffic patterns."
- (5) "Maintain the quiet ambience of residential neighborhoods."

Educational and Community Institutions (page 2-5)

- (6) "Recognize the critical importance of educational, religious and other community

institutions to Village residents."

- (7) "Maintain an atmosphere in which diverse cultural, educational and religious organizations may flourish and in which special activities for residents of all ages may be enhanced."
- (8) "Engage in a public process that balances institutional goals and minimizes any adverse impact to the character of the adjacent residential neighborhood."
- (9) "Recognize that standards of educational excellence may change with time, thus necessitating changes in physical and financial resources."
- (10) "Support educational excellence and the enrichment of Winnetka's religious and cultural environment"

Parks, Open Space, Recreation and Environment (pages 2-5 & 2-6)

- (11) "Preserve or expand the quantity, quality and distribution of open space and recreational opportunities", and to "protect the Village's natural features and environmental resources."
- (12) "Preserve significant trees and encourage new tree planting on public and private properties to the greatest extent possible."
- (13) "Foster greater cooperation among all institutions - private and public - in the joint use of their recreational facilities."

RESOLUTION

NOW THEREFORE BE IT RESOLVED that the Winnetka Plan Commission finds that the proposed Special Use Permit application for proposed improvements to Greeley Elementary is consistent with the Village of Winnetka Comprehensive Plan.

Passed by a vote of eight in favor, none opposed and one abstention.

ATTACHMENT F

Design Review Board/Sign Board of Appeals
November 20, 2014

Page 8

Mr. Norkus then stated that the Board can make it a condition of approval.

Ms. Stanley asked if there would be no change to the wood panel.

Mr. Hoffer responded that there would be no construction or modification to the building.

Chairman Swierk asked if there were any comments from the audience. No comments were made by the audience at this time. He then asked for a motion.

Ms. Stanley moved for the issuance of a Certificate of Appropriateness to approve the Starbucks new awning, graphics, blade sign and window sign with the provision that the blade sign on the east side is centered on the wood panel vertically and horizontally and that the awnings match those of adjacent spaces.

Mr. Dearborn seconded the motion. A vote was taken and the motion was unanimously passed.

AYES: Dearborn, Kelly, Klaskin, Stanley, Swierk

NAYS: None

Comment to Village Council Regarding Special Use Permit Application by the Winnetka Public Schools District 36 for Proposed Renovations at Greeley School, 275 Fairview Avenue

Dr. Susan Pingatore introduced herself as representing District 36 and introduced Colin Marshall of Green and Associates Architects.

Mr. Marshall explained that this matter was before the Design Review Board in April, and that based on comments and concerns from neighbors and the Board, the plan for the playground has been significantly modified and reduced in scope. He stated that concerns over the previous plans were related to the structure being proposed which included a fairly large canvas "tent". He also stated that part of the plan's original design included an elaborate undulating cedar fence.

Mr. Marshall referred the Board to an illustration and stated that with regard to the edge of the asphalt, the plan is to maintain the trees along the eastern edge and to pull the edge of the asphalt paving to the play space edge in order to increase the green space between the sidewalk and the edge of the building. He then stated that they planned to eliminate that to increase the amount of green space. Mr. Marshall informed the Board that they planned to make an undulating border along the asphalt. He also stated that they planned to maintain the trees and develop the playground toward the south edge which will have an artificial turf surface and a small seating area. Mr. Marshall informed the Commission that the playground on the south side would remain intact and that they would develop a small play area at the south of the building.

Mr. Marshall referred to a number of photographs of the playground equipment. He informed the Board that in the previous version of the plan, there were a number of structures which are not part of this plan. Mr. Marshall stated that it is their hope to replace the fencing. He stated that on the southeast and north edge of the property, there is a chain link fence of varying heights and generations which is in bad condition. He then stated that the plan is to replace it with a 4 foot ornamental aluminum fence and identified what was installed at the northwest corner of the property when the renovation work was done at the school 5 years ago. Mr. Marshall stated that the new fence would be more residential in scale and would deter foot traffic across the property.

Mr. Marshall summarized that there would be a lot of change, and that they would be reducing the amount of impermeable surface.

Board members thanked the applicants for their responsiveness to neighbor concerns voiced at the April meeting.

A motion was made by Mr. Klaskin to recommend approval of the request for Special Use Permit.

Ms. Kelly seconded the motion. A vote was taken and the motion was unanimously passed.

AYES: Dearborn, Kelly, Klaskin, Stanley, Swierk
NAYS: None

**Comment to Village Council Regarding Special Use Permit Request by New Trier
H.S. District 203 for Winnetka Campus Addition and Renovation, 385 Winnetka Avenue**

Dr. Linda Yonke introduced herself to the Board as the Superintendent of New Trier High School District 203. She stated that the Board has received the materials. Dr. Yonke began by stating that the plan has been developed over four years and specifically during the past year through the fall and last winter. She informed the Board that Wight & Company was chosen as the architect and that they were chosen out of three finalists as the preferred architects. Dr. Yonke stated that the goal for the project was to address the most critical educational and physical plan needs with extensive community engagement throughout the process and which she described as an important part of the process. Dr. Yonke stated that they have had five mailings to households in New Trier Township which included 24,000 homes. She then stated that they have had dozens of meetings, workshops, tours, presentations and a survey and that their goal was provide information on the project and to simultaneously seek input as the plan evolved.

Dr. Yonke then stated that as the Comprehensive Plan states, the standards of educational excellence may change over time, thus necessitating changes in physical and financial resources.

ATTACHMENT G



1235 Oak Street • Winnetka, IL 60093
phone 847-446-9400 • fax 847-446-9408
Susan Pingitore, Ed.D., Chief Financial Officer/CSBO
susanpingitore@winnetka36.org



December 18, 2014

Mr. Michael D'Onofrio
Director of Community Development
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60193

Sent Via Email mdonofrio@winnetka.org

Dear Mr. D'Onofrio:

On behalf of The Winnetka Public Schools and the Greeley Parent-Teacher Organization, I am writing to request that the Village Council waive the introduction of the Dream Green project when the Council meets on January 6, 2015.

It is my understanding that if the Village Council unanimously approves the waiver that the special use permit needed for the project will be considered for approval by the Council on January 20, 2015.

The Dream Green outdoor classroom project has been many years in the making. This fall the concept was redesigned and scaled back based on feedback the PTO received from the Village commissions and your staff.

The District would like to award the contract to construct Dream Green at the January meeting of the School Board so that we can break ground over spring break. This timeline is important to the community because the parents who have so active in the project would like to have their children participate in outdoor classroom activities before they move on to The Skokie School in the fall.

I sincerely appreciate the Council's consideration of this request. The District is confident that Dream Green will be an asset for the school community and the greater Greeley community to enjoy for years to come.

Sincerely,



Susan Pingitore, Ed.D.
Chief Financial Officer/CSBO

A Community of Learners



Agenda Item Executive Summary

Title: Ordinance No. M-4-2015: New Trier High School Parking Lease- Intro/Adopt

Presenter: Edward McKee, Finance Director

Agenda Date: 01/20/2015

- Ordinance
- Resolution
- Bid Authorization/Award
- Policy Direction
- Informational Only

Consent: YES NO

Item History:

The Village owns the property adjacent to the south-east corner of Green Bay Road and Winnetka Avenue. The Village previously leased this property to Land Rover, though that agreement expired last December. New Trier High School (NTHS) has expressed interest in leasing this space while their campus is being renovated. In order to assist NTHS with their space needs, Staff supports leasing this parcel to NTHS through June 2017 at the same rental rate as the prior tenant.

Executive Summary:

In 2001, the Village acquired the former G & W Auto Repair Facility located at the south-east corner of Green Bay Road and Winnetka Avenue. This site was identified in the Village's Comprehensive Plan as a potential location for a future park. When this site was purchased, the Village intended to rent it to the nearby Land Rover dealer, a significant sales tax generator, to allow them to store cars and perform minor repairs. The lease with Land Rover made them responsible for property taxes and a \$3,300 monthly rental rate. This lease ended December 31, 2014.

The Village has had a few general inquiries into the use of this site, but none of them have been high sales tax generating uses like the former auto sales facility. Recently, New Trier High School (NTHS) contacted the Village when they noticed that the auto sales facility was closing. Because of the renovations at NTHS, they have an interest in renting this space until June 2017.

While it might make sense for the Village to reserve this space to compliment another high sales tax producing entity within the Indian Hill Business District, the Village has no information to suggest such a use is imminent. Therefore, Staff recommends leasing the space to NTHS with very similar terms to that extended to Land Rover. Because NTHS is exempt from property taxes, the Village will seek tax exempt status for the parcels. The 2013 property taxes (paid in 2014) on this site totalled \$22,865.36.

I will be available at the January 20, 2015 Council Meeting to answer any questions.

Recommendation:

To facilitate the District's use of the space, Staff recommends waiver of introduction and adoption of Ordinance No. M-4-2015, leasing 93 and 125 Green Bay Road to New Trier Township High School District 203.

Attachments:

- 1) Ordinance No. M-4-2015
- 2) Property Lease Agreement
- 3) Lease Exhibits 1 & 2

AN ORDINANCE APPROVING A LEASE AGREEMENT
WITH NEW TRIER TOWNSHIP SCHOOL DISTRICT NO. 203
(93 and 125 Green Bay Road)

WHEREAS, the Village is the record title owner of those certain parcels of real property commonly known as 93 Green Bay Road ("**93 Green Bay Property**") and 125 Green Bay Road ("**125 Green Bay Property**") in Winnetka, Illinois (collectively, the "**Properties**"); and

WHEREAS, the 93 Green Bay Property is improved with: (i) a building and equipment formerly used by an automobile service station; and (ii) a surface parking lot; and

WHEREAS, the 125 Green Bay Property is improved with a surface parking lot; and

WHEREAS, the Village and New Trier Township School District No. 203 ("**Tenant**"), desire to enter into an agreement for the lease by the Village to Tenant of certain portions of the Properties and the improvements on the Properties for a term ending on June 30, 2017 ("**Agreement**"); and

WHEREAS, the Council of the Village of Winnetka ("**Village Council**") has determined that it will serve and be in the best interests of the Village and its residents to enter into the Agreement with Tenant;

NOW, THEREFORE, the Council of the Village of Winnetka do ordain as follows:

SECTION 1: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Ordinance as findings of the Village Council.

