



1200 Wilmette Avenue
Wilmette, Illinois 60091-0040

MEETING MINUTES

ZONING BOARD OF APPEALS

WEDNESDAY, JANUARY 21, 2015

7:30 P.M.

COUNCIL CHAMBERS

Members Present: Chairman Dan Sullivan
Mike Boyer
Patrick Duffy
John Kolleng
Lynn Norman
Reinhard Schneider
Bob Surman

Members Absent: None

Staff Present: Lisa Roberts, Assistant Director of Community Development

I. Call to Order

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

II. 2015-Z-02 1314-1318 Wilmette Avenue

See the complete case minutes attached to this document.

III. Approval of the December 17, 2014 Meeting Minutes

Mr. Boyer moved to approve the December 17, 2014 meeting minutes.

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

IV. Public Comment

There was no public comment.

V. Adjournment

The meeting was adjourned at 11:23 p.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. Murray Lewison, attorney
1314-1318 Wilmette Avenue LLC, applicant and contract purchaser
2201 Waukegan Road, Bannockburn
- 3.12 Ms. Pamela Self, landscape architect
Pamela Self Landscape Architecture
1 Anne Court, Hawthorn Woods
- 3.13 Mr. Peter Lemmon, traffic consultant
Kimley-Horn Associates
111 W. Jackson Boulevard, Chicago
- 3.14 Mr. Mark Yates, project developer
- 3.15 Mr. Boris Dorfman, project developer
- 3.16 Mr. Don Fielding, civil engineer
Greengard, Inc.
111 Barclay Boulevard, Lincolnshire

3.2 Summary of presentations

- 3.21 Ms. Roberts said that this is a request for a special use to permit a townhouse with more than 4 units in one building, a special use to permit more than one townhouse building on a lot, a variation from the requirement that only either detached garages located in the rear yard or attached garages oriented to the rear of the units are permitted, a 5.0' aisle width variation, a 2.0' rear yard parking space setback variation, and a variation to allow parking spaces to open directly upon an alley to allow the construction of 7 townhouses in 2 buildings. The Village Board will hear this case on March 10, 2015.
- 3.22 Mr. Lewison said that two of the principals of the firm are with him at the meeting. They are Mark Yates and Boris Dorfman, as well as their landscape architect and their traffic consultant. He explained that they were seeking a special use for a two building townhouse development. One building would contain five units and the second building would contain two units. He explained their special use requests. Some of the requests are that they are asking to have the garages oriented towards the front of the unit instead of the rear. For the minimum driveway aisle, they are requesting 17' instead of the required 22'. It is actually 17.75'. A variation to allow three guest parking spaces at the rear of the property off of the alley and to be

allowed to be 3' instead of 5' off of the rear property line.

The proposed development complies with all other zoning requirements including minimum lot sizes, lot width, setbacks, size of the units, and height. No trees in the parkway will be impacted by the development. The property is in the R2 attached residential district. The purpose of R2 is to promote and maintain development of single family attached and single family detached housing to be compatible with the surrounding R2 neighborhood. It is a transition between strictly single-family homes and multi-family housing like apartment buildings or condos and commercial development.

Until the 2014 revisions to the ordinance, R2 was known as townhouse residence district. In its present form, it has substantially the same zoning provisions that were in the ordinance prior to 2014. R2 contemplates townhomes as a permitted use. For what they are seeking, special use approval is required.

Townhomes are an alternative lifestyle to empty nesters, people seeking to downsize, and people who want to have less direct maintenance requirements. It allows those who want to remain in the Village that opportunity and allows others to move to the Village. Building A would be a five-unit building with the front portion fronting on Wilmette Avenue. The remaining four units will be perpendicular to Wilmette Avenue and face east. There will be one curb cut off of Wilmette Avenue to serve the five-unit building. There will be two on-site guest parking spaces accessed from the front.

The entrance off of Wilmette Avenue will allow vehicles exiting the property to safely drive onto Wilmette Avenue rather than backing out on the street. All other properties on Wilmette Avenue have to back out. The west side of the lot is the back yard for the five-unit building. They are 18' to 20' in depth providing a generous back yard entertainment.

Under the recent modification to R2 in the 2014 ordinance, attached garages are to be oriented to the rear of the building. They are asking for a variance to orient the garages to the front on the five-unit building. They want to have the back yard for recreation/entertainment purposes. This is an important feature.

Building B will be a two-unit building. Each unit will have a detached garage located behind it that will abut the public alley. They want three off-site guest parking spaces off of the public alley. The garages and guest spaces will be accessed via the public alley.

The townhouse building placement and the 6' privacy fence at the east and west property lines and generous landscaping along the east and west property lines will ensure privacy and buffering between the development and adjacent properties.

Prior to 2007, the property was two single lots with existing homes. In late 2006, another developer applied for a special use to build almost the same development with two buildings and seven units. That request was approved by the Village Board. As part of that zoning process they consolidated the two lots. The real estate market then imploded and the developer chose to not buy the property. What was left was a single lot about 100' wide and over 250' in depth with two single homes. That is the present condition.

The special use is in keeping with the goals and policies of the comprehensive plan. There would be an appropriate diversity in housing for residents. There will be on-site storm water detention to address flooding concerns.

This R2 district is mature and fully developed with old and newer homes. Redevelopment is good for a village. This development will be upscale and complimentary with the R2 district. The surrounding R2 neighborhood consists of single family homes, townhomes and low density multi-family housing. The current homes on the property are run down and dilapidated. The new development will add to the property tax base of the Village. The proposed development will have one curb cut to serve the five-unit building; parties coming off of Wilmette Avenue will not have alley access. Vehicles will exit onto Wilmette Avenue more safely because they will not have to back out.

The property is about 1.5 blocks south and east of McKenzie School. Prairie Avenue, which fronts on the school, is a one-way street running south on school days between 8:00 a.m. to 9:30 a.m. and 2:00 p.m. to 3:30 p.m. The property location will not add to any school traffic. Most people leaving the development will go east to Green Bay Road. If someone goes west, the first street to turn north on would be 15th Street, which is beyond the school.

Similar developments with more than four units to a building and 2 or more buildings to a single lot have been approved by the Village Board and have worked out well.

- 3.23 Ms. Self said they tried to work with the side of the building that looks like the front of the building. They treated it to look like a single-family home. They have met the requirements for the landscape ordinance and tree replacement plan. They will be providing screening on both sides of the property. The ordinance requires the trees to be 25' on center and the trees along the side yards are between 18' and 20' on center. That will provide screening over time. They cannot provide immediate screening because the landscaping would eventually fail. At the time of planting, they are using replacement caliper in upsizing the trees and will collaborate with the Village forester on this.

They have created as much of the rear yard as possible for private patios and lawns. They tried to create as many planting areas as possible. Half of the pervious surface

on the property is planted. They are over what is required on pervious square footage.

They are slightly short on planting beds. They have more shrubs than required and more trees than required. They did not want to overcrowd the site.

- 3.24 Mr. Lemmon said they were asked to put together a traffic evaluation for the proposed development. They are a Village pre-qualified transportation consultant. They were asked to look at the site in terms of traffic impact. The previous proposal for the site had a similar density. That site had a traffic study done. He reviewed that study and it had similar conclusions to his firm's study.

When one looks at a townhome development compared to the two single-family homes that are there today, the relative change in traffic during peak hours is similar. There are 1 to 2 additional trips in or out during peak hours. Townhome units tend to generate less traffic than single-family units. The site has two different access points, which also distributes traffic. There are traffic backups on Wilmette Avenue during peak periods in particular. They are inconsistent. They align with train crossings to the east and that contributes to the back up. There might be 2 to 3 cars queued or it might back up to Prairie or Oak Circle.

The queue tends to clear in one cycle so there are not residual queues. During those times, it will be difficult for someone who wants to turn left out of anywhere. There are gaps in the traffic from the traffic signal and given the relatively low traffic generation with this development, as well as the gaps, the site, from a traffic standpoint, does not have a significant impact on surrounding intersections.

When they do traffic studies, they take the volumes and round to the nearest 5. In this case, the peak hours for traffic generation are so low that it can be rounded down to 0. This development is not a large traffic generator that will have a lot of impact.

- 3.25 Ms. Norman asked if it was accurate in stating that they only did field observations for two days. Were they school days?

Mr. Lemmon said he was out to the area several times.

- 3.26 Ms. Norman read from a report that referenced the dates of November 4 and 5, 2014.

Mr. Lemmon said that there was school in the morning.

- 3.27 Ms. Norman said that there was no school on the 4th.

