



VILLAGE OF WILMETTE

1200 Wilmette Avenue
WILMETTE, ILLINOIS 60091-0040

(847) 251-2700
FAX (847) 853-7700
TDD (847) 853-7634
EMAIL wilmette@wilmette.com

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILMETTE, ILLINOIS HELD IN THE COUNCIL ROOM OF SAID VILLAGE HALL, 1200 WILMETTE AVENUE, WILMETTE, ILLINOIS ON TUESDAY, FEBRUARY 24, 2009.

Item:

The Village President called the meeting to order at 7:34 p.m.

1.0 ROLL CALL:

President Christopher S. Canning
Trustees Alan Swanson
Lali Watt
John Levin
Mari Terman
Mike Basil
Absent: Karen Spillers

Staff Present: Timothy J. Frenzer, Interim Village Manager/Corporation Counsel
Michael Braiman, Assistant to the Village Manager
Barbara L. Hirsch, Deputy Village Clerk
John Adler, Director of Community Development

2.0 APPROVAL OF MINUTES:

2.1 Trustee Terman moved approval of minutes of the Regular Board meeting held February 10, 2009, seconded by Trustee Watt. All voted aye, the motion carried.

3.0 PETITIONS AND COMMUNICATIONS:

4.0 REPORTS OF OFFICERS:

Interim Village Manager Timothy Frenzer announced that the Village will launch its new website on Thursday, February 26, 2009. Residents will be able to request services and find step by step instruction for all permit processes. He thanked Peter Skiles and Michael Braiman for their work in setting up the new website.

Mr. Frenzer thanked residents and the following staff members for the successful Stormwater Open House that took place at Village Hall on February 12, 2009: Brigitte Mayerhofer, Jorge Cruz, Linda Reilly, Bill Stewart, Scott Hilts, Amy Hellwig, Ray Ames, Donna Jakubowski, Mark Anderson, Bill Bagel, Alex Cease, Michael Braiman and Barb Hirsch. Staff received a great deal of important information from approximately 200 residents to help them focus on problems within the Village.

Mr. Frenzer updated the Village's salt status, noting that staff is hopeful that there will be enough salt to finish out the winter season. The salt allocation for the Village is 835 tons of salt so if the weather cooperates, that should be enough to carry through to the spring weather.

Mr. Frenzer said Election Day for the Village is April 7, 2009. Many people express choices for candidates through campaign signage and he reminded residents to only place signage on private property, signage is not allowed under the Village Code to be placed on public property.

4.1 Consent Agenda. Trustee Levin moved approval of the Consent Agenda as follows:

- 6.11 Minutes, Land Use Committee.
- 6.12 Temporary Use Permit #2009-TU-01 for the St. Joseph's School and Parish 5K Fun Run and Jubilee Jog to be held on May 25, 2009.
- 6.13 ZBA Report, Case #2009-Z-11, 520 Hunter Road regarding a request for variations to permit the replacement of a 6' solid fence in a required side yard adjoining a street in accordance with the plans submitted; adoption of Ordinance #2009-O-20.
- 6.14 ZBA Report, Case #2009-Z-8, 1437 Wilmette Avenue regarding a request for variations to allow a one and two story addition and front stoop and steps to the legal non-conforming home in accordance with the plans submitted; adoption of Ordinance #2009-O-21.
- 6.15 ZBA Report, Case #2009-Z-9, 531 Eighth Street regarding a request for variations to allow an expansion in a non-conforming wall to permit the construction of a new front entry, porch, and steps on a legal non-conforming structure in accordance with the plans submitted; adoption of Ordinance #2009-O-22.

- 6.16 ZBA Report, Case #2009-Z-10, 2904-2908 Old Glenview Road regarding a request for a special use (place of worship), and variations to permit the construction of a new place of worship building in accordance with the plans submitted. The use shall run with the use; adoption of Ordinance #2009-O-23.

- 6.21 Minutes, Finance Committee.
- 6.22 Presentation of the December 31, 2008 Revenue and Expense Report.
- 6.23 Presentation of the December 31, 2008 Cash and Investments Summary.
- 6.24 Presentation of the December 31, 2008 Treasurer's Report of Cash Receipts and Disbursements.
- 6.25 Approval of Resolution #2009-R-11 approving investments as previously authorized in the Illinois Public Treasurer's Investment Pool (IPTIP).