SECTION 2: APPROVAL OF AGREEMENT. The Agreement by and between the Village and Tenant is hereby approved in substantially the form attached to this Ordinance as **Exhibit A**.

SECTION 3: EXECUTION OF AGREEMENT. The Village President and the Village Clerk are hereby authorized and directed to execute and attest, on behalf of the Village, the Agreement upon receipt by the Village Clerk of at least one original copy of the Agreement executed by Tenant; provided, however, that if the executed copy of the Agreement is not received by the Village Clerk within 30 days after the effective date of this Ordinance, then this authority to execute and attest will, at the option of the Village Council, be null and void.

SECTION 4: EXERCISE OF HOME RULE AUTHORITY. The Village Council hereby declares that the approval of the Agreement and the adoption of this Ordinance are made pursuant to the home rule authority and powers of the Village.

SECTION 5: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

PASSED this ____ day of January, 2015, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2015.

Signed:

Village President

Countersigned:

Village Clerk

Published by authority of the
President and Board of Trustees
of the Village of Winnetka,
Illinois, this ____ day of _____,
2015.

Introduced: January 20, 2015

Passed and Approved: _____, 2015

EXHIBIT A
AGREEMENT

PROPERTY LEASE

THIS LEASE AGREEMENT (“*Lease*”), dated as of the effective date set for in Section 11.F of this Agreement, is made by and between the **VILLAGE OF WINNETKA**, an Illinois home rule municipal corporation (“*Village*”), and the Board of Education of New Trier Township High School District No. 203, Cook County, Illinois (“*Lessee*”).

SECTION 1: Recitals.

A. The Village owns the property commonly known as 93 Green Bay Road (“**93 Green Bay Property**”) and the property commonly known as 125 Green Bay Road (“**125 Green Bay Property**”) (collectively, the “**Properties**”).

B. The 93 Green Bay Property is improved with a building formerly used as a vehicle service garage and a surface parking lot.

C. The 125 Green Bay Property is improved with a surface parking lot.

D. The District operates the Winnetka campus of New Trier High School (“**High School**”), which is located at 385 Winnetka Avenue in the Village, generally to the east of the Properties.

E. The Village desires to lease to Lessee, and Lessee desires to lease from the Village, certain portions of the Properties in accordance with and pursuant to the terms, conditions, and restrictions of this Lease.

SECTION 2: Scope of Lease.

In consideration of the rent set forth in Section 6 of this Lease and other good and valuable consideration the sufficiency of which is hereby acknowledged and agreed, and subject to the terms and conditions hereinafter set forth, the Village hereby leases to Lessee the following portions of the Properties (collectively, the “**Lease Premises**”) for the storage of vehicles, equipment, and supplies owned by the District and for the parking of vehicles used by personnel of the District and the High School:

A. The 93 Green Bay Property, as depicted in the survey attached hereto and made a part hereof as Lease Exhibit A, subject to the exclusion of the shaded area in said Lease Exhibit 1, but including all improvements on the 93 Green Bay Property; and

B. The portion of the 125 Green Bay Property depicted on Lease Exhibit 2 attached hereto and made a part hereof, which includes parking for ten vehicles and is known as the Sunset Parking Area. Lessee shall be entitled to park vehicles in the striped spaces depicted in Exhibit 2 during school hours.

SECTION 3: Limitation of Rights Granted.

This lease does not grant any rights to the Lessee other than those specifically stated herein.

SECTION 4: Alterations, Maintenance and Condition of Property.

A. Lessee acknowledges that it is taking the Lease Premises AS-IS AND WHERE IS and that any alterations, modifications or improvements made to the Lease Premises will be made at Lessee’s own

expense; provided that the Lessee may make improvements to the roof and heater, subject to the Lessee's contractor naming the Village as an additional insured on the contractor liability insurance and all warranties passing to the Village.

B. No structural changes shall be made to the Lease Premises without the prior written approval of the Village Manager.

C. The Lessee shall be responsible for obtaining, at its own expense, such permits and approvals as may be required under applicable Village of Winnetka ordinances for work done on any part of the Lease Premises. If any proposed work is subject to the certificate of appropriateness requirements of the Winnetka Village Code, the Design Review Board shall consider the Lessee's application and submit a recommendation to the Village Council, which shall make the final determination as to whether the certificate shall be issued.

D. Lessee shall maintain the Lease Premises in good order and repair as long as Lessee remains in possession of the Property, normal wear and tear excepted.

E. Lessee's use of the Lease Premises shall at all times be in compliance with all applicable federal, State and local laws, rules, regulations and standards, including without limitation all applicable federal, State, and local environmental laws, rules, regulations and standards. Lessee shall not permit any pollutant, toxic substance or hazardous material to be released or discharged from the Lease Premises into the public way or onto any other property, and the Lessee shall be solely responsible for the cost of any remedial action that may be necessary to clean up any such pollutant, toxic substance or hazardous material. A violation of this paragraph by the Lessee shall be a material breach of this lease and shall entitle the Village to terminate this Lease for default. Lessee shall not be responsible for the cost of any remedial action that is required due to the actions or omissions of the Village.

SECTION 5: Term.

This Lease shall remain in effect for the period of February 2, 2015 through June 30, 2017, unless otherwise terminated as provided in this Lease.

SECTION 6: Rent.

A. During the term of this Lease, Lessee agrees to pay Lessor a monthly rental fee of \$3,300.00, which shall be paid to the Village on or before the first day of each month.

B. The failure of Lessee to pay the monthly rent within 14 days after receiving written notice that such amounts are past due shall be a material breach of this lease and shall entitle the Village to terminate this Lease for default.

SECTION 7: Liability, Indemnification and Insurance.

A. The Lessee hereby waives any and all claims that it, its employees, agents, successors and assigns may now have or may have in the future against the Village, its officers, employees, agents, successors or assigns, arising in whole or in part from the Lessee's use of the Lease Premises under this Lease, except to the extent any claims are caused by the negligent or willful acts of the Village.

B. The Lessee shall defend and hold harmless the Village, its officers, employees, agents, successors and assigns, from and against any and all claims, losses, liabilities and costs, including but not

limited to reasonable attorneys' fees, incurred by the Village, its officers, employees, successors and assigns for any damage or injury to property or persons, including third parties, arising in any way out of the applicant's use of the Lease Premises, except to the extent caused by the negligent or willful acts of the Village.

C. At all times while this Lease remains in effect, the Lessee shall procure and maintain liability insurance in the amount of at least \$2,000,000 to secure Lessee's performance of its obligations under the preceding paragraph.

D. The Village shall be named as an additional insured on all insurance policies required under this Lease. Lessee shall maintain on file with the Village current certificates of insurance, in a form acceptable to the Director of Finance, as evidence that the required insurance has been procured and remains in full force.

E. If there is a casualty to the building located on the Properties requiring demolition of the building and/or removal of debris, the Lessee shall reimburse the Village for the demolition and above ground debris removal costs the Village incurs within 30 days after receiving a written invoice from the Village; provided that the Lessee shall not be required to pay more than \$25,000 for such costs. Under no circumstances, however, shall the Lessee have any obligation to pay for the removal of any underground storage tanks. In addition, if the casualty is caused solely by the negligent or grossly negligent actions or omissions of the Village, the Village, and not the Lessee, shall be responsible for the full payment of the demolition and above ground debris removal.

SECTION 8: Reservation of Rights.

A. The Village reserves the right to adopt, from time to time, in addition to the provisions contained herein, such ordinances, rules and regulations as the Village Council may deem necessary in the exercise of the police power for the protection of the health, safety and welfare of the Village's citizens and their properties. If, however, such ordinances, rules and regulations have a material adverse impact on the Lessee's rights under this Lease, the Lessee may terminate this Lease after providing 14 days written notice to the Village. If the Lessee terminates this Lease, the Lessee shall have no further obligation to make any further lease payments to the Village other than those that were already due on the termination date, provided that the Lessee has vacated all useable portions of the Lease Premises upon termination of this Lease in accordance with the preceding sentence.

B. The Village reserves the right to enforce reasonable regulations concerning access to or use of the public ways or public property, including access to the Lease Premises, as may from time to time be provided by ordinance.

C. The Village reserves the right to waive any breach by Lessee of any of the covenants contained in this Lease. Such waiver shall not be deemed or considered as a continuing waiver and shall not operate to bar or prevent the Village from declaring that the Lessee is in default under this Lease for any succeeding breach of this Lease, whether the breach is of the same condition or covenant, or of another condition or covenant.

SECTION 9: Termination. This Lease shall be subject to termination by the Village in the event that the Lessee is in default of the performance of any of its obligations under this Lease and fails to cure the default within 30 days after receiving written notice from the Village. The Lessee may terminate this Lease if 25% or more of the Lease Premises becomes unusable due to fire or other casualty. In such case, the

Lessee shall have no further obligation to make any further lease payments to the Village other than those that were already due on the termination date, provided that the Lessee has vacated all useable portions of the Lease Premises upon termination of this Lease in accordance with the preceding sentence.

SECTION 10: Assignment and Transfer.

The Lessee shall not assign, transfer, sublease, pledge, surrender or otherwise encumber or dispose of this Lease or any estate created by this Lease or any interest in any portion of the Lease, or permit any other person(s), company or corporation to occupy the premises without first obtaining the written consent of the Village.

SECTION 11: Notices.

All notices to any party shall be in writing and shall be served by first class postage to the parties at the following address:

If to the Village: Village of Winnetka
510 Green Bay Road
Winnetka, Illinois 60093
Attention: Village Manager

If to Lessee: New Trier Township High School District No. 203
7 Happ Rd.
Northfield, Illinois 60093
Attention: Superintendent

SECTION 12: Miscellaneous Provisions.

A. The Lessee shall not allow or cause any lien or encumbrance to be recorded against the Properties at any time.

B. Subject to receiving 48 hour notice, the Lessee shall allow the Village's authorized representatives access to the Lease Premises at all reasonable hours, for the purpose of examining and inspecting the premises, for the purposes necessary or connected with the performance of its obligations under this Lease or in the exercise of its governmental functions.