Mr. Lemmon said that the report dates could be wrong but he definitely saw people walking to and from school. They have worked with the Village on pedestrian

crossings at Prairie and at Oak in the past with more focus on pedestrian crossings as well as Wilmette and 15th and other intersections near the school. He has spent a lot of time observing traffic in the area for other projects.

- 3.28 Chairman Sullivan asked who developed the plans. Will they speak tonight?

The applicant said that the architect was at the hearing and could speak.

- 3.29 Mr. Yates said that he lived in the Village for many years. He is familiar with the community. He noted that the landscaping plan has been revised to address neighbors' concerns.

- 3.30 Chairman Sullivan said that the plan shows four parking spaces. One of the parking spaces was on the east side of the garage. Are all four parking spaces now on the west side?

Mr. Yates said that all four parking spaces are on the west side and they moved the trash from the east side so that residents would not have to walk around the garages to get to the trash.

- 3.31 Chairman Sullivan said that the Board does not like to grant variances on new construction. Why should the Board approve variances when this is new construction? Why is this the best option?

Mr. Yates said that the Village in its master plan has determined that this is an area that should be developed with townhomes among other types of housing. To make townhomes work, they have to be at a certain price point. It requires greater density than is permitted by the ordinance.

- 3.32 Chairman Sullivan said it is not required that this lot be developed for townhouses. Why is it appropriate to approve the request versus putting two single-family homes on the site? Why should the Board 'break' the Village ordinance for this development?

Mr. Yates said they are not asking the Board to 'break' the ordinance but are asking that the code be implemented to allow townhomes on the site. There are other uses that could be built.

- 3.33 Chairman Sullivan asked if they could build the townhouses minimizing the variances.

Mr. Yates said that he did not think so. Some of the issues are quality of life. One variance is to allow the garages to be oriented to the front instead of the back. He understands the reason for the ordinance because seeing one driveway after another would be unsightly. In this case, because of the project's orientation, if the garages were in the rear of the units, the backyards would be eliminated. Residents will

want some private green area.

- 3.34 Mr. Boyer asked what the price point was.

Mr. Yates said that the price point is \$795,000 to \$925,000.

Mr. Dorfman said there will be 3 to 4 floor plans. The five townhomes attached in the front will have 3 bedrooms, 3.5 bathrooms with attached garages. The two townhomes in the rear will have detached garages and 4 bedrooms with an option for an elevator from the lower level all the way up.

Mr. Yates said that one of the only options is the elevator installation.

- 3.35 Mr. Schneider asked if the two townhomes would have three levels above grade.

Mr. Dorfman said that the two in the rear would have three levels above grade and all heights will be the same. They can build an extra bedroom upstairs with the homes that have detached garages so it gives them more flexibility.

- 3.36 Mr. Surman asked for history of the development company and other townhomes they have built in the area.

Mr. Yates said that this is their first townhouse development. He was with Homart Development Company for 14 years. They have partnered with Horizon Development who is a well-known North Shore developer. They have developed over 20 single-family high end homes.

- 3.37 Mr. Schneider said that they are requesting three variations – garages in the front and not in the back, have the driveway at 18’ versus the required 22’ – there is 25’ from the garage door to the edge of the driveway and the four parking spaces in the back for guests are 3’ as opposed to the required 5’ from the edge of the alley. Do the garages that face the alley have to be 3’ or 5’ from the edge of the alley?

Ms. Roberts said that 3’ is the requirement for a garage.

- 3.38 Mr. Schneider said that the only issue is the setback for an open parking space.

- 3.39 Ms. Norman said that there is also a request to allow parking spaces to open directly on an alley.

- 3.40 Mr. Schneider said that the above is the fourth request by the applicant.

Ms. Roberts said that is a variation because they do not have that 5’ setback.

Mr. Yates said that they wanted to provide off-street parking for guests to eliminate

the guests parking on the public street.

- 3.41 Mr. Schneider asked the dimensions of a parking space.

The landscape architect said that the parking spaces as drawn on the plan are 8.5' and are 22' from the alley. There is 3' of a walk that is in between. If they had an 18' parking space, it is 4' off of the alley.

- 3.42 Mr. Surman said that there is also a special use request.

- 3.43 Mr. Schneider said that six years ago when the ZBA and the Village Board approved a plan that was substantially the same but without any variances. They did approve a special use. He is trying to understand why this proposal requires variations.

Mr. Yates said that with regard to the garage orientation, that was a new requirement in the April 2014 ordinance revision.

- 3.44 Chairman Sullivan referenced the parking spaces in the back. They are not required to put those in and if those are eliminated, they would eliminate two variances. They want them because it gets guest parking off of the street.

- 3.45 Chairman Sullivan talked about the 17' driveway width compared to the required 22'. Is it because of the stoop that is coming out from the buildings? If they eliminated the stoop, would they meet the 22' requirement?

Mr. Yates said that they would need to eliminate 5' of bushes to widen the driveway. 18' is enough room for two cars to pass and still have 3' of separation between them.

- 3.46 Chairman Sullivan said if the driveway was widened, that variance could be eliminated.

- 3.47 Chairman Sullivan said that the fourth variance is about the entrance to the garage being in the rear. If they made the front entrances to the units on the west side, there could be a walkway. They could then eliminate that variance but there would be no back yard.

Mr. Yates said that the back of all buildings would be pavement with no landscaping. Will someone want to buy it without a yard, without landscaping?

- 3.48 Chairman Sullivan said it appears that there would be a negative impact to the neighbors without the variation requests.

The applicant agreed with this comment. Up until the 2014 ordinance when the garage provision was added, it was not a requirement for townhomes.

- 3.49 Chairman Sullivan asked about driveway material.

The applicant said that the driveway is asphalt. The civil engineer is at the meeting if there are questions about onsite water detention.

- 3.50 Mr. Surman asked if the applicant drove by other townhouse developments in the Village to see the way that they were done.

Mr. Yates said he cannot say that he drove by all of them but he drove by a lot of them.

- 3.51 Mr. Surman asked if they looked at other design options. This is the only development in the Village that has this sort of access. He has an issue with that. He is an architect and he imagined that these townhomes would have been turned the other way and sidewalks going up to the front. He looked at all developments that were shown as granted in the packet and most of them are on corners where there is easy access. He is in favor of townhomes but the developer is looking for a special use.

Mr. Yates said that the special use relates to the number of townhomes on the lot and does not relate to the orientation.

- 3.52 Mr. Surman said that if one looks at the comprehensive plan and what is to be accomplished with that, there is supposed to be a streetscape.

Mr. Yates said that there is a streetscape.

Mr. Yates showed a project rendering. It indicates how the project will fit into the block and how it fits within the sizes of the homes on the block. If one faces the project straight on, it looks like single-family residential. Compared to homes on either side, it is of the same scope and bulk. If the concern is whether the development fits into the neighborhood, will it be something that is out of proportion to what exists. They took all necessary steps to ensure that it is within the proportion of what exists in size as well as the design.

- 3.53 Mr. Surman said that this would be the only development of its type in the Village. It is like an infill development. There are other infills with a few different buildings and one drives in between.

Mr. Yates said the renderings show that the appearance of the development will look like a single family residence and is not out of scope with what is there.

3.54 Chairman Sullivan asked if they considered four units with the orientation towards the street.

Mr. Yates said they picked up on what was done in 2007. In looking at the lots, the lots are deep but narrow. Cramming four townhomes on the lots along the front of the street would be less desirable than what is proposed.

3.55 Chairman Sullivan clarified that they did not create a plan with four units.

Mr. Yates reiterated that they took the 2007 plan and went with that plan.

3.56 Chairman Sullivan asked if the applicant owned the lots.

Mr. Yates said that they control the lots. They are under contract subject to approval from the Zoning Board and from the Village Board.

3.57 Mr. Boyer asked about the dimensions for the units in the five-unit building.

Mr. Duffy said that the front unit is 23'8" and the middle three are 24' and the end unit is also 23'8". The dimensions might be interior wall to interior wall.

3.58 Mr. Boyer clarified that the units are 24' wide on the garage side. He asked about the depth.

The depth is about 50'.

3.59 Mr. Dorfman clarified that the interior space is 24'.

3.60 Mr. Kolleng said if the units were to be oriented with four facing the street, they would basically be 20' wide. There would be side yard setbacks of 10'.

(after section 4.0)

3.61 Mr. Lewison said he was not going to address all comments made.

3.62 Chairman Sullivan asked if they held a neighborhood meeting.

Mr. Lewison said they did not hold a neighborhood meeting. He continued and said that Mr. Murdock touched on a key point. The variances they are seeking do not deviate from the Village code for their benefit, but for the benefit of the Village and for the neighborhood. Off-street guest parking oriented to the alley requires a variance, they could do without this and ask guests to park on the public street which would make the streets more congested. They were looking for a way to enhance the neighborhood and take guest parking off of the street.

