



# VILLAGE · OF · WINNETKA

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## WINNETKA ZONING BOARD OF APPEALS NOTICE OF MEETING

**March 14, 2016**

**7:00 p.m.**

The Winnetka Zoning Board of Appeals regular scheduled meeting will convene on Monday, March 14, 2016 in the Council Chamber at the Winnetka Village Hall, 510 Green Bay Road, Winnetka, Illinois, at 7:00 p.m.

### AGENDA

1. Approval of December 14, 2015 meeting minutes.
2. Approval of January 11, 2016 meeting minutes.
3. Case No. 15-27-V2:       5 Indian Hill Rd.  
                                  Debra Gill  
                                  Variation by Ordinance
  1. Lot Area, Shape and Dimensions (Minimum Lot Depth)
4. Case No. 16-05-SU:       1112 Willow Rd., Crow Island School  
                                  Winnetka School District 36  
                                  Special Use Permit
  1. Modular ClassroomsVariation by Ordinance
  1. Side Yard Setback
5. Other Business

Note: Public comment is permitted on all agenda items.

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 at 510 Green Bay Road, Winnetka, Illinois 60093, (Telephone (847) 716-3543; T.D.D. (847) 501-6041).

**510 Green Bay Road, Winnetka, Illinois 60093**

Administration and Finance (847) 501-6000 Fire (847) 501-6029 Police (847) 501-6034

Community Development (847) 716-3520

Public Works (847) 716-3568 Water and Electric (847) 716-3558

# Memo

To: ZBA members  
From: Ann Klaassen, Planning Assistant  
Date: March 4, 2016  
Re: Application Updates

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- Case No. 15-28-SU: 554 Green Bay Rd., SUP for Verizon Wireless. Due to the unanimous positive recommendations from both the Board and the Plan Commission, the Village Council waived introduction and adopted Ordinance M-5-2016 granting the SUP at its meeting March 1, 2016.
- Case No. 16-01-V2: 523 Hoyt, permitted uses and front yard setback variations to allow an area well and A/C units to encroach the required front yard. Ordinance M-3-2016 granting the variations is scheduled for consideration by the Village Council at its meeting March 17, 2016.
- Case No. 16-02-SU: Faith, Hope, and Charity, SUP and variations to allow a Parish Center addition and installation of a synthetic turf athletic field. At their February meetings, the Plan Commission and DRB both voted to recommend approval of the SUP. The Village Council is tentatively scheduled to consider the case at its meeting April 5, 2016.

**DRAFT**

**WINNETKA ZONING BOARD OF APPEALS  
DECEMBER 14, 2015**

**Zoning Board Members Present:** Joni Johnson, Chairperson  
Chris Blum  
Mary Hickey  
Thomas Kehoe  
Kathleen Kumer  
Carl Lane  
Mark Naumann

**Zoning Board Members Absent:** None

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

**Village Attorney:** Karl Camillucci

**Agenda Items:**

**Case No. 15-30-V2:** 117 Church Road  
117 Church Road Limited Partnership / Martin  
Murphy  
Variation by Ordinance  
1. Maximum Building Size

**Case No. 15-31-V2:** 811 Tower Road  
Tim and Lauryna Curl  
Variations by Ordinance  
1. Front and Corner Yard Setbacks  
2. Garages  
3. Conforming Uses of Nonconforming Buildings

**Case No. 15-10-PD:** **Continued from the November 16, 2015  
Meeting**  
511 Lincoln Avenue, 513-515 Lincoln Avenue,  
710-732 Elm Street, 740 Elm Street and a Portion of  
the Adjacent Lincoln Avenue Right-of-Way  
Stonestreet Partners and Winnetka Station LLC  
Planned Development

**Discussion of Proposed Amendments to the Zoning Ordinance Related to Stormwater**

**Minutes of the Zoning Board of Appeals  
December 14, 2015**

**Call to Order:**

Chairperson Johnson called the meeting to order at 7:00 p.m.

**Approval of Minutes:**

Chairperson Johnson stated that the Board would now review the October 28, 2015 meeting minutes and that the minutes from the November meeting are not yet available. She noted that she submitted her changes via email to Mr. D'Onofrio. Chairperson Johnson asked if there were any other comments. No comments were made at this time. Chairperson Johnson then asked for a motion.

A motion was made by Mr. Blum to approve the minutes and findings from the October 28, 2015 meeting, as amended. The motion was seconded by Mr. Lane. A vote was taken and the motion was unanimously passed.

**117 Church Road, Case No. 15-30-V2, 117 Church Road Limited Partnership / Martin Murphy, Variation by Ordinance - Maximum Building Size**

Chairperson Johnson informed the Board that the 117 Church Road case has been continued and that Mr. D'Onofrio would read the public notice into the record.

Mr. D'Onofrio read the public notice. The purpose of this hearing is to hear testimony and receive public comment regarding a request by 117 Church Road Limited Partnership / Martin Murphy concerning a variation by Ordinance from Section 17.30.040 [Maximum Building Size] of the Winnetka Zoning Ordinance to permit the construction of a new single-family residence that will result in a gross floor area of 5,290.67 s.f., whereas a maximum of 4,136.56 s.f. is permitted, a variation of 1,154.11 s.f. (27.9%).

Chairperson Johnson asked for a motion for the case to be continued to the January meeting.

A motion was made by Ms. Hickey, and seconded by Mr. Blum, to continue the 117 Church Road case to the January, 2016 meeting. A vote was taken and the motion was unanimously passed, 7 to 0.

AYES: Blum, Hickey, Johnson, Kehoe, Kumer, Lane, Naumann

NAYS: None

**811 Tower Road, Case No. 15-31-V2, Tim and Lauryna Curl, Variations by Ordinance: (1) Front and Corner Yard Setbacks, (2) Garages and (3) Conforming Uses of Nonconforming Buildings**

Mr. D'Onofrio read the public notice. The purpose of this hearing is to hear testimony and receive public comment regarding a request by Tim and Lauryna Curl concerning variations by Ordinance from Sections 17.30.050 [Front and Corner Yard Setbacks], 17.30.110 [Garages], and 17.64.060 [Conforming Uses of Nonconforming Buildings or Other Structures] of the Winnetka Zoning Ordinance to permit the construction of a detached garage that would provide a corner yard

setback of 12 ft. from Tower Rd., whereas a minimum of 40.7 ft. is required, a variation of 28.7 ft. (70.51%), to permit the detached garage to be located nearer the street line than the principal building, and work beyond ordinary repair and maintenance to the existing nonconforming sunroom.

Mr. D'Onofrio stated that he would like to point out that he received a letter from a neighbor from the Niehoffs.

Chairperson Johnson also noted that the letter was emailed to the Board on Friday. She then swore in those that would be speaking on this case.

Michael Bazzell, the architect for the project, introduced himself to the Board and stated that they have several points that they would like to make. He informed the Board that the lot is a triangular lot and that the unique circumstances relate to the lot's irregular shape. Mr. Bazzell stated that the code is written primarily for rectangularly shaped lots. He also identified the lot as a corner lot and stated that they have been told that there would be two front setbacks which are a corner yard setback on Tower Road and a front setback. Mr. Bazzell indicated that meant that there is either a rear yard setback or a side yard setback which represented the third side and that otherwise, there is no rear setback or side setback. He stated that it is their contention that because of the shape of the lot, it is restrictive and that they should be allowed to consider an accessory structure in the side setback along Tower Road.

Chairperson Johnson asked for Mr. Bazzell to explain why the applicants need to have a four car garage.

Mr. Bazzell responded that they have three vehicles now which are sports vehicles as the initial reason as well as for storage.

Tim Curl informed the Board that they currently have two vehicles which they park in the garage on an ongoing basis and that they also have bicycles, a stroller and other items for the children which need to be kept inside and secured, especially given the weather here. He stated that being able to park the vehicles inside is key for them from a safety perspective since their vehicle was broken into in their driveway a few weeks ago. Mr. Curl indicated that maybe they do not need a four car garage but given that the existing garage is original to the home, he described it as not being up to modern standards since the garage doors are narrow and that it is a tight fit inside for modern vehicles. He then stated that they felt that an additional garage with sufficient space to reasonably park two vehicles would also be something which would be a reasonable addition to the home given what is expected for a home of the size and type that they have.

Chairperson Johnson asked the applicant if they considered remodeling or expanding the existing garage and whether that would require a variation.

Mr. Curl responded that they have and that it would require a variance. He then stated that in taking that approach, they would still have a substandard result versus the proposal. Mr. Curl also stated that they looked at other alternatives to get them the space, all of which were either cost prohibitive or required additional variations or would be more intrusive to the neighbors and others

in the way that they appeared.

Chairperson Johnson stated that there is a shed on the lot and asked what it is being used for.

Mr. Curl responded that they currently store lawn equipment and bicycles, etc. in the shed.

Ms. Hickey asked if that is a mistake.

Mr. Curl stated that they would be willing to take it down if the Board was willing to grant them a variance for the garage and that they are completely open to doing that.

Mr. Lane asked the applicant to address the standard with regard to the number of garages in the neighborhood.

Mr. Curl responded that is a fair question and that there are a lot of places which have two car garages as well as a lot of homes which have three car garages and a few homes with a little more than that. He stated that he would not say by any means that a four car garage is the standard but that it would not be out of line with the types of spaces you would see on other places. Mr. Curl stated that in many respects, the approach would take an area that uses a detached garage and that it would look more reasonable and fitting in to the character of the neighborhood to have a detached two car garage sitting behind the home rather than some of the other alternatives that they considered.

Mr. Lane stated that if they were to modernize the two car garage and make it into a three car garage, he asked what variances would be required to do that.

Mr. Curl stated that the biggest variance is that the current garage is over the setback line as laid out by the zoning code.

Mr. Lane asked if they would continue that setback requirement.

Mr. Curl agreed that is what would be required to widen the garage. He then stated that given that they are adding a family room onto the back of the home, in terms of widening the garage toward the back which would be the only direction they could go, that would block light from the south to the addition of the family room which would make their living space addition not as attractive as the proposal they put forth.

Mr. Lane questioned whether the extension of the garage would go all the way to the family room.

Mr. Curl stated that it would go where they currently contemplated the mudroom and that the mudroom would need to move toward the back and to the south of some of the front facing doors or windows are contemplated on that family room.

Ms. Hickey asked if they could go east.

Mr. Curl informed the Board that the biggest tree on their lot is directly in front of the garage to the

east and stated that they are not interested in cutting the tree down.

Chairperson Johnson asked if there were any other questions.

Mr. Kehoe asked when they purchased the property.

Mr. Curl stated that they purchased the property in July 2015.

Chairperson Johnson stated that the applicant has stated that they are having trouble with getting the current vehicles into the garage and asked if they are using it for bicycles and storage for other items.

Mr. Curl confirmed that is correct.

Chairperson Johnson then asked what is the size of the current garage.

Mr. Bazzell noted that there are two individual 8 foot wide doors and that there is approximately 17 feet of depth which meant that there is not a lot of room in which to fit vehicles.

Chairperson Johnson stated that if they were to reduce the back of the garage, they would have a much smaller variance.

Mr. Curl confirmed that is correct.

Chairperson Johnson then stated that part of the Board's job is to determine if there is an alternative which would result in less of a variance.

Mr. Blum noted that there is a comment in the application with regard to the height of the ceiling and asked if that would be an issue.

Mr. Curl stated that it contributed to it being a small space and referred to putting an SUV in there, hanging bicycles from it, etc. which is not possible but would be a possibility in other garages. He confirmed that it would be high enough to park the vehicles in there and that he is not going to say that it is a particular hardship.

A Board Member asked how many drivers are there in the home.

Mr. Curl responded currently two and that they would like to have the flexibility to have vehicles later and that between the two of them, they currently have three vehicles.

Mr. Blum stated that he is concerned that there are other solutions.

Mr. Curl informed the Board that they have a fence across the driveway which was recently installed a few weeks ago.

Mr. Blum asked Mr. Curl if they considered the issue when they purchased the home in July.

Mr. Curl responded that they did not and that they thought that they might want the space on the back and referred to the family room and open kitchen as proposed and which would not require a variance within the scope of the existing zoning requirements. He stated that they came to realize that the garage is something that they were focused on once they spent time in the home.

Ms. Kumer asked Mr. Curl if they considered the possibility of putting the garage on the Sheridan Road side and questioned whether it is even possible.

Mr. Curl agreed that they did and that they also considered putting the garage in the front yard and that given that the kitchen, mudroom and everything in the home is on the Tower Road side with the current garage, it would require a lot more reconfiguration of the home as well as the fact that the existing sunroom is on the Sheridan Road side of the home already. He referred to the setback line on that side which he described as the primary front setback. He stated that alternative would require as much of a variation when compared to the other options.

Mr. Bazzell informed the Board that the existing curb cut is on Tower Road and that it would seem interesting to introduce a curb cut on Sheridan Road which has more traffic.

Chairperson Johnson asked if there were any other questions.

Ms. Hickey referred the Board to page 20 of the agenda packet to the proposed first floor plan and asked the applicant if they considered moving the mudroom to the west.

Mr. Bazzell agreed that they did and stated that to add the two car garage would make it wider than the code allowed because of the number of doors and the width.

Mr. Curl asked Ms. Hickey if she is asking if they considered expanding the current garage by one car width. He informed the Board that they did consider that when they started looking at alternatives, all of the designs they had resulted in it being setback further from Tower Road to comply with that setback and would not be parallel to the existing south edge of the home, all of which he stated would have intruded on the light into the family room and kitchen which was a big consideration for them as well as wanting to maintain some backyard space clearly within the view of the kitchen and the family room for a swing set and play area for their child so that it is easily visible from the home.

Ms. Hickey referred to the shed in that location and that they are proposing to have a garage.

Mr. Curl noted that the garage is much closer to Tower Road as opposed to what it would be if they were to tack it onto the side of the home and which would block the view of the play area from the kitchen.

Ms. Hickey asked if they were to move the family room back, how much of a setback would there be.

Mr. Curl responded that they are very close to the 12 foot setback with the family room on the current plan and that it cannot go back any further without a variance.

Chairperson Johnson indicated that it may be a less intrusive variance than what they are asking for.

Mr. Curl indicated that it would depend on whose perspective you are looking at and that their neighbor did not see it that way. He noted that there is a home with a backyard which faced the back of their home and that the neighbors' backyard and patio faced the back of their home. Mr. Curl also stated that they are sensitive to the fact that it is the back of the home.

Chairperson Johnson asked if there were any other comments. She then stated that a related variance was not discussed really and referred to the structural alterations for the sunroom which required relief from the ordinance. Chairperson Johnson asked if there were any questions on that.

Mr. Blum asked if they would be taking the flat roof and making it into a peaked roof.

Mr. Curl indicated that they wanted it to match and to look original as opposed to looking like it was tacked on.

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

Mr. Blum stated that he would be inclined to vote no. He then stated that with regard to reasonable return, they would be setting a dangerous precedent in saying that a four car garage is necessary and that there are alternatives and that they discussed a number of alternatives. Mr. Blum reiterated that his concern is saying that a four car garage is necessary.

Mr. Blum also stated that as far as alternatives, there are alternatives which would comply to remedy the situation. He then stated that if a four car garage has value, there are tradeoffs that the applicant can do with either no variation or a reduced variation. Mr. Blum indicated that he is sympathetic to the situation and noted that the applicants also have a shed which is alternative accessory storage.

Mr. Lane stated that he had the same views and that he found reasonable return to be a difficult issue. He stated that the Board has found that with corner lots, there are clearly issues and that they try to identify workable solutions for corner lots as it relates to unique circumstances. Mr. Lane also stated that a three car garage would add square footage if they needed more depth and that a four car garage is not a reasonable expectation.

Mr. Kehoe stated that he had trouble with unique circumstances given that the applicants purchased the property in July and knew that it would be problematic for them.

Chairperson Johnson added that they generally do not look at the applicant and how many vehicles they have. She then referred to the norm in Winnetka as a two car garage. Chairperson Johnson stated that there are lots of issues in terms of the size of the garage and that the Board has approved many variations where a garage was remodeled or expanded to make it workable and usable. She stated that she lives in the neighborhood, but not within 250 feet, she referred to a home in the

neighborhood with a two car garage and a turnaround area. Chairperson Johnson stated that the issue is faced by everyone and is not unique to the applicant and that they cannot consider the applicants' preferences. She noted that the Board has to consider what runs with the home or property. Chairperson Johnson also stated that while Bryant Street is perpendicular, every home has a two car garage and some homes have garages that are larger with larger lots. She then referred to the homes on Tower Road with either a one or two car garage and that she agreed with the Neihoffs' letter. Chairperson Johnson stated that personally, she would consider a variation for a modified alternative which would give the applicants more space. She asked if there were any other comments from the Board.

Mr. Lane stated that he had no issue with the modification of the sunroom.

Mr. Curl referred to the buildable area of the lot as a whole in the R-2 district and noted that they should have 16,000 square feet of buildable area and that they are close to 6,000 square feet which he described as a small buildable area. He then stated that for a lot of this size, they could fit what they want into the buildable area.

Chairperson Johnson stated that she agreed that a triangular lot is problematic and that the home had been on the market for a long time. She then stated that there are a lot of lots in certain districts this way or smaller or bigger than the requirement. Chairperson Johnson stated that in this case, they would not be setting a precedent for a four car garage where there is no basis for it. She also stated that more safety issues would be created. Chairperson Johnson stated that in her opinion, it would be an unusual arrangement to have a detached garage sitting next to the home with an attached two car garage and that she is not sure that it would enhance reasonable return. She asked if there were any other comments.

Ms. Hickey stated that the applicant can come back.

Chairperson Johnson noted that the Board is a recommending body and that they can vote on the sunroom renovation separately. She then stated that if they voted to recommend denial of the request, the applicant can take the request to the Village Council and see if there is a different result or they can withdraw that portion of the application and come back with alternatives which would require a smaller variation.

Mr. Curl agreed that would be fine.

Chairperson Johnson then asked for a motion.

Mr. Lane moved to approve the variation to do repairs and maintenance to the nonconforming sunroom based on the fact that in connection with reasonable return, if they had to tear it down or move it, it would not make sense. He also stated that it would add to the value of the property without completely tearing it down. Mr. Lane then stated that in connection with the plight of the applicants, the lot is a corner lot and noted that where the home is situated made it difficult to find a place to put the sunroom which he added is unique to this property.

Mr. Lane stated that the request would not alter the character of the locality and that there would be

minimal changes there. He stated that with regard to the light and air to surrounding properties, it would be located a far distance from adjacent properties and that they would only be adding slight height to the roof. Mr. Lane stated that there would be no hazard from fire, the taxable value of the land would not diminish and that congestion would not increase. He concluded by stating that the public health, safety, comfort, morals and welfare of the Village will not be otherwise impaired.

The motion was seconded by Ms. Hickey. A vote was taken and the motion was unanimously passed, 7 to 0.

AYES: Blum, Hickey, Johnson, Kehoe, Kumer, Lane, Naumann

NAYS: None

### **FINDINGS OF THE ZONING BOARD OF APPEALS**

1. The requested variation is within the final jurisdiction of the Zoning Board of Appeals.
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 Sections 17.30.050 [Front and Corner Yard Setbacks] and 17.64.060 [Conforming Uses of Nonconforming Buildings or Other Structures] 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. The proposed structural alterations to the existing nonconforming sunroom will add value to the property, as opposed to tearing it down or relocating the sunroom.
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 lot is a triangular corner lot with existing nonconforming front and corner yard setbacks. The alterations to the sunroom will not increase the extent of the nonconforming front setback.
3. The variation, if granted, will not alter the essential character of the locality. The alteration to the roof of the sunroom will match the existing residence.
4. An adequate supply of light and air to adjacent property will not be impaired by the proposed variation, as there is only a minimal increase in the height of the nonconforming sunroom. Additionally, there aren't any structures on neighboring properties in close proximity to the sunroom.

5. The hazard from fire or other damages to the property will not be increased as the proposed improvements shall comply with building code standards, including fire and life safety requirements.
6. The taxable value of land and buildings throughout the Village will not diminish. The proposed construction is generally an improvement to the property.
7. Congestion in the public street will not increase. The structure will continue to be used as a single-family residence.
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be otherwise impaired. No evidence to the contrary was provided.

**511 Lincoln Avenue, 513-515 Lincoln Avenue, 710-732 Elm Street, 740 Elm Street and a Portion of the Adjacent Lincoln Avenue Right-of-Way, Case No. 15-10-PD, Stonestreet Partners and Winnetka Station LLC - Planned Development**

Mr. D'Onofrio noted that the case was continued from the November 16, 2015 meeting.

Chairperson Johnson stated that they would proceed like they did before. She then stated that there would be a presentation by the developer and noted that they have read the newly submitted materials. Chairperson Johnson asked the applicant to focus on the changes to the plan and the parking issues addressed in a recent submission. She then stated that there would be questions from the Board followed by public comment. Chairperson Johnson also stated that if there are interested parties who wanted to cross-examine the applicant, they would be able to do that. She then stated that they would then go back to the Board for discussion and deliberation on the matter. Chairperson Johnson noted that the Board had many questions at the previous meeting that required more information and that now, there would be more questions from the Board in addition to those from the last presentation. She then swore in those that would be speaking on this matter.

George Kisiel of Okrent Kisiel Associates introduced himself as the planning and zoning consultant for the One Winnetka project. He informed the Board that he would run through some of the design responses since the last meeting. Mr. Kisiel then stated that Javier Millan would speak and clarify issues with regard to traffic and parking.

Mr. Kisiel began by stating that the original One Winnetka proposal was somewhat larger than the last one. He informed the Board that they started out with seven stories and 83 feet with two stories on the west, six stories on the east and two stories along Elm. Mr. Kisiel then stated that the last proposal before the Board reduced the gross square footage to 17,200 square feet while maintaining setback and open spaces and reducing the height on the east by one floor and on the west by two floors and adding townhomes above the retail portion for a total of three floors.

Mr. Kisiel stated that since then, they have made another reduction in the GFA to 162,000 square feet while maintaining the same open space. He informed the Board that they have reduced the east building by one floor so that now, it would be four floors and 45 feet and added an upper level to the townhomes and maintained the required upper level setback along Elm. Mr. Kisiel stated that what they have done is further reduced the height on the east to four stories and 45 feet and

further reduced the GFA to 162,000 square feet.

Mr. Kisiel then stated that with regard to how the floor plans would be configured, he identified the sixth floor penthouse in an illustration for the Board and the fifth floor which would contain no residential development above the roof other than on the west side of the property. He then identified the townhomes on the fourth floor and the eastern building with apartments. Mr. Kisiel also identified the third floor in an illustration and noted that the rest of the building down to the ground floor would remain the same as in the prior proposal. He stated that in summary, they have approximately 118,000 square feet of residential floor area and 43,000 square feet of commercial area which resulted in 162,000 square feet in GFA.

Javier Millan introduced himself to the Board as a senior consultant with KLOA who would speak about traffic and parking study. He then referred the Board to an illustration of the traffic flow diagram for underground parking for the commuter lot and identified the entrance and exit to the other portion of parking. Mr. Millan stated that there would be two access driveways, one of which is off Elm and the other access on Lincoln which meant that you can enter underground parking from either Lincoln or Elm and the same with exiting. He also identified the access driveway which would be one lane in and one lane out with stop sign control.

Mr. Millan then stated that there were some specific questions and comments with regard to parking in the area. He stated that as part of the study which was conducted, they did a parking survey of the East Elm district which was conducted on May 22, 2014 from 8:00 a.m. to 6:00 p.m. and made some key findings. Mr. Millan informed the Board that the Metra parking lot is 88% occupied and that the Lincoln and Oak commuter spaces are 100% occupied. He then stated that the Green Bay Road commuter spaces parking spaces are 92% occupied and that the availability of on-street parking for retail along Lincoln and Elm, Green Bay Road and the Zone A parking spaces in the Lincoln Avenue parking lot reached above 85% occupancy during the 9:00 a.m. to 2:00 p.m. hours. Mr. Millan stated that they looked up what they did by comparison which was very similar to a study commissioned by the Village of which he was not aware of until not too long ago. He noted that the data was very similar to their findings.

Mr. Millan stated that there are industry standards to consider for a parking area whether it is for on-street or off street parking which identified 85% as fully occupied. He stated that the reason why is that when there is an 85% or higher capacity, that meant that there is less readily available parking which leads to two things. Mr. Millan stated that meant that people would start driving around the area to find the "golden spot" which created movements which are not needed and result in driving away customers who could not park right in front of their destination. Mr. Millan stated that additional commuter and retail parking is needed.

Mr. Millan also stated that there was comment made with regard to people being willing to park underground. He informed the Board that is more of a marketing type question and that there is no concrete data on that. Mr. Millan did state, however, that after searching and searching, they found articles and referred to the members of ULI who showed a project in Portland, Oregon which decided to create underground parking because the public complained that there was no parking. He then stated that it was done and that once it was done, although the results are anecdotal, the results indicated that even when people cannot find a spot in front of their

destination, they know that there is readily available parking underground and that it is successful. Mr. Millan also stated that the other benefit is that they would be hiding parking and create the vibrancy of a pedestrian-centered development as opposed to vehicles blocking stores.

Mr. Millan stated that there was also the question as to the benefit of providing additional commuter parking. He noted that the survey stated that parking is at capacity. Mr. Millan also stated that parking which is covered is more attractive to commuters and that there would be clean vehicles with covered parking as opposed to if they were located on a surface lot since a covered lot would protect them from the elements. He added that it would be attractive for commuters to use it and that it would free up on-street parking which would be more suited for retailers.

Mr. Millan then stated that there was a question with regard to the reconciliation of the transit-oriented development concept with the claim for the additional need concept. He noted that transit-oriented development is a two part concept in that it liked to have developments in close proximity to trains or buses and that you see a lower trip generation because there is no need to drive to work. Mr. Millan stated that by the same token, there would also be a reduction in parking for those who live close by since there is no need to own vehicles and that they can rely on public transportation. He also stated that in connection with the census data for Winnetka, automobile ownership for those located within 1.4 miles of train and rental units is 1.05 vehicles per unit. Mr. Millan noted that the development could have peak parking at 75 units for residential development and that the developer decided to meet the ordinance requirement of 116 spaces for the residents. He referred to the need for additional parking for retail and commuters but that they would be meeting the code for new residential development and that the developer would be ensuring that they would be containing the demand within the site and not put any additional demand on existing parking. Mr. Millan concluded that he hoped that he covered the questions raised at the last meeting and asked if there were any other questions.

Chairperson Johnson also asked if there were any questions.

Mr. Kehoe referred to the parking lot at the Community House which was one time considered and asked if it could have been two story or underground parking.

Chairperson Johnson stated that the Village Council talked about that.

Mr. D'Onofrio stated that over the past number of years, one alternative was to provide structured parking at the Community House and that they never got to the plans for the concept.

Chairperson Johnson asked if there were any other comments.

Mr. Blum stated that for the first time, he realized that you would enter and exit the lot from the current alleyway. He stated that the illustration indicated that there would be one lane in each direction and asked which direction each lane would go and how would it be controlled.

Mr. Millan referred the Board to an illustration and stated that the driver would be on the right side. He then demonstrated drop-off and pick-up and how traffic would circulate on the illustration. Mr. Millan also stated that the movements would be stop sign controlled. He added that if there

are sight line issues, they would put in a concave mirror in order to allow you to be able to see. Mr. Millan indicated that there are many ways to treat the issues such as with signage. He then stated that in his experience with these types of garages, a concave mirror would help most people see what is coming.

Mr. Blum referred to Elm and the ramp going up and confusion with the green and red arrows.

Mr. Millan identified the direction of the arrows for the Board in an illustration.

Mr. Kisiel informed the Board that with regard to the East Elm lot circulation, it would be at grade at the intersection at Elm and that the entrance is 5 feet below the entrance at Lincoln. He stated that for this stretch, there would be a ramp going up to grade on that side. Mr. Kisiel then stated that if you were to go left, there would be the option of going down underneath a portion of the Elm lot which he identified for the Board. He described it as a scissor type situation in that area.

Mr. Blum responded that was helpful. He then questioned if there would be enough room to execute a three point turn if there are no spaces. Mr. Blum also referred to the loss of setback in an area which he identified and stated that in connection with the 4<sup>th</sup> floor being taken off on the east side, the next level up is gone and that there would still need to be a setback on the 4<sup>th</sup> level which was referred to at the Plan Commission meeting. He asked the applicant to address the change.

Mr. Kisiel noted that the intent of the setback produced on the street side would give the illusion of a three story building. He noted that the east side is not adjacent to the street and that previously, they provided five floors and that it would now be four to make up for the loss of that area. Mr. Kisiel reiterated that there would be no setback on Elm on the east portion of the property which was what they had previously.

Mr. Lane asked Mr. Kisiel what is the box in the illustration after the motor court.

Mr. Kisiel identified it as the loading area.

Mr. Lane stated that he thought it was closer to Elm.

Mr. Kisiel stated that only on Elm would be the trash pickup and that the other loading area was relocated off of Lincoln central to the site which is where the box is.

Mr. Lane then asked how traffic would go in with retail trucks there.

Mr. Kisiel stated that there would be a limited time and that it would be scheduled so that it would not conflict with the peak hours of operation of the site. He indicated that they do have control of the site in connection with the tenants which they would build in with a use agreement.

Mr. Lane asked what is the peak time that the residents come and go.

Mr. Millan responded that while there would be traffic all day long, he identified the peak hours as

7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. He also stated that delivery would normally be avoided during those times and that deliveries can be scheduled to not interfere with peak times.

Chairperson Johnson stated that the request would be appearing before the DRB on Thursday and that it appears that the applicant moved where the loading zone will be which is what the agenda said. She then identified its location from the materials.

David Trandel informed the Board that the illustration showed how it was moved from an earlier configuration with loading off of Elm. He then stated that they listened to the north neighbors and reconfigured it to have loading off of Lincoln.

Mr. Kisiel then identified the access for the Board.

Chairperson Johnson asked if trucks would be prohibited from entering off that area at all.

Mr. Trandel responded that would be the Village's call.

Chairperson Johnson questioned whether it was submitted to the DRB at the November meeting.

Mr. Lane then asked what the broader reason was for it as opposed to the comments which were received.

Mr. Trandel indicated that he did not know if there were broader reasons. He stated that they were faced with 25 questions and that there was a lot of discussion with the neighbors on Elm and the businesses. Mr. Trandel stated that for practical reasons, it would be less intrusive to have it on Lincoln.

Mr. Lane asked if it was an enclosed area before.

Mr. Trandel confirmed that it would still be enclosed. He also stated that on the street, it is 24 feet. Mr. Trandel noted that with a truck stopped now on Elm, it would be easier to navigate. He added that there are no alleys on Elm to load and unload now.

Mr. Blum asked if there would be a turnaround or if the trucks would have to back out.

Mr. Trandel responded that they would be able to do a full circulation off of Lincoln and exit on Elm. He confirmed that they would not go through the garage.

Mr. Kisiel stated that to clarify, in general, what is great about how the site is laid out is its flexibility. He then identified a secondary internal roadway to connect Elm and Lincoln for the Board and stated that there would be the ability for a truck to turn and that it would not be a difficult maneuver. Mr. Kisiel also stated that to mitigate any negative impact is why there is an enclosed trash and loading bay and that trucks would be able to pull in next to the loading bay. He noted that they struggled to satisfy all of the neighbors on all sides and that loading is a fact of retail and residential development. Mr. Kisiel reiterated that the site has flexibility and the ability to

handle that.

Mr. Trandel noted that now, trucks stop on Lincoln with traffic going around them as well as on Elm.

Mr. Lane referred to them parked on the access road before you get to the garage where they would be blocking one lane of traffic to the parking garage if they are sitting there.

Lucien Lagrange stated that he would explain and identified where trucks would come in for the Board. He also identified the two bay loading dock for two trucks and noted that the dock would be located behind doors. Mr. Lagrange stated that the trucks would back up into the bay and then drive out.

Mr. Lane stated that is contrary to what the Board was just told.

Mr. Trandel stated that the illustration was an old rendering.

Mr. Lagrange stated that for a project with retail and residences, garbage pickup would be private and that they will have a management system with contracts and compactors.

Mr. Trandel stated that Mr. Lane made a good point. He then stated that if there is an opportunity to use interior first floor space as a bay that would be desirable. Mr. Trandel then stated that management through scheduling is the first choice and that they can design around it for the back end with a "T."

Mr. Lane stated that the Board needed to know what the plan will be so that they can make a decision as opposed to something that the applicant is still thinking about. He also stated that ingress and egress is what the Board is to consider. Mr. Lane then stated that if the bay is located inside, that would be completely different than parking outside.

Chairperson Johnson stated that the problem besides the inconvenience for the residents is also if the trucks have difficulty in maneuvering on Lincoln and Elm.

Mr. Trandel indicated that a lot of it is management and reiterated that the street is 24 feet wide. He also stated that if trucks park illegally, they can manage that as part of the process.

Mr. Lagrange agreed that traffic on a private road can be managed.

Mr. Trandel then stated that the issue with other retail for example is an 18,000 square foot center and a terrific back driveway. He informed the Board that there would be dedicated loading all behind. Mr. Trandel referred to a situation where truck drivers who want to block 12 parking spaces and put a ramp out and deliver materials which he stated was done for three weeks and that they went to the business owners and fined them.

Chairperson Johnson stated that she lives on the east side of Winnetka and drives on Lincoln several times a day and that delivery trucks for Little Ricky's blocked traffic.

Mr. Trandel stated that the benefit here is that there would be loading off of Elm and Lincoln and on the private way. He added that they have an alternative.

Ms. Hickey stated that she had a question with regard to the widths of the parking deck with two lanes of traffic and parking spaces.

Mr. Millan informed the Board that a typical width for two way traffic is 24 feet. He stated that they could go with an amount which is less at 22 feet and that ideally, the amount is 24 feet and that the plan is for 24 feet.

Ms. Hickey then asked how long the parking spaces are.

Mr. Millan referred to 18 feet with some communities asking for 18½ feet. He confirmed that it would have to meet the code.

Ms. Hickey asked what the total width of the upper deck is.

Mr. Millan stated that it would 18 feet plus 18 feet plus 24 feet for a total of 60 feet.

Chairperson Johnson questioned whether they are planning to have parking as required in the motor court.

Mr. Trandel agreed that is their intent and that they planned to have four spaces in the motor court.

Chairperson Johnson asked if they eliminated one parking space, noting that the original plan was for five spaces.

Mr. D'Onofrio informed the Board that the applicant did not have to designate where the spaces have to be.

Mr. Trandel noted that they have more than captured the spaces elsewhere.

Mr. Lane asked if there is room for four spaces there.

Mr. Trandel responded that there would be parking on one side only.

Mr. Lane then stated that he saw three on one side and two on the other.

Mr. Trandel stated that with regard to how the motor court would be parked, the general thought there was geared toward the professional services off of Lincoln and that it was designed for drop-off and also for ease of drop-off for the elderly or those needing assistance to the services on the second floor.

Mr. Lane asked if there is space to have five parking spaces regardless of what they are used for.

Mr. Trandel confirmed that it is a big space sized at 32,000 square feet.

Mr. Lane then stated that in connection with the fountain in the middle, then to the wall is 22 feet on both sides. He then stated that if that is normal for road width, how with 22 feet they expected two vehicles to go and for two cars to park which he indicated is not feasible.

Mr. Kisiel referred the Board to a diagram and stated that it is misleading in that there would be one way circulation inside of the motor court. He then stated that the two green areas show in and out traffic which would all be going in the same direction.

Mr. Lagrange informed the Board that the Waldorf did exactly the same thing with their motor court. He also stated that there are the same size vehicles as well as many big limos and that there is a lot of space. Mr. Lagrange stated that from experience, he stated that is what they would do here. He also stated that in connection with more than five vehicles and 10 minutes in terms of drop-off and pickup, that is why they are confident about it.

Mr. Trandel added that if they have a doorman, they can handle it.

Mr. Naumann asked the applicant to briefly address the pedestrian access points and the covered parts of the garage and to identify them.

Mr. Trandel referred the Board to an illustration to identify those areas. He informed the Board that they held an open house on Saturday which he described as illustrative and helpful in terms of understanding how Lincoln would shift 22 to 25 feet to the west and how they would square off Lincoln and Elm and make it a much safer intersection. Mr. Trandel also identified the entry point for the stairs and the elevator up and down, the grade and the area of the bike path up to the plaza level. He noted that they would still have the Metra overrun catwalk. Mr. Trandel also identified another area as the east lot stairwell off of Elm which you would take down and up. He then identified the residential garage with 122 spaces and noted that since the building size was reduced, the amount of parking spaces would go down. Mr. Trandel confirmed that the access would be similar and identified the private access for the residents. He informed the Board that the only public access points would be off of the east lot on the northeast corner and the northwest corner of the commuter garage. Mr. Trandel noted that they call it the retail/commuter garage which is commuter parking with a retail overflow component and which would contain 194 spaces. He indicated that they envision that it would be filled with commuters during the day and would be used by restaurants and retail in the evening.

Chairperson Johnson stated that the applicant repeatedly in the presentation referred to the garage as retail/commuter.

Mr. Trandel stated that the Village can call it what they want to and that they are saying that it would be a multi-use garage. He then stated that there are times when it would be more relevant to be used as a commuter garage rather than a retail garage.

Chairperson Johnson also asked why retail users at night would need to use the underground garage when they could use surface parking.

Mr. Trandel reiterated that they need retail parking in the evening which would use the commuter

garage.

Mr. Naumann asked about alternatives. He stated that the applicant has talked about evening use and asked what safety devices they considered. Mr. Naumann then referred to the two limited access points to the garage and asked if they thought about how it would be managed to make the garage more attractive to a nighttime user.

Mr. Trandel responded that one natural benefit is that there would be open exposure on the west side to allow natural light on the first and second floors. He then stated that beyond that, they planned to coordinate with the police department and the drivers there. Mr. Trandel stated that now, a good example would be the lot behind the old Fell building which he described as awful and added that they have been lucky that there have been no bad instances. He stated that it comes down partly to education and part to proper lighting. Mr. Trandel also stated that with regard to LED lighting, there are a lot of ways to activate it and that motion sensors would be helpful.

Chairperson Johnson stated that she had questions in connection with the underground lot. She stated that they asked at the last meeting whether there was a similar suburban underground parking structure with the ramp on-street.

Mr. Millan stated that he cannot provide a specific example.

Mr. Trandel informed the Board that it was done in Arlington Heights. He then referred the Board to an illustration of an example in Evanston and confirmed that is not what the parking lot would look like. Mr. Trandel also referred the Board to an illustration of a parking lot in Lake Forest.

Chairperson Johnson stated that those are not the same.

Mr. Blum stated that in Evanston, they both turn on the side in which you are driving. He stated that from Lincoln, it would be crossing traffic and asked the applicant where there is a situation like that.

Mr. Trandel responded that he is not sure in terms of relevance and stated that with regard to the parking lot, there is a lot more area on Lincoln than in these examples.

Mr. Blum asked if there would be a turning lane.

Mr. Trandel responded that they could have one and that there are a lot of ways to manage it.

Chairperson Johnson stated that the radius is an 11 degree radius coming south on Lincoln and asked what the radius of the sharp turn is.

Mr. Millan responded that it would be a 90 degree turn making that right turn. He then identified the entrance and two-way traffic on the illustration for the Board.

Chairperson Johnson noted that the drawings provided did not extend to the Lincoln/Oak intersection. She also stated that it is not shown on the illustration.

Mr. Millan stated that with regard to the concerns, if traffic south on Lincoln is cued past the access driveway, would they have to wait to make the turn to go in is Chairperson Johnson's question. He informed the Board that the analysis with the simulations and observations show that traffic would never cue at that level going to the access driveway and that the only blocks they would have are at an intersection. Mr. Millan reiterated that there would be no cue of traffic to or beyond the proposed access driveway.

Chairperson Johnson asked what the retaining wall and guard rail would look like.

Mr. Lane questioned whether it would be significant at grade level.

Mr. Trandel responded that it would not and stated that the walls would be more of fencing so that people would not walk onto the ramp. He also stated that it would be one story down. Mr. Trandel stated that it may be 11% grade and that the Village ordinance is 14%.

Chairperson Johnson asked what the height limitation for the truck clearance is and if there would be a sign.

Mr. Trandel confirmed that is correct and that there would be warning before in terms of the height limitation which they can hang from the roof which he indicated is the most effective way. He noted that it is shown at 7 feet 6 inches and that taller SUVs measure 6 feet 11 inches.

Chairperson Johnson then asked if the applicant considered creating an entry ramp from Lincoln onto the site and having a separate ramp to the commuter/retail garage.

Mr. Trandel indicated that would open a Pandora's Box. He informed the Board that it was their first idea and that it seemed the most logical. Mr. Trandel stated that it was done this way to manage privacy and safety.

Chairperson Johnson stated that there is no stop sign now on either side of Oak. She stated that Steve Saunders said that they might need a signal.

Mr. Millan stated that the report from Mr. Saunders stated to explore the potential for an all way stop sign to control Oak and Lincoln. He then stated that with regard to the volumes, there is no need for a stop sign or an all way stop sign for control.

Chairperson Johnson asked if there was a stop sign, where would it be.

Mr. Millan responded that it would be for outbound traffic from the ramp. He noted that they would not be stopping the Lincoln flow of traffic and that it would be like it is today.

Ms. Kumer questioned whether it is shown on the drawing.

Mr. Millan stated that as the ramp goes up, there would be a stop sign and a stop bar.

Chairperson Johnson asked will others see it.

Mr. Trandel stated that there would be landscaping in the area and referred to the entrance point at the sidewalk of Lincoln which he described as way to the west. He noted that the stop sign would be for those coming out of the ramp and reiterated that Lincoln traffic would not be stopping.

Ms. Kumer stated that there is no sidewalk depicted there with the landscape patch and asked if that is gone.

Mr. Trandel stated that in the plaza, there is one big sidewalk and a new sidewalk which he identified for the Board and where the three trees are. He informed the Board that vehicles can turn north onto Lincoln from the garage. Mr. Trandel then stated that during the day now, he described it as the Wild West with a big wide street.

Chairperson Johnson asked where the signage would go showing that there is a ramp to parking.

Mr. Trandel presumed that there would be warning signs for vehicles in and out south on Lincoln and the same going north.

Chairperson Johnson then asked how far the guardrail would extend on Lincoln.

Mr. Trandel informed the Board that it is marked off now to the existing sidewalk and that they would still have a wider street than Elm for example. He stated that there is a lot of room.

Chairperson Johnson stated that at the November meeting and the DRB meeting, Mr. Trandel said he hoped commuters currently using the Hubbard Woods and Indian Hill stations and those outside of Winnetka would use the parking structure.

Mr. Trandel stated that part of the goal is to get the commuter vehicles on Maple for example. He stated that they would be creating a centralized place for commuter parking to take the vehicles from Zones A and B.

Chairperson Johnson asked if they considered the impact additional commuters from Indian Hill and Hubbard Woods and neighboring towns would have on traffic generated on the proposed site.

Mr. Millan confirmed that it was considered in the study. He noted that they applied the ratio to come up with trip generation assuming that all of the spaces are spaces used. Mr. Millan also stated that they assumed that it would be full.

Mr. Trandel stated that as an added benefit, they envision a bike rental or an exchange off of the bike path by the garage where people would be able to rent or park their own bike.

Chairperson Johnson asked if there were any other questions.

Mr. Lane stated that with regard to the parking lot, the financial analysis used a \$600 per year amount to come up with recovery by the Village. He asked where the \$600 figure came from.

Mr. Trandel responded that the Mandigo report showed that based on sales and property tax; there would be a 24 year recovery period.

Mr. D'Onofrio informed the Board that they charge \$200 for residential and \$440 for non-residential commuter parking.

Mr. Trandel stated that they deferred to the June report. He referred to the break-even point beyond what people would pay which includes shopping and retail sales.

Mr. Lane then stated that with regard to the financial analysis, he referred to the value placed on Village land of 7,767 square feet and the \$279 per square foot valuation number and asked what the basis for the \$279 figure is.

Mr. Trandel informed the Board that it included comparables which were in the report a long time ago. He then referred to what was paid for Phototronics and the former Baird & Warner spot.

Mr. Lane asked if they included what was offered for the pharmacy property.

Mr. Trandel responded that they did not.

Mr. Lane stated that they would be getting the corner which he described as necessary space and that they cannot build retail without the corner space. He also referred to whether it was offered and turned down and that it could be higher.

Mr. Trandel stated that at some point, it makes sense and that sometimes, it does not. He also stated that it related to FAR.

Mr. Lane reiterated that the corner spot is key for retail. He then stated that if you do not have the pharmacy location, the Village land is creating the corner spot.

Mr. Trandel stated that they also have Phototronics which is on the corner.

Mr. Lane then stated that they do not have Conney's and that it is a disjointed location.

Mr. Trandel then stated that they would be delivering 360 parking spaces for the Village at \$15,000 per spot.

Mr. Lane stated that he thought that it was \$30,000.

Mr. Trandel referred to retail on the east lot and stated that it is their money. He then stated that it benefits the shops and the Village and that they are adding 63 parking spaces.

Mr. Lane stated that the additional 63 parking spaces created value for the developer's retail. He

then stated that with analysis of the Rich and Associates study, he referred to using different factors to come up with the parking demand. Mr. Lane asked if they looked at those to determine if the amount needed would be higher or different than what was calculated.

Mr. Trandel responded that they went into it with a fresh set of eyes and that it was better to do it unfettered. He indicated that it would be similar in terms of parking demands, weaknesses and shortfall.

Mr. Lane asked if the factors used were different.

Mr. Trandel stated that for projects which are way over-parked, they would build more than for residents that used it.

Chairperson Johnson stated that the applicant is seeking to purchase the Village right-of-way on Lincoln. She then stated that with regard to the plaza overhang on the west side, she asked if they planned to take part of the bluff and extend the street over it.

Mr. Trandel confirmed that is correct and informed the Board that they taped off only the building and that the Village asset is on Village land. He indicated that they would only be paying for part of the plaza and that the collective cost is a 50/50 venture.

Mr. Blum stated with regard to the tradeoffs with the Village, if the project is approved, they would be going to Lincoln but that the Village would not build parking and asked what the benefit to the Village is.

Mr. Trandel stated that for the Village, it represented an interesting opportunity to do a long term solve for the parking challenges at half the market rate it would cost to build.

Mr. Blum asked if the proposal, regardless of whether the parking lot is built, would take extra space on Lincoln and the right-of-way.

Mr. Trandel urged the Board to look at the moment in time. He then referred to the defector result of the North Shore line closing and that it was abandoned 45 years ago. Mr. Trandel stated that it is being asked for and that they will pay for it.

Mr. Lane referred to paying for the land and that the financial analysis did not say that. He indicated that it says that it related to the value of the vacated land. Mr. Lane stated that is a key issue to him in connection with the devaluation of land.

Mr. Trandel agreed with Mr. Lane's comments and stated that they would pay market value.

Mr. Naumann stated that there is a need for retail parking. He referred to the study and to come back with plans and the fact that the important constituency is the business owner. Mr. Naumann asked what their feedback was.

Mr. Trandel informed the Board that they spent a lot of time with the Chamber of Commerce and

the business council and found that there is a resounding need to solve the parking problem. He stated that they need activity and pedestrian walkways and not just people driving through the Village. Mr. Trandel then stated that when you do not have parking, there is no place to catch people and that the project represented an opportunity to capture those people. He described it as hard and that when you cannot find parking, people do not stop.

