



1200 Wilmette Avenue  
Wilmette, Illinois 60091-0040

**MEETING MINUTES**

**ZONING BOARD OF APPEALS**

**WEDNESDAY, JULY 18, 2018**

**7:30 P.M.**

**COUNCIL CHAMBERS**

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**Members Present:** Chairman Patrick Duffy  
Mike Boyer  
John Kolleng  
Christine Norrick  
Reinhard Schneider  
Bob Surman

**Members Absent:** Michael Robke

**Staff Present:** Lisa Roberts, Assistant Director of Community Development

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**I. Call to Order**

Chairman Patrick Duffy called the meeting to order at 7:33 p.m.

**II. 2018-Z-30                    3030 Country Lane**

See the complete case minutes attached to this document.

**III. 2018-Z-32                    2315 Greenwood Avenue**

See the complete case minutes attached to this document.

**IV. 2018-Z-31 221 10<sup>th</sup> Street**

See the complete case minutes attached to this document.

**V. 2017-Z-65 1020 Forest Avenue**

See the complete case minutes attached to this document.

**VI. Approval of the June 6, 2018 Meeting Minutes**

Mr. Schneider moved to approve the June 6, 2018 meeting minutes.

Mr. Surman seconded the motion and the voice vote was all ayes and no nays. Motion carried.

**VII. Approval of the June 20, 2018 Meeting Minutes**

Mr. Schneider moved to approve the June 20, 2018 meeting minutes.

Mr. Kolleng seconded the motion and the voice vote was all ayes and no nays. Motion carried.

**VIII. Public Comment**

There was no public comment.

**IX. Adjournment**

The meeting was adjourned at 12:42 a.m.

Respectfully submitted,

Lisa Roberts  
Assistant Director of Community Development

### **3.0 TESTIMONY, COMMENTS, AND ARGUMENTS ON BEHALF OF THE APPLICANT**

#### **3.1 Persons appearing for the applicant**

3.11 Mr. William Omohundro, applicant

#### **3.2 Summary of presentations**

3.21 Ms. Roberts said that this is a request for a 5.14' side yard air conditioner setback variation to permit the replacement of two air conditioner condensers. The Village Board will hear this case on August 28, 2018.

3.22 The applicant said that the condensers were in the same location for 45 years. He has lived in the house for 23 years. He has never had a complaint about the units. The condensers sit next to the neighbor's garage and there are no windows in the garage.

3.23 Mr. Schneider asked if the neighbor had a condensing unit on his side of the garage.

The applicant said that the neighbor has a condensing unit on his side of the garage.

3.24 Chairman Duffy said that the board gives a lot of latitude with ac units especially in a situation like this when they have been there for a long time and no one complains. The neighbor's units are probably also in the setback area and would have to come to the board for replacements. The applicant has replaced one unit and he is not in immediate need of the second unit, but he is asking for a variance for the replaced unit and the future unit. So the applicant does not have to come before the board again.

3.25 There was no one in the audience to speak on this case. There was no additional communication on this case.

### **5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS**

5.1 Mr. Surman said it is an existing situation. It would be costlier if the applicant had to move the units. There is no better location for the units. He can support the request.

5.2 Mr. Boyer said all standards of review are met. It is straight-forward, and he can support this.

5.3 Chairman Duffy said talked about the way that the house is sited on the lot and the proposal makes a lot of sense. He can support this request.

**6.0 DECISION**

6.1 Mr. Surman moved to recommend granting a request for a 5.14’ side yard air conditioner setback variation to permit the replacement of two air conditioner condensers at 3030 Country Lane in accordance with the plans submitted.

6.11 Mr. Boyer seconded the motion and the vote was as follows:

Chairman Patrick Duffy	Yes
Mike Boyer	Yes
John Kolleng	Yes
Christine Norrick	Yes
Michael Robke	Not Present
Bob Surman	Yes
Reinhard Schneider	Yes

Motion carried.

6.2 Mr. Boyer moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-30.

6.21 Mr. Kolleng seconded the motion and the vote was all ayes and no nays.

Motion carried.

**7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED**

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical condition of the property, the siting of the house on the lot, imposes upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the unique circumstances of the development of the lot. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the property to replace the air conditioning equipment without having to make expensive modifications to relocate it. The proposed variation will not impair an adequate supply of light and air to, or otherwise injure, adjacent properties. The closest property to the north has their air conditioner across the lot line from the applicant’s air conditioners. The variation, if granted, will not alter the essential character of the neighborhood. The units are not visible from the street and are located with the neighbor’s unit in a side yard that has little impact on either occupant.

**8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a 5.14’ side yard air conditioner setback variation to permit the replacement of two air conditioner condensers at 3030 Country Lane in accordance with the plans submitted.

### **3.0 TESTIMONY, COMMENTS, AND ARGUMENTS ON BEHALF OF THE APPLICANT**

#### **3.1 Persons appearing for the applicant**

3.11 Mr. John Nitamaso, representing the applicants

#### **3.2 Summary of presentations**

3.21 Ms. Roberts said that this is a request for a 178.5 square foot (11.52%) front yard impervious surface coverage variation and a variation to permit a parking space in a required front yard to permit the widening of the existing driveway on the legal non-conforming structure. The Village Board will hear this case on August 28, 2018.

3.22 Mr. Nitamaso said that the applicants were unable to attend due to longstanding travel plans. He is their landscaper who will do the work. He has done other work for them before. The lots are small with short driveways. Cars are bigger and it's hard for them to fit two cars in the driveway without going onto the sidewalk, which impacts all children going to school at the end of the block. He showed a picture of the existing situation. The intention is to make it so they can park two cars side by side. They took out the existing sidewalk on the plans and made the driveway part of the sidewalk.

3.23 Chairman Duffy clarified that they have two cars and a garage. Why don't they use their garage?

Mr. Nitamaso said that the applicants have three children who have a lot of toys. It is an older house and the applicants' cars would not fit in the garage. There is no room in the rear yard for a storage shed.

3.24 Chairman Duffy said that no drawings showed where the front yard setback starts. How far back is that?

Ms. Roberts pointed out that the front yard setback is 31' from the front lot line into the lot. That is about where the front of the house is. The only part of the house that is in the front yard is the bay window.

3.25 Mr. Schneider asked if the walk way to the rear exists.

Mr. Nitamaso said off the edge of the house is an L shape cement side walk that goes to the rear. Both neighbors wrote letters of support. One neighbor said that when he backs out of his driveway is vision is obscured by the applicants' cars.

3.26 Mr. Surman noted that the village code does not allow blocking of the sidewalk during the day.

Mr. Nitamaso said they cannot park on the street in winter. The street is one way on school days at various hours of the day. Cars parked on the street impede drop off and pick up. The current sidewalk will cut through what they are doing.

3.27 Chairman Duffy said he was also looking at how far forward this house is sited on the lot compared to others on the block. It is with most of the other houses.

3.28 Mr. Schneider talked about a house that has a garage in the rear with a driveway that goes all the way back.

Mr. Nitamaso is not familiar with that house's layout.

3.29 Mr. Surman said that a possible issue could be how the proposal impacts the neighborhood character. A lot of other houses in the area have this issue.

3.30 Chairman Duffy said that 3 to 4 houses have wider driveways where cars can park side by side. On the Sanborn it shows that less than half of garages are in the rear lot. Kenilworth Gardens is an area for a lot of water. He is torn on this case because he is nervous about front yard impervious surface coverage.

Mr. Nitamaso asked if having a more impermeable paver would help.

3.31 Chairman Duffy said it would help a lot.

Mr. Nitamaso said he thought that they would have to change every surface in that area.

3.32 Chairman Duffy asked if that was what they plan to do.

Mr. Nitamaso said he is leaving the existing driveway and putting in pavers as an expansion.

3.33 Mr. Schneider asked what a permeable paver would look like.

Mr. Nitamaso said that UniLock makes brick pavers and they have three types that are more permeable.

3.34 Chairman Duffy said that the parking lot at the library has permeable pavers.

Mr. Nitamaso explained that for the joint line, they use sand or something like that. And the paver itself is more porous to allow water flow.

3.35 Mr. Schneider asked about ratings for permeable pavers.

Ms. Roberts said it is very difficult to wrap technology around rating permeable pavers. There is nothing in the code about this.

- 3.36 Mr. Boyer asked about parking restrictions?

Chairman Duffy said that there is no overnight parking on either side of the street. There is no parking overnight between 2:00 a.m. and 5:00 a.m.

- 3.37 Mr. Boyer said that a family with two cars have to get the cars off of the street.

- 3.38 Mr. Surman said that parking restriction is not common and perhaps it has to do with the school.

- 3.39 Mr. Nitamaso said that the applicant wrote a letter indicating reasons why the request should be granted. Should he review this?

- 3.40 Chairman Duffy said that the board read the letter.

Mr. Nitamaso said that the most important issue is the sidewalk. It gets used more than most sidewalks due to its proximity to the school.

- 3.41 There was no one in the audience to speak on this case. There was no additional communication on this case.

## **5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS**

- 5.1 Mr. Schneider said that to get the cars off of the street is a good thing and not to block the sidewalk is also good. The impervious issues are seen from two perspectives. One – if the original building had been built with more room on the side, the garage would be placed in the back with a long driveway leading to it, and the impervious surface would be significantly larger. Two – the applicant is willing to provide a permeable paver for the additional paving.

- 5.2 Chairman Duffy said that the contractor indicated that they were proposing that option.

Mr. Nitamaso said that as he quoted the job to the applicants, they were not planning to do that, but if that needs to be done to get the request approved, he would need to explain this to the homeowners and whether they would spend the extra money for permeable pavers.

- 5.3 Mr. Boyer asked if there was a way to show a percentage difference between permeable and proposed.

Mr. Nitamaso said he would provide a ballpark figure. He said that the cost would be substantial because he would have to remove the existing driveway. He would be adding a lot more pavers.

- 5.4 Mr. Schneider asked why they need to remove the current driveway.

Mr. Nitamaso said that they would have to do that to get the bonus for the permeable pavers. He would have to remove everything that was impermeable and put in new pavers.

5.5 Mr. Surman asked how permeable the bricks were. Is it 10% of the area?

Mr. Nitamaso said that the number is relatively small. UniLock markets them as permeable pavers. He does not know the numbers.

5.6 Mr. Schneider asked if the motion could be conditioned on an incremental addition to the surface by using permeable pavers.

Ms. Roberts said that a motion could be made to add a condition and vote on it.

5.7 Mr. Schneider started to amend his motion.

5.8 Before Mr. Schneider finished making his motion, Chairman Duffy asked if the first motion should be voted on and then amend it.

Ms. Roberts said she thought that they were adding a motion to the original motion.

5.9 Mr. Surman suggested discussing the matter before making another motion.

5.10 Mr. Kolleng agreed that the original motion should be voted on.

5.11 Mr. Schneider said that he would support this request as originally motioned so that cars are off of the street and they would get off of the sidewalk. The amount of additional impervious surface is acceptable given the options. One of which is putting the garage in the rear with a long driveway.

5.12 Mr. Kolleng said that the impervious surface being requested is large at 178 square feet. He is not sure if this area has flooding but if it does, it would not be good to add more impervious surface. That competes with the fact that the lot is small. One cannot always park on the street. The garage is one car. The village wants to get cars off of the street. That is a reason to support it and he is inclined to support it. The applicants do have a garage that they don't use. If they used the garage for a car instead of as a storage facility, then they would have one car on the driveway, both cars would be parked, and they would not need the variance. He thinks that there is a solution as noted above.

5.13 Mr. Surman said that he agrees that if the driveway went all the way to the rear of the house, there would be much more paving. If the garage is filled with stuff, they would have to put an additional building in the back. They could do a 10' x 10' building, which is an additional 100 square feet. He knows that the area floods so that's a concern.

