



1200 Wilmette Avenue  
Wilmette, Illinois 60091-0040

**MEETING MINUTES**

**ZONING BOARD OF APPEALS**

**WEDNESDAY, SEPTEMBER 6, 2017**

**7:30 P.M.**

**COUNCIL CHAMBERS**

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**Members Present:** Chairman Patrick Duffy  
Mike Boyer  
Michael Robke  
Reinhard Schneider  
Bob Surman

**Members Absent:** John Kolleng  
Christopher Tritsis

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

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**I. Call to Order**

Chairman Duffy called the meeting to order at 7:45 p.m.

**II. 2017-Z-35 1334 Wilmette Avenue**

See the complete case minutes attached to this document.

**III. 2017-Z-37 1215 Washington Avenue**

See the complete case minutes attached to this document.

**IV. 2017-Z-40 1100 Laramie Avenue**

See the complete case minutes attached to this document.

**V. Approval of the July 19, 2017 Meeting Minutes**

Mr. Robke moved to approve the July 19, 2017 meeting minutes.

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

**VI. Public Comment**

There was no public comment.

**VII. Adjournment**

The meeting was adjourned at 11:55 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. Robert Frankel, applicant  
1334 Wilmette Avenue

**3.2 Summary of presentations**

3.21 Ms. Roberts said that this is a request for a 23.71' front yard air conditioner condenser setback variation to permit the retention of two air conditioners. The Village Board will hear this case on September 26, 2017.

3.22 The applicant said he has two air conditioner units that are inside the front yard setback, which is 30'. The house has an unusual site plan in that it is right on the property line so most of the house is caught up in the 30' front yard setback or the 20' side yard setback. There are no good areas, other than the current area, to put the AC units. The current location is the same location where previous units had been located. He talked to adjacent neighbors and they support the current location.

3.23 Chairman Duffy clarified that the hardship is the siting of the house on the lot is causing the condition.

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

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

5.1 Mr. Schneider said this is a simple and obvious case to approve. The side yard is 20' from the adjoining house. There is no problem for the Wilmette Avenue frontage. The current location is the same location as the previous location. He can support the request.

5.2 Mr. Boyer agreed. The siting of the house causes the need for the variance. All standards of review are met.

**6.0 DECISION**

6.1 Mr. Schneider moved to recommend granting a request for a 23.71' front yard air conditioner condenser setback variation to permit the retention of two air conditioners at 1334 Wilmette Avenue in accordance with the plans submitted.

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

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

Motion carried.

6.2 Mr. Schneider moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-35.

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

Motion carried.

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

The Zoning Board of Appeals finds that the request meets the variation standards of Section 5.4.F of the Zoning Ordinance. The physical conditions of the property, the location of the house on the lot and the condition as a corner lot, impose upon the owner a practical difficulty. The plight of the owner was not created by the owner and is due to the unique circumstances of the lot. The difficulty of the siting on the lot is peculiar to the property in question and is not generally shared by others. The difficulty prevents the owner from making reasonable use of the property with effective air conditioning. The proposed variation will not impair an adequate supply of light and air to adjacent property. The air conditioner units are located behind a conforming fence and non-deciduous landscaping, therefore, the variation, if granted, will not alter the essential character of the neighborhood. The owner’s other improvements to the home have improved the neighborhood.

**8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a 23.71’ front yard air conditioner condenser setback variation to permit the retention of two air conditioners at 1334 Wilmette Avenue in accordance with the plans submitted.

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

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

3.11 Ms. Kaitlin Iverson, Doctor of Physical Therapy, applicant

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

3.21 Ms. Roberts said that this is a request for a special use for medical/dental clinic, small (React Physical Therapy). The Village Board will hear this case on September 26, 2017.

3.22 The applicant will be the acting clinical manager. She will be the only physical therapist on site. There will be a maximum of 1 to 2 patients at a time. Typical treatment sessions are between 30 and 60 minutes. The operating hours are Monday and Wednesday, 7:00 a.m. to 6:00 p.m. and Tuesday and Thursday 12:00 p.m. to 8:00 p.m. with shorter hours on Friday, 7:00 a.m. to 3:00 p.m. The busiest operation hours are the lunch hours between 11:00 a.m. and 1:00 p.m. They have one clinic in the West Loop, one in Lake Shore East, and a smaller clinic in Northbrook. They may have a clinical aide working 20 hours per week. There is no secretary or receptionist.

3.23 Chairman Duffy asked about parking behind the building or is it all street parking.

The applicant said that parking is all street parking.

3.24 Mr. Boyer clarified that there would be no hours on Saturday or Sunday.

3.25 Mr. Schneider asked about prior use for this space.

The applicant said she believes that it was an office space. It was part of a larger open space of about 930 square feet. They are located on the first floor.

3.26 Chairman Duffy said he thought that the previous occupant was a yoga studio.

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

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

5.1 Mr. Boyer said the business fits with the area. It is a good addition. The previous use was probably more of an intense use. He does see any issues with parking or congestion. All standards of review are met.

5.2 Mr. Robke said he could support the request.

5.3 Chairman Duffy said that the clinic will fit in well with the neighborhood. It is a less demanding use of the space.

**6.0 DECISION**

6.1 Mr. Boyer moved to recommend granting a request for a special use for medical/dental clinic, small (React Physical Therapy) at 1215 Washington Avenue in accordance with the plans submitted. The use shall run with the use.

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

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

Motion carried.

6.2 Mr. Boyer moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-37.

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

Motion carried.

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

The Zoning Board of Appeals finds that the request meets the special use standards of Section 5.3.E of the Zoning Ordinance. The proposed use in the specific location will be consistent with the goals and policies of the Comprehensive Plan. The establishment will serve very few clients at one time resulting in a net reduction of activity over previous uses in the space. The proposed use will attract clients from other communities to Wilmette. The proposed use will not be detrimental to or endanger the public health, safety or general welfare nor will it be injurious to the use or enjoyment of other property. The proposed use will not impede the normal and orderly development and improvement of surrounding properties nor will it diminish property values. The proposed use will complement existing businesses. Adequate utilities, road access, and other facilities already exist. Adequate measures already exist to provide ingress and egress with the lot to the rear of the building. The proposed use will be consistent with the community character. No known archaeological, historical or cultural resources will be impacted. No buffers, landscaping or other improvements are necessary. No other standards of Article 12 apply.

**8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for a special use for medical/dental clinic, small (React Physical Therapy) at 1215 Washington Avenue in accordance with the plans submitted. The use shall run with the use.

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

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

- 3.11 Father Pat McGrath, President  
Loyola Academy
- 3.12 Mr. Scott Freres, President  
The Lakota Group
- 3.13 Mr. Peter Lemmon, traffic consultant  
Kimley Horn & Associates
- 3.14 Mr. Steve Shanholtzer, engineer  
Manhart Consulting
- 3.15 Mr. Hal Francke, attorney  
Meltzer, Purtill and Stelle
- 3.16 Mr. Dennis Stonequist, Vice President  
Loyola Academy

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

- 3.21 Ms. Roberts said that this is a request for an expansion of a special use (educational facility, secondary), modification of the special use approved by ordinance 93-O-63 regarding enrollment, a 20.0' side yard setback variation, a 3.0' side yard adjoining a street setback variation, a 7.0' light pole height variation, a 6.0' fence height variation, a 3.5' fence height variation, a fence openness variation, a variation to permit a chain link fence in a side yard adjoining a street, a 1.0' fence pier height variation, and a 1.5' fence pier diameter variation to permit the construction of an addition (natatorium) and to relocate existing tennis courts, expand the parking lot, and install new fencing. The Village Board will hear this case on October 10, 2017.
- 3.22 Fr. McGrath is speaking on behalf of the school at the hearing and presented the team who will present to the Board. He is excited to present the vision of Loyola for the future.

He talked about the school's mission. It is a Jesuit school. He spoke about the details of a Jesuit school and education. The Loyola Academy Board of Trustees has gone through a strategic reflection and future of the school. In December 2012, they articulated a strategic vision for the school's future. Some of the goals include campus enrichments and enhancements. These are mission-centric items and relate to the continued vibrancy of Loyola as a Jesuit school. This school opened in 1909 in Rogers Park. In 1957, they moved to the Wilmette campus. This year they are

celebrating 60 years in Wilmette. Wilmette has been a great home for Loyola and vice versa. He talked about reasons why the school has been good for the Village.

They have developed a campus master plan in tandem with Village leadership and many constituencies impacted by Loyola's mission. They are grateful to their neighbors who have voiced concerns and objections and Loyola Academy has engaged in a thoughtful process of listening and sharing their vision with the neighbors. Neighbors have been very helpful. The plan represents significant design modifications that tend to the neighbors' most important concerns. While costly, they are good faith efforts to be as good a neighbor as possible.

As part of the campus master plan, they have addressed issues regarding the enrollment cap. They have proposed a way forward that they have addressed in detail.

- 3.23 Mr. Freres said that their presentation this evening encompasses the master plan process and the components of the master plan process, as well as the enrollment discussion.

There were a lot of people involved with the master plan process. He talked about the project steering committee. Their internal discussions took place over six months.

It is important to better understand the site and the history of the site. There are multiple parcels that make up the campus. There is the east parcel that houses all existing campus buildings. There are three parcels to the west of Laramie and south of Illinois that are single family homes and open space. There is a parcel to the north that is an existing home. There is a long term and a short-term plan in the planning process. It is important to understand the context of the neighborhood.

They are in a single-family neighborhood. This is an amendment within the zoning district, R1A. They are a special use in the neighborhood. Many of the variations are focused on fences. They are making changes and expanding the special use.

The pictures submitted represent the campus character. There are one and two story academic buildings. The southern half of the site is open space or parking or athletic facilities. There is open space on the eastern half. There is open space land to the west of the main campus. It is adjacent to the neighborhood and to the west of that space are two single family buildings owned by Loyola.

They spent time listening and talking to understand what drives a good master planning process. They connected with three audiences – the Loyola community – spent time internally with leadership, parents and staff to find out what they should be thinking about in moving forward 5-10 years in the master planning process. They wanted to put a timeline out there so people could understand that they are thinking out 10 years. The second community was the neighbors. This gave them a chance to pause after last year and find out what is driving concerns. What can they

do to make the plan better for neighbors? There were some key themes that they will discuss. There is also the broader Wilmette community. They spoke with current and former leadership and staff to make sure that they understood the larger picture and how Loyola Academy fit into this.

The pictures represent some key things they needed to address in the master plan process. They weren't always physical changes, but operational changes. They were listening and community relations components. One of the biggest things that they heard was that people were used to the lots across the street being open space. Although this is Loyola Academy property, this is open space. There was a concern about storm water management on Loyola Academy and the neighborhood and west Wilmette. How is Loyola Academy addressing this and making it better in the plan. There was a discussion about traffic management. How do they control traffic flowing through the neighborhood during peak periods to make it better? How do they address the issue of drop off and pick up? They found that a lot of parents park on the side streets and students run across the street which is unsafe and people who live there can't get in/out of their driveways. They need to solve this in the plan. Loyola Academy also needs to manage parking within their campus. Safety and accessibility is important. Continuing a conversation with neighbors on a regular basis is also important. They want to also address construction questions.