Mr. Naumann then asked if there was engagement with the commuters.

Mr. Trandel confirmed that is correct and stated that with regard to the idea of opportunity, he stated that there are interesting things the Village can do to lure people to the area. He described it as unique and that they have been gifted with a unique set of circumstances. Mr. Trandel then referred to the great visionaries from 70 years ago and the thought about safety in terms of lowering the tracks. He also referred to the unintended consequences which created two campuses and that the project represented a unique opportunity to finish off what was started and create something. Mr. Trandel added that there would be activation and a focal point to bring people to town that would park, work and come back and meet families in the middle of town. He stated that the other benefit would be removing the commuter vehicles from street level which block up retail parking.

Chairperson Johnson stated that to clarify, would the current commuter designated parking spaces except for Lincoln be maintained for commuters.

Mr. Trandel described it as a demand issue. He then referred to shrinking the vehicles in half which would result in more vehicles on the street. Mr. Trandel stated that they planned to create a harbor for all of the vehicles.

Chairperson Johnson asked what would be the use of the station parking lot if it is no longer used by commuters.

Mr. Trandel stated that there would be more retail opportunities in the station itself.

Chairperson Johnson asked if the lot would be a substitute for all commuter parking.

Mr. Trandel confirmed that is correct. He also stated that given the choice, the commuters would take sheltered parking.

Mr. Naumann asked Mr. D'Onofrio that it was stated that there are safety issues and whether they would talk through the process for Winnetka to go through to vet out all of the safety issues. He also stated that the issues went beyond the Board's purview.

Mr. D'Onofrio stated that is one of the big components required that upon preliminary approval, the applicant would be required to submit detailed engineering plans and that part of that is traffic control which is reviewed by the engineer as well as the locations of stop signs and whether they are needed or not. He noted that the appropriate professionals would be looking at those safety issues.

Chairperson Johnson stated that with regard to the overhang, she asked if part of the bluff would be eliminated.

Mr. Trandel noted that the Village owned up to 5 feet of the bike path and that they would be going within 20 feet of the bike path and that it would cantilever over the bluff 5 feet. He stated that the bluff would be reduced by 2/3 and that there is tape out there to illustrate it.

Ms. Kumer asked if they planned to eliminate part of the bridge.

Mr. Trandel confirmed that is correct and that with regard to the division between the two sides, they planned to bring the two sides together. He then stated that the Board members would need to walk it.

Mr. Kehoe referred to the right-of-way use terminal requesting surface and air rights to 7,600 feet. He indicated that it did not sound like they would be purchasing a fee interest in the property.

Mr. Trandel stated that it would be deeded back underground. He also stated that if they built the garage, the Village would own what is underneath and their own air rights above.

Mr. Kehoe stated that \$279 per square feet is not applicable.

Mr. Trandel stated that he understood and that the Village needs the garage.

Chairperson Johnson then referred to the size and density of the project. She stated that with regard to the New Trier Partners (NTP) proposal for the site, the Village Council provided preliminary approval for the Fell property and that the developer's plans subsequently lapsed. Chairperson Johnson noted that proposal did not include the Baird & Warner property or Phototronics.

Mr. Trandel agreed that is correct.

Chairperson Johnson then asked why there is a need for a bigger site. She stated that the NTP proposal was for .8 acres and this project would be double that at 1.6 acres.

Mr. Trandel stated that the simple answer is economics. He also stated that time is not a developer's friend and that in connection with the original development, the developer basis gets high. Mr. Trandel also stated that if the project was financially doable, it would have gotten done. He then stated that the other issue is that when they looked at the project, they started with the ills confronted by the Village that they could solve for. He indicated that they took a pragmatic approach which is why they are spending time and getting Village feedback and focusing on cures that they can solve while disrupting the world in terms of construction in order to come out with a commuter and retail solution.

Chairperson Johnson stated that with regard to the 13 parking spaces which would be retained on Lincoln, she asked if they would be parallel or angled parking.

Mr. Kisiel referred the Board to an illustration with a combination of parallel parking on the east side and 90 degree parking on the west side.

Mr. Trandel indicated that it is angled parking by 711 Oak.

Ms. Kumer asked if it is commuter or retail.

Mr. Trandel stated that 711 Oak wanted them to be public spaces.

Chairperson Johnson asked Mr. D'Onofrio what the area of the post office site is and referred to 1.6 acres.

Mr. Blum stated that they talked about the contextual aspect and stated that Elm would be broken up into smaller scale buildings and asked why not on Lincoln.

Mr. Trandel responded that there are no buildings on Lincoln. He also stated that it related to the architectural elements being taller and that it dovetails head and shoulders with the Village Hall. Mr. Trandel then stated that there is over 6 acres of land between Lincoln and the railroad tracks, Station Park and Green Bay Road before you would get to the building.

Mr. Blum stated that the bulk was rearranged significantly and that they need a higher height on the outside to make more open space. He then stated that in connection with a four story box, no one wanted that. Mr. Blum then stated that the Board asked for street level renderings.

Mr. Trandel confirmed that they have them.

Mr. Blum then stated that the perceived height for a man on the street did not change. He also stated that you cannot see what is in the middle of the building from the street scale. Mr. Blum stated that it would be more injurious from the street to see a 7 or 6 story tower versus the mass inside.

Mr. Trandel noted that there is other open space on Lincoln. He stated that to look at Elm, it is offered in package heights which were asked for across the street. Mr. Trandel indicated that he was surprised to see how tall the building was which houses the Neapolitan which stood at 42 feet.

Chairperson Johnson stated that those are single buildings which vary in height, width, and in other ways.

Mr. Trandel then stated that some of those buildings would be here in 20 years and that some would not. He stated that the point is that they dealt with the hand as it relates to configuration and that they tried to be respectful and responsive which lead to terrific commentary. Mr. Trandel described the proposal as a way better idea than it was a year ago and that they would continue to improve on that.

Mr. Trandel then stated that the massing opportunity was to create something neat as opposed to what could be done by right. He stated that if they built one building by right one at a time

without planned development, it would not be financially viable and would not solve the parking problems. Mr. Trandel described the beauty of planned development as being able to take a step back and see how can they, within the framework of the guidelines, encapsulate and embrace the Village ideas and have features which would still create what they think is an exciting project. He also stated that the market would dictate the number of units which was reduced down from 100. Mr. Trandel then referred to selling off a number of the townhomes.

Chairperson Johnson asked if there would be three story townhomes.

Mr. Trandel confirmed that is correct and that they would be for sale. He then stated that square footage is square footage and that they can combine three units for a buyer. Mr. Trandel also stated that in connection with the market, 711 Oak has 38 units and that it is their guess that there would be approximately 40 or 45 in total with twice the area. He reiterated that they could combine units into bigger units and that with regard to the market; they want to work with people on the unit.

Chairperson Johnson stated that with regard to the elimination of a story on the east building, she asked if the units on the east façade of the west building would have a better view of the lake.

Mr. Trandel responded that there would be 4,000 at 6 and 12,000. He agreed that their view would be enhanced.

Chairperson Johnson then asked if the penthouse would measure 4,400 square feet.

Mr. Trandel stated that it could be whatever a purchaser wanted to buy. He stated that part of it would help to offset the cost of the garage.

Ms. Kumer asked if there would no longer be rentals.

Mr. Trandel stated that two years ago, condominium talk was not in the cards and that the world evolved. He stated that they wanted to make sure that the proposal is what they can deliver on and that it would be premature to say it would all be condominiums.

Chairperson Johnson referred to The Galleria on Lincoln which is fairly new and contained high-end expensive condominiums and that there was a provision for no restaurants on the ground floor, which led to problems leasing the space. She then stated that in connection with condominiums, there are issues with regard to restrictions for restaurants.

Mr. Trandel stated that is why they planned to have grease traps and that buildings in the city have first floor restaurants. He indicated that it can be done and that it would be expensive.

Mr. Lane stated that in connection with employee parking, he asked how many are there and if there would be 6.

Mr. Trandel stated that in terms of what they envision, the employees now park in the east lot. He stated that with regard to what they could do, they could bring them into the residential area.

Mr. Lane asked how they came up with 6. He then stated that with regard to the financial analysis, the study stated that they would create revenues driven by 165 employees and that the numbers did not coincide and that it is a big variance.

Mr. Trandel responded that most studies do not think about employees. He noted that they do not want employees using front retail space and that most retailers on the east side ask that their employees park by the Hadley School. Mr. Trandel stated that what they would do if they had extra parking under the building is to offer it to employees. He also stated that it came in at 6 because that is the number they had.

Mr. Lane stated that it seemed that they would need more. He referred to the zoning requirements on how much parking is needed.

Mr. Trandel agreed with Mr. Lane's comments.

Mr. Blum referred to diminished property values and planned development. He stated that with regard to the Conney's building, he asked how does this horseshoe cutting off access to that property in terms of impact and future development.

Mr. Trandel informed the Board that they were unable to reach an agreement with Conney's and referred to impairing the long term value of the space. He indicated that there has been good dialog with them and that Mr. Blum raised a good point.

Chairperson Johnson stated that the Board can ask more questions later and asked if there were any interested parties. No interested parties came forward at this time. Chairperson Johnson then stated that the Board would take public comment and asked that comments be limited to three minutes.

Mr. Gelderman introduced himself to the Board and stated that he has lived in the Village for 25 years and inherited the property from his father, Gregory Gelderman, who was an attorney. He stated that he did not find that there are any difficulties. Mr. Gelderman informed the Board that he comes to Winnetka two to three times a day and that he had no difficulty parking. He then referred to reducing the size of Lincoln from Elm to Oak and more traffic east and west on Elm. Mr. Gelderman stated that it would suck the life out of the Village. He also stated that with 24,500 people, it is a much smaller size. Mr. Gelderman then referred to a developer who did projects in Evanston and Arlington Heights and that this is a much smaller village. Mr. Gelderman also referred to the impact on the Green Bay trail and that there could be serious injuries. He also stated that there was talk with the Interstate Commerce Commission with regard to the bluff Harold Ickes constructed. Mr. Gelderman concluded that they would be going too far with the project and that it did not belong in a village the size of Winnetka.

David Smithson stated that he hoped that they take a close look at the entrance to the garage, which was discussed; off of Lincoln and that it seemed like a hairpin turn. He also stated that he is very concerned with vehicles being able to make the full 180 degree turn if someone is coming out of the garage. Mr. Smithson stated that with all of the talk, he commented that it is still a beautiful project and that it was planned by terrific experts. He stated that it would be to the Board to

decide whether it is appropriate for the Village and that it didn't seem so to him. Mr. Smithson stated that it comes down to housing for a couple hundred people and described restaurants as a risky business. He questioned whether they should change the character of Winnetka for that.

Mr. Smithson also commented that it is a shame that the Fell building is not being used which he described as a classic building with mid-century architecture and which was way over-engineered when it was built with the future in mind as an adaptive reuse to put two floors of condominiums above it. He also stated that there was an entire plaza developed with the future in mind. Mr. Smithson concluded by stating that there can be revitalization of downtown in that section without changing the character of the Village and that he hoped that the Board thought about that.

Joyce Bishop stated that she has lived in Winnetka off and on for 50 years and that she is proud to say she is from Winnetka. She stated that she has a personal interest in the project and that she lives where Lincoln hits Oak in the condominiums. Ms. Bishop stated that from her kitchen door, she would be looking at the building and that her view would be affected and that she is deeply concerned. She then stated there are other people in the 12 units of condominiums. She then stated that she asked about the catwalk and that is a very traveled area for fire engines. Ms. Bishop then stated that with regard to the ramp, she asked if it would be going down and up.

Mr. Trandel confirmed that is correct and reiterated it would be a two way ramp.

Ms. Bishop then stated that she is having a hard time figuring this out. She concluded by stating that she thought that all of the new construction would be in the area on the east side of Lincoln but not the west side of Lincoln.

Don Smith stated that he has lived in the Village for 38 years and that he is not in favor of the variations for the One Winnetka project which he described as too large for the Village. He then stated that by passing variations of this magnitude, it would set a precedent for future projects. Mr. Smith also stated that zoning laws were created to maintain a set of standards among the Village. He concluded by stating that if the variations are passed, it would discredit the founding fathers to maintain a set of standards and that they should keep Winnetka as a village and not allow it to become a city.

Gerald Brown, 711 Oak, stated that it was represented even with the ramp up and down on Lincoln, there would still be two ways and allow fire engines up and down on Lincoln. He stated that the ramp would be two lanes and with two way traffic and parking on Lincoln and asked for clarification on that.

Richard Sobel stated that his father is the architect of the Fell store. He also stated that he looked for the minutes from the previous meeting and that they have not appeared yet. Mr. Sobel stated that at the last DRB meeting, Peter Milbratz put together a visual of the adaptive reuse of the Fell building to accomplish the goals of the developer. He stated that the Fell building was designed to allow additional residential space to be built on top. Mr. Sobel stated that he shared the goals of the project in a way which would be commensurate with current, past and future Winnetka. He stated that the adaptive reuse contained a number of design functions and which can be done within the existing zoning ordinance in terms of height and to accomplish the goals of any

residential units. Mr. Sobel also stated that there is already commercial space available.

Mr. Sobel then stated that there would be great financial benefits of the development not to tear down an over-engineered building and great savings and not having to build up. He also stated that if the building gets on the National Register, there would be a 20% income tax credit to the developer. Mr. Sobel described it as a win-win within the existing parameters and great savings. He then stated that he has asked various Boards to encourage looking at the alternative design and to incorporate part within the three existing buildings to accomplish the same goals.

Mr. Sobel also stated that he would like to raise the issue which no one mentioned before which is affordable housing. He described the project as containing high end housing and that there could be internal subdivision so that there is a diversion of units. Mr. Sobel concluded by asking the Board to encourage the developer to preserve the Fell building at a great advantage.

Chairperson Johnson swore in Eleanor Prince.

Eleanor Prince of Kenilworth informed the Board that she is in the Village all the time. She stated that when discussions began months ago, she referred to height being a matter. She stated that she thought about it carefully and that all three commercial districts were revised and that they are looking at what makes it an integral, harmonious commercial district. Ms. Prince stated that she noticed that there is a great deal of harmony in all three districts even though there is a difference of architectural styles and heights. She stated that someone a long time ago considered what makes a harmonious district and that it comes down to zoning and design. Ms. Prince then stated that there is a lot of open space around each business district and that the open spaces keep it as a suburban landscape.

Ms. Prince stated that the One Winnetka development would be a very tall development which is 39.5% higher than the neighbor and New Trier High School. She also referred to the huge amount of bulk and height. Ms. Prince then stated that considering what was done over the past 100 years and looking forward, she described it as a beautiful spot to live and shop and that you see the facades as you go down the street. She stated that the project would go 70 feet up and that it would be 80 feet across at the top of the hill which would not leave them with any open space, only in the center. Ms. Prince asked the Board to observe the setbacks and not give the applicant an extension to the east and that they are getting a lot on the west, as well as to not give additional height. She concluded by stating that three and four story apartment buildings are harmonious and have a lot of open space.

Peter Tryor, 711 Oak, informed the Board that when he bought his home, he looked at zoning in the sense of what is in the neighborhood and what could happen in the neighborhood. He stated that if it was said to the neighbors there would be a change, he questioned who would stand for it. Mr. Tryor described their 39 people who are unit owners as condensed.

Mr. Tryor then stated that with regard to the quality of life, they would be bringing trucks in at 15 feet away and referred to the noise they will hear. He indicated that he found it amazing that they were told now how important it is for the business community. Mr. Tryor noted that people do not move to Winnetka for the business community and described the Village's client as the

homeowner and that they depend on the Village to protect them. He also stated that the developer once said that zoning is not a contract, but a right. Mr. Tryor stated that it is a promise. He also stated that when he bought his home, there was a certain amount of faith in terms of what was going on and urged the Board to keep the faith with them. Mr. Tryor stated that they all want something better but not something terrible. He concluded by stating that they want something good and that they should help them get it.

Denny Niles thanked the Board for doing their job. He informed the Board that he has lived in the Village for 45 years with his wife and worked here for 45 years. Mr. Niles stated that they are seeing the future as a disaster and that they are not looking far enough ahead. He referred to the amount of vacancies here and described it as a tragedy. Mr. Niles informed the Board that he is in the real estate business and that he looked at \$5 million homes with a couple from San Francisco and after walking downtown they asked him if the Village is going bankrupt. He stated that he loved Winnetka. He then described Wilmette as having life. He stated that they see what goes on here every day so he is in favor to get something to get them moving so that they have a future for the grandchildren. Mr. Niles also referred to the deterioration of the values of all of the homes which could happen in the near future and suggested that they think long and hard and how it would affect families. He stated that for five days, he walked all over Winnetka and described it as a beautiful place to be and that there is only one Winnetka which is why they live here. Mr. Niles concluded by commenting that they take a hard look on working with this to make it work for all of them and in the future, for it to make more sense and be something for which they can be proud of.

Penny Lanphier, 250 Birch, stated that she would like clarification with regard to the actual height at the peak of the mansard façade. She stated that as you look at the documents, it appeared as though the actual roof height behind the façade so that the top the apparent roof height may actually be different. Ms. Lanphier then stated that she completely agreed with Mr. Blum's comments with regard to the way the space is configured which she described as lovely and that all of the open space is to the inside and that the apparent bulk to the person on the street would be a four and five story building throughout. She indicated that it is important to consider the building front from that standpoint.

Ms. Lanphier then commented that it is great that the building height was reduced to four stories on the east side. She also stated that it is important to continue to retain the setback if possible which would also fit with the demand for terrace space, as well as to lessen the impact on the east side and that with the rise of the hill, they need to be mindful of the impact on the Village Green. Ms. Lanphier then stated that it is difficult to assess the size of the parking garage without having a more up to date independent study by the Village of the entire Elm Street downtown area. She stated that it is important to look forward in terms of what will the downtown parking demand be before they come to any conclusion as to whether doing the garage makes sense in the proposed configuration and size.

Ms. Lanphier indicated that she was surprised that there was not more conversation in connection with on-street parking. She also stated that while it is great to move the commuter spaces to a convenient location which is not on the street, all of the planning documents talk about retaining or adding to on-street parking because it is important to retailers which she commented is the most

important thing for the success of retailers which is to have easy access to on-street parking.

Ms. Lanphier then stated that with regard to the public plaza, she did not see why parking on-street cannot be multi-purpose. She stated that in general, the Elm side enhances the Village and that the reason why they are successful is that they feel like a village in terms of pedestrians and human scale. Ms. Lanphier then stated that anything they can do to enhance that rather than having a more urban and large looming presence which would not enhance the Village's character. She concluded by stating that she would like clarification with regard to the mansard roof height.

Jan Bawden, 129 DeWindt, informed the Board that she is the resident who submitted the photographs in the packet. She stated that she would like to walk the Board through a couple of the photographs on Attachment D. Ms. Bawden then stated that the reason she submitted the photographs was to try to bring a human scale to the entire project. She stated that everyone sees the gorgeous drawings and that she would love something like that being built period but that when she looked at the human scale which has been established in Winnetka, she stated that there is such a disconnect.

Ms. Bawden then identified the first photograph on Attachment D which did not contain any people which was taken from across the street near Phototronics in order to show the Village canopy. She then identified the second photograph which contained Louise Holland in front of Phototronics in order to show the scale which is established there. Ms. Bawden then identified the third photograph with Ms. Holland across the street from the development in front of Neapolitan. She indicated that what is interesting is that you get to see the human scale and Ms. Holland's relationship to the 18 foot frontage and her relationship to the vehicles.

Ms. Bawden then stated that the next photograph is of the 1720 Central Street station in Evanston which she described as an example of a 4½ story building which they are talking about would be on the east side which she commented is still a large façade. She stated that even at 4½ stories, it is a relatively large façade. Ms. Bawden also identified Barnes and Noble which is also approximately 4½ stories in Evanston which she indicated is the closest building they could find to represent what would take place on that corner with a round building at 4½ stories with Ms. Holland in front of it. She commented that would be a much more appropriate human scale to what would be happening on the southeast corner of the project.

Ms. Bawden informed the Board that the next two photographs are the closest buildings they could find at 60 feet to show would be happening on the Lincoln frontage with Ms. Holland in the photograph. She stated that the last photograph is of 1818 Maple which showed the human scale for what is being proposed for the corner of the site.

Gwen Trindl stated that she has listened to much of what is going on in terms of comment and the project being talked about and the work which is ahead of them to create something which is a new approach to the business district. She stated that they need and have always had a brand and that Winnetka is a place that people knew because it is a charming village. Ms. Trindl indicated that she realized that this is not the Board's purview and that the Board has constraints in terms of what their job is. She stated that it is essential that they look at the building and say one thing and ask themselves do they really want to change the character and vision of Winnetka. Ms. Trindl

commented that it is a great building and that it would be great for Evanston. She stated that this is not going to be the only building that would be proposed as a planned development and that this is the first one which would set the standard. Ms. Trindl concluded by stating that she is very impressed with the Board and questioned whether they wanted to change the character of the Village.

Barbara Hull, 711 Oak, informed the Board that a good deal of what she had prepared to say has been touched upon by the Board and members of the audience. She then stated that she has four points which seriously concerned her with regard to the project, the first of which is that the project design alters the width and configuration and the obstruction of the traffic flow on Lincoln. Ms. Hull also stated that it would impact the East Elm lot and significantly impact the traffic flow of the East Elm business district.

Ms. Hull then stated that the current plan would introduce multiple stop and yield signs which would turn Lincoln into a massively congested traffic pattern and have increased density and narrow road widths with multiple converging driveways which she stated would compromise vehicle and pedestrian safety. She also stated that the convergence pattern of driveways would make Lincoln and Oak bottlenecks. Ms. Hull then stated that the East Elm lot would no longer be solely a parking lot and would now serve a dual purpose and be the primary ingress and egress for the lobby entrance. She stated that in the current proposal, it would be the One Winnetka driveway and delivery lane between Lincoln and Elm. Ms. Hull stated that this increased ingress and egress of commercial residential delivery patterns on the East Elm parking lot would be a serious safety concern for individuals and in addition would affect the Hadley School.

Ms. Hull stated that the new position of the delivery entrance would only be a driveway's width from the bedrooms of eight residential condominiums at 711 Oak. She informed the Board that the refuse pickup began at 6:00 a.m. on the Elm Street lot and that deliveries will be made at all hours. Ms. Hull also stated that the increased noise would be loud and intrusive and that the added light pollution would be exceedingly invasive with the removal of the existing trees and no buffering screen being shown on the plans.

Ms. Hull then stated that neither the new nor the former traffic flow plan showed any allowance for a sidewalk or protective curb along the south facing the side of the west and the east towers which she indicated is a safety concern to all residents and visitors to the area. She also stated that in order to access the lobby from Lincoln or Elm, pedestrians would be required to walk the roadway along the side to the west and east towers which she indicated is an unnecessary safety risk.

Ms. Hull stated that the complete and consolidated detailed measurements are absent in the current proposal and its clear interpretation of the developer's plan almost impossible to drive. She stated that for example, the apron to the entry corridor to the motor court is shown as 28 feet and that apron and driveway widths allowances are about the same. Ms. Hull stated that there is no indication of the width of the driveway and whether or not it has been changed from the earlier dimension of 19½ feet.

Chairperson Johnson asked Ms. Hull to wrap up her comments.

Ms. Hull then stated that the proposed height of the One Winnetka plan with the most current revisions significantly exceeded the minimum height of 45 feet for a planned development which she stated remained a concern. She stated that while the residents have been pleased to see adjustments to the current plans, a further reduction would be helpful. Ms. Hull concluded by stating that it would also be helpful to have the current plan clarify the dimensions of the property's roads and driveways that are the most dependent upon and which would be creating congestion for the area.

Chairperson Johnson asked if there were any other comments. No additional comments were made at this time. She then stated that the Board would take a ten minute break.

When the meeting resumed, Ms. Lanphier asked the applicant for an answer to the question with regard to top of the mansard façade or if it was the actual deck of the roof itself.

Jeffrey Birch, a head designer with the architect, informed the Board that with regard to the way in which the roof would work, he referred the Board to an illustration and stated that the height is indicated at 62 feet 10 inches on the west tower, 45 feet on the east tower and 70 feet for the penthouse. He also stated that the roof deck would actually rest approximately 3 feet below that height in order to hide utilities and other unsightly items that may occur on the roof.

Chairperson Johnson later swore in Mr. Birch.

Chairperson Johnson then referred to page nos. 16, 17, 18, 19, 20 and 21 and asked if someone would discuss the aerial views.

Mr. Trandel referred the Board to an illustration of how Elm relates to the current buildings which was brought up at the last meeting and identified Neapolitan as one of the buildings Ms. Bawden referenced which is 42 feet. He also stated that the terrace is 35 feet with the roof to 45 feet. Mr. Trandel stated that contextually, it is hard to dispute. Mr. Trandel then stated that in the center are townhomes above the retail space and that they added an additional floor which would be setback off of Elm in accordance with the code. He stated that it related to the questions raised with regard to getting real dimension and texture in terms of the streets.

Mr. Trandel then referred the Board to another illustration and identified the Arbor Vitae friends and to north and identified what the area looked like today with one way traffic going south. He also stated that it showed the effect of the development and the landscaping in front of the wall covering the scissored garage.

Chairperson Johnson stated that the Board can either continue with their questions or start the discussion. She noted that if they vote tonight, the Village attorney would have to draft findings for a vote in January. Chairperson Johnson then stated that instead of voting tonight, they can continue the discussion at the January meeting and give Mr. Camillucci direction to draft findings to present at the February meeting. Chairperson Johnson noted that all of the Board members are present. She described the procedure as different than what they would normally do and referred to the complexity of the planned development project. Chairperson Johnson referred to the lag between giving direction to the Village Attorney and the final vote. She then asked the Board for

a sense of whether they wanted to ask more questions or if they were ready to call the matter in for discussion. Chairperson Johnson also asked the Board members to express their opinion as to whether they would be for or against the request tonight. She referred to whether there should be more questioning and described the request as a complex project and that the Plan Commission had seven meetings while this is the Board's second meeting.

Ms. Hickey stated that she would like to talk more about retail. She then referred to three restaurants in addition to the square footage the applicant is talking about. Ms. Hickey also stated that some retailers may combine spaces and indicated that it seemed like retail is the big driver for parking.

Mr. Trandel stated that it is important and that there would be 50 or 60 residents. He indicated that it is more about retail affecting them as opposed to what happened in the units. Mr. Trandel then stated that in total, roughly 35% of the square footage is retail. He stated that the assumption is to address the parking needs which is the first thing for a retailer. Mr. Trandel reiterated that they would have more than the standard which he described as perfunctory.

Mr. Trandel informed the Board that they envisioned more specialty shops such as bakeries and florists and conventional amenities which have not been in the Village for many reasons. He also stated that there have been a number of discussions with regard to restaurant concepts such as sports bars and that there has been a lot of interest. Mr. Trandel stated that the huge resource is the demographic base and that given the choice, people would chose convenience over spending money.

Mr. Trandel also stated that there would be high end restaurants. He stated that on a search committee on the west coast, he referred to brands in San Francisco with a local market and organic fare. Mr. Trandel informed the Board that there are interested wineries which centers around parking. He then stated that as you get into people who have more than one store, he referred to the scale where you make the product and distribute it in smaller spots which he commented is more savvy and that people would spend more money. Mr. Trandel stated that they have lived with the property for three years and that it has been raised repeatedly about parking and having Class A investment grade retail space. He then stated that the other advantage is because of the newness and build-out for a restaurant and that retrofitting an old building for a restaurant would be difficult. Mr. Trandel concluded that they would attract a lot of restaurants who want to be on the North Shore.

Ms. Hickey then stated that there are restaurants closing here.

Mr. Trandel referred to McDonald's, Burger King, Taco Bell and food strips because of food court malls. He then stated that when it comes to pallet, people want a choice. Mr. Trandel referred to the death knell stand along restaurants and that it would not work. He stated that this would become truly a destination and that they need a critical mass of choices to attract people. Mr. Trandel added that if they had five more restaurants, it would be the best thing to happen to the restaurants.

Ms. Hickey stated that with regard to the florists around, she questioned whether they would

vacate their space to come here. She then referred to the bakery which they lost years ago. Ms. Hickey asked if they were approaching other Winnetka businesses.

Mr. Trandel responded that they were not and that there are enough options out there. He indicated that some landlords are not the most ideal. Mr. Trandel then stated that the bigger issue is that they realize being committed for family owned shops. He informed the Board that there has been interest from CVS and Walgreens. Mr. Trandel also stated that they made a pledge as citizens that if there is an existing business here, they would not bring in businesses to compete with those existing businesses. He noted that they stopped the Petco discussions when they purchased the property. Mr. Trandel stated that as an objective, he referred to what Glencoe did with Writer's Theater and that they have spaces for that in town where they are directing their attention.

Ms. Hickey then asked how this would work in terms of whether they have a manager finding retailers and how long would the developer stay involved in the leases.

Mr. Trandel responded that they hired SRS Real Estate which has been very good at representing developers and that most retailers do not have the time to look at a plan and say that it would be ready in three years. He described it as more art than science. Mr. Trandel noted that the objective and partners in the project are generally local residents. He also stated that they were fortunate enough to sell more units off and hold and manage the retail portion. Mr. Trandel added that the leases would be minimum 5 year leases which are typical with 10 year leases with a 10 year option.

Chairperson Johnson stated that she attended the November DRB meeting and that the word "desolate" was used in describing the area. She asked the applicant if they meant the Fell building or the East Elm district in general.

Mr. Trandel responded that they were talking about their property.

Chairperson Johnson stated that they also referred to East Elm as being dated, chopped up and hodgepodge.

Mr. Trandel stated that is being kind. He indicated that they were not referring to the other buildings in East Elm. Mr. Trandel indicated that there are a couple of buildings across the street which they attempted to mimic. He reiterated that some buildings would not be there in 10 years and that Neapolitan is moving. Mr. Trandel stated that they have talked to the businesses and that it is about the space with the big issues being the retail stock which he described as dated and old. He added that they need a jolt on the retail side to raise all of the ships.

Ms. Hickey referred to page 8 which related to public benefits and what was submitted to the Plan Commission or Village on August 26, 2015 as a breakdown of the developer contribution. She asked if it was possible to break it out.

Chairperson Johnson stated that the Board is not supposed to focus on the financial aspects of the project.

Mr. Trandel referred to a summary in the illustration and commented that it is a good question. He indicated that there are four ways to do it, one of which is to buy land. Mr. Trandel also stated that or either they could come up with a partnership with the Village owning assets which are parking and how to go about finding a partnership which provides enough contribution for what the Village would own one day and what it would cost the developer. He stated that since the area would be under construction, he referred to the huge economics if they were to do the garage at the same time and place. Mr. Trandel identified the offered contribution as 53.5% and the overall cost is 194 spaces in the commuter garage and 116 spaces on the east lot. He then stated that of that total expenditure of \$13.5 million including the plaza, he referred to the contribution though cash and soft costs significant to the development. Mr. Trandel concluded that the Village would end up with a new plaza and parking for 330 vehicles for \$6.2 million which he described as a steal.

Ms. Klaassen informed the Board that the PowerPoint would be on the website.

Mr. Trandel informed the Board that they are not asking for money from the Village and that the question is that if the Village wants the garage, how do they go about collectively paying for it. He reiterated that there would be a benefit by having parking spots for retail.

Ms. Kumer asked does this factor buying land.

Mr. Trandel confirmed that is correct and stated that it would be \$1.7 million in cash.

Ms. Kumer then asked if it included the building and the bluff.

Mr. Trandel confirmed that is correct. He also stated that there has been some good discussion should there be other mediums and referred to if it is addressed in a timely way. Mr. Trandel also stated that since it is 22 feet down to grade, they might as well do two levels.

Mr. Naumann stated that with regard to the Village Council looking at this piece, as a resident, he asked what the biggest risks to potentially overrunning construction costs are.

Mr. Trandel responded that the riskiest part of the entire project is when they go into the ground. He then stated that as a benefit, the first thing to do is the garage and that they would get the maximum pricing guaranteeing in a contract which is good in intricate spots like this. Mr. Trandel also stated that they would do a good job of staging in order to create as little disruption as possible. He informed the Board that there would be a signed deal with the Village and that cost overruns would be on their nickel for which they would go back to the contractor.

Ms. Kumer questioned whether permits would be required which would put the project in peril like the railroad.

Mr. Trandel informed the Board that early on, they talked to Union Pacific. He agreed that is correct if they were to go into Union Pacific land but that since they are only dealing with Winnetka land, it would be ok. Mr. Trandel also stated that the other issue is that if construction for the parking garage is within 25 feet of the middle of the tracks, they would get flaggers, etc.

which is a reason they would be further back than right up to the property line.

Mr. Blum commented that Wilmette and Glencoe are doing great and questioned what happened there. He stated that they have not had massive redevelopment and questioned what spurred that.

Mr. Trandel referred to the unintended consequences of putting the railroad tracks below and that all of the land is used up. He noted that Wilmette has parking lot after parking lot. Mr. Trandel also stated that Lake Forest is able to keep building and that they have more parking along the tracks to the north which is not landlocked. Mr. Trandel then stated that with regard to Kenilworth, businesses have gone there and that they did not have the density to reinvigorate what was their downtown. He indicated that it boils down to the fact that every answer involves a structured garage. Mr. Trandel then stated that the post office site considered structured parking years ago and the land by the Community Center. He described the project as a smooth solution which would be out of site and highly practical for commuters. Mr. Trandel added that it is an elegant solution.

Mr. Blum stated that while he understood, he did not understand the residential need.

Mr. Trandel responded that the residences are geared to the response of what people are looking for. He stated that there are not a lot of alternatives for people to raise families and stay in town without a home. Mr. Trandel then referred to the quick townhome sales on Hibbard and Winnetka.

Ms. Hickey asked Mr. Trandel when they conducted the open houses, what was the interest.

Mr. Trandel informed the Board that they have the names of 44 people who wanted to buy. He referred to the people who raise families on the North Shore and who wanted to stay. Mr. Trandel added that Mr. Lagrange designs great homes, not apartments and that these are homes that people will buy.

Ms. Hickey then referred to the Lake Forest development of Westminster.

Mr. Trandel commented that is a lifestyle thing.

Chairperson Johnson asked Mr. Lagrange what he meant by his comment at the DRB meeting that he wanted the building to “touch the sky.”

Mr. Lagrange stated that the building has to sit on the ground and that is why it is more classical. He then stated that to reach the top that is an expression of the presentation of the architecture. Mr. Lagrange also stated that the building would not be chopped off and that it does reach and touch the sky although it would stop in a graceful way. He then stated that you have the roof which is how it would stop and that they would create a home with different materials on the roof.

Mr. Lagrange then stated that in Chicago, the best hotel is the Blackstone which he described as the best example of architecture in Chicago and that it has a beautiful roof. He stated that given that this would be a four and five story building, it would do the same. Mr. Lagrange stated that

visually, your eyes stop looking at the roof. He added that they are not doing a classical, but a modern building. Mr. Lagrange also stated that with regard to context, it may be different architecturally and that on Elm, there is the use of different styles. He noted that the windows would be bigger than what would be done in a classical building in that they would come down to the floor. Mr. Lagrange also stated that there would be a lot of details that you would see inside and that they designed the homes for a lifestyle. He described it as a place where you come home and that it would not be an apartment. Mr. Lagrange added that it also is not Parisian but that it will be a building of style and represent where people want to live.

Chairperson Johnson asked if there were any questions.

Ms. Kumer asked the applicant if they considered a height change on the west side and if they considered a setback on the west side. She indicated that appeared to be where people's heartache is.

Mr. Trandel informed the Board that the building is smaller than when they started. He stated that they have had a number of meetings and that the most heartburn was on the east side closest to the neighbors.

Ms. Kumer commented that it is quite an imposing façade especially with the photographs of the person standing there.

Mr. Trandel stated that with regard to the difference between those examples, every floor is different and that those were photographs of monolithic buildings. He also stated that there is not one noted architect on the submitted buildings. Mr. Trandel stated that in connection with the context and texture of Mr. Lagrange's structures, they do not feel large. He stated that at the end of the day, the cheapest asset you have to pay for the parking garage is air. Mr. Trandel indicated that in order to get it to pencil, he stated that he can provide the Board with the pro forma. He stated that all of the people involved realized that they have to do it right. Mr. Trandel noted that the added height is keeping the building a lot less dense when compared to what can be done by right versus the amount of land they own and that it could be 40,000 square feet more of residential than what was pulled out of the plan.

Ms. Kumer stated that they are not selling a box. She then referred to what was done on the east side to alleviate the concern and commented that the west side appeared bulky.

Mr. Trandel responded that it did not look bulky. He then stated that when compared to 711 Oak which went straight across and is not contextual in terms of movement; it would not look bulky or boring. Mr. Trandel also stated that from a height perspective, it would not be 70 feet all the way across and referred to 4,000 feet on the center. He then stated that New Trier is taller than this and that there are backyards on four sides. Mr. Trandel stated that in terms of bulk, that building would be getting bigger and bulkier and that this is their downtown. He added that with regard to Lincoln, this is the front yard and that it goes over five to six acres of open space and the railroad tracks. Mr. Trandel also stated that for the people who drive by it and those on the train, they would comment "wow."

Chairperson Johnson questioned if part of the reason they want that corner taller and more massive looking is because they want the building to be a landmark.

Mr. Trandel responded that they are set on the course to do something special. He also stated that being noticed is not always bad.

Mr. Lagrange stated that in connection with the architecture, it represented an issue of scale and that the building would very much be in human scale. He stated that with regard to the ground floor, all of it is in the detail and indicated that what brings human scale is the detail. Mr. Lagrange informed the Board that he designed 65 E. Goethe which has a mansard roof. He then stated that an older woman told him that she loved what Mr. Lagrange does in that it makes her feel good by walking by the Goethe building. Mr. Lagrange also informed the Board that another woman told him that her life was made better living there which is what they want to do here. He added that they would provide a high quality lifestyle which is what the architecture will do.

Chairperson Johnson then stated that the Board would close the public hearing portion of the meeting and begin deliberations. She reiterated that they cannot do a final vote and that the Village Attorney would draft findings which are consistent with where a majority of the Board comes down. Chairperson Johnson asked the Board how they would like to proceed in terms of whether to continue the matter until January and do deliberations then have the Village Attorney draft findings of fact to adopt at the February meeting or whether the Board would prefer to do all of that tonight.

Ms. Hickey proposed that they all walk through the site together on a tour.

Chairperson Johnson stated that they cannot do that pursuant to the Open Meetings Act.

Mr. Camillucci also stated that there are notice and hearing issues involved in doing that. He then stated that is not to say that it cannot be done but that it imposed challenges.

Mr. Blum stated that they have gotten to the point where they know what the project is and that in connection with specific questions, they can bring them up and if not, do a preliminary test.

Chairperson Johnson asked how many Board members are not ready and asked for an indication of how they are leaning.

Mr. Lane stated that for some issues, they might have an opinion on where changes can be made. He suggested that they go through it and if that is the case, if the applicant is willing to make a change to make the Board be more favorable, they should be given the opportunity to do it as the Board has done in other zoning cases. Mr. Lane stated that there are things that they have issues with and that they would not be solved by his being quiet.

Chairperson Johnson asked if there were any other comments. She reiterated that even though there would be a vote tonight, unlike in other cases, the Board needed to direct the Village Attorney to draft findings of fact either in favor or against. Chairperson Johnson then stated that there has been a lot of deliberation and that some Board members may change their position based

on other members' analysis.

Mr. Camillucci stated that it would be helpful for the purpose of drafting the proposed findings of fact and recommendation to the Village Council to have some deliberations first to help inform what is drafted for consideration. He then stated that after the Board has deliberated and reached a point where the Board knew the direction in which they are leaning in terms of making a recommendation to either approve or disapprove to the Village Council, at that point, they can then direct the Village Attorney to prepare findings of fact in support of that recommendation for the Board's consideration at a subsequent meeting. Mr. Camillucci stated that would give the Board an opportunity to consider and prepare and that the document would reflect that and that the Board can propose changes and that the Board would have an opportunity to do that. He then stated that eventually, they would get to the point where there is a document that reflected what the recommendation would be and that would be what the Board would vote on as a formal recommendation to the Village Council.

Chairperson Johnson suggested that the Board deliberate and see if they are ready to vote at the conclusion of the deliberations.

Ms. Kumer asked how late they would go.

Chairperson Johnson estimated 20 minutes for now.

Mr. Camillucci stated that if it would take a long time, the Board did not have to do that tonight and that they can continue the hearing and deliberation at a subsequent meeting.

Ms. Kumer then stated that since there is new information, she is interested to hear what the others have to say. She also referred to some material which was not updated which made it hard such as the loading zone.

Mr. Blum stated that there are specific factors to be looked at, the first of which he described as broad relating to public health and safety. He stated that the Board is looking at a planned development application and not a special use application. Mr. Blum then referred to the standard relating to whether the special use would endanger or be detrimental to the public health, safety, comfort, morals and general welfare and stated that the development is not something that would complement and supplement the community. He also stated that there are significant safety issues which were discussed and the general welfare and that they are looking at open space issues and how the project would relate to the site, the area and how its use affected the business districts.

Mr. Blum reiterated that the development would not be complementary to the community and that they are in a situation where this has doubled the size from the previous development request. He added that the applicant is also asking for public land. Mr. Blum then stated that all of the negative aspects would be pushed to the fringe of the development. He questioned why can it not fit into the massive envelope as is. Mr. Blum added that they all have issues with safety and street flow and that he did not see the request as being a supplement to the general welfare for the community.

Ms. Hickey stated that she agreed with Mr. Blum's comments. She also stated that she is concerned about what kind of retail is being recruited – Mr. Trandel said that negotiations with PetCo had not materialized, generating and keeping retail business to fill this very large space, in addition to poaching existing Winnetka retailers, thus creating vacancies in other areas of Winnetka. Ms. Hickey then stated that she was thrown with regard to the bluff and that they need to look at the engineering of sheering of the bluff which has been part of the transportation system for a long time.

Ms. Hickey also stated that she is worried about traffic flow. She stated that there would be convergent driveways and the school issue. Ms. Hickey noted that between 3:00 and 4:30 p.m., there are children cruising down Elm and that she is worried about safety with the delivery and garbage trucks entering and departing. In addition she is concerned with the ingress and egress to the commuter lot ramp on Lincoln Avenue. It does not appear that this traffic plan has been finalized. Narrowing Lincoln or putting in a left hand turn lane (coming from the south on Lincoln) seems as if it would increase traffic congestion, especially if someone is exiting and turning left (going south on Lincoln). She then stated that she agreed with Mr. Blum's comment that the building would be very inward and creates a lack of public space even though a public plaza has been proposed. Ms. Hickey added that Winnetka has the Village Green which she described as the civic point in the Village as a gathering point. She indicated that the paved area proposed on Lincoln, which is currently Village property, may or may not enhance public gatherings. Ms. Hickey noted that the street is already closed for the antique car show which appears to be a big draw and this is done without a formal public plaza. She concluded by informing the Board that she is very pro-development and that while the property has to be developed, she is worried about whether it would supplement and complement the community and will change the character of Winnetka with respect to scale, scope, mass and height. The project as proposed, even with the revisions presented, is not in context with existing store fronts on Lincoln and Elm.

Mr. Naumann stated that he did not see these as issues. He stated that with regard to public health, etc., he did not see those as issues but that he saw the safety issue. Mr. Naumann stated that for commuters and getting off the train and pulling off at the same time in different directions. Mr. Naumann also stated that there would be two lanes, but that there would be organized traffic flow and that the flow potential is organized better.

Mr. Naumann then stated that in connection with the comfort factor, he described a lot of it as subjective. He stated that his personal feeling is that it is what they are looking for in town. Mr. Naumann noted that a large portion of the community wanted development and a large portion values what they have in town for a long time. Mr. Naumann indicated that there is no right or wrong answer.

Mr. Naumann also stated that with regard to the first standard, the overriding issue is safety. He noted that there would be other bodies looking at this factor. Mr. Naumann then stated that while he is comfortable with other bodies looking at the issue, they should get to a place where everyone would come out ahead. He concluded by stating that he is also pro-development but that valued what they may offer the community.

Chairperson Johnson stated though there would be other bodies looking at the request, the Board is to look at it as is with no assurance that any specific thing would change for the better or worse. She informed the Board that some members of the Plan Commission said that this Board and the DRB would be looking at the request and seemed to think that made their decision easier. Chairperson Johnson then stated that to the extent the Board has concerns, this is the time to bring it to everyone's attention.

Mr. Blum stated that there is subjectivity in here and that there have been other instances where the Board did a subjective thing. He then referred to the request for fencing at the ball park and the issue of whether they would want to have that at the gateway entrance to the Village.

Mr. Lane stated that he agreed with Mr. Naumann and that the safety issue jumps out. He then stated that clearly, there are people who like and do not like the development and that the ones the Board hears are the ones who come here to talk. Mr. Lane commented that the traffic study was well done and that he is comfortable with the assumptions and that they discussed going in and out of the commuter garage which he described as important. He also stated that with regard to the biggest safety issue in that area, it was discussed.

Mr. Lane then stated that the other component that they also touched upon and which he commented can be managed and addressed are commuters walking across the bike path and safety. He stated that if they were to put signage up that would alleviate that issue and that he is comfortable on the safety side. He concluded by stating that things can be done to deal with the safety issues.

Mr. Kehoe stated that the standard relating to not endangering or being detrimental to the health, comfort, morals, welfare and safety is a pretty high bar to clear. He then stated that he is satisfied with regard to what he heard today and that the safety concerns can be mitigated with signage and normal traffic control. Mr. Kehoe stated that it should be within the context of the purpose and intent of the ordinance which is to permit a creative approach to the development and redevelopment of land that is devoted to multifamily and commercial uses and come up with and encourage more creative and imaginative design for developments under the zoning ordinance.

Ms. Kumer stated that she agreed with regard to safety being an issue but being able to mitigate the factors toward risk. She stated that the overall, overarching thing that she looked at is whether the development would complement and supplement the community and that it is hard to say. Ms. Kumer stated that the development could change the character of Winnetka and that it is a big building. She then stated that as a train commuter, she referred to traffic and the encouragement of other commuters to come and park where she parked and that it did not sound great to her. Ms. Kumer concluded that it would be hard to predict how it would affect the character of Winnetka and that she is on the fence.

Chairperson Johnson stated that she would like to point out that the paradigm of something that will endanger the public health, safety, comfort, morals and general welfare, such as factories creating noxious fumes, cannot be built in Winnetka even with a special use. She stated that the Board should not even focus on the factory paradigm. What they are looking at is a really large site and there are a lot of ways in which to develop it. Chairperson Johnson stated that they talked

about what can be done as of right and that there is nothing that they can do as of right since it is a planned development and that any commercial site would have to go before the DRB whether it is a planned development or not.

Chairperson Johnson then stated that there are lots of other things that the applicant could have done with the site and that while there are financial imperatives, there are other things that they could have done which would complement the commercial district other than thinking that everything in the commercial district would be torn down in the future. She stated that is her fear that they have the post office site which is the same size and that it is crying out to be developed. Chairperson Johnson then questioned what would they say when that site came before them in terms of what type of building it would be and whether it needs to be contextual.