C. It is understood and agreed that the only relationship intended to be created by this Lease between the Village and Lessee is that of lessor and lessee, or landlord and tenant, and that nothing in this Lease is intended or should be construed as creating or establishing any other relationship between the parties, such as partners or joint venturers, or as constituting either party as the agent, representative or employee of the other party, for any purpose or in any manner.

D. The Village represents that it has good and lawful right and authority to enter into this Lease. Village further represents that Lessee, on paying the rents reserved herein, and performing the covenants and agreements hereof, shall peaceably and quietly have, hold, and enjoy the Lease Premises during the term, and any extensions or renewals, without hindrance from the Village, subject to the terms of this Lease.

E. Lessee shall pay to the Village all fees for municipal services to which Lessee is already subject provided to the Lessee or to the Lease Premises during the term of this Lease, including but not limited to, water and electric services.

F. This Lease shall be deemed dated and become effective on the date the last of the parties signs as set forth below the signature of their duly authorized representatives.

IN WITNESS WHEREOF, the parties have caused this agreement to be duly signed and sealed in duplicate counterparts by their authorized officers, effective as of the date first written above.

VILLAGE OF WINNETKA

By: _____
Village President
Dated: _____

Attest:

Village Clerk

Board of Education of New Trier Township High
School District No. 203, Cook County, Illinois

By: _____
Board President:
Dated: _____

Attest:

(Seal)

Secretary



Lease Exhibit 2



Agenda Item Executive Summary

Title: 127 Church Road, Zoning Variation: Policy Direction

Presenter: Michael D'Onofrio, Director of Community Development

Agenda Date: 01/20/2015

Consent: YES NO

<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Bid Authorization/Award
<input checked="" type="checkbox"/>	Policy Direction
<input type="checkbox"/>	Informational Only

Item History:

None

Executive Summary:

The petitioners are requesting a variation by Ordinance from 17.30.030 [Intensity of Use of Lot] of the Winnetka Zoning Ordinance to permit a circular driveway that would result in a front yard lot coverage of 1,348.04 s.f., whereas a maximum of 999.94 s.f. is permitted, a variation of 348.1 s.f. (34.81%).

The variation is being requested in order to allow for the construction of a circular driveway in the front yard. The proposed driveway would have a width of 10.83 ft. and run across the majority of the width of the front yard. The proposed circular driveway would replace an existing front yard parking area. The existing front yard lot coverage is approximately 1,054 s.f.; the proposed driveway would result in a net increase of 294 s.f.

The Zoning Board of Appeals considered the application at its meeting December 8, 2014. The four voting members present voted 2 to 2 recommending denial of the variation request. Therefore, an ordinance has not been drafted; the application is pending policy direction from the Council.

Recommendation:

Provide policy direction.

Attachments:

Agenda Report
Attachment A: Zoning Matrix
Attachment B: GIS Aerial Map
Attachment C: Variation Application
Attachment D: Excerpt of December 8, 2014 ZBA minutes
Attachment E: Excerpt of December 2006 Village Council minutes

AGENDA REPORT

TO: Village Council

PREPARED BY: Michael D'Onofrio, Director of Community Development

SUBJECT: 127 Church Rd.
(1) Intensity of Use of Lot

DATE: January 8, 2015

The petitioners, Scott and Luvie Myers, are requesting a variation by Ordinance from 17.30.030 [Intensity of Use of Lot] of the Winnetka Zoning Ordinance to permit a circular driveway that would result in a front yard lot coverage of 1,348.04 s.f., whereas a maximum of 999.94 s.f. is permitted, a variation of 348.1 s.f. (34.81%).

The variation is being requested in order to allow for the construction of a circular driveway in the front yard. The proposed driveway would have a width of 10.83 ft. and run across the majority of the width of the front yard. The proposed circular driveway would replace an existing front yard parking area. The existing front yard lot coverage is approximately 1,054 s.f.; the proposed driveway would result in a net increase of 294 s.f. As represented on the attached plat of survey, in addition to the existing parking area in the front yard, there is currently a driveway along the south side of the lot that runs approximately 96 ft. to an attached garage.

According to the proposed site plan, the proposed circular driveway would be constructed with brick to match the existing driveway. It should be noted however, that for purposes of calculating front yard lot coverage, all driveways, parking slabs, turnarounds and walkways, whether made of continuous paved surface, paver bricks, paving stones, gravel or crushed stone, are included at 100% of their area. No bonuses are given for pervious surfaces in the required front yard.

The property is located on the east side of Church Rd., between Winnetka Ave. and Hill Terr. in the R-5 Single Family Residential District. Construction of the residence was completed in 2006. The petitioners purchased the property in 2012.

There are two previous zoning cases for this property. Case No. 05-21-V2 was withdrawn after the Zoning Board of Appeals (ZBA) recommended denial of a variation for building height to allow a cupola to exceed the maximum permitted height. Case No. 06-35-V2, a variation for front yard lot coverage, was denied by the Village Council in December 2006, after receiving a favorable recommendation by the ZBA.

The attached zoning matrix summarizes the work proposed under this variation request.

Recommendation of Advisory Board

The ZBA considered the application at its meeting December 8, 2014. The four voting members present voted 2 to 2 recommending denial of the variation request. Therefore, an ordinance has not been drafted; the application is pending policy direction from the Council.

Recommendation

Provide policy direction.

Attachments

Attachment A: Zoning Matrix

Attachment B: GIS Aerial Map

Attachment C: Variation Application

Attachment D: Excerpt of December 8, 2014 ZBA minutes

Attachment E: Excerpt of December 2006 Village Council minutes

ATTACHMENT A

ZONING MATRIX

ADDRESS: 127 Church Rd.

CASE NO: 14-36-V2

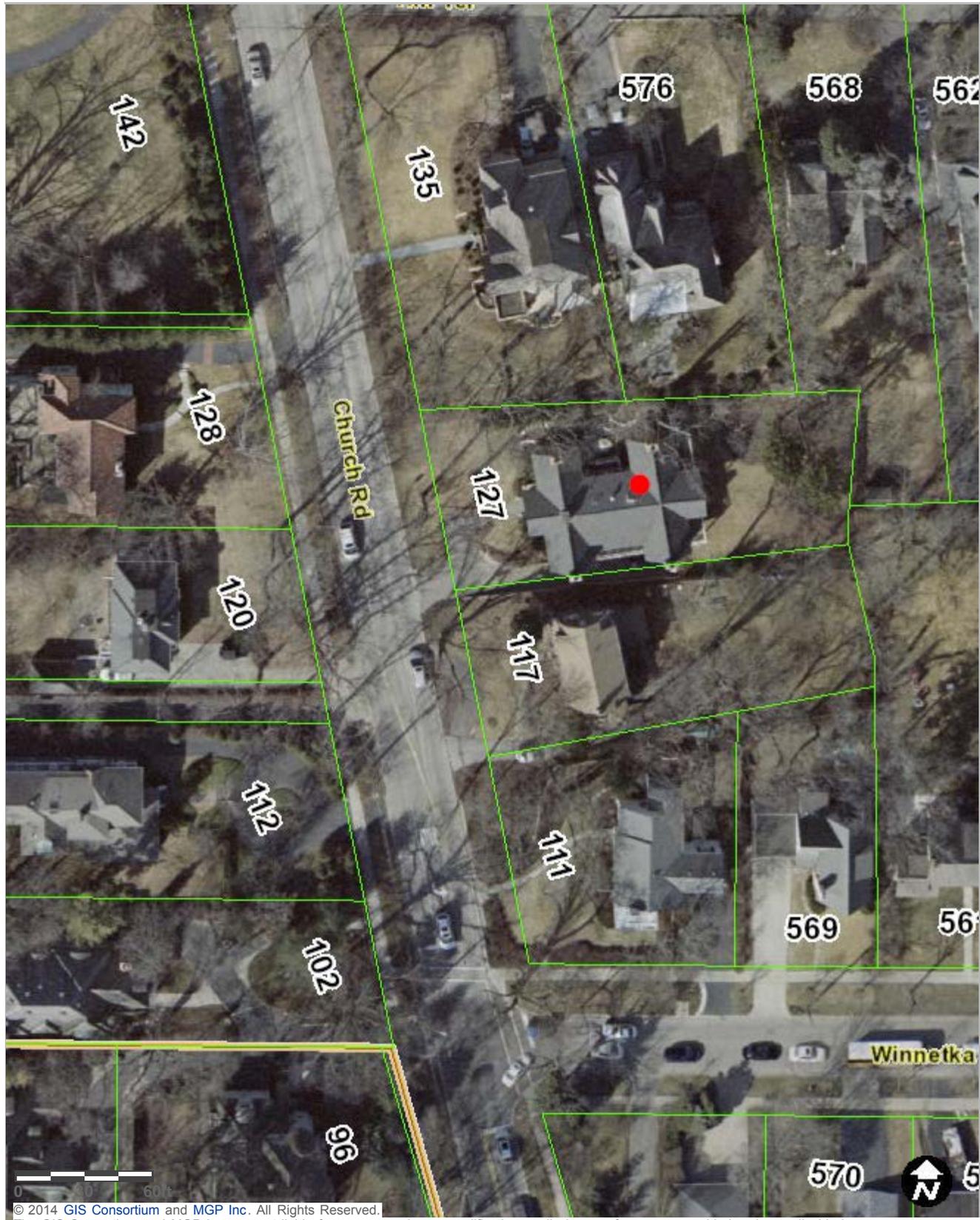
ZONING: R-5

ITEM	REQUIREMENT	EXISTING	PROPOSED	TOTAL	STATUS
Min. Lot Size	8,400 SF	14,318.54 SF	N/A	N/A	OK
Min. Average Lot Width	60 FT	75.16 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	3,579.63 SF (1)	2,751.63 SF	N/A	N/A	OK
Max. Gross Floor Area	4,558.33 SF (1)	4,249.56 SF	N/A	N/A	OK
Max. Impervious Surface	7,159.27 SF (1)	4,335.01 SF	235.2 SF	4,570.21 SF	OK
Max. Front Yard Lot Coverage	999.94 SF	1,054.04 SF	294 SF	1,348.04 SF	348.1 SF (34.81%) VARIATION
Min. Front Yard (West)	41.18 FT	43.76 FT	N/A	N/A	OK
Min. Side Yard	7.52 FT	8.5 FT	N/A	N/A	OK
Min. Total Side Yards	18.79 FT	23.41 FT	N/A	N/A	OK
Min. Rear Yard (East)	25 FT	68 FT	N/A	N/A	OK

NOTES:

(1) Based on actual lot area of 14,318.54 s.f.