Regarding the driveway, the Village requirement is 22'. They are saying they can make it work with 18', which means 5' more green area, which is an enhancement

to the neighborhood and to the property.

Regarding garage orientation, they think it is more important to have a back yard and recreation area.

There were many assumptions made on traffic. They are concerned about traffic and about the school children and safety. There is the presumption that the 10 or 12 townhouse residents would jump in their cars and leave between 7:30 a.m. and 8:30 a.m. That is not reality. People who choose houses close to a downtown area or public transportation often are locating because they use those services. People can walk 1.5 blocks to the train and not have to pay for parking.

He lives on a residential street in Arlington Heights with 70 houses on his block and he does not see many people pulling out at the same time as he does.

There is a broad general assumption that each proposed townhome will have 2 to 3 children and that is not a fair assumption. He thinks that more empty nesters will live in the development.

Chairman Sullivan recognized that they are not adding traffic to the alley. There is already a garage on one of the two existing houses.

He asked his civil engineer to speak about drainage issues.

- 3.63 Mr. Fielding said his company is in Lincolnshire and has been providing services to the North Shore since 1952. He has done quite a bit of work in the Village. On this site, they will design underground storm sewers which allow them to take storm water that comes off of the site and put it underground. They would put in a metering system so that when the water leaves the property into the Village's system it will go at a slow rate. Both properties have no detention now and goes onto Wilmette Avenue. The new development would reduce flooding. They have not yet designed the system so he does not know the exact capacity is at this time. They have certain criteria that they follow and that is based on the release rate from the property.

They will have a brace of storm sewers all the way around the property, in backyards, under driveways, across the front of the property with a series of inlets to pick up the water and the run off from the downspouts. That water will go off into the storm sewer system which will be oversized, 18" or 24" pipes, depending on the calculations. The water is collected and stored underground and released 12-24 hours after rain stops. That is why it is called detention. The reservoir will be created on the site and they can make it the appropriate size based on calculations.

Ms. Roberts said that the information would be part of the building permit process and the engineering department would review the plans and ensure that requirements are met.

The system is designed for the 100 year storm, which is the buzz word. That represents about 7.8 inches in 24 hours. It could accommodate this amount with a slow release.

3.64 Mr. Lemmon said it is embarrassing when a mistake is pointed out. On November 4th, he realized that he was voting that morning. He has November 5th and 6th in his notes as dates of observation. He came for observation on the morning of the 5th and on the 6th he focused more on the afternoon and evening. He heard comments about driveways and alleys. There are pros and cons to each. Even with the driveway, the site would generate 3 to 4 trips in the peak hours. Not everyone is coming and going at the same time. Compared to the existing two single family homes, it is a net increase of 1 to 2 trips during peak hours. It is not going to be a major surge of traffic. He agrees that there are traffic issues in the area and things to be concerned about. The site's impact will be nominal. He agreed that cars backing up is an issue and does impact safety. The impact of seven townhome units and associated traffic during peak periods will not tremendously impact existing issues that need to be addressed.

3.65 Mr. Surman asked if the development team wanted to address the hardship related to having seven units as opposed to four units.

Mr. Yates said that the decision to put in seven units and maintain seven units was based on their desire to keep the price point where people would pick living in a townhouse over a single-family home. Their observation is if they get to a higher price point from where they are, people are looking for a different kind of product. This product will allow empty nesters to remain in the Village, allow new families to enjoy life in the Village and it seemed to make sense to keep the same density that was proposed in 2007 and to build a product that would fill that need.

4.0 INTERESTED PARTIES

4.1 Persons speaking on the application

- 4.11 Ms. Judith Goodie
436 Prairie Avenue
- 4.12 Ms. Margaret Smith
1322 Wilmette Avenue
- 4.13 Ms. Natasha Miller
1418 Wilmette Avenue
- 4.14 Mr. Roland Raymond
1701 Washington Avenue
- 4.15 Ms. Cynthia Gaskill
1325 Wilmette Avenue
- 4.16 Mr. Andres Anderson
1326 Wilmette Avenue
- 4.17 Mr. Chad Boomgaarden
1315 Central Avenue
- 4.18 Ms. Elizabeth Drake
621 Park Avenue
- 4.19 Mr. Bob Rizzo
1306 Wilmette Avenue
- 4.20 Ms. Julie Tag
1437 Wilmette Avenue
- 4.21 Ms. Kristin Westman
1731 Wilmette Avenue
- 4.22 Mr. David Rankin
1731 Wilmette Avenue
- 4.23 Mr. Sam Gambacorta
1310 Wilmette Avenue
- 4.24 Mr. James Smit
1319 Wilmette Avenue

- 4.25 Mr. Mike Murdock
939 Romona Road
- 4.26 Ms. Mindy Schmookler
724 Prairie Avenue
- 4.27 Ms. Emily Rabjohns
314 14th Street

4.2 Summary of presentations

- 4.21 Ms. Goodie said that her letter is in the back of the packet. She lives around the corner to the south of the proposed development. She has lived in Wilmette for 40 years and lived in her present home for six years. She served as a member of the ZBA for several years. She was on the Plan Commission and other commissions. She is an attorney and she is not representing her neighbors. She is speaking as a resident.

There are three typos in her letter. On page 2, the first paragraph about special use standards, second to last line says there are no transitional R2 districts. She meant to say that there are no transitional R3 districts. She lives in an R2 district backed up to the institutional uses of the Village. She got north and south mixed up twice. She said north when she meant south and vice versa. The two homes, which are the only two homes that have driveways onto Wilmette Avenue, are on the corners of the south side of the block, not the north side. One home is very new and one is very old. Neither home has alley access, which is why they have driveways. The existing townhouse developments are on the north and not the south side of the street.

They live in a townhouse district as opposed to a single-family district. They live in a townhouse district that is a transition from the institutional uses at the center of town and the single-family uses west of them, north of them and south of them. They are not here to say they are against townhomes. They are not at the meeting to say they insist on single-family homes. What is unique about this neighborhood is that there are many single buildings with two or three units in each building. She didn't even realize that some of the homes on her block are two and three family unit homes. The appearance of the neighborhood does not look like the proposal and looks like single buildings. Some are single family homes and some are multi units. Most of them are very old. Her home was built in 1883. Most homes along Wilmette Avenue are about 100 years old. The problem she has and most of her neighbors have is that the project is too many buildings and too many units. This is not what the comprehensive plan called for. It is contradictory to the comprehensive plan.

She learned new facts about the past case and townhome development before and after the comprehensive plan when she got the staff materials. The only townhouse development before the ZBA after 2000 is this one and now it's back. The comprehensive plan had a point about that. Is the reason why there were no developments from 2000 to 2007 because no one wanted to build townhomes? Or it might be that people who built townhomes built them to conform to the ordinance and special use requirements and bulk requirements.

The comprehensive plan starts with a section called Growth Potential and Limitations. That was the main preoccupation of the comprehensive plan in 2000. They looked at all townhomes approved from 1993 to 1998. These are listed in staff materials. By the year 2000, there was concern that the old zoning ordinance was causing significant increases in density. They said there are about 8,000 single family homes in the Village. If torn down these will be replaced by other single family homes. The potential for growth is in multi-unit districts, meaning R2, R3 and R4.

She believes that the comprehensive plan was intended to halt an increase in the multi-family districts and in the number of people in the Village at the level they were at the year 2000. The way to do this was through a new zoning ordinance with real controls to stop growth. Her letter has quotations that back up that statement.

A new ordinance was needed to stop undesirable levels of development, density and threatening the single-family character of the Village. Housing policy #1 in the housing section – *every effort should be made to maintain densities in particular neighborhoods at approximately the existing permitted level. Densities allowed for individual parcels should be no greater than zoning in effect when the plan was adopted.* They wanted to stop it in 2000 because they were concerned about the significant growth in multi-units in the 1990s.

One has to start there when looking at special uses. Land use regulations need to be strengthened to preserve neighborhoods, protect the integrity of zoning districts, prohibit or limit changes that impact on character of neighborhoods. Regarding single-family detached and two-unit buildings, bulk and appearance of new construction has the potential to affect the character or scale of a neighborhood.

She does not agree with the applicant when he says that the scale and bulk of the building is just like the neighbors next door. If you walk to the side, there are seven units. How is this comparable to the scale of surrounding properties? The buildings and the pavement cover the entire lot with the exception of the setbacks required. When one looks at the site plan, it is a lot covered by buildings with virtually no rear yard.