Chairperson Johnson also stated that at the DRB's November meeting, the four members present stated that they thought the Beaux-Arts design and scale are not in context and that the development seemed like an island unto itself. She noted that the DRB contained architects and other professionals who work in this area all the time. Chairperson Johnson stated that she did not think that it is going to complement the East Elm District. She also commented that it is good that the developer lowered the east building but that still left the west building which is going to loom over the neighborhood and be a landmark beacon. Chairperson Johnson then stated that if they did need a landmark, it should be a civic building. The Village is not a city and that commercial landmarks belong in urban settings.

Chairperson Johnson stated that the Village has a lot of character and that there are many older buildings which hopefully will be brought up to whatever standard that Mr. Trandel and others thought they needed to be. She added that many look nice now. Chairperson Johnson also stated that with regard to existing development, she did not think that there are a lot of "disgraceful" retail spaces. She noted there are no vacancies on the north side of East Elm and that there are two vacancies on Lincoln north of Elm and some vacancies in Hubbard Woods, including the Antique Emporium which she described as very large as well as Panera.

Chairperson Johnson stated that even if the applicant could come up with ways to address the safety issues coming in and out of the underground parking garage, it is going to require a signalized stop light and that to have that in an area which has not even had a stop sign on Oak for many years is going to change the character and not complement the neighborhood. A stop light would also be unsightly. She then stated that if they were to put the underground access to parking on the site itself, safety would be significantly improved.

Chairperson Johnson went on to say that there are dozens of letters in the record and referred to the Hadley School and the impact on their students walking on Elm. She then stated that the trucks would be entering there and stated that the Hadley School is an established use which has been there since 1958. Chairperson Johnson concluded by stating that the first standard has not been met in her opinion.

Chairperson Johnson then referred to the second standard which stated that the special use would not be substantially injurious to the use and enjoyment of other properties in the immediate vicinity which are permitted by right in the district or substantially diminish or impair property values in

the immediate vicinity.

Mr. Camillucci stated that ultimately, the Board is going to make its decision based on all of the findings. He then stated that a lot of the evidence in the record and a lot of their comments are going to address multiple factors. Mr. Camillucci indicated that it would be useful for the Board to structure their conversation going through the factors and that it is not necessary at this stage of deliberation to address each of them and that they should talk about the types of things that concern them and the things that they like.

Mr. Lane stated that he would like to do it this way.

Mr. Blum stated that at the end of the day, he referred to the process and which way do they go at it first. He stated that they are all going to talk about something on all of the factors and that it would not be that three factors are bad and two are good and that it is not a mathematical equation. Mr. Blum then stated that he did agree that there needed to be structure and that this is the type of conversation that needed structure. He went on to state that with regard to the Hadley School, it is a huge issue. Mr. Blum also referred to the diminishment of property values and the use and the Hadley School. Mr. Blum noted that they have heard testimony from the 711 Oak neighbors and that it would not benefit them. He then stated that on the other side of the street, he referred to the Arbor Vitae neighbors and stated that he asked about the building where Conney's is and that the applicant stated that the development would impair them and that there is a lot of evidence to say that this standard is not met.

Ms. Hickey stated that she agreed with Mr. Blum's and Mr. Lane's comments on how to proceed in discussing each standard individually.

Mr. Naumann stated that he also agreed with Mr. Blum and that it depended on the constituency in terms of the benefits. He then referred to the neighbors who expressed their concerns. Mr. Naumann also stated that he saw the need for critical mass having multiple restaurants to draw people. He stated that it would not be clear cut and that the residents who are close by would be impacted negatively and that the business owners would benefit from the critical mass. Mr. Naumann concluded by stating that this one is less clear.

Mr. Lane stated that with regard to this standard, when looking at a typical one, this one is a narrow analysis in terms of diminishing property values and referred to a broader planned development. He also stated that upon his initial review of the materials, in connection with the value attributed to the land being vacated or sold by the Village, he questioned whether that is the Board's job or the Village Council's job. Mr. Lane stated that his view in general is that it could diminish property values if the Village is not reimbursed for the value of the property.

Mr. Lane then stated that the second point with regard to diminishing property values related to parking. He stated that there is a lot of parking here and that adequate parking is not the issue. Mr. Lane also stated that the payback on parking did not make sense and that with regard to recovery, there is no basis for the \$600 monthly revenue per space and that the payback period for the Village is likely much longer than the analysis shows. He added that in connection with the study done in 2006, they came up with a price of \$17,000 for a parking spot when it was being

considered and that it was not done. Mr. Lane stated that while it may be a stretch, he felt that these are factors that could impact property value.

Mr. Naumann referred to the area down the street and the impact of landlords owning property. He then identified having more competition which would drive up the values of property as a question mark. Mr. Naumann added that in general, downtown and other homeowners could benefit.

Mr. Lane stated that a successful development would help the commercial properties around it. He stated that they would be looking at it as the Village's investment.

Chairperson Johnson stated that they have not discussed how the residential properties would be impacted.

Ms. Hickey stated that residents/occupants of 711 Oak, Arbor Vitae and Hadley School had presented their views on the potential for diminished property values.

Chairperson Johnson then referred to letters from the owners on Maple filing formal objections.

Mr. Kehoe stated that of all the criteria, this is the one that lends the most to activity. He stated that the appraisers are to give their professional opinions in connection with the development and the effect on property. Mr. Kehoe then referred to comparable sales in 711 Oak and the effect of the development on lease and sale prices. He stated that did not mean that they would diminish in value and that he would think that the commercial areas would increase because of foot traffic. Mr. Kehoe then stated that he is at a loss to understand why they have not done a better job.

Ms. Kumer described it as a mixed bag and that there did not seem to be any positivity from the neighbors residential-wise. She agreed that they need vibrancy downtown. Ms. Kumer then stated that with regard to critical mass, she is guilty of going to Wilmette where there are more restaurants and choices. She added that from a business standpoint, it would be positive.

Mr. Blum stated that he agreed with Ms. Kumer that they need critical mass and that the commercial area needed revitalization. He stated that the question at the end of the day is what an appropriate balance on that is. Mr. Blum then stated that while they need vibrancy there, that did not mean that this is the specific plan which is the best way to do it.

Ms. Kumer stated that there could be the use of this plan with modifications.

Chairperson Johnson informed the Board that there have been approximately 25 filed formal objections in the materials submitted. She also stated that the Maple homeowners are concerned about their property rights on the west side with the west building having views into their backyards. She referred to the fact that the applicant lowered the height of the east building but that means the units on the East façade of the west building will now have enhanced views toward the east that might impact the privacy of the Maple Street homeowners.

Chairperson Johnson then stated that in connection with the Arbor Vitae owners, no one wants to look at vacant space which is not kept up, but that the view from Arbor Vitae is not shielded by

trees for nine months out of the year. She noted that the 711 Oak objections are included in the record. Chairperson Johnson also referred to the Oak Lane development right at the "T" intersection. Residents in those townhouses will be looking straight at the entrance to the underground parking ramp and the stop signs, and perhaps stop lights, controlling it. Chairperson Johnson reiterated that if there was underground parking access on the site itself as opposed to being on the street that would help. She also referred to Conney's and the other business owners who submitted letters. Chairperson Johnson then stated that the Village Green is already there for community gatherings. She stated that the current strategic planning process might reduce or eliminate the retail overlay district. Chairperson Johnson then stated that the development's retail spaces might then be leased by service uses which are not generally vibrant or contribute to sales tax revenue.

Chairperson Johnson then stated that the third standard related to whether the special use would not impede the normal and orderly development and improvement of other property in the immediate vicinity for uses permitted by right in the zoning district.

Mr. Blum stated that this is the same issue with Conney's and that the development would be taking over Lincoln public space for private development at a loss of the development of other areas.

Ms. Hickey stated that it would set a precedent for future developments such as the post office site.

Ms. Kumer stated that it would be hard to say since there are no other buildings that would vary from the zoning ordinance regulations for other planned developments.

Chairperson Johnson identified the only other two sites like that as the post office site and Grand Foods. She noted that the post office is on a short term lease.

Mr. Blum then referred to the street closing.

Mr. Camillucci informed the Board that there has been no precedent legally approving or that it would not bind the Village to approve one or disapprove another.

Chairperson Johnson asked if there were any other comments with regard to standard no. 3.

Mr. Lane stated that he had no issue with the taking of multiple properties that need to be developed and the applicant doing it itself. He stated that it would not have an impact on how others develop their property.

Mr. Naumann stated that he had no concern.

Chairperson Johnson stated that the fourth standard related to whether 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.

Mr. Blum stated that a lot has been covered already for the various areas where they see potential

issues. He stated that in connection with the traffic, the commuter/retail lot and the traffic flow pattern in general, the concerns are down. Mr. Blum also stated that they are still ambiguous in connection with the severe congestion issues there. He then stated that with regard to pedestrians, there are a few ways in and out of the development. Mr. Blum added that there would be a huge increase in density with the amount of people and sidewalks which would be the same size and that he did not feel that they are scaled. He concluded by stating that he felt that some of the issues can be mitigated.

Ms. Hickey stated that she would echo Mr. Blum's comments and reiterate that in connection with the loading dock and garbage pickup issue, while deliveries can be scheduled, there would be the potential disruption of traffic. She stated that she also felt that the entry and exit into the commuter lot could be problematic. Ms. Hickey added that she appreciated that they talked about signage and signaling.

Mr. Naumann stated that they have talked about the size of the space and that it is large. He indicated that while there are limitations, there are tradeoffs. Mr. Naumann stated that while congestion would increase, there would be a more organized traffic flow. He also stated that he is confident that the Village would make sure that the safety issues are addressed in terms of pedestrians or vehicles and that he is more comfortable than at the last meeting. Mr. Naumann concluded by stating that there are some downsides.

Mr. Lane stated that in connection with the loading dock issue, if it was located inside, that would be a good solution. He then referred to the multiple trucks there and the ingress and egress underground which he commented would not work. Mr. Lane stated that it has been his experience in other retail locations where there are trucks holding up streets which bothered the residents and that it is clear that this is an issue that needs to be resolved and that it is a solvable problem.

Mr. Lane then stated that with regard to the sidewalks on Lincoln next to the building, they are only designated to be 8 feet and he commented that it is pretty narrow and that they are currently 12 feet. He stated that with retail, they would want outdoor seating and that pedestrians and traffic cannot use them. Mr. Lane indicated that the rendering showed pedestrians in parking spots and reiterated that the sidewalk on Lincoln is too narrow. He also referred to photographs of the parking lot entrances with big signs which state "Enter Here" and that the rendering did not have that. Mr. Lane concluded by stating that they need something like that to make sure that people know where to go in and out and commented that while it would not look good, they need it.

Mr. Blum referred to a dead end in the ramp which would require a three point turn with someone behind.

Mr. Kehoe noted that the number of curb cuts was reduced which contributed more toward safety and better pedestrian traffic. He also stated that the traffic study that was done addressed a lot of the issues and that the issues can be corrected with signage.

Ms. Kumer stated that she had nothing to add.

Chairperson Johnson stated that if it required signage or a signal, it would have a negative effect on the neighbors. She stated that while some problems would be solved, other problems would be created. She also agreed that the reduced number of curb cuts is good, but on balance she is more concerned about the safety problems of coming in and out of the underground lot.

Chairperson Johnson stated that the next standard related to whether adequate parking, utilities, access roads, drainage and other facilities necessary for the operation of the special use either exist or will be provided.

Mr. Blum stated that parking was hit heavily and that they have a number which is required by code. He then stated that employee parking represented an interesting question. Mr. Blum stated that they have focused on other facilities and utilities which ties into noise and air pollution such as the loading dock. He indicated that if it is out in the open, it would affect the surrounding people.

Ms. Hickey stated that she would defer comment and that they have not discussed the utility issue in detail and that she is not prepared to answer.

Mr. Naumann stated that with the information, they have talked mainly in connection with parking and access roads, utilities, drainage, etc. and that he is comfortable with those factors.

Ms. Hickey stated that she agreed with Mr. Blum's comment that parking has met the code in terms of the number of parking spaces.

Mr. Lane stated that they touched on upgrading the sewer systems and that there is evidence in the record. He then stated that with regard to parking, they have mentioned the issue with employee parking. Mr. Lane referred to planned development and that it is the standard to check and make sure that it would comply with the zoning requirements or that the applicant would be providing an adequate amount of parking. He stated that commuter parking is clear enough.

Mr. Lane then stated that on the employee side or generally for retail, there is misallocated parking. He stated that what is picked up by the Village as a responsibility is benefiting the developer. Mr. Lane also stated that the data on the parking study and the number of employees parking suggest that there is more parking than is necessary and is the responsibility of the developer. He indicated this is his comment in connection with overarching benefits, in moving 17 parking spaces to the garage, people who are parking to shop want to park at street level and that moving parking underground would have a negative impact on the retail locations. Mr. Lane then stated that there would be a lot more retail parking added which he described as positive.

Mr. Kehoe referred to drainage and the benefits of retaining water and slowly releasing it into the sewer system which would be an upgrade. He indicated that would alleviate the Hadley School drainage issue. Mr. Kehoe then stated that parking is adequate along with utilities.

Ms. Kumer stated that with regard to drainage, she referred to it as one of the costs that the Village would be paying and that putting in a bigger pipe would fall under the Village's contribution for a portion of that.

Chairperson Johnson indicated that any development would need that.

Ms. Kumer then commented that the KLOA study which was done was thorough. She then referred to it being done in May 2014 and that considering the economic downturn in the 2000's, she wondered if it referred to the Rich and Associates study to validate the numbers. Ms. Kumer indicated that certainly, there is an adequate amount of commuter parking and that there may be too much.

Chairperson Johnson stated that she would like to add that short term retail users would not be parking underground. She then referred to the study the applicant referred to from Portland, Oregon and stated that is a city not a village. Chairperson Johnson also stated that she is concerned with the east retail parking lot which would benefit the development but not necessarily retailers on Lincoln. Would customers of retailers on the northern part of Lincoln want to park in the east Elm lot? She wondered whether they could eliminate the underground lot, restrict commuters to the expanded east Elm surface parking lot, and restore the 90 spaces on Lincoln for use exclusively by retail customers. Chairperson Johnson then stated that she agreed with the elimination of commuter parking on Lincoln which is taking up retail parking. She indicated that people are already walking from the Community House to the train station so maybe commuters would be willing to walk from the east Elm surface parking lot.

Chairperson Johnson then referred to the last standard which stated that the special use in all other respects conforms to the applicable zoning regulations and other applicable Village ordinances and codes.

Mr. Blum stated that other Boards would be looking at the request and noted that while it is a planned development, it is important that they realize what they are dealing with. He stated that in the C-2 zoning district, the maximum height is 35 feet and three stories with an upper level setback and that planned development puts the standard at 45 feet and four stories.

Mr. Blum noted that the Plan Commission recommended granting exceptions to that standard and the code itself which says that the standard of 45 feet controls. He stated that this exceeds that controlling standard. Mr. Blum also stated that in connection with the purpose of the zoning ordinance overall, he stated that there is a planned development section and read from that section of the ordinance. He then referred to Chapter 17.04 which he would like to mention for context.

Ms. Hickey added that Section 17.58.030 talked about planned development and referred to Item No. C in connection with the Comprehensive Plan.

Mr. Naumann stated that he had no comment.

Mr. Lane stated that he had no comment.

Mr. Kehoe stated that he had no comment.

Ms. Kumer stated that she had no comment.

Chairperson Johnson stated that she agreed with the provisions which were read from the Introductory Provisions/Objectives of the Zoning Code, specifically paragraphs 4, 5, and 6. She then asked Mr. D'Onofrio about Section 17.40.010(B)(2)(d) of the Zoning Ordinance, which prohibits public parking garages within 200 feet of a church or private school or kindergarten. She questioned if underground parking is considered a public parking garage.

Mr. D'Onofrio stated that he would look into that and that he would assume that it is not a public parking garage. He noted that there are different definitions of a public garage and commented that it would have been nice if that question had been raised earlier.

Chairperson Johnson then asked if there is an issue being 200 feet from the kindergarten on Oak.

Mr. D'Onofrio confirmed that is correct and stated that there was testimony that there is 145 feet to the intersection.

Chairperson Johnson asked the Board members to state where they would come down on balance.

Mr. Blum stated that on balance, he would be against a development of this size and structure of development. He thanked the applicant for their time and stated that while they want to see redevelopment of the area, he is not sure that this is the best plan for Winnetka.

Mr. Naumann also stated that he appreciated the work which was put into it and described it as extensive. He also stated that he could see the passion behind it and appreciated the residents close by and those concerns which were raised. Mr. Naumann stated that at the end of the day, you have to look at the benefits versus the risks and that he is in favor.

Ms. Hickey stated that she was pro-development, and appreciated Stonestreet's extensive and well-presented presentation, but, she thought that this particular project as presented did not fit in with the character of where Winnetka is as a Village. She is looking forward to the findings of the current downtown village discussion being done by Teska Associates. She then stated that she would be opposed to the special use request.

Mr. Lane stated that he also appreciated the amount of work put into it and time and comments made by the community. He indicated that it is important to hear the views in dealing with something of this nature. Mr. Lane also stated that he would like to see something work here. He then stated that he is less concerned than the other Board members with regard to the impact of mass, the size and design on the Village. He indicated that he sees it as an issue and that he understood it. Mr. Lane added that the photographs have been very helpful.

Mr. Lane then stated that there are a handful of things and that based on the way the request was presented now, he would not be in favor of it. He stated that in terms of the value being diminished of property in the area, he referred to the purchase of the lots and that it is high. Mr. Lane also stated that it related to property values. He then stated that there was an assigned value to the land being vacated by the Village which he commented is potentially too low and would impact property values through taxes, etc.

Mr. Lane stated that with regard to parking, clearly it would be adequate. He indicated that there may be too much commuter parking and referred to the need for 20 or 30 spots and that it is not a 90% increase which meant that they would end up with the parking spots not being used. Mr. Lane stated that with regard to his experience in other areas, although every situation is different, in connection with underground parking, he is more concerned about that. He also stated that he agreed with the comments that parking underground for a winery would have a substantial benefit being outweighed by the fact the people did not like to park underground.

Mr. Lane went on to state that while there would be a mix of parking, if they calculated the numbers in different ways to determine how many are needed, it would be above what is necessary and comes down to parking spots for the applicant's property and retail versus parking spots for the Village and other retailers. He referred to whose responsibility it would be for parking and who the benefit is for.

Mr. Kehoe stated that he supported the benefits and that there is clearly an outweigh to the benefits. He described it as a good project.

Ms. Kumer stated that she is on the fence. She then stated that she appreciated the efforts to adapt what the various Boards' and residents' concerns were, especially in modifying the height. She stated that there are still issues with the commuter parking garage concept. Ms. Kumer then stated that in connection with the Village contribution, that is more for the Village Council's purview. Ms. Kumer also stated that there are bulk and density issues and that she is split down the middle. She then stated that the biggest factor as to whether the building would complement and supplement the community, a few say that it does. Ms. Kumer concluded by stating that outweighs the rest and that she would not be in favor.

Chairperson Johnson stated that she is generally not in favor of the request and that she appreciated the applicant making changes over the course of the hearings. She stated that she found the DRB meeting helpful in that they had very significant concerns with regard to the contextual nature of the project. Chairperson Johnson then stated that everyone wants to work together and that the applicant needed to make it work financially, but that is not the Board's responsibility. She stated that there would be a significant change in the nature of East Elm and perhaps a domino effect. Chairperson Johnson noted that the Fell building did not fit in with the commercial districts' prevailing architectural styles when it was built in 1968. Chairperson Johnson concluded by stating that despite the fact that there would be wonderful architectural materials and superb high quality design elements by a renowned architect, it needed to be changed to fit in better and that she would not be in support of the project under its present configuration.

Mr. Camillucci stated that based on the discussion of the Board, they have the direction of moving forward to agree to make a motion recommending that the Village Council disapprove the special use for the planned development and if it is adopted, to prepare findings of fact and a resolution for the Board for the next meeting and that there may be additional discussion then. He stated that the Board can then vote on it as a formal recommendation for the Village Council. Mr. Camillucci stated that there needed to be a motion to direct the Village Attorney to prepare findings of fact and a resolution to recommend disapproval of the special use permit.

Mr. Blum stated that based on the testimony and public comment and the Board's comments, he would move to direct the Village Attorney to prepare a resolution recommending the denial of the special use permit for the One Winnetka planned development.

Ms. Hickey seconded the motion. A vote was taken and the motion was passed, 5 to 2.

AYES: Blum, Hickey, Johnson, Kumer, Lane

NAYS: Kehoe, Naumann

**Discussion of Proposed Amendments to the Zoning Ordinance Related to Stormwater**

Mr. D'Onofrio stated that he provided a memo which was submitted and received from Steve Saunders concerning modifications to the zoning ordinance concerning semi-permeable surfaces. He informed the Board that it came about as a discussion of the Village's storm water master plan. Mr. D'Onofrio noted that when Ms. Klaassen does impermeable surface calculations, she multiplies it by 80% if the surface is pavers and if it is concrete, it is 100%. He then stated that under the Village stormwater ordinance, there are surfaces where the stormwater calculation is at 100%. Mr. D'Onofrio then stated that the Village Council wanted to look at ways to reduce stormwater runoff. He stated that with regard to proposing to submit other recommendations to the Village Council, this is the only one this evening and asked the Board for any comment they would have to the Village Council concerning how the calculation would increase from 80 to 100%.

Ms. Kumer asked if it would increase the tax bills in connection with the stormwater fee on the Village bill.

Mr. D'Onofrio noted that it is already at the max and that only the calculation from a zoning perspective would be changed from 80% to 100%. He indicated that it would bring zoning in compliance with how people are charged.

Chairperson Johnson asked if the reason is for aesthetics to promote people using blue stone and flagstone.

Mr. D'Onofrio referred to legislating aesthetics and design through zoning regulations. He then stated that if someone wants a driveway which is concrete, it would have to be a certain width and that if they were to use pavers, to have same width, they would use 80%.

Ms. Hickey questioned whether basically everything would be impermeable.

Mr. D'Onofrio responded that they did not count decks.

Mr. Lane asked with regard to 75% for a designed permeable surface, he asked where it came from.

Mr. D'Onofrio stated that engineering did calculations on that to determine impact.

Chairperson Johnson asked if there has ever been a residential case where there was a need for a

variation for impermeable surface.

Ms. Klaassen responded that they have had some.

Chairperson Johnson referred to whether the maximum permitted impermeable lot coverage is too lax and whether it should be tightened. She noted that they look at it for new construction.

Ms. Kumer asked if they would be sending a letter to the residences which are affected.

Mr. D'Onofrio stated that there would be public notice of the change to the zoning ordinance.

Ms. Klaassen stated that there would be public notice for the hearing at the Village Council.

Mr. D'Onofrio is asking if the Board is saying that they had no problem and to take it to the Village Council and have Mr. Camillucci draft an ordinance. He then stated that in connection with a public hearing held before the Village Council, they do not usually provide individual notices since it is public in the paper. Mr. D'Onofrio stated that they would normally send notice to those residences within 250 feet of a variation or special use and that since it is Village wide, public notice would be the publication of the notice in the paper.

Mr. Lane asked if it is based on a certain factor that engineering provides.

Mr. D'Onofrio responded that he did not know and that he is assuming that engineering has a basis.

Ms. Kumer referred to the MWRD and stated that it did not come out of the air.

Mr. Lane then referred to the .9 to .75 comparison. He then stated that they are getting closer which is better and that he would be in favor.

Mr. D'Onofrio informed the Board that he would report back to the Village Council that the Board is fine with it.

**Adjournment:**

The meeting was adjourned at 12:07 p.m.

Respectfully submitted,

Antionette Johnson

**DRAFT**

**WINNETKA ZONING BOARD OF APPEALS  
JANUARY 11, 2016**

**Zoning Board Members Present:** Joni Johnson, Chairperson  
Chris Blum  
Mary Hickey  
Thomas Kehoe  
Carl Lane  
Mark Naumann

**Zoning Board Members Absent:** Kathleen Kumer

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

**Village Attorney:** Karl Camillucci

**Agenda Items:**

**Case No. 15-10-PD:** **Continued from the December 14, 2015 Meeting**  
511 Lincoln Avenue, 513-515 Lincoln Avenue,  
710-732 Elm Street, 740 Elm Street and a Portion of  
the Adjacent Lincoln Avenue Right-of-Way  
Stonestreet Partners and Winnetka Station LLC  
Planned Development

**Case No. 15-30-V2:** **Continued from the December 14, 2015 Meeting**  
117 Church Road  
117 Church Road Limited Partnership / Martin  
Murphy  
Variation by Ordinance  
1. Maximum Building Size

**Case No. 16-01-V2:** 523 Hoyt Lane  
Gerald and Maureen Corcoran  
Variations by Ordinance  
1. Permitted Uses  
2. Front Yard Setback

**Case No. 16-02-SU:** 150 and 191 Linden Street  
Saints Faith, Hope and Charity  
Special Use Permit and Variations by Ordinance

1. Intensity of Use of Lot
2. Maximum Building Size
3. Front and Corner Yard Setbacks
4. Rear Yard Setback
5. Off-Street Parking

**Minutes of the Zoning Board of Appeals  
January 11, 2016**

**Call to Order:**

Chairperson Johnson called the meeting to order at 7:00 p.m.

**Approval of Minutes:**

Chairperson Johnson stated that the minutes from the December 14, 2015 meeting were not yet available.

**511 Lincoln Avenue, 513-515 Lincoln Avenue, 710-732 Elm Street, 740 Elm Street and a Portion of the Adjacent Lincoln Avenue Right-of-Way, Case No. 15-10-PD, Stonestreet Partners and Winnetka Station LLC - Planned Development**

Mr. D'Onofrio stated that this case has been heard at previous meetings and has been continued from the December 14, 2015 meeting.

Chairperson Johnson stated that the Board closed the public hearing portion of One Winnetka at the last meeting. She stated that there have been some letters and materials submitted by the applicant, some of which were in the Board's agenda packet and some of which were submitted today and which would become part of the record. Chairperson Johnson then stated that the Board can proceed to vote on the resolution or that they could have additional comment. She stated that she could poll the Board members to see if they want to reopen the public hearing portion of the case in which case members of the public and the applicant may address the Board.

Mr. Naumann provided comment as to whether the Board should reopen the public hearing portion of the case.

Mr. Lane stated that he felt that they have had sufficient comment.

Ms. Hickey also provided comment.

Mr. Blum stated that he felt that the Board has heard enough and that he did not think that there needed to be and referred to the Plan Commission. He added that he felt that he had a good handle on that.

Mr. Kehoe stated that he would be opposed based on all of the comments.

Chairperson Johnson then stated that the Board would proceed to vote on the resolution and that all of them should have received a revised resolution. She stated that she would now let the Village Attorney explain why the resolution was revised.

Mr. Camillucci stated that the Board has a draft before them which is a resolution for their consideration and that the Board's direction at the last meeting was to prepare a resolution recommending the denial of the approval. He stated that when they first talked about the process to prepare a resolution, they obviously did not know yet that the Board was going to direct the resolution to recommend the approval or denial recommending that the zoning ordinance requires for approval certain affirmative findings to be made. Mr. Camillucci stated that in the case of recommending denial, those findings did not have to be made and that the way that the resolution is structured; it basically finds that the Board did not make the required findings. He stated that as the basis for those findings, the resolution will incorporate by reference the minutes of the public hearing and the totality of the evidence which has been received by the Board as reflected by those minutes which will be the basis for the resolution.

Mr. Camillucci stated that today, as part of the public hearing as well, the final minutes will not be available for approval until the next Board meeting so that the resolution is structured in a way that will include the provision that says that upon approval of the minutes of the Board, they will be incorporated by reference in the resolution without further action by the Board which is the procedural way of including the minutes. He then asked if there were any questions with regard to the resolution.

Chairperson Johnson stated that she wanted to explain that they now have the November minutes and that the December meeting minutes were not available and should be available within the next 7 to 10 days. She asked Mr. D'Onofrio to circulate the December minutes before the February meeting so that the members can submit via email any corrections to those minutes. She stated that in addition, the portion of this meeting tonight devoted to One Winnetka will be very short and that she would like those draft minutes also circulated so that at the February meeting, the Board will have already submitted all of the changes. Antionette will be able to make all the changes by the time the minutes are approved at the February 8 meeting, and the record can be transmitted to the Village Council within the 30 days required. Chairperson Johnson asked that the Board members attend to them as soon as they get them so that Antionette can make the changes. Chairperson Johnson then asked if there were any questions. No questions were raised by the Board at this time.

Chairperson Johnson stated that the other point that she would like to make is that for a negative resolution, if you are in favor of the resolution recommending denial of the proposed development, you would vote yes and that if you are not in favor of recommending denial of the planned development, you would vote no. She asked if there were any questions before the roll call vote. No questions were raised by the Board at this time.

Chairperson Johnson then asked for a motion to approve the resolution on the planned development.

A motion was made by Mr. Lane and seconded by Mr. Blum to approve the resolution recommending denial of the planned development. A vote was taken and the motion was passed, 4 to 2.

AYES: Blum, Hickey, Johnson, Lane

NAYS: Kehoe, Naumann

Chairperson Johnson confirmed that the motion passed and asked for a quorum check for the next month's meeting on February 8, 2016.

**Approval of Minutes:**

Chairperson Johnson stated that the Board would now review the November 16, 2015 meeting minutes. She noted that she submitted her changes via email to Mr. D'Onofrio. Chairperson Johnson asked if there were any other comments or corrections.

Ms. Hickey stated that she submitted her corrections.

Chairperson Johnson then asked for a motion.

A motion was made by Ms. Hickey to approve the minutes and findings from the November 16, 2015 meeting, as amended. The motion was seconded by Mr. Lane. A vote was taken and the motion was unanimously passed.

**117 Church Road, Case No. 15-30-V2 (Continued from the December 14, 2015 Meeting), 117 Church Road Limited Partnership / Martin Murphy, Variation by Ordinance - Maximum Building Size**

Mr. D'Onofrio noted that this case was continued from the December 14, 2015 meeting and that the public notice was already read into the record.

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

Martin Murphy introduced himself to the Board as a general partner with 117 Church Road Limited Partnership which he identified as a general partnership. He informed the Board that the topography of the property is a little unusual in that it sloped back toward Green Bay Road to the east and that the property is on an angle at the southwest corner of Church Road and Winnetka Avenue. Mr. Murphy stated that because of the unusual topography and because of the building code in Winnetka being unusual in that most municipalities count a basement that is more than 50% above grade and that in Winnetka, it is if the first floor or finished floor is more than 2½ feet above grade. He stated that with a sloping grade, the front of the home is going to be 1½ feet above grade and that the back of the home would be considerably higher. Mr. Murphy then stated that as a result, more of the basement gets counted into the GFA. Mr. Murphy stated that he is not seeking to build a bigger home but that he is seeking to build a safe home which would be permitted if it was a level lot.

Mr. Murphy went on to state that the alternatives are not very desirable. He identified one alternative which is to build the home 4½ feet below the street which would result in stairs going down from the street into the home. Mr. Murphy stated that this alternative would also require the removal of a lot more dirt which may affect how water is displaced. He also stated that more trees would be destroyed and more bushes would be removed. Mr. Murphy then stated that in lifting the home up 1½ feet above the street similar to the current home, the grading would remain roughly the same for the front of the home.

Mr. Murphy stated that in addition to that, he referred to the height of the home and the peculiarity of the zoning code in that the height of the home is based on the first floor as opposed to it being based on the road. He stated that the 31 foot height restriction is based on the first floor. Mr. Murphy then stated that if they did not finish all of the basement, they would be able to build the home above the street level. Mr. Murphy informed the Board that a quarter of the basement is not excavated to begin with and that there is an existing  $\frac{3}{4}$  basement. He then referred to the mechanical elements of the home which they want to keep in the basement. Mr. Murphy also stated that people look for some livable space besides the first floor living space for children to play for example. He added that it would also make it safer in the event of a fire and that it would be easier to get in and out if there is more room as opposed to if the basement is completely submerged underground. Mr. Murphy also stated that it would be sinking if they had to lower the basement another 4 feet which would cause water displacement issues for the neighbors. He stated that if they were to push the home further down into the ground, there would be less water going underneath the home and that it may affect neighboring properties.

Mr. Murphy stated that the preservation of the trees and the safety along with the aesthetics of the home in keeping it more in line with most of the homes on the block whereas the homes on the west side of the street have the opposite situation where they slope from the back to the front. He then stated that homes on the east side of the street would have to be built lower and referred to some of the homes which are pre-code homes and which are higher up to begin with, such as the existing home.

Chairperson Johnson stated that she wanted to clarify with Mr. D'Onofrio that she thought that it was  $2\frac{1}{2}$  feet.

Mr. Murphy stated that there is still a slope of 6 feet from the front of the home to the back of the home.

Chairperson Johnson asked if there were any other questions for the applicant.

Ms. Hickey asked how tall is the current home.

Mr. Murphy responded that it is a  $2\frac{1}{2}$  story home and described it as a farm house. He estimated the height to be 25 to 27 feet.

Ms. Hickey then asked what would be the height of the new home.

Mr. Murphy confirmed that it would be below 31 feet and that it would be 3 to 4 feet higher than the existing structure.

Mr. Lane stated that on one of the drawings in the packet, it has lines that show the rear elevation and that there are three sets of windows. He asked how big are those windows.

Mr. Murphy estimated that the basement windows are probably 6 feet 8 inches.

Mr. Lane also referred to specific windows on the illustration.

Mr. Murphy stated that those windows are for egress.

Mr. Naumann asked Mr. D'Onofrio for clarification, in the packet, it stated that the home immediately to the north was built in 2006 and that it received zoning approval. He asked if there was an exemption, exclusion or GFA variation.

Mr. D'Onofrio informed the Board that the property complied with the permitted GFA. He stated that at one point, they requested a variation and that it was not for GFA but that it was for building height. Mr. D'Onofrio confirmed that the home to the north was built in accordance with the regulations.

Mr. Naumann asked if the grading is the same.

Mr. D'Onofrio stated that it generally has the same topography.

Mr. Murphy informed the Board that property is an upside down home and that they have the living space on the first floor with the bedrooms down below and that there is a steep driveway which goes down to the garage beneath the home. He indicated that he did not think that was a fair comparison since that home was originally on the market for \$1.2 million and more recently \$1.5 million. Mr. Murphy described it as an unusual home and that you have to build something that people are used to at least in his experience with bedrooms being on the upper floors.

Mr. Kehoe asked the applicant when the home was purchased.

Mr. Murphy responded June 2015.

Ms. Hickey stated that with regard to sensitivity with regard to construction, she asked if they looked at alternatives.

Mr. Murphy confirmed that is correct and stated that one alternative would be to build a below grade home which he did not see as a desirable choice. He informed the Board that when the civil engineer came out he said they would have had to remove every bush and tree on the property and that the only way to avoid that would be to lift the home up. Mr. Murphy then stated that he met with the arborist who indicated that there may be a possibility of saving even more trees. He stated that the alternative to keep the home higher is a better alternative because you would keep more of the grade the same and disturb less of the vegetation that is on the property other than a couple of smaller trees on the property that need to be removed.

Mr. Murphy stated that the next choice would be to consider whether to shrink the home and eliminating the basement. He informed the Board that shrinking the home would result in less bedrooms which then relate to the economics and that it would not then make sense to do it. Mr. Murphy then stated that the next alternative was renovation and that there appeared to be an abundance of older homes. He stated that there would be a property sitting vacant where he is requesting tax relief for the home being vacant which would affect the Village's revenue.

Ms. Hickey asked if it is possible to put a fourth bedroom in the basement.

Mr. Murphy stated that he did not like putting bedrooms in the basement.

Chairperson Johnson then stated that there are already four bedrooms on the second floor.

Mr. Murphy stated that would result in a fifth bedroom in the basement and referred to the preference to have the children and adults on the same floor.

Chairperson Johnson stated that would result in eliminating the bedroom in the basement.

Mr. Murphy also stated that it would result in shrinking the basement and that making it a half basement would not change anything for the neighbors. He then stated that he could build the home 6 feet off the ground and have no basement which would result in the neighbors getting less light.

Chairperson Johnson stated that the existing home is higher than the home to the north.

Mr. Murphy stated that would not be a desirable home that he would build.

Chairperson Johnson then stated that the application stated that there would be a three car garage.

Mr. Murphy confirmed that it would be a two car garage and that represented a mistake by the architect.

A Board Member asked what is east of the property.

Mr. Murphy stated that it is Green Bay Road and that there is a home there which is lower because it is on the hill.

Chairperson Johnson stated that the applicant provided a lot of information with regard to comparable home sales and asked how many were new construction.

Mr. Murphy stated that he did not have that information in front of him and that most were not resales and that there may not be any new construction or three bedroom homes.

Chairperson Johnson then referred to the applicant's statement that a new three bedroom home would be worth \$1.2 to \$1.3 million and that a four bedroom home was estimated to be \$1.7 to \$1.8 million which is shown on page 7 of the packet of materials. She asked what was that based on.

Mr. Murphy responded that it was based on the MLS and going through the comparables with regard to the homes which are selling. He then stated that no one is building three bedroom homes and that it did not make sense economically to build.

Chairperson Johnson asked if there is a way to determine if something other than the comparables affected the prices of homes in the neighborhood and referred to the condition of the home, how many garages it had, whether there is a mudroom, etc. She then stated that there are numerous factors that go into it and not just how many bedrooms a home has.

Mr. Murphy agreed that is correct and stated that one of the downsides is that the property sat on a fairly busy street which he stated affected the cost of a property adversely. He also stated that it is approximately 1½ miles to the school although it is close to the train which he described as a plus. Mr. Murphy stated that while there are a lot of positives and negatives, in the end, it would have to be priced accordingly and that he has given a value which may be higher and that it may end up being in the \$1.6 to \$1.7 million range.

Mr. Blum asked Mr. Murphy if he is saying that a three bedroom would be unreasonable.

Mr. Murphy reiterated that it would be economically unfeasible and that he would not get his money back building a three bedroom home.

Mr. Blum then asked if he could build a four bedroom home in compliance with the zoning code.

Mr. Murphy agreed that he could but that the basement would still be up and that it would not be finished. He stated that a portion would be filled with dirt and that if it is excavated, it would count.

Mr. Blum questioned if the home could be a half story lower.

Mr. Murphy stated that he would be lowering the first floor and then going down 4½ feet below the street for the finished floor. He stated that alternative would require the removal of trees and bushes and affect the water table of the neighbors. Mr. Murphy reiterated that he would be able to finish the front of the basement but not the back of the basement.

Chairperson Johnson asked Mr. Kehoe if he had any questions.

Mr. Kehoe stated that he is troubled by the plight of the owner being due to unique circumstances. He stated that he understood that it related to the topography of the lot and that he would have noticed the point about the property and that he must have had a plan for a four bedroom development which would have less of a variance.

Mr. Murphy informed the Board that he has built homes in Chicago and that he has never built in Winnetka and was unfamiliar with the code. He also stated that he was not looking to buy a home in Winnetka and that he was approached by a limited partner and that he did not realize that building a home would be a problem and that he did not find out until a substantial sum of money was invested. Mr. Murphy also stated that the architect had the home drawn wrong and that it was drawn up and the civil engineer informed them they had to take it down which is when he realized that there was a problem. He stated that a topography survey should have been done ahead of time and that it was not done. Mr. Murphy reiterated that while there are alternatives, he did not like them and that it would be a waste of money to build the home that way with half a basement.

Mr. Kehoe asked Mr. Murphy if they purchased the property and could not rely on what the architect said and that the architect made a mistake.

Mr. Murphy 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 asked if there were any questions from the audience.

Luvie Myers, 127 Church Road, introduced herself to the Board and stated that her home is directly to the north. She stated that she is here to express her opposition to the building of the home the way in which it is planned and that her opposition is based on three factors. Ms. Myers stated that first, since this is new construction, there is no reason that the home cannot be built to the Village's zoning standard and that granting the request would send an inappropriate message to developers and builders of new homes if the Village is willing to overlook its zoning requirements for new construction. She stated that additionally, as the Village tries to address flooding issues, permitting the construction of new homes that are larger than zoning allowed would take them in a completely wrong direction.

Ms. Myers stated that secondly, the owners have not demonstrated that the property has a unique circumstance. She stated that the property has the same topographical constraints as their home which fit within permitted GFA requirements. Ms. Myers then stated that their home meets all the expectations of a Winnetka home and that it was entirely suitable for them and the sellers of the home which was a family of four.

Ms. Myers stated that third, the owner has indicated that the property cannot yield a reasonable return because the highest price paid for a three bedroom home in Winnetka is \$970,000. She then stated that if he feels that he paid too much to yield a reasonable return, it is not the responsibility of the Village to change its zoning requirements to benefit him. Ms. Myers also stated that there is plenty of demand for homes to accommodate smaller families and empty nesters. She then stated that using their home as an example, they paid more than \$970,000 3½ years ago for a home which met the Village's GFA requirements. Ms. Myers concluded by stating that for these reasons, she did not believe that the petitioner has met the standards for granting a variation and therefore request that it be denied.

Mr. Bill Hague, 135 Church Road, informed the Board that he lives two homes north of the property. He stated that their thoughts are the same as Ms. Myers' and that there is no need for a variance. Mr. Hague stated that the things that the applicant described and the financial decision that he made and the variance that he is looking for are totally different than what the street is in terms of what the homes look like. He apologized for not being prepared and that he wanted to come before the Board to share his thoughts. Mr. Hague concluded by stating that he hoped that the Board did not approve the variation being requested and for the home to be built within the Village's rules.

Chairperson Johnson asked if there were any other comments. No additional comments were made by the audience at this time. She then asked the applicant if he would like to respond.

Mr. Murphy stated that he appreciated Ms. Myers' comments and the fact that she wanted the home to be smaller. He stated that they would not get anything in denying the variation and changing the plan. Mr. Murphy then stated that as far as aesthetics go, he informed the Board that the Myers' home was originally on the market for \$2.1 million for a year and that they purchased it for \$1.5 million. He stated that it is a financial thing and that they received a windfall in terms of

receiving \$600,000 less than what it originally was to be sold for. Mr. Murphy then stated that he did not believe that the Myers would be hurt either way whether the variation is granted or not since the variation only related to the basement and would not change the footprint of the home. He noted that it may affect the neighbors if he is required to lower the home which would change the topography which would require pumping the water back into the sewer system. Mr. Murphy noted that the ground would be able to absorb more water with the current plan.

Mr. Kehoe asked if the 1,154 square foot variation he is requesting related mostly to the basement.

Mr. Murphy stated that it did.

Mr. Kehoe also asked if there would be a change to the footprint or height of the home.

Mr. Murphy responded that it would not since the height would count from the first floor. He stated that if he is required to push the home down, that would result in less basement and would not affect the height of the home.

Chairperson Johnson asked if there were any other questions for the applicant. No additional questions were raised by the Board at this time. She then asked if there were any other questions from the audience. No additional questions were raised by the audience at this time. Chairperson Johnson then called the matter in for discussion. She reminded everyone that the request is for new construction and that there is a very high bar for new construction since they are dealing with a clean slate and that their options are not as limited as if they were remodeling a home. Chairperson Johnson also stated that she would like to mention that basement GFA regulations have come up several times before and that a lot of homes in Winnetka were built before the 2½ feet basement being built above grade ordinance was changed. She then stated that so far, the Board has never granted a variation because of that regulation. Chairperson Johnson indicated that the provision may have been enacted in 2002 or 2004. She also reminded the Board that they are a recommending body.

A Board member stated that he would like to discuss the timing of the property and the drop in value in terms of the comparables.

Mr. Lane began by stating that in connection with reasonable return, the Board has discussed that a lot and that it related more about the usability of the home as opposed to financial considerations. He referred to Mr. Kehoe's question to the applicant with regard to whether they were aware of it when they purchased the home. Mr. Lane stated that it is not the Board's responsibility to solve those issues. He also stated that with regard to the basement windows, unlike other cases where they have a basement which is being counted but that it is really a basement, in this case the windows, from this perspective, it looked to be about the same size as the windows on the first floor. Mr. Lane stated that the applicant would be getting basement space which is more like real livable space and that it would be much more usable. He then stated that he did not get the reasonable return issue because of those two components.

Mr. Lane then stated that with regard to unique circumstances, he agreed that it is a difficult lot and the other homes in the area and what they have had to do to stay within the code, he stated that

sloping land by itself, that together with a triangular lot for example would relate more to unique circumstances. He also stated that while he did not think that the home would change dramatically for the character of the locality, the vast majority of the homes would appear as a one story home from the street and referred to the homes on the other side of the street which all appear to look like one story homes. Mr. Lane stated that all three of those factors would be hard to satisfy along with the fact that it is new construction and that he would have a hard time approving it.

Mr. Naumann stated that he concurred with Mr. Lane's comments. He then referred to precedence which was a concern to him. Mr. Naumann also stated that a lot of lines are being placed in the architectural submittal and referred to other possible alternatives.

Ms. Hickey stated that she agreed with Mr. Lane's comments in connection with the basement space and that they would be able to get a lot of light. She also stated that she is concerned with the neighbors' issues with regard to water which she hoped would be addressed with the new construction. Ms. Hickey also stated that 127 Church is approximately 4,250 square feet and a lot area of approximately 14,000 square feet and 111 Church is approximately 9,000 square feet with a lot area of 18,000 square feet. She stated that while they are talking about a small lot here with a home which would be larger than the homes on the other side of the street, she stated that it is tall already. Ms. Hickey stated that while she understood the significance with regard to the additional 3 to 4 feet, the home would become a real presence on that side of the street.

Mr. Blum stated that he agreed with all of the comments made. He referred to a home which was done in 2006 and that it can be done. Mr. Blum indicated that he appreciated the applicant's situation with regard to the pricing and how it worked out but that is not within the Board's purview. He also stated that with regard to the water issue, with the change to the overall regulations and drainage issues, he felt confident that the Village should protect that situation.

Mr. Kehoe stated that he agreed with the comments made as well and that he hoped that the applicant could come back with a proposal which would be scaled back. He commented that the home fit in the neighborhood.

Chairperson Johnson stated that she would like to add that the lot while it does have an unusual grade, it is 4,000 square feet larger than what is required in the R-5 district. She also stated that with it a little bit higher than the minimum lot width, those two factors would indicate that there are not terribly unique circumstances and hardship in building a decent home which they could sell and reasonable return being given without a variance. Chairperson Johnson stated that she agreed with Ms. Hickey's comments that it would read like a three story home and that compared to the neighboring homes, it is already on an elevation and would read as a very large home. She reiterated that the Board is a recommending body and asked for a motion.

Mr. Lane moved to recommend denial of the variance for the reasons that the property has not been demonstrated to not be able to yield a reasonable return. He then stated that the basement would be a usable space and would be a much more usable space than most basements and that since the home was recently purchased by the developer, he referred to meeting the standards of the considerations. Mr. Lane then stated that there are no unique circumstances associated with the

property and that a sloping property did not cause significant uniqueness here or there are a lot of factors which would make the lot difficult to build on. He also stated that it is a large and wide lot which should be sufficient on which to build.

Mr. Lane then stated that the variation may have an impact the essential character of the locality because the home would view more like a three level home where other homes on the street appear to look like one story homes. He concluded by stating that the remaining standards are not applicable.

The motion was seconded by Ms. Hickey. A vote was taken and the motion was unanimously passed, 6 to 0.

AYES: Blum, Hickey, Johnson, Kehoe, Lane, Naumann  
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 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 17.30.040 [Maximum Building Size] 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. It has not been demonstrated that the property cannot yield a reasonable return. The proposed basement would have much more useable/livable space than most basements. Additionally, financial considerations are not made by the Board.
2. The plight of the owner is not 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 topography of the property is not unique. The subject site is a large and wide lot which should be sufficient to build a new single family residence.
3. The variation, if granted, may alter the essential character of the locality because the proposed residence would appear more like a three story home where other homes on the street appear to look like one story homes.
4. An adequate supply of light and air to the adjacent property will not be impaired.