ATTACHMENT B



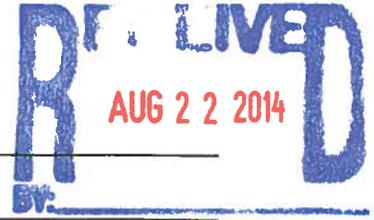
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The GIS Consortium and MGP Inc. are not liable for any use, misuse, modification or disclosure of any map provided under applicable law.
Disclaimer: This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

ATTACHMENT C

CASE NO. 14-36-V2

APPLICATION FOR VARIATION
WINNETKA ZONING BOARD OF APPEALS



Owner Information:

Name: LUVIE + SCOTT MYERS

Property Address: 127 CHURCH ROAD.

Home and Work Telephone Number: [REDACTED]

Fax and E-mail: _____

Architect Information: Name, Address, Telephone, Fax & E-mail:

PAUL KONSTANT ; KONSTANT ARCHITECTURE PLANNING

T: 847.967.6115 F: 847.967.0111

PK@KONSTANTARCHITECTURE.COM (CC: JGOLDE@KONSTANTARCHITECTURE.COM)

Attorney Information: Name, Address, Telephone, Fax & E-mail:

N.A.

Date Property Acquired by Owner: MAY 14th, 2012

Nature of Any Restrictions on Property: LIMITED ACCESS

Explanation of Variation Requested: SEE ATTACHED SHEET.
(Attach separate sheet if necessary)

OFFICE USE ONLY

Variation Requested Under Ordinance Section(s): _____

Staff Contact: _____ Date: _____

STANDARDS FOR GRANTING OF ZONING VARIATIONS

Applications must provide evidence and explain in detail the manner wherein the strict application of the provisions of the zoning regulations would result in a clearly demonstrated practical difficulty or particular hardship. In demonstrating the existence of a particular difficulty or a particular hardship, please direct your comments and evidence to **each** of the following items:

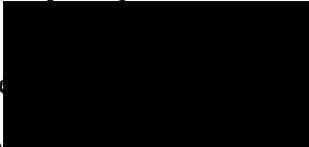
1. The property in question can not yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.
2. The plight of the owner is due to unique circumstance. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants.
3. The variation, if granted, will not alter the essential character of the locality.
4. An adequate supply of light and air to the adjacent property will not be impaired.
5. The hazard from fire and other damages to the property will not be increased.
6. The taxable value of the land and buildings throughout the Village will not diminish.
7. The congestion in the public street will not increase.
8. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired.

SEE ATTACHED SHEET.

For your convenience, you will find attached examples of general findings, for and against the granting of a variation, which have been made by the Zoning Board of Appeals and Village Council in prior cases.

NOTE: The Zoning Board of Appeals or the Village Council, depending on which body has final jurisdiction, must make a finding that a practical difficulty or a particular hardship exists in order to grant a variation request.

Property Owner's Signature



Date:

7/8/14

(Proof of Ownership is required)

Variations, if granted, require initiation of construction activity within 12 months of final approval. Consider your ability to commence construction within this 12 month time period to avoid lapse of approvals.

**RE: 127 Church Road
Winnetka, Illinois 60093**

Explanation of Variation Requested:

The variation requested is to increase the allowable front yard impermeable lot coverage. According to the building code, a home in an R5 zoning district can only have a maximum of 30% covered with impermeable materials. Given that the front yard has an area of 3,333.12 S.F., the maximum impermeable lot coverage for the front yard is 999.4 S.F.. This available square footage only allows for a driveway straight into the property with one parking space. This severely limits the access to the residence for the homeowners, and often forces them to back out of their driveway onto what is a very heavily trafficked street. The home is located only 200 ft. north of the intersection of Church Rd. and Winnetka Ave. This is a very busy intersection particularly during the school year. This property falls between the east and west campus for New Trier High School. Church Rd. and Winnetka Ave. is the most direct route between the campuses and therefore there is a high volume of vehicular and pedestrian traffic. By increasing the allowable front yard impermeable for this property to 1,146.62 S.F., the homeowners would be able to make a circular driveway. This would provide better access and would therefore improve the safety throughout the neighborhood when vehicles are entering or exiting.

Please do not consider this variation until the October 13th meeting.

**RE: 127 Church Rd.
Winnetka, IL 60093**

Standards for Granting of Zoning Variations

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulation in that zone.

The existing driveway at 127 Church Rd. runs along the south property line for the home with one parking space to the north of this. The current impermeable area in the front yard for this driveway is 876.62 S.F. Under the conditions of the code this uses up the maximum allowable impermeable for the front yard making this driveway configuration the only option for the property. However, the current configuration of the driveway, while suitable for ingress and egress by the residents, makes it very dangerous for entry onto Church Road for visitors to the residence. Visitors are forced to back onto Church Road. With trees and bushes on the property to the south backing into the street is often done without visibility to traffic approaching from the south. Therefore, the property cannot provide a reasonable return because this hazardous driveway condition is undesirable.

2. The plight of the owner is due to unique circumstances. Such circumstances must be associated with the characteristics of the property in question rather than being related to the occupants.

The property is located only 200 feet north of the intersection between Church Rd. and Winnetka Ave. Additionally, this property falls between the east and west campus for New Trier High School. This location creates a great deal of vehicular and pedestrian traffic on Church Rd. and Winnetka Ave. This large volume of traffic makes ingress and egress to the property particularly difficult. This drive condition creates a hazardous situation for the entire neighborhood.

Hill Terrace is the closest side street for this property, however it is gated off. This makes Winnetka Avenue the only street available for guests to park on. That combined with the fact that there is no sidewalk on the east side of Church Road creates a dangerous condition for any guests to 127 Church Road.

3. The variation, if granted, will not alter the essential character of the locality.

The subject property will create the circular drive using the same materials of the existing drive which is consistent and fits within the character of the locality. Additionally, there are other circular drives throughout the locality to which this will be very similar.

4. An adequate supply of light and air to the adjacent property will not be impaired.

The supply of light and air to the adjacent properties will not be impaired.

5. The hazard from fire and other damages to the property will not be increased.

The hazard from fire and other damages to the property will not be increased from the proposed improvements. All construction and selected materials meet or exceed current local building codes.

6. The taxable value of the land and building throughout the Village will not diminish.

The variation, if granted, will not affect the taxable value of the land and buildings throughout the village.

7. The congestion to the public street will not increase.

The congestion to the public street will be improved because it eliminates a very unsafe access issue.

8. The public health, safety, comfort, morals, and welfare of the inhabitants of the village will not otherwise be impaired.

The driveway will be constructed in accordance with all local building codes. Furthermore, as noted above, the impact on the neighboring properties will be improved because the ingress and egress from this property will be less hazardous therefore improving and the vehicular and pedestrian safety of the neighborhood.

PROFESSIONALS ASSOCIATED SURVEY, INC.

PROFESSIONAL DESIGN FIRM NO. 184-003023

PLAT OF SURVEY

OF

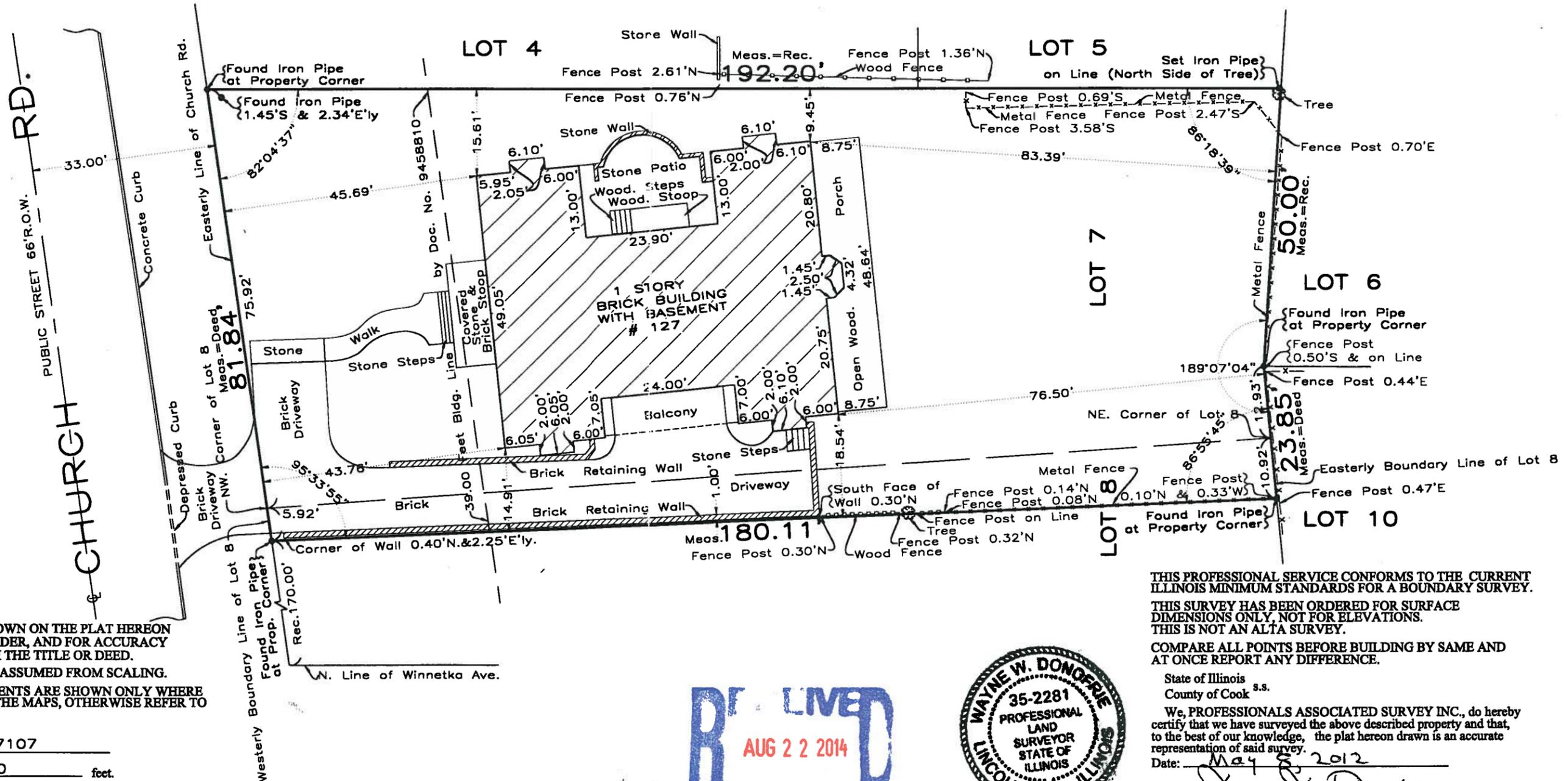
LOT 7 AND THAT PART OF LOT 8 LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT A POINT IN THE WESTERLY BOUNDARY LINE OF SAID LOT 8 BEING THE EASTERLY LINE OF CHURCH ROAD WHICH POINT IS 5.92 FEET SOUTHERLY (AS MEASURED ALONG SAID WESTERLY BOUNDARY LINE OF SAID LOT 8) FROM THE NORTHWEST CORNER OF SAID LOT 8; THENCE EASTERLY IN A STRAIGHT LINE TO A POINT IN THE EASTERLY BOUNDARY OF SAID LOT 8 WHICH POINT IS 10.92 FEET SOUTHERLY (AS MEASURED ALONG THE SAID EASTERLY BOUNDARY LINE OF SAID LOT 8) FROM THE NORTHEAST CORNER OF SAID LOT 8, ALL IN WHITMAN'S SUBDIVISION IN THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 10, 1914, IN BOOK 130 OF PLATS, PAGE 20 AS DOCUMENT 5454153, IN COOK COUNTY, ILLINOIS.