- 5.14 Chairman Duffy noted that the existing driveway is 10' x 31' or 310 square feet. The proposal is over 640 square feet. So, they are adding about 333 square feet of additional impervious surface.
- 5.15 Mr. Surman said that the pavers look like other pavers. The side of the paver might have something that allows pavers to separate further apart. If they are leaving the concrete and just replacing the pavers, they are getting only a 5% addition. So requiring them to put in a more expensive paver will not solve the situation.
- 5.16 Mr. Schneider said that he thought that the 10% didn't deal with the percentage of rain water that is absorbed.
- 5.17 Chairman Duffy said that it would go from 643 square feet to 580 square feet.
- 5.18 Ms. Norrick confirmed that the proposal would still require a variation.
- 5.19 Mr. Surman said he did not think that the pavers were that pervious. The only way to get around this is to get pavers with grass on the inside, but no one wants those.
- 5.20 Mr. Boyer said that there is not enough room on the side to put a garage in the back. There are parking restrictions. They have a one car garage that they don't park a car in. Both cars need to be off of the street due to the parking restrictions. The garage is 10' wide x 19.5'. With a car in the garage, there is no room for items. The garage is really useless. The area is built without an alley so there is no option other than a front-loaded garage. A lot of houses had the same situation and had pavers or additional concrete on either side of the driveway. He did see some two-car front loaded garages with a driveway that matches the garage width. The request fits with the neighborhood character. There is a little more of an ask than what they could live with. But if the board were to try to reduce the variance he does not know what that number would be. He was on the fence initially, but after looking around the area, he saw that the proposed situation is typical for that area. Nothing will happen to this house unless it is torn down and something different is build and change where the garage is. There is a hardship.
- 5.21 Chairman Duffy said that he was thinking along the same lines as Mr. Boyer. The way that the house is sited on the lot prevents the homeowner from having both cars entirely in their front yard without partially blocking the sidewalk. This may be one of a few houses on the block that has this situation. Some of the other houses have enough depth so they can stack their cars in front of the garage and not block the sidewalk.
- 5.22 Mr. Surman said that the proposal indicates that the applicant is proposing to widen existing driveway to a total width of 19' to allow parking for a car and access to the garage. The diagram does not show access to the garage. 19' is relatively wide for two cars. He agrees that the applicants' cars need to be off of the street. He talked about dimensions of parking spaces at a shopping mall.

5.23 Chairman Duffy said that there is space to walk between cars at a mall. 19' gives one the ability to park cars side by side and open doors and walk around the side of the car without walking in the grass. If there is a 20' wide garage, the width on either side of the garage door is about 1' so the garage door is 18' wide. So, to have a 19' wide driveway is not significantly wider than what one would expect.

5.24 Mr. Kolleng said that the intended use of the garage is to house a car.

5.25 Chairman Duffy said that there are several houses in the Kenilworth Gardens area where single car garages are too small for cars of today.

5.26 Chairman Duffy asked if the amendment should be made before the vote.

Ms. Roberts said that the amendment could be made before the vote.

5.27 Chairman Duffy suggested moving forward with the vote without an amendment.

**6.0 DECISION**

6.1 Mr. Schneider moved to recommend granting a request for a 178.5 square foot (11.52%) front yard impervious surface coverage variation and a variation to permit a parking space in a required front yard to permit the widening of the existing driveway on the legal non-conforming structure at 2315 Greenwood Avenue in accordance with the plans submitted.

6.11 Mr. Kolleng seconded the motion and the vote was as follows:

Chairman Patrick Duffy	No
Mike Boyer	Yes
John Kolleng	Yes
Christine Norrick	Yes
Mike Robke	Yes
Reinhard Schneider	Yes
Bob Surman	Yes

Motion carried.

6.2 Ms. Norrick moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-32.

6.21 Mr. Boyer seconded the motion and the voice vote was all ayes and no nays.

Motion carried.

## **7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED**

A majority of the Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the siting of the house on the lot and the on-street parking restrictions, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the circumstances of the lot. The difficulty prevents the owner from making reasonable use of the property with adequate off-street parking and avoiding blocking the public sidewalk, which is also a route to a school. The proposed variation will not impair an adequate supply of light and air to adjacent properties. The proposed variation will not injure other properties and results in less impervious coverage than a conforming detached garage would create. It will allow the applicants to avoid blocking the sidewalk when parking their cars. The variation, if granted, will not alter the essential character of the neighborhood, which consists of homes where cars are parking in the driveway.

A minority of the Zoning Board of Appeals finds that the request does not meet the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, there is no hardship peculiar to the property in question. The applicants are creating their own situation by not using the garage to park one car. A shed could be constructed to hold most items they are currently storing in the garage. The proposed driveway could be reduced slightly in width, reducing the variation amount. The applicants could also have proposed a pervious pavement to mitigate the added coverage even if the variation were not able to be reduced.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a 178.5 square foot (11.52%) front yard impervious surface coverage variation and a variation to permit a parking space in a required front yard to permit the widening of the existing driveway on the legal non-conforming structure at 2315 Greenwood Avenue in accordance with the plans submitted.

### **3.0 TESTIMONY, COMMENTS, AND ARGUMENTS ON BEHALF OF THE APPLICANT**

#### **3.1 Persons appearing for the applicant**

3.11 Ms. Kelli Gould, applicant

#### **3.2 Summary of presentations**

3.21 Ms. Roberts said that this is a request for a 196.21 square foot (13.6%) rear yard pavement impervious surface coverage variation to permit the construction of a new rear walk and a 2.0' fence height variation and a fence openness variation to permit the installation of a 6.0' tall solid fence in the rear yard of a double frontage lot. The Village Board will hear this case on August 28, 2018.

3.22 The applicant said that she and her husband are new owners of the home.

The pavers they are requesting are going from their back porch to the alley. She said they have not had standing water in their backyard during storms. Regarding the fence, they want to swap the 4' picket fence with a 6' solid cedar fence at the back frontage of the property.

The unique circumstance regarding the back of the property is that most backs onto an alley and not onto Poplar Drive. There are a few properties in the area that must have received approval for a cedar fence for a double-frontage property, so they would not be setting a precedent. The main motivation is safety. They have one small child, one on the way, and the property also backs up to the Metra tracks.

3.23 Mr. Schneider referenced 1.3 and said that there seems to be an existing concrete walk on the south edge of the property.

The applicant said there is no existing concrete walk.

3.24 Chairman Duffy showed a survey that was submitted and said the house is a rebuild.

The applicant said they took down everything but the foundation and built it up.

3.25 Mr. Boyer said he thought that the house came before the board. It was a side yard setback case.

3.26 Chairman Duffy did not remember this case.

3.27 Mr. Surman noted that a variance was granted in 2016.

3.28 Mr. Boyer said he remembers this house being built up on the existing foundation.

The applicant said that the house footprint did not change.

3.29 Chairman Duffy clarified that the walks were taken out when the work was done.

3.30 Mr. Boyer said there was an increase in FAR, but no additional structure.

3.31 Mr. Surman clarified that the applicants are the first to live in the house after the rebuild.

The applicant said that the house sat vacant for a year after the rebuild.

3.32 Mr. Surman said he was not sure why the builder didn't take care of this situation. Someone at the village needs to take action against the builder. There should have been a walk to the back.

The applicant strongly agreed. It was part of the purchase contract that the sellers build a fence and a walkway. They started to build a paver walkway but told the applicant they did not get a permit and wanted to cover the area in sod. The applicant did not want to do that.

3.33 Mr. Surman asked the name of the builder.

The applicant said she would follow up with the builder's name.

3.34 Mr. Surman said it is not a way to sell a property without the back walk.

The applicant said this is one of many issues with the house.

3.35 Mr. Boyer thought that the builder was a newer rehab company.

3.36 Mr. Surman said this case would not have been before the board if the owner dealt with it.

3.37 Mr. Boyer asked if the garage was part of new construction.

The applicant said that the garage is original. It has new siding.

3.38 Mr. Surman explained that the board tries to reduce the variances when possible. Would the applicant consider a narrower walk than 4'? Could they reduce it to 3'?

The applicant said that she would consider this. The reason for the 4' walk was because of a stroller coming out through the back.

3.39 Chairman Duffy clarified that the total request is 629 square feet with the walk and he thought that this included the garage also.

Ms. Roberts said it included the apron, but not the garage. She said that 629 square feet is a total coverage number. The challenge is that it is treated as a front yard, so the limit is 30% for everything. She clarified that the garage is included as is the apron and the walk.

3.40 Chairman Duffy said that is why the request is so big. Because it is considered Poplar Drive, it is a front yard, so the rule is different than if this was considered a back yard.

3.41 Mr. Surman asked if there would be an issue if this was a backyard.

Ms. Roberts said that this probably would not be an issue if this was a back yard.

3.42 Chairman Duffy said that this is a double-frontage lot. Technically the rear lot touches Poplar Drive so it is considered a front yard and there is also a front yard on Tenth.

3.43 Mr. Surman did not have an issue with fence height. If this was a single frontage it would have been acceptable, and it would not have been an impervious issue.

3.44 There was no one in the audience to speak on this case. There was no additional communication on this case.

## **5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS**

5.1 Mr. Surman said that the hardship is the double-frontage lot. If it was not a double frontage lot the applicant would not be before the board. The fence would be acceptable as would the impervious coverage. He can support the request.

5.2 Mr. Boyer said he doesn't have anything to add. Standards of review are met. He can support this request.

5.3 Chairman Duffy said this is a technicality because the yard barely touches Poplar, so it is considered a front yard. They have to adhere to front yard setbacks and impervious surface.

## **6.0 DECISION**

6.1 Mr. Surman moved to recommend granting a request for a 196.21 square foot (13.6%) rear yard pavement impervious surface coverage variation to permit the construction of a new rear walk and a 2.0' fence height variation and a fence openness variation to permit the installation of a 6.0' tall solid fence in the rear yard of a double frontage lot at 221 10<sup>th</sup> Street in accordance with the plans as submitted.

6.11 Mr. Boyer seconded the motion and the vote was as follows:

Chairman Patrick Duffy	Yes
Mike Boyer	Yes
John Kolleng	Yes
Christine Norrick	Yes
Michael Robke	Not Present
Reinhard Schneider	Yes
Bob Surman	Yes

Motion carried.

6.2 Ms. Norrick moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2018-Z-31.

6.21 Mr. Kolleng seconded the motion and the voice vote was all ayes and no nays.

## **7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED**

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F and the fence variation standards of Section 5.4.F.h of the Zoning Ordinance. The particular physical conditions of the property, the shape of the lot and the condition of the lot as a double-frontage lot, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the circumstances of the lot. The difficulty is peculiar to the lot in question and is not generally shared by other properties. The difficulty prevents the owner from making reasonable use of the property with a walkway to access the detached garage and alley and for security and privacy in the applicant's back yard. The proposed variations will not impair an adequate supply of light and air to or otherwise injure adjacent properties. The variations, if granted, will not alter the essential character of the neighborhood.

The fence provides back yard enclosure facing Poplar Drive in addition to the alley. The fence is consistent with other fences in the neighborhood. The location of the fence within the rear yard of a double-frontage lot will not be particularly noticeable as the properties to the north completely along the alley have similar fencing.

## **8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a 196.21 square foot (13.6%) rear yard pavement impervious surface coverage variation to permit the construction of a new rear walk and a 2.0' fence height variation and a fence openness variation to permit the installation of a 6.0' tall solid fence in the rear yard of a double frontage lot at 221 10<sup>th</sup> Street in accordance with the plans as submitted.

### **3.0 TESTIMONY, COMMENTS, AND ARGUMENTS ON BEHALF OF THE APPLICANT**

#### **3.1 Persons appearing for the applicant**

3.11 Ms. Jane Gallery, President, Board of Directors  
Our Place New Trier Township

3.12 Mr. Hal Francke, attorney  
Meltzer, Purtill & Stelle LLC

3.13 Mr. Peter Lemmon, traffic consultant  
Kimley Horn

#### **3.2 Summary of presentations**

3.21 Ms. Roberts said that this was a request for a special use for an adult day care center and a 17 space parking variation to permit the operation of Our Place adult day care. The Village Board will hear this case on August 28, 2018.

3.22 Ms. Gallery said the special use is important for several reasons. Wilmette has been their home for 10 years and it has been a welcoming and warm community to grow their program. They have been at the church for almost 9 years. They have been a strong mission partner and have helped enrich participants and help develop the program. When the church asked them to enter into a long-term lease at the end of last year, they approached the village to find out if they needed a special use permit. They assumed they were operating under the church's special use for those eight years. Community Development suggested that they apply for their own special use permit.

In all of the eight years, there were no problems with the village or complaints from the police, so they believed that they fit in. A central location is important to them because it helps participants and the community embrace people with disabilities. It enables them to offer more engaging programs while increasing awareness and visibility. The church building has an elevator, which is important for them because some clients have mobility issues.

They are committed to and have worked hard to find a solution that they were advised to do back in December 2017. They started working on their plan on December 21, 2017, the day after the first hearing. They worked with PACE and their families and their goal were to alleviate congestion in the alley especially with PACE buses. They then focused on the parking on Forest because that was a concern voiced by neighbors.

They were scheduled to return to the board in February 2018, they found out that the neighbors were still not satisfied with the program. They were going to schedule

a meeting with neighbors, but the village said that they need a traffic study, which would add objectivity and professionalism in assessing the situation.

Kimley Horn did the traffic study on Thursday, April 19, 2018. Thursday is their busiest day. The report was released on May 25<sup>th</sup> and both the neighbors and Our Place agreed that they didn't have enough time to meet and address recommendations in the plan. The applicant then asked for a continuance.

They have revised their procedures several times since December 2017. They did a final update to incorporate Kimley Horn's recommendations. They met with neighbors on June 28<sup>th</sup> to discuss the plan. They then met with the village engineer, with village staff, and with Peter Lemmon, Kimley Horn. They wanted to refine the plan to incorporate neighbors' concerns. Staff made strong recommendations including the rigorous enforcement measure. It is an agreement that all families will sign, and they will abide by traffic procedures.