They had two open houses and a series of informal interviews and discussions with neighbors and Village staff. The open house in January focused on delivering a range of ideas that came out of steering committee thinking. They asked for feedback from neighbors to shape the plan. They had a cookout in June to talk about the direction which they are moving forward. They showed pictures of the long term and short-term visions.

There are two pieces to the vision – long term that looks out 10 years and what they would like to do and how they could do it. There is a short-term version. The long-term vision informs the short-term vision. From a long-term perspective, one key thing in both visions is traffic management, circulation, parking improvements on campus. Peter Lemmon from Kimley Horne will speak to this. They added additional parking and stacking and drop off lanes within the site. People will be there to ensure that traffic moves effectively through the site. The other key component of long term is the purple boxes. He described the locations of the boxes. On the north end of the campus and across Illinois, they would build another building for administrative services and other services. It would be scaled to a residential scale. They want to reenergize the lot.

South of that is the vision to improve student services including STEM learning and rethinking the idea of library, outreach and study areas. In the center of one of the purple boxes, which is part of tonight's meeting, is expansion and enhancement of the natatorium. The purple box is the southern edge would be a future fine arts component of the campus. To achieve those, other Improvements need to be made like moving the tennis facility, providing storm water managements and components of fencing, signage and landscaping that are part of that package.

What do they want to do now? Plans show highlights of what they want to do now. Part of it is traffic management improvements. Improvements to the lanes to get onto the site, two new access points for additional parking moving south on campus. They need to move the tennis courts and moving it to the south. Parking moves south. Other components occur along the football fields.

The other major component is a new natatorium and entrance component to the athletic complex. At the southern end of the building is an existing pool facility. It is inadequate. The plan 9,000 square feet of space and renovates and rebuilds the natatorium.

Parking, improvements to traffic and circulation and the building are the main components, as well as moving the tennis courts to the south. There is simplicity in the pool design. There are no variances requested for that. It is within the confines of their campus.

The parking area, starting from the left, is the northern half of the parking. The red bar was the old tennis court that is moving to the south. Underneath the courts are storm water tanks that will be discussed later in the hearing when they talk about how they are managing storm water and making it better.

The components of access and circulation are also driving the need to re-landscape those areas. They are re-landscaping the parking lot, meeting the standards of buffers and screening. New bike racks will be provided at the correct ratios. They will put a fence element with decorative brick piers along the Illinois frontage to keep pedestrian random crossings from happening. They need to have crosswalks and make the crossings safer. Signage is part of the plan. Signage is a variance due to the scale of the piers. There are two locations of access. The sign will be consistent with signage on Lake Avenue including materials and character. The lighting in the parking lot is a variance which represents the current lighting, same cut off fixtures, meeting foot candle requirements at the property line and within the site.

- 3.24 Mr. Lemmon said they have been working with the team on a range of parking, traffic, transportation-related plan elements.

There was a formal traffic study done. He talked about traffic study components. They assumed of maximum enrollment of 2,200. They did all new traffic counts and used that to help inform some of the planning and recommendations.

They have been working with the school and the rest of the project team in how to define different elements of the plan. They went through different options for their parts of the plan. They presented this at the open house where they got feedback. They then refined and tweaked the plan. They then created a traffic management plan.

He reviewed the key elements of the plan at the hearing. The first is looking at Lake and Laramie. There is a lot of congestion at that intersection. The worst of the congestion lasts 20-30 minutes and then subsides. They are speaking with the Cook County Highway Department. Lake Avenue is their purview and part of an interconnected series of signals. What they do at this intersection impacts other signals. They are proposing timing adjustments that would flush traffic off Laramie quicker. There will still be some congestion but it won't be as frequent or for as long a period.

Peak period access restrictions – there are some new or relocated driveways. They want to use those in the most effective way. Some are entrance only in morning and exit in the evening for dismissal. They adjusted some of the access and circulation routes. He talked about the current situation. 80% of those dropping off or picking up comes from Lake. They go past the main entrance and curl back around. That traffic must be stopped for exiting cars. How do they change circulation and access patterns? He talked about the changes to this in the new plan. He talked about PACE buses and about 14% of students take some form of transit like PACE bus or PACE bus connecting to Linden or the Metra station or CTA blue line. They are implementing some of this this year.

He talked about shifting school dismissal time up by 12 minutes from 3:00 p.m. to 2:48 p.m. This reducing some overlap. New Trier West dismisses at 3:05 p.m. They don't want the combined impact of both schools letting out at the same time. That will help reduce and redistribute traffic load on Laramie and on Lake.

What they found is that there are 40 cars on site waiting in different places for pick up at dismissal time. There are 35 cars at that same time on neighboring streets just west of Laramie waiting for students. They want to make this all on site and provide room for all 75 cars. The plan as proposed allows for 82 cars to stack up on site during pick up time. He will show this on a map.

Something that has been implemented this academic year is being more proactive in asking people not to drop off or pick up on adjacent streets. The school has put on sandwich boards that say this. There are traffic control aides at key external intersections and access driveways. The school has started to increase the number of people out there controlling traffic both onsite and at the access drives and that will continue as they add another access location to the plan.

On the left is the school arrival sequence and on the right, is the pick-up sequence. There are a lot of little arrows that might be hard to see.

3.25 Chairman Duffy asked if Mr. Lemmon was saying that only 75 cars are there for drop off and pick up.

Mr. Lemmon said that there are cars that leave and other cars replace them. 75 is the number that is experienced the most and that is a few minutes after the start of dismissal.

- 3.26 Chairman Duffy said that a survey was taken that broke down how students get to school. Some take public transportation, some are being driven in cars and parking and there are other methods. What percentage of the student population is being picked up and dropped off?

Mr. Lemmon said he needed to look up numbers for that question and he would answer this later.

- 3.27 Mr. Lemmon continued. He talked about what was seen on the left and on the west side of the football field. On the north end, this would be a dual lane pick up or drop off zone. They could bring in two rows of cars at one time. Students can walk along a sidewalk towards the school and the same would happen in reverse at the end of the day. There would still be more pick and drop off at the main entrance to the school. The primary pick up, drop off and stacking would be along the west side of the stadium and the north side of the tennis courts. They want to accommodate everyone who is on site today in addition to those who pick up and drop off in the neighborhood.

- 3.28 Chairman Duffy asked how many cars could be stacked?

Mr. Lemmon said that in the area north of the tennis courts is about 72 actively pick up or stacking and waiting to get further up. There is another 10 in front of the building. Today they actually form three rows in that area and it gets congested. They don't want to continue this. They would have one row of cars along the curb. During dismissal, the same thing occurs in reverse. He showed the driveway that would then be used for exiting.

- 3.29 Mr. Schneider asked while that happens, will the parking spaces in the area be occupied.

Mr. Lemmon said he has a slide showing who is parking in which areas. The traffic coming in for pickup would enter at the new south driveway, north of new tennis courts. There is an area for student parking. There is a driveway that splits the parking area. He showed how exiting would occur.

- 3.30 Chairman Duffy said he thought that he saw in one diagram that in the pick-up drop off area they are counting some of those areas as parking spaces during the day.

Mr. Lemmon said it is visitor parking. There are about 32 spaces in the dual drop off period. Visitor parking will be vacated by 2:00 p.m. A lot of visitor parking needs are during mid-day. Today cars double park and park in aisles.

- 3.31 Mr. Surman asked about if faculty would park in that area like a substitute teacher for example.

Mr. Lemmon said they would park in the faculty area.

- 3.32 Chairman Duffy asked if there would be signage indicating no parking times.

Mr. Lemmon said visitor cars could park from 9:00 a.m. to 2:00 p.m.

- 3.33 Mr. Lemmon continued about parking and the need for more visitor parking. There would be 756 spaces. Staff parking would remain the same at 308. Student parking is 375 and is about 75% of the senior class. The 73 visitor spaces were intended to address the big issue of event parking.

- 3.34 Chairman Duffy asked how many existing student permits there were now. His notes say 382.

Mr. Lemmon said that there are many permits and many spaces that are used is less than the number of permits. There will be a slight increase in the number of student spaces on campus going to 375.

- 3.35 Chairman Duffy clarified that 375 is an increase in student parking. It is 350 right now but somewhere it said there were 382 student permits and now there will be 375 student permits.

Mr. Lemmon said that the intention is to bring a few more students onto the lot.

- 3.36 Chairman Duffy said that they lose spaces in phase two, but not student spaces.

Mr. Lemmon said that 73 visitor spaces are probably more than needed. But there are significant numbers of people coming during certain times of the day. Seasonally they would get to 73 spaces but not throughout most of the year.

- 3.37 Mr. Schneider asked how many spaces the theater displace.

Mr. Lemmon said that the theater does displace spaces but he talked about a parking lot being reconfigured and additional spaces to compensate for that loss. He will get him the number of spaces that the theater displaced.

- 3.38 Mr. Schneider clarified that phase two was not part of tonight's hearing.

- 3.39 Mr. Lemmon showed a plan that indicated parking allocations by group.

- 3.40 Chairman Duffy said that in the lower area next to the southernmost parking area there are 33 staff parking spaces.

Mr. Lemmon said that those are parking spaces that are adjacent to the stacking area. Cars would not stack in that area. They did not want to allocate that area for students because students might want to leave at that time.

- 3.41 Chairman Duffy clarified that Mr. Lemmon was saying that the lane runs between the parking and the tennis courts and then runs between the 33 staff spaces up to where it expands into two lanes.

Mr. Lemmon said that the dual loading area is almost like four travel lanes. There is a sidewalk platform in the middle left section to get onto and the sidewalk for the middle right section to get onto.

- 3.42 Mr. Lemmon said that from a pedestrian standpoint there are some key recommendations. They want to enhance the crosswalks so there is an existing crosswalk that brings you across to the bus stop on the west side of Laramie. He talked about increasing signage and doing striping. He said that students can cross Laramie from different areas. They talked about some fencing that helps to direct pedestrians to control crossings at the north end and at the south end. At the south end, they have someone manually helping to control the access driveway and manage conflicts between pedestrians and vehicles. There will be striping and signage improvements.

- 3.43 Chairman Duffy had a question about pedestrian-related fencing.

- 3.44 Mr. Surman said he has experienced problems with the buses. Currently buses go out on Laramie.

Mr. Lemmon said that when buses go northbound in the morning, there is a stop. That bus would stay as it currently is. When school dismisses, there are 4 to 5 PACE buses that come in and stack up. Subsequent buses are coming southbound and there is a shelter and a bus stop. They have met with PACE to find out if they can do the same thing with morning buses. Because of other routes PACE drives, they were resistant to that suggestion. They identified some things that Loyola Academy could do to make the stop more accessible.