- 6.31 Minutes, Historic Preservation Commission.
- 6.32 Minutes, Historic Preservation Commission.
- 6.33 Minutes, Housing Commission.
- 6.34 Minutes, Business Development Advisory Group.
- 6.35 Minutes, Youth Commission.
- 6.36 Minutes, Transportation Commission.

- 6.41 Approval of extension of contract, United Septic Inc., Bristol, IL for catch basin cleaning.

- 6.61 Minutes, Judiciary Committee.
- 6.62 Introduction of Ordinance #2009-O-19 amending the Wilmette Village Code, Chapter 11 (Liquor Control) to permit the issuance of a new Class A liquor license (restaurant – full service without bar) to NEA Agora, Inc., d/b/a Olive Oil, 1154 Central Avenue, and amending the provisions of Chapter 11 concerning the definition of “restaurant.”

- 8.1 Notice of vacancy, Board of Health.
- 8.2 Notice of vacancy, Housing Commission.
- 8.3 Notice of vacancy, Community Relations Commission.
- 8.4 Notice of vacancy, Board of Health.
- 8.5 Notice of vacancy, Youth Commission.
- 8.6 Notice of vacancy, Fine Arts Commission.
- 8.7 Notice of vacancy, Historic Preservation Commission.
- 8.8 Notice of vacancy, Historic Preservation Commission.
- 8.9 Notice of vacancy, Housing Commission.

- 8.91 Notice of vacancy, Historic Preservation Commission.
- 8.92 Notice of vacancy, Youth Commission.
- 8.93 Notice of vacancy, Commission for Persons with Disabilities.
- 8.94 Reappointment, Appearance Review Commission.

- 8.95 Reappointment, Transportation Commission.
- 8.96 Reappointment, Transportation Commission.
- 8.97 Appointment, Plan Commission.
- 8.98 Appointment, Plan Commission.

- 9.1 Recommendation of appointment, Appearance Review Commission.

Trustee Watt seconded the motion. Voting yes: Trustees Swanson, Watt, Levin, Terman, Basil, and President Canning. Voting no: none. The motion carried.

4.2 Announcement of Ad Hoc Zoning Review Committee.

President Canning announced the members he recommended for the Ad Hoc Zoning Review Committee.

5.0 REPORT OF THE LIQUOR CONTROL COMMISSIONER:

No Report.

6.0 STANDING COMMITTEE REPORTS:

6.1 LAND USE COMMITTEE REPORT:

- 6.11 Presentation of minutes of the Land Use Committee meeting held January 15, 2009 was handled with the Consent Agenda.
- 6.12 Approval of Temporary Use Permit #2009-TU-01 for the St. Joseph's School and Parish 5K Fun Run and Jubilee Jog to be held on May 25, 2009 was handled with the Consent Agenda.
- 6.13 Zoning Board of Appeals Report, Case #2009-Z-11, 520 Hunter Road regarding a request for a 2' fence height and openness variation to permit the replacement of a 6' solid fence in a required side yard adjoining a street in accordance with the plans submitted; adoption of Ordinance #2009-O-20.

The request was handled with the Consent Agenda for a 2' fence height and openness variation to permit the replacement of a 6' solid fence in a required side yard adjoining a street in accordance with the plans submitted. Ordinance #2009-O-20 was adopted with the Consent Agenda, authorizing the variations of this case.

- 6.14 Zoning Board of Appeals Report, Case #2009-Z-8, 1437 Wilmette Avenue regarding a request for a 1.09' front yard setback variation, a 0.27' side yard setback variation, a 0.09' front yard eave setback variation, a 1.09' front yard step setback variation, 2.09' front yard stoop setback variation, and a 27.31 square foot side yard impervious surface coverage variation to allow a one and two story addition and front stoop and steps to the legal non-conforming home in accordance with the plans submitted; adoption of Ordinance #2009-O-21.