The plan and the ordinance mentions “community character” and “community sentiment” many times. “Neighborhood scale” is also mentioned many times. This

has to be considered when looking at development in R2, R3 and R4 because they are all different. Density standards are different in each district.

The proposal looks to stuff R3 density into an R2 district. They are asking for 7 units in 2 buildings. Four units are allowed. One of the buildings is not oriented to anything. It is at an angle to the street and the side lot lines.

Regarding special use standards, the first standard is that the use must be consistent with the comprehensive plan. It fails to meet that standard. Standard two deals with not being injurious to neighboring properties. Other neighbors will talk about that. Regarding ingress and egress minimizing traffic congestion, other neighbors will testify about that. Regarding safety, the fire department stated that the alley is too narrow for fire equipment to service the property and has required that each of the 7 units provide its own fire suppression. She would not want to live in a building that is not adequately protected per the fire department. That is a safety issue that most people would not want.

One has to consider whether the use is needed in this particular location. It is not needed. She has not seen data that has shown a great compelling public interest in increasing the density of the lots. The comprehensive plan argues against that.

The last special use standard is that everything must meet the use standards of article 12. She disagrees with staff on how they interpret this rule. Article 12 says that the front or the side façade must face the street. That is not listed as one of the staff recommended required variations. They believe that the rear unit faces the street. She does not think so and it faces the corner. The side of the building does not face the street.

She disagrees with staff about building separation. She read the portion about building separation and buildings being 30' apart. That could be a driveway or that could be open space but they have to be 30' apart. If there are two side walls facing each other they must be 10' apart. Building B front faces the side of building A with a 10' to 12' separation. When the residents come out of their front doors in the back building, they are 12' from the side wall of the building in front of them. Staff's interpretation is that buildings are not parallel to each other, the front does not face the rear and there is no side facing a side so they will not impose any separation rule. Turn one of the buildings and staff says that there is no rule to govern that and the applicant can do what he wants.

Regarding attached garages that must be oriented to the rear of the units, she would have thought that was part of the special use requirements.

Ms. Norman noted that this was in the special use provisions but was not part of the variation request. She thought it was also part of the special use. It is in 12.H.3.

Ms. Roberts would read that as a development standard for that use and not that everything listed there is a special use. That is a standard for that type of development and therefore a variation and not a special use would apply.

Ms. Goodie said that it is a non-conformity that must be addressed. Staff pointed out that there was a reason for doing that. The Village Board must have thought that having driveways and garages in the front of buildings was not a good idea. Maybe they thought so because of the buildings on Central across from the post office and the building on Wilmette at Wilmette and Ridge Road. Both of those were developed before 2000 and the Village did not want that look anymore so they changed it in 2014. That is the only major change.

To now grant a variation from the most recent ordinance change is like there is no ordinance change. The permit ran out and the developer started all over again. Now the ordinance changed and they need to conform with the new law. The argument that they really want back yards is understandable from the applicant's point of view, but the change in the ordinance requires them to choose between a small back yard or an attached rear garage but not both.

She could not find anything about the impervious lot coverage requirement. In the 2007 application, the applicant indicated there was 15,000 square feet of maximum impervious lot coverage. The old proposal only had 13,000 square feet.

Mr. Duffy said that they are not requesting a variation for that right now so they met the standard.

Ms. Goodie did not see it in the standards or in the application.

Ms. Roberts said that impervious surface is done by required yard and not for the lot as a whole. There is no lot coverage or structure footprint coverage limit for townhouses.

Ms. Goodie asked if there was an area of impervious surface on the lot as a whole that has a required minimum space. In 2007, the proponent had those figures in his letter to the Board.

Ms. Roberts said that there is no impervious limit for the lot but there is for the required yards. The request meets all of these requirements.

Ms. Goodie said that variations require that the plight of the property owner was not created by the owner and is due to unique circumstances. In this case, the applicant is requesting variations to build more allowed. They are working on open land with new construction. When she was on the Board, there was a policy of not granting variations for new construction. The Chairman brought this up at tonight's meeting.

Chairman Sullivan said that it is not a Village policy.

Ms. Goodie said that it was a practice and an unwritten policy and it makes a lot of sense. There is nothing unique about these circumstances. It is like all other lots in the neighborhood that are long and deep. This applicant chose to use the plan that was approved in the past. At that time, all Board members believed that no variations were required for that project. They took one of the units from the back building and made them put it up front facing the street. That is why no variances were required. Tonight's case is a different situation.

She discussed the 3,000 square foot per unit bulk standard. She believes that prior developments were allowed to exceed the number of unit standards in other districts because they interpreted the bulk standard it that the lot size was divided by 3,000. Whatever that number was indicated number of units per property. That is not a density standard. The density standard is R2, R3 and R4 and they are all different. The bulk standard applies to R2 where four units are allowed, R3 where 18 units/acre are allowed and it applies to R4 where 40 units/acre are allowed. All are allowed without a special use.

If 7 units are allowed in a 4-unit district without a demonstration of a compelling public purpose the flood gates are going to open for future developers who can buy 2 50-foot lots. That will bust through the density limitation that the comprehensive plan clearly intended to preserve. This is a second chance for the Village to get it right.

- 4.22 Ms. Smith said she lives immediately to the west of the townhouse development. She objects to the proposal for these reasons.

Policy number 1 of the Comprehensive plan states "*Every effort should be made to maintain densities at the existing level unless compelling public interests outweigh this policy and justify a change.*" There is no public good to come from this proposal. The development will be injurious to her use and enjoyment of her legal conforming two-unit dwelling. It will diminish the value of her building and will destroy the character of the neighborhood. The proposed development is an aggressive use of the property and if allowed to go forward will set a legal precedent for allowable development and would be a de facto rezoning of the district without proper public review.

Her two-unit dwelling has been her home for almost 30 years. She planted 20 Evergreens and added a room addition. The beauty of the property is that even though it has an income producing unit upstairs, it lives and feels like a single family home downstairs. She lives in the smaller second floor apartment and rents out the first floor.

She showed a photo of what her home is like today compared to the proposed elevation. She now has a private back yard but if the proposal goes forward it would be like living next to an apartment building. Her entire back yard would be gone and she would lose privacy. She talked to the developer and asked the developer how this use does not injure the legal and permitted use of her property.

She has been a real estate broker and appraiser for 40 years. She states that her first floor apartment will rent for significantly less with the lack of a private back yard. This development would have a profound change on her property. If she gets less it has less value. If the proposal is allowed mid-block, then the highest and best use of her property would be to assemble it with the property to her west. If that happens, then the current improvements on her lot would only add value as an interim use until the building is torn down. Any money spent to improve her building would be wasted.

Since the combined lots of 1322 and 1326 are bigger than the lots for the proposed development, they could then build eight units. If the proposal is approved, the highest and best use of the two properties at 1306 and 1310 Wilmette Avenue would be to merge and get a curb cut and build seven units. On these six lots there could be three curb cuts, 22 townhomes, 22 2-car garages, 3 substandard driveways and 18 parking pads. These six lots would be a sea of concrete. All the big trees would be gone. The ground water would have to be pumped into the Village's storm water collection system. She talked about this happening with other properties. This is a significant change to the character of the neighborhood.

She is also a real estate developer and completed her 27th new spec home in the Village and in Winnetka. The current fair market value for a parcel of land on this block is about \$500,000 per lot. A rough rule of thumb for estimating profit potential is that the property would need to sell for 3 times the cost of the land or about \$1.5M.

She noted that the seller has an asking price of \$825,000 per lot, which is about 65% over the current fair market value. Their aggressive asking price matches their aggressive proposed development. When calculating the additional tax revenues the development would bring into the Village, consider the cost of additional traffic, environmental degradation, additional storm water run-off and the need for school system expansion. She asked the Board to follow the comprehensive plan and deny the applicant's request. She submitted a new letter to the Board at the meeting.

- 4.23 Ms. Miller is a real estate broker and agreed with statements made by the speaker before her. She pulled townhouse sales over \$500,000 in the Village over the last 24 months. Eleven have been listed, three were cancelled because they did not sell. In 24 months, eight units sold. The highest sale price was \$735,000. She does not see a market for what the developer is proposing. She said that most people want a yard. She talked about financing issues and said that a lender would not lend any

money for the first 50% of the development, so the purchasers would need to be cash buyers. She does not see this happening.

- 4.24 Mr. Raymond said he is at the meeting on behalf of concerned McKenzie parents. He is a parent of McKenzie children and serves as the civics and safety officer for the PTA, but he is not speaking on behalf of the PTA or McKenzie administrative staff.