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

**523 Hoyt Lane, Case No. 16-01-V2, Gerald and Maureen Corcoran, Variations by Ordinance – (1) Permitted Uses and (2) Front Yard Setback**

Mr. D'Onofrio informed the Board that the applicant's attorney is not yet present and asked that their case be moved to the end of the agenda.

Chairperson Johnson agreed that would be fine.

**150 and 191 Linden Street, Case No. 16-02-SU, Saints Faith, Hope and Charity – Special Use Permit and Variations by Ordinance: (1) Intensity of Use of Lot, (2) Maximum Building Size, (3) Front and Corner Yard Setbacks, (4) Rear Yard Setback and (5) Off-Street Parking**

Mr. D'Onofrio read the public notice. The purpose of this hearing is to hear testimony and receive public comment regarding a request by Saints Faith, Hope and Charity for the property located at 150 and 191 Linden St., concerning a Special Use Permit in accordance with Section 17.56.010 and variations by Ordinance from Sections 17.30.030 [Intensity of Use of Lot], 17.30.040 [Maximum Building Size], and Section 17.30.100 [Off-Street Parking] of the Winnetka Zoning Ordinance to permit construction of an addition and other site improvements to Saints Faith, Hope and Charity Church that would result in a roofed lot coverage of 54,662 s.f., whereas a maximum of 43,383.75 s.f. is permitted, a variation of 11,278.25 s.f. (26%), an impermeable lot coverage of 164,563.2 s.f., whereas a maximum of 86,767.5 s.f. is permitted, a variation of 77,795.7 s.f. (89.66%), a gross floor area of 145,124 s.f., whereas a maximum of 41,728.05 s.f. is permitted, a variation of 103,395.95 s.f. (247.78%), and individual off-street parking spaces that would measure 153.12 s.f. in size, whereas a minimum of 180 s.f. is required, a variation of 26.88 s.f. (14.93%), all on the parcels located east of Linden St.

In addition to the Special Use Permit in accordance with Section 17.56.010 variations by Ordinance from Sections 17.30.030 [Intensity of Use of Lot], 17.30.050 [Front and Corner Yard Setbacks], and 17.30.070 [Rear Yard Setback] of the Winnetka Zoning Ordinance are also requested to permit a synthetic turf athletic field and a rubberized play equipment area that would result in an impermeable lot coverage of 37,085 s.f., whereas a maximum of 27,093.5 s.f. is permitted, a variation of 9,991.5 s.f. (36.88%), a front yard setback from Hill Rd. of 20 ft., whereas a minimum of 40 ft. is required, a variation of 20 ft. (50%), a corner (front) yard setback of 20 ft. from Linden St., whereas a minimum of 40 ft. is required, a variation of 20 ft. (50%), a rear yard setback of 20 ft. from the north property line, whereas a minimum of 25 ft. is required, a variation of 5 ft. (20%), a parking lot located within approximately the western most 18 ft. of the Linden St. right-of-way, all on the parcels located west of Linden St.

Chairperson Johnson stated that before the applicant began their presentation, there are three Board members who would like to disclose their affiliation with the applicant.

Mr. Naumann stated that he is a parishioner of the church.

Mr. Lane and Mr. Kehoe both stated that they are also parishioners and that they had no involvement with the application.

Chairperson Johnson then stated that she would like to inform the audience that there is no conflict of interest and that the three Board members who identified themselves as parishioners of the church did not represent a conflict of interest.

Martin O'Donovan introduced himself as the pastor of Saints Faith, Hope and Charity Church and stated that he has no expertise in terms of the requested variations and that they have staff who would speak to that. He stated that he would speak to the overview of the plan and why they are doing what they are attempting to do. Father O'Donovan then stated that the plan has been in discussions long before his time at least 12 or 15 years ago and that the discussions were of large and grandiose plans. He stated that due to the financial difficulties of the world, the plans dissolved and that there was a change in leadership. Father O'Donovan stated that when he joined the church, the plans were not brought up again until approximately 5 years ago. He informed the Board that the plan is to create a parish center immediately adjacent to the east side of the church.

Father O'Donovan stated that the reasons for the parish center are threefold. He stated that first, they currently have office space throughout the campus which they would like to consolidate and reuse that space more effectively for the school. Father O'Donovan informed the Board that their classes for all of the children's age ranges are very large and that they would like to rearrange the classroom space although they do not envision the school growing much more but for specialized education space. He stated that they can do that by reconfiguring the existing buildings and the staff office space.

Father O'Donovan then stated that secondly, with the exception of the church itself and the bell tower which he described as a very large structure between the church and rectory, there is no truly accessible space. He also stated that there is no place for senior citizens to gather without confronting steps and that there is no place for people with disabilities to come without finding out a way to get them in as well as washroom space. Father O'Donovan stated that this space would enable them to have meetings, small gathering space and space that is accessible to everyone.

Father O'Donovan stated that finally, it would give them a space to gather as a community and that they do not have space for any sort of gathering. He informed the Board that the largest gathering space that is accessible now would fit approximately 20 people.

Father O'Donovan then stated that the athletic field came about at the end of the plan and that it represented an attempt on their part to utilize a much underutilized field without making it anything within the neighborhood area. He stated that they are not trying to create a field which would resemble any play field in the area but that they want to utilize that parcel of land mostly for

the use of the children of the parish. Father O'Donovan stated that the school would then have the ability to use the field throughout the year.

Jon Talty introduced himself to the Board as the Chairman of OKW Architects who is the author of the work that the Board would see tonight. He also introduced Amy Wolkwitz, the project manager, Mike Fitzgerald, one of his partners who is the design architect, Scott Collier, the project architect and his wife, Katherine Talty, the landscape architect. He stated that they would be available to answer any of the Board's questions.

Mr. Talty began by stating that they planned to introduce the project to the Board and that as much as they discussed the particulars, he stated that it is really about a dialog in making sure that they have their bases covered and that they would be answering the questions and concerns that the Board and the community had.

Mr. Talty went on to state that they are all familiar with the context of the church and given the fact that they are all part of this community, in full disclosure, he informed the Board that he is a Faith Hope parent and that they are very active in the community and is chair of the BCDC. He then identified the existing site in an illustration for the Board and identified the area in dark gray as asphalt. Mr. Talty stated that there is a tremendous amount of impervious surface on the site and that part of their solution aside from the aesthetics, architectural and land planning elements, is to be sensitive to the notion of the things that affect all of them as community residents which is storm water. He then stated that Bill Loftus of Spaceco is also here as well as Javier Millan from KLOA who is the traffic engineer who would address some of the issues that pertain to the request as well.

Mr. Talty then identified the plan on the left of the illustration as the existing plan and that the graphic on the right is the proposed plan. He then referred to the illustration of the underlying zoning in the Village which is in the R-3 zoning district. Mr. Talty stated that they recognize the fact that this is a special use and that they have to be sensitive to that as they move forward. He then thanked the Village staff who he commented have been terrific in helping them to navigate the very complex process.

Mr. Talty stated that the next two slides in the presentation are for context and contain photographs of the existing conditions of the buildings on the campus, the parking lot, Linden and Ridge. He stated that the zoning variations that they are requesting and the standards of variation need to be met so that they can move the process forward in the Village. Mr. Talty identified the zoning variations that they are requesting which include a variation from the maximum building size and is a function of the site. He stated that the second variation related to intensity of the use of the lot which is the roofed lot coverage and impermeable surface coverage that is currently on the site. Mr. Talty stated that the third variation related to the size of the parking spaces on the property itself. He noted that the Village required 180 square feet per parking space in the R-3 district which is geared toward residential parking. Mr. Talty then stated that there is a standard of parking for the Village that they have followed through the process of this where they would be reducing the size of the parking stall to 153 square feet. He added that for clarification, the first three variations are currently not met on the site and that they are a function of the R-3 zoning district.

Mr. Talty then stated that the following three requested variations all involved front, rear and side yard setbacks along Linden and Hill as it pertained to the athletic field on the west lot. He stated that they are asking for setback variations given that the athletic field is being considered as a structure.

Mr. Talty stated that the final variation related to the amount of parking on the Linden right-of-way which he described as a solution that they collectively came up with the Village staff's assistance early on in the process. He reiterated that the gray areas on the slide represent pavement.

Mr. Talty then stated that one of the things that they are attempting to accomplish as part of the building program, for those who have experienced Faith Hope and the parking situation, in connection with access to the church, school, for special events, etc., he described it as a bit of chaos. Mr. Talty then identified where the parking lot is accessed off of Hill and Linden as well as cutting through diagonally between the gym off of the turnaround. He stated that they want to impose some semblance of order and that their solution is to provide order in the context of the new plan.

Mr. Talty stated that the other item they are hoping to achieve is the addition of greenspace which Mrs. Talty would discuss and landscaping components which do not exist currently. He also stated that Mrs. Talty would walk the Board through the process of drop-offs and pickups which occurred at the school and how it would work better under the proposed plan.

Mr. Talty went on to state that Father O'Donovan touched on the many things that they want to speak on tonight and that he did reference the notion of accessibility of the building, proximity and giving program space back so that the school can function in a better way as well as creating and improving the kind of parking solution so that they are providing a parking solution that is better than the existing conditions.

Katherine Talty stated that with regard to the landscape architecture of the site, she informed the Board that they worked harmoniously to create a preliminary site plan which would enable smoother ingress and egress to the existing parking along with increasing the amount of greenspace on the campus. She then stated that in approaching the project from a landscape perspective, one goal was to make sure that any new construction which was done would better the greenspace situation. Mrs. Talty stated that the new site plan gave them an opportunity to create some impactful ways to increase the amount of greenspace and that they wanted it to be contextual.

Mrs. Talty also stated that in addition to the athletic field, there would be a subtle addition to the campus. She stated that they would be preserving the planting which is along Winnetka Avenue, Hill and near the adjacent neighbors' rear yards and that any new construction which is done on the east and north property lines would be completely planted and that any trees which are removed would be mitigated.

Mrs. Talty went on to state that the next goal was to promote visibility at the intersection of Hill and Linden which is a busy intersection. She then stated that with regard to the parking lot, it would be reconfigured to maximize the amount of parking and the amount of greenspace on that

corner. Mrs. Talty also stated that they wanted to make sure that they had safe passage for the students going from one part of campus to the other during school hours and extracurricular activities.

Mrs. Talty stated that finally, they wanted to make sure that there is a rational way to handle pickup and that they limited ingress and egress to the parking lot which Javier Millan would speak to and that they worked closely with the school in order to allow space for the vehicles to stack.

Bill Loftus introduced himself to the Board as the President of Spaceco which is the civil engineer on the project and that they are located in Rosemont. He stated that when they took an initial look at the storm water situation, he referred to the amount of impervious surface on the property and that the general topography flowed in the direction from the northeast portion of the site to the far southwest corner. Mr. Loftus then stated that for the purposes of the Board, they have shown in an illustration a placeholder vault. He noted that the most important thing to take away from his testimony is that they have two bodies to satisfy which are the Village and the MWRD and that they are not asking for a variance from the storm water ordinance.

Mr. Loftus informed the Board that the site has zero detention as it stood today and that with the reduction in an area which he identified for the Board, they would still be required to provide approximately one acre foot of storage which he defined as one foot of water over the size of an acre and which amounted to approximately 500,000 gallons of storage. He stated that there would be two approaches to detention in two forms since the site is bisected by Linden and the amount of gallons of water would be split approximately 50-50 with half being provided at the southwest corner of the church parcel and the balance being provided on the west side of Linden.

Javier Millan introduced himself to the Board as a Senior Consultant with KLOA and stated that they were retained to conduct the traffic study for the project. He informed the Board that they counted the intersections of Winnetka Avenue, Linden and Ridge as well as the access drives. Mr. Millan stated that the counts in the morning were conducted from 7:00 to 9:00 a.m. and in the afternoon from 2:00 to 4:00 p.m. to coincide with arrival and dismissal times of the school. He stated that in addition, they also counted Sunday morning from 9:30 to 11:30 a.m. to coincide with the times that mass began and ended.

Mr. Millan also stated that in connection with the traffic counts, they observed traffic in the area to determine how it is operating and what are the current conditions. He informed the Board that during the morning, crossing guards are present at the intersection of Winnetka Avenue and Linden. Mr. Millan stated that they noticed that for the access drive during the drop-off operation, there is not enough room between the access drive and another drive which he identified for the Board from Linden and that it created confusion among the drivers and that because of that hesitation, they saw queuing on Winnetka Avenue. He then referred to east bound traffic on Winnetka Avenue at the intersection with Ridge being extended to and beyond the access drive. Mr. Millan stated that because of that, there is a cue of vehicles exiting turning left which have a hard time and that it created gridlock internally. He informed the Board that it happens often. Mr. Millan then stated that during the afternoon, there are crossing guards present at both intersections and at the access drive of Winnetka Avenue. He noted that they observed a maximum of 24 vehicles cued internally in the parking lot. Mr. Millan described it as a very good

system to bring children to the vehicles and for the surge of vehicles going out. He also stated that there is a crossing guard which stopped traffic on Winnetka Avenue which created backups during the afternoon and that after that, it went back to normal.

Mr. Millan then stated that in connection with the proposed plan, the parking lot is proposed to be modified to a counterclockwise circulation. He stated that the access drive would be almost one way with a curb with a median in the middle to separate inbound and outbound traffic. Mr. Millan informed the Board that the access Linden would be modified to provide two-way traffic and that it would serve to connect between the main lot and bell tower.

Mr. Millan stated that the proposed modifications would have a positive impact on drop-off and pickup. He noted that pickup activity would occur internally on the church side of the property enhancing the existing storage area. Mr. Millan stated that the provision of a one way access drive separated by the raised median would serve to minimize internal conflict in close proximity to Winnetka Avenue and that allowing vehicles to exit onto Linden which will be two way traffic, traffic would be able to exit onto Winnetka Avenue and allow vehicles to exit onto Linden.

Mr. Millan then stated that notwithstanding those improvements, there were various recommendations in the traffic study which Steve Saunders reviewed and that they agreed should be implemented which is to emphasize and enhance the new traffic flow. He also stated that he would like to point out that consideration should be given to having a median which he identified for the Board to separate traffic and making the middle portion mountable. He stated that with regard to the reason why, during Sunday mass or a funeral procession, if someone is coming from the north, to be able to enter the parking lot and circle around, rather than being faced with a median, they would not be able to go the parking area. Mr. Millan stated that he felt strongly that on school days, they would be able to reduce and minimize the conflicts. He stated that the plan showed the flexibility of maintaining order during the school days and providing accessibility on Sundays.

Chairperson Johnson asked Mr. Millan what did he mean by mountable.

Mr. Millan responded that instead of being completely raised, in the middle to create an indentation so that vehicles can travel eastbound. He then stated that the whole intent is to control traffic during school hours.

Chairperson Johnson asked if there is a car width for the opening.

Mr. Millan confirmed that is correct and that it would only be for Sunday and that otherwise, it would defeat the purpose to minimize conflicts.

Mr. Talty identified the area for the Board.

Mr. Millan stated that it would help on Sundays. He then stated that with regard to parking, he would like to mention that the existing lot provided 88 parking spaces and that the proposed development would result in the loss of 15 spaces. Mr. Millan stated that the idea is so that they do not lose parking with an accommodation of help from the Village, he identified the 15 parking

spaces shown on the Linden right-of-way. He stated that in essence, based on that, they would be able to maintain the same number of parking spaces.

Mr. Millan went on to state that they did the survey on Sunday and that they collected the number of vehicles in the parking lot at 9:15 and 10:15 a.m. and that those times were chosen to coincide with the use of mass. He informed the Board that based on the survey, there is a peak demand at 9:15 a.m. with 189 vehicles in the lot and on Winnetka Avenue, Ridge and Linden. Mr. Millan also stated that although the parking accumulation was observed before 9:15 a.m., they saw that there are some vehicles which are already there and that they did not know if those vehicles belonged to residents or church people. He then stated that since there was no way of separating them, they included them in the count. Mr. Millan noted that 189 vehicles can be accommodated by the lot and in the area while maintaining the same number of parking spaces.

Chairperson Johnson asked if they are not required to have any parking.

Mr. Millan confirmed that is correct. He stated that they are attempting to maintain the same number of parking spaces. Mr. Millan then asked if there were any other questions.

Chairperson Johnson stated that the last presentation from the team would go in reverse order.

Mr. Talty stated that he would cycle through the balance of the slides and terminate with the variations and talk about how they are meeting the standards. He referred the Board to the next illustration which addressed the building itself for reference in order to get a sense of what it is. Mr. Talty then stated that there is 5,500 square feet of basement space which is the same size and that all of the program space would be accessible from the church itself. He then identified the lower level for the Board.

Mr. Talty then stated that the building is contextually and architecturally sensitive to the architecture on the site. He stated that they planned to maintain and enhance the architectural experience of the church. Mr. Talty informed the Board that they anticipate using similar materials and vernacular. He then identified the east elevation for the Board and stated that the drawings demonstrate the scale of the building as a function of the church. Mr. Talty also stated that it gave a birds' eye view and gave a sense of scale and context of the church and the parking lot. He stated that he would go back to the zoning variations and that Amy Wolkwitz would provide a presentation in connection with the zoning variations followed by questions from the Board.

Amy Wolkwitz of OKW Architects introduced herself to the Board and stated that she would go through them again and noted that there are six variations as part of the special use application including maximum building size, intensity of lot use, a variation for the parking space size from 180 square feet to 153 square feet, front, corner and rear yard setbacks for the west lot and a variation to allow parking in the Linden right-of-way. She then stated that in general, the applicant felt as though they met the standards which have been demonstrated by their presentation and that they would be open to comments from the Board.

Ms. Wolkwitz stated that with regard to the regulations limiting use of this site, the parish center is

a consolidation of the existing functions of the school, the church and some community programming which are currently scattered across the campus. She noted that it would not be a new use and that the request is for consolidation purposes. Ms. Wolkwitz then stated that the athletic field would be an improvement to the quality of the experience. She stated that in connection with the current grass lot, there would be no change to the type of activities or volume of visitors.

Ms. Wolkwitz stated that the second standard related to the plight of the applicant being due to unique circumstances, she stated that the request is for a special use in the R-3 zoning district and the proposal relates to an underlying special use. She then stated that with regard to maintaining the essential character of the locality, a great deal of care was taken to improve pedestrian safety and the experience on the campus including sidewalks throughout and a crosswalk on Linden as well as a paved lot to tie the campus together. Ms. Wolkwitz also stated that the proposed design provided a net increase in the amount of green space on the main campus and improved the opportunity for health and safety for the children and programming activities. She informed the Board that there would be a fence enclosure to provide the orderly use of the athletic fields as well as the fact that the parish center design would be sympathetic to the unique, existing church's design and the Village which is architecturally aesthetic.

Ms. Wolkwitz then stated that with regard to light and air to surrounding properties, the parish center is internal to the campus and that they did not see a conflict there. She also stated that the athletic field would be as open as it is today. Ms. Wolkwitz stated that with regard to the hazard from fire, the parish center would comply with the applicable fire and safety requirements. She then stated that with regard to the taxable value of the land being maintained throughout the Village, she stated that the parish center is internal to the campus and sympathetic to the Village. Ms. Wolkwitz noted that the athletic activities which currently occur on the athletic field would be maintained and enhanced and would neither impede the normal and orderly development in the immediate vicinity.

Ms. Wolkwitz stated that with regard to congestion in the public street, great care has been taken to improve the orderly movement through the site for pedestrians and vehicles. She stated that the last standard which related to the public health, comfort, morals, welfare and safety of the Village, great care was taken to redesign parking and to ease traffic conflicts through the various improvements to parking and the access drives. Ms. Wolkwitz concluded by stating that the orderly design of traffic into and through the site would help eliminate conflicts during peak times.

Chairperson Johnson asked if there were any questions from the Board for Mr. Talty. She asked even though the applicant is proposing the use of artificial turf, would they have to comply with the setback requirements.

Mr. D'Onofrio confirmed that is correct. He stated that as an explanation, in the ordinance, there is a section of obstructions that are allowed in required yards. Mr. D'Onofrio indicated that while it is an extensive list, it did not include synthetic turf fields which is why it was included as an obstruction in the required yard. He also stated that with regard to the athletic fields, one slide showed the play equipment which is also not permitted as an obstruction in a required yard and referred to the 15 foot setback along Hill Road. Mr. D'Onofrio concluded by stating that is why the

turf is included as a variation.

Chairperson Johnson stated that there was a similar situation with the Winnetka Park District with the artificial turf by the Nielsen Tennis Center which required a variation. She also stated that because of the basement issue, the reason the basement is counted is because of the 2½ foot ordinance.

Ms. Klaassen confirmed that the basement is not included.

Mr. D'Onofrio stated that there is a 5,000 square foot footprint.

Mr. Talty informed the Board that in looking at the attic space, because of the fact that the property is in the context of a residential district, they have to account for attic space in terms of square footage which is where the 10,000 square foot figure comes from.

Chairperson Johnson stated that in referring to the paragraph on page 2, even though it is a function of one story space, they have to count it and that it is considered two stories and that it related to the attic and not the basement.

Mr. Talty confirmed that is correct and added that it would not be occupied.

Mr. D'Onofrio stated that he would explain to the newer Board members why when they look at the variations, they are seeing substantial variations being requested. He then stated that a number of years ago when the ordinance was developed, an institutional zoning district was created which contained schools, churches etc. and that they are here for the church and that the appurtenances considered have the same standards as a residential home in the R-3 zoning district. Mr. D'Onofrio added that there are rather significant variations because the single family housing standard is being applied to an institutional type use.

Chairperson Johnson commented that is a good point.

Ms. Hickey referred to page 6 of the zoning matrix and asked with regard to the athletic field, why aren't existing setbacks available.

Mr. D'Onofrio responded that it is because it is grass and that it is not applicable.

Mr. Talty agreed that it an open lawn.

Chairperson Johnson asked if there were any other questions for Mr. D'Onofrio.

Mr. Naumann stated in connection with the crosswalk, it looked like it is positioned close to the entrance and exit to the parking lot. He asked if there is any sort of intersection in terms of peak use of the crosswalk with the high usage of vehicles going in and out at the same time, which he identified as a safety concern.

Mr. Talty stated that the crosswalk is intended for use during the school day. He noted that it would serve in aiding people as they cross Linden to access the playfield. Mr. Talty informed the

Board that currently, recess occurred in the parking lot and that there are no vehicles there today and that the traffic is kept out of that. He added that they are moving forward so that there would be no conflict with children crossing and traffic access in and out of the site off of Linden.

Ms. Hickey described Linden as a busy main artery given that there is a four way stop sign at Willow. She then asked with regard to children crossing, would there be a stop sign there.

Mr. Talty responded that they are not anticipating a stop sign.

Mr. Millan stated that when you are in the middle of the street in crosswalks, you would see signs to stop for pedestrians. He indicated that they could also explore some type of texture in the pavement. Mr. Millan reiterated that they are attempting to unify two campuses. He added that normally, it is the best way of alerting drivers to watch out for pedestrians.

Mr. Naumann asked if consideration was given to putting signs up as they have in other locations which indicate that the driver has to yield. He indicated that he did not know what the impact would be visually and asked the applicant to consider that.

Mr. Talty stated that would be a great situation if they could do that.

Mr. Naumann stated that he also had a question relating to the parking impact on the neighbors. He then stated that based on what they have seen, it looked like the number of parking spots would remain flat at 88. Mr. Naumann asked if there would be any other parking implications to the neighbors that they need to discuss.

Mr. Talty responded not to his knowledge. He also stated that the campus would exist as it does today and that the intensity of use would not increase. Mr. Talty then informed the Board that KLOA looked at the most intense time for the school and church mass schedule and that they are confident that for the building and athletic field, nothing would fundamentally change from what existed today.

Mr. Naumann also stated that as it related to the impervious surface and the athletic field, the applicant came up with a significant solution with regard to underground storage. He then stated that with water accumulating on the athletic field, he asked what is the drainage going to look like there and what would be the impact to the neighbors.

Bill Loftus stated that it is shown as placeholders for the underground storage vault. He then stated that given the nature of the field and around the Chicago area, he described it as a creative approach to storing storm water in place. Mr. Loftus informed the Board that the fields would be supported on a layer of stone which would have a base similar to the parking lot which is made up of 33% void space. He then stated that the turf is permeable and water would run through it and the layering system and through the stone. Mr. Loftus noted that the MWRD and the Village recognized it as a reasonable method of storage. He stated that the intent is to use and net the effect of holding storm water under the existing condition.

Mr. Loftus also noted that the MWRD looks at it as storm water given the coefficient for the

different types of surface. He informed the Board that with regard to a natural pond, there is a water coefficient of 1 which he described as extremely permeable. Mr. Loftus then stated that if it was a sandy field like Wrigley Field, there would be a coefficient of .4 and that the athletic field is somewhere in the .7 range. He added that the existing field has been played on consistently over the years and that the compaction did not make it absorption to water. Mr. Loftus concluded that you would get more water runoff under the condition of the field today by its nature being compacted over the years and that the field has not been aerated.

Chairperson Johnson stated that there was discussion at the last meeting in connection with the new Village permeability issues. She stated that part of the report provided by Steve Saunders talked about the new underground systems being enhanced.

Mr. D'Onofrio noted that those are for brick paver systems.

Mr. Loftus stated that over the years, the MWRD ordinance asked engineers to basically control storm water with a rate control mechanism. He stated that with the slow rate of which water hit the Village's infrastructure, it is still overburdened. Mr. Loftus stated that there is a new component to the ordinance which is the volume control component. He informed the Board that 300,000 gallons of storm water would not all be going into the storm sewer system. Mr. Loftus stated that it would give the water the opportunity to absorb back into the ground water table. He stated that they preferred this method of spreading the water with sheet flow over the entire surface. Mr. Loftus then referred to whether there is a dry spell and opportunity for the water to absorb. He informed the Board that they are very comfortable with that here. Mr. Loftus added that they would not do it if it was adjacent to the basement of the parish center and that it would be absolutely appropriate here.

Mr. Naumann then asked if the neighbors are at grade, above or below the field.

Mr. Loftus responded that they are reasonably close. He informed the Board that they did an extensive survey of the area and the backyards at the lowest openings. Mr. Loftus indicated that the field would be laid sloping by the topography which they described earlier as north to south.

Mr. Naumann asked if the runoff will be off of Hill Road then.

Mr. Loftus confirmed that is correct and that the stone underneath would be cut the same way. He indicated that there may be a combination of techniques used.

Mr. Lane asked what the playfield is currently used for and how frequently is it used.

Mr. Talty responded that there is football practice in the fall and that currently, it is used for recreation by the students and for school activities intermittently such as lacrosse. He described the use as fragmented.

Mrs. Talty informed the Board that in connection with the current condition of the field, there are so many periods of time where it is unusable and that if it rained or if there is inclement weather, the field is torn up to the point that it is not usable.

Mr. Talty indicated that it is their hope to expand the opportunity for the children to recreate. He also stated that it would stretch the seasons for the children. Mr. Talty added that if the parking lot is iced or if there is snow, this would represent a controlled environment which would be safer and more pleasant.

Mr. Lane asked where did the children currently play and whether it was in the lot now or primarily in the field.

Mr. Talty responded that is their hope.

Mr. Lane then stated that with regard to the necessity to have the turf go within the setback, he asked if there is a reason why they cannot comply with the setback or how did they come up with the distance where the grass starts and ends.

Mr. Talty responded that given the fact that they would be creating a controlled environment across the street and which would have a more appropriate play area, he stated that the degradation of the existing area is so profound.

Mrs. Talty stated that it would stretch the limits to have more area to play on versus the setbacks provided within the R-3 zoning district.

Mr. Lane asked if it would still be feasible to do if it were within the setback.

Mrs. Talty stated that with regard to their programming, since they have the corner, they have two front yard setbacks that have to be 40 feet to Hill and 40 feet to Linden. She stated that compliance with the setbacks would shrink the fields to the point where programming would be difficult. Mrs. Talty also stated that football would be difficult to contain on a smaller field. She also stated that they would have the ability to use it as walking track with a usable distance or to run for the gym classes. Mrs. Talty informed the Board that is part of the rationale for the size of the field was to accommodate programming for the parish.

Mr. Lane asked if grass at the perimeter would still be used.

Mr. and Mrs. Talty confirmed that is correct.

Mr. Lane then asked with regard to the size of the parking spaces, he noted that he is a parishioner of the church and knew the mayhem of parking during mass. He asked what is the size of the parking spaces currently for the lot and on the east side of Linden.

Scott Collier of OKW indicated that he is not sure of the current size and that they would use a more appropriate size for the intensity of the use. He stated that when they looked at Winnetka, they would recommend going to a more commercial size. Mr. Collier added that it would be within the limits of the Village.

Chairperson Johnson asked if they were to keep them with the Village standard, how many more

spaces would they need on Linden or the surrounding streets.

Mr. Talty responded that they would be going from 180 square feet which is not met today and that if they were to restripe the lot for an appropriate square footage for the R-3 zoning district, they would lose 15 spaces or 18% of the parking spaces or they would lose 12 to 15 spaces by restriping the lot to meet the R-3 requirement. He also stated that because parking is a neutral solution and since it is existing and the proposal is fundamentally the same, if they were to go to 180 square feet per vehicle, in the overall scheme, they would end up with 70 as opposed to 88 vehicles. Mr. Talty described it as a very crude method of figuring out what the reduction would be.

Mr. Kehoe referred to reducing the size of parking stalls and the size of SUVs. He stated that they would be going from 180 to 150.

Mr. D'Onofrio stated that 9 feet x 20 feet deep represented a parking stall.

Mr. Talty stated that they did not take into account the overhang of a car. He also stated that they did not want to create a parking environment which caused problems in terms of scale of vehicles or ease of access. Mr. Talty then stated that in lieu of 9 foot x 20 foot stalls or 8.9 foot x 17½ foot stalls, they would either meet or exceed that in the application with an 8.9 foot x 17 foot stall.

Mr. Lane referred to the diagram of the parking lot near Linden and two parking spaces and green space. He asked if the green space is existing.

Mr. Talty responded that was done to save a tree.

Mrs. Talty informed the Board that it is one of the mature trees on the site.

Mr. Lane then referred to a strip of parking spaces which goes down the middle and asked if there would be a line painted or barricade.

Mr. Talty responded that it would all be painted because of snow removal, etc.

Mr. Lane stated that they may run into the potential issue of people who park at an angle and vehicles which loop through the "U" trying to get out. He then referred to people who would pull straight out and go out at the entrance and asked how did they plan to stop that from happening if there are no barriers.

Mr. Millan stated that they could do tire bumps rather than doing the whole median which would preclude drivers from doing what Mr. Lane suggested.

Mr. Lane stated that there are other parking lots which have barricades and that they are able to get snow out.

Mrs. Talty stated that they wanted to be flexible in terms of the parking lot to use it for pickup for school. She also stated that they want the ability to stack numerous lanes of traffic. Mrs. Talty then stated that it would be purposely painted instead of having the use of barriers in order to allow multiple lanes of pickup during controlled pickup hours after school. She informed the Board that

currently, they stack several rows and that they plan to do that in the new configuration which meant that they needed flexibility to maneuver vehicles. Mrs. Talty then indicated that they still may have issues during Sunday mass but that flexibility is important.

Mr. Lane stated that he was unclear as to the school pickup.

Chairperson Johnson agreed that it is confusing.

Mr. Millan informed the Board that 62 was the overall number of vehicles coming in and that the maximum number of vehicles for the cue is 24. He noted that those 62 vehicles are not there at the same time. Mr. Millan then stated that with this configuration, it showed how they planned to accommodate additional vehicles and that there would be more control and efficiency than the way in which it is done today and that they would be able to process vehicles quicker than they can today. He informed the Board that one recommendation in the study was to use that additional area and that parking on Winnetka Avenue on the north side should be restricted. Mr. Millan stated that they can cue the vehicles without blocking through traffic. He added that they are considering other steps that can be done.

Chairperson Johnson asked if stacking is assuming that there is no parking in the slanted spaces.

Mr. Millan confirmed that is correct.

Mr. Talty noted that the teachers park on Ridge.

Chairperson Johnson asked if there would be slanted spaces for parents retrieving children from class or during mass or funerals.

Mrs. Talty and Mr. Talty confirmed that is correct.

Mrs. Talty added that during the day, the lot would be restricted.

Mr. Talty also stated that there is a gym in the school.

Mrs. Talty then stated that the playground would be relocated based on the reconfiguration.

Mr. Lane stated that on page 58, he referred to the KLOA study and a diagram which indicated that it would not be impacted if they had to put in barriers. He stated that they have to rule on certainty and that it is difficult for the Board to make a decision with no definitive plan.

Mrs. Talty stated the other issue is flexibility during recess and that since the field cannot be accommodated in the winter, they would have to stay in the lot. She stated that for recess, they would prefer to have an open area to play. Mrs. Talty indicated that there are several reasons that they like flexibility in the lot. She also stated that it is their hope to increase education among the parishioners. Mrs. Talty indicated that it is somewhat chaotic now, but that it worked. She reiterated that it is their hope that this worked and that there would be safe passage for people to get around the perimeter of the lot with sidewalks.

Mr. Lane stated that there would not be 62 vehicles there at the same time and asked what is the amount which is there at the same time.

Mr. Millan stated that in their observations, they saw 24 cars cued.

Mr. Lane stated that 18 were counted and asked where do they go when they do not fit.

Mr. Millan responded that there is loading and unloading which would be more efficient. He stated that currently, there are four rows and that teachers bring the children to the vehicles. Mr. Millan stated that with one line, it would be easier to load as opposed to walking between vehicles. He also stated that if it goes beyond that, they would remove the restricted parking on the north side of Winnetka Avenue if they have an additional four stacking out there.

Mr. Talty informed the Board that is how Crow Island functioned.

Mr. Blum stated that to get more space in the cue line, he referred to Winnetka Avenue going in and out. He then stated that there is an entrance and exit there now to Winnetka Avenue and asked what if they were to close off west for pickup and send traffic out on to Linden creating a bigger loop.

Mr. Millan informed the Board that with regard to the intent, for school hours, the intent is to have traffic exit onto Linden and that for the proposed plan, they want two way traffic. He noted that during the school day, the traffic is one way to Linden which is to flush traffic out. Mr. Millan also stated that they would be splitting the load on Winnetka Avenue and Linden and that they have the option.

Chairperson Johnson asked how far is the new proposed Linden entrance and exit from the intersection.

Mr. Talty stated that the center line is 88 feet to the corner of the property so it is 100 feet from the intersection.

Chairperson Johnson asked if that is adequate under traffic standards.

Mr. Millan confirmed that is correct for this type of access. He also stated that on non-school days, there would be two way traffic.

Mr. Talty informed the Board that they have also had conversations with the principal and that they are trying to determine the safest way to move the children and vehicles. He stated that they considered taking advantage of the turnaround at the bell tower in the front of the church which he described as an isolated access point to the site. Mr. Talty noted that they planned to utilize that horseshow as a pickup point for the junior high children and stated that it would take the heat off of the pickup and drop-off within the context of the lot itself. He also stated that small children are dropped off on Ridge now and that would remain on the east side of the property.

Mrs. Talty stated that would divide the student body.

Mr. Lane referred to page 58 and 20 vehicles and asked why not line up two vehicles on the exit going out which essentially the people closest to the church would force them to turn into the lot and exit on Linden and those farthest from the church to go out onto Winnetka Avenue.

Mrs. Talty stated that as a parent, the pickup ran smoothly now and that it is mandated that way for it to work. She informed the Board that the principal is open to the idea of creating a new plan based on the new configuration of parking.

Mr. Lane asked with regard to the proposal of 20 vehicles whether that is the current plan and that the applicant may try other things.

Mr. Talty confirmed that is correct.

Mr. Lane stated that they have to have ingress and egress and that it is important to have to know that.

Mr. Talty agreed that is fine.

Ms. Hickey stated that with regard to parking on Linden, she asked if they have worked with the Village in terms of the allocation of space. She also asked if the Village approved giving away parkway space.

Mr. Talty responded that nothing has been approved yet and that it was a suggestion by the Village staff as a good and logical way to approach it given the traffic on Linden and parking which occurred across the street. He also described it as a solid solution to picking up additional vehicles.

Chairperson Johnson stated that if they go ahead with this, the Village Council will have to come up with some sort of licensing and maintenance agreement and that the Village still owned the parkway. She asked how did they intend to have it patrolled and if there would be the same parking restrictions currently on Linden.

Mr. Talty responded that people park on Linden the east side for a variety of reasons. He then stated that from the parish's perspective, it is public parking.

Chairperson Johnson asked if they contemplate the 15 parking spaces to have same sort of restriction.

Mr. Talty indicated that the school may never need restrictions and that there is only parking there during the day and during special events such as a funeral. He noted that the 15 parking spaces would be empty for a lion's share of the time and that there is plenty of parking on the site to handle the day to day needs.

Ms. Hickey questioned the distance making the turn off of Winnetka Avenue onto Linden going north.

Mr. Talty responded that is an existing condition. He indicated that the distance from the first vehicle to the corner may be 20 feet.

Ms. Hickey then asked about the west side.

Mr. Talty estimated it to be 50 feet.

Mrs. Talty informed the Board that another tree is the issue.

Mr. Talty informed the Board that the last parking spot at the southern end is approximately 50 feet from the corner.

Ms. Hickey then stated that Linden is a main thoroughfare and that there is no parking on the west side. She stated that she was worried in connection with vehicles backing up to spots to go north on Linden and someone coming around the corner on Winnetka Avenue and that they may need a stop sign there.

Mr. Talty confirmed that there is a stop sign there.

Chairperson Johnson stated that Steve Saunders did not address it in the report. She also stated that with regard to traffic, the volume and the way in which the site worked today, there would be no difference. Chairperson Johnson then stated that vehicles parallel park there now on the west side.

Mrs. Talty stated that with regard to safety, they looked at the crosswalk and discussed the ability to create a bump out for the avoidance of any potential conflict. She agreed that there is currently parallel parking on the west side and angle parking on the east side.

Mr. Naumann stated that with regard to safety, he suggested the elimination of one of the three entrances and exits since they would no longer have an access point between the church and gym creating circulation flow for the entire property.

Mr. Talty confirmed that is correct and stated that the idea is to stop vehicles from coming from all points. He stated that there is a lot of activity happening in the lot and that the request is a function of order and design aesthetics.

Mr. Blum stated that with regard to the loss of five trees, he asked if any of them are substantial.

Mrs. Talty responded that they are approximately 8 inch trees and that all of the parkway trees would be replaced.

Mr. Blum then asked with regard to storm water, the west lot would not have a vault but would be concrete. He stated that under MWRD requirements, he asked if all of the parcels are calculated separately.

Mr. Loftus noted that they would be splitting the drainage area and that both storage capacities would be large enough and that they are not concerned about the two areas. He also stated that they wanted to avoid splitting the range of areas into small compartments so that it is not maintainable. Mr. Loftus informed the Board that the drainage area would be almost split 50-50.

Mr. Blum asked what are the mechanics for storage retention for the east lot.

Mr. Loftus responded that they anticipate an underground vault.

Chairperson Johnson asked when would it have to be determined by the Village.

Mr. Loftus responded that they are confident that the storm water would not come back with the storm water constraint derivative of the discussion. He also stated that they did the calculation and know that the plan would accommodate the water. Mr. Loftus added that they know that the depth of the vault would work. He informed the Board that in terms of depth, there would be a 15 inch sewer from Winnetka Avenue to Ridge going west and then it would increase to 21 inches west of Linden.

Mr. Blum stated that if it met the requirements, that would be great and that for it to go beyond it if there is a flooding issue. He then asked if the west lot flooded now.

Mr. Loftus responded that it flowed off site at a good rate now.

Mr. Blum then stated that to the extent they can maximize it or go beyond that extent.

Mr. Loftus commented that is the theme in Winnetka.

Mr. Talty added that the west lot would improve exponentially from the way it existed today through the engineered solution.

Mr. Kehoe stated that he had no questions.

Chairperson Johnson stated that she would like to commend the applicant on a great presentation, especially with regard to the comparable photographs which she described as helpful. She then asked how is the request reducing the amount of impermeable coverage by 8,900 square feet. Chairperson Johnson stated that they are already over the amount of impermeable surface requirements by residential standards and asked if it is because of the variations.

Mr. Collier stated that with regard to the existing and proposed site plan, he referred to the colors between the gray asphalt and the green area and stated that you can see that they have taken back the area inside the courtyard to the building which would be grass. He also stated that the southwest corner of the lot would be all green landscaped surface.

Mr. Talty added that they would be reducing the paved area on the east side of Linden substantially.

Chairperson Johnson stated that the applicant is stating that having artificial turf is better in terms of drainage over grass since the grass has not been maintained.

Mr. Loftus reiterated that Wrigley Field has a storm water coefficient of .4. He stated that they ratcheted that figure up so that artificial turf is between .95 and this is recognized as having a coefficient of .7 with turf. Mr. Loftus also stated that without aeration, it would be in the .5 to .6 range. He stated that is slightly worse from a storm water management standpoint but that given the improvements with detention compared to the existing condition, it would be far better. Mr. Loftus noted that the voids are 12 inch layers of stone and that the void spaces are what the water occupied.

Chairperson Johnson then stated that in connection with tree replacement, there were no numbers.

Mrs. Talty informed the Board that they have not gotten to that level of detail yet. She then stated that the typical plant list would be to use trees with proven quality.

Chairperson Johnson stated that she agreed that it looked like there is a lot of asphalt today which she commented is not great aesthetically and referred to the applicant's intent to put in more landscaping.

Mrs. Talty stated that it is a way to have more of an opportunity to create a nice landscape. She added that they have already created a series of gardens.

Chairperson Johnson asked Ms. Wolkwitz if they went through the standards and referred to the general statement that turf would be provided for programming as opposed to grass because it would be used most of the year.

Ms. Wolkwitz informed the Board that the play field would be used during inclement weather and that they would be able to use the fields more often and more days of the year.

Chairperson Johnson asked if it is currently used by the older children or if all of the children use the field.

Mr. Talty responded that the older children use it for football and that it is used for after school programming, etc. He indicated that there may be 20 children there at a time. Mr. Talty added that there is not a huge number of participants.

Chairperson Johnson then stated that if the Village agreed to allow the 15 parking spaces in the right-of-way, she asked if they would be putting in sidewalks on private property which is church owned.

Mr. Talty confirmed that is correct.

Chairperson Johnson asked Mr. Millan if Mr. Saunders' report about the parents to encourage them to use the south parking lot from the east and that left turns are not controlled. She questioned whether they should limit left turns out of the parking lot to Winnetka Avenue.

Mr. Millan confirmed that they talked about it. He indicated that they can restrict a left turn out to simplify the whole operation. Mr. Millan also stated that it can be prohibited during school hours and reiterated that the intent is to provide a more orderly and better flow of traffic. He indicated that they are open to that and that on Sunday, there is no reason to restrict it.

Mr. Talty informed the Board that it has worked well with Crow Island in connection with limiting the left turn.

Chairperson Johnson asked if there were any other questions.

Mr. Lane stated that the Park District came in with a proposal for a turf field being put in and that they talked about the selection of the type of turf and how it is improved and looked more natural. He stated that has not been addressed here and assumed that they would be using the best level out there.

Mr. Talty confirmed that is correct and stated that they want this to be as sympathetic to the existing conditions as it can. He stated that they planned to choose the best turf available and a color to match as best as can be accommodated.

Mr. Lane referred to the need for the parish center so that it was attached to the church and questioned the access for the elderly, etc. and asked did they consider any alternative locations which would not change the parking lot or reduce the number of parking spaces.

Mr. Talty informed the Board that they looked at half a dozen locations where it could go when they began this journey years ago. He stated that they looked at the southwest corner of the site and looked at the opportunity to fill in the space between the gym and the bell tower. Mr. Talty also stated that they looked at extending the finger of the school along Winnetka Avenue, etc. and stated that they are trying to get something which is more centrally located for all of the programmed events in the evening as well as for mass.

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.

Davison Massey, 133 Chestnut, stated that he has lived for 30 years in Winnetka. He stated that he is concerned with drainage and putting in artificial turf. Mr. Massey noted that he is not familiar with engineering requirements and stated that from his experience, the church property slanted north to south and that it slants southwest. He informed the Board that they have an open area between their home and Hill and that water flowed from the field through their yard to the drain at the southwest corner of their property. Mr. Massey also stated that when Winnetka Avenue was repaved on Chestnut, there were new drains.

Mr. Massey stated that for many years, there has been a large lake in that area before when the water came from the church. He then stated that the proposal is to dig down. He stated that there is soil in that area and 8 to 10 inches of topsoil and then clay and impermeable surface. Mr. Massey stated that it is his guess that it would not be a good long term solution since it would fill in

over the years.

Mr. Massey went on to state that the field represented a big play yard for the children and that they are planning to move from the present area of the church and to use a rubber surface. He informed the Board that his grandchildren play in the present church area and that the wood chips work fine. Mr. Massey reiterated that he did not know about the rubber surface and its water capabilities and that his principal concern is to not increase the amount of water to the side yard.

Mr. Massey also stated that there was a detail mentioned to put a stop sign at Winnetka Avenue and Linden. He noted that there is currently a stop sign on Ridge and that would result in two stop signs 100 feet apart. Mr. Massey then stated that he is pleased to see that they planned to keep the shrubbery and trees on Hill.

Mr. Massey stated that he would like to add that he heard comments in connection with maintaining the field and that it has been his experience over time that the field needs attention. He informed the Board that he has never seen the aeration of the field and that he picks up trash on Linden. Mr. Massey stated that he knows that the church has a tight budget and that it is difficult to make ends meet. He suggested that they should have spent a lot more attention to the field and concluded by reiterating to make sure that there would be no additional water flow to their yard.

Chairperson Johnson asked if there were any other comments.

James Williamson, 170 Linden, informed the Board that he worked with Max Whitman on closing Alles Road. He stated that when that was done, it was divided between the four of them. Mr. Williamson also stated that the Village put in a sidewalk and that it was explicit that it was raised higher than the ground around it. He informed the Board that it is 1½ feet above his backyard and that the other neighbors are lower.

Mr. Williamson then stated that his greatest concern is water. He also questioned how did they plan to secure it, what kind of fencing would be used, whether they would light it or if it would be locked fencing. Mr. Williamson noted that the bushes now come to the edge of the field and sidewalk.

Mrs. Williamson stated that the sidewalk would be made to look like an isolated tunnel. She also stated that it would depend on whether they used a soft or hard fence.

Chairperson Johnson stated that the plans call for a non-chain link fence.

Mr. Williamson then stated that when the fence was put in, the Village was explicit that it not be a hard fence and that they put in a hedge and chain link fence. He then stated that he realized that they are not a public facility, but that at times, it becomes a public facility and contributed to those who use it. Mr. Williamson suggested that they consider how, where and what kind of fence be used. He also stated that if the water issue is addressed, that would be fine and that he did not want more water added to his basement.

Mrs. Talty informed the Board that the plans call for a wooden fence on the property line. She stated that the opinion was because of privatization from the neighbors and that the purpose of the

fence is to keep the children corralled. Mrs. Talty noted that it would not be a security fence by any means and that they are open to lowering the fence. She also stated that on the east and south sides, there would be an open, ornamental metal fence.