- 3.45 Mr. Surman asked if they could jog the sidewalk. What causes the traffic is that there are three lanes – one going each direction and the center median turn lane. Every time the bus stops, everyone trying to get to New Trier West gets held up by the bus. If there could be a drop off lane and the sidewalk could be reconfigured that would be helpful. Is there an opportunity for that heading to the south as well? It is the same situation.

Mr. Lemmon said that it is not as much the width and jogging the sidewalk, but there is not the proper length for the taper as the bus comes out.

- 3.46 Mr. Surman said that at St. Joe's, they have one off Lake Avenue. At that point, it is one lane if you are east of Ridge heading west. It works well to alleviate traffic going to the west. There is one to the west of Hunter.

Mr. Lemmon said that PACE's response was that there was not the length to make that work. They can approach them again about this.

- 3.47 Mr. Surman said he has driven to the New Trier West campus and talked about where the backup starts and how it goes all the way down the street and back up Lake Street.

Mr. Lemmon said it is the buses and stopping traffic to let people out of driveways. Bringing people in at the south end of campus so they are not driving as far up Laramie will be a big help. They did try to work with PACE to talk about options. Their thoughts were more about how did they make larger pads for people to wait. The big issue for PACE was the available length.

- 3.48 Mr. Surman said that the lane, when one is starting right at Lake going north on Laramie, the right turn lane will start sooner.

Mr. Lemmon showed where the current south driveway is and the south lot that has the right turn lane that Mr. Surman refers to. This driveway will have a right turn lane as will the new driveway at the south end. There will be another right turn lane that will extend closer to Lake. Traffic coming off Lake onto Laramie will be getting over relatively soon to a right turn lane for that parking lot.

- 3.49 Mr. Surman asked if the bus drop off could be not right in front of the school.

Mr. Lemmon suggested a possible area that they could talk about to address PACE's concerns.

- 3.50 Mr. Surman said it is also the time that it takes to load and unload the buses.

- 3.51 Mr. Robke said that the plan shows parking between Thornwood and Illinois. But they have not spoken about any of that parking.

Chairman Duffy said that parking is part of phase 2.

- 3.52 Mr. Schneider asked how effective signs would be to discourage queuing on the side streets.

Mr. Lemmon said that there is signage related to that. There are personnel to monitor and enforce that. Today all those cars could not fit on the site. They will be able to provide a more convenient and more stacking capacity on site will give people a lot of reason not to go on side streets.

Regarding the number of spaces that would be displaced by the theater, even with increased parking reconfigured on the northern portion of the site, it would go from 756 spaces to 733 spaces so there would be 50 visitor spaces at that point.

- 3.53 Mr. Shanholtzer said his firm was retained by Loyola Academy to look at infrastructure needs and storm water management for both the phase 1 and future improvements. The first step in their storm water management plan was to look at existing conditions. When the building was first put in there were no storm water

management needs as far as the ordinance with MWRD. Since that time there have been improvements to the site which have required MWRD permits. In 1993, there was parking lot improvements to the north of the campus and storm water improvements were required at that time. In 2003, Loyola installed synthetic turf track and did stadium improvements. That was permitted through MWRD under the previous ordinance. Looking at the current drainage pattern, everything drains to a 30" storm sewer that runs parallel to Laramie and eventually connects into the Lake Avenue interceptor. The 1993 improvements had .2 to .3 acre feet of storm water storage. The 2003 improvements contained a one-acre foot vault that is under the synthetic turf field.

- 3.54 Mr. Schneider asked if that was a requirement resulting from synthetic versus natural turf or were there other reasons.

Mr. Shanholtzer said that there is a storm water requirement because storm water does not have an area to go so that was permitted with the MWRD.

- 3.55 Mr. Schneider asked if turf was permeable.

Mr. Shanholtzer said that it is permeable but it goes to a concrete vault that is under the track. There is a stone section and it does infiltrate down. It is compacted ground and clay so they did provide storm water for that. That was part of the 2003 improvements.

- 3.56 Mr. Schneider asked if that was a requirement of MWRD ordinance.

Mr. Shanholtzer said that any storm water improvements or developments in the Village falls under MWRD guidelines. There are requirements for fields covered in turf. As part of phase 1 improvements and the master plan, the vision is that the stadium will remain undisturbed.

- 3.57 Chairman Duffy said that a comment was made about foot storage. Is that a cubic foot?

Mr. Shanholtzer said it is an acre foot. It is a typical measurement for storm water storage. An acre of surface area to a 1' depth. The conversion for an acre is 43,560 square feet.

- 3.58 Chairman Duffy asked if this was saying 3" of rainwater per hour? What will it collect?

Mr. Shanholtzer said that the storage requirement is based on a release rate. The release rate for MWRD under the new water shed development ordinance is .3 cubic feet per second. They do modeling based on a specified storm analysis. They can only release on that .3 measurement. Anything above that should be stored in the detention pond.

It is all based on historic rainfall events. There is a manual that is for the state of Illinois but northeastern Illinois has specific rainfall increments. That is what assumptions are based on. It is based on data and collections.

- 3.59 Mr. Schneider said that the Village has retained consultants to design a storm water release system measured to a 10-year event. He assumes that the whole campus is 23 acres. Maybe 20 of those acres are impermeable. What would be a 10-year rain event? Would it be 3" per hour?

Mr. Shanholtzer said that less than 20 acres are impermeable. A 10-year rainfall event is about 4" to 5" per hour. 100-year storm event is 9" per hour.

- 3.60 Mr. Schneider said that 20 acres is 9,000 square feet x 5 inches is about 400,000 cubic feet x 7.

Mr. Shanholtzer said that the way the storm water ordinance reads is that there will be a constant release. There are different peaks within that storm event. There are different durations of the 100-year storm event. There is a restrictor which is a control structure at the outfall of the storm water detention system. It will be releasing as the storm continues to rain. They cannot exceed the .3 CFS/acre. They don't have to store all water at once. For a 100-year event they should contain a good portion of it based on that release rate. They are designing this for a 100 year event. It is generally 9" per hour.

- 3.61 Chairman Duffy said that the design is for a 100-year rain event for storage and release rate.

- 3.62 Mr. Surman asked if the current detention satisfy all requirements of the MWRD.

Mr. Shanholtzer said that the existing detention does not satisfy all MWRD requirements. Storm water ordinances evolve over time. What in the ordinance in 1993 would not be allowed today?

- 3.63 Chairman Duffy asked if the ordinance had changed much since 1993.

Mr. Shanholtzer said it has changed a lot since that time. It is one of the stricter storm water ordinances in the area.

- 3.64 Mr. Boyer asked how undersized it was.

Mr. Shanholtzer referenced the storm water plan. He talked about what was under the synthetic field and surface storage they have about 1.5 acres of storage on site. After the scope of improvements, they will be beyond 3-acre feet of storage. They are increasing on site storm water storage by over 150% based on the improvement plans. To put it in perspective, the old ordinance was based on a two-year storm. The new storm water ordinance requires 100-year storm.

One of the slides highlighted exactly how phase 1 will be constructed. He reiterated that there would be an underground storm water detention system under the proposed tennis courts. This is in the southern portion of the site. Based on analysis of existing condition, that is where everything flows into. That is the most efficient area to have regional storm water facility.

For phase 1 improvements, they coordinated with the Village engineer and the Village's review consultant and talked through the plan. They reviewed the plan and gave positive feedback. The 3-acre feet comes into play in the phase 1 plans. He showed a map and talked about different areas on the site. There will be an asphalt pavement swale.

For phase 1 improvements they are providing detention for everything under phase 1 including parking lot expansion to the north and to the south, the pool facility, any land disturbance and the relocated tennis courts.

For phase 2, he pointed out a building that would be disturbed and maybe additional parking relocation. That is why the strategic plan came into place. The system they are proposing can be easily expanded in phase 2 to accommodate the ultimate conditions. There is a 2-acre feet on top of the already discussed 3-acre feet and that is in the ultimate master plan.

- 3.65 Mr. Schneider said that he did not follow the numbers exactly. With a 9" rain event falling on the campus in one hour the neighborhood will not be impacted by runoff from the Loyola Academy property.

Mr. Shanholtzer said that the 9" per hour is based on a 24-hour duration. There are different ways to evaluate a 100-year event. It can happen over an hour or over 24 hours. There will be some release.

- 3.66 Mr. Schneider read that rainfall intensity for a three-year term is 2.2 inches per hour. That is a three-year event. We have to assume that for a hundred-year event, 9 inches could happen in an hour.

Mr. Shanholtzer said he was not sure what Mr. Schneider was reading from, but didn't think that it was his report.

- 3.67 Mr. Schneider said it was from the people who did the stadium.

Mr. Shanholtzer said he would need to look at that report in further detail. The way the MWRD sizes the detention vaults is the SCS method. He explained how this worked.

- 3.68 Mr. Schneider said they are covering more impervious surface and are not within the standards of the current MWRD requirements. He wants to be assured, as do the neighbors, that an extreme rain event will not impact the neighbors.

Mr. Shanholtzer said if one looks at the 22 acres in total, they are adding a minimal amount of impervious area. They are increasing parking. When one looks at the magnitude of the storm water storage they are proposing based on what the old code provided, the neighborhood will be helped. There will be ease on the interceptor along Lake Avenue.

- 3.69 Mr. Robke clarified that they would be providing an underground storm trap-type system. There is a small component relying on ponding on the parking lot.

Mr. Shanholtzer said that the old design method was to allow the parking and a little storage within the storm sewer network. The proposed system is significant. They will be proposing aluminized corrugated metal because it will help with future expansion. They wanted to put it in a location that made sense and was easily expandable depending on what the future brings.

- 3.70 Mr. Boyer said if the underground system is filled to capacity, water will go to the Wilmette sewers.

Mr. Shanholtzer said that it goes into a private 30" sewer that runs parallel with Laramie Avenue and that directly connects into a simple sewer along Lake Avenue which leads to a pump station and then there is another outfall sewer beyond that. In the existing condition, it would not meet the release rates that one should adhere to today. It would have the capacity of what the 30" pipe can hold. Beyond that it would overflow.

- 3.71 Mr. Schneider said that the storm sewer system to the west collects in the street and then leads into the 30" sewer.

Mr. Shanholtzer said it collects some runoff from Laramie Avenue. There are some inlets and connections to the adjacent municipal roads. Basically, everything is going south into the interceptor along Lake Avenue.

- 3.72 Mr. Schneider referenced the houses along the east/west streets, west of Laramie. Which way is water directed?

Mr. Shanholtzer said at Thornwood and at Greenwood, that water goes in a different direction. That makes it way west and then it comes down. There is a portion of Elm Avenue that drains to Laramie. A portion of that goes into the Loyola Academy system and another portion breaks west and makes it way down to Lake.

He continued his presentation. The storm water plan was sent to the Village and its review consultant for the MWRD.

The other highlight of having the underground system, particularly in phase 2, it allows them to maintain valuable open space and green space for both the school and something that the neighborhood can see and enjoy.