3.23 Chairman Duffy asked if there were meetings held with neighbors.

The applicant said there was a meeting on June 28<sup>th</sup>. The neighbors had concerns with the Kimley Horn recommendations. They continued to have concerns that enforcement was not taking place. As part of the recommendations, the applicant has created a more active plan for staff who work the alley at drop off and pick up times. It is difficult for the applicant to control the PACE buses, but they are working to manage that more effectively.

3.24 Mr. Boyer asked how many participants were in the program in 2009 and today's number.

The applicant said there were 26 participants and today there are 70 to 80 participants. The relevant issue for them is that there are not 72 people there at one time. There are three sessions during the day. The most at a session is 25-28. They provide families with maximum flexibility. The biggest program session is mid-day. Some of the morning sessions have four people.

3.25 Chairman Duffy asked about where they were before coming to the church.

The applicant said they had programs at the Wilmette Rec Center. Structured programming has always been at the church. Initially at the church they had one room on the second floor and now they use the whole second floor, which is about six rooms.

3.26 Chairman Duffy said that the number 3,000 square feet was discussed.

The applicant said that the second floor is 3,000 square feet.

3.27 Mr. Boyer asked about what rate they have grown.

The applicant said that the first three or four years had significant growth that has now leveled off.

- 3.28 Mr. Boyer asked why they believe that numbers leveled off.

The applicant said that she honestly does not know. They do not market or recruit. People find them.

- 3.28 Mr. Schneider asked if there was a capacity issue.

- 3.29 Chairman Duffy asked if they said no to anyone.

The applicant said they do say no sometimes. They also may not have an opening for every program a client wants to attend.

- 3.30 Chairman Duffy clarified that they put a number cap on sessions.

The applicant said they are limited by size of the facility and staffing. Their mission is focused on individualized attention.

- 3.31 Chairman Duffy asked what drove them to start this process. They wanted to do remodeling?

The applicant said they wanted to renovate. There are no bathrooms for handicapped participants.

- 3.32 Chairman Duffy said they were not trying to expand the space but wanted to have adequate facilities for the use.

The applicant said that was correct. Their request was not tied to a plan to grow. The building was designed for Sunday school classrooms. Their participants are now adults and the space should be set up differently.

- 3.33 Mr. Boyer said that the 70 to 80 number is due to staffing and facilities as they are now.

The applicant said 70 to 80 is total number of people who come. The cap is number per session. There are 16 sessions per week. Three every weekday and one on Saturday night. They control capacity via those sessions. It would be hard to join Thursday mid-day because that program is at capacity.

- 3.34 Mr. Boyer said that Chairman Duffy asked if the changes would allow for more participants.

The applicant said probably not. They do more fundraising and capacity building to hire more staff. Their mission drives growth and they staff to provide

individualized services. There are 3 to 4 participants per staff member.

- 3.35 Mr. Kolleng said if they cap staff then enrollment is capped. Would they consider doing this?

The applicant said it depends on what the cap is. As they develop new programs, they may need more specialized staff. Putting a cap on staff could limit their ability to provide services.

- 3.36 Chairman Duffy said that the case needs to be looked at from a special use standpoint. Does the location and what the location allows them to do adequately support the demand they are placing on the location with their use?

The applicant said that it currently does support it. How much more could it support?

- 3.37 Chairman Duffy said that these are questions that the board is struggling with. Everyone sees this program as a gem and no one wants it to go away. The problem is the impact its having based on growth. How is that impact managed so it does not become unbearable on either side of the discussion? What they are doing is great in that location. But can the location handle the impact the use is having? The reason for the meeting is to provide each side to talk about the impact and how that can be mitigated. That is why growth is being discussed.

- 3.38 Mr. Surman asked about similar cases for special use. A special use could be a doctor's office wanting to be in a retail space in the Village Center. The board has to consider the impact of that on retail, on parking, and everything else. If a nursery school wants to go into a space, how will traffic impact Green Bay Road? That is a special use.

- 3.39 Chairman Duffy said that a drive through is a special use. Is there enough room for cars to line up? How is ingress and egress configured? Similar issues to what the applicant is experiencing. The board has not dealt with a use like the applicant's.

The applicant said that their use is comparable to a school or nursery school.

- 3.40 Mr. Kolleng said that caps were agreed to in those situations.

The applicant said they did not say that they would not cap. Perhaps what the board is saying is that they are already beyond capacity.

- 3.41 Mr. Schneider asked about maximum staff at any one time.

The applicant said there are 13 staff in the building at most times.

- 3.42 Mr. Schneider asked why they left the community center.

The applicant said they were in the Wilmette fitness center and they could not get permanent space. They would not give the applicant a room that would be set aside for them to use.

- 3.43 Mr. Kolleng asked if agreement was reached with PACE.

The applicant said this is PACE paratransit for those who cannot managed fixed route transportation on their own. PACE will send one bus for five people and send three buses to pick up those individuals. That level of scheduling cannot be controlled. There is an area in the alley for PACE. Staff is more actively following this procedure. If drivers won't cooperate, their name and bus number is given to PACE for follow up. There are times when the bus goes the wrong way and does not pull in far enough. Her staff is managing that.

- 3.44 Chairman Duffy asked how long they have been enforcing PACE buses. How long have they tried to make PACE adhere to the new plan?

The applicant said they call PACE regularly but have taken drivers' names in past few weeks. That was a recommendation from village staff and Kimley Horn. Kimley Horn said they have to actively manage the alley, so they have been out there more aggressively, and they are working with the parents. Since the end of May or early June they have been doing this.

- 3.45 Mr. Boyer asked what year did they start needing PACE buses.

The applicant they started as a local organization so for the first year most clients were from the New Trier area. Only a few rode the PACE buses. They started using PACE buses more in 2011.

- 3.46 Mr. Boyer said he assumes that the need for PACE buses increased over time.

The applicant said this is correct.

- 3.47 Mr. Schneider asked when they would talk about Kimley Horn recommendations.

- 3.48 Chairman Duffy said that would be discussed when Kimley Horn did their presentation.

- 3.49 Mr. Francke is at the meeting on behalf of the applicant. He asked Ms. Roberts to distribute a separate copy of the traffic management plan and parking plan. It is in the agenda packet also. It highlights changes after the neighbor meeting. No one at Our Place is insensitive to neighbors' concerns. They had a Francke and cordial meeting on June 28. It was productive. They told the neighbors that the applicant would meet with village staff and this took place. This is when Kimley Horn recommendations were given, and the plan was revised based on recommendations. That is the plan in front of the board members. Changes are highlighted in yellow.

Some of the changes address some of the comments in recent letters that the board received.

Other questions raised and those will be addressed by neighbors. He is happy to address questions when they come up. These types of cases are difficult. But the board and village board can make things better through the current process. In the past, there was no village ordinance that included enforcement. This process is a great opportunity to address neighbor's concerns and make things better.

He recently learned that former Village Board president Chris Canning is the north shore's representative to PACE. He sits on the PACE board. He reached out to Mr. Canning about having a direct dialog with PACE and how they can help make things better. One of the neighbors said that it is great to have a new plan, but how will it be enforced with a third party like PACE. Mr. Canning spoke with PACE's executive director. PACE subcontracts out to a third party for paratransit vehicles. He talked about how to communicate with the third party on an ongoing basis. He requested a meeting with PACE and the subcontractor and the neighbors. They can address other options to make things better and understand the importance of implementing options. That meeting has not taken place but hopes to have the meeting before the Village Board hears the case.

- 3.50 Chairman Duffy said that at the first meeting there was discussion about inability to do drop off and pick up on Forest. Were there any other ideas about having two points of drop off/pick up? Is that too much of an issue for program participants?

Mr. Francke said that the point of drop off and pick up should be on Forest per the traffic study recommendations. But there are visibility and distance problems for some of the participants. There was communication from people who live on Forest who were not thrilled with the idea of putting more traffic on Forest. That is a passage route for children going to school. Nobody seemed to be a big fan of having the second point of access on Forest.

Some of the other options they talked about was staggering pick up at the end of the day. They are open to other options. In one of the emails there was a question about what would happen if it snowed and created congestion in the alley. They tried to address that by saying that staff would be asked to park in the Burmeister lot. It is a question of implementing the traffic management plan and making sure that someone takes responsibility for doing that. The village can be active to make sure that the plan is implemented once it is incorporated into an ordinance.

- 3.51 Mr. Boyer said that Mr. Francke noted that he wanted to meet with PACE and the third-party contractor.

Mr. Francke said that the assistant executive director of PACE would help them set up a meeting with the private contractor. The contractor probably doesn't realize the extent of the problems. He was assured by Mr. Canning that the meeting will

occur.

- 3.52 Mr. Surman was not at the last meeting. He asked if the PACE bus always entered off of Wilmette Avenue for pick up or is it on 11<sup>th</sup> or is it both? Does the bus go in either direction?

Mr. Francke said it is supposed to be off of Wilmette Avenue. Sometimes the bus comes off of 11<sup>th</sup>, but they should not do this, but this was addressed in the management plan. If they see buses doing this, they will be told not to do this and if they keep doing this, they will be reported. At the beginning of the traffic management plan, guiding principles state that buses should not block the alley and not back up onto Wilmette Avenue. He saw a PACE bus backing up onto Wilmette Avenue, but it was because there was a big landscape truck blocking the alley. He raised this in the meeting with neighbors on June 28<sup>th</sup>. The neighbor's response was *that's what the alley is for*. The neighbors don't think that the alley should be used for a bus route. But the alley is a public right-of-way.

- 3.53 Mr. Surman asked if Mr. Lemmon looked at reconfiguring alley circulation. Is there a better opportunity to solve the problem? He said it appears as if they could do a tear drop drop off where all vehicles would be required to enter off of Wilmette Avenue, head west and then follow the tear drop around. It would mean more paving, removing a tree, but then they would be assured that drop off would always be at the curb. Cars would head out head first onto Wilmette Avenue. It alleviates them backing into it.

- 3.54 Mr. Surman said they bought adjacent to a parking lot and a church and they might have to deal with that.

Mr. Francke said he appreciates the concept, but he wants Mr. Lemmon to address this.

- 3.55 Mr. Boyer said he assumes that Our Place cannot operate without PACE bus transportation.

The applicant said that is correct.

- 3.56 Chairman Duffy asked Mr. Lemmon to cover the highlights of the traffic study.

Mr. Lemmon talked about the timeline for the process. They prepared some options and made their recommendation in May. It was a recommendation that no one liked. Everyone had some concern about using Forest for part of the pick up and drop off to try to split and decrease the amount of alley activity. They wanted to get that pick up and drop off activity off of the alley and keep that area clear for access and circulation. He said people did pick up and drop off in the alley. Neighbors might have a problem getting out of their garages in the alley.

He went back to the drawing board and got more information about PACE. PACE can back up their vehicles if done at a certain angle. Keeping with the idea of keeping the alley clear during pick up and drop off, ways that they can burden Forest by having parking or using it for pick up and drop off. They also would not back buses onto Wilmette Avenue.

The looked at traffic going westbound from Wilmette avenue to 11<sup>th</sup>. They looked at going eastbound. One issue related to that is the angle and coming out they would have more of an acute angle. Working with engineering, they decided that was not the preferred way. One advantage was increased queueing. But they don't want any vehicles to queue in the alley. They looked at a tear drop, but they don't have the kind of radius to handle larger vehicles or buses. They want to stick within the existing infrastructure as much as possible and then see which ways they can make changes. They looked at establishing a bus stop on Wilmette Avenue, but that street might be too narrow. If one is coming from the north, there is a little bit of a curve in the road so there was concern about site lines. Other options were discussed at the hearing.

They need to see if the original infrastructure works. If not, they then would need to explore the other options.

They came up with some ideas and they are included in the latest memo. They identified areas where they had more recommendations. They incorporated them into the plan. If the applicant adheres to the plan and enforces it, the applicant can keep the alley clear for access and circulation.

- 3.57 Mr. Schneider said if he read the recommendations correctly, at no time will there be buses or cars stopping in the alley.

Mr. Lemmon said that this would happen if the applicant follows and monitors the plan.

- 3.58 Mr. Schneider asked if there was enough depth for buses to not encroach into the alley if they park diagonally.

Mr. Lemmon said a recommendation was to extend that by removing some wheel stops and if they park at an angle, they can fit 1 to 2 buses. He is not sure how long the buses are. One of the contingency options was that if they were finding that the buses are not able to park at an appropriate angle and back up, they could expand further south to increase the depth of that area.

- 3.59 Mr. Schneider asked about the maximum number of buses at any one time.

Mr. Lemmon said there can be 1 to 2 buses at any one time. There could be more but that would take away spaces designated for family vehicles. The buses are at about a 30-degree angle. They take up two regular spaces width wise.