He has spent over 250 days observing traffic patterns around the school and the neighborhood. The current traffic study report was done on November 4th when there was no school and this is of note.

The traffic challenges are not that different from other schools in district 39. They have a significant problem with the traffic flow in and around the school including all corridors coming to and from the school. During drop-off and pick-up, there is traffic backup on Prairie from Wilmette Avenue heading north as people try to exit left or right. Recently the school had a construction project next door and brought in a lot of construction materials. One of the concerns that he has and that parents have is the amount of heavy machinery and construction traffic coming in and out directly south of the school onto Prairie Avenue.

Studies are usually done during nice weather. There was a study done in 2010 in warm weather when many people walk to school. In nice weather, many people walk to school. But when people drive to school, there are significant traffic problems. A lot of people who walk go through alleys. The alley behind the proposed development is a main corridor between the school and the library and many people use that alley. He tries to keep people out of the alley, but they have a right to walk down the alley.

He believes that the Board should take into consideration the impact of the development on increased alley traffic and the precedent is set if more units continue on Wilmette Avenue. If the new development has children who would go to McKenzie, the impact could be significant in terms of transportation issues.

- 4.25 Ms. Gaskill said she lives across the street from the proposed development. Her mom bought the house in the years when this was a non-conforming two-flat. She came here to help change the district to an R2 district so they could add onto the house and make improvements. Since 2007, when the project was initially proposed, it was unsettling for her because her back yard and its enjoyment. She believed that her property is at risk. She is unsure whether to put money into her house due to the uncertainty of the neighborhood.

She owns a duplex, which is one unit on top of the other. Her duplex looks like a small old house and it has a lot of functionality. She wrote a letter to the Board and includes information about her house. In other people's letters, they talk about affordable housing. This project is not affordable housing.

There could be duplexes and a smaller footprint as a proposed project. They could keep open space in existing yards. There is no reason to create the proposed development. She talked about pre-fab green buildings. The neighborhood is wonderful.

Chairman Sullivan said that the proposal's application is not for affordable housing.

Ms. Gaskill said that she meant that people are looking for affordable housing and the project is not affordable housing. She is opposed to the proposed development.

4.26 Mr. Anderson said he has three small children and they moved to Wilmette from Lakeview. They chose the Village for its neighborhood feel, parks and schools and his great backyard. They bought a two-flat and spent a lot of time and money to make it a single-family home. Having the proposed development next to his property would decrease his property value. It would not be as appealing as a single-family house. He agrees with his neighbors about traffic issues and concern about safety as related to above-referenced comments about the inability of equipment to get down the alley by the proposed development. He votes against the development.

4.27 Mr. Boomgaarden explained how his house would relate to the new development. He is opposed to the application. He has lived in his home with his wife and two sons since 2006 and has worked in the Village since 1998. He is an architect so he is familiar with renditions, building and zoning codes, and has been before this Board and previous Boards.

He is aware of the needs for variances for older homes. He was not aware that variances were allowed for new construction. New construction has a blank slate, an architect who knows the zoning constraints and they work within the rules. That is what he does. He is always problem solving. It is difficult that there is a hardship when one starts from scratch on a new lot.

Why do they want more than four units? Why do they want more than one townhouse on a lot? How is that allowable within a special use? It is an exception to the rule. They want a 3' aisle width variation, a 2' rear yard parking space setback, a 90' wide parking area that is open to the back alley. Is this a want or is this a need?

He said it was fascinating for him to hear what the realtors had to say, what is selling and what are price points. What is the proof that there has to be seven units. Why couldn't it be six units or five units or four units? He understands why they started with the previous proposal, but he said that there needs to be a plan B. There is always a concession to be made and this is decided by the applicant/property owner.

He looks for historical references when he comes before the Board with his proposals. Why was the lot this size and shape? Why are their different sized lots on the same block? He looks at the history for this area and there is nothing related to the proposal. He started reading through the comprehensive plan several times. To him, it seems like the plan is saying that there should be a hold on the density. The plan indicates that the single family residential feel should be kept. What is the compelling public interest in this proposal? He talked about a 300' lot northwest of the two properties in question and for years another developed looked to build a townhouse in the middle of the block. It was not approved because it was so unique and the Board did not want to set a precedent. The lot became a single family lot.

As an architect, constraints make for good designs. He talked again about starting with a clean slate.

Mr. Boyer said that there is a townhouse development across from the post office that goes from front to back. This is a mid-block four-building townhouse development and it works. It abuts an alley so there are two points of ingress and egress – from the alley and from the curb cut on Central. There is a single-family home the west of that development on the corner. There is commercial on two sides of the development.

Mr. Boomgaarden agreed that this development works.

- 4.28 Ms. Drake is an interior designer. She has lived in the Village since 1989. Her property runs along the alley where the proposed garages would be sited. She is at the meeting to talk about traffic and flooding. She sees the traffic going down the alley. People use it as a walkthrough all the time and it is treated like a street. The alley is constantly used to come from Prairie to avoid the congestion at Wilmette Avenue. Her garage empties onto the alley. She has to really watch for traffic zipping through using the alley as a shortcut.

She thinks that there is a safety hazard and the development does not benefit the community to add almost 200% more than zoning goes for. There is a tipping point of density. There are four driveways to pick from – in and out of the library, in and out of parking lot D, into the postal driveway. If the number of cars coming out of the alley is increased hitting Park Avenue, there are people walking in that location. The area is already busy. Density has increased since she has moved to the Village.

Chairman Sullivan said that Ms. Drake is concerned about added cars in the alley.

Ms. Drake said that she is worried about cars in the alley using Park Avenue.

Chairman Sullivan said that if two single-family homes were built, there will be 2- to 3-car garages with 4 to 6 cars on those two lots. He said that two garages in the proposed development hold four cars that could access the alley and there are four

guest parking spaces. That is 8 cars. They could eliminate the parking spaces and eliminate the variance so that leaves 4 cars. Whatever is built on the site will produce traffic in the alley.

Ms. Drake said that extra people might park down the sides of the alley. She wanted the Board to know about the congestion at the Park Avenue driveway out of the alley.

She said that flooding worries her. People are doing permeable surfaces instead of asphalt. Her lot floods during flash rains. Even with the storm sewer work, she still gets water in her basement. She is not convinced that the proposed project will not adversely impact her flooding problems.

- 4.29 Mr. Rizzo said that his two main concerns relate to the number of children going through the alley. There is constant traffic in the alley. People use the alley as a short cut. Someone made a comment that the development would attract empty nesters. Empty nesters usually want one level living. This is ideal housing for families with children. The Village has to address the issue of schools and increased density and either build more schools, more parks or more infrastructure on this site. He is not against townhomes, is against the size of this project but he is not sure that the problems that come with a development are being addressed.
- 4.30 Ms. Tag said that she opposes the size of the development. She has lived in the Village for almost 5 years. Her driveway opens onto Wilmette Avenue. The thought of 10 more cars coming onto Wilmette Avenue will add to an already messy situation. She has concerns about the schools, which are at capacity. There is only morning and afternoon kindergarten at this time. There is a demand for full day kindergarten, but the schools cannot accommodate class sizes for full day.
- 4.31 Ms. Westman said she sent a lengthy letter to the Board. She said the Board also received a letter from her daughter who shared who experiences about dangers and risks encountered every day as she and her mom walk to and from McKenzie from their house. She has great concerns about the road conditions that exist on Wilmette Avenue from downtown to Ridge and beyond. Those problems are significant around the school.

The situation on Wilmette Avenue is bad. Adding traffic in any amount will worsen the situation. She urged the Board not to approve exceptions for a development that will significantly increase the number of cars on Wilmette Avenue. This area cannot handle even a small increase in traffic volume. She is concerned about the large two-directional driveway that is proposed for Wilmette Avenue. The library is at one end and the school is at the other end. It is the worst location for an additional driveway.

Her house is on the south side of the street. They have a built-in front-facing garage. They cannot park in the alley. Going onto Wilmette Avenue is both risky and time consuming. It's hard to do. During the evening rush, the traffic backup from Ridge down to 16th is solid and they cannot enter the westbound lanes. The proposed driveway is going to have the same problem but in the reverse. During the morning rush the traffic backup from the light at Park is significant. The traffic never clears. As a result, the people coming out of this development will not be able to enter the flow of traffic going eastbound. They will have to turn right and will go into the crosswalk at Prairie that serves the school. It is a five way intersection, which is very busy and people are confused about who has the right of way. The crossing guard manages the situation when he is there. When he is not there, everyone waits a long time and it is congested. It is quite chaotic.