- 3.73 Chairman Duffy clarified that the underground detention area under the tennis courts is in phase 1, but in phase 2 additional capacity is being added.

Mr. Shanholtzer said that in phase 2 they are doing what they can to accommodate that. Everything for phase 1 is under the tennis court. Based on the current vision for phase 2, they sized the system appropriately and allowed for the expansion of the underground vault under the open space. It makes sense to keep it in that location because there wouldn't be any disturbance to existing pavement. Tennis courts can remain as is. The existing turf field would be an area that makes sense to expand underground detention.

In phase 2, they would be connected by a storm sewer that would tie into the parallel system along Laramie and would discharge into the Lake Avenue interceptor.

He talked about the 1993 permit and improvements done to the school at that time including parking improvements. He talked about required detention capacity at that time. The 2009 improvement was the stadium and synthetic turf field. There is some surface storage and a big vault under the synthetic turf field. Added together there is a 1.3-acre feet.

He highlighted some of their improvements. In phase 1, storm water detention requirement is 2.43-acre feet. That will be a restricted release controlled structure. It restricts the amount of flow that goes into the system. The new nuance of the MWRD ordinance is beyond storm water requirements, they also have a volume control requirement which limits the amount of volume. This is area that cannot be released into the system. That is another half-acre foot. That would be in the aggregate section of the underground system.

There were also highlights of the phase 2 plan. It is the area north of the building, storm water requirements and volume control.

Key points are takeaways include although they are increasing the impervious area, it is minimal compared to the amount of storage they will be providing. They will ease up on the interceptor along Lake Avenue. They will provide both volume control and storm water detention which conforms with the Village and MWRD. MWRD has the new water shed development ordinance and they will follow this. The phase 1 storm water detention will increase the existing system by about 150%. When one takes the expanded system into account, they will increase the main campus by 250%.

- 3.74 Mr. Schneider clarified that the Village engineer would act as a consultant to the MWRD.

Mr. Shanholtzer said that the MWRD has a permitting process and they will need to follow that process. The Village is a certified community. The MWRD puts trust into the Village and work with the district. All correspondence is with the Village's municipal engineer.

- 3.75 Mr. Schneider asked if the Village engineer has looked at their work to date.

Mr. Shanholtzer said they have worked with the staff at the Village and the review consultant. All feedback has been positive to date. The engineer said that from a civil perspective everything seemed to be straight-forward on the site. They do not foresee permitting issues with the MWRD. They are a legacy permit and are increasing storm water storage significantly.

- 3.76 Mr. Francke said he was at the meeting to address the enrollment issue that is of great interest to those at the meeting. The application submitted seeks not just an amendment to the special use permit, the variations but also a modification to a condition established in 1993 when the special use permit was adopted by the Village. That was the amendment adopted by the Village when Loyola merged with Marillac Academy and the school become co-educational. When that was adopted, a condition was added that said the maximum enrollment would not exceed 2,000 students. There was no reporting or monitoring requirements, no safe harbor – it simply said enrollment should not exceed 2,000 students.

Historically this was based on the student enrollment at Loyola Academy at the time plus the student enrollment of Marillac Academy and an assumption of some level of growth over time. That has not changed in 15 years.

What they have brought before the Board tonight is not to increase the cap, but to provide greater definition to what it means and how it should be monitored. They have shared detailed information about enrollment over the past 15 years. Enrollment is measured at the beginning and at the end of the school year. On average, the enrollment has been slightly over by 2.3% at the start of the school year and 1.3% over at the end of the year. Fr. McGrath will explain more about the enrollment process and why it is not an exact science.

The numbers were shared with the Village. At its peak in 2013, Loyola Academy was 5.7% over at the start of the school year and 5% over at the end of the year. When he met with Fr. McGrath and Dennis Stonequist, he asked if they were asking to increase the enrollment cap. The answer was no. Their goal is to have an enrollment of about 2000 students.

They are now proposing that Loyola Academy will report to the Village on an annual basis what the enrollment is so there is no surprise annually or over time. They are proposing to maintain that condition but supplement the language. They will provide reporting to the Village the same information that they report to the state board of education. This is public information. A violation of the special use permit will not be deemed to be occurring unless that cap of 2,000 is exceeded by more than 10%.

Their belief is that the real issue for the neighborhood is traffic. Peter Lemmon talked about traffic improvements on the site. The traffic impact study did assume a maximum enrollment of 2,200 students even though that is not the goal. Mr.

Lemmon's report shows that the additional 200 students would generate 35 additional inbound and 35 additional outbound trips during a.m. and p.m. peak hours. Traffic would be impacted. The traffic consultant concluded that the impact was minimal. The key is not the few additional trips but the implementation of the new traffic management plans. While there is a plan for new construction on site, there is a significant opportunity for the neighborhood and the Village to make things better.

- 3.77 Chairman Duffy clarified that they would annually report to the Village as a requirement of the special use.

Mr. Francke said that what is reported at the end of October to the Illinois Board of Education would be reported to the Village as September enrollment.

- 3.78 Chairman Duffy clarified that the start of school is a higher number than the end of school. He said that Mr. Francke indicated that there would be no penalty if they went above the 2000 number unless it exceeds 2,200 students.

Mr. Francke said he it is not a penalty. Loyola Academy would not be deemed to be in violation of zoning unless they exceeded 2,200 students.

- 3.79 Chairman Duffy asked if they were in violation of zoning, what would happen.

Mr. Francke said what would happen is the same as what happens when a property owner is in violation of zoning. Staff would ask what they would do about this. They are subject to what the law provides if they go over 2,200 students.

- 3.80 Mr. Boyer asked if there were 2,050 students for the year, how many of those are seniors who drive.

Fr. McGrath said he could not answer this question. There is a normal pattern of attrition from freshman to senior year. That is part of the formula of total enrollment. They are trying to balance a senior class and an incoming freshman class. Today's enrollment is 2011 students. The senior class is about 510 students and the freshman class is about the same size. There is attrition across four years as well as from the beginning to the end of the year. They are not proposing an increase in the number of student parking spaces.

- 3.81 Mr. Boyer noted that 14% of students take public transportation.

Fr. McGrath said that other students might carpool, get a ride or walk to school. They have a good idea about what sophomore through senior classes will look like at the end of this year for next year. There is an art of enrollment management in a private school. They go through a process. The Archdiocese requires all Catholic high schools to administer the same entrance exam on the same date every year. When they open the doors on that Saturday morning in December, they have no

idea how many students will show up. A lot of students usually show up to be part of Loyola Academy.

Students take the test, make an application, being accepted or not, granting of financial aid – these are all thresholds in the process and the number starts to shrink. Financial aid plays a role in whether a family will come to Loyola Academy. The number of the freshman class is a moving target. There are parameters and general expectations. Some families will decide the summer before school starts not to come to Loyola Academy. The freshman number is a hard number to land on with great accuracy. Historically they have turned away a lot of students. They turned away about 175 students last year who took the test. Families must make decisions about how to pay for private education. It is not their intention to expand the school's enrollment. There are restrictions on expansion. That number is close to 2,000. For a private school, that number impacts budget creation. 85% of the operating budget is through tuition. They have exceeded the 2,000 number for a while.

He talked about private university enrollment management. Enrollment management is the art of trying to find that place to land. The number of high school age children in the area is not a growing demographic. It is a shrinking number over the next 10-15 years. The Catholic school market is a contracting market. Annually it is a 5% to 7% decline in the number of kids testing and enrolling in Archdiocese schools.

If a family is looking at private school from kindergarten through college, it is a daunting proposition. Internal and external factors in the community impact the number of people who attend Loyola Academy. About 30% of students receive some financial aid. The average award is about half the cost of tuition. They are always trying to feed the enrollment pipeline.

- 3.82 Mr. Schneider said Loyola Academy has been successful in managing enrollment over the past 10+ years. 5.7% over was the highest they were over in enrollment greater than 2,000. He is not an educator but he would think that a university would have a different problem. When Loyola Academy sends out acceptance letters, how many say they are not coming to Loyola Academy?

Fr. McGrath said the process is tested, accepted and those who accept acceptance. In the testing pool, some choose not to apply. Of the kids who apply and who are accepted, the yield is over 80%, maybe in the 85% range.

- 3.83 Mr. Schneider said he thought it would be around 98% who accept.

Fr. McGrath said it is in the 85% to 90% range. 40% of students come from Chicago, 60% are suburban residents. The selective enrollment school process in the city does not align with Catholic School timing. Some city kids who get accepted to Loyola Academy will go to selective enrollment. There are also other public or private school options.

Students in Archdiocese schools cannot apply to multiple colleges. The realities of building budgets, faculty size, building the capacities are similar between high school and college. There are fluctuations in enrollment in a private school. It's about the aid and what Loyola Academy can offer so families can make it work.

- 3.84 Mr. Surman asked if other years were steady after freshman year.

Fr. McGrath said there is some attrition but other years are steady. Biggest attrition is between freshman and sophomore year. Some students are lost for academic reasons after sophomore year. Some families relocate. They take few transfer students and usually those are from out of state who attended another Catholic high school.

- 3.85 Mr. Robke said Mr. Francke indicated that the real issue here is traffic. They presented a plan that relies on implementation. Another comment made was about a goal of 2,000 students. It was not a goal. There was a mandate that the school cap enrollment at 2,000 students. The comment was made that there was no monitoring provision provided for that as if to suggest that it was okay to exceed 2,000. Loyola Academy must have agreed to the 2,000 cap that is in the ordinance. With a lack of a monitoring provision being required, they have exceeded 2,000 students. How is it ensured that the traffic management plan is implemented? There are some questions about the plan. It does a good job of improving on campus traffic and makes efforts to minimize traffic impacts on the neighborhood. It is a great challenge with one street to get in and out.

- 3.86 Chairman Duffy noted that one point to keep in mind is that there are two phases to the project. If they are not compliant with any area in phase 1, it is more difficult to get approval for phase 2.

- 3.87 Mr. Robke said he appreciates having phases, but the Board is talking about phase 1 tonight. He said Loyola Academy presented a traffic management plan that is part of tonight's presentation. There is no provision for monitoring the success of that or for revisiting that plan. Is there a way that administratively there can be something ensure that the plan is monitored and a way to revisit the plan to make sure that it is being done? Given what has happened with the lack of the monitoring provision, what happens if the enrollment is exceeded.

Mr. Francke said it is fully anticipated that should the Village Board approve the requested amendment; the traffic management plan would be incorporated into the ordinance as a requirement. Like any other ordinance, Village staff can monitor and determine if there is compliance. There has been communication about the plan to Loyola Academy families and they appreciate the neighbor's concerns.

- 3.88 Mr. Robke said that the Board needs to be clear about what the 'what if' is if Loyola Academy exceeds 10% of enrollment. Does the Village have to actively monitor this? The Board needs to understand the provision.