- 3.60 Mr. Schneider asked how they would keep buses or cars from entering the alley from 11<sup>th</sup> Street.

Mr. Lemmon said that Our Place needs to communicate the plan to families. The plan includes two staff monitoring the alley. Families must acknowledge the plan, its objectives, rules and consequences.

- 3.61 Mr. Schneider said someone should be there for the first month and they could direct people away from the alley at 11<sup>th</sup>. They would eventually understand they cannot enter in that location.

Mr. Lemmon agrees that this could be done. Part of a family's signing and acknowledging the plan is understanding that this is not the circulation route to begin with. But people should be out there when the plan is implemented to help.

- 3.62 Mr. Schneider said it is Kimley Horn's recommendation with proper enforcement that the alley will be free of standing vehicles related to Our Place.

Mr. Lemmon said that is the goal.

- 3.63 Mr. Boyer asked Mr. Lemmon if he has been through a similar situation.

Mr. Lemmon said that schools have a lot of issues like this and it comes down to behavior. If people follow plans then the plans work. They recently worked with Loyola Academy on their issues with neighbors. The plan is geared towards solving those issues. When Loyola finishes the parking lot area, they will have room on site to resolve issues with neighbors. It is up to parents to follow the Loyola Academy plan and if they don't follow it, consequences need to be put in place to drive that behavior. In tonight's case, the situation does not have to do with adding more lanes but following a plan.

- 3.64 Mr. Surman said that his concern is taking buses down a public alley. He made a recommendation several years ago to Highcrest School about the parking lot off of Hunter. On the south end, he recommended that additional drive, which solved the issue. In tonight's case, PACE could constantly have new drivers and there is an opportunity to mitigate a problem. He talked about various options instead of using the alley. Signs could be at both ends of the alley saying no buses in this portion of the alley. The turning radius he is suggesting is greater than the one coming from Wilmette Avenue to the alley. They need to spend the money and make the accommodations for the number of people in the programs. If they created a triangular shape with a 90-degree angle at Wilmette Avenue, they would not sacrifice other parking. He talked about kids going down the alley and safety issues.
- 3.65 Mr. Boyer said that Mr. Lemmon spoke about enforcement and behavior change and adding new infrastructure. Did they look at a circle drive?

Mr. Lemmon referenced Mr. Surman's suggestion. One would come off of the alley

and turn south and they end up by the front door.

3.66 Mr. Surman showed a diagram of his plan.

Mr. Lemmon said he and Mr. Surman are talking about the same thing. His concern is that one comes off of the alley and makes a left turn, they are right by the front door and that is where they want to drop off and pick up. Most of the pavement is after picking up and drop off. In terms of queueing, there could be less capacity to handle all cars. Unless they were going to do that just for buses.

3.67 Mr. Surman thought they could do this just for the buses. The buses are the issue. They are wider and longer than cars. Cars could still queue. His idea would provide space for two buses. It is a combination of training PACE drivers and making some site changes. He does not think that guidance alone to drivers will solve the issue.

Mr. Lemmon said he does not disagree with what Mr. Surman said.

3.68 The board had no additional questions for the applicant at this time.

3.69 Mr. Francke said that the ultimate issue is whether special use standards are met. He believes that they have, and he submitted a supplemental letter that supplements what was previously submitted with the application as to why they think that special use standards were met. He said that the most significant standards are 1A and 1B for special use that speaks to traffic congestion and public safety. The standards are met even more with the new traffic and parking management plan A study.

3.70 Mr. Boyer referenced section e of the standards – the proposed use in this specific location will not substantially diminish property values in the neighborhood and the answer was that the program has been in operation since 2009 and property values have increased in that time so the proposed use in the specific location will not substantially diminish property values in the neighborhood. How was that determined?

3.71 Mr. Francke said that there is a lot of new construction. They did not do a formal study of the immediate neighbors regarding property values. He talked about two new houses in the neighborhood that he knows where prices have gone up.

3.72 Mr. Boyer clarified that no case study was done.

Mr. Francke said that no case study was done.

3.73 Mr. Kolleng said that 2009 was the height of the depression. Today, prices have gone up so values should have gone up.

3.74 Mr. Boyer said that whenever the time period, the way this is done is to find houses that sold and then determine what they resold for.

- 3.75 Mr. Francke said they did a comparative analysis study with Loyola Academy to confirm that property values increased. In tonight's case, they did not think that was needed, but they could do so if the board thought this was necessary.
- 3.76 Chairman Duffy talked about standards including the one that talks about not endangering public health, safety and welfare. That is a big concern. The board needs to be sold that the traffic problem will not continue. Traffic in the alley creates a dangerous situation. Regarding the proposed use not being injurious to others in the area standard, is the board sold on the idea that neighbors can access their property without having an issue in the alley? The third standard he paid attention to is that adequate measures exist or will be taken to provide ingress/egress to the proposed use in a manner that minimizes traffic congestion on public streets. In this case, they are referencing a public alley. The public alley currently has congestion. He has to get through the above three hurdles.

Mr. Francke said he agrees with Chairman Duffy. He thought it was important to supplement the previous response as to how standards were met. The PACE buses have been coming since 2011 and there was no plan at this time. He can see why someone would ask how they could meet the standard. They created a plan that says they will not adversely impact neighboring properties. The village's history has been to say that they need to find a way to address these issues. The village will monitor the situation. It is a good model.

- 3.77 Mr. Schneider referenced the parking and traffic management plan. He clarified that this would be incorporated into the village ordinance.

Ms. Roberts said that can be done.

- 3.78 Mr. Schneider asked about consequences if the plan is not followed.
- 3.79 Chairman Duffy said that the plan talks about consequences. It talks about three violations in a ten-week period and then it gets reset. He said that this should be sharpened regarding content.
- 3.80 Mr. Schneider asked if the plan could be revoked. The plan is part of the ordinance, yet the enforcement is left to the applicant.
- 3.81 Chairman Duffy said if the applicant is not following the plan they have to return, and they could lose their special use privilege.

Mr. Francke said it gets incorporated into the special use ordinance.

- 3.82 Mr. Schneider asked about metrics of noncompliance for the parking and traffic management plan.

Mr. Francke said if they did not comply, it would be a zoning violation.

3.83 Chairman Duffy asked what triggered the noncompliance with the plan.

Mr. Francke said that the village is told about the noncompliance. They have to substantially comply with village regulations. Some of this is subjective. With the Loyola case, the village attorney and the board imposed strict provisions regarding traffic and parking and consequences if the plan was not followed. Their ultimate remedy was to cap enrollment. In tonight's case, they are willing to talk further about the growth, staffing, and capacity. They think that the capacity of the facility limits growth. Limitations on staff limit program growth.

3.84 Chairman Duffy said that the plan is for cars to pull aside in the alley, so they are not in the actual alley blocking traffic.

3.85 Mr. Schneider talked about violations to what was agreed to.

3.86 Mr. Kolleng said that by having signed agreements, there are suspensions that can take place. It is the PACE bus situation where the applicant does not have control since PACE is a third party.

3.87 Chairman Duffy said that PACE needs to understand the needs of the site.

3.88 Mr. Kolleng noted that the applicant does not own the property. If it was determined that the proposed plan is not working, and they are considering a new plan, do they know what the church might allow them to do regarding other modifications.

Mr. Francke said that church representatives are at the meeting, but he thinks that the answer is no.

3.89 Chairman Duffy said they should add a diagram of proposed traffic flow to the plan.

Mr. Francke said that was a good suggestion.

3.90 Mr. Kolleng said that this is the third hearing for this case and the board has heard a lot from neighbors that are real and problematic. He wants to hear about communication between the last hearing and this hearing, what improvements have or have not taken place, etc. instead of rehashing what was said.

3.91 Chairman Duffy said that the board understands that there is a lot of support for the use. But he wants the public to address the standards of special use that the board will either approve or not approve. The Chairman asked speakers to give their name and tell where they live.

(After section 4.0)

3.92 As no one else wanted to speak, Chairman Duffy closed the public portion of this case. The applicant can now respond to comments. There was a 15-minute break and then the hearing resumed.

- 3.93 Chairman Duffy said that the applicant would respond to questions raised by speakers. He created a list of items and Mr. Francke also wrote notes. There are a few key points that he wants Mr. Francke to address. One is the number of program participants. The applicant is having a future meeting with PACE, so the bus issues cannot be answered prior to the meeting. There was a comment about potential additional procedures – what are those? There was a discussion about the additional 21’ of parking that could be added and what is the benefit of that.

Ms. Gallery said they had 92 participants in 2017. When they met with neighbors in June, they had 65 participants for their summer session. For the winter session, they had 72 participants. That explains the discrepancies in the numbers. That also illustrates how variable enrollment is. They did report 92 participants.

- 3.94 Chairman Duffy talked about a cap. Does staffing and volunteers’ impact how many students they can have?

Ms. Gallery said volunteers are like assistants. Part of the program is to learn to develop relationships and work on social skills. Peer mentors work with participants on this. When they say they have 100 volunteers over a year, they are not all there at the same time. Numbers are deceptive when talking about a cap or capacity. The applicant is telling the board the total number of participants registered or volunteering, but how many people are there at a session? It is a complicated issue.

- 3.95 Mr. Kolleng said parents said that often there is not a place or an over 22-year-old to go so Our Place is a place for them to go. Is there an upper age?

Ms. Gallery said there is no upper age. She said that when the program began, they looked for people older than 22, but could not find them. Once they graduate and they go home, they cannot be found. They don’t have a way to connect and find a program to join. Adults with disabilities went from a rich and fulfilling high school experience to sitting at home. Participants will not age out. They are not on a trajectory of continually adding. They accommodate needs of their participants, so they can work or do other programs. It is a complicated issue.

- 3.96 Chairman Duffy said he understands that it is a complicated issue. One of the things that the board is wrestling with is putting 10 pounds of flour into a 5-pound bag.

Ms. Gallery said the largest winter group was 35 in the middle of the day. Most of the time they have 24 or 4 or 12.

- 3.97 Chairman Duffy said that when she says that the program can accommodate 35, she is talking about within the facility itself. The struggle that the board is having is access to that building. It is the impact on the neighbors and neighborhood. The board understands that there is staff, volunteers, and participants.

Ms. Gallery said that if one reads the Kimley Horn report, the number of vehicles in the alley and the management in the alley has improved significantly. The report was done in April 2018. In December 2017, she acknowledged that Our Place was not on top of this problem. They apologized. There has been no acknowledgment of the improvement between December and now. And the proposal would tighten that up even more. They have adapted the recommended procedures. Until Kimley Horn said no traffic in the alley, their plan was to have cars queue in the alley on the left side. Now they are saying something different, which is a transition for their families. Parents do not come through the alley now. They are managing pick up and drop off and there is not a lot of congestion.

- 3.98 Chairman Duffy asked how many people come with need of assistance to get in and out of the car.

Ms. Gallery referenced ADA accommodations and physical needs. But some participants have impulsivity issues, so they might run off if someone is not there with them. Some have ADD and they will wander off. She would say over 50% need assistance. Only four participants have physical or mobility issues.

- 3.99 Chairman Duffy said his question was directed about people who take longer to get in and out of cars, which is the physical issue.

Ms. Gallery said it is not only a physical issue.

- 3.100 Chairman Duffy clarified that it is those with physical issues who come in the big PACE vans.

Ms. Gallery said that is not true and others use the PACE vans.

- 3.101 Chairman Duffy said that the focus is on PACE vans in his opinion. The major problem is the PACE van in and out of the alley and multiple trips.

- 3.102 Mr. Kolleng clarified that PACE vans are less expensive than other modes of transportation.

Ms. Gallery said that when she was in the city, she saw a large PACE van. PACE generally sends out vehicles with the lift in case someone needs the lift. She said that how they set routes is a mystery. PACE controls the route. If they could get vans instead of big buses, that could help.

- 3.103 Chairman Duffy talked about other third parties that used minivans and can take a wheelchair in through the side.

Ms. Gallery said she wanted to address the issue of communication with neighbors. She said they called for a meeting in February or March after they created their first set of procedures. At that point, village staff told them to hire a traffic consultant.

They didn't meet with neighbors at that point. There was nothing to meet about. They were not avoiding meeting with neighbors, but they didn't have a plan to communicate.

- 3.104 Mr. Boyer referenced the December 2017 meeting and then they were supposed to meet with neighbors, but that didn't happen. The village then said to do the traffic study. Were things just status quo between December and June regarding traffic management?

Ms. Gallery said they sent their procedures to neighbors. Those procedures were reviewed periodically over seven months.

- 3.105 Mr. Boyer clarified that the situation has been status quo with some improvement from December through today. They are trying to manage traffic the best that they could. Now there is a traffic plan.