The request was handled with the Consent Agenda for a 1.09' front yard setback variation, a 0.27' side yard setback variation, a 0.09' front yard eave setback variation, a 1.09' front yard step setback variation, 2.09' front yard stoop setback variation, and a 27.31 square foot side yard impervious surface coverage variation to allow a one and two story addition and front stoop and steps to the legal non-conforming home in accordance with the plans submitted. Ordinance #2009-O-21 was adopted with the Consent Agenda, authorizing the variations of this case.

- 6.15 Zoning Board of Appeals Report, Case #2009-Z-9, 531 Eighth Street regarding a request for a 6.79' front porch setback variation, a 7.79' front yard porch step setback variation, and a variation to allow an expansion in a non-conforming wall to permit the construction of a new front entry, porch, and steps on a legal non-conforming structure in accordance with the plans submitted; adoption of Ordinance #2009-O-22.

The request was handled with the Consent Agenda for a 6.79' front porch setback variation, a 7.79' front yard porch step setback variation, and a variation to allow an expansion in a non-conforming wall to permit the construction of a new front entry, porch, and steps on a legal non-conforming structure in accordance with the plans submitted. Ordinance #2009-O-22 was adopted with the Consent Agenda, authorizing the variations of this case.

- 6.16 Zoning Board of Appeals Report, Case #2009-Z-10, 2904-2908 Old Glenview Road regarding a request for a special use (place of worship), a 20' minimum side yard setback variation, an 8.58' rear yard setback variation, a 3.91' side yard parking setback variation, a 41 space parking variation, a 663.52 square foot rear yard pavement impervious surface coverage variation, and a 172.99 square foot total rear yard impervious surface coverage variation on Lot "A" and a special use (place of worship), a 16.5 front yard setback variation, a 20' minimum side yard setback variation, a 4.09' side yard adjoining the street setback variation, a 23.58' rear yard setback variation, a 2,176.97 square foot floor area variation, a 5.09' side yard adjoining the street below grade stair setback variation, a 3.09' side yard adjoining the street eave setback variation, a 3.09' side yard adjoining the street awning setback variation, a 146.6

square foot front yard impervious surface coverage variation, a 454 square foot minimum side yard impervious surface coverage variation, a 399.93 square foot side yard adjoining the street impervious surface coverage variation, and a 103.84 square foot rear yard structure impervious surface coverage variation on Lot 3 to permit the construction of a new place of worship building in accordance with the plans submitted. The use shall run with the use; adoption of Ordinance #2009-O-23.

The request was handled with the Consent Agenda for a special use (place of worship), a 20' minimum side yard setback variation, an 8.58' rear yard setback variation, a 3.91' side yard parking setback variation, a 41 space parking variation, a 663.52 square foot rear yard pavement impervious surface coverage variation, and a 172.99 square foot total rear yard impervious surface coverage variation on Lot "A" and a special use (place of worship), a 16.5 front yard setback variation, a 20' minimum side yard setback variation, a 4.09' side yard adjoining the street setback variation, a 23.58' rear yard setback variation, a 2,176.97 square foot floor area variation, a 5.09' side yard adjoining the street below grade stair setback variation, a 3.09' side yard adjoining the street eave setback variation, a 3.09' side yard adjoining the street awning setback variation, a 146.6 square foot front yard impervious surface coverage variation, a 454 square foot minimum side yard impervious surface coverage variation, a 399.93 square foot side yard adjoining the street impervious surface coverage variation, and a 103.84 square foot rear yard structure impervious surface coverage variation on Lot 3 to permit the construction of a new place of worship building in accordance with the plans submitted. The use shall run with the use. Ordinance #2009-O-23 was adopted with the Consent Agenda, authorizing the special use and variations of this case.

- 6.17 Special Zoning Committee Report, Case #2009-SZC-1, 514 Poplar Avenue regarding a request for the rezoning of 514 Poplar Drive from R2 Townhouse Residences to VC Village Center Business, conditioned on approval of the necessary zoning relief to construct the proposed apartment building.

Trustee Swanson moved to grant a request for the rezoning of 514 Poplar Drive from R2 Townhouse Residences to VC Village Center Business, conditioned on approval of the necessary zoning relief to construct the proposed apartment building, seconded by Trustee Watt.

President Canning noted the request received a negative recommendation from the Land Use Committee.