- 3.89 Mr. Schneider said that the target is 2,000 students.
- 3.90 Mr. Robke said it is not a target but a mandated cap.
- 3.91 Mr. Schneider said that the target has been in place for 15 years and has always been exceeded. If they can increase it to 2,200 students it would be tempting to keep it within the 2,200 number and never approach 2,000 again.

Fr. McGrath said he is not sure what the incentive is. Is the assumption being that more dollars are coming in?

He talked about students turned away. It figures into that calculation. A certain percentage of students turned away are not the right fit for Loyola Academy and often it is an academic issue. He would counter their staying at 2,200 and not going back to 2,000. 2,000 is the sweet spot to the delivery of the mission of the school. The market would suggest that if it went to that size, quality of education and personalized Jesuit education would be impacted if the school grew too large. The demographic realities suggest that that pool will not be there.

- 3.92 Mr. Schneider heard what Fr. McGrath said. He said that leeway is a margin. There is a yield management issue they need to deal with. Why does it need to be 10%?

Mr. Francke said that the goal is to create this 10% buffer so that it can be defined when the ordinance is being violated. It is to resolve what became a big issue a year or two ago. When is there a violation? What is the impact of the number? That is why he started talking about the history. The condition did not come from the Village until the Academy said the plan is to go no bigger than 2,000. There was no traffic study that said that Laramie can only handle an enrollment of 2,000. There was no discussion that the actual school could only handle 2,000. The number 2,000 is the sweet spot.

- 3.93 Mr. Schneider said there is nothing magic about 2,000.

Mr. Francke said that neighbors care about enrollment due to traffic. If the number is not materially different from a traffic standpoint, all they are doing is creating a safe harbor and everyone knows if the ordinance was violated. He does not understand the problem with this.

- 3.94 Mr. Robke said that there is an ongoing violation. If with the traffic management plan, the reports show the same problems that exist today and level of disruption to the community that exist today, then they could implement the traffic plan and make things better with 10% less traffic than was assumed in the traffic study. There are questions related to the student population. There is a certain range and fluctuation. What is done when the ordinance is violated? We expect that people obey the ordinance. What can be done with the traffic plan so that this gets revisited on a bi-annual basis or updated so that monitoring can occur? There are changes to demographics – people driving, not driving, etc. Everyone wants a structure to work

with Loyola Academy to accommodate changes and make them work for Loyola Academy and for the community. How does the Board move forward given the history and that monitoring provisions need to be put in place?

Ms. Roberts said that the what if would need to be worked out with legal counsel and with the applicant.

- 3.95 Chairman Duffy asked how the 2,000 number came about in 1993. What was the spirit of that number?

Mr. Francke said that the minutes of that meeting show that Loyola Academy was 1,450 students. The enrollment at Marillac was 330 students so total enrollment was just under 1,800. There was general discussion about growth over time. Testimony at that time was a 10% growth. 2,000 should be the number.

- 3.96 Mr. Boyer asked if the enrollment process changed a lot since 1993.

Fr. McGrath was not there in 1993 but he would not think that it was that much different. The gender question is significant. They became a co-ed school. They wanted 50/50 parity for gender. Enrollment management had a different pressure on it about building toward a 50/50 gender distribution.

- 3.97 Mr. Boyer asked if they knew in 1993 how many kids would be in the school.

Fr. McGrath said no because they were dealing with similar unknowns and the reality that a merger meant stopping operating at Marillac. There was a huge cultural transition to co-education. The Catholic school landscape was different in 1993. But some enrollment patterns would have been in place. He does not know about testing in 1993.

Mr. Francke said he did not think that Loyola Academy would have a problem working into the ordinance that if it was determined on some basis that there was a period when the cap was exceeded based on the reporting requirement, there would be an opportunity to look again at how and if it is impacting traffic and whether the traffic plan needs to be reviewed again. That would not be a problem to attach this provision onto the ordinance.

- 3.98 Mr. Robke said he was suggesting that the traffic management plan be reviewed regularly as a separate issue. The history of the enrollment cap shows that it needs to be revisited and a monitoring provision put in. If there is an increase to the cap, what is an appropriate increase? It's a shame that the Village needs to monitor this. The Village needs to work with Loyola Academy on how to establish the cap.

- 3.99 No one on the Board had more questions about the cap.

Mr. Francke talked about a six-page letter that discussed the standards of review. He talked about a realty report and Mr. Baker is at the meeting.

- 3.100 Chairman Duffy said he was trying to figure out how much more time the applicant needed for their presentation before comments from the audience started. Maybe 15-30 minutes to talk about the remaining subjects. The Board might have questions.

Mr. Francke asked Chairman Duffy if he wanted the standards of review discussed individually. Did they want Mr. Freres to talk about the fencing?

- 3.101 Chairman Duffy suggested taking a 10-minute break. He will ask Board members if they wanted to discuss another subject. He wants to conclude the meeting this evening and get questions from the public.

Mr. Francke thanked everyone in the room for their patience. The presentation was long.

- 3.102 Chairman Duffy reconvened the meeting. He said the Board had a couple of miscellaneous questions and then the public would be invited to comment.

Chairman Duffy said there was question about the photometric plan. He said it appears that they propose to replicate the lighting that is existing and there is no intention of exceeding the 0.5 foot-candles at the lot line.

Mr. Freres said that was correct. The applicant will provide an updated lighting plan that is legible.

- 3.103 Chairman Duffy asked where the fence along Laramie starts and ends.

Mr. Freres said it starts at the north end of the campus by the first driveway access point. He pointed to an exhibit. Each driveway entrance has a column between them. They are asking for 5' in height versus 4'.

- 3.104 Chairman Duffy asked how far south the fence went.

Mr. Freres said that the fence went down to the tennis court where the height changes to 10'. There is also a variation request for opacity. They will have Arbor Vitae in front of the fence like there is today.

- 3.105 Chairman Duffy said there didn't appear to be issues with variances requested for the tennis courts. The fencing ends where it does to keep kids from running across the street.

- 3.106 The Board had no additional questions. Chairman Duffy then opened the floor for public comment.

**(After Section 4.0)**

- 3.107 Chairman Duffy said that Loyola Academy team members can address the questions raised and comments made. He noted that some questions had to do with heeding the standards of review, enrollment, and traffic in the neighborhood.
- 3.108 Mr. Schneider said that the last neighbor talked about extensive flooding in her neighborhood. Does Loyola Academy have to do with that? What is Loyola Academy being or is not doing with relation to flooding?

Mr. Francke said he appreciated all the comments, both positive and negative. Storm water management has been a neighborhood issue. They understand that traffic has been an issue and will always remain an issue when there is a school in a residential neighborhood. This is not a unique situation.

They spent a lot of time on studies. They hired great professionals and consultants. They are working with the Village's team to review reports. The Loyola Academy team firmly believes that what is being proposed will make things better. They think the plan will help neighbors. There is a better traffic management plan and significant storm water management improvements. They are increasing storage by 250%. He has worked on master plans and new construction for many high schools (private). He has found that these new projects create opportunities to make things better for the neighborhood in which they exist.

Regarding standards, they are happy to review them. They presented why the enrollment cap language that they proposed meets the standards for special use. Adequate ingress and egress must be provided. There won't be adverse impact on the neighborhood or on property values. They asked their traffic consultant to assume a maximum enrollment of 2,200. They asked Mr. Baker, in his market analysis, to assume 2,200 and conclude as to whether the additional 200 students adversely impact property values. They have addressed this in the standards.

They understand the frustration about this condition. They have reviewed the 300 pages of the 1993 minutes. He agrees that the cap was discussed a lot during testimony. There were not specific studies that said if enrollment is at x level it will have y impact. There was testimony by a traffic engineer that the roads could handle 2,000. He does not disagree with what Mr. Weissberg said about a lot of discussion but it was driven a lot by what Loyola Academy said at the time. Loyola Academy said they could live with the cap. He talked about what a great asset Loyola Academy is for the community. He finds it unusual that this is the only private high school that he is aware of that has an enrollment cap. Loyola Academy was and is prepared to live with this cap. Regarding violations, they do not want to be treated better or worse than other property owner. He had indicated that if the enrollment condition will remain in the ordinance, from a zoning ordinance standpoint, it should relate to the protection of public health, safety and welfare. Nobody focused on if there was compliance. The Village never asked if they were complying. The neighbors never asked if they were complying. The neighbors never went to the

Village Hall about the problem. In neighborhood/school situations, traffic is the problem. That is why they asked Mr. Lemmon to address whether it adversely impacted traffic. Has the increased enrollment impacted flooding? Has it adversely impacted neighborhood property values? What is adversely impacted between, 1900-1950 students. They are happy to look at any study. Their position is not that they want to have this language added to the condition so it gives them a new ceiling. They want to know if they are in violation of the ordinance. It makes sense to say they need to monitor the traffic and traffic management plan. If going over 2,000 is impacting traffic and therefore someone should do something about in terms of traffic that makes sense to him.

**(After Item 6.1)**

- 3.109 Before the motion was seconded, Mr. Schneider said that it is not very specific about enrollment to the modification of the 1993 ordinance. Is that intentional? Is it being left open?

Ms. Roberts said what is written is consistent with what they are proposing and what is in written materials.

- 3.110 Mr. Schneider said they are specific about the side yard setbacks.

- 3.111 Chairman Duffy said his interpretation is that if someone came in with plans for a house addition and the Board, in the motion, says in accordance with the plans submitted.

Ms. Roberts said this is how Ms. Roberts is looking at it.

**4.0 INTERESTED PARTIES**

**4.1 Persons speaking on the application**

- 4.11 Mr. Ariel Weissberg  
1049 Manor Drive
- 4.12 Ms. Ilona Anspach  
1207 Sherwood Road, Glenview
- 4.13 Dr. Josh Wechsler  
3535 Riverside Drive
- 4.14 Mr. Larry Swibel  
1104 New Trier Court
- 4.15 Mr. David Conaghan  
1011 Manor Drive

- 4.16 Mr. Richard Kahan  
3451 Riverside Drive
- 4.17 Mr. Peter Broccolo  
1227 Greenwood Avenue
- 4.18 Ms. Margarita Garcia  
3528 Thornwood Avenue

## **4.2 Summary of presentations**

- 4.21 Mr. Weissberg has lived in the Village since 1989. He is the Chairman of the legal committee for North Shore Citizens to Protect Green Spaces, Inc, which is the neighborhood group that has been advocating for the immediate neighborhood on various issues, but most recently as it relates to Loyola Academy. He said that ‘we have come a long way since 2/16.’ There are 100+ households involved with the Loyola Academy case. There was a downturn in the relationship between the neighbors and Loyola Academy. Good from the difficult relationship. The good was a heightened awareness by Loyola Academy that they have a fragile neighborhood in Loyola Academy’s immediate neighborhood with many problems. The Board really understands the issues like flooding, safety, traffic, environmental and more.

Speaking for the group, he said that the Lakota Group has shown that they need to talk to neighbors and this happened. They spoke about the community meeting that took place November 12, 2016. He had several meetings with Fr. McGrath and Mr. Freres, respectively. Fr. McGrath was hesitant to meet with him. He has been vocal in opposition to what Loyola Academy was planning to do and the way they handled issues.