LAND TOTAL AREA: 14,318.54 SQ.FT.=0.329 ACRE

COMMONLY KNOWN AS: 127 CHURCH ROAD, WINNETKA, ILLINOIS.

7100 N. TRIPP AVENUE
LINCOLNWOOD, ILLINOIS 60712
www.professionalsassociated.com

TEL: (847) 675-3000
FAX: (847) 675-2167
e-mail: pa@professionalsassociated.com



THE LEGAL DESCRIPTION SHOWN ON THE PLAT HEREON DRAWN IS A COPY OF THE ORDER, AND FOR ACCURACY SHOULD BE COMPARED WITH THE TITLE OR DEED. DIMENSIONS ARE NOT TO BE ASSUMED FROM SCALING. BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO RECORDED IN THE MAPS, OTHERWISE REFER TO YOUR DEED OR ABSTRACT.

Order No. 04-67107
Scale: 1 inch = 20 feet.
Date of Field Work: May 7, 2012
Ordered by: BARBARA SADOW MILLER
Attorney at Law

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

THIS SURVEY HAS BEEN ORDERED FOR SURFACE DIMENSIONS ONLY, NOT FOR ELEVATIONS. THIS IS NOT AN ALTA SURVEY.

COMPARE ALL POINTS BEFORE BUILDING BY SAME AND AT ONCE REPORT ANY DIFFERENCE.

State of Illinois
County of Cook s.s.

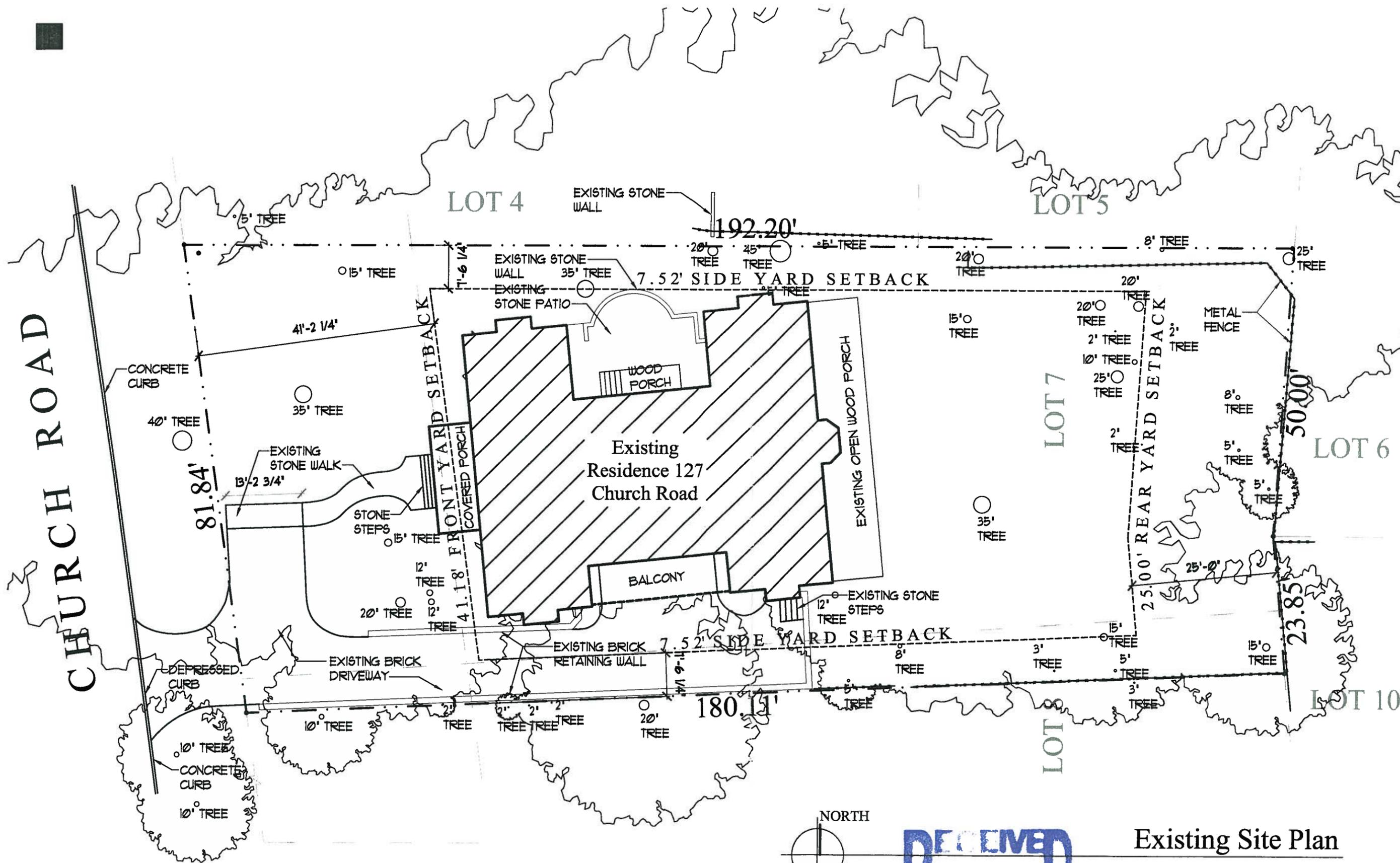
We, PROFESSIONALS ASSOCIATED SURVEY INC., do hereby certify that we have surveyed the above described property and that, to the best of our knowledge, the plat hereon drawn is an accurate representation of said survey.

Date: May 8, 2012

Wayne W. Dongerie
IL. PROF. LAND SURVEYOR - LICENSE EXP. DATE NOV. 30, 2012.
Drawn by: A. J. & G.M. & W.G.

RECEIVED
AUG 22 2014





CHURCH ROAD

LOT 4

LOT 5

192.20'

EXISTING STONE WALL
EXISTING STONE PATIO
7.52' SIDE YARD SETBACK

CONCRETE CURB

81.84'

Existing Residence 127
Church Road

LOT 7

25.00' REAR YARD SETBACK

LOT 6

50.00'

BALCONY

EXISTING OPEN WOOD PORCH

7.52' SIDE YARD SETBACK

DEPRESSED CURB

EXISTING BRICK DRIVEWAY

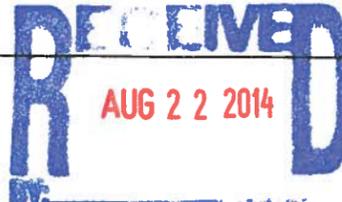
EXISTING STONE STEPS

180.14'