Driveways are dangerous for kids and especially for kids on bikes. They are approaching the driveway quickly if they are on a bike. Kids appear out of nowhere. She has had this experience coming out of her driveway and a child is riding a bike as she tries to back out.

There are no signals or traffic controls for driveways so a car can move forward without pausing or considering what is going on. Driveways that enter out onto a busy street turns the driveway into an uncontrolled intersection. A driver's focus will go to merging into traffic. They are not paying attention as to who is coming down the sidewalk. This block of Wilmette Avenue is a main route to get to the library. It is a route to downtown and is close to the school. Kids ride down that section of Wilmette Avenue. Up to 10 cars will move in and out of that driveway into crowded traffic. Bushes and/or fences would obscure the site lines.

Kids are not alert and mindful to cars going in and out of driveways. A safe environment needs to be created. She cannot think of a worse place to put a two-way driveway given the congestion, density of kids and location of the school and library. There is an ordinance that protects against this dangerous use. Structures that have access to alleys are not allowed to have driveways onto Wilmette Avenue. Those safety concerns informed the decision to enact that ordinance. She urged the Board to uphold that ordinance and to reject the request.

She talked about parades and other activities that go down Park Avenue. All those events will become more dangerous, complicated and congested if this development is approved. There was a reason why that block was zoned for limited density.

Her daughter had an incident last week. She wants her daughter to be able to walk to school by herself. She worries about her daughter's safety when walking down Wilmette Avenue and crossing intersections. She has seen many near misses – car to car, car to people and the crossing guard almost gets hit by cars frequently. She decided to give her daughter some independence and allow her to walk from the crosswalk to school. One day her daughter was walking down the north side of

Wilmette Avenue, but it was scary for her to let her daughter walk down that street. She picked up her daughter at the end of the day and her daughter told her about an incident involving crossing through Earlywine Park. There is an alley that cuts between the park and the school property. She stepped into the alley and a speeding car came into the alley and she had to step back to avoid being hit by the car. She and her husband are struggling about letting her walk that short distance from the crosswalk to school by herself. Drivers are distracted and stressed out, which impacts the kids walking to school. She does not know when she will feel comfortable letting her daughter walk or ride down Wilmette Avenue by herself.

Wilmette Avenue has changed in the 16 years they have lived in the Village. It was a quiet road with busy periods and is now like a high speed throughway. There are a lot of trucks and construction equipment on the road. Speeds have increased and backups have lengthened. All bicyclists that used the shared bike lanes are now on the sidewalk including adults using helmets. Now one has to deal with near misses by bicycles. Her daughter cannot play in the front yard in the summer due to bicyclists going fast.

Kids are not able to appreciate the dangers of the above. It is incumbent on adults, including the Board, to think about the children's safety. The conditions are already terrible on that street. She opposes the application, strongly objects to the driveway and it is not needed. It is possible to develop the property with multi units that limits the number of cars onto Wilmette Avenue.

Mr. Schneider asked her how long she has lived in her house and whether she was aware of the previous proposal.

She said that they have lived in their house for 16 years, but had not been aware of that proposal. They did not have children in 2007. Perspectives change when one becomes a parent. At another time she would like to speak to her feelings about the process. She did not know about this issue until a week ago. She has since read the comprehensive plan and learned a lot in a short time period. Other parents are concerned who could not attend the meeting. People do support development and people agree that those houses should come down and want to see something better on the site. But that can be done without skirting ordinances. Ordinances were put there for good reasons. Density is appropriate. It is a busy and vulnerable area. There is no reason to have cars come directly onto Wilmette Avenue.

- 4.32 Mr. Rankin said that has lived in his house for 16 years. He opposes tonight's request. He asked that the Board follow the comprehensive plan and zoning ordinances. Special uses are to be granted rarely and when there is a compelling public interest. He does not find that in this case. Median household income is \$126,000 so the price point is not compelling. The bulk and the appearance is out of character with the neighborhood. The precedent is dangerous. He has designed regulatory programs professionally and the most important thing that the Board can

do is to preserve its ability to make decisions and not tie their hands with bad precedent. The density sought is inappropriate for schools, streets and sewers.

The capacity in district 39 is inadequate to provide the same services that Kenilworth and Evanston have. He was excited that McKenzie was going to pilot full day kindergarten in 2013, but there are space limitations. That can only be solved by building new buildings. That is a good reason not to allow additional density on this site. Discretionary density choices should not drive the increased public costs to facilitate private gain.

Regarding sewers, he referenced the just published study of drainage on the west side. On the east side of town there is one clear hot spot of street flooding identified by resident surveys and that is the neighborhood where the proposed development is located. He does not doubt their intent to get permits and on site water detention. This problem will be made worse with increased density. Storing water to put in the sewer does not keep it off of the streets if the sewers do not have capacity to carry it away. The Board cannot solve flooding problems by itself. But the Board has the ability to do their part. The magnitude of the solutions to this kind of problem far outweighs the additional tax revenue. He references this in this letter to the Board.

Regarding traffic, it is a problem. He finds both traffic studies in this packet to be problematic. The dates identified in the report indicate that one of the days when observations were made and conclusions based was done on a non-school day. This project would be built at a very busy intersection.

He referenced page 10 of the 2006 Land Strategies traffic study regarding table 5 and there is a paragraph that the level of service calculations in the intersections affected by the development, which graded out at C on a scale from A to F, neglected to include traffic congestion associated with drop off at the school, cross walks and grade crossings and trains. He has to deal with all of those elements. If that scored at a C level 8 years ago, the situation has become worse since then. It neglected to account for the congestion that the project feeds into and it should be given the weight that it deserves, which means ignore it.

Even a nominal increase in trips out of the proposed development will increase traffic and decrease safety. Getting out of driveways in congested areas is impossible. The special use does not stand so therefore the variances are not necessary.

He cannot understand how a clean site development would need a variation. The proposal is an attempt to put an R3 development on an R2 site and wave the rules. They want to make the rules conform to the development. He asked the Board to decline the request.

- 4.33 Mr. Gambacorta made a blow up of the R2 district for the presentation. He colored in some of the areas and explained the colors to the Board. There are five existing townhouse developments in R2.

He opposes the proposed development. His property is located next door to the proposed development to the east. His family has owned the property for 50+ years. If the development is approved as proposed, it will have a drastic negative impact on his property regarding loss of light from the western sun, loss of green space, increased traffic congestion, increased density and the loss of the neighborhood character and feel. They will be looking at 5 2-car garages and the rear two unit buildings with its garages. There is a long lengthwise development at Park and Wilmette Avenue. If the proposed development is approved, they will be flanked on both sides and sandwiched in between two long, huge and tall buildings on the east and west sides of their property.

He is a licensed real estate broker. The proposed development will lower his property value and desirability due to loss of green space, increased density, increased traffic, increased building mass and general overcrowding of the neighborhood. They are in favor of a townhouse development that conforms to the current zoning ordinance as it is now written without need for variances or special uses. This would allow for four units and not the proposed seven units. The proposed development is too aggressive, too massive, too dense and too crowded, as well as not fitting in with the neighborhood. It is also located mid-block.

This is the largest R2 district in the Village and the only R2 district around the Village Center that is not completely built out with townhouses. When the Village master plan was developed there was discussion about modifying the boundaries for this district and maybe it's time to look at that again or allow no more special uses within the R2 boundary to maintain the character of the neighborhood.

He referenced the zoning ordinance, page 126, paragraph c, purpose of the R2 attached residence district, allowable uses for this district are designed to provide for residential living areas that have a single family residential character but are transitions between areas of commercial or multifamily uses and areas of predominately single family detached dwellings. The key word is transitions where a property serves as a buffer between single family homes and commercial or public buildings.

He created a diagram. There is a commercial property, townhouses and residential single family homes. He showed the post office, townhouses and single family homes. There is the library, townhouse and single family homes. Across from McKenzie School are townhouses that face the street and residential homes. He indicated another existing townhouse development that is not next to a public use or commercial building but is on the corner and does not disrupt the neighborhood.

There are currently five townhouse developments in R2, three of which are transitional properties or buffer properties that are located between commercial, public or institutional uses and single family homes. These three properties are the townhouses across from the post office and the bank to the east, the townhouses across from the library and the townhouses at Central and Prairie across from the school. The 4th townhouse development is located at the corner of Wilmette Avenue and Prairie does not serve as transitional/buffer property, but is located on a corner and is not disruptive to single family character of the street. The exception is the 5th group of three townhouses on Wilmette Avenue east of 15th Street. These three townhouses are located mid-block with detached garages in the alley yet they blend in with the single family homes and do not appear to be overly dense or massive. The single family residential character is retained. There is no curb cut.