Ms. Gallery said that the neighbors and Our Place did not agree with the traffic plan. That was a dilemma. It was attempting to move all cars onto Forest and they knew that would not be acceptable to neighbors. She talked about a separate entity at the church who did pick up and drop off on Forest. That was most likely the cause of a lot of the congestion and complaints from neighbors on Forest. When that group left in April and her staff was moved off of Forest, they saw a significant decrease in parking and congestion on Forest. They use two out of five parking spots in front of the church. One of their employees has a medical condition and has to park close. They park a van on the street as well.

- 3.106 Mr. Boyer clarified that the new traffic plan was only in place for a few weeks.

He said that Mr. Francke said he agrees with Chairman Duffy's comment about the issue being PACE bus traffic. Mr. Francke reiterated that they want to have a meeting with PACE or the third-party contractor to see if they have solutions to issues. The plan put in place in December is not working. Therefore, the standards are not met. They are saying that the standards can be met through the implementation of this plan which has a July 2018 date. This plan has not been implemented. They are asking the board to consider whether standards will be met if this plan is effectively implemented. Nobody is saying that as of December standards are met.

- 3.107 Chairman Duffy said that the board is struggling with the plan presented. The plan for Loyola was presented and one could see a major improvement over existing condition. In his opinion, the board could see this big difference, so it was moved forward. But in tonight's case, the big concern is buses in the alley. That is not changing. There is no guarantee that the buses won't have the same impact when they drop off and pick as they do now. For him, he is struggling with the plan being the plan that works. He is struggling to say that he will move forward with the plan. Maybe there is a better plan that will take more work. Mr. Surman suggested getting

buses out of the equation by having a drive through that gets them off of the alley quickly and back out onto Wilmette Avenue. Maybe that is a better idea.

- 3.108 Mr. Boyer suggested an alternate option to buses. He does not know what that is.

Mr. Francke said that his team had the same discussions with the village engineer and with Mr. Lemmon. Ms. Roberts was also at the meeting. He agreed with the Chairman that other options must be considered. Mr. Lemmon talked about options during his discussion. The village engineer was not happy with all of the options. Residents talked about adding speed bumps in the alley. The engineer said they did not want speed bumps in the alley. Other good ideas were discussed this evening and he would bring ideas to the PACE meeting.

He said that one of the neighbors asked if the alley could be made one way. That idea was discussed, and it was rejected by village staff, which is why they were not presented at the hearing. He said that one way east-bound would allow for queueing during pick up and drop off. But the village engineer and Mr. Lemmon agreed that they don't want people coming to the end of the alley on Wilmette Avenue with that curve and then trying to navigate a left or right turn. That was rejected. They have tried to consider other options. Maybe smaller vehicles would work and that is why they want to meet with PACE.

- 3.109 Chairman Duffy said that if the board says they cannot move forward because they want to see PACE buses out of the alley. Has Our Place ever looked at other locations?

Ms. Gallery said the idea that there is a 3,000 square foot space in the central area of the village that is accessible is not true. They have looked at properties several times. There were two places that they saw. One was the Kurt Saphir building on Green Bay Road north of Isabella and the other site was the Linden Hardware Store. In both cases, they were advised by village staff that they were not a good fit. They preferred retail. If they were to buy a building, it would come off property tax rolls.

- 3.110 Chairman Duffy said that no one suggested they buy a building. They are talking about leasing space.

Ms. Gallery said the above spaces could not be rented.

- 3.111 Mr. Boyer clarified that it was the village staff and not the village board dissuaded them.

Ms. Gallery said that dissuade is the correct term. Based on zoning, those areas are in the Village Center and they should be retail.

- 3.112 Mr. Boyer asked if it was retail sales or retail sales tax revenue.

Ms. Gallery said it was both. If those are commercial districts, those properties are supposed to be used as properties that generate revenue.

- 3.113 Chairman Duffy asked if they spoke with other churches in the area.

Ms. Gallery reiterated that an issue for them is accessibility and an elevator is really important. They looked at several other churches. Many of the churches don't have space or an elevator. They were lucky to find a church that had space available and an elevator, but that is uncommon.

- 3.114 Ms. Norrick said that churches have to be handicap accessible for their parishioners.

Ms. Gallery said that they are not talking about the actual church, but about a community building. And churches are exempt from ADA.

- 3.115 Chairman Duffy said that St. Joseph church has a convent that is ADA accessible. There is easy drop off and pick up.

Ms. Gallery asked if that building was available.

- 3.116 Chairman Duffy said that the building is vacant. Did they ever speak with St. Joseph church?

Ms. Gallery said they did not speak with St. Joseph for a few years.

- 3.117 Chairman Duffy said that some volunteer groups use the convent from time to time. There is more than 3,000 square feet on the floor that is accessible from the ramp.

Ms. Gallery said they would call them.

- 3.118 Chairman Duffy suggested they call every church. No one is trying to move Our Place out of the community. What if the board suggests a trial period and look at it again in one year and see how the plan was implemented, how effective it has been, hear from neighbors. And if they come back in a year and it's not working, then what do they do? Are they overusing the current facility?

Ms. Gallery said it is hard for her to understand what success looks like. 90% of the time the alley is not blocked and the PACE bus is where it should be. Does it have to be 100%? 95%? What does success look like in managing the PACE buses? What do they have to strive for? Whoever gets perfection?

- 3.119 Chairman Duffy said that Mr. Francke said it best. He talked about substantial compliance. That has been applied to a few other community service groups and schools. Have they substantially reduced the impact that has been the major complaint? How do they reduce PACE buses running up and down the alley?

Ms. Gallery asked what “running up and down the alley” means. Ninety percent of the time, the bus pulls in properly.

3.120 Mr. Surman said that maybe half of this is pulling in properly and the other half is the number of vehicles in the alley. It’s not just compliance with drop off.

3.121 Mr. Boyer said it was horrible timing. He drove in the alley today. He was blocked by a PACE bus. He couldn’t get through and he backed up to get out.

Ms. Gallery is there three days a week and doesn’t see problems.

3.122 Mr. Boyer said it’s more than buses going up and down the alley. There is congestion, it’s hard to get through, cars have to back up. It’s not just one issue. He can see where the frustrations come from.

3.123 Mr. Surman said that unless Mr. Canning has some special powers, it will be hard to control PACE drivers. He lives on a block long dead-end street. There was a package delivered to his house by FedEx. Then the driver zoomed down the street. Mr. Surman called FedEx about this. FedEx told him they have no way of tracking that because it is a sub-contractor. He called the police and they told him that he was correct, but he cannot do a thing. His issue is that if they planned to continue with the buses, the number of participants they have changes. Sixty times going down the alley is different from a garbage truck coming once a week.

3.124 Mr. Boyer referenced the tax issue related to moving. That is a conversation that should not end like “we want to advise you that this is not a good idea.” Having the village say that sales tax revenue is the impediment to them finding a space that would work is not right. He doesn’t know who said this. The program is great.

Ms. Gallery said that there have been many non-retail users going on the first floor.

3.125 Chairman Duffy said that is the way that things are moving right now. It’s where the economy is going.

3.126 Mr. Boyer said to not take relocating off of the table.

Ms. Gallery said they would have to come back for a special use permit, correct?

3.127 Chairman Duffy said they would return for a special use. They would be looking at a space that suited their needs and a large need is drop off and pick up. He talked about a business with a lot of drop off and pick up. Those businesses are generally located in a mall that has parking. Parents can drive up and drop the kids off. Or the car can get off of the road to do a drop off and pick up. They will look for a location that services those needs and then they would come to the board for a variance. He talked about the day care business at 4<sup>th</sup> and Linden who came to the board. That request was granted.

Ms. Gallery said that would not have been granted to them due to PACE buses.

- 3.128 Chairman Duffy said there is parking lined in front of that. The board was going to give the day care dedicated spaces for drop off and pick up. Each situation is unique, and each has hurdles to get over. The board has heard from the neighbors. They understand the problem. It is the constantness of what is happening. Unless one lives there, one doesn't see it.

The board hears cases and must look at both sides. He understands where neighbors are coming from. He empathizes with people who spoke on their behalf. They are a great organization, and no one wants them to move. The board is trying to make this work.

- 3.129 Chairman Duffy said it was brought up that if they move forward with the plan will the neighbors be able to raise concerns about the plan or the viability of the plan going forward. Would they call the village? Community development?

Ms. Roberts said that the proposal would be to have a look back in a defined time period. There would be another study to see how things are going. They would solicit neighbor feedback. If issues were identified, other options would be reviewed.

- 3.130 Chairman Duffy said that this gives the idea of how things would move. The applicant would have a chance for input and so would the neighbors. Perhaps they could call the first defined amount of time a trial and then there would be another traffic study done. Neighbors would be engaged for their input. The board would determine how things were going. If it wasn't working to everyone's satisfaction, next steps would be to give time to find a new location or if there was another solution for redirecting traffic. Maybe the engineer has a second opinion or changes his mind.

Mr. Francke said they don't have a problem with Chairman Duffy's suggestion of taking another look at the parent affidavit enforcement issue. One or more board members encouraged the applicant to "put more teeth in it."

- 3.131 Chairman Duffy said they need to add a diagram to the plan. He understands that it is not so much parents dropping off and picking up as it is PACE buses. He said that staggered pick up and staging of cars off of the alley is a solution. They are having a future meeting with PACE and hopefully they will give more assistance.

Chairman Duffy said that an extra space was brought up between the last parking spot and edge of the church. He asked Mr. Lemmon to address this. How much relief from the existing situation would that bring?

Mr. Lemmon said there is some confusion as to how it is configured. Staff went out and measured the distance from the edge of the asphalt. There is 21'. The spaces

would not be parallel. There is space for PACE buses to have more angled parking. Our Place knows when there are scheduled buses. If the buses are gone, the spaces are used for pick up. Parking capacity is added to the plan.

- 3.132 Chairman Duffy said they heard that a PACE bus was idling in the alley for 30 minutes and blocked the alley. With education and communication, perhaps the situation will change with PACE buses. He has heard from neighbors who are not at the meeting about PACE buses and it is a regular occurrence that they sit and wait.

Mr. Lemmon said that one of the issues is when they show up before a dismissal period.

- 3.133 Chairman Duffy asked if they should incorporate the extra 21' into the plan to allow for more stacking of buses and vehicles.

Mr. Lemmon said as long as they are out of the alley, but not parking on public streets. They did not see the latter when they did observations but that doesn't mean that it does not happen. They do not want PACE buses aimlessly driving around or idling on the street. They don't want PACE buses blocking the alley. The 21' gives them extra space. Hearing comments from neighbors, they don't want to just focus on different scheduled pick up times. They want to document the alley situation for multiple days. It is affordable to do.

- 3.134 Chairman Duffy put the plan on the overhead. If PACE cannot get different buses, the current buses are 30' long. So, it will overhang the space. Would it be a benefit to have that 21' space?

- 3.135 Mr. Schneider confirmed that the bus overhangs the edge of the paved area. They talked about different parking angles for buses.

- 3.136 Chairman Duffy asked again if that 21' was a benefit. There is an option for a revised request shown on page 2. This allows the applicant to use that 21' and turn it into parking to minimize the original request.

Mr. Lemmon showed the configuration of two normal spaces. A PACE bus would not fit if it pulled in and stayed within the lines as a car would. The bus would be more diagonally across the area at a lower angle. This does not address the concern about a bus going through the alley. The strategy would be to keep them from overhanging into the alley. There would be an additional asphalt area to accommodate cars out of the alley.

- 3.137 Chairman Duffy said that someone asked about potential additional procedures.

Mr. Lemmon said that if was not working in six months there might be other avenues to pursue. He does not want to wait as long as a year if there are problems.

The solution depends on what the issue is. They could deepen the whole parking area if buses were overhanging into the alley to get more depth off the alley. There could be a turn out lane on Wilmette Avenue, which would be less expensive than a cut through. It would eliminate buses from the alley. PACE buses going through the alley is more of a use issue vs. infrastructure issue.

3.138 Chairman Duffy said that one of the issues is blocking the alley. One of the bigger concerns of neighbors is blocking the alley. How is the use of the alley being addressed as a whole alley, not just one section?

3.139 Mr. Surman said that when there are difficult cases, he looks at it as if the tenant was not already in the space and came to the board asking for a special use for a vacant space. What would the board consider reasonable to approve it? If that was the situation, he does not think that the board would let a bus go down the alley. He does not think that this could get approved by the board. It is injurious to the enjoyment of neighbors. It is unfair to them that they moved in and now buses go up and down the alley. There has not been enough done to say that this is a reasonable plan. With Loyola, there were several generations of plans and progress was shown. In tonight's case, the proposal looks like a band aid. He thinks the program is great and he wants them to remain in the village. But if he was a neighbor and there were buses going down the alley 60 times per week or more, he would be upset with the village. Maybe the board could give them a few months to see what would happen. He wanted to give the applicant a chance to respond before the board goes into their discussion.