LOT 8

LOT 10

NORTH



Existing Site Plan

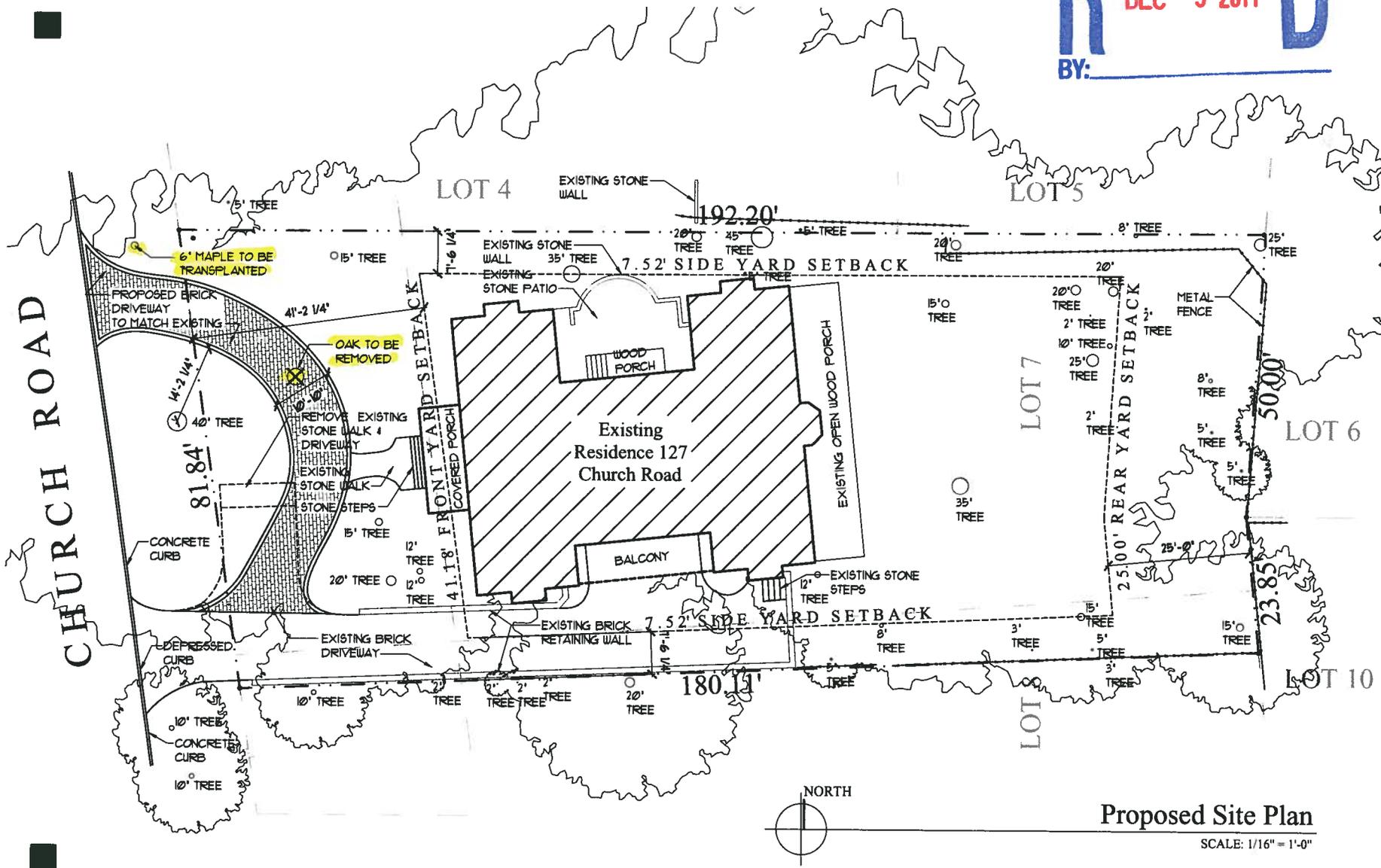
SCALE: 1/16" = 1'-0"

Konstant Architecture & Planning
5300 GOLF ROAD SKOKIE, ILLINOIS 60077 847-967-6115

Myers Residence
127 Church Road, Winnetka, IL 60093

RECEIVED
 DEC - 3 2014
 BY: _____

Date:
 Issued Version:
 08.10.14
 Revision:
 12.02.14



Konstant Architecture Planning
 3300 BELL ROAD BARRINGTON, ILLINOIS 60015

Myers Residence
 127 Church Road, Winnetka, IL 60093

Proposed Site Plan
 SCALE: 1/16" = 1'-0"

ATTACHMENT D

Minutes adopted 01.12.2015

WINNETKA ZONING BOARD OF APPEALS DECEMBER 8, 2014

Zoning Board Members Present: Joni Johnson, Chairperson
Andrew Cripe
Mary Hickey
Carl Lane
Scott Myers

Zoning Board Members Absent: Chris Blum
Jim McCoy

Village Staff: Michael D’Onofrio, Director of Community
Development
Ann Klaassen, Planning Assistant

Agenda Items:

Case No. 14-36-V2: 127 Church Rd.
Scott and Luvie Myers
Variation by Ordinance
1. Intensity of Use of Lot

127 Church Road, Case No. 14-36-V2, Scott and Luvie Myers, Variation by Ordinance – Intensity of Use of Lot

Mr. D’Onofrio read the public notice. Notice is hereby given that a public hearing will be held Monday, December 8, 2014 at 7:30 p.m. in the Council Chamber of the Winnetka Village Hall at 510 Green Bay Road, Winnetka, Illinois. The purpose of this hearing is to hear testimony and receive public comment regarding a request by Scott and Luvie Myers concerning a variation by Ordinance from Section 17.30.030 [Intensity of Use of Lot] of the Winnetka Zoning Ordinance to permit a circular driveway that will result in a front yard lot coverage of 1,348.04 s.f., whereas a maximum of 999.94 s.f. is permitted, a variation of 348.1 s.f. (34.81%).

Chairperson Johnson swore in those that would be speaking on this case.

Chairperson Johnson began by stating that since the application is sought by a current member of the Board, he would recuse himself from this particular discussion. She noted for the record that the Board would decide this case like any other case where the applicant is not member of a Board. Chairperson Johnson also stated that since Mr. Myers was recused from the discussion, there is a bare quorum and that any recommendation to the Village Council must be unanimous.

Paul Konstant introduced himself to the Board as the original architect for the home. He informed the Board that he has been involved in the development of the home originally and that the request was before the Board back then. Mr. Konstant then stated that in the course of

construction, the applicant did not apply for the driveway and landscape permit. He noted that it was their intention to have a circular driveway and that they were not able to do that in connection with the new ordinance which was adopted while the home was under construction.

Mr. Konstant informed the Board that the home is located in the R-5 zoning district. He stated that it is unique in that there is 14,318 square feet where 8,400 square feet is required. Mr. Konstant then stated that in connection with the zoning which is applied there, there is little difference for the size of the lot. He also stated that in the R-3, R-4 and R-5 districts, there is a new front yard ordinance. Mr. Konstant noted that this is an oversized lot which was discussed at that time.

Mr. Konstant then stated that safety is the real concern. He informed the Board that one reason that the applicants want a circular driveway is that it is needed for access and deliveries. Mr. Konstant stated that the property is located on a busy street and described pulling onto the busy street as precarious. He also stated that the home has a GFA which is less than 300 square feet than required. Mr. Konstant also stated that the side yard setback and rear yard setback exceed the requirements significantly and that the maximum impervious area is 36% less than what is allowed.

Mr. Konstant went on to state that on the street, there are six other homes which have circular driveways. He then stated that there are 18 other homes with access off of Church which makes them safer. Mr. Konstant noted that the home complied in all of the other areas.

Chairperson Johnson stated that is incorrect and referred to the maximum front yard lot coverage. She then stated that when the home was built in 2006, it had to be built in compliance unless the applicants got a variation.

Mr. Konstant confirmed that is correct and stated that is correct with the exception of the driveway. He stated that with regard to the maximum impervious area allowed on the lot, they are 36% underneath that for the whole lot and not just the front.

Chairperson Johnson stated that is one element which is already not complying.

Mr. Konstant stated that it complied in other ways except being within a few square feet of the maximum lot permeable area. He then stated that what is significant is that the lot is fairly large in this district and that it exceeded all of the other standards. Mr. Konstant reiterated that safety is the big issue on the busy street and that the applicants cannot have access to the home without backing out onto Church which affected the street. He also stated that with regard to neighborhood traffic, the property is located close to New Trier and referred to the traffic there.

Mr. Konstant stated that in looking at the reasons for the variation, the property cannot realize reasonable return. He informed the Board that he knew firsthand that a loss was taken on the home when it was sold and that safety was definitely an issue and concern for any buyer. Mr. Konstant then stated that with regard to unique circumstances, the site is in a district that has lot sizes of 8,400 square feet and that this lot is twice that size. He stated that the request would not alter the appearance or feeling of the area. Mr. Konstant also stated that the property is unique in that there are no sidewalks on that side of the street and that there is lot of greenspace which would be

retained. He then stated that with regard to standard nos. 4, 5 and 6, he stated that they are not relevant and that to improve safety is very significant. Mr. Konstant stated that he hoped that the Board would consider the application again and referred to the Board's previous unanimous approval.

Chairperson Johnson confirmed that the ZBA vote was 4 to 2 and that the Village Council denied the request.

Luvie Myers stated that she would like to reiterate a few things that Mr. Konstant commented on and explain. She stated that the property is very unique and that there is a unique safety situation. Mrs. Myers then referred to the 18 homes between Winnetka Avenue and Green Bay Road and stated that of those, five are on corners with street parking. She informed the Board that if they have visitors, they park on the side streets with driveway access. Mrs. Myers then stated that there are an additional three homes with circular driveways and three others on the north end which have direct access to Green Bay Road and driveways on Church as well. She then stated that 11 of the 18 homes have alternatives that enable them to not back into the street. Mrs. Myers stated that of the remaining seven, none have the topography that they have. She informed the Board that most of the street is on a ridge higher up and that it sloped. Mrs. Myers also stated that people have to back up the hill and into traffic. She then stated that there is limited visibility because of the huge tree on the neighbor's property to the south. Mrs. Myers noted that home also has a circular driveway. She stated that theirs is the only home where their visitors have to park on the side streets and walk to their home. Mrs. Myers added that there is no crosswalk or sidewalk on that street which is Church as well as the fact that there are no street lights on their side. She concluded by stating that as a result, they believe that their property cannot yield a reasonable return.

Chairperson Johnson asked Mrs. Myers with regard to visitors and parking, how will a circular driveway make up for the fact that when walking, there are no street lights and lack of a sidewalk.

Mrs. Myers stated that they would have to park on the driveway.

Mr. Konstant referred to the steep pitch of the driveway.

Chairperson Johnson stated that they can use the pad to back in and go out frontward.

Mrs. Myers supposed that is possible.

Chairperson Johnson responded that is why people have those pads.

Mrs. Myers then stated that if there is one car parked on the pad, there are three cars on the driveway and that the person on the pad cannot move until the others move.

Chairperson Johnson asked what are the dimensions of the pad.

Mr. Konstant responded that it measured 13 feet x 18 feet.

Ms. Hickey asked if the pad will be incorporated into the circular driveway.

Mr. Konstant informed the Board that there is a tree that they want to save and that if they were to curve it in more toward the home, it would be different than the original proposal. He referred to a tree which is dying and would be coming down. Mr. Konstant added that he talked to Jim Stier. He then stated that it would allow them to bring the driveway away from the tree in order to protect it.