Mrs. Williamson stated that it is not a privacy issue and that they love watching the children.

Mrs. Talty added that there is no plan to lock the facility and noted that the fence is on their property line.

Chairperson Johnson stated that they have not asked about lighting.

Mrs. Talty informed the Board that they have no intent on lighting the field.

Chairperson Johnson stated that if they are granted the Village right-of-way and the relocation of the sidewalk, she assumed that they would be moving the eastern edge of the field further west.

Mr. and Mrs. Talty confirmed that is correct and noted that the regulation is for a 5 foot sidewalk.

Chairperson Johnson asked if there were any other comments.

Tim Earle, 175 Chestnut, informed the Board that they live in his wife's family home which has been in the family for the last 100 years. He also stated that they are invested in the community, the locality, the church and the school. Mr. Earle then stated that he is not speaking against the variation for the playground and that the church is surrounded by a residential community. He informed the Board that his home abutted it on the northwest corner and that they look directly out at the field which they love.

Mr. Earle also stated that he is a bird watcher and described the park as a community park. He questioned what it is going to look like with artificial turf. Mr. Earle then suggested that they go look at the most modern artificial turf and that it looked industrious and would not be appropriate. He also referred to the area which is a subdivision of four homes. Mr. Earle stated that they feel strongly that there are explicit rules that they have and which should be applied to that field area.

Mr. Earle then stated that his second concern related to drainage which he described as a major problem in the Village. He stated that they can consider this as an opportunity in terms of the present situation with a major part of the church and school and that they would be creating a major runoff problem. Mr. Earle then stated that if they are accepting more variations, what they could do as a Village is require that they are not getting worse but that they improve it significantly and that they would be thinking about a major storage facility paid for by the Village in that field area. He also stated that if variations are given, he would want to see a positive gain for the community. Mr. Earle concluded by stating that would make him feel that the loss of the birds and the park sense would be acceptable.

Wes Mueller, 147 Chestnut, commented that everything which was said was well stated and added that he is not enamored with artificial turf. He stated that he is concerned with the strip of land on the west side of the turf field. Mr. Mueller then stated that the trees are not large and commented

that the thicket looked natural. He stated that he hoped that when they look at the plans, the turf comes right against his property and that he hoped that the buffer remained intact.

Chairperson Johnson asked if there were any other comments. No additional comments were made at this time. She then called the matter in for discussion.

Mr. Blum stated that the use would not be changing and that he did not have a lot of concerns. He commented that the plan was well thought out as to how to improve the functionality of the space in a minimally intrusive manner. Mr. Blum then stated that he had questions with regard to traffic flow and that it can be controlled. He referred to the alternative means via a curb in the middle of the lot and that he understood the applicant's need for flexibility. Mr. Blum stated that they have to have something which met both the needs whether it is the use of something permanent or a divider like at O'Hare. He also stated that he had no concern with regard to the east campus.

Mr. Blum then stated that to the extent there would be an increase in the amount of roofed area, they would be taking over asphalt where it was before. He also stated that on the west side, he stated that the concern is the water issue and ensuring that they are going far enough over and above the requirement and that he felt confident with that years in connection with the number from now and that it would hold up over time.

Mr. Blum then noted that in connection with the trees on the west side and the existing trees on the north side, the applicant planned to preserve a good size amount of trees on the east lot and shift the field down to explore that. He referred to the neighbors' comments in that it is a park-like setting and commented that artificial turf made sense to use. Mr. Blum then stated that overall, he would be in favor of the request with those concerns addressed. He added that with regard to parking in the right-of-way, the applicant worked with Mr. Saunders and that it can be controlled. Mr. Blum also stated that with regard to the right-of-way, in terms of backing up and going in the other direction, if the traffic regulations are followed, it would be fine. He concluded by stating that Evanston has signs in the middle of the crosswalk to take care of those concerns.

Mr. Naumann stated that he is in agreement with Mr. Blum's comments in terms of the east side of the building. He indicated that it sounded like the applicant had great conversations with the principal and with regard to the traffic pattern. Mr. Naumann also stated that the parent body is willing to negotiate traffic flow. He then commented that he loved that they would be bringing more greenspace.

Mr. Naumann then stated that on the west side, he hoped that it would be over-improved in terms of drainage and that it would be harmful if the artificial turf caused more water. He stated that they would be taking the advice of experts that this would be an improvement to the area. Mr. Naumann also commented that he liked the idea of having a buffer for the neighbors to the north as well as the suggestion to lower the fence by the sidewalk which would make it more open and not appear like a tunnel.

Mr. Naumann stated that in terms of traffic, he stated that it remained a concern to have backing up from the side slots on the west side of the street and suggested that the staff park there who would be there all day. He added that Linden is a very busy street. Mr. Naumann concluded by stating

that they did not want to hold up seeing the application go forward and referred to any conversation which can be had in terms of a stop sign in connection with the concern for safety.

Mr. Kehoe stated that his concerns with regard to drainage and traffic have been addressed. He then referred to the Greeley School pick-up and drop-off which he commented was well handled and that the same can be done here. Mr. Kehoe also stated that it has come down well at Crow Island where you can see the vehicles cued up. He stated that the traffic problems are manageable.

Mr. Kehoe then stated that in terms of drainage, the Skokie playfield was done properly and that the applicant would still come back with MWRD permits and meet the criteria. He described the proposal as a good idea and good plan and added that in terms of a gathering place, he would miss the gym but that this center would be fine.

Mr. Lane commented that the applicant has done a nice job on the standards and that it was a nice presentation which dealt with the standards. He then stated that while there are parking and traffic concerns, in general, he described it as an improvement. Mr. Lane indicated that he is not largely concerned with backing up Linden and that the speed limit is not high in that area and that people should be able to backup into the lane. He also stated that it is very positive that the applicant is adding greenspace and reduced the amount of impervious lot coverage in the parking lot area. Mr. Lane stated that in general, it is because they are complying with the standards and making improvements on the drainage situation. He then referred to new standards that they have to comply with.

Mr. Lane then stated that in connection with the playfield, the issue is the change to the essential character. He stated that now, it is clearly a playfield which is not completely covered with trees and that they are not taking down a lot of trees and that it did not look natural now. Mr. Lane then stated that what the applicant can do to mitigate it is to use the best materials and that they have committed to doing that. He reiterated that the concern is the change in the essential character but that since it is an open field now and would be after, that would not drive his decision. Mr. Lane stated that lastly, the biggest concern is the pick-up plan. He stated that the applicant provided information to suggest how they are going to control it as best as possible. Mr. Lane concluded by stating that he would recommend prior to going to the Village Council to have that figured out and to talk to the principal and that he is generally in favor.

Mr. Naumann stated that he would concur with the comments made and that he liked the improvement of the traffic flow. He also stated that they would be reducing the number of entrances and that it will be productive for safety concerns. Mr. Naumann then stated that they disused the crosswalk issue and that there will be plans made to mitigate the risks there. He also referred to the artificial turf zero sum use benefit versus the aesthetic downside and that the turf fields would extend the season significantly. Mr. Naumann stated that it would provide the children with a very positive experience although the downside is the aesthetics. He noted that it is a linear field and that you can see that it would be noticeably different.

Mr. Naumann then stated that the water runoff issue was discussed ad nauseum and that an important concern is that it needs a lot of work to be done to get the full benefit. He also referred

to the concern for the neighbors and suggested that an informal dialog be held assuming that the project will move ahead to ensure that the neighbors' concerns are addressed. Mr. Naumann concluded that he is generally in favor.

Chairperson Johnson stated that the setback requirement for artificial turf is artificial since there is no structure there and that the code has not been updated to reflect the popularity of artificial turf. She also stated that there are other schools in the area which do not have artificial turf and which are doing fine. Chairperson Johnson then stated that they are hearing that the request would improve drainage. She stated that what she is grappling with is what they do not know is the answer. Chairperson Johnson stated that there would be a recommendation or condition and that they do not know what it would look like. She then stated that it will change the character of the area because of the visuals and that while the applicant planned to put in landscaping, she questioned whether that would be sufficient.

Chairperson Johnson commented that it is a great suggestion to have a dialog with the neighbors like North Shore Country Day School and that they can get more suggestions on that. She then stated that she had no problem with the proposed building for the east campus. Chairperson Johnson also suggested that the applicant consider prohibiting left turns from the lot onto Winnetka Avenue and the drop-off and pick-up safety issue. She then stated that Mr. Blum's suggestion to require vehicles after pickup to exit to Linden and that the Board cannot say that it is required, but for the applicant to explore the issue with the principal to see if it makes sense.

Chairperson Johnson then stated that she had a problem with seeing parking spaces in the right-of-way. She stated that 67% of parking for Faith Hope is on the Village street which she thought was unfortunate. Chairperson Johnson stated that if it is empty most of time, she asked why did they need them and that they should keep it as the current Village right-of-way as a parkway. She also stated that would save them from having to put in a new sidewalk. Chairperson Johnson questioned why put in 15 parking spaces that they say they do not need and which would need Village property. She concluded by stating that she is not in favor of that.

Mr. Blum commented that is a good point and that they just dealt with that. He also stated that he agreed with adding green space internally but questioned the externalization of parking. Mr. Blum questioned whether there is other on-street parking which is to be used. He also stated that at the Skokie playfields, there is a much different perception of the field.

Chairperson Johnson referred the Board to Mr. Saunders' report on page 8 which stated "... the 15 proposed replacement parking spaces would be located on the Village right-of-way, which would increase the percentage of parking located on Village-owned right-of-way to 67.8%. Since the property is located within a residential area, consideration should be given to mitigating any potential impacts from the on-street parking on the residential character of the adjoining properties." She stated that should be looked at seriously as a tradeoff and that it would not be worth it for the Village.

Mr. Blum stated that they do not know what the actual number of commercial space is and referred to picking up an extra 5 or 10 parking spaces elsewhere.

Mr. Lane stated that it did not equate to One Winnetka at all and that this is a much smaller property. He also stated that there are no neighbors complaining. Mr. Lane then stated that while the applicant did the parking study based on normal church days, there are abnormal church events and that 15 parking spaces would matter at peak times. He indicated that it would be beneficial to have those parking spaces for the church. Mr. Lane also referred to the 67% figure and questioned what is the magic number. He indicated that while he understood their point, there is another side to that.

Chairperson Johnson stated that she wanted the record to reflect that. She then stated that there are not enough votes to make that part of the recommendation. She asked if there were any other comments or a motion.

Mr. Blum referred to page nos. 13, 14, 17 and 18 and stated that with regard to the special use permit as discussed, there would not be a substantial change in the use and that adequate measures were taken with regard to the traffic study and he would move to recommend approving the special use based on the statements on page nos. 13, 14 and the testimony.

Ms. Hickey questioned whether the special use and variations should be considered separately.

Mr. D'Onofrio stated that they have a special use and that they have variations. He noted that there would be one package and that the Board can bifurcate it how they want. Mr. D'Onofrio then stated that the variations for the east lot go with the special use and that the Board can make recommendations or conditions. He also stated that if they feel strongly with regard to the west lot, they can deal either with that group of variations separately or do one vote.

Mr. Lane questioned whether the Board members would vote differently if they were separated.

Ms. Hickey stated that for those concerns in connection with parking on the west side of Linden, there should be some sort of acknowledgment.

Mr. Lane stated that they can break it into two pieces.

Chairperson Johnson stated that they are not requiring any special seating of the park right-of-way or variation. She then stated that the record would reflect the Board's concerns and that she hoped that the Village Council would read the minutes. Chairperson Johnson referred to separating the east and west lots since both require a special use.

Mr. D'Onofrio confirmed that there is one special use only.

Mr. Blum then moved to recommend granting the special use request based on the testimony and page nos. 13 and 14 of the agenda packet that the six factors are satisfied for the entire project for both the west and east lots. He then stated that with regard to the variations, he moved to recommend approval of the six specific variations relating to maximum building size, intensity of use to lot and impermeable lot coverage, the setbacks on the west lot and, the variation to allow parking in the right-of-way. Mr. Blum then asked Mr. D'Onofrio if the variation is being requested because of the setback.

Mr. D'Onofrio responded that it is the fact that it is in the right-of-way.

Mr. Blum then moved to recommend that on the zoning variations, the six variations listed including allowing parking in the right-of-way, most are existing variations and that there would be no substantial change but for the one that would be changed and that it has been satisfied as set forth on page nos. 17 and 18 and to recommend the approval of the special use and the zoning variations.

Mr. Lane seconded the motion. A vote was taken and the motion was unanimously passed, 6 to 0.

AYES: Blum, Hickey, Johnson, Kehoe, Lane, Naumann  
NAYS: None

### **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 Sections 17.30.030 [Intensity of Use of Lot], 17.30.040 [Maximum Building Size], 17.30.050 [Front and Corner Yard Setbacks], 17.30.070 [Rear Yard Setback] and 17.30.100 [Off-Street 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. The Parish Center shall consolidate existing school, church and community programming currently housed in the various campus buildings. The Athletic Field shall improve the quality of experience for the existing church and school users. No change is proposed to the types of activities or visitor volume currently occurring on campus
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 campus is currently improved by the church, bell tower, school, rectory and convent under a Special Use Permit, and the proposal relates to the underlying Special Use.
3. The variations, if granted, will not alter the essential character of the locality. Pedestrian safety is improved via two dedicated sidewalks connecting the school and athletic field, sidewalks at the parking perimeter, and a crosswalk mid-block on Linden north of Hill.

Athletic field and main parking lot design and layout respond to existing tree locations in order to preserve as many trees as possible. The proposed design provides a net increase in green space on the main campus, allowing for improved opportunities for healthy and strength-building school and church programming. A fence enclosure proves for orderly use of this improved Athletic Field amenity. The proposal includes a net increase in permeable surface on the main campus, and a responsible plan for storm control on both the main campus and the athletic field. The Parish Center design is sympathetic to the existing adjacent church and campus building design, as well as the broader Village of Winnetka architectural aesthetic.

4. An adequate supply of light and air to the adjacent property will not be impaired. The location of the Parish Center is internal to the campus and shall not prevent an adequate supply of light and air to adjacent properties. Athletic activities currently occur at the proposed Athletic Field location, and the proposed athletic field shall not prevent an adequate supply of light and air to adjacent properties.
5. The hazard from fire or other damages to the property will not be increased. The Parish Center shall comply with applicable fire protection requirements.
6. The taxable value of the land and buildings throughout the Village will not diminish. The location of the Parish Center is internal to the campus. Athletic activities currently occur at the proposed Athletic Field location. Neither amenity shall impede the normal and orderly development or improvement of other property in the immediate vicinity.
7. The congestion in the public streets will not increase. The Parish Center shall consolidate existing school, church and community programming currently housed in the various campus buildings. The Athletic Field shall improve the quality of experience for the existing church and school users. No change is proposed to the types of activities or visitor volume currently occurring on campus.
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not otherwise be impaired. Care has been taken in the redesign of the church parking areas to ease existing traffic conflicts on campus, which directly affect traffic in the immediate vicinity. An access drive is maintained at Hill Road, with separate ingress and egress to limit movement through the main parking area to one-way traffic. A traffic island between the two drives prevents cross traffic from Linden, eliminating traffic conflicts between the two parking areas. A two-way access drive is maintained at Linden Street, with movement through the parking area south of the church limited to one-way westbound to Linden during school drop-off/pick-up periods. Access from the east parking area to the horseshoe parking drive on Linden, between the church and gym buildings, has been eliminated to consolidate site access locations. The orderly design of traffic flow into, through and exiting the site improves upon the current traffic conditions, and the parking count is maintained in and around the campus via the main parking lot and proposed off-street parking on Linden Street.

**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 operations of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare. The Parish Center shall consolidate existing school, church and community programming currently housed in the various campus buildings. The Athletic Field shall improve the quality of experience for the existing church and school users. No change is proposed to the types of activities or visitor volume currently occurring on campus.
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. Pedestrian safety is improved via two dedicated sidewalks connecting the school and athletic field, sidewalks at the parking perimeter, and a crosswalk mid-block on Linden north of Hill. Athletic field and main parking lot design and layout respond to existing tree locations in order to preserve as many trees as possible. The proposed design provides a net increase in green space on the main campus, allowing for improved opportunities for healthy and strength-building school and church programming. A fence enclosure provides for orderly use of this improved Athletic Field amenity. The proposal includes a net increase in permeable surface on the main campus, and a responsible plan for storm control on both the main campus and the athletic field. The Parish Center design is sympathetic to the existing adjacent church and campus building design, as well as the broader Village of Winnetka architectural aesthetic.
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 location of the Parish Center is internal to the campus. Athletic activities currently occur at the proposed Athletic Field location. Neither amenity shall impede the normal and orderly development or improvement of other property in the immediate 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 in the public ways. Care has been taken in the redesign of the church parking areas to ease existing traffic conflicts on campus, which directly affect traffic in the immediate vicinity. An access drive is maintained at Hill Road, with separate ingress and egress to limit movement through the main parking area to one-way traffic. A traffic island between the two drives prevents cross traffic from Linden, eliminating traffic conflicts between the two parking areas. A two-way access drive is maintained at Linden Street, with movement through the parking area south of the church limited to one-way westbound to Linden during school drop-off/pick-up periods. Access from the east parking area to the horseshoe parking drive on Linden, between the church and gym buildings, has been eliminated to consolidate site access locations. The orderly design of

traffic flow into, through and exiting the site improves upon the current traffic conditions, and the parking count is maintained in and around the campus via the main parking lot and proposed off-street parking on Linden Street.

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. See previous comments regarding parking and access roads. A site drainage and storm management scheme is proposed to adequately address the design of the Parish Center, parking areas and Athletic Field.
6. That the Special Use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes. OKW and its engineering consultants shall issue detailed construction drawings and specifications for this work to be reviewed for permit subsequent to Special Use approval.

**523 Hoyt Lane, Case No. 16-01-V2, Gerald and Maureen Corcoran, Variations by Ordinance – (1) Permitted Uses and (2) Front Yard Setback**

Mr. D'Onofrio read the public notice. The purpose of this hearing is to hear testimony and receive public comment regarding a request by Gerald and Maureen Corcoran concerning Variations by Ordinance from Sections 17.24.020 [Permitted Uses] and 17.30.050 [Front and Corner Yard Setbacks] of the Winnetka Zoning Ordinance to permit an area well to house air conditioning units that will result in a front yard setback of 45.76 ft., whereas a minimum of 50 ft. is required, a variation of 4.24 ft. (8.48%).

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

Gerald Corcoran introduced himself and his wife, Maureen, as the owners of the property, along with their attorney, Hal Francke of Meltzer, Purtill & Stelle and John Carlson of Carlson Landscape Associates as the landscape architect. Mr. Corcoran stated that they appreciated the opportunity to appear for a variance request. He stated that they are seeking variations to allow a 4 foot encroachment into the 50 front yard setback of the zoning ordinance in order to retain the existing below ground concrete vault for the air conditioning units. He stated that he would begin his presentation by stating that they never would have proceeded with the construction of the home with the intention of seeking a zoning variation and that there are circumstances which bring them to their current situation that are the result of the following factors.

Mr. Corcoran stated that the first factor related to the somewhat unique situation of their home on a private street and second, the inadvertent error that occurred when their landscape architect prepared significant construction plans for a landscaped vault. He stated that the third factor was the inadvertent error that occurred when those plans were reviewed by the Village and the fourth was the manner in which their builder proceeded to construct their home. Mr. Corcoran then stated that he would start with their builder, Heritage Luxury Builders.

Mr. Corcoran stated that as many of them know, Heritage is owned and operated by Leo Birov. He informed the Board that when they negotiated the purchase of their home in 2009, the air conditioning units were to be placed in window wells at the rear of the home. Mr. Corcoran stated that when they expressed concern that the units could not operate properly in that contained area,

Mr. Birov agreed to relocate the units to an at grade location on the south side of the home which is one of the side yards. He stated that they then proceeded with the purchase of the home not knowing that the air conditioning units could not be located in the side yard. Mr. Corcoran stated that they learned of that when it came time to install the units in March 2010.

Mr. Corcoran stated that at that time, Mr. Birov told them that he would place them in the front of the home and relocate them to the side yard after the construction. He informed the Board that he told Mr. Birov that he would not agree with that plan of action and that unfortunately, they were left with few options. Mr. Corcoran stated that all of the electrical and refrigeration lines were already in place.

Mr. Corcoran then stated that relations with Mr. Birov had become strained and that he refused to address any of their concerns with regard to the siting of the air conditioning units due to the cost of retrofitting the refrigeration lines. He stated that at that time, he decided to undertake the cost of placing the air conditioning units below grade in a window well located at the southwest corner of the front of the home. Mr. Corcoran stated that they wanted this to be a win-win for them and the neighbors and that by placing the units below grade and landscaping the area, it would reduce the amount of noise.

Mr. Corcoran informed the Board that the next step was the engineering of the well and approval by the Village which was when it was determined that an inadvertent error was discovered which was not caught during the plan review process. He stated that given the very strained relationship with Heritage, he asked their landscape architect, John Carlson, to help. Mr. Corcoran stated that Mr. Carlson developed plans for the construction of the vault and located them in an area which they believed complied with the zoning ordinance. He then stated that in June 2010, John submitted the drawings to the Community Development Department which permitted the vault's location at the front of the home. Mr. Corcoran stated that on June 7, 2010, Jill Morgan of the Community Development Department staff stated that this was an acceptable location. He indicated that unfortunately, the drawing that Ms. Morgan relied on measured the required 50 yard setback from the western edge of the property which is the center of Hoyt Lane which is where the unintended misunderstanding took place. Mr. Corcoran stated that they went forward thinking that the setback as drawn was acceptable with regard to the zoning code. He stated that they then prepared detailed drawings for Heritage to review and submit to the Village for approval but that these detailed drawings were truncated in that the incorrectly measured setback line cannot be seen. Mr. Corcoran stated that the Village approved the plans and the vault was built.

Mr. Corcoran informed the Board that in August 2010, it was determined that the vault was in violation of the code and that they realized after reviewing the series of communications that the setback was measured incorrectly. He stated that the vault was located 4 feet into the required 50 foot setback and that only three of the air conditioning units on the most westerly edge violate the setback. Mr. Corcoran noted that they explored options of addressing the situation including their relocation to the rear of home which was cost prohibitive.

Mr. Corcoran then stated that he would like to point out that the home to the south of theirs at 519 Hoyt was granted a 10 foot variation for a front yard setback prior to construction. He stated that this variation allowed the construction of a garage into the required setback and referred to the first

precedent for front yard setback on Hoyt being previously established. Mr. Corcoran also stated that second, the variation request they are seeking is less than that of the neighbors' request. He commented that most importantly, the vault is located below ground next to the neighbors' garage and not in any living area and that there has not been noise and that the units are not disruptive to the neighbors in that they have had no complaints in the five summer seasons the units have operated. Mr. Corcoran then stated that if they were located in the rear on the south lot line, they would now be directly across from the neighbor's screened porch.

Mr. Corcoran stated that he would ask that the Board recommend to the Village Council approval of the variation for the following reasons. He stated that first, they met the standard for granting the variation as stated in their application and that second, it would be impractical and unnecessary to bring their property into compliance with the setback requirement. Mr. Corcoran stated that third, they have undertaken significant mitigation efforts at a substantial cost to ensure that the neighbors are not adversely affected by the operation of the air conditioning units. He stated that fourth, the units have been operating for years without complaints from the neighbors. Mr. Corcoran then stated that fifth, a more substantial variation was previously granted to their neighbors. He stated that the factors putting them into this position include the unique nature of their lot and the lot being on a private street and a couple of inadvertent errors that occurred on the part of their landscape architect and the Village staff, along with the manner in which their builder proceeded to construct the home. Mr. Corcoran then asked the Board if they had any questions.

Chairperson Johnson stated that they got a variation for the property to the south in 1960 and that this packet was given to the Board and contained correspondence. She noted that variation was given under a different zoning ordinance and that there was a recent change in the ordinance at the time the applicant started their plans. Chairperson Johnson then asked if there were any questions for the applicant.

Mr. Corcoran stated that he would like to point out on the illustration where the confusion came from. He noted that the original drawing was sent to the Village to ask where the air conditioning units should be and that three different sites were determined for them. Mr. Corcoran stated that the Village said that the identified sites were acceptable. He then stated that the mistake was that the 50 yard setback was drawn from the center of the road when it should have been called for from the back of the curb. Mr. Corcoran described it as a major sticking point of the matter which came about.

Mr. Lane stated that the applicant mentioned that it would be cost prohibitive to move the air conditioning units to the back of the home and asked if they had an estimate for what that would be.

Mr. Corcoran responded that it would cost well over \$100,000. He then stated that to run the air conditioning units inside the home and to run lines through the home and to the back of the home, it would run very long then and they would have to get a new air conditioning system to handle that extended run.

Mr. Kehoe stated that if they were to do that, the units be located against the neighbors' porch and not underground.

Chairperson Johnson asked if there were any other questions. She then stated that it is true that at the time of the Board meeting in 2011, at the time most of the Board members, there were four and that as a recommending body, they said to either proceed to the Village Council with a negative recommendation or to continue the case and work the matter out with the Village staff.

Mr. Corcoran stated that they did not have counsel at the time of that meeting.

Chairperson Johnson questioned whether they did not know that the cost would be \$100,000 then.

Mr. Corcoran stated that they considered the expense to build the vault as opposed to locating the units next to the neighbors or on the north side which would bother the other neighbors. He stated that they were doing the right thing in building the vault and landscaping it and that they did it to solve the problem for everyone.

Chairperson Johnson stated that after that meeting the Board expressed concerns; they were not inclined to recommend granting the variance. She then stated that the applicant met with the Village staff and asked why nothing happened for four years.

Mr. Corcoran confirmed that they met with the Village in order to find a way to put the air conditioning units 4 feet back to the east. He stated that they also explored it with contractors and discovered that it would not work since there would be no room for air flow or maintenance. Mr. Corcoran reiterated that they have received no complaints. He then stated that they knew they had to get the matter resolved and hired Mr. Francke. Mr. Corcoran stated that at the initial hearing, they did not have some of the material they have tonight demonstrating the error. He noted that they submitted drawings with the 50 foot setback line.

Chairperson Johnson stated that it is clear that they read the materials at the time. She stated that there were materials then which showed three possible locations. Chairperson Johnson asked if there were any questions from the Board. No questions were raised by the Board at this time. She then asked if there were any comments from the audience.

Hal Franke introduced himself to the Board and stated that he would speak on behalf of the owners. He note that he was not at the earlier hearing in 2011 and that he was not representing the applicant then. Mr. Francke then stated that if he had appeared, he would have recommended that the applicant ask for a continuance since there were only four Board members there and that they would have needed a unanimous approval.

Mr. Francke then stated that in the minutes, there was no reference to the 1960 variation case. He stated that the ordinance was changed and referred to what had to do with the side yard requirement and that provision in the code was the same then as it is now. Mr. Francke referred to the measurement of the setback from the edge of the road easement and stated that issue is the same.

Mr. Francke then stated that the building commissioner at the time stated that they need a variance since they would be coming closer and said that with regard to new construction, it is typical to not

grant a variation for new construction. He indicated that they argued a lot of the same things in that the hardship is that it is a private road. Mr. Francke then referred to the ordinance change which was argued as a hardship. He stated that at the end of the day, it was granted and was an even greater request than what is being requested here. Mr. Francke referred to the location of the well and reiterated Mr. Corcoran's point that having a well and air conditioning units in the front of the home is not against the code and that they can jut out in the front of the home if they are properly screened and landscaped. He noted that this one is 4 feet too far. Mr. Francke concluded that for all of the reasons stated, he referred to the big picture in terms of public health, comfort, morals, welfare and safety and added that there have been no complaints.

Chairperson Johnson referred to page 8 in the packet of materials and the applicant's response to standard no. 1 which stated "Requiring the petitioners to undertake improvements at this time that would result in a viable solution of the current situation would be unreasonable given the decline in the residential real estate market since the date of Petitioners' acquisition of their home." She noted that the applicants acquired the home in 2010 and that the housing market has recovered. Chairperson Johnson questioned whether there is evidence that the home's value has decreased.

Mr. Francke informed the Board that they signed the contract in 2009 and have invested a lot since then and other issues which were addressed.

Chairperson Johnson stated that they claim that the value decreased to make a \$100,000 investment.

Mr. Francke indicated that is a different way of saying what to spend another \$100,000 with other things that have been invested in would put the property below what others would pay and that there was other remediation work that they have had to do since then. Mr. Francke stated that standard has always been a challenge.

Steve Kashian, and his wife Rosik, introduced themselves to the Board as the neighbors to the north. He informed the Board that the applicants did not ask them to come here. Mr. Kashian then stated that the purpose of the rules is to protect the neighbors and that they felt that the applicants have protected them with regard to the way they installed the air conditioning units. He referred to the amount of money spent and the mess with the builder. Mr. Kashian stated that putting the units underground did not bother anyone and that it has been quiet with no noise.

Mr. Kashian then stated that with regard to it being 4 feet off, the solution is a lot better than requiring them to follow the book and that no one would want that. He reiterated that they are happy in connection with the way the units were put in and asked the Board to show grace with regard to the situation. Mr. Kashian stated that they made a great effort to correct the situation in the best way they could. He then stated that his wife did not want the noise right next door with the porch and to imagine six units being located on their side. Mr. Kashian then stated that to locate them in the front made sense and that you cannot see them and that it is nice with them inside the ground. He also referred to the landscaping around it. Mr. Kashian reiterated that it is good for them and that there are so many other noises, they did not need any more. He also referred to the fact that the homes are so close together and that they are here to support the front vault solution and that it is only 4 feet. Mr. Kashian concluded by stating if they had complied

with the rules, the situation worked with the units in the front and that if the application is denied, they would come here to speak again.

Mr. Francke stated that he would like to add that they are seeking the status quo and that with regard to the plans in the front, Mr. Corcoran alluded to the landscaping and that they are talking about further improvements shown on the illustration. He noted that they are not in the materials and identified them for the Board. Mr. Francke also stated that they will put a grate on it.

Mr. Carlson informed the Board that it was always intended to have a grate and that one of the pages in the submittal showed the decorative metal grating to be used along with a boxwood hedge.

Mr. Kehoe asked Mr. D'Onofrio what was the discussion about the terrace.

Mr. D'Onofrio stated that what Mr. Corcoran attempted to say is that where the air conditioning units were, above it was a terrace. He then stated that under permitted encroachments in the front yard, terraces are permitted.

Chairperson Johnson then called the matter in for discussion.

Mr. Kehoe stated that there are compelling facts and that the applicants acted in good faith. He then asked why did it take so long for them to come back.

Mr. Corcoran responded that he did not have an answer and that life went on. He reiterated that there have been no complaints and that they took the initiative to get on the docket since they knew it had to be done.

Chairperson Johnson noted that the Board is a recommending body.

Mr. Blum commended the applicants for coming back and described it as common sense. He also stated that he understood that they are not trying to game the system and then say they need a variation. Mr. Blum stated that would be a concern, but that is not the case here. He added that the alternative location would be problematic and that he is in favor of the request.

Chairperson Johnson referred to a condition to put in a grate and hedge.

Mr. Blum agreed that they should put in a grate but that he is not sure if it was required originally. He commented that the boxwood would be fine.

Chairperson Johnson asked if there were any other comments.

Mr. Lane stated that if they were to take out the facts as to how they got here and how to evaluate this, if it came originally when they were building the property, it would not be approved. He also stated that they would have seen the points. Mr. Lane then stated that if you look at how the homes line up and that this allowed their homes to line up. He also stated that the well juts out but that it balances out. Mr. Lane indicated that he could have seen reasonable arguments for that

especially since the conforming alternatives are not good but that they could have had a smaller patio.

Mr. Lane then stated that with regard to the standards, the hardest is unique circumstances and that it is due to errors and omissions. He indicated that stuff happens but if that if it was for a four story home when three stories are allowed, that would have been a big issue. Mr. Lane stated that with regard to the air conditioning units being out of compliance, he can get past that. He suggested that they take into consideration that sometimes errors happen and that it is not a huge issue and that it would be smart for the Board to allow it.

Chairperson Johnson stated that she would agree and that if the Board recommended and if they find it to be a situation, the Village Council has more flexibility to make a decision. She asked if there were any other comments.

Ms. Hickey stated that she is struggling.

Chairperson Johnson stated that they can make a motion and let the Village Council review the record.

Ms. Hickey then stated that it is an error and omission and questioned whether this is going to come back and set a precedent.

Chairperson Johnson stated that under the circumstances of the case with a four year delay and other factors, it would be more prudent to let the Village Council decide and that they have more flexibility.

Mr. Francke stated that he would like to reiterate that the Village Council is the ultimate decision maker and that the goal under the ordinance is for the decision to be in harmony with the general purpose and intent of the regulations. He stated that the applicants' reasons have been heard and that they should see what the Village Council would say. Mr. Francke then stated that they would like the Board's recommendation and thoughts and that there did not have to be a right interpretation of the rules.

Mr. Francke then stated that with regard to precedent, when he was on the Board, they had a precedent similar to this on Private Road with the same builder. He stated that for that variation, the Village Council granted the variation and that they looked at the big picture. Mr. Francke then referred to it being new construction after the fact and that there already is a precedent for the Board to make a positive recommendation and for the Village Council to issue a fair result.

Chairperson Johnson stated that they do not want to be punitive.

Mr. Lane stated that the facts for unique circumstances in every case are different. He indicated that he understood that they are related, but that they do not consider precedent. Mr. Lane also referred to information that was not included in the packet. He added that he is also comfortable that the minutes represent that they would like to go forward but that if they were to apply the standards, they cannot approve the request.

Ms. Hickey stated that it would be a common sense decision or a standards decision.

Chairperson Johnson indicated that it could go either way. She then asked for a motion.

Mr. Lane moved to recommend approval of the variances. He stated that with regard to reasonable return, if the air conditioning units had been moved to the back of the home there would be a substantial cost impact in terms of reasonable return plus the fact that the alternative locations for the air conditioning units would be disadvantageous to the neighbors or to the use of the rear of the property.

Mr. Lane stated that with regard to the plight of the applicants being due to unique circumstances, the property is located on a private road and that there are also properties adjacent to it and that it jutted out and that because it is on the lake, there is a certain amount of ability to push the home back. He also stated that the facts with regard to the circumstances are that there were errors on the part of various parties which led to the well being constructed as it was done. Mr. Lane stated that the request would not alter the character of the locality and that it is not noticeable and that with additional landscaping and a grate, that would make it better. He stated that there would be no hazard from fire and that with regard to the taxable value of the land, there is a fairly insignificant amount of square footage and that the encroachment into the setback would not impact property values or congestion. Mr. Lane concluded by stating that the public health, safety, comfort, morals and welfare of the Village will not be otherwise impaired.

Mr. Blum seconded the motion. A vote was taken and the motion was unanimously passed, 6 to 0.

AYES: Blum, Hickey, Johnson, Kehoe, Lane, Naumann  
NAYS: None

### **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 Sections 17.24.020 [Permitted Uses] and 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 air conditioning units had to be

moved to the back of the home there would be a substantial cost impact in terms of reasonable return. Additionally, the alternative locations for the air conditioning units would be disadvantageous to the neighbors or to the use of the rear of the property.

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 subject property is located on a private road and there is also an adjacent property that encroaches the required front yard setback. Also, because it is a lakefront property, there is a certain amount of ability to push the home back. Additionally, there were errors on the part of various parties which led to the area well being constructed in its current location.
3. The variations, if granted, will not alter the essential character of the locality. The existing area well is not noticeable and additional landscaping will also help.
4. An adequate supply of light and air to the adjacent property will not be impaired. The area well and air conditioning units are below grade and therefore will not impact the supply of light and air to the adjacent property.
5. The hazard from fire or other damages to the property will not be increased.
6. The taxable value of land and buildings throughout the Village will not diminish. The 4 foot encroachment into the front setback will not impact property values.
7. The congestion in the public street will not increase. The use of the property will remain the same, as a single family residence.
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not otherwise be impaired.

**Adjournment:**

The meeting was adjourned at 11:10 p.m.

Respectfully submitted,

Antionette Johnson

**ZONING BOARD OF APPEALS  
AGENDA REPORT**

**SUBJECT:** 5 Indian Hill Rd., Case No. 15-27-V2  
(1) Lot Area, Shape and Dimensions

**DATE:** March 7, 2016

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

The petitioners, Dan and Debra Gill, are requesting a variation by Ordinance from Section 17.30.010 [Lot Area, Shape and Dimensions] of the Winnetka Zoning Ordinance to permit Lot 2 of the proposed Gill Subdivision to have a minimum lot depth of 156.62 ft., whereas a minimum of 200 ft. is required, a variation of 43.38 ft. (21.69%).

In addition to the variation application before the Board, the petitioners have submitted an application seeking approval of a subdivision which would divide the existing single lot measuring 85,290 s.f. (1.96 acres) into two (2) lots, measuring 41,500.82 s.f. (Lot 1 - west lot) and 43,789.18 s.f. (Lot 2 - east lot).

The location of the subject site is shown in Figure 1 below.



**Figure 1 Proposed subdivision**

**Description of subdivision and neighborhood context**

The subject parcel is located in the R-2 zoning district, which requires a minimum lot area of 24,000 s.f. for interior lots and 25,200 s.f. for corner lots. As proposed, the two-lot subdivision would comply with the minimum lot area standard of the Zoning Ordinance.

The subject parcel is one of thirty-eight (38) similarly-sized lots located south of Hill Rd. and west of Church Rd. This area of R-2 zoning is highlighted green in Figure 2.



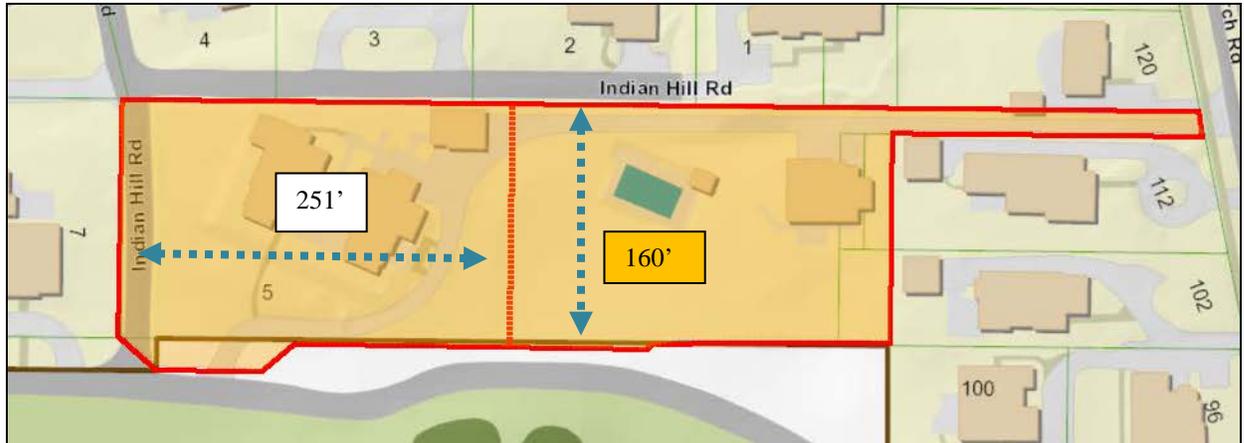
**Figure 2 R-2 zoning district boundaries**

The highlighted R-2 zoning district is located at the southerly edge of the Village, adjacent to the Indian Hill Club, which is located outside the Village in unincorporated Cook County. The highlighted area includes a wide range of different lot sizes, with the 38 lots highlighted ranging from a size of 10,045 s.f. on the small end to the largest lot (the subject parcel) measuring 85,290 s.f. In addition to a wide variation of lot sizes, this particular section of R-2 zoning is improved with an irregular, largely curvilinear street layout, contributing to a concentration of irregular, non-rectangular lots in contrast with a more regular grid layout to the north and east.

### **Compliance with Zoning Standards**

All subdivisions are evaluated for compliance with basic minimum quantitative measures including minimum lot area, lot width, and lot depth. The proposed subdivision does not comply with one provision of Section 17.30.010 of the Zoning Ordinance related to lot dimensions. Lot 1 (west lot) would provide a conforming depth of 251 ft., while Lot 2 (east lot) would result in a nonconforming depth of 160 ft., whereas a minimum depth of 200 ft. is required. Figure 3 on the following page depicts the measurement of each lot's depth. Under the Zoning Ordinance, lot depth is measured from the "front street line" to the farthest point from that line.

It is worth pointing out, in this particular subdivision, each lot's depth is measured with a different orientation (east-west versus north-south) due to the location of abutting streets and due to the fact the west lot is a corner lot with two street frontages.



**Figure 3 Lot depth measurement**

Existing Zoning Nonconformities

In the case of the proposed subdivision, the following zoning nonconformities exist and will continue to exist:

1. The existing residence at 5 Indian Hill, located on proposed Lot 1, is setback 5.2 ft. from the north lot line, whereas a front yard setback of 50 ft. is required;
2. The existing detached garage at 5 Indian Hill on proposed Lot 1 is setback 0.99 ft. from the north lot line, whereas a front yard setback of 50 ft. is required;
3. The existing swimming pool on proposed Lot 2 is setback 37 ft. from the north lot line, whereas a front yard setback of 50 ft. is required;
4. The existing coach house on proposed Lot 2 is setback 12.48 ft. from the east lot line, and 36.47 ft. from the north lot line, whereas a front yard setback of 50 ft. is required.

Table 1 on the following page summarizes the extent to which the proposed subdivision complies with other related zoning standards.

**Table 1 – Evaluation of proposed Gill Subdivision  
 for compliance with Village Zoning Standards**

**Minimum Lot Area and Minimum Lot Dimensions**

Zoning standards	<i>Existing single lot</i>	<b>Proposed Lot 1</b> (West)	<b>Proposed Lot 2</b> (East)
<b>1. Minimum Lot Area</b> (interior lot)  <b><u>24,000 s.f.</u></b>	-----	-----	39,206 s.f.  Complies  (excludes area of narrow access way)
<b>2. Minimum Lot Area</b> (corner lot)  <b><u>25,200 s.f.</u></b>	85,290 s.f. (1.96 ac)  <i>Complies</i>	41,500 s.f.  Complies	-----
<b>3. Minimum Rectangular Area requirement</b>	<i>Complies</i>	Complies	Complies
<b>4. Minimum Lot depth</b>  <b><u>200 feet</u></b>	500.56 feet  <i>Complies</i>	251.29 feet  Complies	<b>156.62 feet</b>  <b><u>(DOES NOT COMPLY)</u></b>
<b>5. Minimum Average Lot width</b>  (interior lot)  <b><u>100 feet</u></b>	-----	-----	244.09 feet  Complies
<b>6. Minimum Average Lot width</b>  (corner lot)  <b><u>115 feet</u></b>	161.23 feet  <i>Complies</i>	165.15 feet  Complies	-----

Table 2 on the following page describes the allowable building sizes and required setbacks of the existing single lot and compares them to the proposed two-lot subdivision. The existing improvements on the proposed lots would comply with the maximum permitted building size and lot coverage.

**Table 2 – Comparison of zoning density and setback requirements  
 Existing vs. Proposed**

Zoning standards	Existing single lot	<b>Proposed Lot 1</b> (West)	<b>Proposed Lot 2</b> (East)
	80,707.42 s.f. (excludes narrow access way)	41,500.82 s.f.	39,206.6 s.f.
<b>1. Minimum Front Setback</b>	50 feet (west)	50 feet (west)	50 feet (north)
<b>2. Minimum Corner Setback</b>	50 feet (north)	50 feet (north)	-----
<b>3. Minimum Side Yard</b>	12 feet (south)	12 feet (south)	12 feet
<b>4. Required Total Side Yards</b>	-----	-----	73.23 feet
<b>5. Minimum Rear Yard</b>	25 feet (west)	25 feet (east)	24.09 feet (south)
<b>6. Maximum Gross Floor Area</b>	20,377.71 s.f.	11,360.19 s.f.	10,832.52 s.f.
<b>7. Maximum total building footprint / roofed lot coverage</b>	20,176.85 s.f.	10,375.2 s.f.	9,801.65 s.f.
<b>8. Maximum total impermeable lot coverage</b>	40,353.71 s.f.	20,750.41 s.f.	19,603.3 s.f.

The existing residence at 5 Indian Hill was built in 1922. Subsequent building permits were issued in 1955 to construct a one-story addition to the coach house and in 1999 to remodel and build an addition to the main residence.

There is one previous zoning case for this property. In 1999 the Village Council adopted Ordinance M-597-99 granting a variation to permit new window openings in the nonconforming north building wall.

The petitioners purchased the property in 1999.

**Consideration by other Advisory Boards**

The request was first heard at the Plan Commission meeting October 21, 2015, but was continued, in part to allow staff to provide additional background information relating to the frequency of requests for relief from land subdivision standards (Attachment B). The

PC continued its consideration of the request at its meeting January 27, 2016. With a vote of 6 to 2, with one abstention, the PC voted to recommend denial of the proposed subdivision, including the requested relief from the subdivision standard prohibiting the creation of side lot lines abutting rear lot lines.

Subsequent to the January PC meeting, the applicant submitted a revised application. The only change to the proposal is an increase in lot area for Lot 1 (west). The previous configuration of the proposed subdivision would have created a nonconformity with respect to the existing gross floor area (GFA) for Lot 1. However, the increase in lot area eliminates the need for a GFA variation. Therefore, relief from the lot depth requirement is the only variation being considered by the ZBA.

The Village Council has final jurisdiction on this request.

**Attachments:**

Attachment A: Application Materials

Attachment B: November 12, 2015 summary of variations

Attachment C: Public Correspondence

ATTACHMENT A

CASE NO. 15-27-1a

APPLICATION FOR VARIATION  
WINNETKA ZONING BOARD OF APPEALS

Owner Information:

Name: Dan & Debra Gill

Property Address: 5 Indian Hill

Home and Work Telephone Number: [REDACTED]

Fax and E-mail: [REDACTED]

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

LEGA RIZZOLO / L.A. RIZZOLO ARCHITECTS, LTD

1043 RIDGEWOOD, HIGHLAND PARK IL 60035

847. 471. 4484. cell 847. 835. 1233. OFFICE Larizolo@gmail.com.

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

Hal Francke / Meltzer, Purtil & Steele, LLC.

1515 E. Woodfield Rd, Schaumburg IL 60173

847. 330. 6068. PHONE.

Date Property Acquired by Owner: 1999

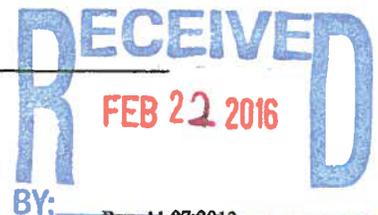
Nature of Any Restrictions on Property: SEE ATTACHED.

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

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:  e: 2/19/2016.

(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.**



**Revised 2/19/16**

**Overall:**

The subdivision request for 5 Indian Hill would create two lots in the R-2 district, both surpassing the minimum lot requirement by over 150%, while allowing the two residential structures to be maintain on each of the lots. With this proposed subdivision, the new lots would require zoning variations as outlined below. Both of the proposed lots currently have individual addresses, recognized by the federal government, and the Village of Winnetka as separate properties, along with separate accounts/addresses with the utility companies. Both residential structures were built in 1922, and have been restored over the years, remaining consistent with the original architecture. The overall size of the current lot is 85, 289 in the R-2 district, with the minimum lot size required of 24,000 sf .