Mr. Francke said they appreciate what is being said about the bus use of the alley. It is a public alley. For the record, he showed pictures of what is regularly happening in the alley. The public alley is frequently blocked by parked trucks.

3.140 Mr. Boyer said that the definition of an alley is a secondary road with access to principle residences. The alley is access for principle residences. Other trucks in the alley fit within the definition of an alley.

3.141 Mr. Kolleng asked if the board said that as part of the plan that PACE buses could not be part of the alley.

Ms. Gallery said that paratransit buses are a guaranteed right for people with disabilities under the ADA. A person who qualifies for paratransit has the right to use the vehicle to get to community activities. If they say that someone cannot come to the program if they ride a PACE bus, they are discriminating and in violation of a federal mandate.

3.142 Chairman Duffy said they can say that participants can get dropped off, but not get dropped off and use the alley.

Ms. Gallery said they cannot say that someone cannot be part of the program if they

come on a PACE bus. The village cannot limit that.

- 3.143 Mr. Francke said he would like to take the opportunity to tackle the PACE bus issue again. What other options are there? He wants to have the meeting with PACE to determine if there is another way to address this issue.
- 3.144 Chairman Duffy said that there is no timetable for the meeting with PACE.
- 3.145 Mr. Schneider asked if the applicant could get provisional approval for a certain time period.
- 3.146 Chairman Duffy said that this would be possible. He said that he thought that the applicant would be amenable to a provisional approval. They have not held the PACE meeting so that part is not figured out yet. Maybe the case should be revisited in six months. There is time to deal with the provider to PACE and see how well the plan is implemented. That gives a lot of time to work through questions. Maybe there would be a plan amendment at that point that alleviates continual or additional concerns.

Mr. Francke asked if the suggestion was to table the case.

- 3.147 Chairman Duffy said he is not suggesting tabling the case, but to give an approval with a look back provision and readdress the case in six months. They would recommend approval to the board with a look back provision in six months. It will give the applicant time to implement the plan and work with PACE and let people have a second look.
- 3.148 Mr. Boyer said if the board went through with a vote and gave a negative recommendation to the village board. He is not comfortable with having the program move immediately. How does the board make it so that the applicant can stay for a while?

Ms. Roberts said she would expect that the Village Board would direct staff to work with the applicant. She does not know it would be formalized. Maybe something between Mr. Francke and corporation counsel would be worked out to clarify the ultimate plan to vacate the premises. The applicant would need to come into compliance, which means ceasing use in that location. They would have time and it would have to be discussed.

- 3.149 Mr. Boyer said that the program ceasing operation is a big concern.

Ms. Roberts said it would be up to the Village Board to navigate this.

- 3.150 Mr. Surman would not be comfortable going that way.
- 3.151 Chairman Duffy said that the board makes a recommendation to the Village Board.

Mr. Boyer is asking what happens and how does it work when the case goes to the Village Board. The period of time will be negotiated. It is a difficult space to replace for the use. As long as someone is showing an active endeavor to find space, it is important. Everyone is trying to work together. No one is getting kicked out.

3.152 Mr. Surman does not want them to be kicked out. With Loyola, the applicant was not comfortable with the board voting so they went back to the drawing board and returned in a few months. He would be more comfortable with that approach.

3.153 Chairman Duffy said that with the Loyola case, they came in with an initial plan and then said they would return with a revised plan. They then presented the new plan.

#### **4.0 INTERESTED PARTIES**

##### **4.1 Persons speaking on the application**

4.11 Ms. Pam Sheridan Pappano, Our Place Board member

4.12 Ms. Kathy DeVincenzo

4.13 Ms. Elise Farmbach  
Glenview

4.14 Mr. Jeff Later  
1009 Elmwood Avenue

4.15 Ms. Vicki Tisoni  
Glenview

4.16 Mr. David Kreising  
Evanston

4.17 Mr. Dan Joles  
Wilmette

4.18 Ms. Linda Stern  
1708 Lake Avenue

4.19 Mr. Jim Junewicz  
Kenilworth

4.20 Ms. Sarah Strichau  
1025 Chestnut Avenue

4.21 Ms. Megan Capano

- 4.22 Ms. Virginia Junewicz  
Kenilworth
- 4.23 Mr. Stan Figura  
1025 Elmwood Avenue
- 4.24 Ms. Amy Martin  
1032 Forest Avenue
- 4.25 Mr. Wes Cornwell  
1044 Forest Avenue
- 4.26 Ms. Michelle Patski  
Skokie
- 4.27 Ms. Cecilia Clarke  
1025 Elmwood Avenue
- 4.28 Reverend David van Brakle  
918 Cornell Street
- 4.29 Reverend Robert Rawls

## **4.2 Summary of presentations**

- 4.21 Ms. Pappano said that her son has been a participant at Our Place for several years. Wilmette is a great town and is welcoming especially for families with special needs kids.

She was at the June 28<sup>th</sup> meeting. Not all the neighbors were able to attend. With the exception of two families, every neighbor expressed concerns about PACE buses, but they said there was improvement. They will continue to work on problems. She said that the situation does not need to be that hard. It can be fixed.

The traffic study said that the longest wait time was between 1 to 2 minutes, which is not that long. She said that there has been a lot of building on her block which causes more traffic but no one is going to petition against the traffic. She said that there needs to be more civility between individuals. They want Our Place to remain where it is. They will cooperate to their best of their ability.

Chairman Duffy said that using houses compared to Our Place is not an apples to apples comparison because construction traffic leaves when houses are complete. Everyone is working towards improvements in the alley but it will come in steps.

- 4.22 Ms. DeVincenzo spoke about the positive aspects of our place. They moved from River Forest to Wilmette because of the schools. One of their triplets has Down

syndrome. They have had a great educational experience. Her son was part of the community. After children age out of the school system, there aren't a lot of opportunities. Our Place provides that opportunity for young adults. She hopes that the community will continue to welcome her son and his friends. Our Place is housed in a church. And churches produce a lot of traffic as do other uses. She wants to work with neighbors to make sure that this is a win/win situation.

4.23 Ms. Farmbach recently graduated from Loyola Academy. She spent time volunteering at Our Place through school. Her sister has been an Our Place participant. She knows how valuable Our Place is to families. She believes that everyone can work together to solve issues discussed.

4.24 Mr. Late said he and his wife have lived in the village for almost 50 years. He was at the December hearing. There is no one that has anything bad to say about Our Place. One of the directives at that meeting was to meet with neighbors. The first notice for the meeting came in June and the first meeting was June 28<sup>th</sup>. There was no conclusion formed at the meeting. He said that there was a letter in The Wilmette Beacon about the neighbors. He called the executive director of Our Place. She said that she did not support the letter. On Friday the 13<sup>th</sup>, there was a letter from Our Place saying they are against neighbors who oppose Our Place. The neighbors are not opposed to the organization, but to the traffic and safety issues. It then went to social media and he said that inflammatory words will not get anyone anywhere. He has lived in his house for 18 years and there were traffic problems before Our Place and it has grown over the last eight years. It has recently gotten better, but it is not perfect.

Five to ten buses per day in a residential alley is a lot. There are a lot of kids in the neighborhood who play in the alley. Traffic is a big safety issue. This is a zoning issue that needs to be resolved sooner than later. Traffic and safety are real problems.

4.25 Ms. Tisoni said her son has Down syndrome. He is a success story in terms of what the village has provided for him through schools and other programs. He has a job and has held it for four years. He lives in the village and goes to Our Place every day. Our Place continues New Trier's transition program. Our Place is in a good location.

Chairman Duffy asked speakers to talk about the special use and criteria for the special use. Everyone knows how wonderful Our Place is and what it does for its participants. No one is trying to get rid of Our Place or kick them out of the village.

4.26 Mr. Greising has a 28 year old son who has attended Our Place for six years. He wanted to address the mechanics of drop off and pick up for participants. He drops his son off at 9:00 a.m. and he usually is the only one dropping off at that time. His son walks into the building and Mr. Greising goes down the alley.

Mr. Boyer asked him if he pulled in on a 45 degree angle.

Mr. Greising does pull in on an angle. His son can walk into the building. After school, his son is picked up at 6:00 p.m. Maybe three cars are there. They are in the alley. In recent weeks, the situation has changed. There is one staff person inside and one outside with walkie talkies. Staff is responding to the community's concerns. Parents are talked to about their responsibilities to comply with the traffic plan. His son is nonverbal and cannot communicate about activities. They get a note once a week about his son's activities. The staff is responsive to requests. The photos submitted by a neighbor are all about the PACE bus, which is beyond staff's control, but they are working on it and there is a new means of communication to apply pressure on PACE. Our Place is acting in good faith to address this problem. The easiest and most reasonable way for the board to respond to this is to give families and staff a chance to solve the issue the easiest way possible. This involves working with PACE and holding them responsible. That has to be given time to work. If that does not work then other measures may be taken.

The current location is important to program success. The ability to walk to downtown is important. These participants are involved in the community. If a change in traffic policies would preclude a use of this facility, it would eliminate the inclusion of participants in the community, which is what sets Our Place apart. He asked the board to take measured and reasonable steps not to try to solve this all at once. There is improvement and they should continue to build on this and move towards a resolution that allows the program to continue.

- 4.27 Mr. Joles's brother is a program participant. There has been a lot of talk about impact. The impact has been positive. He is the writer of The Wilmette Beacon letter. He worked with Our Place leadership when he wrote the letter to really specify that most of the neighbors were positive and very few people objected. He had no control if that was edited out. He and his mother pick up his brother four times per week. He said that families will comply with rules. It is easy to park a block down and walk his brother to the car. They will work within the special use permit so Our Place can continue its wonderful work.

Chairman Duffy said it was courageous of Mr. Joles to take ownership of that letter.

- 4.28 Ms. Stern has lived in the village since 1992. His son has attended Our Place since it started. She lives on Lake Avenue and she has an alley. Her son is picked up every day by a paratransit bus to go to work in Glenview. No one has complained to her about the bus. A few times the bus blocks cars but cars go around or wait. At 17<sup>th</sup> and Lake is St. Joseph's school and the area is congested. Kids walk to school or bike. When they moved to their house in 2003 they knew they would be living near a school. Traffic blocking is a huge issue for people.

PACE buses are 30' long and a school bus is 45' long. It is not as big as a school bus. It is not like a school bus situation.

- 4.29 Mr. Junewicz said her daughter has been an Our Place participant for years. He is

part of the problem. He parked in the alley and not in the 45 degree area. He never saw a neighbor or a garage door open. If he thought there was an issue with his parking there, he would have moved his car. Four to five weeks ago he got a lot of heat from Our Place. He was told to not park in the alley and he should pull into the 45 degree area. He noticed walkie talkies to speed up the process. The process is smoothly oiled at this time.

He used to be on the Kenilworth Plan Commission. He lives on Kenilworth Avenue and it is a parking lot on Sundays. He shovels his sidewalk as much as he can so people don't fall in winter. That same attitude is exhibited by those at Our Place.

It is one thing to say that people believe in Our Place and its mission. On an issue like this, what inconvenience is someone willing to tolerate in their personal life to serve a greater good. He is not saying that complaints are misguided, but he wonders if they are exaggerated.

- 4.30 Ms. Strichau said she has lived in the village for most of her life. She grew up across from St. Francis. If they are going to talk about a traffic problem they cannot focus on one alley way. Her alley between Chestnut and Ashland off of 10<sup>th</sup> is used as a thoroughfare. Commuters park in that area. It is not one group, it is everyone. It takes a while to get a young child in and out of the car. She has two young children. There is a real traffic issue on that side of town and it's not fair to point the finger at one organization. As a neighbor she likes having Our Place in the neighborhood. It's part of an adult's job to welcome these young adults into the community. Our Place is an asset in the community.
- 4.31 Ms. Capano's brother is a participant at Our Place. The first neighbor said that multiple buses come multiple times each day. Our Place runs Monday through Friday and Saturday night. When the buses run, most people are at work. The number of times that people are blocked in is exaggerated. She has noticed a difference from a few months ago to a few days ago. Staff is outside making sure that the process is efficient. Our Place is being responsive and doing a good job and are respectful to the neighbors and the community.
- 4.32 Ms. Junewicz said she almost always parks in the 45 degree spaces. She has encountered congestion in the alley and has benefited from it because she meets a lot of business owners and hires them. There are other vehicles that park dead center in the alley. Regarding PACE buses backing up, this might be because of others in the alley not attributable to Our Place.
- 4.33 Mr. Figura said that his house is across the alley from Our Place. He has lived there since 1992. The issue before the board is not whether Our Place is good for the community. The issue is whether Our Place meets special use standards for their request. He objects to both requests because this area of the village cannot support the parking and traffic generated by the program. The issue is outside of Our Place's control. The issue is caused by third parties including PACE, as well as parents who

drop off program participants.