Why couldn't the property being discussed tonight be developed in the same way with four allowable units? It is also a mid-block development. It would look good and fit in well. Being mid-block means that it is not a buffer property and is not on a corner. The proposed development is not entitled to be treated as a special use with variances. Limiting the number of allowable units to four with detached garages in the alley would satisfy the requirements for R2 zoning as allowed without variances and would retain the character of the neighborhood. The implication for the proposed development must be consistent with the comprehensive plan and meet the standards of review for variances and for special use.

He referenced Ms. Goodie's letter and the checklist for special use standards and variance standards in great detail. The application fails to meet the required standards for special use and for variance and should go to the Village Board with a negative recommendation. There are no gray areas and the evidence is clear and concise as to why this development should not be approved. He hopes that the Village Board stands behind their policies regarding the comprehensive plan and standards of review for variances and special uses. If the proposed development is approved and is built, other similar applications will follow and the entire R2 district in question may eventually be build up with these massive developments.

He could team with his neighbor to the east and build a development like the one that is proposed and make a lot of money but he doesn't want this for his street, for his neighborhood for his family.

- 4.34 Mr. Smit said he echoes the statements and emotions of his neighbors. The proposed development will devalue his property and it changes the character of the neighborhood. He supports the concerns about traffic. He was once hit by a car. He opposes the development.
- 4.35 Mr. Murdock said that there are yellow signs on Wilmette Avenue that say that R2 means two units. Is that true? Is R3 three units? Is R4 four units?

Ms. Roberts said that R2 is attached residences. The minimum requirement is a lot width of 100'. Four units in one building is a permitted use in R2. Two units on a 50' wide lot is also allowable. She has to look up the parameters for R3 and R4.

Mr. Murdock said that a similar development was approved in the past so people talk about precedent. That needs to be factored into the decision.

He heard a lot of comments regarding concerns about variations and a new development should conform. His initial reaction was that could any of the variations be eliminated and Chairman Sullivan also asked this question. He thinks that they could to the detriment of the neighborhood. More parking spaces are better than fewer parking spaces. This plan is different from the last plan due to variations, he would encourage the Board to look at the variations to see what could be eliminated. Would the development be better or worse and he thinks it would be worse.

- 4.36 Ms. Schmookler said that she agrees with many of the comments but she will not dwell on those. She renovated an existing house and flooded in 2012. She is well aware of flooding problems in the area. None of the problems have been fully fixed in her area. The proposed development would add more units and flow to an already crowded sewer system. A landscaper said that there is nowhere for the water to go on her property.

They took the previous proposal, thought that they could get the variances and did not create a plan that met code and zoning requirements. She is bothered by this. They will tear down the houses on the two lots and build something that does not meet the character of the area. And the developer is asking for variances. Did they come up with one plan that did not have seven units, but that did meet code? She heard that this was not done. Why should variances be granted? The request should be turned down and they should return to the drawing board and create a plan that meets code.

- 4.37 Ms. Rabjohns grew up in the houses; they are her mother's property. Her family has a lot of years invested in the Village. She said that they have been renting the houses which has been a nightmare because the houses are old and hard to maintain. One of her houses used to be a two flat. There are multi units in the area and it is not designated as single family. There is no defined character on that block. People do not want to take the risk of building a single family home there. Traffic is an endemic problem in the Village.

5.0 VIEWS EXPRESSED BY MEMBERS OF THE ZONING BOARD OF APPEALS

- 5.1 Mr. Duffy said that there is a lot to talk about on this case. One of the issues that seems to be most important is the number of units. His understanding of a special

use is that when there is a special use they do not have to prove a hardship. A hardship has to be proved with variances.

The first standard for special use is that the use be consistent with the goals and policies of the comprehensive plan. The plan was written 15 years ago. Since that time, a new zoning ordinance was written and a new master plan for redevelopment of the Village Center, which is one block away. The density of the Village Center will be increasing dramatically with redevelopment and there will be more people living within one block of this proposed site.

He spoke about standard two. He does not think that adding some cars will be detrimental or endanger the public health, safety or welfare of the residents.

He continued to review the standards. The use of other properties in the district will not be impeded by adding more units. Regarding property values, two of the residents who were against the proposed development stated that one could sell a lot to be redeveloped for a single family home for \$500,000 and they are selling these lots for \$800,000, which seems to be an increase in value. He sees that it is an improvement to the value. It might be detrimental to a homeowner who just built a new home across the alley. It is not detrimental to everyone as opposed to perhaps one or two people. Adequate utilities, road access, drainage, and other necessary facilities already exist or will exist with the proposed developed. Regarding ingress and egress, if this development was approved as seven townhomes and was only allowed to access via Wilmette Avenue or the alley, it would be more detrimental than the way than it is proposed right now. Right now, they are dividing the traffic off of the site between the alley and Wilmette Avenue. It seems to be the best-case scenario if seven units are approved. It is more detrimental to have all one way rather than splitting it up.

The proposed use in the specific location will be consistent with the community character of the neighborhood. He struggles with this one the most. Although the building is beautiful and looks like a single-family home from the front, the volume of the building is not in character with the neighborhood. The design is not in character with the neighborhood. Everything else was built fifty to one-hundred years ago; it is hard to replicate that. This does change the character of the community in his opinion.

Regarding the standard about known archeological uses this is met. Regarding buffers, improvements, etc. the developer has gone above and beyond with the presented design regarding buffers and landscaping.

The last standard is met.

His one concern is whether the character of the neighborhood is changed with this proposal. Regarding the variations, the variations requested are not negative to the neighborhood and are positives to the neighborhood and to the development in providing off-street parking, creating more green space, having a slightly narrower

driveway. Having the garages in the front and having green space on the opposite side of the townhome is beneficial to everyone. It creates more of a buffer, creates more greenspace and it fits in well.

He will wait to give his final thoughts after hearing his follow board members speak.

- 5.2 Mr. Boyer said that the proposal does not meet standard one and does not meet the goals and policies of the comprehensive plan. With the new zoning ordinance, the zoning codes actually got more restrictive so if the plan was to be rewritten, it would not be more liberal. It would follow the track of the zoning codes and be more restrictive. The development contradicts the land use section of the comprehensive plan including policies 5, 6, 8, 9, and 13. The housing section goal 1 and 2 are not met. Housing policy 1 is extremely applicable to this case – *Maintain residential densities at approximately the levels permitted by the Zoning Ordinance in effect at the time this Plan is adopted.*

He does not think that the special use should be granted. Regarding the variances, they come up because of the way that the project is designed. The property has the benefit of an alley. People who don't have alleys want one. Here they are not using that alley and decided to do something different and put buildings back there. That causes the need for the other variances.

At this point, he is not in favor of the proposal. He looked at other townhouse developments in the area. The townhouses on Westerfield have detached garages and totally different design and bulk. The townhouses at Greenleaf and 4th, Linden and 3rd, the ones on Central all have detached garages, different design and bulk.

- 5.3 Mr. Duffy said he brought up the Central Avenue townhomes when Mr. Boomgaarden was talking and it was pointed out that this was a different neighborhood but a nice development. That development had 14 requests for variances and special use and that was granted. The townhouses are sideways to the street.
- 5.4 Mr. Boyer said that property is adjacent to commercial.
- 5.5 Ms. Norman reminded the Board that precedent cannot be set.
- 5.6 Mr. Duffy said he was pointing out that there are new construction projects that received variances and special uses.
- 5.7 Ms. Norman agrees with Mr. Boyer in that the proposal does not meet many of the special use standards and most importantly standard number one about being consistent with the goals of the comprehensive plan. Ms. Goodie sent out a very detailed attachment to her letter that sets forth all of the goals and policies that it contradicts. The density for this parcel is totally inconsistent with the rest of the

neighborhood for bulk, for number of units and for number of people. She does not think variations should be allowed on new construction. She cannot support the proposal.