**Zoning Variation: 116 Church Road, Winnetka (Lot #2)**

**Variation Request:** Minimum lot depth.

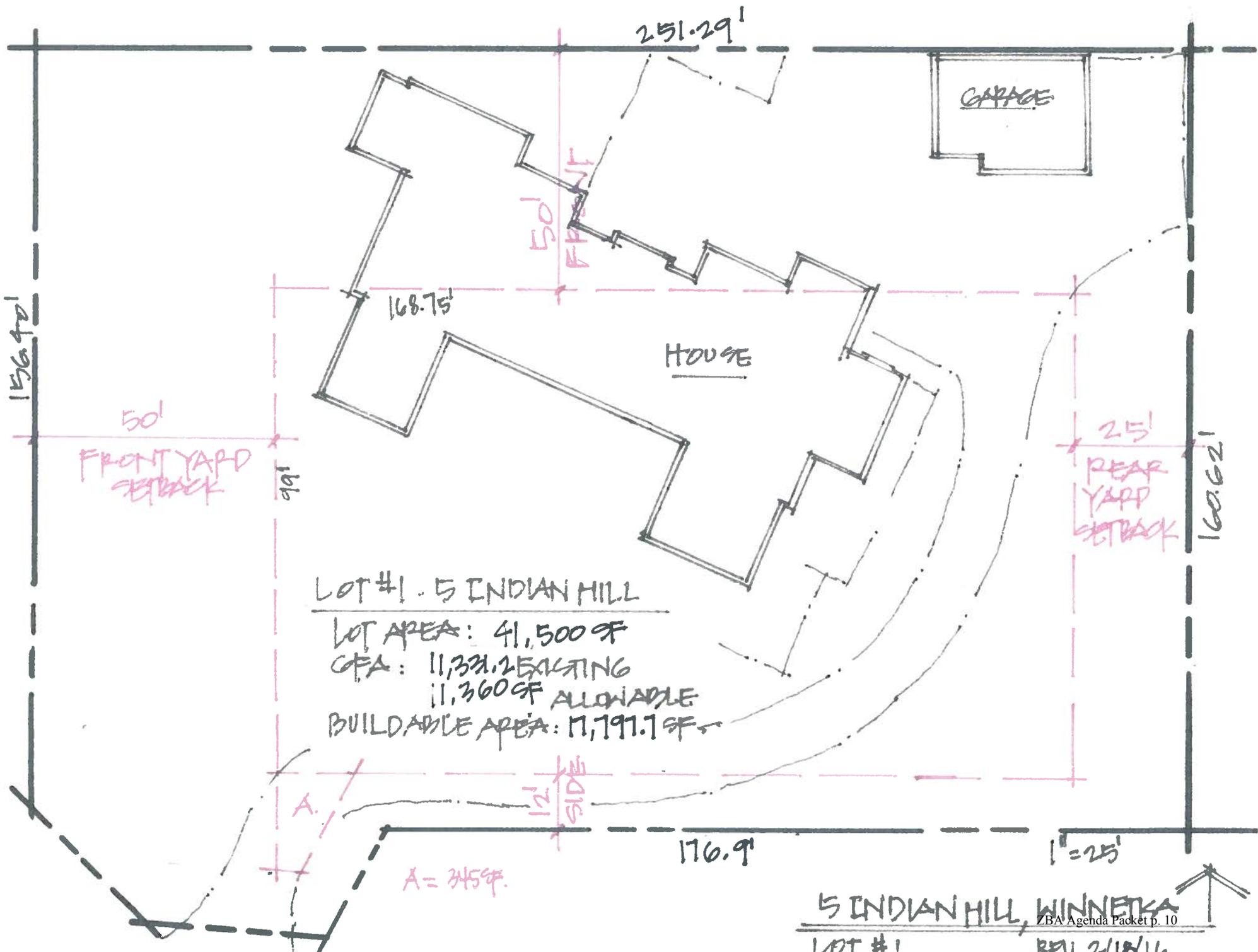
- Min lot depth 200'/157' actual

**Hardship:**

- Irregular Lot:  
The current lot is a flag lot, with the “flag” at 249.46’ x 18.36’ (4,582SF), on the East side of the property. The “front yard” of this lot is on the north side, setting up the lot from north to south as the lot depth (157 actual/200 required), and the lot width at 249.28’ (calculated without the flag lot dimension), with a required 90’.
  - With the North side of the property being designated as the “Front”, the proportions of the lot are working against the zoning code, with the longest dimension of the lot as the “lot width” (east to west), and the shorter dimensions (north to south) as the lot depth

**Standards for Zoning Variation:**

1. The property is vastly oversized for the regulations in the zone (43,789 sf lot proposed/ 24,00 sf required)
2. The variation, if granted, will not alter the essential character of the locality.
3. An adequate supply of light and air to the adjacent property will not be impaired.
4. No impairment of the public health, safety, comfort, morals and welfare of the inhabitants of the Village will be created with the window modifications, and the switching of a window to a screen.
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.



156.40'

251.29'

GARAGE

50'  
FRONT

168.75'

HOUSE

50'  
FRONT YARD  
SETBACK

99'

25'  
REAR  
YARD  
SETBACK

168.62'

LOT #1 - 5 INDIAN HILL

LOT AREA: 41,500 SF

GFA: 11,331.25 SQ FT

11,360 SF ALLOWABLE

BUILDABLE AREA: 11,791.7 SF

A.

12'  
SIDE

A = 345 SF

176.9'

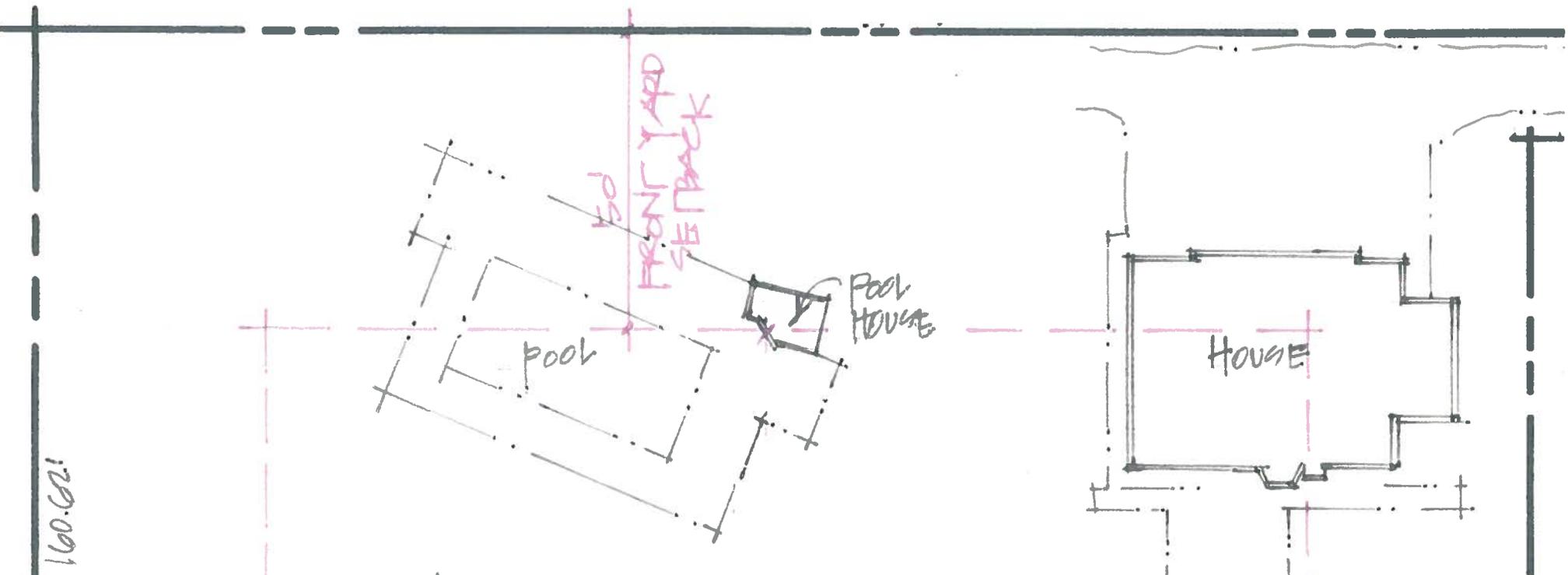
1' = 25'

5 INDIAN HILL, WINNETKA

LOT #1

ZBA Agenda Packet p. 10

RE: 2/18/16



LOT # 2.5 INDIAN HILL, WINNETKA

(1/6 CHURCH)

LOT AREA: 43,789 SF (W/ FLAG LOT AREA) / 39,206.4 SF

GFA: 3,146 SF EXISTING

10,832.5 ALLOWABLE (BASED ON 39,206.4 SF)

37.39'  
SIDE YARD  
SETBACK

37.39'  
SIDE YARD  
SETBACK

174.5'

25'  
REAR  
YARD

95.27'

40'

154.0'

154.0'

5 INDIAN HILL, WINNETKA

LOT # 2

REV. 2/10/16  
= 25'



## **CONSOLIDATIONS (5)**

(Lot areas *increased*)

- *Five (5) variations approved*
- *None denied*

**Essex Consolidation (357 Sunset – 222 Essex)**

**ZONING VARIATION (NONCONFORMING SETBACK CREATED)**

**VARIATIONS GRANTED**

In May 2002 the Plan Commission considered a request to consolidate 222 Essex and 357 Sunset into a single lot (shown below).



Consolidation of two lots into a single lot created a nonconforming corner (front yard) setback for the existing residence due to the increase in lot width.

Zoning Variation and plat of subdivision approved.

The Village Council approved the request subject to restrictive covenants limiting future additional improvements on the property. In addition, the plat of subdivision was subject a restrictive covenant which reverts the consolidated lot into the original two-lot configuration if the structure is voluntarily demolished at any point in the future.

**Odle's Subdivision (769-777 Locust)**

**ZONING VARIATION (NONCONFORMING SETBACK CREATED)**

**VARIATIONS GRANTED**

In February 2011 the Plan Commission considered a request to consolidate 769 and 777 Locust for purposes of allowing an expansion to the 769 Locust residence.



Consolidation of two lots into a single lot created a nonconforming side yard setback for the existing residence due to the increase in lot width.

Zoning Variation and plat of subdivision approved.

The Village Council approved the request subject to restrictive covenants limiting future additional improvements as well as imposing additional side yard and front yard setback requirements.

**Larkin Subdivision (988 & 992 Oak)**

**ZONING VARIATION (NONCONFORMING SETBACK CREATED)**

**VARIATIONS GRANTED**

In November 2013 the Plan Commission considered a request to consolidate 988 and 992 Oak for purposes of allowing an expansion to the 988 Oak residence.



Consolidation of two lots into a single lot created a nonconforming side yard setback for the existing residence due to the increase in lot width.

The Village Council approved the request subject to restrictive covenants limiting future additional improvements as well as imposing a restrictive covenant reverting back to the original two lots if the existing structure is demolished.

**Berlet Pilipovic Subdivision (984 & 992 Ash)**

**ZONING VARIATION (NONCONFORMING SETBACK CREATED)**

**VARIATIONS GRANTED**

In December 1997 the Plan Commission considered a request to consolidate three existing 50 foot lots into two 75 foot wide lots..



Increase in lot size created a nonconforming side yard setback for the existing residence due to the increase in lot width.

Zoning Variation and plat of subdivision approved

Bartels Subdivision **(984 & 992 Ash)**

**ZONING VARIATION (NONCONFORMING SETBACK CREATED)**

**VARIATIONS GRANTED**

In July 2014 the Plan Commission considered a request to consolidate three existing lots at 265 through 277 Poplar into two lots.



Increase in lot size increased the degree of zoning nonconformity on the corner lot at 277 Poplar, requiring consideration of zoning relief by the ZBA.

Zoning Variation and plat of subdivision approved

## **LOT SPLITS**

### **(9)**

- **Five (5) variations granted**
- **One (1) variation denied**
- **Three (3) cases withdrawn**

**Mains – Beharry Subdivision (1065 Fisher Lane)**

**ZONING VARIATIONS (1) nonconforming lot size (2) nonconforming lot width**

**VARIATIONS GRANTED**

In July 1992 the Plan Commission considered a request to divide the single parcel into the two lots shown below.



As proposed, the two lots had a minimal nonconformity, deficient in lot width by .02 feet (1/4 inch), and deficient in lot area by 3.8 square feet.

Zoning Variation and plat of subdivision approved.

**Hahn Subdivision (734 Lincoln)**

**SUBDIVISION CODE VARIATION - side lot line not perpendicular to street**

**VARIATIONS GRANTED**

In August 1997 the Plan Commission considered a request to divide the single parcel into the two lots shown below.



As proposed, the subdivision had an existing side lot line which was, and would remain at an irregular angle. The Plan Commission voted to recommend denial of the subdivision due to the nonconforming side lot line.

The Village Council approved the request, subject to the imposition of conditions including minimizing the size of house that could be built on the lot, and imposing setbacks greater than the minimum, in order to mitigate the impact of the side lot line.

**Page Flannery Subdivision (120 Thorntree)**

**SUBDIVISION CODE VARIATION - side lot line not perpendicular to street**

**VARIATIONS GRANTED**

In May 2000 the Plan Commission considered a request to divide the single parcel into the two lots shown below.



As proposed, the subdivision had an existing side lot line which was not perpendicular to the curved street line. The Plan Commission voted to recommend approval of the subdivision.

The Village Council approved the request.

**Harza Subdivision (655 Sheridan Road)**

**SUBDIVISION CODE VARIATION - extension of nonconforming private street**

**VARIATIONS GRANTED**

In October 1998 the Plan Commission considered a request to divide the single parcel into the two lots shown below.



The proposed subdivided lots did not have required frontage on an existing street. The Plan Commission granted relief from the subdivision ordinance, allowing the lots to be served by a new private roadway easement.

The Village Council approved the subdivision

**O'Neill's Subdivision (889 Sheridan Road)**

1. **SUBDIVISION CODE VARIATION - side lot line not perpendicular to street line**
2. **ZONING CODE VARIATION – minimum lot area**
3. **ZONING CODE VARIATION – minimum rectangular area**

**VARIATIONS DENIED**

In October 1999 the Plan Commission considered a request to divide the single parcel into the two lots shown below.



The proposed subdivided lots did not have provide the required minimum lot area or minimum rectangular area. The Plan Commission voted to recommend approval of the subdivision, and the Zoning Board of Appeals voted to recommend approval of the zoning variations;

The Village Council denied the requested subdivision.

**Radcliffe Subdivision (1177 Ash Street)**

**ZONING CODE VARIATION – minimum lot width**

**VARIATION GRANTED**

In June 2000 the Plan Commission considered a request to divide the single parcel into the two lots shown below.



As proposed, the subdivided lots did not have provide the required minimum lot width of 60 feet. . The Plan Commission voted to recommend approval of the subdivision, and the Zoning Board of Appeals voted to recommend approval of the zoning variations;

The Village Council approved both the zoning variation and subdivision.

**Reinert Subdivision – 854 Prospect**

**ZONING CODE VARIATION – minimum lot area**

**APPLICATION WITHDRAWN**

In January 2014 the Zoning Board of Appeals considered a request to divide the single parcel into the two lots shown below. As proposed, the subdivided lots did not have provide the required minimum lot area of 16,000 square feet.



The application was withdrawn prior to coming to a vote by either the ZBA or Plan Commission.

**Marren’s Subdivision – 936 Sunset**

**ZONING CODE VARIATIONS – (1) minimum lot area, (2) minimum rectangular area**

**APPLICATION WITHDRAWN**

In February 2014 the Zoning Board of Appeals considered a request to divide the single parcel into the two lots shown below. As proposed, the subdivided lots did not have provide the required minimum lot area of 24,000 square feet, and did not provide the required minimum rectangular area.



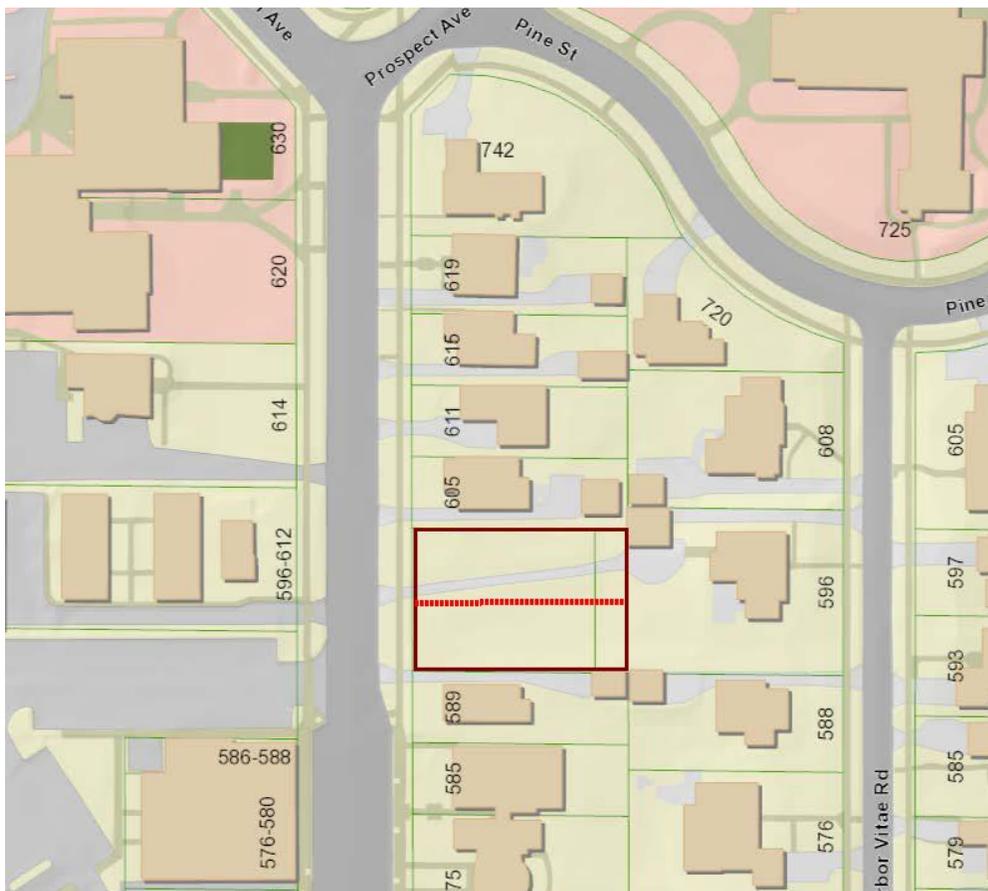
The application was withdrawn prior to coming to a vote by either the ZBA or Plan Commission.

**Webster Subdivision – 596 Arbor Vitae / 595 Lincoln**

**ZONING CODE VARIATIONS – (1) minimum lot area, (2) minimum lot width, (3) minimum rectangular area**

**APPLICATION WITHDRAWN**

In August 2008 the Zoning Board of Appeals considered a request to divide the 100 foot wide parcel facing Lincoln Avenue into two 50 foot wide lots. As proposed, the subdivided lots did not have provide the required 60 foot lot width, the required lot area of 8,400 square feet, or the rectangular buildable area of 5445 square feet.



The ZBA voted to recommend denial of the request in August 2008 and the application was withdrawn prior to coming to a vote by the Plan Commission.

## **RECONFIGURATION OF EXISTING LOTS (3)**

*(no increase in the number of buildable lots)*

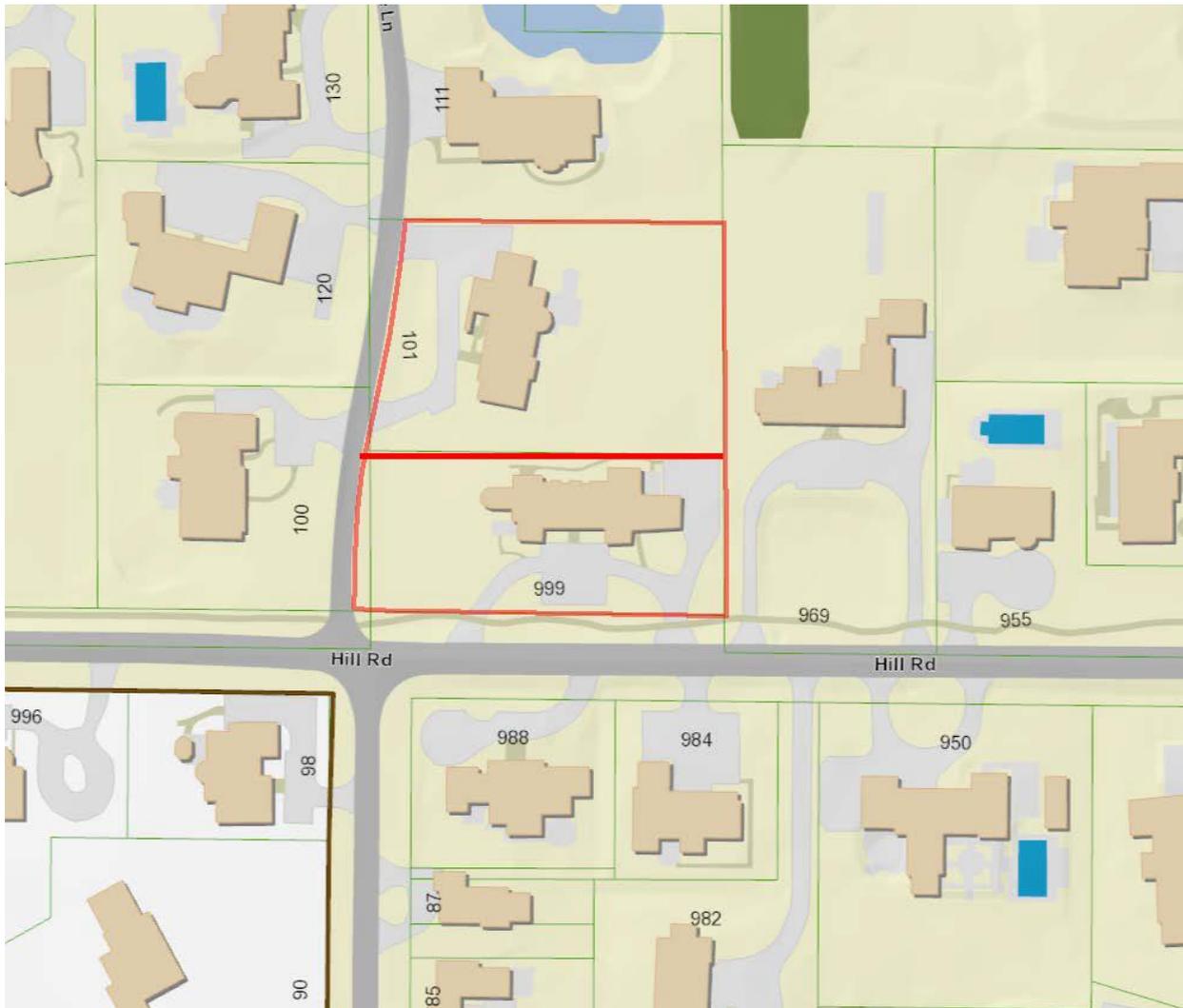
- Three (3) variations granted
- None denied

**Byrne Heller Subdivision (999 Hill Rd-101 Thorntree Ln)**

**SUBDIVISION CODE VARIATION - side lot line not perpendicular to street**

**VARIATION GRANTED**

In May 2000 the Plan Commission considered a request to adjust the location of the lot lined dividing the two parcels shown below, increasing the size of the south lot.



As proposed, the subdivision had an existing side lot line which was not perpendicular to the curved street line. The Plan Commission voted to recommend approval of the subdivision.

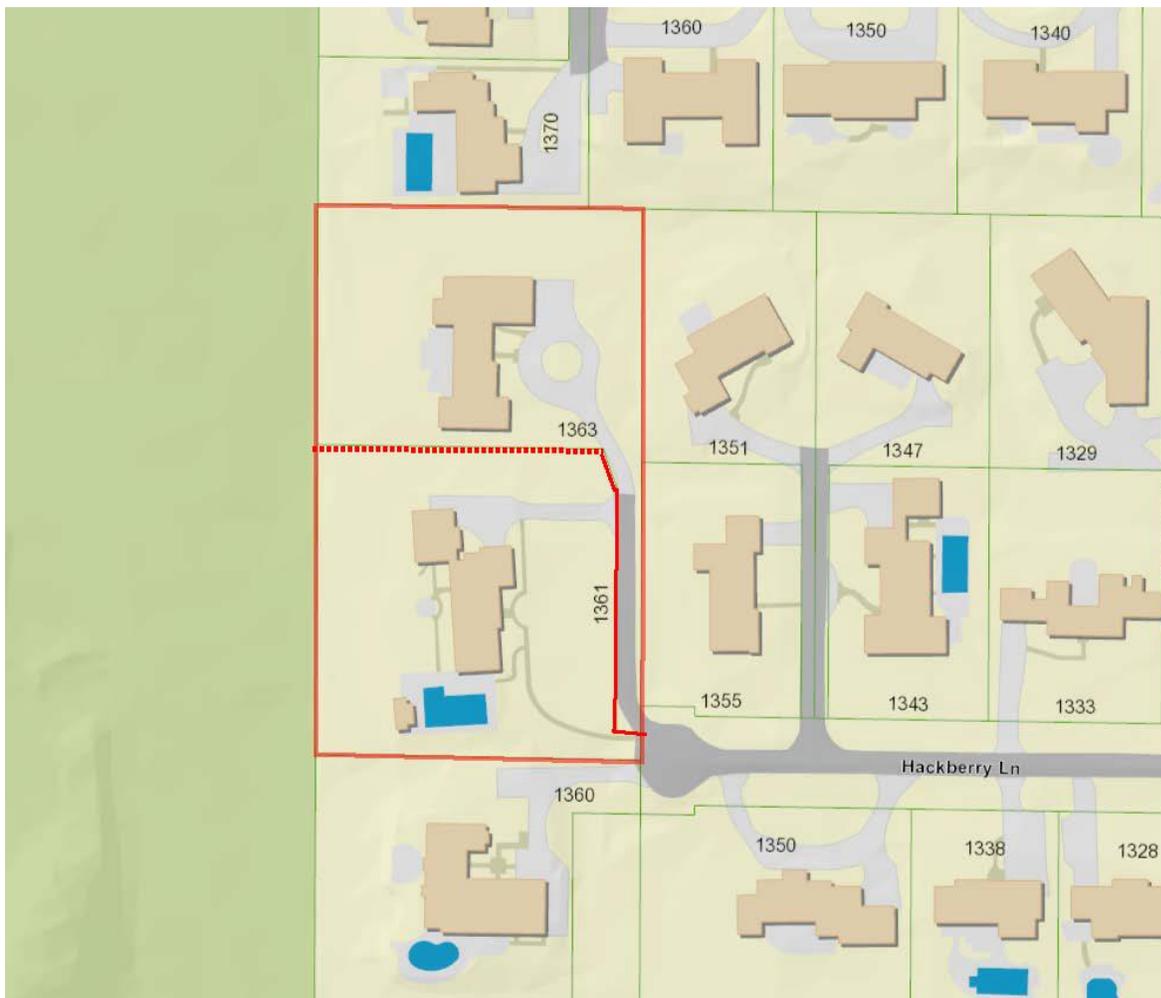
The Village Council approved the request.

**Hackberry West Subdivision (1361-1363 Hackberry Ln)**

**SUBDIVISION CODE VARIATION - side lot line not perpendicular to street**

**VARIATIONS GRANTED**

In May 2000 the Plan Commission considered a request to divide the single parcel into the two lots shown below.



As proposed, the subdivision had an existing side lot line which was not perpendicular to the curved street line. The Plan Commission voted to recommend approval of the subdivision.

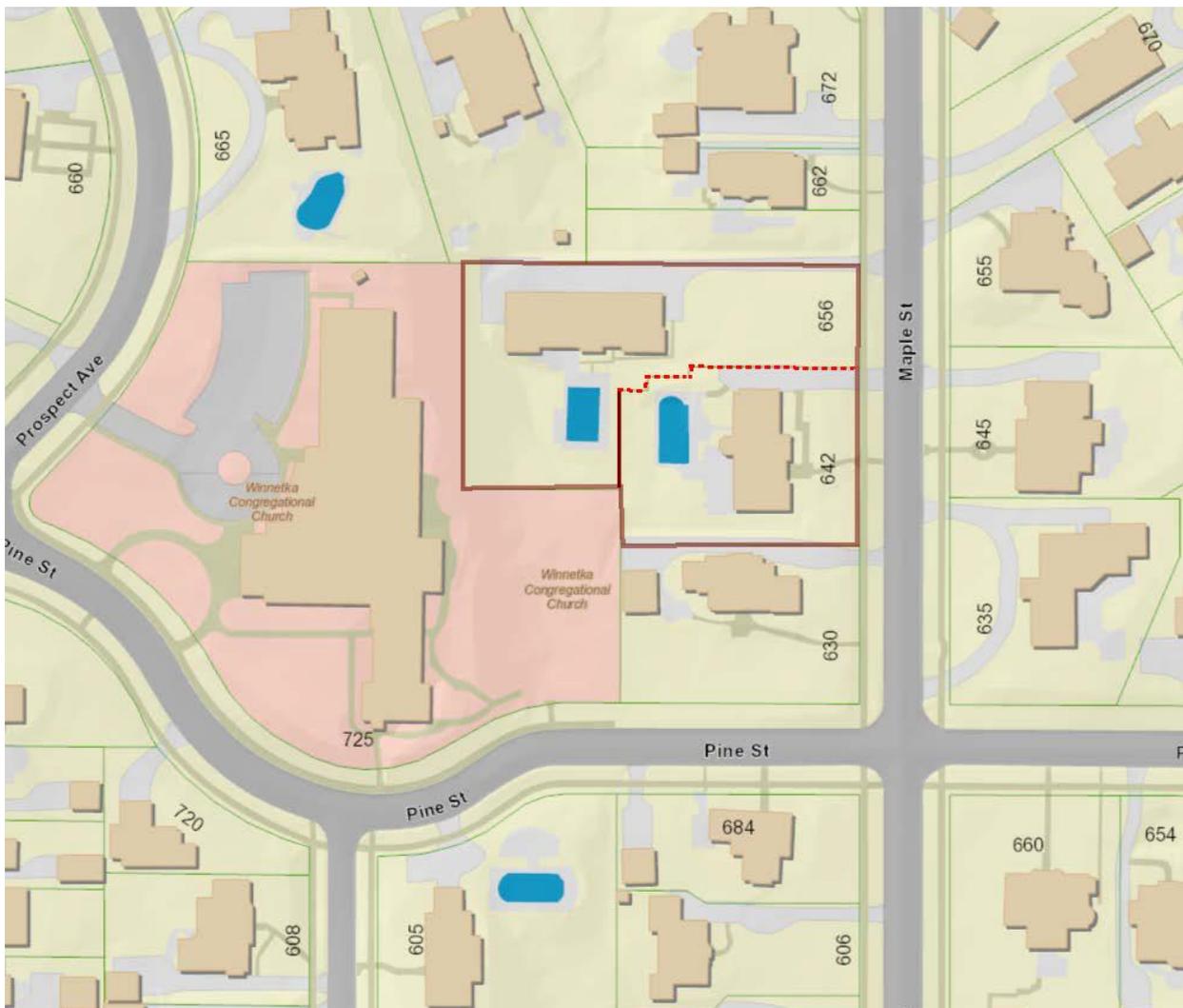
The Village Council approved the request.

**McKinven Subdivision (120 **Thorntree**)**

**SUBDIVISION CODE VARIATION - side lot line not perpendicular to street**

**VARIATIONS GRANTED**

In May 2000 the Plan Commission considered a request to divide the single parcel into the two lots shown below.



As proposed, the subdivision had an existing side lot line which was not perpendicular to the curved street line. The Plan Commission voted to recommend approval of the subdivision.

The Village Council approved the request.

## ATTACHMENT C

March 6, 2016

Re: Proposed Subdivision of 5 Indian Hill Road'

Dear Winnetka Zoning Board of Appeals:

We are Village residents and owners of the surrounding properties. We are writing to you to oppose the zoning Variation requested by the Applicant in connection with this Subdivision request. We are providing this to you before the up-coming meeting on March 14th.

In a related matter, the Winnetka Plan Commission voted on January 27, 2016 to recommend to the Village Council that the Applicant's application for a Subdivision be denied. In doing so, the Plan Commission recognized that the requested Subdivision violates the Winnetka Subdivision Ordinance, Village Code 16.12.10(D)(6), prohibiting the creation of lots (here, the "east lot") having side lot lines abutting rear lot lines.

It is our understating that the Application for Variation, as revised on February 19, 2016, is requesting a Variation from the Winnetka Zoning Ordinance because the east lot does not meet the minimum lot depth requirements.

We believe that the requested Variation is substantial. We also believe that the Applicant has failed to meet their burden of proving all of the eight elements required to show that the strict application of the zoning regulations of the Village of Winnetka would result in a "clearly demonstrated practical difficulty or particular hardship." For those reasons, we believe that the Zoning Board of Appeals should recommend to the Village Council that the application for this Variation be denied.<sup>1</sup>

### **I. THE BURDEN IS ON THE APPLICANT**

We begin with the obvious: our understanding that the burden is on the Applicant to show that the zoning Variation should be granted.

---

<sup>1</sup> We note that an additional means of non-compliance was initially noted; i.e., the proposed Subdivision's failure to meet the minimum rectangular buildable area requirements. Staff has apparently determined that the Application does not require relief from that standard. We are not in a position to agree/disagree with that Staff determination but assume that the Zoning Board of Appeals would review that Staff determination, if needed, before ever voting to grant the zoning Variation requested by the Applicant.

## **II. THE SUBDIVISION REQUEST VIOLATES THE WINNETKA ZONING ORDINANCE**

We note and emphasize that this proposed Subdivision does not comply with the Winnetka zoning ordinances. There are Subdivision requests that do – this is not one of them.

We will proceed to discuss the specific zoning Variation requested. As noted above, the “east lot” does not meet the minimum lot depth requirement. The requirement under the Winnetka Zoning Ordinance for this type of property (R-2) is that the minimum lot depth be 200 feet. The minimum lot of the proposed east lot is only 160.62 feet.

This is a significant variation from the Zoning Ordinance. The Applicant is requesting that they be allowed to “short” the minimum lot depth requirement by 39.38 feet. This is not just a few inches – this is *39.38 feet*. We believe this is a significant amount and should be viewed as such.

We note that it is this same lot – the “east lot” – which would have its side lot abut the neighbors' rear lots, which caused the Plan Commission to recommend to the Village Council that the Applicant's application for a Subdivision be denied.

## **III. THE APPLICANT HAS NOT PROVED THE EIGHT REQUIREMENTS UNDER THE WINNETKA ZONING ORDINANCE FOR A VARIATION**

As you know, under the Winnetka Zoning Ordinance, the Zoning Board of Appeals shall not recommend that the Village Council grant a variation unless the Zoning Board of Appeals makes an affirmative finding, based on evidence in the record or in a public document, that each of the following eight conditions is met in connection with the variation application:

1. that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district;
2. that the plight of the owner is due to unique circumstances;
3. that the variation, if granted, will not alter the essential character of the locality;
4. that an adequate supply of light and air to adjacent property will not be impaired;
5. that the hazard from fire and other damages to the property will not be increased;

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

7. that the congestion in the public street will not increase; and

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

Village Code 17.60.040(c) & 17.60.050.

The Application for Zoning Variation form used by the Village (see attached) clearly states that applications for variations “must provide evidence and explain in detail the manner wherein the strict application of the provisions of the regulations would result in a clearly demonstrated practical difficulty or particular hardship.” (Emphasis in original).

There have been three Applications for Variation filed in connection with this particular matter, the latest one filed on February 19, 2016. Respectfully, none of those Applications come close to meeting these eight requirements. Indeed, while the Applications are drafted to have a list of eight, they achieve that list by adding in other irrelevant facts or repeating some of the others to make it look like they have all eight covered. Notably, for example, the Applications themselves do not state that that the property cannot yield a reasonable return without the variation (the 1st requirement) and do not state that the plight of the owner is due to unique circumstances associated with the characteristics of the property in question (the 2nd requirement). And, as to all of the requirements, no evidence or specifics have been offered.

A case could easily be made here that none of the eight requirements have been met. We will focus for a moment below on three of the most obvious.

**A. The Applicant Has Not Satisfied the First Requirement, that the Property In Question Can Not Yield a Reasonable Return**

The first of the eight requirements is that “[t]he property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.”

As noted above, the Application and its “list of eight” does not even claim that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.

This requirement is not met here. The property is for sale for \$4,995,000 and can yield a reasonable return.

We note here that a desire to maximize the Applicant's return on the property does not meet this requirement. The Village application packet for zoning variations contains a page called "General Findings Upon Which Zoning Variations Have Been Denied." (See attached). That page notes that the burden rests with the applicant and that "personal convenience or preference" and/or a belief that the "property will be more readily saleable or could be sold at a higher price" do not constitute a practical difficulty or particular hardship which will justify the granting of a variation.

**B. The Applicant Has Not Satisfied the Second Requirement, that the Plight of the Owner is Due to Unique Circumstances**

The second of the eight requirements is that "[t]he plight of the owner is due to unique circumstances" which are associated with the property.

As noted above, the Application and its "list of eight" does not even claim that the plight of the owner is due to unique circumstances associated with the property.

The application, at most, seems to claim that the designation of the north side of the property as the "front" of the house causes the lot to "work against the zoning code" and causes the significant shortage on the minimum lot depth requirement.

Respectfully, this does not meet this second requirement. We have zoning laws for a reason. The property as it currently exists, without being subdivided, and accounting for the multiple variations on the property which have previously been granted, does not violate the zoning code. The only "plight" here is directly caused by the owners' desire to subdivide the property, which we cannot believe would meet this requirement.

**C. The Applicant Has Not Satisfied the Third Requirement, that the Variation Will Not Alter the Essential Character of the Locality**

In the Application, the Applicant states that the Variation, if granted, will not alter the essential character of the locality. They offer no specifics and no proof to back up that claim.

As neighbors, we have no doubt that chopping up this property, which is currently consistent with other large properties facing onto the Indian Hill Club golf course, would alter the essential character of the locality. We also believe that squeezing another house into the east lot, on a property that does not come close to meeting the minimum lot depth requirement and would also create a side lot facing some of our rear lots, would alter the essential character of the locality.

For all these reasons, we believe that the Applicant has not met their burden on the eight requirements and the Zoning Board of Appeals should recommend to the Village Council that the application for this Variance be denied.

### **III. HISTORICAL INFORMATION REGARDING OTHER SUBDIVISION REQUESTS FURTHER SUPPORTS THE DENIAL OF THE REQUEST FOR VARIATION**

In connection with the proceedings before the Plan Commission, the Village's Assistant Director of Community Development prepared a report on November 12, 2015 addressing the extent to which the Village has considered other Subdivision requests which involved a variation from Subdivision and/or Zoning Ordinance standards. We assume that you will also have access to that information.

We believe that the report shows the following relevant to this request for Variation:

1. Of 50 requested Subdivisions in the time period from January 1, 1990 to the present, 33 did not require any relief.
2. Of the 17 requests for relief, only 10 have involved a request for a variance under the Winnetka Zoning Ordinance.
3. Of the 10 requests for a variance in connection with a Subdivision, none have involved a property which did not meet the minimum depth requirement.
4. A good number of these 10 requests for a variance involved a consolidation of two properties into one, which is not a useful comparison here.
5. There was only one request, other than this one, which required both Subdivision and Zoning Ordinance relief. That request was denied.
6. Of the remaining requests for variance in connection with a Subdivision, the vast majority were either denied or withdrawn.
7. One of the very few requests for a variation in connection with a Subdivision that was granted involved a minimal nonconformity: the lot was deficient in lot width by 1/4 inch and lot area by 3.8 square feet (as compared to the 39.38 feet deficiency in minimum lot depth in this case).

We believe that this historical data further supports a recommendation to the Village Council that the Application for this Variation be denied.

Thank you for your consideration of these issues, which are very important to all of us.

Sincerely,

[Redacted]

[Redacted]

Dana and Laura Connell  
Indian Hill Road

[Redacted]

Ernie and Janice MacVicar  
North Indian Hill Road

[Redacted]

[Redacted]

Dave and Karen Hawkins  
Indian Hill Road

[Redacted]

[Redacted]

Kevin and Barb Sheridan  
Indian Hill Road

[Redacted]

[Redacted]

Tom and Cindy Lillard  
Church Road

[Redacted]

[Redacted]

Baird and Patrice Smart  
Church Road

[REDACTED]

Jim and Connie Aslaksen  
[REDACTED] Church Road

**ZBA**

**VILLAGE OF WINNETKA, ILLINOIS**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**

**APPLICATION FOR**  
**ZONING VARIATION**

It is recommended that all variation requests be discussed with village staff prior to submittal. Prior to submittal of an application for variation, the applicant, architect and other project representatives should direct attention to the Standards for Granting of Zoning Variations on page 4.

Only completed variation applications will be accepted. Application deadlines and meeting dates are listed below. All Zoning Board of Appeals (ZBA) hearings are held on the 2<sup>nd</sup> Monday of each month.

<b>Zoning Board Regular</b>			
<b><u>Application Deadline</u></b>	<b><u>Meeting Dates</u></b>	<b><u>Application Deadline</u></b>	<b><u>Meeting Dates</u></b>
December 11, 2013	January 13, 2014	December 10, 2014	January 12, 2015
January 8, 2014	February 10, 2014	January 7, 2015	February 9, 2015
February 5, 2014	March 10, 2014	February 4, 2015	March 9, 2015
March 12, 2014	April 14, 2014	March 11, 2015	April 13, 2015
April 9, 2014	May 12, 2014	April 8, 2015	May 11, 2015
May 7, 2014	June 9, 2014	May 6, 2015	June 8, 2015
June 11, 2014	July 14, 2014	June 10, 2015	July 13, 2015
July 9, 2014	August 11, 2014	July 8, 2015	August 10, 2015
August 6, 2014	September 8, 2014	August 12, 2015	September 14, 2015
September 10, 2014	October 13, 2014	September 9, 2015	October 12, 2015
October 8, 2014	November 10, 2014	October 7, 2015	November 9, 2015
November 5, 2014	December 8, 2014	November 11, 2015	December 14, 2015

1. A maximum of five zoning requests will be considered at each hearing. Submittal by the application deadline does not assure placement on the next agenda, therefore it is recommended that applications be submitted as soon as they are complete rather than waiting until the deadline.
2. Questions regarding upcoming meeting calendars and schedule availability may be directed to the Dept. of Community Development Administrative Assistant at 847.716.3527.
3. 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.
4. There are three types of variations, minor, standard and major. Minor variations are considered by the Zoning Administrator, standard variations are considered by the ZBA and major variations are considered by both the ZBA and Village Council. Minor and standard variations require one meeting before either the Zoning Administrator or the ZBA. Major variations require one meeting before the ZBA and two before the Village Council. Following submittal of a variation application village staff will inform you as to the type of variation you will be required to obtain.

**ZONING BOARD OF APPEALS  
APPLICATION REQUIREMENTS**

- \_\_\_\_\_1. Proof of ownership (in the form of a deed) and owner signature on application.

NOTE: Applications involving property held by a **land trust** must be signed as the owner of the property by the trust officer of the institution holding the trust as the owner of the property. The trust beneficiary(ies) and their current address(es) must be disclosed on the application form. The application must also be accompanied by a Certified copy of the Trust Agreement and a letter from the trustee certifying that the beneficiary (ies) shown on the application are correct and disclosing any beneficiary changes or lack thereof during the 12 months immediately preceding the filing of this application. Applications by contract purchasers must be accompanied by a copy of an executed contract and letter of authorization from property owner, in addition to above described proof of ownership.

- \_\_\_\_\_2. One copy of completed Lot Coverage and Gross Floor Area Calculation worksheet (attached).

- \_\_\_\_\_3. One (1) full size copy with complete and thorough dimensions [not reduced or enlarged] and one (1) set of reduced copies (8½" x 11") of the following:

**A. Existing Conditions/Plans**

- i. Plat of Survey. The plat must be an original survey (or complete and legible copy), prepared by an Illinois licensed land surveyor. The plat must be current, showing all improvements as they currently exist. In no case may a plat of survey be more than five (5) years old. The plat must show the lot area, legal description and all current improvements on the property. **Note: building permit requirements have separate more stringent survey requirements, including requirements for topographic information.**
- ii. Floor Plans. The floor plans must be fully dimensioned and show all levels of the structure or structures on the property and all rooms must be fully dimensioned. This information is also used to verify calculation worksheets.
- iii. Exterior Elevations. Elevations must be provided of the existing elevations that will be changing. All elevations must be fully dimensioned.

**B. Proposed Changes**

- i. Site Plan. Show and dimension all proposed additions and/or new structures. Provide dimensioned site plan, showing proximity of improvements to all adjacent property lines.
- ii. Floor Plans. Provide fully dimensioned floor plans of all levels of the structure where changes are proposed.
- iii. Exterior Elevations. Provide drawings of all elevations that are proposed to change. All elevations must be fully dimensioned.

**NOTE:** Limit one building detail, plan or image per page on reduced copies. All copies must be legible. 8 ½" x 11" reductions should maintain a scale of no less than 1/8" to assure legibility. Applications which are incomplete or illegible may be delayed and/or rejected.

- \_\_\_\_\_4. Minimum \$250 Filing Fee, payable to the Village of Winnetka. Final fee will be established upon complete review of application by village staff, with any balance due prior to initial hearing. Fee Schedule is as follows: Minor Variation - \$250; Standard Variation - \$400; and, Major Variation - \$800. (The Filing Fee covers the cost of publishing the legal notice, conducting a zoning analysis, preparation of agenda reports and writing of ordinances).

- \_\_\_\_\_5. Address the "Standards for Granting of Zoning Variations. (See page 4).

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

**Owner Information:**

Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

Home and Work Telephone Number: \_\_\_\_\_

Fax and E-mail: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Property Acquired by Owner: \_\_\_\_\_

Nature of Any Restrictions on Property: \_\_\_\_\_

Explanation of Variation Requested: \_\_\_\_\_  
(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: \_\_\_\_\_

(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.**

## **GENERAL FINDINGS UPON WHICH ZONING VARIATIONS HAVE BEEN DENIED**

Failure to prove a practical difficulty or particular hardship requires a denial of a variation request. The burden of proving such difficulty or hardship rests with the applicant.

**The following do not constitute a practical difficulty or a particular hardship which justify the granting of a variation:**

1. The appearance of the property or neighborhood will be improved;
2. Personal convenience or preference;
3. The property will be more readily saleable or could be sold at a higher price;
4. A physical disability or handicap pertaining to a family member;
5. An increase in the size of a family, the number of people living in the house, or the age of a family member;
6. Lack of awareness of a particular zoning provision;
7. Practical alternatives exist to the proposed request or the proposed improvement(s) can be placed in a conforming location;
8. The fact that neighbors do not object or are in favor of the variation request;
9. The hardship was created by how the property has been developed over time; or
10. It will be more expensive to comply with the zoning ordinance;

## **GENERAL FINDINGS UPON WHICH ZONING VARIATIONS HAVE BEEN APPROVED**

**The following may constitute a practical difficulty or particular hardship, which can serve as the basis for the granting of a variation:**

1. Irregular lot shape or topography;
2. The presence of three or more street frontages;
3. Correction of an existing code deficiency;
4. Although a conforming location for an addition to a building exists, a nonconforming location is preferable from a Village Policy standpoint (e.g. a conforming location will require removal of significant trees that are protected under the Village's Tree Ordinance;
5. There is an existing legal nonconformity of a minimal degree, the proposed improvement requires the formalizing of the nonconformity without increasing the degree of nonconformity, the proposed improvement will enhance the utility and value of the property within the context of the established neighborhood, and there is no economically viable alternative that will cure the nonconformity (e.g., the house pre-dates the original zoning ordinance and encroaches 1 foot into the front yard, the owner proposes to extend the second floor to align the first floor to create a master suite, the proposed improvements are still within the FAR limitations and the only way to cure the nonconformity is to demolish the house and build anew); or
6. The lack of an available alternative where the degree of the existing legal nonconformity will not be increase and additional nonconformities will not be created.