It is important to set the context for the nature of this dispute occurring in 2018. Our Place started operating at the church in 2008 without getting a special use permit. According to one of the letters submitted to the board, Our Place started as a room with a few couches. They had one staff member. From media reports, they learned that Our Place offered 11 hours of programming and 30 participants. Mr. Boyer asked how many participants the program had today. On June 28, the neighbors asked this question and they were told that Our Place currently has 92 participants. Tonight the number was 72 participants. On June 28, the neighbors were told that there were at most 32 participants at any one time. Tonight the board was told that there were only 25 participants at one time. The program has grown. The program runs 6 days per week, 52 weeks per year. On Monday through Friday, they are there from 8:30 a.m. to 6:30 p.m. On Saturday evenings, they are there from 5:30 p.m. to 9:30 p.m. Today the program runs over 50 hours per week. They have 13 staff members. In addition to staff, there are a considerable number of volunteers. The parking issues on Forest are happening because of volunteer parking that is not accounted for in Our Place's plan to move staff parking from Forest and put it on 11<sup>th</sup> Street.

According to figures that Our Place presented to the board in December 2017, the program generates traffic in the alley with at least 60 PACE buses per week and at least 186 cars per week. Those numbers are understated because their numbers did not include bus or car traffic for the Saturday evening program. They also have four vans that generate more alley traffic. There are 10 parking spaces behind the church, 3 to the west and 7 to the east. The 3 spaces to the west that were there for church use are permanently occupied by three Our Place vehicles and one van is permanently parked on the street. Sometimes there are two in front and two in back.

Forest Avenue is an abbreviated block. Wilmette Avenue is a busy street. Forest and Wilmette Avenues is a busy intersection and there have been many accidents. He talked about accidents that occurred. The intersection is a school crossing for Central and St. Francis Schools. There is a crossing guard.

With respect to the traffic plan, Our Place stated they were working on the plan on December 31. They started implementing procedures in early 2018 that were supposed to eliminate the problems. They took the seven parking spaces on the east side of the church and tried to convert them into a drop off zone. It hasn't worked. There are photos showing that it is not working. Photos show blockage in the alley and buses blocking in the alley as well as buses standing on Wilmette Avenue with flashers on waiting for alley traffic to clear so the bus can turn into the alley. Northbound traffic is going around the buses, but into oncoming traffic. There were photos taken in February and June and July. Traffic management is not being performed consistently. It is not resolving issues.

As recently as 11:27 a.m. yesterday, a car traveling west in the alley encountered

an east traveling PACE bus. The bus was going in the wrong direction. As recently as 2:30 p.m. today, a PACE bus blocked the alley for 30 minutes. No one from Our Place was directing traffic. He submitted photos of the bus pulled in at 2:30 p.m. blocking the alley. A car was trying to squeeze by. Cars are parked in the parking spaces.

He showed photos at the meeting.

Chairman Duffy said it looks like the PACE bus was parked along the lines of the parking spaces. Was it at a softer angle?

He said that it was driven into the orientation of the striped space.

Chairman Duffy asked what the angle was.

He said that the angle is 60 degrees.

Chairman Duffy said they talked about buses coming in at a 30 or 45 degree angle.

Mr. Lemmon said that it is his understanding that PACE should not be backing out at that angle, but at a softer angle. And at 60 degrees, they would hang out of the alley. They would need deeper stalls or a softer angle.

Chairman Duffy said that PACE bus doors open on the side. The bus operators are told they cannot drop off or pick up into a lane of traffic so the doors have to be far enough out of the alley. They have to angle park and not parallel park unless there is more width in that side space for them to have x amount of clearance between the edge of the alley and door opening.

He continued and showed another photo taken tonight around 6:00 p.m. It shows a PACE bus pulled in parallel to the alley with the door opening into the alley, which is not consistent with regulations.

Regarding the traffic plan, it is a moving target to address the plan. There is a lot going on at the 11<sup>th</sup> hour. Regarding procedures, who enforces the plan? It seemed as if the plan was written that Our Place would enforce the plan and they would notify violators. He does not see that happening. He sees a situation where neighbors have to police the plan. It is not a plan that removes traffic from the public right-of-way or takes vehicles off the street and puts them on private property. It is an attempt to manage 60 buses and 186 cars per week in a narrow alley using existing parking spaces for drop off. How is this enforced? How do neighbors raise issues or concerns? The affidavit suggestion by Kimley Horn is unworkable.

How many participants arrive by PACE bus and how many by private vehicles? What if 60 participants arrive by car? According to Kimley Horn recommendations,

Our Place would need to collect 60 affidavits from Our Place parents or participant drivers twice per year. The paperwork does not move traffic out of the alley.

Chairman Duffy asked if he was talking about the general east/west flow the length of the alley or just in the area of drop off and pick up.

He said that there is a problem throughout the alley. The area of drop off and pick up is a choke point. But there is an issue in the rest of the alley. PACE buses are large and there is no room to pass a bus in the alley. In the winter, the alley is a single lane.

He said that when people shovel out garage entrances or the village plow comes through there is no way that two cars can pass each other. The Our Place plan does not address this. The Kimley Horn recommendation does not address this. There is constant traffic in the alley. Sixty buses per week is unreasonable to those living on the alley. And then there are additional cars.

Kimley Horn's suggestion about sending monthly reports presumes that PACE cannot comply with the plan. It's not actually PACE but a third party. This is out of Our Place's control. Kimley Horn raises the concept of potential additional procedures. What does that mean and how operationally is that played out? Kimley Horn in its plan creates two more parking spaces next to the church door at the side of the church. There are six concrete stops in the plan and seven parking spaces. Under Kimley Horn's plan, the suggestion of adding two spaces means a net gain of one space. The two spaces are parallel to the alley. He submitted photos of that area. How is it possible for anyone to use that second space in away from the alley? How would they access it? To put those spaces directly opposite of his garage door will create more issues for him.

Kimley Horn recommended that if there is alley traffic, the PACE buses should circle the block. The village does not want buses on Forest. Why should the village permit buses in the alley? Why should the village allow buses to circle the block waiting for alley traffic to clear?

He pointed out that in 1988, the church sought to expand the space that it is now renting to Our Place. At that time the church said that there would be no more traffic congestion and the church should be held to this.

He addressed an email in the board packet dated July 10 from George Craven. In summary, Mr. Craven said that Our Place's use of space at the church is a win/win for the community. He pointed out that Our Place gets below market rent. The church is making money. This is not a win/win because there is a cost for everything. Our Place's application seeks to place the cost on the neighbors in the alley. The church wants to continue to rent space to Our Place at below market rent. This cost and transfer of property rights effectively attacks him and his neighbors. It is troubling that village officials have refused attempts by our place to relocate in

the village because the village would lose sales tax revenue if Our Place relocated to a commercial space.

As an over 25 year resident of the village, he finds this hard to believe but Our Place said this at the December meeting. If there are truths to Our Place's assertions, the village should reconsider its position and allow Our Place to move into a space that can accommodate the programs. The board should deny the application for special use and for a variance of the 17 space parking requirement. They do not satisfy requirements of the zoning ordinance. According to the ordinance, no special shall be recommended for approval by the board and approved by the village board unless findings were made based on evidence presented at the public hearing to support each conclusions. There are 11 parts, A-K, on which the board must make findings. The chair talked about three of those topics. The evidence before the board and especially the submission presented to the board on Friday with photos of current conditions demonstrate that Our Place cannot meet its burden.

There are more requirements that are specific of issuance of a special use permit to allow them to operate an adult day care center. He read the requirements, specifically one about having an adequate drop off zone. There is no adequate drop off zone at the church for this type of program. He read that the amount of traffic and noise should not be excessive. Our Place has not met this requirement. For these reasons, the board should deny the requests.

However if the board believes that the issue turns on the interests of the community and the nature of the program issues and the letters they solicited, he would ask that the board communicate with the proper village officials to request that the village reconsider its position as represented by Our Place of not allowing them to relocate in the village and share the cost of doing so by lost tax revenue among all village residents and not impose the cost on him and the neighbors.

Comments were made about how people who are at the hearing live near churches, which generate a lot of traffic on Sundays. In his neighborhood, Sunday is the calmest day. Traffic that day is nowhere near traffic on other days and nights.

- 4.34 Ms. Martin lives next door to the church. This is not a question of mission or intent but solely function. She attended the December hearing. There is no real attrition in the program. Our Place staff will tell neighbors that they do not intend to grow, but in print they have stated otherwise in the last six months. She read copy that was part of a Wilmette Beacon article that talked about changing needs of participants as they age. This shows they intend to add new participants while retaining current participants. The article also talks about the need for more volunteers. All of the current problems will remain and only worsen over time.

Over the last seven months, the following have become clear – the program cannot control PACE buses; they cannot manage those who drop off and pick up program participants; it is a safety issue and not an inconvenience. Neighbors are at the

hearing for the safety of their families. The alley presents a lot of safety issues. Street parking remains a problem. Although Our Place staff told her that employees would not park in front of her house, they continue to do so. Program vans often park in front of her house. The street does not get proper maintenance. Sight lines are often obscured. Volunteers do not follow directions. How do Our Place programs align with church programs? She was hurt by public backlash and words posted on social media.

The program did not attempt to meet with neighbors until June 2018 after being directed to do so in December. Neighbors were given three days' notice about the meeting. She does not or has not lived next to a parking lot. She lives next to a church and not a school or a day care.

There was a special use permit granted to the church in 1989. The structure that the program uses is non-conforming. The church had to get a special use permit and variation for this in 1989. They are required to have that barrier because neighbors had problems with them building a substantial non-conforming structure. The barrier is a non-deciduous tree barrier. She said she read the 1989 special use permit.

She read what the church assured neighbors and the board what they would do as related to construction. She has lived in her home for 12 years. Traffic has increased, parking is a burden and she cannot use her property like others in the village do. There is a significant risk to neighbors' safety based on the current Our Place program, which has not had a permit or a variance for eight years. If it is important to the village that the program continue and thrive, the village as a whole should subsidize this and not just the neighbors on her block. She talked about the village not wanting to lose sales tax revenue. After all of the efforts over time, there are still problems. The 17 space parking variance indicates that the program is too large for its space.

She said that if there is a service person who comes to her house tries to go through the alley, there is chaos. What is the plan? Is there a plan?

- 4.35 Mr. Cornwell said he would brief because others have spoken his views. Safety is a concern. This is not a matter of inconvenience. There are 15 young children who lives on his block and regularly use the alley. He tried to not live on the same block as a school. Tonight's case cannot be compared to Loyola Academy. The situations are not similar. He said they do not have commercial parking. They have seven spaces available for use and street parking.

People who come into the area around Loyola Academy know that there is a school there. When he bought his home four years ago, he did not know about the number of people in the Our Place program.

He does not think that the plan is the right answer. There is too much pressure being

put on this area and there are safety concerns. The problem is the way that people are flowing in and out of the building that creates safety concerns.

If the board is going to consider granting a special use permit, the board should study the impact on values in the neighborhood. That has not been qualified. There is no special use permit granted by the board that can be evaluated. They would have to look at comparable properties in the area relative to other schools and special use permits and analyze the impact. He talked about having an appraiser do this type of work. This work has not been done.

He asked that the board consider speed bumps in the alley to slow traffic. He asked them to consider reasonable signage especially for PACE buses. He feels like they are trying to fit a square peg into a round hole. He asked that other 3,000 square foot commercial spaces with appropriate parking and close to the village be reviewed. There are spaces out there and those options need to be considered. He knows that this could put economic stress on Our Place.

When they met on June 28<sup>th</sup>, he asked about other options. They spoke about operationalizing the current traffic plan. There was not a lot of discussion about how to make this safer and better. A lot of things brought up tonight were not adequately addressed at that meeting.

He does not see how a request can be approved without considering all options. This is a frustrating situation for everyone. There either needs to be a plan for a better way to do this or everyone is at a road block.

- 4.36 Ms. Patski said her son goes to Our Place. In terms of strategies, she also suggested speed bumps. Maybe the alley could be one way for everyone with signage. Maybe there could be a speed limit or no standing. She agrees that this is an issue that has pros and cons on both sides and people are passionate about this issue.

Her family uses PACE. She talked about her personal experience with PACE. She has to work and cannot drive her son to the program. Her husband is disabled. A cab is eight times as expensive as a one way PACE bus ticket, which is \$3.25. Her son has to be approved to take this transport. He is not able to go on public transportation. PACE is a critical method for him to be mobile in the community. This is an opportunity for her 31 year old son to be independent. If he misses the bus, he has to stay home alone, which is not always safe. The bus is a way for him to become social and making friendships. The PACE bus driver does not monitor every interaction but is there for serious problems.

She feels that level heads and smart people can come up with solutions. She is willing to do that.

- 4.37 Ms. Clarke said that the main issue is the PACE buses. Over 60 PACE buses going through the alley weekly is a nuisance and unrealistic. The PACE buses back out

onto Wilmette Avenue. In some of the pictures, it shows PACE buses still protruding into the alley. She talked about there being no staff members intervening with PACE bus issues. PACE buses are in the alley idling up to 30 minutes. Staff did not tell the bus to move up. The program for the PACE buses does not work.