The group is supportive of phase 1. They met yesterday and are cautiously optimistic that phase 1 will address some problems. One of his neighbors thought that phase 1 was a Trojan Horse, but Mr. Weissberg said he hopes not. Phase 2 will not be met with a lot of acceptance. Time will tell if phase 1 will add to, subtract from or whatever to the problems.

Larry Swibel will speak about enrollment. Mr. Weissberg said he was one of the vocal people who attended the 1993 hearing concerning the special use. At that meeting, he was told at one point to sit down and be quiet.

Reading of those minutes will show that the comments of Mr. Francke are opposite of what happened. It was highly considered that there be a 2,000 student enrollment cap. It was highly discussed and debated. It was well considered by the Board and the Village Board when they enacted the cap. It is difficult to sit and hear comments made about needing guidance when Loyola Academy is in violation of a law. It is not a good example to students. The Village has in process right now a review about violation of the 1993 special use.

Loyola Academy was supposed to respond by June 17, 2017 to the violation of the special use. It has been a violation for over 20 years. There has not been a response from Loyola Academy despite the rule to show cause that was issued by the Village. His group stands in opposition to that expansion of the 2,000 student enrollment. There was no good cause shown as to why that should be expanded. There has been no statement made by Loyola Academy as to why they have been in violation of that standard. Comments about the need for monitoring when a FOIA request to the ISBE is turned around in a matter of two days is absurd. As a group, they fed enrollment numbers to the Village. In his conversations with Mike Zimmerman, he is still trying to determine what, if anything, will come out of the previous violations. It is not like they don't want to be good neighbors. It's not like they were going to oppose phase 1. They are hopeful that there is monitoring for traffic and phase 1 improvements so they can determine if it is helping or hurting or needs some adjustments.

He personally thanked the Village staff for help. There has been traffic remediation. The questions that the Board is asking are on very important issues. They are helping to protect their fragile community.

- 4.22 Ms. Anspach she that she lives in Glenview. Her home abuts Avoca West School. She talked about the traffic that backs up west of Sherwood 20 minutes before school starts. It is bumper to bumper. Students turn left at Manor, cars turn left for Starbucks and they are turning left on Laramie. She talked about the massive amount of traffic and the problems that happen with cars turning. It is a mess and she invited the Board to come out to see this one morning. If they add another 150 students and get to 2,200 problems will be worse. She doesn't think that over 4 students per car is accurate. Adding to enrollment is going to cause more traffic on Lake going east.

The presentation made short shrift of Lake Street, but it is a huge problem. As part of the decision, the Board should also consider what goes on with traffic going west on Lake although it is not as bad as going east.

- 4.23 Dr. Wechsler is a physician at Lurie Children's so he goes downtown every day and sometimes on the weekends. He goes in around the time that there are massive amounts of traffic on Laramie. He is opposed to any changes in the enrollment not just for the traffic but for the safety of his children. Any increases in enrollment lead to more juniors driving and parking in his neighborhood. It is a huge concern for children trying to bike or walk through the neighborhood. Teenagers are some of the most dangerous drivers. He is confused about how the concept of mediocrity was brought into the conversation. Any child that wants to consider an education at Loyola Academy is fortunate. Loyola Academy is a top school in the country.

He shares Mr. Robke's concern and Mr. Schneider's concern that if given the leeway to break the law, people will take that opportunity. Loyola Academy has for the last 20 years has done a fantastic job of overenrolling by about 3%. The 2015-2016 numbers are more like 5% over enrollment. They are good at enrollment.

He questions the extent to which the traffic solution is going to be implemented and he shares Mr. Robke's concerns that talking about how to fix a problem makes us hopeful that a problem can be fixed. But until action on the ground is implemented. Implementation is hard to ensure. It is important that traffic management be ensured as explained. He shares significant concerns about flooding management. In the last five years, they are experiencing 25 or 100-year storms well beyond the frequency they should happen. When his house floods it happens after several hours of rain, not 24 hours of rain. He said that this needs to be properly addressed.

He shares concerns about the overall benefit to his community and that his community will improve from changes at Loyola Academy. It is impossible to understand the outcome of changes. The notion that a property tax paying of his community could be converted to office space would require rezoning and lead to a change in the property tax bill.

This community has a fantastic educational system.

He respects all the time put into the process by the Board. Their questions show how invested they are in the community. He appreciates all the time that Loyola Academy and the Lakota Group and other partners have put into being part of a stressful community time.

Mr. Surman asked where Riverside was.

Dr. Wechsler explained that Riverside was one street north of Illinois. One can enter off of Manor or North Branch or frontage road. It is the deepest point in the neighborhood. It is as far north in the neighborhood as possible.

Mr. Surman asked for clarification about concerns regarding traffic.

Dr. Wechsler said there are no stacking issues during drop off but there are a lot of people walking around the community. There are horizontal streets where car stacking happens during pick up. But when one is going from Riverside to Thornwood or nearby streets the issues become reality. It is unclear whether the traffic management plan will solve the problem.

- 4.24 Mr. Swibel has lived in the area since 1983. He will address the increase in the enrollment cap and raise some points that others have not raised.

Chairman Duffy asked where New Trier Court was located.

Mr. Swibel lives two blocks west of Laramie. Go Laramie to Illinois and take a left and you've reached New Trier Court. It is a cul de sac.

He said talked about the increase in the enrollment cap although the applicant used different wording. There was discussion about how they arrived at the cap in 1993. The minutes show it was a heavily contested, heavily negotiated number. This was

not a number that Loyola simply volunteered. Loyola Academy is now deciding that they want to have a larger number. Fr. Callahan, who represented Loyola Academy at the last hearing, told the Board that Loyola Academy would not exceed a hard 2000 cap. Mr. Murray, counsel for Loyola Academy at that time, made the specific statement that Loyola Academy would not accept more students than would yield 2,000 students. Perhaps they cannot keep the commitments they made at that time. They exceeded the cap 21 consecutive years. There was no reporting requirement so they made it sound like it was okay to continue to do this. One could surmise that if the yield is 85-90% of students accepting the mission if they accept 60 fewer students they might get 50 fewer attending and they would be closer to the 2,000 cap.

The minutes show that the 2,000 cap was very heavily negotiated. The school has knowingly violated it for 21 years. In the initial application filed in 2016, it said that they are in full compliance with every condition of the special use permit from 1993. It was only when neighbors considered the ISBE reporting that they found the school had exceeded the 2,000 cap. The school then acknowledged that they were not in compliance.

He asked the Board to consider one important change in circumstances since 1993. New Trier West has since reopened. That was not contemplated in 1993. There is an implicit acknowledgment by Loyola Academy that there is some impact by New Trier West being opened. Loyola Academy is asking for a 10% increase to the cap when New Trier West is not open and this seems to ignore the traffic conditions that have worsened over time.

At the end of their presentation, the applicant had noted that they would review each of the 11 standards and show how they met each standard. In almost every case they are addressing physical improvements that they are asking for and how those improvements meet the standards. Only in 1 to 2 of those standards do they address the enrollment cap. They have not demonstrated that each element of their plan complies with the 11 standards. They don't mention the increase in the enrollment cap with respect to 8 to 9 of the 11 standards.

He said he would make a point about sanctions. It was discussed earlier what is the consequence of not satisfying the 2,000 cap. It is not for us to propose to the Board what sanctions should be imposed. He talked about financial sanctions for exceeding the 2,000 cap. The school would have ensured that they did not exceed the 2,000 cap. Chairman Duffy said if they are noncompliant with phase 1 maybe phase 2 won't be approved. They have not been compliant with the special use for the last 21 years and the Board should strongly consider changing elements of phase 1. The neighbors do not oppose everything. The school has made a good faith effort to work with the neighborhood. But there are still concerns about traffic and flooding.

He encouraged the Board, given the noncompliance for the last 21 years, to figure out what sanctions would be imposed for continuing noncompliance. If the school

needs a 'fudge factor' because they don't know how many families will accept enrollment, they can shoot for an 1800 cap with a 10% margin of error and then they will not exceed 2,000.

Mr. Boyer said Mr. Swibel's main concern is enrollment. Does he have issues what else they are asking for?

Mr. Swibel does not speak for the entire neighborhood. He was at the meeting to address the enrollment cap.

Mr. Boyer clarified that Mr. Swibel was okay with other things Loyola Academy is requesting.

Mr. Swibel said that he would rely on the Board in good faith for other issues. He is not an engineer and does not have experience to challenge other portions of the request.

Chairman Duffy asked if he cared about the location of the tennis courts. Does he care if they install a 4' high decorative fence?

Mr. Swibel said he would like to see Loyola Academy stay the way that it is. The enrollment cap is the big concern for him.

- 4.25 Mr. Conaghan said everything looks great. They own the land so Loyola Academy should be able to do whatever they want on the land. They have not answered questions about traffic in the neighborhood because they do not own that land. The Board has to figure out the traffic problems. Perhaps the street could be made one way. They put in speed bumps and now the kids go faster. That needs to be solved.

There are about 1,200 kids taking the entrance exam each year. They have plenty of students coming in. If they are 8A in football, that means they are over 2,000 every year. Numbers have to be turned in to figure this out. Has the Village done anything about them going over the limit?

Ms. Roberts said that it was pending this application and the outcome of this request.

Mr. Conaghan said that the Village has not 'slapped Loyola Academy on the wrist' for 17 to 18 years. What if there is a fire and some students die? Then what happens?

Ms. Roberts does not know what the code requires.

Mr. Surman asked about the statement regarding one-way traffic.

Mr. Conaghan said that the Board should solve the traffic problem. Loyola Academy does not own the street. If it was one way, it would solve the problem once a day.

Mr. Surman said that Mr. Conaghan indicated that this was a Village issue.

Mr. Boyer clarified that Mr. Conaghan's main concern is traffic. What about the other elements?

Mr. Conaghan said they own the land so Loyola Academy should be able to do what they want on the land. Moving a tennis court does not bother him. The Board must protect the neighbors regarding traffic problems.

Chairman Duffy clarified that the Board only makes a recommendation to the Village Board. It is the Village, itself, that would help with traffic problems.

Mr. Conaghan asked the Board to vote no until traffic problems are solved in the neighborhood.

Mr. Schneider asked what generates traffic on Manor Drive.

Mr. Conaghan said that there are two issues. New Trier West has a freshman class on site. All the people driving from the west don't want to be caught at the light so they turn on Manor. The same thing happens when school ends. They don't want to get caught at the light so they cut through the neighborhood.

Chairman Duffy asked if students could not exit the parking to the east of Laramie and head west on the streets. Isn't that restricted?

Mr. Conaghan said there are no restrictions.

Chairman Duffy said he might pull that from the presentation. They wanted to do parking across the street. They would make it so one could not turn down out of the side streets. He referenced the vacant lots. Is that where he got that information?