Ms. Hickey asked if there was room in the back to turn around.

Mrs. Myers responded that from inside of the garage, they can back out. She informed the Board that the pad is 13 feet wide and stated that if they expand the width, because of the topography of the pad, it would be lower than the front yard. Mrs. Myers stated that they would end up building a wall and have a tree there. She described it as a very unusual thing.

Mr. Lane asked with regard to the neighbors, he stated that the applicant mentioned that they have to park on Winnetka Avenue.

Mrs. Myers responded sometimes. She stated that there are three parking spots on Winnetka Ave., as there are no parking spaces on Church, which are only allowed after 10 a.m. Mrs. Myers noted that none of those homes were included on the comparison on Winnetka Avenue. She then referred to the 18 homes on Church.

Chairperson Johnson stated that the plans which were submitted in 2006 for the circular driveway required a 14.8% variation and that now, they are asking for 35%. She asked what is the difference.

Mr. Konstant stated that it was calculated in that they are not getting credit for impervious surface. He noted that while it is a different configuration, it would be the same area with a narrowed driveway. Mr. Konstant added that they used the calculation incorrectly in 2006.

Chairperson Johnson asked if the reason that the home was not pushed further east was because of the slope.

Mr. Konstant stated that they could have pushed the home back and with regard to the rear yard setback of 25 feet, it would have been out of context with the rest of the neighborhood and that it is preferred that the homes relate to each other on the streetscape.

Chairperson Johnson then asked the applicant if they considered having the pad in the backyard.

Mr. Konstant responded that it would still be below grade.

Mrs. Myers added that they would have to excavate out a large portion of the backyard.

Chairperson Johnson asked what that would have meant for the siting of the home when it was built.

Mr. Konstant informed the Board that there are big trees in the backyard and referred to a 36 inch tree which would have had to be taken down.

Chairperson Johnson stated that in 2006, it was said that a conforming plan would have required the removal of a large parkway tree.

Mr. Konstant stated that he is not sure what tree Chairperson Johnson is talking about and that someone else presented the request to the Village Council.

Chairperson Johnson then asked if the tree they are removing is dying.

Mr. Konstant responded that is correct and added that they met with Scott Byron's office.

Mr. Cripe referred to the other tree assessed which is half dead and which would have had very little value. He then stated that the maple at the north end is transplanted.

Chairperson Johnson questioned whether other trees were removed and referred to their root system damage.

A representative from Scott Byron's office stated that they were not and that they were located far enough away and that the only one in question is the maple tree and that it would be transplanted.

Chairperson Johnson asked if there were any other questions. She then asked if there were any accidents coming out of the driveway on Church.

Mrs. Myers responded that there were not.

Chairperson Johnson then asked if their guests used the limited available parking on the driveway.

Mrs. Myers confirmed that is correct. She noted that there is a hill and that it is not easy to park at the gate at Hill Terrace.

Mr. D'Onofrio noted that it is not a public street.

Mr. Konstant informed the Board that there was an accident after they finished with the previous owners there in front of the home just to the south.

Chairperson Johnson asked if there were any other questions.

Ms. Hickey asked with regard to the proposed plan, there is one curb cut and if they would be making an additional curb cut.

Mr. Konstant confirmed that is correct.

Ms. Hickey asked if there is a 40 inch tree on the parkway.

Mr. Konstant stated that it is a 35 inch tree and that it is sick.

Mr. Cripe asked with regard to the pad and doing a three point turn, if that option is not available when they have guests and the challenge when there are no guests.

Mrs. Myers stated that is correct and that it is because of the wall. She added that you can hit the wall and that people have done that.

Chairperson Johnson asked if there were any other questions. No additional questions were raised by the Board at this time. She then asked Mr. D'Onofrio if the ordinance applied only to homes in the R-3, R-4 and R-5 and asked whether in the R-1 and R-2 districts owners can put in an impermeable structure in the front yard regardless of whether it covered 30%.

Mr. D'Onofrio responded yes and stated that the front yard coverage regulation does not apply to the R-1 and R-2 districts. He stated that the intent of the ordinance is that it was created to prevent egregious doings. Mr. D'Onofrio referred to someone who put a pad in the front yard on a small lot on Elm Street and that the Village Council prohibited parking areas in front yards on smaller lots. He stated that they drafted an ordinance with a limitation on front yard lot coverage to reduce the size of impermeable surface within the required front setback on smaller lots.

Chairperson Johnson asked if this is the first time there was a variation requested for the ordinance.

Ms. Klaassen responded that she believed so and that there may be one other one. She described it as very rare and added that the ordinance dated to 2004.

Chairperson Johnson then referred to the zoning matrix which stated a lot width of 75.16 feet.

Mr. D'Onofrio confirmed that is correct.

Chairperson Johnson referred to the additional curb cut and asked what the ordinance specified for adding one.

Ms. Klaassen responded that for a minimum lot width of 75 feet, to have a second curb cut would still be at the discretion of the Director of Public Works.

Mr. D'Onofrio noted that 75 feet is uniform for all properties in the Village regardless of zoning.

Chairperson Johnson questioned what is excluded from front yard coverage.

Ms. Klaassen stated that all improvements are included.

Chairperson Johnson asked why is no credit given for semi-permeable surfaces.

Mr. D'Onofrio informed the Board that when the Village Council decided to apply this, it was not created for impermeable surfaces.

Ms. Klaassen added that the intent is to limit people from parking in the front yard and that turf-blocks or permeable concrete is calculated the same as concrete or asphalt.

Chairperson Johnson then asked if it was for aesthetic reasons.

Mr. D'Onofrio and Ms. Klaassen confirmed that is correct.

Chairperson Johnson asked if there were any other questions. No additional questions were raised by the Board at this time. She then called the matter in for discussion. Chairperson Johnson reminded the Board that they need unanimity for a positive recommendation.

Mr. Lane stated that he understood the safety concerns and having the ability to do a three point turn to get in and out of the driveway and that it is not an unreasonable expectation and limited the return on the home. He then stated that it is different than having a two car garage versus a one car garage or not having a mudroom. Mr. Lane stated that it is part of having a home with a limited front area for a parking spot. He then stated that homes were not meant to have parking for five visitors and that he has the same issue at his home along with others in the area which are the same. Mr. Lane stated that it is not unique to the area and that it is not so unique from other homes located on busy streets. He reiterated that while he understood the issues, the Board has to apply the standards. Mr. Lane referred to the fact that it went to the Village Council and the denial of a similar concept.

Ms. Hickey stated that with regard to precedent for homes with a circular driveway, some do have them. She referred to Chairperson Johnson's comment that it is hard to park there. Ms. Hickey then stated that they counted the other homes without a circular driveway and pad and that in this area, there are homes on the hill which have circular driveways, but that they are much wider lots. She noted that the rear of the lot is deep and steep and would require excavation to construct a pad in the rear. Ms. Hickey also noted that as currently constructed, there is not an ability to turnaround in the front of the house because of the retaining wall to the south. She then stated as Mr. D'Onofrio had clarified that the ordinance was passed for aesthetic reasons and this request should be considered. Ms. Hickey stated that she would be in favor of the driveway for primarily safety reasons and the circular drive would enable easier entrance to and exit from the property.

Mr. Cripe stated that he is concerned and referred to Mr. Lane's point as whether a three point turn solution would work. He then stated that he agreed with the applicant in that it is not adequate given the unique circumstances of the lot. Mr. Cripe then referred to the wall and that it was answered as to why a circular driveway was not built originally which respected the setbacks. He stated that with regard to aesthetics, the ordinance has to balance them. Mr. Cripe then stated that while the ordinance is inflexible, that did not mean that the Board should be and that there should be an attempt to balance the concerns. He stated that what the applicant is asking for is reasonable.

Mr. Cripe went on to state that when the Board is exercising flexibility, common sense should prevail and that safety issues weigh heavily. He stated that the owners are diligent to make sure that they are not backing on Church and that the real problem related to deliveries and guests and that if there is a vehicle on the pad, he did not think that a three point turn would be a remotely

adequate solution since lawn service vehicles cannot backup. Mr. Cripe then stated that with regard to unique circumstances, the applicant was penalized last time before the Village Council since the request was for new construction. He added that they cannot use the backyard and with regard to putting the home further back, etc., there is a basic safety concern and that the request is reasonable. Mr. Cripe concluded by stating that it is a common sense proposal and that he would strongly support it.

Chairperson Johnson stated that on balance, she agreed with Mr. Lane's and Mr. Cripe's comments. She noted that the Village Council can grant the variation no matter what the Board did. Chairperson Johnson also stated that they are not bound by the 2006 Village Council decision and referred to the fact that it was new construction at that time.

Chairperson Johnson also stated that they tried conforming plans in 2006 and that while they might not end up with a conforming plan, maybe a smaller circular driveway might be approved. She then stated that if the Village Council determined that safety issues have been articulated and outweigh the aesthetics, the Village Council can make that decision. She stated that she did not feel comfortable doing that in favor of this request. Chairperson Johnson also stated that with regard to neighboring homes, most in the Village on other busy streets have the same problem as this and that there are many homes which did not have circular driveways such as Tower, Sheridan, Hibbard Road and Willow Road west of Green Bay Road. She then referred to the fact that Mr. Konstant did not site the home to the east and the fact that he did not know about this ordinance when the home was planned. Chairperson Johnson stated if he did know about the ordinance when they planned the home, perhaps they could have pushed it further east where there is a huge backyard. She added that with regard to the curb cut, it required 75 feet and that this is just barely above that. Chairperson Johnson then stated that if the Village Council approved the request, Steve Saunders might determine that would create a problem. She then referred to the fact that there is no sidewalk which creates a problem for guests but which also means that there are no pedestrians who are impacted by the safety issues. Chairperson Johnson then stated that she is concerned with regard to traffic in and out of the driveway but that it is not compromising the safety of pedestrian traffic. She stated that with regard to accidents, a lack of them were mentioned. Chairperson Johnson concluded by stating that social activities usually take place in the evenings or on the weekends when there is minimal New Trier traffic and is not a unique situation and that for those reasons; she would not be in support of the application.

Mr. Konstant noted that the lot width is 81 feet.

Ms. Klaassen informed the Board that the average lot width is used.