- 4.38 Reverend Rawls is a pastor at the Community Church of Wilmette. At the last hearing, he and a congregation member said that they do not view the other groups in the building as renters or people just sharing space. They see them as mission partners. He talked about the work and mission of the church. They have activities throughout the week and on the weekend. They have managed to co-exist with the neighborhood when Sunday activities brought in more people than today. Never once in their history were they told they had to decrease programming or mission work because it was too busy.

Since the December 2017 meeting, the church did a thorough review of their activities during the week. They looked at programs and scheduling of other mission partners. They looked at pick up and drop off times of Our Place. They dissolved a long-standing partnership with another community group because their programming did not allow them to work around traffic congestion. They have worked with Our Place to find creative solutions for congestion issues especially in the alley and in the neighborhood. They communicated traffic procedures with other partners as well as church members. It is their goal that everyone is following the same procedures.

He is glad that they could meet with neighbors. He hopes that this continues. The church's goal is to care for all of the neighbors. Our Place is viewed as a neighbor. Their program enriches many.

Mr. Schneider said that one of the board members asked if the church would be amenable to a driveway configuration that starts in the alley and ends on Wilmette Avenue. Would the church be amendable to allowing this?

The pastor said they are a congregational based church and the pastors do not have the final decision. It is his belief that they would amendable to exploring and discussing that. Since he has been there the past 4.5 years, they made decisions as a congregation related to the building. They put in a lot of money into their elevator because of Our Place. They put in lighting for Our Place's evening programs. They made renovation decisions because it is shared space before they have done things in the sanctuary. It is likely they can explore the request.

- 4.37 Reverend Ralls is the operations and programs pastor at the church. He was a legislative for a Chicago City Council member so he understands the complex nature of the conversation. He thanked the board for their work. He reiterated the church's commitment to providing radical hospitality to organizations and individuals whose mission intersect with the church's mission. They have space that they provide to underserved and marginalized communities. They are aware

that this sometimes requires hard conversations and compromises. But this makes for stronger and more just communities that protect and ensure the safety of all residents and neighbors. They are open to making accommodations that better protect the immediate neighbors. He encouraged the board to support the request and commit to the neighbors that the church remains open and available for ongoing dialog of how they can all live and thrive together.

## **5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS**

- 5.1 Mr. Boyer said that the program and the mission are great. It is not an issue if the program is good or inclusive but it is an issue of zoning and real estate. The special use standards have to be applied. He believes that a number of standards are not met. He referenced item c, item e, item f, item g. That being said, they came up with a traffic plan that has not been implemented. He is possibly amenable to approving it with the conditions for the fact that the plan has not been put in place. There are problems in the alley. There was not a plan before and now there is a plan, but that has not been put in place. There has not been a chance to see what happens with the plan. He would be amenable to approval with a look back. He is not too certain with making an approval with no time limitation as it moves forward to the Village Board.
- 5.2 Mr. Kolleng agrees with Mr. Boyer's comments. There is congestion and issues that impact neighbors. Our Place has been there for an extended time period. It is an asset to the community. Many village residents use this facility. When he looks at similar situations, they came to the board, sometimes they returned with a new plan and plans were approved provisionally and then returned and approval was granted. Our Place deserves the chance to implement their plan. He recommends a look back period that the Village Board determines. They should be given a chance to satisfy the neighborhood. It doesn't need to be 100% but there needs to be a high standard of compliance. He could support this case.
- 5.3 Ms. Norrick said she has the same concerns. She is also concerned about the standard stating establishment, maintenance, or operation of the proposed use will not be detrimental or endanger the public health, safety, and welfare. There are some real safety issues in this case. She has a hard time supporting this application. It is a great asset for the community. They have outgrown the site. Maybe the teardrop driveway plan would make the request more amenable. Otherwise she cannot support it.
- 5.4 Mr. Surman said the standards of review are not met when it comes to standard c and some others. The program is great, but it has grown too much or the solutions offered tonight are not strong enough to convince him that they should move forward.
- 5.5 Chairman Duffy said that Mr. Surman's opposition was about the PACE buses. Would he be amenable to a plan that took the buses out of the alley?

- 5.6 Mr. Surman said that cars going down the alley, parents dropping off the children have respect for the area and facility. They will be careful. The parents won't be the problem. A PACE bus driver is another issue. The bus issue bothers him.
- 5.7 Mr. Schneider said that Our Place is a valuable asset. He has sympathy and respect for parents and participants. He is concerned the most about standard c. The wild card is the PACE buses. Presumably this will be addressed. Maybe vans instead of the larger buses would work. Substantial compliance with general principles should mitigate concerns. He would approve this subject to a look back period. The applicant has to work with PACE. The neighbors should have substantial input during the process. Someone should be at 11<sup>th</sup> and the alley to turn buses around and tell them to come in through Wilmette Avenue. There should be at least three people out there. Continuous community outreach is key.
- 5.8 Chairman Duffy said he struggles with a number of points. It is important to try to make this work. The program should try to implement the plan and prove that they can make the current situation better. In implementing the plan, most of the concerns will be alleviated. The bus issue may not totally be eliminated but this is to be determined. Maybe there are smaller vehicles. He does not want to see Our Place move. It has been shown that this is a great location. There are not many locations that would serve this organization within the area they are in right now. He believes that there is a way to make this site work for the neighbors and for Our Place. He said that the buses are the biggest issue. Parents can and will work with the program to implement it so that there is less impact on neighbors. Things have changed over the last few weeks. Our Place has a right to implement the plan. His vote will be to let them move forward and have a chance to implement the plan as long as there is a short window – i.e. six months.
- 5.9 Mr. Boyer said there's going to be a look back and this is going to be revisited by the Village Board. In light of some of the letters received, he encourages everyone to work with the neighbors and have an open dialog instead of vilifying the neighbors.

## **6.0 DECISION**

- 6.1 Mr. Boyer moved to recommend granting a request for a special use for an adult day care center and a 17 space parking variation to permit the operation of Our Place adult day care at 1020 Forest Avenue in accordance with the plans submitted. The use shall run with the use.
- 6.11 Chairman Duffy asked if Mr. Boyer wanted to include in the motion the variation necessary for the additional 21' of parking area.
- 6.12 Mr. Boyer said his greater concern was the amount of time for the look back.
- 6.13 Ms. Roberts said that she had been advised that the Zoning Board should

not worry too much about the conditions that the Village Board might put on an approval. She suggested that the recommendation be for a look back provision to be added to any approval without worrying about the time frame or how it might be done.

- 6.14 Mr. Boyer clarified the Ms. Roberts was recommending to not include a time frame.
- 6.15 Ms. Roberts said that is her recommendation. Mr. Lemmon had said that six months is reasonable but it would probably be better for the time frame to be set in consultation with the village engineer.
- 6.16 Mr. Boyer said it probably wouldn't be two years.
- 6.17 Mr. Schneider said it will be whatever the Village Board decides.
- 6.18 Mr. Boyer said the Zoning Board's recommendation is whatever they decide. That will be the recommendation to the Village Board.
- 6.19 Mr. Kolleng said the Zoning Board is recommending a look back period. The Village Board will decide the length of that period.
- 6.2 Mr. Boyer amended the motion to recommend a look back period by the Village Board.
- 6.21 Mr. Kolleng seconded the motion and the vote was as follows:
- |                        |             |
|------------------------|-------------|
| Chairman Patrick Duffy | Yes         |
| Mike Boyer             | No          |
| John Kolleng           | Yes         |
| Christine Norrick      | No          |
| Michael Robke          | Not Present |
| Reinhard Schneider     | Yes         |
| Bob Surman             | No          |
- Motion failed.
- 6.3 Mr. Boyer said that he voted no because there is no specific time period for the look back.
- 6.4 Mr. Kolleng said they can put a specific time in. The Village Board doesn't have to agree, they can shorten or lengthen the recommended time.
- 6.5 Ms. Roberts said that if the board was not comfortable with not providing a time limit, the motion could be voted down and a new motion made with a time limit.

6.6 Mr. Kolleng moved to recommend granting a request for a special use for an adult day care center and a 17 space parking variation to permit the operation of Our Place adult day care at 1020 Forest Avenue in accordance with the plans submitted. The use shall run with the use. In addition, move to recommend a condition for a minimum six-month look back period to determine if the new program for drop off and pick up is effective.

6.61 Mr. Schneider seconded the motion and the vote was as follows:

Chairman Patrick Duffy	Yes
Mike Boyer	Yes
John Kolleng	Yes
Christine Norrick	No
Michael Robke	Not Present
Reinhard Schneider	Yes
Bob Surman	No

Motion carried.

6.7 Mr. Surman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-65.

6.71 Ms. Norrick seconded the motion and the voice vote was all ayes and no nays.

## **7.0 FINDINGS OF FACT UPON WHICH DECISION WAS BASED**

A majority of the Zoning Board of Appeals finds that the request meets the special use standards of Section 5.3.E and the variation standards of Section 5.4.F of the Zoning Ordinance. The proposed use in the specific location will be consistent with the goals and policies of the Comprehensive Plan. The program provides a valuable service to the participants and to the Village as a whole. The proximity to the Village Center allows participants to work, access public facilities, and otherwise interact with the community to the benefit of the participants and the larger community. The program has been in operation for almost nine years at this location with similar levels of activity for the past eight years. During this time, the use has not been detrimental to or endanger the public health, safety, and welfare. The program is not injurious to the use or enjoyment of other property in the neighborhood. The continuation of the special use will not impede the normal and orderly development and improvement of surrounding properties for permitted uses. While the use has been in operation, properties in the neighborhood have been purchased, occupied, and improved. There is no evidence that the use will not substantially diminish property values. While there have been problems with traffic in the alley and parking on Forest Avenue, the applicant has taken steps to address these concerns. Employees have been directed to park on specific blocks, distributing them through the neighborhood rather than concentrating on one block. In the winter, employees will be encouraged to use public off-street parking lots. Regarding the traffic in the alley, the applicant has presented a traffic management

plan. The applicant will have staff outside managing the drop off and pick up activity. Any vehicles coming into the alley will be directed to pull into the existing parking area so that the alley itself remains open. Participants' families will be required to sign agreeing to follow the plan. Failure to follow the plan may result in suspension from the applicant's program. There are additional steps that can be taken if the current parking area doesn't accommodate the new procedures. The recommendation for approval includes a provision that the use be re-evaluated in not less than six months to determine whether the proposed traffic management plan is effective. Therefore, adequate road access will be provided and adequate measures will be taken to provide ingress and egress to the use in a manner that minimizes traffic congestion in the public streets. There are no known archeological, historical or cultural resource located on or off the proposed site that will be substantially adversely affected by the use. There are no other physical improvements proposed by the applicant at this time. The use will meet the additional use standards including that related to traffic for the reasons described above.

The particular physical conditions of the property, the shape of the lot, the siting of the building and parking lot on the lot, and the location south of a bend in Wilmette Avenue, impose upon the applicant a particular hardship regarding providing 17 additional parking spaces. The plight of the applicant was not created by the applicant and is due to the unique development and use of the property. The hardship is unique to the property in question. The hardship prevents the applicant from adding more parking to the property and potentially relieving some of the parking and queueing concerns. The proposed variation will not impair an adequate supply of light and air to adjacent properties. The variation, if granted, will not alter the essential character of the neighborhood.

A minority of the Zoning Board of Appeals finds that the request does not meet the special use standards of Section 5.3.E and the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, adequate measures do not exist and are not certain to be provided regarding ingress and egress to the use in a manner that minimizes traffic congestion. There was much testimony about the volume and type of traffic in the alley causing blocked alley access and queues backing up onto Wilmette Avenue. One significant contributor to this are the PACE services, which because of how they operate, it has been difficult to modify their behavior so far. The proposed traffic management plan relies on enforcement by the applicant and cooperation from PACE; the success of this plan is not certain. Similarly, adequate road access does not exist and is unlikely to be provided. The primary entrance for the program is at the rear of the church off of the alley. This is not able to be changed and so traffic to and from the program will continue to come primarily from the alley, which is not equipped for the volume and type of traffic associated with the use. As a result of the traffic problems in the alley, the use has been shown to be injurious to the use or enjoyment of other property in the neighborhood. Testimony was provided regarding the blocking of alley garages and the concern for safety because of the volume and speed of traffic in the alley. Furthermore, no evidence was submitted that the use does not substantially diminish property values in the neighborhood. The negative impact of the traffic from the use may have some impact on property values in the neighborhood.

**8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a special use for an adult day care center and a 17 space parking variation to permit the operation of Our Place adult day care at 1020 Forest Avenue in accordance with the plans submitted. The use shall run with the use. Also recommended is a condition for a minimum of six-month look back period to determine if the new program for drop off and pick up is effective.