Mort Balaban, petitioner, reviewed his request noting that he has made changes to the original plans submitted due to suggestions made by the Land Use Committee. He has reduced the height of the building from

four stories to three stories, increased the amount of parking and removed pavement in the back to provide a grass area. He will still need some variations for the proposed development.

President Canning said he believes the issue to be addressed is the rezoning of the property.

Mr. Balaban said he believes there would be no point in rezoning the property if the Village Board was not inclined to grant the variations for the proposed building.

President Canning said he would like to hear comment from the members of the Land Use Committee regarding their decision of the request.

Trustee Swanson reviewed the history of the case as presented in the report. At the hearing for rezoning, there were 19 items that needed to be met for rezoning of the property and he did not believe all the items were met. He said for the development being proposed, he did not see enough compelling reason to change the zoning of the property.

President Canning asked if there was anything in Mr. Balaban's letter that suggests the issue should be revisited by the Land Use Committee.

Trustee Swanson said if the Village is interested in affordable housing, there has to be potential locations for where it can be and the proposed location tends to lend itself to that, given that it is across from the railroad tracks and adjacent to a VC District. He said the change of plans reducing the amount of units is worth discussing.

Trustee Watt said the real question for her is does the Village want the proposed building on the proposed location. She would like to continue to consider the proposed development as the property is not a standard shape and not in a standard location. She said the alternative uses for the property are limited. She would like to remand the case back to the Land Use Committee for further review but would also like Mr. Balaban and the neighbors to discuss the plans.

Trustee Levin agreed with Trustees Swanson and Watt. He has reviewed the revisions to the plan and he does not know if it would work but he would be willing to review the revisions.

Trustee Terman said in any development situation, it is important for the developer and neighbors to discuss the plans. She does have a strong feeling to increase the density on the proposed location as there seems to be a demand for increased rental units. She would be open to further discussion on the issue.

Trustee Basil said he appreciates the applicants flexibility, innovation and creativity as the property is undeniably a problem but there is also the interests of the neighbors as they want their property protected. He is worried about the lack of notice to the neighbors with the revision to the original plans.

Marie Jones, 1058 Linden Avenue, said she lives near the proposed development. She only found out about the revised proposal last week and has only seen a sketch of the revised building. She does not believe the criteria for rezoning has been met and is concerned about setting precedent.

President Canning asked Ms. Jones if she would have a problem with the possibility of remanding the case back to the Land Use Committee for further discussion.

Ms. Jones said that seemed the appropriate thing to do at this time.

Rich Jones, 1058 Linden Avenue, said south of the alley is entirely residential and has been for over 20 years and should be developed consistent to the neighborhood.

Trustee Levin suggested that the next review of the property should be the last review of the property.

Mr. Balaban said he is discouraged as the neighbors only want a single family home or two townhouses on the property. He is proposing a building that is smaller in height than some of the surrounding homes. He is willing to discuss the proposed development again but he does not believe it is feasible to build anything smaller.

President Canning said the request could be voted on this evening or remanded back to the Land Use Committee.

Trustee Swanson moved to remand the case back to the Land Use Committee, seconded by Trustee Watt.

Voting yes: Trustees Swanson, Watt, Levin, Terman, Basil and President Canning. Voting no: none. The motion carried.

6.2 FINANCE COMMITTEE REPORT:

- 6.21 Presentation of minutes of the Finance Committee meeting held January 15, 2009 was handled with the Consent Agenda.