Chairperson Johnson stated that on the zoning matrix, 76 feet is used. She reiterated the need for unanimous approval for a positive recommendation to the Village Council and that it appeared as though the vote would be two and two. Chairperson Johnson informed the applicant that they have the option of going forward to the Village Council or to explore other alternatives not as nonconforming. She then stated that the case can be continued or they can go ahead with a vote and a non-recommendation vote to the Village Council.

Mrs. Myers stated that they would go ahead to the Village Council. She noted that the other

streets Chairperson Johnson mentioned have alleys.

Chairperson Johnson stated that on Willow Road, it is not true that all the homes have alleys. Many have driveways fronting Willow Road. She then stated that the other streets mentioned do not have alleys.

Mr. D'Onofrio suggested that the Board make an affirmative motion to approve the request and then vote on it.

Ms. Hickey agreed with Mr. D'Onofrio to present an affirmative motion.

Mr. Cripe questioned whether a motion should be made to recommend approval of the variation requested.

Mr. D'Onofrio informed the Board that either side can make the motion.

Mr. Lane then moved to recommend denial of the zoning variation to put in a circular driveway at 127 Church because the applicant failed to demonstrate the required standards. He stated that with regard to reasonable return, not having a circular driveway did not make the property unusable and referred to the abilities to do a three point turn in and out of the driveway. Mr. Lane stated that with regard to unique circumstances, while the property is on an angled lot, there are other lots in the neighborhood which are also relatively similar in nature and do not have circular driveways.

Mr. Lane then stated that with regard to altering the character of the locality, while the home is located forward on the lot, it was noted by the Board members that having a circular driveway and having substantial lot coverage is not desirable although there is not substantial evidence against it. He stated that there would be no effect on the light and air of surrounding properties and no effect on the taxable value of the land. Mr. Lane stated that with regard to congestion, making the change would have resulted in less congestion although the request did not conform to the first two standards. He concluded by stating that the public health, comfort, morals and safety of the Village would not be impaired, but since the request failed in connection with standard nos. 1 and 2, he recommended that the variation not be granted.

Chairperson Johnson seconded the motion. A vote was taken resulting in a non-recommendation with two in favor and two against.

AYES: Johnson, Lane

NAYS: Cripe, Hickey

FINDINGS OF THE ZONING BOARD OF APPEALS

1. The requested variation is within the final jurisdiction of the Village Council.
2. The requested variation is not in harmony with the general purpose and intent of the Winnetka Zoning Ordinance. The proposal is not compatible, in general, with the

character of existing development within the immediate neighborhood with respect to architectural scale and other site improvements.

3. There are no practical difficulties or a particular hardship which prevents strict application of Section 17.30.030 [Intensity of Use of Lot] of the Winnetka Zoning Ordinance which is related to the use or the construction or alteration of buildings or structures.

The evidence in the judgment of the Zoning Board of Appeals has established:

1. The property in question can yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone. Not having a circular driveway did not make the property unusable. Currently, there is a parking pad on the property which allows one to make a three point turn in and out of the driveway.
2. The plight of the owner is not due to unique circumstances which are related to the characteristics of the property. While the property is on an angled lot, there are other lots in the neighborhood which are also relatively similar in nature and do not have circular driveways.
3. The variation, if granted, will not alter the essential character of the locality. While the home is located forward on the lot, it was noted by the Board members that having a circular driveway and having substantial lot coverage are not desirable although there is not substantial evidence against it.
4. An adequate supply of light and air to adjacent property will not be impaired with the proposed circular driveway.
5. The hazard from fire or other damages to the property will not be increased with the proposed circular driveway.
6. The taxable value of land and buildings throughout the Village will not diminish with the proposed circular driveway.
7. Congestion in the public street would not increase with the proposed circular driveway.
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be otherwise impaired.

**WINNETKA VILLAGE COUNCIL
REGULAR MEETING**

(Approved: January 16, 2007)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, December 5, 2006, at 7:30 p.m.

1) Call to Order.

President Woodbury called the meeting to order at 7:35 p.m. Present: Trustees David Abell, Ken Behles, Sandra Berger, Tom Eilers, Herb Ritchell and Jessica Tucker. Absent: None. Also present: Village Manager Doug Williams, Village Attorney Katherine Janega, Director of Community Development Michael D'Onofrio, Public Works Director Steven Saunders, Finance Director Ed McKee, Fire Chief Scott Smith, Interim Director of Water & Electric Rich Ciesla, Village Forester Jim Stier and approximately seven persons in the audience.

a) Ordinance No. M-24-2006 – Zoning Variation: 127 Church Road - Introduction. Mr. D'Onofrio reviewed a request for a variation from the Intensity of Use of Lot provisions of the Village Code to permit the installation of a circular driveway in the front yard of a newly constructed home. He explained that the proposed circular driveway would expand upon an existing front yard parking area that has the capacity to park one car. The proposed driveway would result in an increase in front yard lot coverage of 148.89 s.f., or 14.8%. He pointed out that pursuant to regulations adopted in April, 2004, prior to the applicant's purchase of the property, front yard lot coverage calculations include all of the area between the outer edges of the driveway. Mr. D'Onofrio reported that the applicant's plans call for the new portion of the drive to be constructed using a grass paver system but added that no bonuses are given for permeable surfaces in the required front yard. He noted that there is another driveway on the property located along the south side of the lot that attaches to the garage at the rear of the house.

Mr. D'Onofrio went on to explain that the original building permit for the new home, issued in March, 2005, only called for the single driveway along the south side of the property; it did not call for the front yard driveway or parking pad. A separate driveway permit for a circular driveway was made in the fall of 2005. This request was denied because it would have resulted in the removal of a parkway tree. Revised plans were later submitted and approved allowing for construction of a parking pad in the front yard.

Mr. D'Onofrio added that the applicant is also seeking relief from the Village Code requiring that any driveway be a minimum of 10 feet away from any public tree. The proposed circular driveway calls for a portion of the drive to be set back six (6) feet from a 24-inch Oak tree located in the public right-of-way. He stated that the Village Forester had commented that this placement would be detrimental to the tree. Mr. D'Onofrio noted that a second large Oak tree on the private property would also be impacted.

Mr. D'Onofrio reported that the Zoning Board of Appeals had voted 4 to 2 to recommend approval of the requested front yard lot coverage variation but pointed out that the Zoning Board of Appeals has no jurisdiction over the Oak tree, which is not a zoning issue.

Trustee Abell stated that the Zoning Board's considerations appeared to focus on safety, but noted that there are stop signs both north and south of the subject property. He asked if there was a policy of trying to discourage curb cuts.

Mr. D'Onofrio replied that the Village Code requires a minimum lot width for a second curb cut.

Attorney Janega added that this requirement was intended to impose a restriction on circular driveways on smaller lots, where they have a larger impact.

President Woodbury commented that despite the stop signs, this is a highly trafficked street.

Mr. D'Onofrio responded to questions about the proposed paver system.

Trustee Eilers indicated that he was sensitive to the traffic issue but pointed out the property already appears to have two locations to turn a car around.

Mr. D'Onofrio confirmed this observation. He stated that the problem is greatest for delivery trucks and individuals who are not familiar with the configuration of the driveway.

Manager Williams remarked that there is a steep grade differential between the front and the back.

Trustee Behles asked whether the front pavement near the property line permits a three-point turn.

Mr. D'Onofrio indicated that it does.

Trustee Tucker commented that the purpose of the April, 2004, amendment was to address concerns raised by the community about front lot coverage. She asked whether in Mr. D'Onofrio's opinion the applicant could have developed a conforming design to address their concerns in a different way. Mr. D'Onofrio indicated that when a developer starts with a clean slate, it is nearly always possible to design a conforming house.

President Woodbury asked the Village Forester to comment on the grass paver system. Mr. Stier stated that even though the pavers are porous, installation requires the area to be excavated. He explained that because most tree roots are in the top 18" of soil and the goal is to protect the 10 ft. area of the drip line, this system impacts the well-being of the tree. He said that in his professional opinion, the installation of the circular driveway as designed would be detrimental to the nearby Oak trees and could cause their failure to thrive.

Attorney David Grossberg, 773 Prospect, and Eric Wefing, a representative of the builder, spoke on behalf of the applicant, stressing safety concerns for visitors and residents and the difficulty of finding a conforming design given the slope of the yard. Mr. Grossberg distributed a photograph of the existing house and a computer rendering of the site with the proposed circular driveway.

Trustee Tucker asked Mr. Grossberg what changed with respect to the property between the time the original plans were submitted and the present, and why the applicant didn't take all of the site variables into account when originally designing the home.

Mr. Grossberg indicated he was not certain that the architect was aware of the April, 2004, changes to the Zoning Ordinance with regard to front yard lot coverage and added that driveways are often a part of the landscape plans and not part of the original house plans. He reiterated that the changes were made for safety's sake. He added that the only other option for providing adequate turnaround space would have been paving the backyard, which is not generally considered to be a desirable alternative.

Manager Williams asked whether the developer's decision to request the variation is based upon marketability. Mr. Grossberg responded that it does have an impact on salability and that potential buyers had expressed concern.

The Trustees discussed possible ways in which the existing site could be altered without adding the circular driveway.

President Woodbury pointed out that this request came to the Council from the Zoning Board with a positive recommendation and expressed his opinion that in circumstances such as this one, circular drives are frequently used. He noted that this variation is demonstrative of the way in which concerns compete with one

another. While the fundamental issue is zoning, it impacts tree preservation.

Trustee Eilers said that he was not certain the grass paver system would be adequate to avoid damaging the Oak trees.

Trustee Behles voiced his belief that the matter has to be viewed as new construction and had it come before the Zoning Board as such, the vote would have been different. He indicated that he believed modifications could be made to the existing site to meet the need for safe ingress and egress while still conforming to the requirements of the Zoning Ordinance. He said he could not support this request.

Trustees Berger, Eilers, Abell, Tucker, and Ritchell concurred.

Trustee Abell, seconded by Trustee Tucker, moved to deny the requested variation. By roll call vote, the motion carried unanimously. Ayes: Trustees Abell, Eilers, Berger, Behles, Ritchell, and Tucker.