Mr. Freres shook his head yes.

- 4.26 Mr. Kahan said he is at the meeting as a resident. About a year ago he was involved with the North Shore Citizens for Preservation of Green Space. It was a neighborhood organization. The impact of the organization was to preserve the neighborhood. They started on a contentious note with Loyola Academy. In March 2016, they held the first meeting. There were about 100 people and it was not a good meeting for Loyola Academy. The neighbors kept their opposition and it became contentious over time. They decided to reach out to Loyola Academy and start a direct dialog. He did that dialog with Loyola Academy at the request of his group. His goal was accomplished because his conversation with Fr. McGrath woke everyone up. He didn't realize who the neighbors were, what they meant, how they felt about the neighborhood. Because of talking, there are some responsible, respectful development brought forth by a professional group that were not there 1.5 years ago. He supports the plan. Everyone has functioned all these years with an increased enrollment. He is not happy about it. Between 7:15 and 7:40 a.m.,

there is traffic in his neighborhood. But you must get used to it. With the bridge being out, he has not seen an increase in traffic.

There are issues with the neighbors and the neighborhood. Flooding is an issue in the area. Ten-year plans mean nothing today. Flooding happens. The Village is trying to fix this.

The presented plan came with a lot of thought. It is a different plan from 1.5 years ago. Loyola Academy has listened to and worked with neighbors. He has met with Fr. McGrath 5 times. He has met with other neighbors. Scott Freres set up a meeting to get input and came to the neighbors to show the final plan. Mr. Kahn's goal was to create a dialog and get the school talking to neighbors. He likes the neighborhood. He has lived there for 21 years. There are perks to having Loyola Academy. It is all about responsibility and respect. Fr. McGrath put together a better team to create plans and a better team to speak with neighbors. He is appreciative and supportive. The issue regarding enrollment must be taken into consideration. There must be action taken. LA is being made better for the future and he supports the plan for phase 1.

- 4.27 Mr. Broccolo has lived in the Village for 31 years. He is a 1974 Loyola Academy graduate. All of his children went to Loyola Academy. He served for six years as a Trustee, three of which he was Chairman of the board. More recently, Fr. McGrath asked him to chair the steering committee for the master planning process. That was completed in 2017. He was asked to chair the building and grounds committee which he is doing right now.

The committee was put together to find the goals that Loyola Academy had for the campus and the concerns, fears and frustrations of the neighbors. On both sides of the issue the process that unfolded and resulted in many compromise. LA heard what the residents had to say, but also tried to accomplish its goals. There is hope that is the foundation for moving forward.

The breadth of affection and support that people in Wilmette have for Loyola Academy is extensive. They see Loyola Academy as a highly valued community resource.

- 4.28 Ms. Garcia showed some pictures of her home. She moved into her house 4 years ago. Her expensive home flooded within one month of moving in. The land caved in because of all the water in the backyard. This was in 2013. A photo of the basement shows the water line. Her basement was about 80% filled with water.

She showed a photo of a white car stacking on Thornwood, went into a neighbor's driveway to back up so they would not have to go down to Laramie. That is what the parents do. She has a huge crack in the driveway.

She talked about a 2015 meeting at Loyola Academy. At one time, she saw a man in her backyard. She asked him what he was doing and he said that he was a

surveyor surveying the land for Loyola Academy. She called her neighbors about this. None of the neighbors knew about this. That night was the first meeting at the high school. There was no transparency.

She showed the amount of water that accumulates in the backyard. She showed a photo of her neighbor to the east. Flooding is an issue. Traffic is an issue.

One day she could not get into her driveway at 3:00 p.m. She had to call the police but when they came out everyone was gone. Cars idle and cause pollution. Cars cause traffic. Flooding is ongoing.

She is adamantly opposed to the proposal for many reasons including flooding, pollution, traffic, noise. She is very disappointed.

Chairman Duffy asked if any of the proposed changes would help the situation.

Ms. Garcia said she does mind them doing the expensive project on their land. But it will take up a lot of green space and more flooding will occur. More traffic will occur.

Chairman Duffy asked her if she thought that the proposed traffic plan would get cars off the street.

She does not think so.

Chairman Duffy asked if retention of water would help.

She said no and reiterated that she is adamantly opposed to the proposal.

4.29 There were no other audience members to speak on this case.

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

5.1 Mr. Boyer said there are 11 requests in the motion. Nine variations concern the property, two variations deal with special use. Six of the nine variations deal with the tennis court, two deals with the decorative fence and one deals with the parking lot lights. Of the nine variations concerning the property, tennis court requests already exist, two deals with the decorative fence is health and safety and the parking lot light request exists. The two that deal with the special use are special use expansion to put an addition on the building, which he overall does not have an issue with. The big issue is the modification of enrollment. He wants to hear what his colleagues have to say and asked for more discussion on this as it relates to the overall application.

5.2 Mr. Robke agrees about the requests related to the property. They meet the standards. He is not feeling terribly gray on enrollment issue. To accommodate the

10% expansion of enrollment, the Board is presented with a traffic plan that suggests things will be about the same as today.

Based upon observation, personal experience, community feedback, it is not a good situation now regarding traffic. And the goal should not be to preserve the current condition to accommodate a 10% increase. The goal should be to improve the situation. As a Board, there has been a lot of discussion when there is a request for an after-the fact improvement. In that case, he took the stance that this was a separate administrative issue. He is a little uncomfortable handling a request for an expansion of the student body that has existing for 20 years. It seems to be almost a cavalier attitude about this. He is not prepared to accept it based on the history of exceeding that cap without understanding in clear language the ramifications. He is not sure he would still support the cap.

What are the ramifications for currently exceeding the cap? There don't seem to have been any. What is the point of increasing the cap if there are no ramifications? The Board needs to understand the ramifications. Is the traffic plan going to be implemented or will it be implemented and accepted like the cap has been for the last 16 years? If is not implemented what are the ramifications? He feels strongly that there should also be a program to revisit that traffic plan as things change and as we learn from experiences. Kimley Horn has done a good job in studies, data and analysis. Some of it is pure data running metrics and some of it is filling in assumptions as to what will happen.

This is about traffic. We need a good traffic plan and a way to revisit this. If there is going to be an enrollment increase, the Board needs to understand how that relates to everything and the ramifications if these things are not done.

- 5.3 Mr. Boyer asked Mr. Robke if there is a number that works for him. They operated at about 5% over at the end of the school year.
- 5.4 Mr. Robke said that no one has indicated good traffic patterns out there today. He thinks that there is a way to accommodate the request. There is not a magic number. It is understanding the impact, but it is also if there is a cap, and there has been a cap, without ramifications for exceeding it and if that cap will be changed, the Board needs to understand the ramifications. It is not for the Board to monitor enrollment to determine if there is a violation.
- 5.5 Mr. Schneider said that determining sanctions is for the Trustees. That is not the purview of the ZBA.
- 5.6 Mr. Robke said there is no mechanism for dealing with the cap and it is part of the special use. If the Board is being asked to recommend changing the special use per the documents. There is no reason that the documents could not include some discussion because of discussion and negotiation between Loyola Academy and the Village as to the what-if. The fact is that there was a violation of the enrollment

cap. It is relevant and is relevant to traffic. Traffic studies were based on 2,200 students. What is traffic like at 2,300?

- 5.7 Chairman Duffy said that it is his understanding that there has been no reporting of the enrollment until the neighbors telling the Village that there was over enrollment. But this only happened a few years ago. The Village has postponed any discussion about the special use or the violation of the special use pending the outcome of this application. Regarding ramifications or penalties there has been no discussion yet, but there will be. The Village Board and staff want to see how the Board gets through this process on the request for a gray area. He agrees with some of what Mr. Robke is upset about. They have been doing it for 20 years and no one has done anything because no one was aware of it until recently.
- 5.8 Mr. Schneider said he is torn by establishing a cap at some level. It was mentioned that there is no private high school with an enrollment cap. The St. Francis case had this issue come up. They would limit to four classes per grade. The other example is New Trier where they cannot impose a limit. Student enrollments ebb and flow at New Trier. Whatever the traffic implications are that's what they are. The community must live with it. They can try to manage traffic as much as possible.
- Why is a cap being set? If it was a public high school there would be no cap. Two major concerns are flooding and storm water management. When plans are reviewed and approved, the minimum condition is that there is no incremental burden on the community. The traffic is also a concern. Manor Drive is a relief valve for Laramie. There is also queuing on side streets. These are two important issues. They are not in the control of the school except indirectly and what they do on their property. He requested that the Transportation Commission look at those two issues. The Manor Drive relief issue which creates more traffic than it needs to because it's not local and the queuing on the side street. Regarding the queueing, signage can be created.
- 5.9 Chairman Duffy said that the Village could put in some limited parking requirements. Do not enter during specific school hours. He talked about the role of the Transportation Commission in looking at various topics.
- 5.10 Mr. Schneider said they have limited parking requirements on Locust.
- 5.11 Mr. Boyer said they do this by Harper and St. Francis schools.
- 5.12 Mr. Surman asked if there could be a one-way street.
- 5.13 Mr. Schneider said that is the role of the transportation commission.
- 5.14 Chairman Duffy said many students drive and they don't have parking permits and park in the neighborhood.
- 5.15 Mr. Surman sees them park at Edens Plaza.

- 5.16 Chairman Duffy said that there is parking in people's driveways in the neighborhood by people who don't live there. This adds to the burden on neighborhood streets. Neighbors rent spaces to Loyola Academy students. It is a significant factor.
- He firmly believes in the new organization of the parking lots and traffic flow. It will make it easier for traffic to flow through the neighborhood. Many cars will be off of the streets with the drop off/pick up area.
- 5.17 Mr. Schneider agrees that there should be a periodic review to see how effective the plan really is.
- 5.18 Chairman Duffy said it will take a combined effort to work together to find the best solution. There has not been any communication with the Village about trying to impose limitations to help control the traffic in the neighborhood. That would be a wise move.
- 5.19 Mr. Schneider said there is still the request about the enrollment cap and 10%. On one hand, they are still targeting 2,000. But they think they need a 10% cushion.
- 5.20 Mr. Surman said they've already gotten to 5%.
- 5.21 Mr. Robke said the last time they hit the 2,000 goal was in 2,000. It has been higher since that time.
- 5.22 Mr. Schneider believed that the school would have taken this seriously if they had been alerted earlier. He is inclined if the traffic issue is dealt with, if the queueing on Manor Drive is gone and if the parking plans and patterns are implemented and mitigate the issues, he can approve the request. He has no problem with the physical variations requested.
- 5.23 Mr. Surman agrees with many comments. There is too much focus on enrollment. The Board must step back and look at the big picture they are trying to accomplish. They are investing a lot of money. His gut feeling is that traffic will be improved quite a bit by having stacking space. They are sacrificing some green space to accommodate that. He didn't like the parking on Laramie when they looked at the case a year ago.
- 5.24 Mr. Boyer said that what started this issue were the green spaces being taken up.
- 5.55 Mr. Surman said the plan is well thought out and the team spent a lot of time working on it. Who knows why the increase in the gap happened? He doubts that they would get close to the 10% over number. He also mentioned a sanction if they went over that 10% number.
- 5.26 Mr. Robke noted that if they could go up to 2,200, the sanction would take place until they reached 2,201.