- 6.22 Presentation of the December 31, 2008 Revenue and Expense Report was handled with the Consent Agenda.
 - 6.23 Presentation of the December 31, 2008 Cash and Investments Summary was handled with the Consent Agenda.
 - 6.24 Presentation of the December 31, 2008 Treasurer's Report of Cash Receipts and Disbursements was handled with the Consent Agenda.
 - 6.25 Approval of Resolution #2009-R-11 approving investments as previously authorized in the Illinois Public Treasurer's Investment Pool (IPTIP) was handled with the Consent Agenda.
- 6.3 ADMINISTRATION COMMITTEE REPORT:
- 6.31 Presentation of minutes of the Historic Preservation Commission meeting held December 9, 2008 was handled with the Consent Agenda.
 - 6.32 Presentation of minutes of the Historic Preservation Commission meeting held December 22, 2008 was handled with the Consent Agenda.
 - 6.33 Presentation of minutes of the Housing Commission meeting held December 5, 2008 was handled with the Consent Agenda.
 - 6.34 Presentation of minutes of the Business Development Advisory Group meeting held January 8, 2009 was handled with the Consent Agenda.
 - *6.35 Presentation of minutes of the Youth Commission meeting held January 12, 2009.
 - *6.36 Presentation of minutes of the Transportation Commission meeting held December 12, 2008.
- 6.4 MUNICIPAL SERVICES COMMITTEE REPORT:
- *6.41 Approval of extension of contract in the amount of \$51,943.15 with United Septic Inc., Bristol, IL for catch basin cleaning.
- 6.5 PUBLIC SAFETY COMMITTEE REPORT:
- No Report.
- 6.6 JUDICIARY COMMITTEE REPORT:
- 6.61 Presentation of minutes of the Judiciary Committee meeting held October 23, 2008 was handled with the Consent Agenda.

- 6.62 Introduction of Ordinance #2009-O-19 amending the Wilmette Village Code, Chapter 11 (Liquor Control) to permit the issuance of a new Class A liquor license (restaurant – full service without bar) to NEA Agora, Inc., d/b/a Olive Oil, 1154 Central Avenue, and amending the provisions of Chapter 11 concerning the definition of “restaurant” was handled with the Consent Agenda.

7.0 REPORTS FROM SPECIAL COMMITTEES:

No Reports.

8.0 UNFINISHED BUSINESS:

- 8.1 Notice of vacancy on the Board of Health due to the term expiration of Malcolm Hast was handled with the Consent Agenda.
- 8.2 Notice of vacancy on the Housing Commission due to the term expiration of Marilyn Schaffer was handled with the Consent Agenda.
- 8.3 Notice of vacancy on the Community Relations Commission due to the term expiration of Shahid Siddiqui was handled with the Consent Agenda.
- 8.4 Notice of vacancy on the Board of Health due to the term expiration of Diana Hackbarth was handled with the Consent Agenda.
- 8.5 Notice of vacancy on the Youth Commission due to the term expiration of Melissa Miller was handled with the Consent Agenda.
- 8.6 Notice of vacancy on the Fine Arts Commission due to the term expiration of Peter Yang was handled with the Consent Agenda.
- 8.7 Notice of vacancy on the Historic Preservation Commission due to the term expiration of Martin Jaffe was handled with the Consent Agenda.
- 8.8 Notice of vacancy on the Historic Preservation Commission due to the resignation of Paul Schwab was handled with the Consent Agenda.
- 8.9 Notice of vacancy on the Housing Commission due to the term expiration of John Thomason was handled with the Consent Agenda.
- 8.91 Notice of vacancy on the Historic Preservation Commission due to the term expiration of Peter Gutzmer was handled with the Consent Agenda.
- 8.92 Notice of vacancy on the Youth Commission due to the term expiration of Ann Hughes was handled with the Consent Agenda.

- 8.93 Notice of vacancy on the Commission for Persons with Disabilities due to the resignation of Sally Schiller was handled with the Consent Agenda.
- 8.94 Reappointment of Julie Wolf to the Appearance Review Commission from March 2009 to March 2014 was handled with the Consent Agenda.
- 8.95 Reappointment of Paul Chouinard to the Transportation Commission from March 2009 to March 2013 was handled with the Consent Agenda.
- 8.96 Reappointment of Mark Wagstaff to the Transportation Commission from March 2009 to March 2013 was handled with the Consent Agenda.
- 8.97 Appointment of Richard DeLeo to the Plan Commission from March 2009 to March 2013 was handled with the Consent Agenda.
- 8.98 Appointment of Gary Kohn to the Plan Commission from March 2009 to March 2013 was handled with the Consent Agenda.

9.0 NEW BUSINESS:

- 9.1 Recommendation of appointment of Carrie Woleben-Meade to the Appearance Review Commission from March 2009 to March 2014 was handled with the Consent Agenda.

10.0 ADJOURNMENT:

Trustee Levin moved to adjourn the meeting at 8:18 p.m., seconded by Trustee Watt. All voted aye, the motion carried.

Barbara L. Hirsch
Deputy Village Clerk