**From:** [Barb Sheridan](#)  
**To:** [Brian Norkus](#)  
**Cc:** [Kevin Sheridan](#)  
**Subject:** Opposition to Subdividing Property Indian Hill Road #5  
**Date:** Wednesday, October 07, 2015 5:12:01 PM

---

Hello Brian -

It has recently been brought to our attention that our neighbors (the Gills) directly East of our property at 7 Indian Hill Road are looking to subdivide their land into two lots. We are opposed to this proposition. We feel that more building on Indian Hill Road will detract from its beauty; which is enjoyed by the members of the Indian Hill Golf course, as well as the countless neighbors who walk around its perimeter. In addition, there has been a significant amount of construction on this road over the past few years; clearly disrupting the peace of a private road. We are also concerned about the infrastructure of the sewage and water systems, knowing that these systems are very old and have already had some problems that have affected both the #5 property and our property as well.

We intend to come to the October 21st meeting for further discussion.

Thank you for your consideration,  
Barb and Kevin Sheridan

Indian Hill Road  
Winnetka

**From:** [Kevin Sheridan](#)  
**To:** "[Barb Sheridan](#)"; [Brian Norkus](#)  
**Subject:** RE: Opposition to Subdividing Property Indian Hill Road #5  
**Date:** Thursday, October 08, 2015 8:07:23 AM

---

Indeed Brian. I have not spoken with a single neighbor who feels this partitioning proposal is a good idea.

In addition to the great points outlined by my wife below, the reality is that the Gills don't even live at the property. As such, I believe their motivation is strictly economic and driven by money, as opposed to what is simply right for the neighborhood.

In addition, it looks as though the partitioning proposal is in direct contradiction to how the property is zoned (R-2). It is my understanding that R-2 zoning is meant to preserve a neighborhood with "large yards and an abundance of trees," which of course would be decimated by sub-dividing the property.

Lastly, the partitioning of the as such zoned property would result is very questionable "variations" of both of the subdivided properties.

Thank you for the opportunity to express our opinion and we will indeed attend the meetings.

All the best,

Kevin

Kevin Sheridan  
Leading Expert on Employee Engagement & Managing Virtual Workers, Keynote Speaker, Consultant

Check out the Related Videos at this web site: [www.kevinsheridanllc.com](http://www.kevinsheridanllc.com)

Kevin Sheridan LLC [REDACTED] Indian Hill Road, Winnetka, IL 60093  
Office Phone: [REDACTED]  
Cell Phone: 312 [REDACTED]

-----Original Message-----

From: Barb Sheridan [REDACTED]  
Sent: Wednesday, October 7, 2015 5:12 PM  
To: [bnorkus@winnetka.org](mailto:bnorkus@winnetka.org)  
Cc: Kevin Sheridan [REDACTED] >  
Subject: Opposition to Subdividing Property Indian Hill Road #5

Hello Brian -

It has recently been brought to our attention that our neighbors (the Gills) directly East of our property at 7 Indian Hill Road are looking to subdivide their land into two lots. We are opposed to this proposition. We feel that more building on Indian Hill Road will detract from its beauty; which is enjoyed by the members of the Indian Hill Golf course, as well as the countless neighbors who walk around its perimeter. In addition, there has been a significant amount of construction on this road over the past few years; clearly disrupting the peace of a private road. We are also concerned about the infrastructure of the sewage and water systems, knowing that these systems are very old and have already had some problems that have affected both the #5 property and our property as well.

We intend to come to the October 21st meeting for further discussion.

Thank you for your consideration,  
Barb and Kevin Sheridan

Indian Hill Road  
Winnetka

[Redacted]

**From:** [Connell, Dana S.](#)  
**To:** [Brian Norkus](#)  
**Cc:** [Laura Connell](#)  
**Subject:** Opposition to Requested Subdivision and Multiple Variations at 5 Indian Hill Road and 116 Church Street.  
**Date:** Friday, October 09, 2015 5:41:07 PM  
**Attachments:** [Pages from ZBA Application \(2015 calendar\).pdf](#)

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Dear Brian:

We are writing to oppose the application for Land Subdivision and related requests for multiple variations at 5 Indian Hill Road and 116 Church Street.

Our home is directly to the north of the property at issue and would be negatively impacted by the request.

Please share this statement of opposition with both the Winnetka Plan Commission and the Winnetka Board of Zoning Appeals.

We recognize that the Plan Commission and Board of Zoning Appeals have far greater experience in these matters than we do. Nevertheless, we offer the following observations in support of our opposition:

1. The applications do not recognize/disclose any of the following: (a) that the property and house is for sale, for \$5,999,999; (b) that the purpose of the subdivision request is to maximize the financial return on the property; and (c) that the petitioners do not currently live on the property. See

<http://www.thehudsoncompany.com/real-estate/5%20Indian%20Hill/Winnetka/08165813.php>

2. The chopping up of the property – which is described in the applications as containing a “Significant Architectural Structure” – will not benefit Winnetka or the neighborhood. It will also result in adding more impermeable surface in the Village.

3. The property is zoned R-2. The Winnetka 2020 Comprehensive Plan (and perhaps other authorities) describe R-2 properties as those that “have a small estate character,” and “buildings on the property are generally subordinate to the landscape” and are characterized by houses “with large yards and an abundance of trees.” That is the case now. It would certainly not be the case if the current property is split in two.

4. The request for subdivision cannot stand on its own but rather is dependent on the granting of variations on both properties. Under the Village Code, it is our understanding that a subdivision request can only be granted if the resulting lots comply with all standards of the zoning ordinance, including but not limited to lot depth requirements. See Village

Code 16.12.010(D) and subparts. That is not the case here.

5. The requested variations are significant – as we read the applications, the existing structure on 5 Indian Hill Road is too big by over 10%, and the proposed lot on 116 Church Street does not come close to meeting the minimum depth requirements.

6. The Application for Zoning Variation form used by the Village (see p. 4 of attached) clearly states that applications for variations “must provide evidence and explain in detail the manner wherein the strict application of the provisions of the regulations would result in a clearly demonstrated practical difficulty or particular hardship.” (Emphasis in original). There is no practical difficulty or particular hardship here. In this case, there is an existing structure and home, on sale for almost \$6 M.

7. There are eight standards under the Village Code, each of which has to be met for the granting of a zoning variation. See Village Code 16.12.010(D) 17.60.040(C). See also the Application for Zoning Variation form used by the Village (p. 4 of attached). As described below, at least several of these standards – the first two – clearly are not met in this case.

8. The first of the eight standards is that “[t]he property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.” This standard is not met here. As noted above, the property is for sale for almost \$6M and can yield a reasonable return.

9. The second of the eight standards is that “[t]he plight of the owner is due to unique circumstances,” which is associated with the property. Again, this standard is not met here. The only “plight” here, leading to the request for the variations, has been caused by the owners’ desire to subdivide.

10. The application for variations does not address those first two of the eight standards at all. They are careful to have a list of eight, but they achieve it by adding in other facts or repeating some of the others to make it look like they have all eight covered.

11. The Village application packet for zoning variations contains a page called “General Findings Upon Which Zoning Variations Have Been Denied.” (See p. 5 of attached). That page notes that the burden rests with the applicant and that “personal convenience or preference” and/or a belief that the “property will be more readily saleable or could be sold at a higher price” do not constitute a practical difficulty or particular hardship which will justify the granting of a variation.

Thank you for the opportunity to provide this information. We will plan to attend the scheduled hearings on October 21 and November 16. In the meantime, please do not

hesitate to contact us if you or others in Village positions have any questions regarding our opposition.

Dana and Laura Connell  
■ Indian Hill Road  
Winnetka, Illinois 60093

-----  
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**ZBA**

**VILLAGE OF WINNETKA, ILLINOIS  
DEPARTMENT OF COMMUNITY DEVELOPMENT**

**APPLICATION FOR  
ZONING VARIATION**

It is recommended that all variation requests be discussed with village staff prior to submittal. Prior to submittal of an application for variation, the applicant, architect and other project representatives should direct attention to the Standards for Granting of Zoning Variations on page 4.

Only completed variation applications will be accepted. Application deadlines and meeting dates are listed below. All Zoning Board of Appeals (ZBA) hearings are held on the 2<sup>nd</sup> Monday of each month.

**Zoning Board of Appeals Regular Meeting Dates**

**Application Deadline**

December 10, 2014  
January 7, 2015  
February 4, 2015  
March 11, 2015  
April 8, 2015  
May 6, 2015  
June 10, 2015  
July 8, 2015  
August 12, 2015  
September 9, 2015  
October 7, 2015  
November 11, 2015

**Meeting Dates**

January 12, 2015  
February 9, 2015  
March 9, 2015  
April 13, 2015  
May 11, 2015  
June 8, 2015  
July 13, 2015  
August 10, 2015  
September 14, 2015  
October 12, 2015  
November 9, 2015  
December 14, 2015

1. A maximum of five zoning requests will be considered at each hearing. Submittal by the application deadline does not assure placement on the next agenda, therefore it is recommended that applications be submitted as soon as they are complete rather than waiting until the deadline.
2. Questions regarding upcoming meeting calendars and schedule availability may be directed to the Dept. of Community Development Administrative Assistant at 847.716.3527.
3. 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.
4. There are three types of variations, minor, standard and major. Minor variations are considered by the Zoning Administrator, standard variations are considered by the ZBA and major variations are considered by both the ZBA and Village Council. Minor and standard variations require one meeting before either the Zoning Administrator or the ZBA. Major variations require one meeting before the ZBA and two before the Village Council. Following submittal of a variation application village staff will inform you as to the type of variation you will be required to obtain.

**ZONING BOARD OF APPEALS  
APPLICATION REQUIREMENTS**

- \_\_\_\_\_1. Proof of ownership (in the form of a deed) and owner signature on application.

NOTE: Applications involving property held by a **land trust** must be signed as the owner of the property by the trust officer of the institution holding the trust as the owner of the property. The trust beneficiary(ies) and their current address(es) must be disclosed on the application form. The application must also be accompanied by a Certified copy of the Trust Agreement and a letter from the trustee certifying that the beneficiary (ies) shown on the application are correct and disclosing any beneficiary changes or lack thereof during the 12 months immediately preceding the filing of this application. Applications by contract purchasers must be accompanied by a copy of an executed contract and letter of authorization from property owner, in addition to above described proof of ownership.

- \_\_\_\_\_2. One copy of completed Lot Coverage and Gross Floor Area Calculation worksheet (attached).

- \_\_\_\_\_3. One (1) full size copy with complete and thorough dimensions [not reduced or enlarged] and one (1) set of reduced copies (8½" x 11") of the following:

**A. Existing Conditions/Plans**

- i. Plat of Survey. The plat must be an original survey (or complete and legible copy), prepared by an Illinois licensed land surveyor. The plat must be current, showing all improvements as they currently exist. In no case may a plat of survey be more than five (5) years old. The plat must show the lot area, legal description and all current improvements on the property. **Note: building permit requirements have separate more stringent survey requirements, including requirements for topographic information.**
- ii. Floor Plans. The floor plans must be fully dimensioned and show all levels of the structure or structures on the property and all rooms must be fully dimensioned. This information is also used to verify calculation worksheets.
- iii. Exterior Elevations. Elevations must be provided of the existing elevations that will be changing. All elevations must be fully dimensioned.

**B. Proposed Changes**

- i. Site Plan. Show and dimension all proposed additions and/or new structures. Provide dimensioned site plan, showing proximity of improvements to all adjacent property lines.
- ii. Floor Plans. Provide fully dimensioned floor plans of all levels of the structure where changes are proposed.
- iii. Exterior Elevations. Provide drawings of all elevations that are proposed to change. All elevations must be fully dimensioned.

**NOTE:** Limit one building detail, plan or image per page on reduced copies. All copies must be legible. 8 ½" x 11" reductions should maintain a scale of no less than 1/8" to assure legibility. Applications which are incomplete or illegible may be delayed and/or rejected.

- \_\_\_\_\_4. Minimum \$250 Filing Fee, payable to the Village of Winnetka. Final fee will be established upon complete review of application by village staff, with any balance due prior to initial hearing. Fee Schedule is as follows: Minor Variation - \$250; Standard Variation - \$400; and, Major Variation - \$800. (The Filing Fee covers the cost of publishing the legal notice, conducting a zoning analysis, preparation of agenda reports and writing of ordinances).

- \_\_\_\_\_5. Address the "Standards for Granting of Zoning Variations. (See page 4).

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

**Owner Information:**

Name: \_\_\_\_\_

Property Address: \_\_\_\_\_

Home and Work Telephone Number: \_\_\_\_\_

Fax and E-mail: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Property Acquired by Owner: \_\_\_\_\_

Nature of Any Restrictions on Property: \_\_\_\_\_

\_\_\_\_\_  
Explanation of Variation Requested: \_\_\_\_\_  
(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: \_\_\_\_\_

(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.**

## **GENERAL FINDINGS UPON WHICH ZONING VARIATIONS HAVE BEEN DENIED**

Failure to prove a practical difficulty or particular hardship requires a denial of a variation request. The burden of proving such difficulty or hardship rests with the applicant.

**The following do not constitute a practical difficulty or a particular hardship which justify the granting of a variation:**

1. The appearance of the property or neighborhood will be improved;
2. Personal convenience or preference;
3. The property will be more readily saleable or could be sold at a higher price;
4. A physical disability or handicap pertaining to a family member;
5. An increase in the size of a family, the number of people living in the house, or the age of a family member;
6. Lack of awareness of a particular zoning provision;
7. Practical alternatives exist to the proposed request or the proposed improvement(s) can be placed in a conforming location;
8. The fact that neighbors do not object or are in favor of the variation request;
9. The hardship was created by how the property has been developed over time; or
10. It will be more expensive to comply with the zoning ordinance;

## **GENERAL FINDINGS UPON WHICH ZONING VARIATIONS HAVE BEEN APPROVED**

**The following may constitute a practical difficulty or particular hardship, which can serve as the basis for the granting of a variation:**

1. Irregular lot shape or topography;
2. The presence of three or more street frontages;
3. Correction of an existing code deficiency;
4. Although a conforming location for an addition to a building exists, a nonconforming location is preferable from a Village Policy standpoint (e.g. a conforming location will require removal of significant trees that are protected under the Village's Tree Ordinance;
5. There is an existing legal nonconformity of a minimal degree, the proposed improvement requires the formalizing of the nonconformity without increasing the degree of nonconformity, the proposed improvement will enhance the utility and value of the property within the context of the established neighborhood, and there is no economically viable alternative that will cure the nonconformity (e.g., the house pre-dates the original zoning ordinance and encroaches 1 foot into the front yard, the owner proposes to extend the second floor to align the first floor to create a master suite, the proposed improvements are still within the FAR limitations and the only way to cure the nonconformity is to demolish the house and build anew); or
6. The lack of an available alternative where the degree of the existing legal nonconformity will not be increase and additional nonconformities will not be created.

**From:** [Cindy Lillard](#)  
**To:** [Brian Norkus](#)  
**Subject:** 5 Indian Hill Road  
**Date:** Tuesday, October 13, 2015 3:44:43 PM

---

Mr. Norkus,

I am writing to let you know that both my husband Tom Lillard and I oppose the proposed subdivision of 5 Indian Hill Road. We feel it will negatively impact the neighborhood and potentially our property. We feel the request does not comply with Village of Winnetka zoning requirements and the variation requests are unreasonable.

Please forward this email to the Winnetka Plan Commission and the Winnetka Board of Zoning Appeals.

Thank you

Cindy and Tom Lillard

**From:** [Connie](#)  
**To:** [Brian Norkus](#)  
**Subject:** 5 Indian Hill - Proposed Subdivision  
**Date:** Wednesday, October 14, 2015 11:16:17 AM

---

James and Connie Aslaksen

Church Road

Winnetka

Re: Proposed Subdivision 5 Indian Hill

To Brian Norkus, Asst. Dir. Community Development,

We will be unable to attend either meeting as we will be out of state for both. We are concerned about the variances being requested on many levels but the following are of primary concern:

1) Impermeable surface - Most of the Indian Hill properties (as well as much of Winnetka) have significant water/flooding issues.

The east side of 5 Indian Hill backs up directly to our back fence. This new proposed home would now be directly behind our property. The land there is extremely low and already has problems. We do not believe Winnetka should issue variances of permeable surface for anyone without a unique or practical difficulty or hardship circumstance. This certainly does not qualify as such. If this is allowed then we should all be able to add additions, circular drives, larger patios, etc. to increase usability and potential property values without concerns of area flooding.

2) Traffic - The traffic on Church Road is already very heavy and dangerous at certain times of day. It is our understanding that the

entry is the Church Road drive already in existence. 5 Indian Hill almost never uses that access drive. In the 8 years we have

lived here we have never seen anyone coming in or out there. Adding more ingress/egress across or into the already backed up

traffic (at the intersection stop sign) will cause more hazardous circumstances. During the heavy traffic times there are many children using the intersections at Winnetka Avenue and Hill, as well as during train

commuter times. With the turn lane at Church/Winnetka it will be even more impossible and dangerous.

3) When we purchased 102 Church it backed up to an expansive "open" property that could not be subdivided (our realtor checked) and felt quite confident because Winnetka does not grant unnecessary variances. We chose this home over many others available partly because of this open property and the cost of our purchase reflected this open back. If Winnetka starts issuing variance subdivisions of Indian Hill properties I think there will be many repercussions from homeowners going forward. The properties in Indian Hill belong to their owners not those of us living adjacent to them. However, changes to those properties fundamentals without real cause should not be allowed.

Please see that our concerns are presented to both the Planning Commission and the Board of Zoning Appeals.

Thank you,

James and Connie Aslaksen

**David and Karen Hawkins**

Indian Hill Road  
Winnetka, Illinois 60093  
Cell

October 20, 2015

Mr. Brian Norkus  
Assistant Director of Community Development  
Village of Winnetka  
510 Green Bay Road  
Winnetka, IL 60093

RE: Proposed Subdivision of 5 Indian Hill Road

Dear Brian:

I am writing to you regarding the referenced matter as I will not be able to attend the Winnetka Plan Commission meeting scheduled for Wednesday, October 21, 2015.

For the record, I **OPPOSE** the proposed subdivision. My rationale is as follows:

1. The sub-division of the property is not in character with the neighborhood. The look feel of the Indian Hill Road community is that of larger plots of land with less density than other parts of Winnetka. A subdivision of the property would not be aligned with that character.
2. The owner does not live in the property having already purchased another home on the Lake Michigan shoreline. As such, they will not suffer through the effects on the neighborhood that result from the subdivision. They will, however, benefit from the financial gain resulting from the subdivision.
3. Our neighborhood has suffered through two straight years of construction on properties within 150 yards of our home. Subdividing the property will subject us to yet another year or more of construction noise and traffic.
4. The property owner does not maintain the current property to proper standards after having vacated the home. As examples, the brick fence line on the north end of their property is in disrepair and appears ready to collapse at any moment. Additionally, there was a gas leak on or within their property over the summer that resulted in the road in front of our home being dug up as a result of work being done to find the leak.
5. The home is currently for sale and I am told the reason the home has not sold as currently situated is that the price it is being offered at does not reflect the fact that a new owner will need to spend significant dollars to update the home. As such, the property owner is subdividing this piece of land purely for financial gain to sell what he can and not to enhance the use of the property by the owner.

In summary, it appears to me that the only reason the homeowner wants the subdivision is so that they can maximize their financial gain, not to enhance their use of the property as residents of the neighborhood.

Sincerely,

**From:** [MacVicar, Ernie](#)  
**To:** [Brian Norkus](#)  
**Cc:** [Janice MacVicar](#)  
**Subject:** Regarding the Gill Subdivision proposal  
**Date:** Friday, October 09, 2015 1:53:51 PM

---

Brian,

I am writing you to be on the record that Janice and I are opposed to the Gill's proposal to subdivide their property located at 5 Indian Hill Road. The subdivision of this property is not in compliance with the Village zoning requirements. Also, we believe this type of development would negatively impact our neighborhood and property value. Please share this note with both the Winnetka Plan Commission and the Winnetka Board of Zoning Appeals. Janice and I are happy to discuss this issue further at your convenience.

Best Regards,

Ernie MacVicar  
[REDACTED] North Indian Hill Road

Ernie MacVicar  
Institutional Equity Department  
[Credit Suisse](#)  
Tel: [REDACTED]  
Cell [REDACTED]  
Toll- [REDACTED]  
Fax: [REDACTED]  
[REDACTED]

Please follow the attached hyperlink to an important disclosure:  
[http://www.csfb.com/legal\\_terms/market\\_commentary\\_disclaimer.shtml](http://www.csfb.com/legal_terms/market_commentary_disclaimer.shtml).

=====  
Please access the attached hyperlink for an important electronic communications disclaimer:  
[http://www.credit-suisse.com/legal/en/disclaimer\\_email\\_ib.html](http://www.credit-suisse.com/legal/en/disclaimer_email_ib.html)  
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Please follow the attached hyperlink to an important disclosure:  
<http://www.credit-suisse.com/legal/marketcommentary>  
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Please access the attached hyperlink for an important electronic communications disclaimer:  
[http://www.credit-suisse.com/legal/en/disclaimer\\_email\\_ib.html](http://www.credit-suisse.com/legal/en/disclaimer_email_ib.html)  
=====

**ZONING BOARD OF APPEALS  
AGENDA REPORT**

**SUBJECT:** 1112 Willow Rd., Crow Island School  
Case No. 16-05-SU  
(1) Special Use Permit  
(2) Variation: Side Yard Setback

**DATE:** March 4, 2016

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

The petitioner, Winnetka School District 36, is requesting a Special Use Permit in accordance with Section 17.56.010 and a variation by Ordinance from Section 17.30.060 [Side Yard Setback] of the Winnetka Zoning Ordinance to permit the installation of two modular classrooms that would result in a west side yard setback of 6 ft., whereas a minimum of 12 ft. is required, a variation of 6 ft. (50%).

Schools are permitted within residentially zoned areas, but are classified as a “Special Use” in order to allow for the evaluation of proposed modifications. Establishment or the alteration of Special Uses is subject to review by the Plan Commission, Zoning Board of Appeals, and Design Review Board, with final jurisdiction by the Village Council.

As proposed, two modular units would be located southwest of the existing school and painted a color to match the existing school brick. Lighting would be provided through a combination of existing pole mounted fixtures, supplemented by lights at each entry and on the underside of a covered canopy connecting the modular units to the main school building.

In addition to the Special Use Permit, a variation is required to allow the modular units to encroach the minimum required side yard setback of 12 ft. from the west property line. The units themselves would be setback 10 ft. from the west property line. However, the two exterior entrances on the west elevation of “Modular Unit A” would extend an additional 4 ft. from the west wall of the unit. Therefore, the proposed setback is considered to be 6 ft. As represented on the attached zoning matrix (Attachment A), with the exception of the side yard setback, the proposed modular units comply with the zoning regulations.

The property is located in the R-2 Single Family Residential zoning district. Construction of the school began in late 1939. Over the years additions and modifications have been made to the school. In 1990 the school was designated a National Historic Landmark. The school is not a local landmark and therefore does not require review by the Landmark Preservation Commission.

There are four previous zoning cases for the subject site. In April 2002 the Village Council adopted Ordinance M-11-2002 granting a Special Use Permit, and front and side

yard setback variations, to permit the installation of new playground equipment and play surfaces in the northwest and southwest playgrounds. In June 2002 the Council adopted Ordinance M-16-2002 granting a Special Use Permit and a front setback variation to permit the installation of new playground equipment in the playground south of the school and along the east property line. In June 2003 the Council adopted Ordinance M-22-2003 granting a Special Use Permit and a front setback variation to permit the installation of new playground equipment in the northeast playground. Lastly, in 2012 Winnetka School District 36 and the Winnetka Park District filed, and subsequently withdrew, a Special Use Permit (ZBA Case No. 12-03-SU) to allow additional parking for the Crow Island Campus on both properties and within the public right-of-way on Mt. Pleasant Rd.

**Consideration by other Advisory Boards**

The Design Review Board considered the application at its meeting February 18, 2016 and continued the matter to its next meeting March 17, 2016.

The Plan Commission considered the application at its meeting February 24, 2016 and voted unanimously to find the request consistent with the Comprehensive Plan.

The Village Council has final jurisdiction on this request.

**Attachments**

- Attachment A: Zoning Matrix
- Attachment B: GIS Aerial Map
- Attachment C: Application Materials
- Attachment D: Public Correspondence

# ATTACHMENT A

## ZONING MATRIX

**ADDRESS: 1112 Willow Rd. (Crow Island School)**

**CASE NO: 16-05-SU**

**ZONING: R-2**

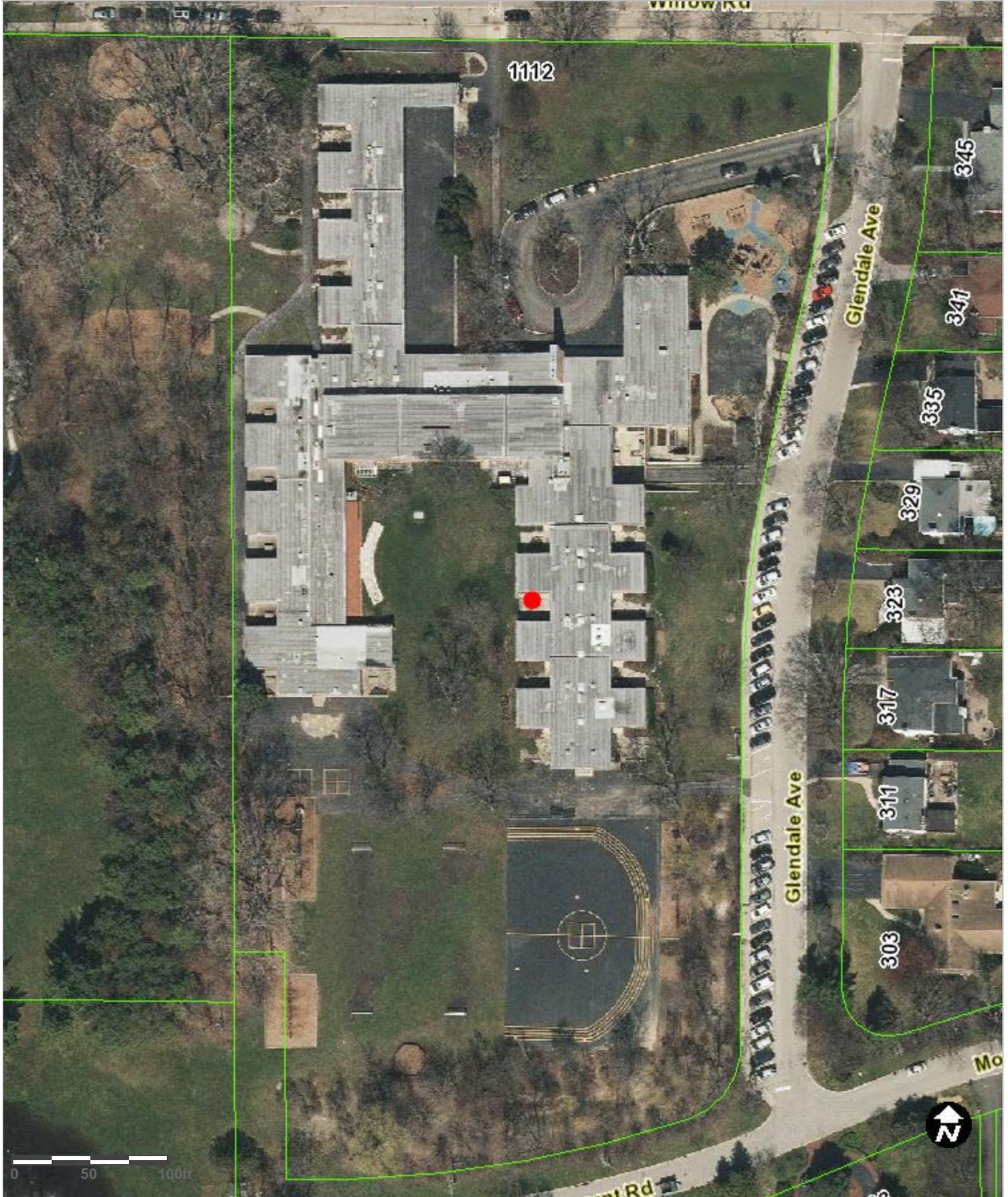
ITEM	REQUIREMENT	EXISTING	PROPOSED	TOTAL	STATUS
Min. Lot Size	25,200 SF	239,872 SF	N/A	N/A	OK
Min. Average Lot Width	115 FT	321.85 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	59,968 SF (1)	49,811 SF	4,856.2 SF	54,667.2 SF	OK
Max. Gross Floor Area	56,985.56 SF (1)	51,825 SF	3,861.2 SF	55,686.2 SF	OK
Max. Impermeable Surface	119,936 SF (1)	113,206 SF	3,630.2 SF	116,836.2 SF	OK
Min. Front Yard (North)	50 FT	31.57 FT (2)	N/A	N/A	EXISTING NONCONFORMING
Min. Corner (Front) Yard (East)	50 FT	50.32 FT (2)	N/A	N/A	OK
Min. Front Yard (South)	50 FT	(+) 50 FT	N/A	N/A	OK
Min. Side Yard (West)	12 FT	9.44 FT	6 FT	N/A	<b>6 FT (50%) VARIATION</b>

**NOTES:**

(1) Based on actual lot area of 239,872 s.f.

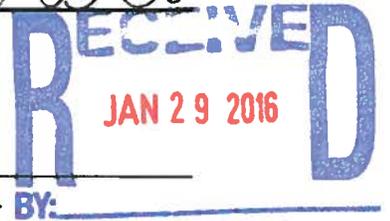
(2) Setback to building. Existing playgrounds encroach the required 50 ft. setback.

# ATTACHMENT B



ATTACHMENT C

CASE NO. 11-05-SU



APPLICATION FOR SPECIAL USE

Winnetka School District 36

Name of Applicant \_\_\_\_\_

Property Address \_\_\_\_\_  
Crow Island School, 1112 Willow Road, Winnetka, IL

Home and Work Telephone Number \_\_\_\_\_ 847-446-9400

Fax and Email \_\_\_\_\_ gregkurr@winnetka36.org

Architect Information: Name, Address, Telephone, Fax & Email

\_\_\_\_\_ GreenAssociates Inc

\_\_\_\_\_ 111 Deerlake Road, Suite 135, Deerfield, IL 60015 847-317-0852

\_\_\_\_\_ cdpugh@greenassociates.com

Attorney Information: Name, Address, Telephone, Fax & Email

\_\_\_\_\_ Hodges Loizzi

\_\_\_\_\_ 3030 Salt Creek Lane, #202, Arlington Heights, IL 60005 847-670-9000

Date Property Acquired by Owner \_\_\_\_\_ Unknown

Nature of Any Restrictions on Property \_\_\_\_\_

Explanation of Special Use Requested \_\_\_\_\_

Request use of modular classrooms on a temporary basis on  
the southwest side of the school building

*see attachment 1*

OFFICE USE ONLY

Special Use Requested under Ordinance Section(s) \_\_\_\_\_

Staff Contact: \_\_\_\_\_ Date: \_\_\_\_\_

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.

see attachment

Respectfully Submitted,



CFB

1/29/16  
Date

1235 Oak Street  
Winnetka, IL 60093  
Address

1112 Willow Road  
Winnetka, IL 60093

## **Attachment 1**

### **Explanation and Resolution of Need**

There are three primary and related reasons for requesting temporary classrooms on the Crow Island School property:

- Current enrollment requires 21 classroom “sections”
- Enrollment projections are expected to slightly decline
- School Board is considering adding an Extended Day Kindergarten program

#### Current Enrollment:

Typically, there are four sections (homerooms) per grade level (20 total “sections”) at Crow Island School. Each section requires a classroom space for the core instructional program; however, students also participate in specials during the week. Specials include kinetic wellness, art, music, Spanish, and Resource Center time. Each special also requires a space for instruction. Although less than ideal, we have needed to utilize shared spaces to meet the demands of the schedule.

The first grade enrollment this school year is currently at 91, and students are divided into five sections. This additional fifth section required a classroom space, which displaced space from other programs. It also required additional shared spaces for specials, as each section of students requires 13, 30-minute specials classes per week.

While the core instructional program is offered with fidelity, the instructional space is limited and tight. Every available space in the building is being utilized for programming, including small group instruction, interventions, and individualized student support.

#### Enrollment Projections:

Crow Island School’s enrollment is expected to slightly decline over the next three years (2015 - 384 students; 2019 - 368 students) with an expected loss of the fifth grade level section in 2019 (348 students). Therefore, more costly and long-term solutions, such as redistricting or construction, are not as feasible as an intermediate solution. The District will continue to monitor enrollment and other alternatives if actual enrollment differs from the projection.

#### Extended Kindergarten Day:

The District is in its final stages of completing a study regarding extending the kindergarten day at The Winnetka Public Schools. Currently, all kindergarten students attend school for half day sessions, which enables each classroom to serve two sections of kindergarten. Extending the

kindergarten day will require one additional classroom for each section of kindergarten. Based on enrollment projections and experiences from other schools, the District anticipates that kindergarten enrollment will increase if an extended day option is made available. This could result in the need for up to 10 kindergarten classrooms across the three elementary schools. Current capacity for extended day kindergarten instruction across the three elementary buildings is eight classrooms.

Rationale:

Adding two temporary classrooms at Crow Island School for the next three school years (2016 - 2019) allows for space relief and greater flexibility while the extra section of students (currently in 1st grade) are attending Crow Island School. There will be more space to meet with children requiring small group instruction. The use of shared instructional space will also be minimized due to the extra temporary classrooms. These classrooms would be installed in summer of 2016.

The second two classroom unit may be installed if an extended day Kindergarten program is approved for implementation for the 2017-2018 school year unless other alternatives are considered. The School Board is expected to vote on this topic in May 2016. These classrooms would not be installed until summer of 2017.

The addition of temporary classrooms also allows the The Winnetka Public School District time to monitor enrollment patterns across the three elementary schools and to study options for boundary shifts to better balance enrollment across our three K-4 buildings. This sort of study requires extensive input from our community and strategic planning for communication and decision-making. If enrollment projections prove low, it will also afford us time to consider construction needs and planning, if necessary. In summary, by 2019, the District will have a long-term plan to address the enrollment patterns and building capacity at our five schools. The temporary classroom space use for up to the next four years provides us with the necessary time to thoughtfully plan our course of action with community input and intensive study. It is also possible that the situation may self-correct and the school could resume operations within its existing structure.

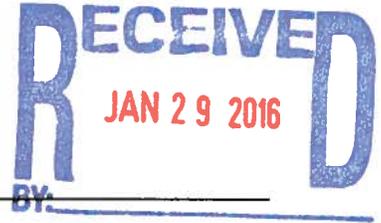
## Attachment 2

Compliance with the standards for granting a Special Use Permit is addressed as follows:

1. The modular unit will be installed and maintained in compliance with the requirements of the Illinois School Code governing the education and safety of children and in accordance with applicable Village ordinances and codes.
2. The modular unit is being positioned in a location that is furthest removed from residential property and is adjacent to a wooded area. Landscaping will be added around other sides of the unit.
3. The positioning of the modular unit does not create an impediment to other development. A large amount of open District land remains between the unit and residential development.
4. The positioning of the modular unit does not impact pedestrian and vehicle traffic.
5. Utilities and other connectivity to the building and safety features will be added in accordance with the Illinois School Code and applicable local ordinances and codes. Access roads and drainage will be maintained.
6. Installation and operation of the modular units will confirm with the requirements of the Illinois School Code and applicable Village ordinances and codes.

CASE NO. 16-05-SU

APPLICATION FOR VARIATION  
WINNETKA ZONING BOARD OF APPEALS



**Owner Information:**

Name: Winnetka School District 36  
Property Address: Crow Island School, 1112 Willow Road, Winnetka, IL  
Home and Work Telephone Number: 847-446-9400  
E-mail: gregkurr@winnetka36.org

**Architect Information: Name, Address, Telephone, E-mail:**

GreenAssociates Inc.  
111 Deerlake Road, Suite 135, Deerfield, IL 60015 847-317-0852  
cdpugh@greenassociates.com

**Attorney Information: Name, Address, Telephone, E-mail:**  
Hodges Loizzi

3030 Salt Creek Lane, #202, Arlington Heights, IL 60005 847-670-9000

Date Property Acquired by Owner: Unknown

Nature of Any Restrictions on Property: \_\_\_\_\_

Explanation of Variation Requested: \_\_\_\_\_  
(Attach separate sheet if necessary)

The school district requests use of temporary modular classrooms southwest of the existing school. The units will be 10' from the side property line with the adjacent Park District property.

see attachment 1

**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 a Hachment 2*

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:

1/29/16

(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.**

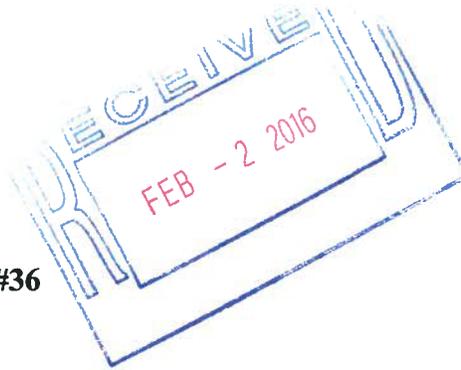
## Attachment 2

Considerations of the Standards for Granting of Zoning Variations as they may apply to the installation of modular units at Crow Island School are as follows:

1. The cost of new and permanent construction is prohibitive and not justified for the current needs of the District.
2. The need for the installation of modular units is driven primarily by a larger than normal 1<sup>st</sup> grade enrollment that is causing space constraints on the school. In addition, it is possible that two of the additional classrooms will be needed for the initial implementation of an extended day Kindergarten program.
3. The modular unit is being positioned in a location that is furthest from residential property and is adjacent to a wooded area. Landscaping will be added around other sides of the unit.
4. The modular unit is being positioned in a location that is furthest from residential property and is adjacent to a wooded area. Landscaping will be added around other sides of the unit.
5. The modular unit will be installed and maintained in compliance with the requirements of the Illinois School Code governing the education and safety of children and in accordance with applicable Village ordinances and codes.
6. The modular unit is being positioned in a location that is furthest from residential property and is adjacent to a wooded area. Landscaping will be added around other sides of the unit.
7. The positioning of the modular unit does not impact pedestrian and vehicle traffic.
8. The modular unit will be installed and maintained in compliance with the requirements of the Illinois School Code governing the education and safety of children and in accordance with applicable Village ordinances and codes.



February 2, 2016



**Winnetka School District #36**  
**Attn: Greg Kurr. CFO**  
**1235 Oak Street**  
**Winnetka, IL 60093**

Dear Greg:

This letter is a follow up to your letter dated January 12 in which your agency expressed an interest in a 50 month land use agreement with the Winnetka Park District. Specifically, your proposal seeks to place temporary classrooms at Crow Island School. The location and footprint of the classrooms would encroach upon the east property line of Crow Island Woods Park. On January 21, the Park Board reviewed the proposal and unanimously approved and supports the shared use of park land. The Park Board directed staff to develop a lease agreement for the above stated timeframe and return it to them for final signature.

Going forward, please accept this letter as our documented support for your initiative in any formal review or permitting process your agency will be engaged in. This support and approval will also be memorialized in the official minutes of the January 21, 2016 business meeting of the Park Board.

Please contact me directly at (847) 501-2070 should you need any further information or have any questions.

Sincerely,



Robert Smith  
Executive Director

cc Project file.



540 Hibbard Road, Winnetka, IL 60093  
[www.winpark.org](http://www.winpark.org)

(847) 501-2040  
Fax: (847) 501-5779



Crow Island School

### Design and Finishes

The two modular classroom units are prefabricated rectilinear one-story buildings similar in height and proportion to the adjacent classroom wing. The units will provide much needed instructional space on a temporary basis for the school.

The exterior finish of the modular units is vertical Hardiepanel fiber cement boards which will be painted to match the brick tone of the existing building. The units will be extensively landscaped in keeping with the natural setting of the school and adjacent parkland which will serve to blend their appearance into the surroundings. All existing trees will be maintained.

The roof is a single-ply membrane with flat low slope, pitched towards the long walls with gutters and downspouts.

The six exterior doors will be painted brown to match the south exit doors on the school.

Existing site lighting near the proposed location of the classrooms consists of three pole mounted fixtures, soffit lights at exit doors, and building mounted lights on nearby classroom walls. New small lighting fixtures will be located at each of six doors and on the underside of the covered walkway.

### Covered Walkway and sidewalks

A metal noncombustible covered canopy will be installed to provide protection from the weather for students walking between the school and the modular classrooms. The metal finish will approximate the existing metal fascia color on the classroom wing.

Existing asphalt will be utilized as possible for access to and from the units. Where needed, new sidewalks will be added.



Location of proposed modular classrooms, southwest side of the school



Crow Island School  
Modular Classroom Submission

Existing Site Photographs  
(Reference site plan for locations)



Photo 1, looking west



Photo 2, looking west



Photo 3, looking north toward southwest classroom wing with entry doors



Photo 4, looking south



Photo 5, looking east



Photo 6, east from the Park District shelter

## Manufacturer sample information

**By Industry Solutions**

- > COMMERCIAL
- > CONSTRUCTION
- > **EDUCATION**
- > GOVERNMENT
- > HEALTHCARE
- > INDUSTRIAL/ENERGY
- > SPORTS AND ENTERTAINMENT
- > FRANCHISE AND RETAIL

**TESTIMONIAL**

**TEMPORARY EDUCATION BUILDINGS**

ModSpace can add buildings almost anywhere on your campus in half the time of traditional building, and without distracting students.

Temporary school buildings are ideal for schools in search of an immediate or short-term solution due to increasing enrollments, scheduled construction or rebuilding after a disaster.

### Portable classrooms can be:

- > Ready in weeks, not months
- > Placed almost anywhere on your campus
- > Configured to your precise specifications
- > Delivered from our nationwide inventory

Modular classrooms are also easily relocated within your district to meet changing needs.



**PLAT OF SURVEY**  
 OF



THAT PART OF VACATED GLENDALE AVENUE AND OF THE EAST 13.00 FEET OF LOTS 37 TO 47, INCLUSIVE, IN BLOCK 1 IN VERNAMO, BEING A SUBDIVISION OF THE NORTHWEST 1/4 OF THE SECTION 19, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN AND THE EAST 1/4 OF THE NORTHWEST 1/4 OF THE SECTION 19, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 30, 1891 AS DOCUMENT NUMBER 1560706, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SECTION 19, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING THE NORTHWEST CORNER THEREOF; THENCE SOUTH ALONG SAID EAST LINE, 250.00 FEET; THENCE WEST AT RIGHT ANGLES TO SAID EAST LINE, 46.00 FEET; THENCE NORTH PARALLEL WITH THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SECTION 19, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 2, 1926 AS DOCUMENT NUMBER 9327144, IN COOK COUNTY, ILLINOIS.

---TOGETHER WITH---

LOTS 48 TO 70, BOTH INCLUSIVE AND THE EAST 17.0 FEET OF VACATED GLENDALE AVENUE, LYING WEST OF AND ADJOINING LOTS 61 TO 70, BOTH INCLUSIVE, IN ALLES' SUNSET SUBDIVISION OF THE NORTHWEST 1/4 OF THE SECTION 20, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 2, 1926 AS DOCUMENT NUMBER 9327144, IN COOK COUNTY, ILLINOIS.

NOTE:  
 LEGAL DESCRIPTION AS STATED ABOVE IS A COMPOSITE OF THE LEGAL DESCRIPTION, OR PARTS OF LEGAL DESCRIPTION AS SHOWN ON PLATS OF SURVEY BY OTHERS. DEEDS HAVE NOT BEEN PROVIDED TO THIS SURVEYOR FOR THE BENEFIT OF THIS BOUNDARY AND PLAT OF SURVEY.

- LEGEND**
- ACU = AIR CONDITIONING UNIT
  - BOL = BOLLARD
  - CLF = CHAIN-LINK FENCE
  - CN = CROSS NOTCH
  - CONC = CONCRETE
  - DI = DUCTILE IRON
  - DU = DESTINATION UNKNOWN
  - ELEC = ELECTRIC
  - F/F = FINISHED FLOOR
  - HH = HAND HOLE
  - HR = HAND RAIL
  - I = INVERT
  - IP = IRON PIPE
  - LSP = LANDSCAPE PERIMETER
  - M = MEASURED
  - METAL = METAL
  - OHW = OVERHEAD WIRES
  - PST = POST
  - PVC = POLYVINYL CHLORIDE PIPE
  - R = RECORD
  - RM = REINFORCED CONCRETE PIPE
  - RCP = REINFORCED CONCRETE PIPE
  - SA = SANITARY
  - SFR = SPLIT RAIL FENCE
  - ST = STORM
  - TMBR = TIMBER
  - TRANS = TRANSFORMER
  - UGW = UNDERGROUND WIRE
  - UP = UTILITY POLE
  - = MANHOLE
  - ⊗ = ROUND OPEN GRATE MANHOLE
  - ⊕ = SQUARE OPEN GRATE MANHOLE
  - ⊖ = VALVE VAULT
  - ⊞ = BOX
  - ⊟ = SIAMSE WATER CONNECTION
  - ⊠ = IRRIGATION CONTROL VALVE
  - ⊡ = CLAY WIRE
  - ⊢ = LIGHT ON POST
  - ⊣ = LIGHT ON MAST
  - ⊤ = SIGN WITH SIGN NOTE NUMBER
  - ⊥ = SIGN WITH SIGN NOTE NUMBER
  - ⊦ = BROADLEAF VARIETY WITH TRUNK DIAMETER IN INCHES
  - ⊧ = EVERGREEN VARIETY WITH UMBRELLA WIDTH IN FEET
  - ⊨ = ORANGE PIN FLAG
  - ⊩ = ELECTRIC PIN FLAG
  - ⊪ = 88-0 CONCRETE CURBING
  - ⊫ = 88-12 CONCRETE CURBING
  - ⊬ = DEPRESSED CURBING
  - ⊭ = CONCRETE
  - ⊮ = BRICK

- SIGN NOTES:**
1. NO PARKING SIGN
  2. CROSSWALK AHEAD SIGN
  3. STREET SIGN
  4. STOP SIGN FACES WEST AND NO PARKING SIGN FACES EAST
  5. STOP SIGN
  6. NO LEFT TURN SIGN
  7. "SCHOOL SPEED LIMIT 20"
  8. RESERVED SIGN
  9. HANDICAPPED PARKING SIGN
  10. "DO NOT ENTER"
  11. "NO OUTLET"

NOTE A:  
 UNABLE TO DETERMINE PIPE SIZE AND TYPE DUE TO RESURFACING OF INTERIOR OF MANHOLE, PIPE NOT VISIBLE.