- 5.8 Mr. Schneider said that the issue regarding that a lot be 100' wide is a minimum requirement was created so that on a 50' wide lot two townhouses cannot be created. There should be a big enough property to have flexibility as to what can be done and not done. If they were to redevelop the property based on what they could do without variations and special use, they could put up two buildings with two stacked units facing Wilmette Avenue with the garages in the back. He has a dilemma. Seven years ago the Board and the Village Board approved essentially the same plan. On what basis do we today find this not acceptable? He did not read the minutes from that meeting. The approval was unanimous at that time. Not much has changed since then. He agrees that but for this prior approval of the same design, he would have issues with the number of units. The units with garages in front makes more sense. He has a problem with the number of units, but then he is conflicted because there is precedent in previous approval of essentially the same project. He has no basis to say no today when the Board and the Village Board unanimously voted for the same thing. It is hard to say no now.
- 5.9 Mr. Kolleng said that the approval from nine years ago should be totally disregarded. Real estate development was fast paced and property values were going up at that time. It was a different economic environment and mind set. Over nine years things have changed. The development did not get built, the approval has lapsed and should have no weight on tonight's decision.

Regarding proposed special use, he agrees with Mr. Boyer. He has issues with standards one, three, and eight. This huge structure will block light and privacy will be impacted on the adjoining properties. Number five, property values, could potentially come into play. No one presented evidence one way or the other on property values. There was no presentation on what the development could look like if it was conforming with one building and four units. Was that possible or does this not make sense? Mr. Boomgaarden gave a good presentation of what he looks at within parameters of the Village code and that analysis is not in the developer's presentation.

Regarding standards of review for variation, standards one through four are not met. This is a blank space. Profit comes into play with this case. He referenced variation standard four. He does not support the special use in this case.

- 5.11 Mr. Surman agrees with Mr. Kolleng's comments. As an architect he wishes he had seen other options that met the requirements. The development should meet the standards of the comprehensive plan. He referenced the second goal, *continue to provide housing options in appropriately zoned locations that complement the single family-character of Wilmette*. This has a nice residential character but this is

in infill in the middle of the block and is overbuilt. There were other opportunities that were not as detrimental to the neighbors. Maybe there could have been two buildings with units in the front and in the back like some homes on Greenleaf with residence in the front and coach house in the back. If there is a home adjacent, yards can be shared and it does not impact in the way that this development impacts the neighbor to the west. He cannot support the proposal. He understands the variances and agrees that they would be helpful to the neighborhood.

- 5.12 Chairman Sullivan said that the passion of the Village was seen in this case. The Board will determine the right solution. He agrees with Mr. Kolleng that it does not have to be approved just because it was approved before. The plans were picked up and the developer thought it would be approved because of past approval. He is disappointed that there was not a neighborhood meeting before tonight. More of a compromise could have occurred. He looked at it in two ways – variances and special use. It is hard to say whether the variances would be met because the developer created some of the situations but he likes how the project came in asking for the variances rather than just coming in for a special use and not asking for the variances. The alternative would be more detrimental to the neighbors.

Regarding the special use, it comes down to the comprehensive plan and is it a public health issue. It is a busy neighborhood. It is a transition from a commercial district into R1. It is R2 and it is a busy area. He went on weekends and on weekdays during school hours and it is busy. He knows the flooding issues in the area and in the Village. The Village Board is addressing that.

There will not be so much traffic or density to impact more than what is already there. Is it the right lot to do the development and this is where he goes back to the comprehensive plan. There has not been a townhouse development in 16 years. 100-year-old homes are updated to what families want and the same must be true for existing townhouses. The proposal is an opportunity to bring up something very modern of what people are looking for in an area that will drive foot traffic to the Village Center. He does think that the proposal is consistent with the comprehensive plan and that the standards of review are met and he can support the special use.

6.0 DECISION

- 6.1 Mr. Duffy moved to recommend granting a request for a special use to permit a townhouse with more than 4 units in one building, a special use to permit more than one townhouse building on a lot, a variation from the requirement that only either detached garages located in the rear yard or attached garages oriented to the rear of the units are permitted, a 5.0' aisle width variation, a 2.0' rear yard parking space setback variation, and a variation to allow parking spaces to open directly upon an alley to allow the construction of 7 townhouses in 2 buildings at 1314-1318 Wilmette Avenue in accordance with the plans submitted. The special use shall run

with the use.

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

Chairman Dan Sullivan	Yes
Mike Boyer	No
Patrick Duffy	Yes
John Kolleng	No
Lynn Norman	No
Reinhard Schneider	Yes
Bob Surman	No

Motion failed.

6.2 Ms. Norman moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2015-Z-02.

6.21 Mr. Boyer seconded the motion and the 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 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. The proposed use in the specific location is not consistent with the goals and policies of the Comprehensive Plan. At least one board member found that items 5, 6, 8, 9, and 13 of Land Use Policy 1 are not met nor are Housing Goals 1 or 2. The establishment, maintenance, or operation of the proposed use will be detrimental to or endanger the public health, safety and welfare. The proposed use will be injurious to the use or enjoyment of other property in the neighborhood by blocking light and impeding privacy because of the development density and the cars added to existing traffic. The establishment of the special use will impede the normal and orderly development and improvement of surrounding properties because of the development density and traffic. The proposed use may substantially diminish property values in the neighborhood because of the development density and traffic. Adequate utilities, road access, drainage, and other necessary facilities do not already exist to serve the proposed use. Adequate measures will not be taken to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion. The proposed use will be inconsistent with the community character of the neighborhood, which consists of single-family homes and two- and three-unit dwellings that have the appearance of single-family homes. The townhouses that exist in the area are located on corner lots or are immediately adjacent to commercial properties. This would be the only townhouse development that is located on an interior lot between other residential uses. The application does not comply with all use standards in Article 12 as the request includes a variation from the requirement that attached garages be located at the rear of townhouse units.

There are no physical conditions of the property that are imposing a practical difficulty or particular hardship on the owner. The plight of the owner is created by the owner. There is no difficulty or hardship that is peculiar to the property. The lot is conforming in width and area and it is the applicant's design choice that is driving the variation requests. The applicant can make reasonable use of the property with a development that is more conforming; the fact that the property can be utilized more profitably with the variation is not considered as grounds for granting the variation. The applicant should provide access to the site only from the alley.

A minority 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 is consistent with the goals and policies of the Comprehensive Plan that seek to provide housing options in appropriately zoned locations that complement the traditional single-family character of Wilmette and to provide opportunities for the development of non-single-family detached housing options. Greater density is proposed for the Village Center and this development is consistent with that effort to bring more people downtown. The establishment, maintenance, or operation

of the proposed use will not be detrimental to or endanger the public health, safety and welfare. The proposal complies with the requirement front and side yard setbacks, providing a separation to next-door properties, with landscaping proposed to further buffer views. The proposed use will not be injurious to the use or enjoyment of other property in the neighborhood. The establishment of the special use will not impede the normal and orderly development and improvement of surrounding properties. Neighboring properties are all developed and this project does not impede the redevelopment of surrounding properties. Based on testimony, the sale price for the subject properties is higher than that for a lot to be redeveloped with a single-family home, suggesting an increase in property values. Adequate utilities, road access, drainage and other necessary facilities already exist or will be provided. Adequate measures will be taken to provide ingress and egress to the proposed use. The attached units will be accessed with a curb cut from Wilmette Avenue while the two units at the rear will have parking off the alley, distributing the traffic to and from the site. The proposed use will be consistent with the community character of the neighborhood, which includes other townhouse developments as well as some two- and three-family dwellings. Development of the proposed use will not substantially adversely affect a known archaeological, historical or cultural resources. The applicant has made adequate provision for buffers and landscaping. The proposed development complies with the required front and side yard setbacks and provides landscaping as required by the Zoning Ordinance.

The particular physical conditions of the property, the combined lot width of 100', imposes upon the owner a practical difficulty. The lot, while meeting the requirements for a townhouse development, is the minimum width permitted. To provide an adequate landscape buffer to the east, the driveway aisle has a smaller width than required for two-way traffic. The plight of the owner was created by the minimum requirement for lot width and the development pattern, which is based on 50' wide lots. The difficulty requires the applicant to make a trade-off between a conforming aisle width and open parking spaces and providing a landscape buffer and additional off-street parking, both of which benefit the neighborhood as well as the development. Similarly, it is beneficial to all parties that the attached garages are in front and the units' greenspace is on the opposite side. The proposed variations will not impair an adequate supply of light and air to adjacent property. The variations will not alter the essential character of the neighborhood.

8.0 RECOMMENDATION

The Zoning Board of Appeals recommends denying a request for a special use to permit a townhouse with more than 4 units in one building, a special use to permit more than one townhouse building on a lot, a variation from the requirement that only either detached garages located in the rear yard or attached garages oriented to the rear of the units are permitted, a 5.0' aisle width variation, a 2.0' rear yard parking space setback variation, and a variation to allow parking spaces to open directly upon an alley to allow the construction of 7 townhouses in 2 buildings at 1314-1318 Wilmette Avenue in accordance with the plans submitted. The special use shall run with the use.