- 5.27 Chairman Duffy said Loyola Academy could remove the cap. They are asking for gray area for enrollment fluctuations.
- 5.28 Mr. Robke said that 10% is significant. He is fine to address the fluctuation.
- 5.29 Chairman Duffy said Loyola Academy could asked to be treated like any other school.
- 5.30 Mr. Robke said it goes down to the traffic study that was put together which was based on 2,200. As he understood from comments, maintained a situation like today. There are also significant improvements to the current problems. It looks like there is one less egress point, which is good. He does not think that with the traffic plan the goal should be to maintain the status quo.
- 5.31 Mr. Surman said that from a planning standpoint they are not maintaining the status quo. He said that a big improvement would be the bus lane and work with PACE and CTA and the transportation commission.
- 5.32 Mr. Robke said he was not concerned about the water issues.
- 5.33 Mr. Surman said that when one looks at the enrollment, it's like there is a new set of owners to the building and they have accepted it the way that it is. It's like when you buy a house that had a situation that wasn't right, you must correct it. Loyola Academy is working to correct the current situation.
- 5.34 Mr. Boyer approached this is that Loyola Academy is trying to make improvements and improve the ability to teach students and accommodate what they have. In the original plan, they thought they owned the property across the street. The community said they liked the open space. Loyola Academy went back and asked how they could accommodate this section of the property
- 5.35 Chairman Duffy talked about all the reasons why this is a great plan. Regarding enrollment, he read the minutes and it seemed to him that when there was discussion about how many students it did not seem to him like the number 2,000 was greatly discussed when it was initially put on the table. It was greatly discussed after the 2,000 number came out. That number gets stuck on Loyola Academy without any kind of leeway because of the way they attract students. Now they are coming back and saying they've been over that number that was imposed on them. They would like a way to accommodate the way they should take students.

Everyone is concerned that they will go over 2,200 students. He initially could see how that could happen. It has been a touch topic that they will stay in the gray area. The traffic study will be monitored and reviewed. If something needs to change the plan will be revisited. And working with the transportation committee will bring solutions forward.

He will support the request as it is right now with the recommendation that the transportation commission also address some of the neighbors' concerns and that the Village Board and Legal Counsel try to figure out a way there can be a repercussion for exceeding the gray area.

- 5.36 Mr. Robke said he agrees with a lot of what Chairman Duffy said in terms of physical improvements. If they are going to make improvements and make it safer then they devalue improvements made by having 10% more students plus more traffic. 10% is a lot. This is a starting point.
- 5.37 Mr. Boyer asked if there was a number Mr. Robke was comfortable with.
- 5.38 Mr. Robke said he would be comfortable with 2.5%. He said that the transportation commission might help to address the flow.
- 5.39 Mr. Schneider was on the transportation commission for about one year. They address concerns in many neighborhoods. Or help with signage. They should deal with Manor Drive and stacking on the side streets.
- 5.40 Mr. Robke said it comes down to enforcement.
- 5.41 Chairman Duffy said that the police can go there and ticket offenders and that will change people's habits. They can ticket people where they are not supposed to park. Board members will agree to disagree on this case.
- 5.42 Mr. Robke asked about the 10% increase in enrollment and does it have the potential to change the neighborhood character, which is a criterion. He thinks that a 10% increase could and it has not been demonstrated that it doesn't. He thinks that the traffic plan is an excellent start if it is implemented and revisited.
- 5.43 Chairman Duffy referenced the plan and said that the team extrapolated numbers.
- 5.44 Mr. Robke reiterated that the status quo needs to be improved.
- 5.45 Mr. Surman said he must agree to disagree. The Board is more focused on that number and it is hard to make that an issue for him. If they didn't follow through with what is proposed problems will continue. The solution they have will improve it.
- 5.46 Mr. Robke said he did not hear how the enrollment cap is tied to the other issues. He does not see that they cannot make physical improvements.
- 5.47 Mr. Surman said they may not want to.
- 5.48 Chairman Duffy clarified that what they are voting on is tied together.

Regarding the vote, Ms. Roberts said that the Board could also vote on recommendations.

- 5.49 Chairman Duffy said that the recommendation is that the transportation commission address the street issues and see if they can help with stacking on side streets and traffic on Manor Drive, which serves as a cut through for people to avoid Laramie. Manor Drive is also a cut through for people to get to the New Trier West campus. There must be studies done to figure it out.

Chairman Duffy said that a recommendation could be made that Mr. Adler and Mr. Frenzer look at how to deal with violation of the special use.

- 5.50 Mr. Boyer said at least the number they are asking for, which is a 10% variance. They have never been over 5% at the end of the school year.

- 5.51 Chairman Duffy said he does not want to support that. The vote should be taken on what is currently on the floor. If it is a negative recommendation and the applicant wants to represent to the Village Board and argue their case for 10% they could do that. Or they might modify their request to maybe 5% or another number. To ask them to now change the request and vote on that is doing them a disservice.

- 5.52 Mr. Robke said that approval is based on the traffic management plan. What if it is not implemented? The basis of everything is are they making improvements. If they don't do there is a prettier campus with worse traffic.

- 5.53 Mr. Schneider said that the Board can ask someone to review the effectiveness one year from whenever.

Ms. Roberts said that in the past, like Ronald Knox School, their Board adopted conditions that there would be a traffic study done for three years. The Board could recommend something like that.

- 5.54 Mr. Schneider suggested a periodic review of traffic.

- 5.55 Chairman Duffy asked if that needed to be read into the record.

Ms. Roberts asked how strongly he felt about this?

- 5.56 Chairman Duffy said that it is important that stacking and traffic get looked at to make sure they are implementing the plan as effectively as they can, as well as looking at it from the perspective of the Village. What else can they do to help make this work? There must be a way to put parking restrictions on side streets.

- 5.57 Mr. Schneider suggested – the Board can vote on the motion and put on two conditions to the vote – have the transportation commission look at traffic issues outside the campus and for the Village to periodically review the effectiveness of the plans.

Ms. Roberts said that a motion would be made and seconded, a vote would be taken and then it would be added to the main motion and take a vote on the motion with the new information.

**6.0 DECISION**

6.1 Mr. Boyer moved to recommend granting a request for an expansion of a special use (educational facility, secondary), modification of the special use approved by ordinance 93-O-63 regarding enrollment, a 20.0’ side yard setback variation, a 3.0’ side yard adjoining a street setback variation, a 7.0’ light pole height variation, a 6.0’ fence height variation, a 3.5’ fence height variation, a fence openness variation, a variation to permit a chain link fence in a side yard adjoining a street, a 1.0’ fence pier height variation, and a 1.5’ fence pier diameter variation to permit the construction of an addition (natatorium) and to relocate existing tennis courts, expand the parking lot, and install new fencing at 1100 Laramie Avenue in accordance with plans submitted. The use shall run with the use.

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

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

Motion carried.

6.2 Mr. Schneider moved to place two conditions on the motion: 1) the Transportation Commission review traffic issues in the neighborhood, particularly Manor Drive and 2) that the Village periodically review the effectiveness of the on-site traffic plan as proposed.

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

Motion carried.

6.3 Mr. moved to authorize the Chairman to prepare the report and recommendation for the Zoning Board of Appeals for case number 2017-Z-40.

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

Motion carried.

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

A majority of the Zoning Board of Appeals finds that the request meets the 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 an existing use that has operated in much the way that is proposed for over twenty years and has been in the neighborhood for sixty years. The replacement and expansion of the natatorium, as an increase in floor area and thus an expansion of the special use, will improve the facilities for the students without impacting the neighborhood. The school use is consistent with the goals and policies of the Comprehensive Plan to promote educational opportunities. While the school has continuously exceeded the 1993 enrollment cap, the proposed improvements with the school's traffic management plan and parking lot queuing lanes will mitigate a condition that would likely exist even if enrollment had been conforming. The applicant is requesting some flexibility to the enrollment cap to better work with the enrollment process and to account for student population adjustments during the school year. The proposed traffic management plan and storm water detention will improve existing conditions related to the public health, safety or general welfare. The proposed use will not be injurious to the use or enjoyment of other property. The proposed use will not impede the normal and orderly development and improvement of surrounding properties nor will it diminish property values. The creation of stacking lanes through the expanded parking lot will help to reduce the negative impact of such queuing that currently takes place on the adjacent residential streets. Adequate utilities already exist. The proposed use will be consistent with the community character. No known archaeological, historical or cultural resources will be impacted. No buffers, landscaping or other improvements are necessary though new fencing and landscaping will be installed to improve the appearance along Laramie Avenue. All other standards of Article 12 are met.

The physical conditions of the property, the siting of the structures on the lot and the shape of the lot, impose upon the owner a practical difficulty. To provide more on-site parking and provide on-site queuing, the applicant must relocate the existing tennis courts, resulting in variations related to the setbacks and fencing. The decorative fencing is necessary to limit where students can cross Laramie Avenue to improve the safety of those crossings. The plight of the owner was not created by the owner and is due to the unique lot and its use. The difficulty is peculiar to the property in question. The difficulty prevents the owner from making reasonable use of the property to accommodate new queuing lanes. The proposed variations will not impair an adequate supply of light and air nor will they be injurious to other property. The proposed variations will result in the existing tennis court being relocated and in new fencing being installed, resulting in very little change and likely some improvement to the neighborhood character.

A minority of the Zoning Board of Appeals finds that the request does not meet the special use standards of Section 5.3.E and the variation standards of Section 5.4.F of the Zoning Ordinance. Specifically, the applicant has created their own hardship with their enrollment practices, resulting in continued violations of the 1993 special use ordinance. The existing conditions have resulted in negative traffic impacts on the neighborhood and permitting the enrollment to exceed the 1993 cap contributes to these traffic impacts.

**8.0 RECOMMENDATION**

The Zoning Board of Appeals recommends granting a request for an expansion of a special use (educational facility, secondary), modification of the special use approved by ordinance 93-O-63 regarding enrollment, a 20.0' side yard setback variation, a 3.0' side yard adjoining a street setback variation, a 7.0' light pole height variation, a 6.0' fence height variation, a 3.5' fence height variation, a fence openness variation, a variation to permit a chain link fence in a side yard adjoining a street, a 1.0' fence pier height variation, and a 1.5' fence pier diameter variation to permit the construction of an addition (natatorium) and to relocate existing tennis courts, expand the parking lot, and install new fencing at 1100 Laramie Avenue in accordance with plans submitted and with the following conditions: 1) the Transportation Commission review traffic issues in the neighborhood, particularly Manor Drive and 2) that the Village periodically review the effectiveness of the on-site traffic plan as proposed. The use shall run with the use.