UTILITY INFORMATION SHOWN IS BASED ONLY ON VISIBLE SURFACE EVIDENCE AND INFORMATION SUPPLIED BY OTHERS.

BUILDING MEASUREMENTS AND PROPERTY LINE TIES, AS SHOWN HEREON ARE REFERENCED TO OUTSIDE OF CONCRETE FOUNDATION WALLS.  
 FENCE TIES ARE REFERENCED TO CENTER OF FENCE POST.  
 NO DIMENSIONS TO BE ASSUMED FROM SCALING

EASEMENTS AND BUILDING LINES AS SHOWN HEREON (OR THE VACATION OF THE SAME) ARE DERIVED FROM RECORD PLATS OF SUBDIVISION AND OTHER PUBLIC DOCUMENTS MADE AVAILABLE TO THIS SURVEYOR. ADDITIONAL EASEMENTS, BUILDING SETBACKS AND OTHER RESTRICTIONS MAY EXIST OVER THE SUBJECT PROPERTY AND WOULD BE IDENTIFIED BY A TITLE SEARCH. ZONING DISTRICT HAS NOT BEEN DETERMINED. FOR CURRENT ZONING RESTRICTIONS CONTACT LOCAL MUNICIPALITY.

COMPARE YOUR LEGAL DESCRIPTION AND BOUNDARY MONUMENTATION WITH THIS PLAT AND AT ONCE REPORT ANY DISCREPANCIES WHICH YOU MAY FIND.

**PROJECT BENCHMARK:**  
 NGS MONUMENT LAK137.1A (A22875), MONUMENT DESCRIBED AS LOCATED APPROXIMATELY 3.4 MI NORTHWEST OF LAKE BLUFF, 4.5 MI NORTHEAST OF LIBERTYVILLE IN SECTION 9, T46N, R12E. TO REACH FROM THE JUNCTION OF IL RT 43 AND IL RT 137, PROCEED EAST ON IL RT 137 0.2 MI TO THE STATION LOCATED IN GRASS MEADOW 35 FT SOUTH OF THE CENTERLINE OF IL RT 137 WESTBOUND. STATION IS 133 FT SOUTHWEST OF 24 IN ELM TREE, 83.8 FT SOUTHWEST OF MANHOLE, 58.3 FT SOUTHWEST OF INLET, 12 FT NORTH OF INLET, 85.2 FT NORTH OF POWERPOLE, 85 FT EAST OF EDGE OF CONCRETE MEDIAN AND 2.0 FT WEST OF AN ORANGE FIBERGLASS WITNESS POST. NOTE - ACCESS TO DATUM POINT THROUGH 6 INCH LOGO CAP. DATUM POINT IS 0.35 FT BELOW CAP.  
 ELEVATION = 707.81 NAVD 88 DATUM

**SITE BENCHMARK:**  
 NORTHEAST HEADBOLT OF A FIRE HYDRANT LOCATED ON THE NORTH SIDE OF MT. PLEASANT STREET NEAR THE SOUTHWEST CORNER OF THE SITE.  
 ELEVATION = 627.07 NAVD 88 DATUM

A J.U.L.I.E. LOCATE FOR THIS SITE WAS REQUESTED AND ASSIGNED DIG #3130519. UNDERGROUND UTILITIES WITH THE EXCEPTION OF MUNICIPAL STORM SEWER, SANITARY SEWER AND WATERMAIN HAVE BEEN MARKED BY J.U.L.I.E. REPRESENTATIVES. SAID MARKINGS WERE FIELD LOCATED AND THIS PLAT/MAP INTENDS TO SHOW ONLY THOSE UNDERGROUND UTILITIES THAT HAVE BEEN MARKED BY J.U.L.I.E. ADDITIONAL UNDERGROUND UTILITIES MAY EXIST THAT DO NOT FALL UNDER THE JURISDICTION OF J.U.L.I.E. OR UTILITIES MAY BE PRESENT THAT WERE NOT MARKED PRIOR TO DATE OF FIELD SURVEY. CALL J.U.L.I.E. 1-800-892-0123 PRIOR TO DIGGING, OR FOR ADDITIONAL INFORMATION, MEMBER COMPANIES PER J.U.L.I.E.:  
 AT&T DISTRIBUTION  
 COMCAST  
 METRO WTR REC DIST OF GRTR CHICAGO  
 NORTH SHORE GAS COMPANY  
 USIC LOCATING SERVICES  
 VILLAGE OF WINNETKA

NOTE B1:  
 POINT ON THE EAST LINE OF THE NORTHWEST 1/4 OF THE SECTION 20-42-13, 222.33' SOUTH OF THE NORTHEAST CORNER.

NOTE:  
 TFW SURVEYING & MAPPING, INC. HAS BEEN COMMISSIONED TO PERFORM A BOUNDARY SURVEY OF ONLY THAT REAL ESTATE AS LEGALLY DESCRIBED ABOVE. ALL DATA AS SHOWN HEREON, BUT LYING BEYOND THE BOUNDARY LIMITS AS LEGALLY DESCRIBED ABOVE, INCLUDING (BUT NOT LIMITED TO) LOT LINES, EASEMENTS AND SETBACK LINES IS UNOFFICIAL AND INCOMPLETE AND IS SHOWN FOR INFORMATIONAL PURPOSES ONLY. THIS SURVEY DOES NOT INTEND TO VERIFY OR SUBstantiate EASEMENTS OR BUILDING LINES (OR THE VACATION OF SAME) ON ADJOINING PROPERTIES (UNLESS OTHERWISE SPECIFICALLY REFERENCED IN A TITLE COMMITMENT AS BEING BENEFICIAL TO OR AN ENCUMBRANCE ON THE PROPERTY AS LEGALLY DESCRIBED ABOVE) REFER TO A PLAT OF SURVEY BY OTHERS AND / OR SEE PUBLIC RECORD DOCUMENTS FOR COMPLETE DETAILS PERTINENT TO ALL ADJOINING PROPERTIES.

STATE OF ILLINOIS  
 COUNTY OF LAKE

I, THOMAS F. WASHLEW, ILLINOIS PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS DESCRIBED ABOVE AND THAT THE PLAT HEREON DRAWN IS A REPRESENTATION OF SAID SURVEY. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

CHARTERED AT GRAYSLAKE, ILLINOIS THIS 17TH DAY OF DECEMBER, 2015.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2915  
 LICENSE EXPIRES NOVEMBER 30, 2016

THOMAS F. WASHLEW

TOTAL AREA OF TRACT SURVEYED =  
 239,872 SQUARE FEET OR 5.5067 ACRES

# CROW ISLAND SCHOOL MODULAR CLASSROOMS

1112 WILLOW ROAD  
WINNETKA, ILLINOIS 60093

**WINNETKA SCHOOL DISTRICT 36**  
1235 OAK STREET  
WINNETKA, ILLINOIS 60093

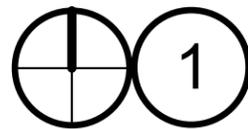
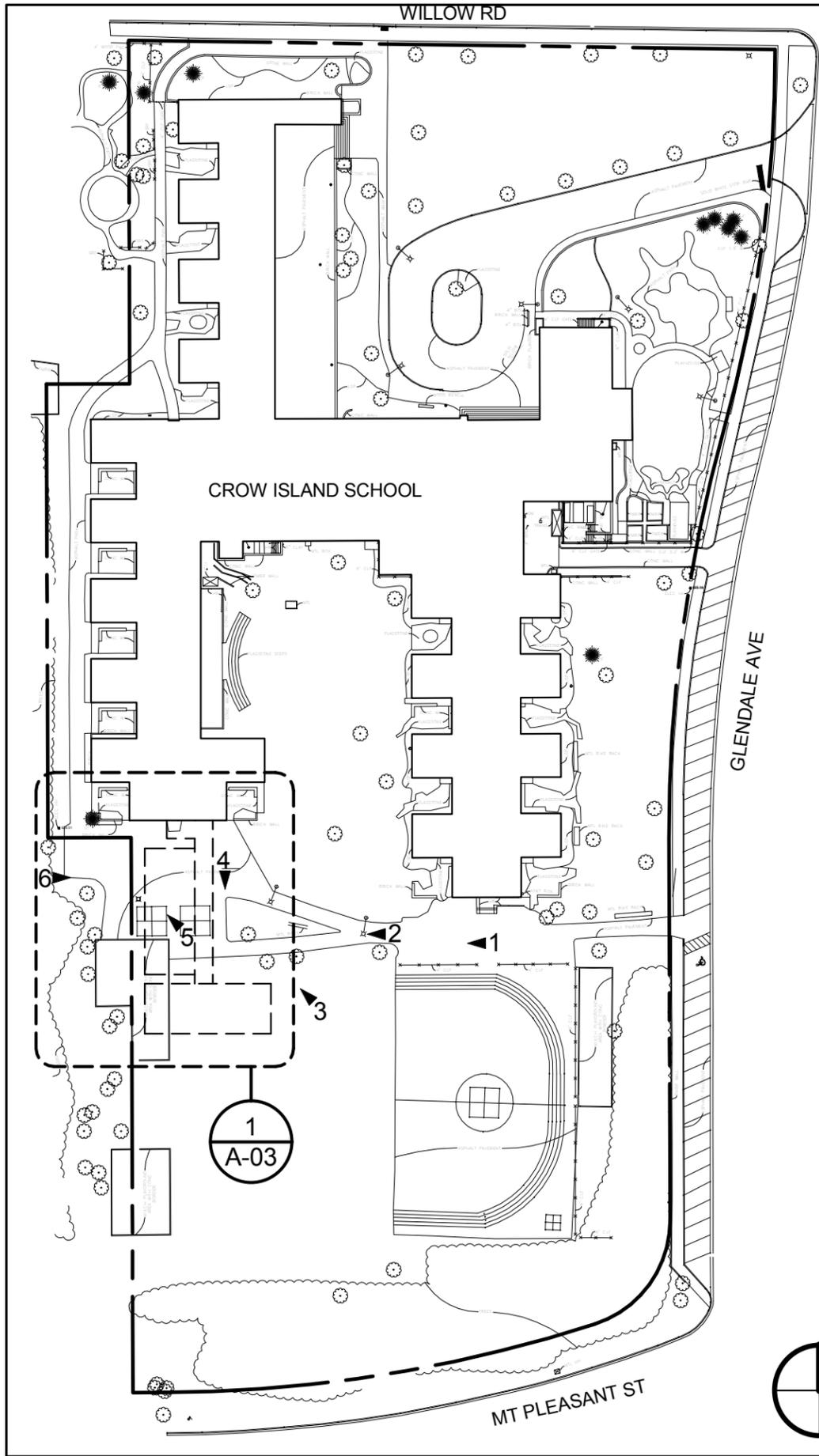
INDEX OF DRAWINGS	
REFERENCE DRAWINGS	
	PLAT OF SURVEY
ARCHITECTURAL DRAWINGS	
A-01	OVERALL SITE PLAN
A-02	EXISTING SITE PLAN
A-03	PROPOSED SITE PLAN
A-04	LANDSCAPING PLAN
A-05	MODULAR UNIT FLOOR PLAN
A-06	MODULAR UNIT ELEVATIONS
A-07	EAST SITE ELEVATION
A-08	SOUTH SITE ELEVATION
A-09	ROOF AND FLOOR AREAS
A-10	IMPERMEABLE SURFACE AREAS

## SUBMITTAL DRAWINGS

PROJECT NUMBER: 1310-201603  
ISSUE DATE: 29 JAN 2016

**ARCHITECT**  
GREEN | ASSOCIATES  
111 DEER LAKE ROAD SUITE 135  
DEERFIELD, ILLINOIS 60015  
847-317-0852



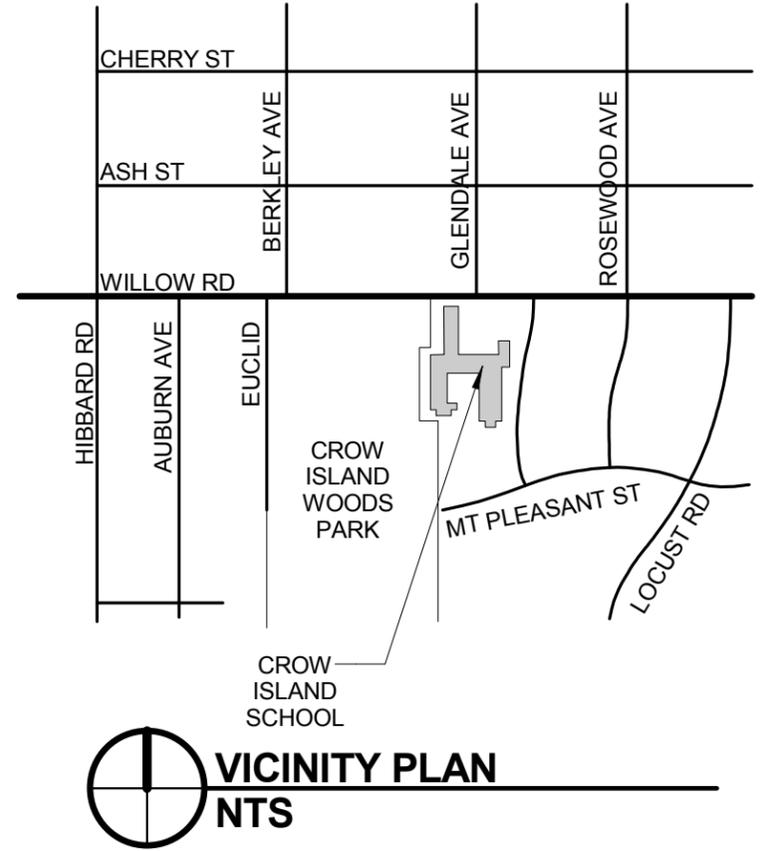


# OVERALL SITE PLAN

1" = 80'-0"



◀ # PHOTOGRAPH LOCATION



## VICINITY PLAN NTS

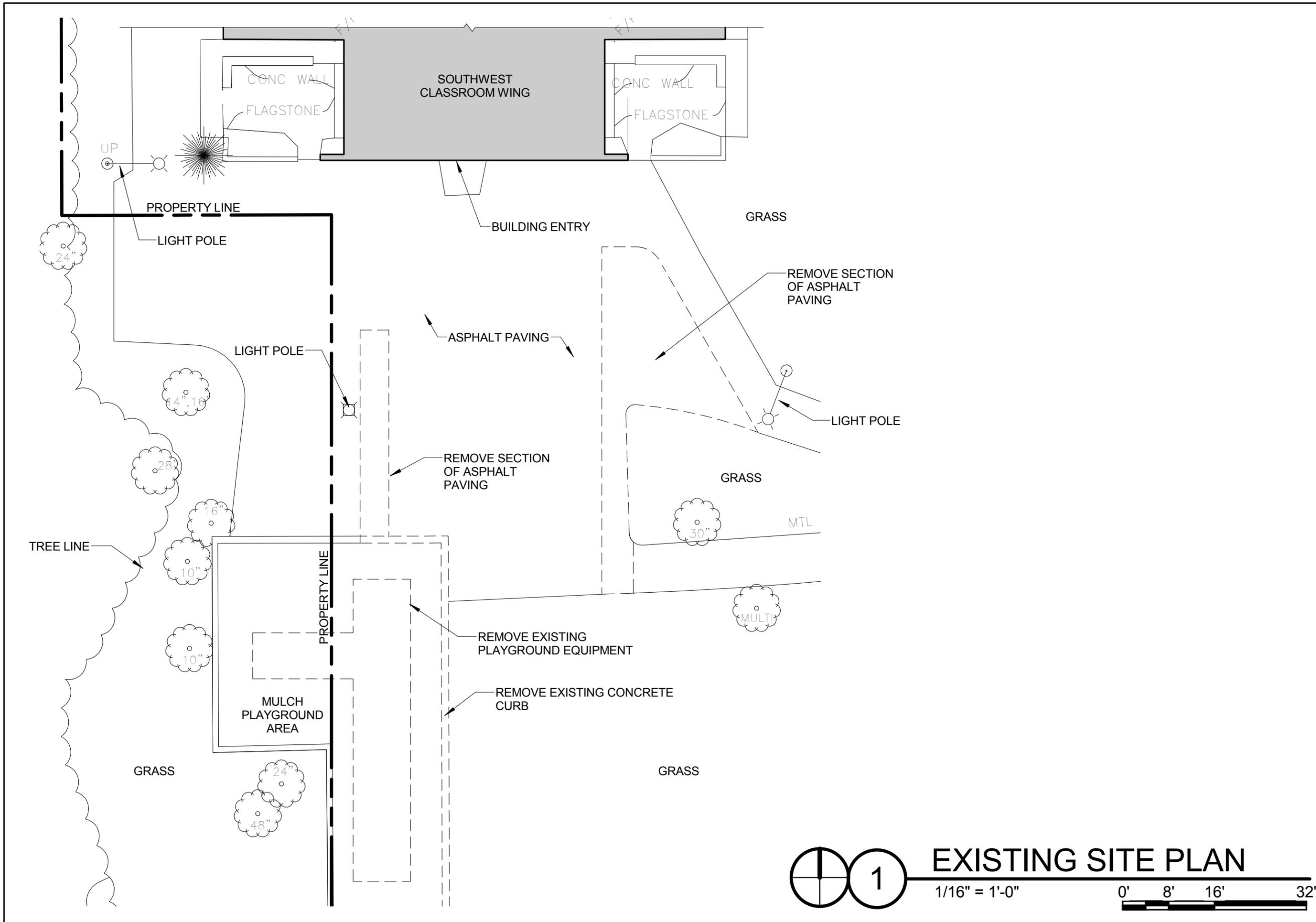
Drawn MD  
Checked CDP  
Issue Date 29 JAN 2016  
Project Number 1310-201603  
Sheet A-01

**CROW ISLAND SCHOOL MODULAR CLASSROOMS**  
WINNETKA SD 36  
1112 WILLOW ROAD  
WINNETKA, ILLINOIS 60093

**GREEN ASSOCIATES**  
ARCHITECTURE  
CONSTRUCTION SERVICES

111 Deertake Road, Suite 135  
Deerfield, Illinois 60015  
Telephone 847-317-0852  
Facsimile 847-317-0899

**OVERALL SITE PLAN**



**EXISTING SITE PLAN**

1/16" = 1'-0"

0' 8' 16' 32'

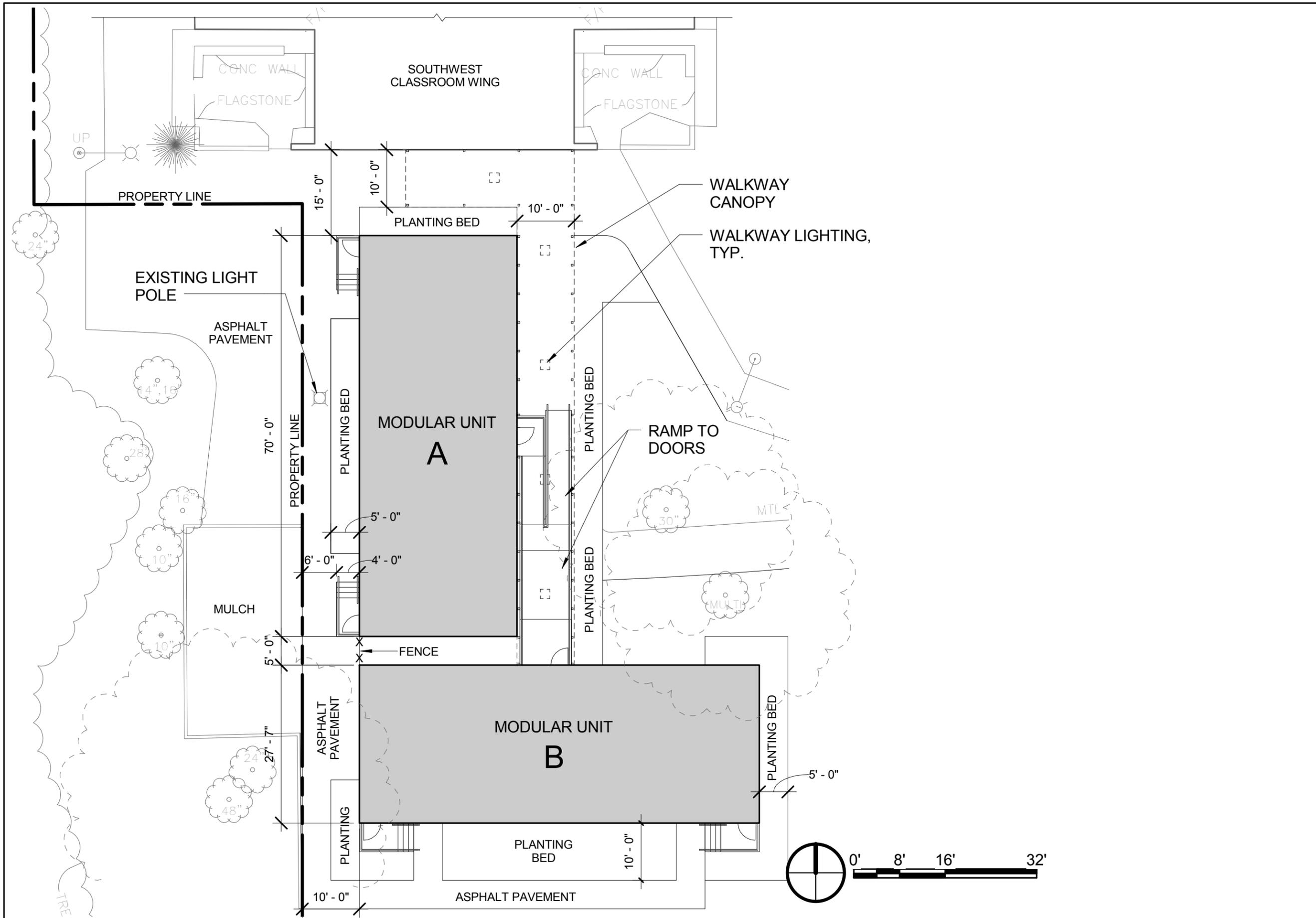
Drawn MD  
 Checked CDP  
 Issue Date 29 JAN 2016  
 Project Number 1310-201603  
 Sheet A-02

**CROW ISLAND SCHOOL MODULAR CLASSROOMS**  
 WINNETKA SD 36  
 1112 WILLOW ROAD  
 WINNETKA, ILLINOIS 60093

**EXISTING SITE PLAN**

**GREEN ASSOCIATES**  
 ARCHITECTURE  
 CONSTRUCTION SERVICES

111 Deertake Road, Suite 135  
 Deerfield, Illinois 60015  
 Telephone 847-317-0852  
 Facsimile 847-317-0899



Drawn MD  
 Checked CDP  
 Issue Date 09 FEB 2016  
 Project Number 1310-201603  
 Sheet A-03

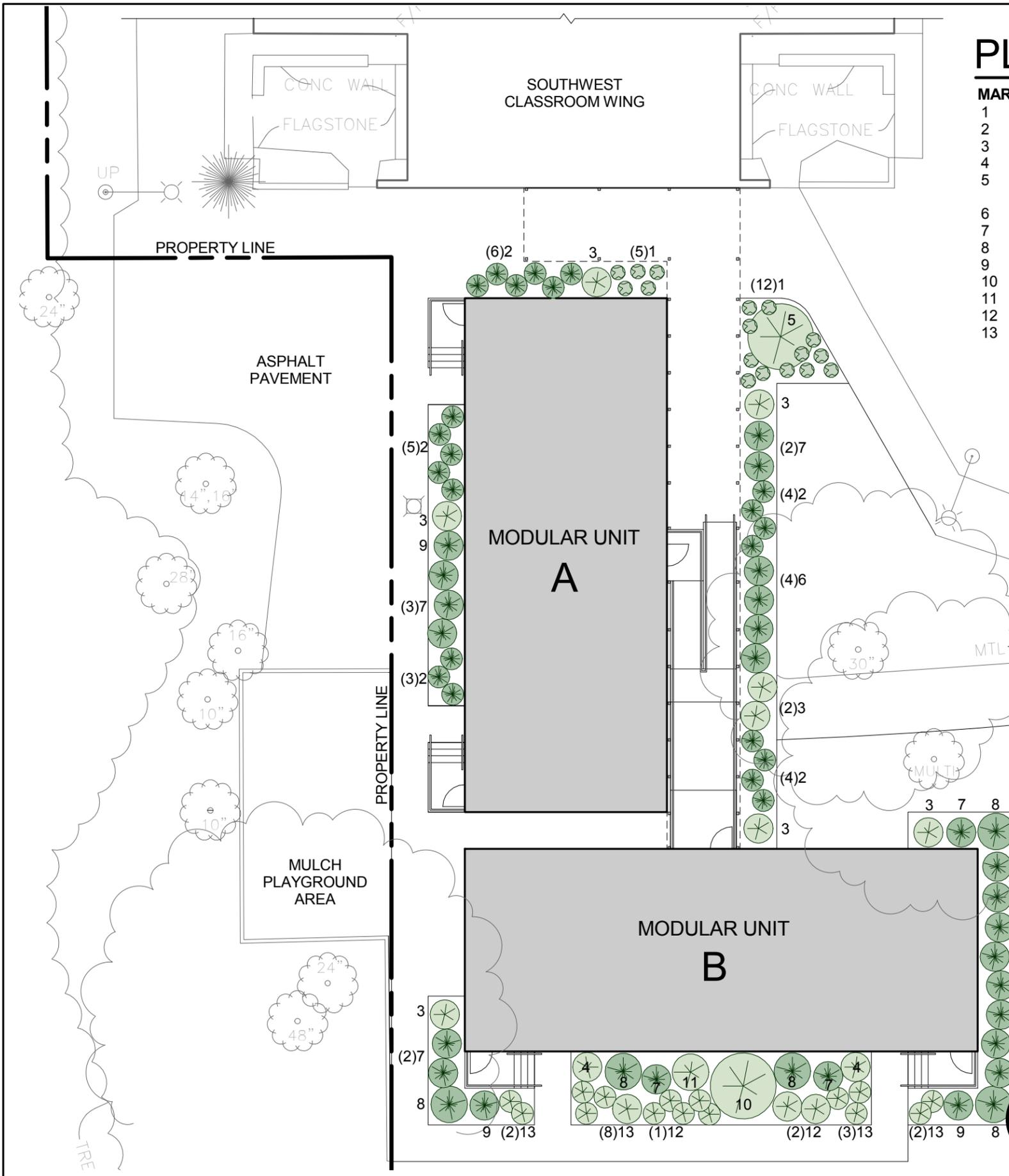
**CROW ISLAND SCHOOL MODULAR CLASSROOMS**

WINNETKA SD 36  
 1112 WILLOW ROAD  
 WINNETKA, ILLINOIS 60093

**PROPOSED SITE PLAN**

**GREEN ASSOCIATES**  
 ARCHITECTURE  
 CONSTRUCTION SERVICES

111 Deertake Road, Suite 135  
 Deerfield, Illinois 60015  
 Telephone 847-317-0852  
 Facsimile 847-317-0899



# PLANTING SCHEDULE

MARK	COMMON NAME	NAME	SIZE
1	WINTERGLOW BERGENIA	BERGENIA CORDIFOLIA 'WINTERGLUT'	
2	LONGLEAF MAHONIA	MAHONIA NERVOSA	1'
3	FIRE AND ICE PANICLE HYDRANGEA	HYDRANGEA PANICULATA 'WIM'S RED'	3'
4	TARDIVA HYDRANGEA	HYDRANGEA PANICULATA 'TARDIVA'	4'
5	AUTUMN BRILLIANCE APPLE	AMELANCHIER X GRANDIFLORA	8'
	SERVICEBERRY	'AUTUMN BRILLIANCE'	
6	CHICAGOLAND GREEN BOXWOOD	BUXUS x 'GLENCOE'	3'
7	EMERALD GREEN ARBORVITAE	THUJA OCCIDENTALIS 'SMARAGD'	8'
8	PYRAMIDAL ARBORVITAE	THUJA OCCIDENTALIS 'PYRAMIDALIS'	10'
9	TECHNITO ARBORVITAE	THUJA OCCIDENTALIS 'BAILJOHN'	5'
10	VIRGINIA WITCH HAZEL	HAMAMELIS VIRGINIANA	8'
11	SPIKE WINTERHAZEL	CORYLOPSIS SPICATA	4'
12	GRO-LOW FRAGRANT SUMAC	RHUS AROMATICA 'GRO-LOW'	2'
13	ST. JOHN'S WORT	HYPERICUM CALCYCLINUM	1.5'

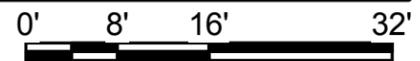
Drawn MD CDP  
 Checked CDP  
 Issue Date 29 JAN 2016  
 Project Number 1310-201603  
 Sheet A-04

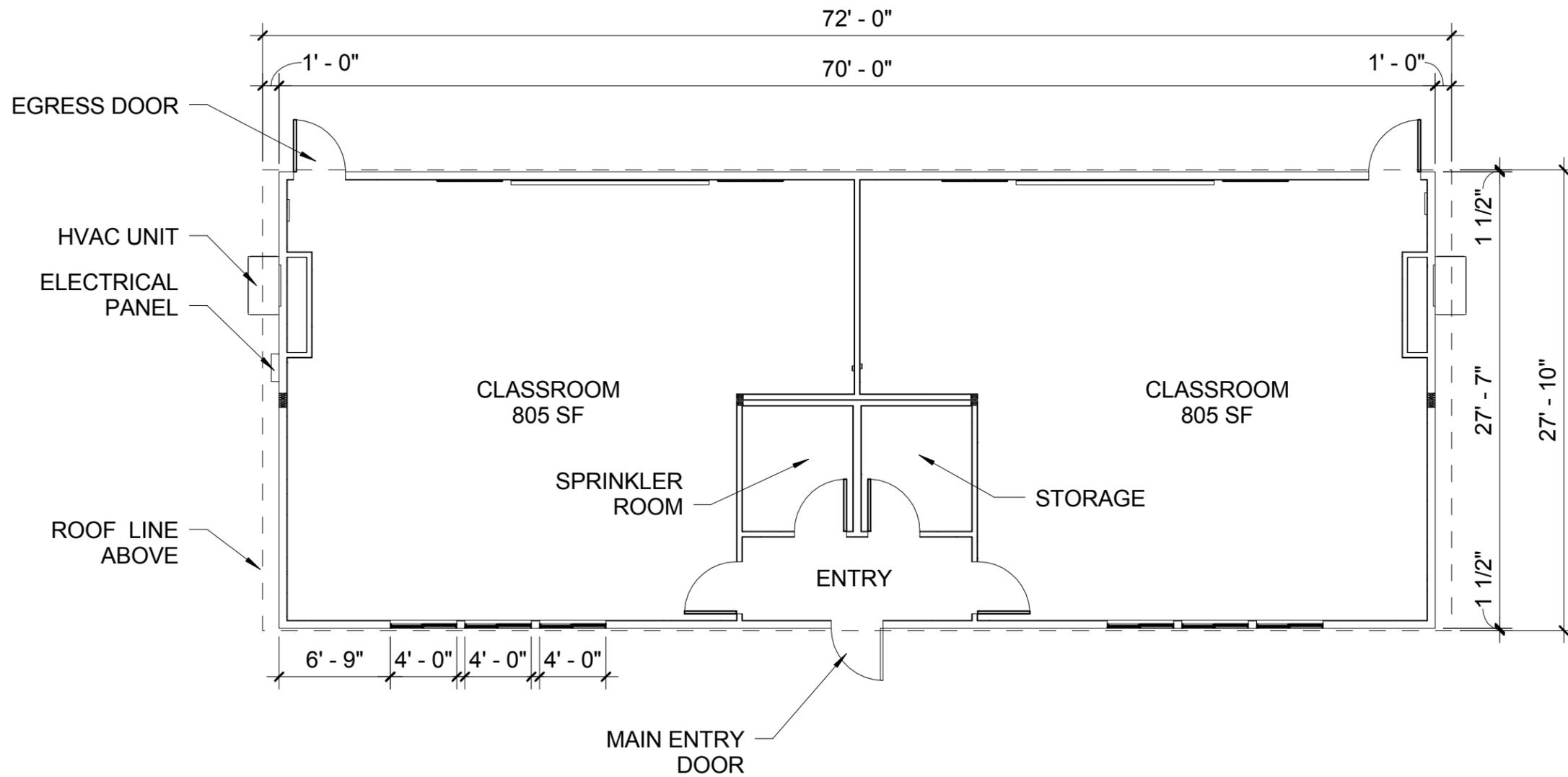
CROW ISLAND SCHOOL MODULAR CLASSROOMS  
 WINNETKA SD 36  
 1112 WILLOW ROAD  
 WINNETKA, ILLINOIS 60093  
 LANDSCAPING PLAN

**GREEN ASSOCIATES**  
 ARCHITECTURE  
 CONSTRUCTION SERVICES  
 111 Deertake Road, Suite 135  
 Deerfield, Illinois 60015  
 Telephone 847-317-0852  
 Facsimile 847-317-0899

## LANDSCAPING PLAN

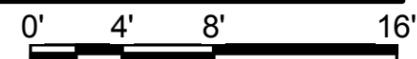
1/16" = 1'-0"





# MODULAR FLOOR PLAN

1/8" = 1'-0"



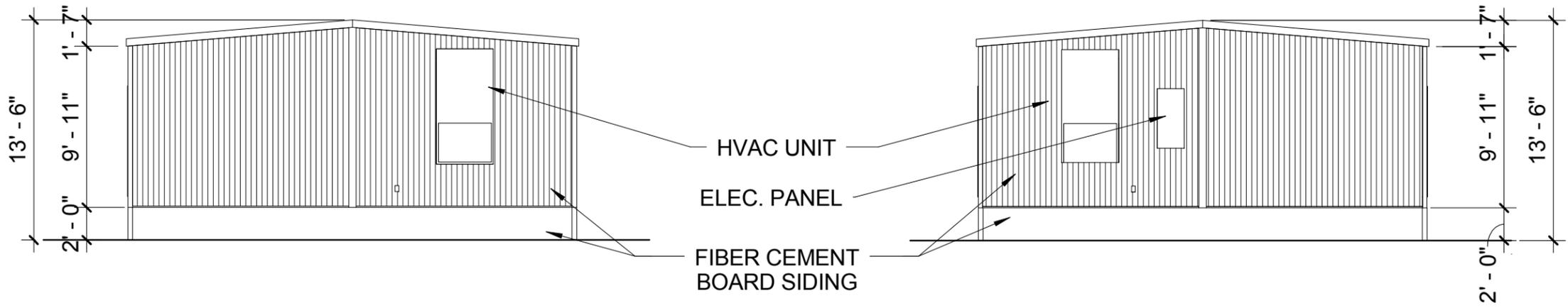
Drawn MD  
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 Issue Date 29 JAN 2016  
 Project Number 1310-201603  
 Sheet A-05

CROW ISLAND SCHOOL MODULAR CLASSROOMS  
 WINNETKA SD 36  
 1112 WILLOW ROAD  
 WINNETKA, ILLINOIS 60093

MODULAR UNIT FLOOR PLAN

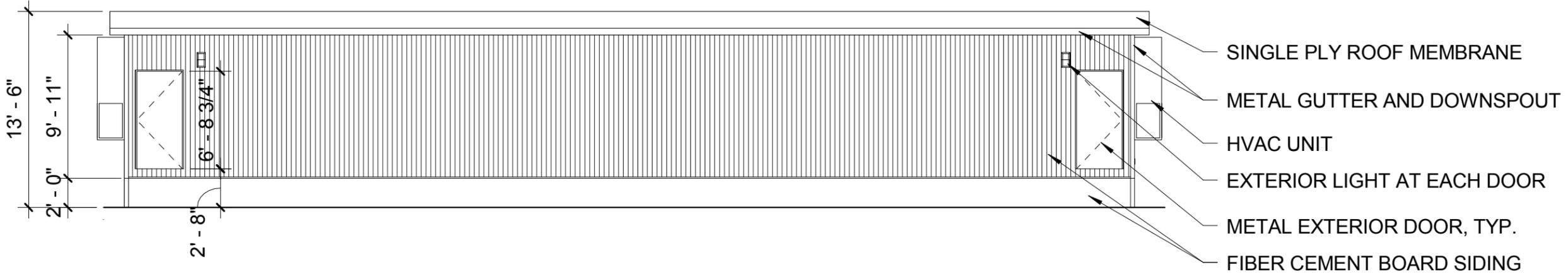
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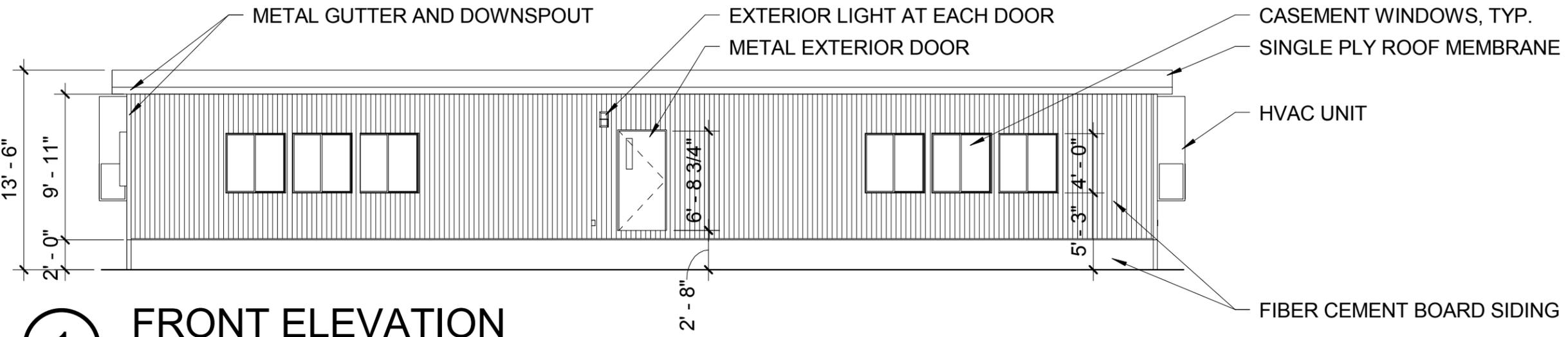


**3 SIDE 1 ELEVATION**  
 1/8" = 1'-0"

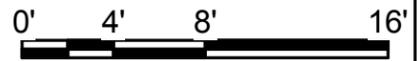
**4 SIDE 2 ELEVATION**  
 1/8" = 1'-0"



**2 REAR ELEVATION**  
 1/8" = 1'-0"



**1 FRONT ELEVATION**  
 1/8" = 1'-0"





1

**EAST ELEVATION**

1" = 10'-0"

Drawn	MD	Checked	CPD
Issue Date	29 JAN 2016	Project Number	1310-201603
Sheet	A-07		

**CROW ISLAND SCHOOL MODULAR CLASSROOMS**  
 WINNETKA SD 36  
 1112 WILLOW ROAD  
 WINNETKA, ILLINOIS 60093

**EAST SITE ELEVATION**

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1

**SOUTH ELEVATION**

1" = 10'-0"

Drawn	MD	Checked	CDP
Issue Date	29 JAN 2016	Project Number	1310-201603
Sheet	A-08		

**CROW ISLAND SCHOOL MODULAR CLASSROOMS**  
 WINNETKA SD 36  
 1112 WILLOW ROAD  
 WINNETKA, ILLINOIS 60093

**SOUTH SITE ELEVATION**

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# ATTACHMENT D

**From:** [Kimberly Brya](#)  
**To:** [Ann Klaassen](#); [Mike Dlouhy](#); [Brian Norkus](#)  
**Cc:** [REDACTED]; [Shannon Pope](#)  
**Subject:** Letter from Glendale resident regarding the Crow Island request for zoning variation  
**Date:** Wednesday, February 24, 2016 1:23:16 PM

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**To: Design Review Board, Planning Commission, Zoning Board and Village Council ( *Thank you for circulating to these boards* )**

**RE: Perspective from the Neighbors on Glendale and Mt. Pleasant for the Crow Island request for zoning variation**

**From: Kimberly and Tom Brya: [REDACTED] Glendale Avenue and neighbors**

Dear Winnetka Design, Planning, Zoning and Village Council boards,

I am writing to you on behalf of my husband Tom and me, as well as several of our neighbors. We are a small community in the Glendale and Mt. Pleasant area and care deeply about our neighborhood, Winnetka and the schools. We are interested in a collaborative solution that solves for the challenges the school is facing space wise and honoring the preservation of our home values, safety and sense of community.

## **Background**

- The Winnetka elementary schools were created to be part of a community and neighborhood. At that time, they were placed so that no child would have to walk more than a mile to school.
- Winnetka has historically, and is currently, a huge supporter of our school system. We have successfully passed every referendum. This is quite the accomplishment given that 75% of Winnetkians do not have children in District 36 schools.
- 98% of the Winnetka schools are funded by our tax base. Only 2% comes from the state.
- Consequently, being respectful neighbors is important for our symbiotic relationship.
- Over the past 20 years, the district has not been in tune with maintaining the Crow Island property.
  - Trees and bushes die and are not replaced. Worse, they sit dead for long periods of time until a neighbor asks for them to be removed.
  - Debris sits for weeks before a neighbor calls to have it picked up.
  - Trash is regularly picked up from our lawns left by children and parents.
  - The secondary pick up location at the back of the school on Glendale has created wear and tear on the "lawn" such that it is a dirt mound.
  - Traffic and parking 8 years ago was so bad that children were in danger and resident access to their own homes was blocked. The neighbors initiated a plan and flow that is in place today and highly

- o effective for all parties. Dr. Julie Pfeffer (Principal) has made this a priority and we all respect and appreciate her for this.
  - o The respect for community and being a good neighbor has been chipped away over time from the vantage point of some of the neighbors. Many of whom have lived here for 30,40 and 50 years.
- Our neighbors on Glendale and Mt. Pleasant have worked to improve their individual property. Homes have been expanded significantly, landscaping done, sprinklers installed, etc.

## Current Situation

- Crow Island (CI) has asked for a zoning variance and special use permit to put one or possibly two trailers on the school property in the SW corner visible to Glendale and Mt. Pleasant.
- The neighbors were not engaged in the exploratory part of this process. We were notified by letter late Friday afternoon of February 5th and told of a meeting with neighbors on Monday February 8th at 12:30.
- Neighbors had much input on February 8th:
  - o Explore and vet alternate locations. A) in the U or center of the school property B) In the NW corner near the first grade playground.
  - o Expand the landscaping concept to include the entire, ignored perimeter of Crow Island to include a mix of evergreen, flowering and substantial trees. Including regular and routine maintenance of this new landscaping.
    - Delightfully, the district has just formed a core committee to work with a landscape architect to create a plan for CI. This will include neighbors.
  - o Pulling apart the "problem we are solving for" to focus on the bubble of first grade (91 students vs. 60 in kindergarten) and the need for more space for small group/special need space will be useful strategically.
    - The full day kindergarten is a separate and important element. If this comes to pass there are solutions for space that could involve use of empty space at other school buildings which would not require the addition of another trailer on the CI campus.
  - o 4 years is a very long time to "study" something, let alone enrollment that we track annually. This feels excessive for a "temporary" solution to a problem that is a bubble in one grade. From a broader perspective, enrollment in Winnetka ebbs and flows at each of the schools. We need to find a solution to this ebb and flow that does not look like trailers each time it occurs.
    - 4+ years does not feel temporary.

We respectfully ask that you consider the following response s to the School Board submission for zoning variation and a special use permit. The standards for granting approval are identified as follows:

**SPECIAL USE: There are 6 hurdles to clear . We have identified the hurdles and our responses.**

*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 committees should consider that this may impact the safety of the public and children. The secondary pick up on Glendale is already crowded. These trailers could cause parents to shift pick up to the back of the school causing even more congestion than exists at this time. Parents talk on cell phones and do not pull over enough to allow traffic to move past them or residents to access their homes.

*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 i mpact property values in the immediate vicinity;*

- "...substantially injurious to the use and enjoyment of other property...": This will cause increased traffic and activity at the back of the school which is already land locked. CI has only 2 streets of access; Willow and Glendale. Shifting traffic to the back of the school in such limited space will cause traffic and safety problems for the residents and the school population.
- "...not substantially diminish or impact property values...": In fact, trailers placed on school property for 4+ years will impact property values, particularly of those that have a direct line of sight (6 of the 11 homes). The deficient nature of the landscaping will exacerbate the situation. The added traffic will also impact values all along Glendale and Mt. Pleasant.

*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;*

- Traffic congestion will impede "...normal and orderly development or improvement..." to our property.
- Residents will be reluctant to make improvements due to the trailers' existence and question as to the future plans for the CI campus.

*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;*

- CI is road challenged. There is n o where to put more traffic. Ingress and egress is impeded as it stands now, particularly during dismissal.

*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*

- Again, CI is road challenged. We are also susceptible to flooding and drainage issues , which adding a solid structure and more hardscape to , could add to the flooding and drainage problems.

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

**REGARDING THE STANDARDS FOR GRANTING ZONING VARIATIONS: There are 8 hurdles. Our responses are below.**

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.*

- *Does not Apply in this instance*

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.*

- This is completely related to the occupants and a short term blip at that. First grade is an aberration at 91 students. Enrollment then drops precipitously (60 in kindergarten) over the next several years.
- This is not a unique situation. CI has had blips in enrollment in the past. The school should be looking at more permanent solutions to these cyclical enrollment variations.

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

- In fact, it will. A temporary trailer made of prefabricated material does not represent the standard of ascetics that we hold dear in Winnetka for residents, schools and businesses. The aesthetics of the trailer should , at minimum , be set up and maintained in a way that is consistent with our Winnetka aesthetic standards as well as a high level of care and maintenance of the buildings and grounds, as we do (and are required to do) , with our individual homes.

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

- Agreed. The alternate solutions also meet this standard.

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

- Agreed. The alternate solutions also meet this standard.

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

- In fact, the taxable value of the land and buildings (homes) will diminish in the

neighborhood. This will also impact the school district from a taxable income standpoint.

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

- The congestion in the public street WILL increase. This will potentially shift traffic from the front of the school to the back which is a narrow and limited space. It will create more traffic and congestion in an area without sidewalks (Mt. Pleasant and Rosewood and Locust) which would be likely exit routes.

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

- We submit that public safety will be impacted as per our notes above.

**NOTE:** The school district attachment 2 to the Zoning Board of Appeals has 3 duplicate responses; #3,4 and 6 are all the same statement.

**OUR INTENTION AND DESIRE IS TO WORK WITH THE SCHOOL DISTRICT TO:**

- Find an appropriate placement of the *one* trailer so it minimizes exposure to the neighborhood and provides close proximity to the school. Honorably vet the two additional options so an appropriate selection can be made.
- Create a landscaping plan, not only to soften the trailer, but to update the landscape architecture of CI that has been sorely neglected and to arrange for a maintenance plan that maintains the beauty of the new soft and hardscape.
- Consider and plan for the implications of a trailer on the school property for 4+ years as it relates to traffic congestion and flow, safety of the children and access by neighbors to their personal property. There will be implications for any trailer in the back of the school. We need a plan for that.
- Preserve and protect the property values, and tax base, of the homes in the CI neighborhood.

We thank you for the opportunity to share our thoughts and ask that you consider the neighborhood perspective in granting approvals for Special Use, Zoning or Design.

Thank you for your time and attention.

Respectfully,

Tom and Kimberly Brya [REDACTED] Glendale Avenue



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Kimberly M. Brya

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