WINNETKA ZONING BOARD OF APPEALS MEETING MINUTES
APRIL 10, 2023

Zoning Board Members Present:	Matt Bradley, Chairman Kate Casale MacNally Mark Haller Lynn Hanley Mike Nielsen
Zoning Board Members Absent:	Todd Vender Max Weigandt
Village Staff:	David Schoon, Director of Community Development Ann Klaassen, Assistant Director of Community Development

Call to Order & Roll Call:
Chairman Bradley called the meeting to order at 7:00 p.m. Ms. Klaassen took roll call of the Board Members present.

Approval of Minutes:
a. March 13, 2023, Regular Meeting Minutes.

Chairman Bradley asked for a motion to approve the March 13, 2023, meeting minutes. A motion to approve the March 13, 2023, meeting minutes was made by Ms. Casale MacNally and seconded by Mr. Nielsen. A vote was taken and the motion unanimously passed, 5 to 0:
AYES: Bradley, Casale MacNally, Haller, Hanley, Nielsen
NAYS: None

Community Development Report:
Mr. Schoon stated the Village Council approved the zoning relief for the North Shore Country Day School expansion and would consider the Hubbard Woods addition and adoption of the Village's Comprehensive Plan at their meeting next week. He also stated One Winnetka submitted their formal preliminary planned development application which would first be presented to the DRB over several meetings beginning April 20, 2023, followed by the Planned Development Commission meeting no earlier than June 2023.

New Cases:
a. Case No. 23-02-SD: 1415 and 1423 Asbury Avenue: This item is not ready for this meeting and the Board is asked to continue the item to its May 8, 2023, meeting. An application seeking approval of a Final Plat of Subdivision and zoning variations to allow a two-lot resubdivision of 1415 Asbury Avenue and 1423 Asbury Avenue and construction of a detached garage on Proposed Lot 2 (1415 Asbury Avenue). The requested zoning variations would (a) permit the existing residence at 1423 Asbury Avenue to (i) observe less than the minimum required side yard setback from the new east property line; and (ii) observe less than the minimum required total side yard setback for Proposed Lot 1; and (b) permit the existing residence and proposed detached garage at 1415 Asbury Avenue to exceed the maximum permitted gross floor area. The Village Council has final jurisdiction on this request.

Chairman Bradley asked for a motion to continue the matter until the May 8, 2023, meeting. A motion to continue the request until the May 8, 2023, meeting was made by Ms. Casale MacNally and seconded by Mr. Nielsen. A vote was taken and the motion unanimously passed, 5 to 0:

AYES: Bradley, Casale MacNally, Haller, Hanley, Nielsen
NAYS: None

b. <u>Case No. 23-04-SU: 564 Green Bay Road</u>: An application seeking approval of a Special Use Permit to allow off-street parking at street-level along the alley and zoning variations for a new four-story mixed-use building at 564 Green Bay Road. The requested variations would permit the improvements to (i) provide less than the minimum required rear yard setback from the west property line; and (ii) provide less than the minimum required off-street parking spaces for the three residential units. The Village Council has final jurisdiction on this request.
Ms. Klaassen stated in 2022, the applicant submitted applications for a three story mixed-use building and roof top deck and following review by the various bodies, the Village Council approved the request. She stated the applicant would now like to add a fourth floor for one additional residential unit. Ms. Klaassen then identified the property's location and zoning classification, and stated the use is consistent with the appropriate land use designation and uses allowed by the Zoning Ordinance and the Comprehensive Land Use Map. She also noted that the use is also consistent with the Future Land Use Map of the Winnetka Futures 2040 Plan, which is scheduled for adoption by the Village Council next Tuesday. She then referred to illustrations of the proposed building and rear of the property and noted a demolition permit was approved last April without delay. Ms. Klaassen identified vehicular access and the rear of the building where the proposed setback requires relief from the rear yard setback requirement. She then described the basement space which would be occupied by Engel and Völkers and identified the first floor plan noting a special use permit would be required for the two parking spaces located at the rear of the building, not for Engel & Völkers' occupancy of the space. Ms. Klaassen also described the proposed residential units for the second and third floors, and the parking requirements and the relief required, as well as the fourth floor residential unit.

Ms. Klaassen stated the applicant is not required to provide parking for the commercial use since the commercial space measures less than 2,500 square feet for calculating parking requirements. She then identified the proposed front and rear elevations as well as a rendering provided by the applicant of the proposed building. Ms. Klaassen stated the Design Review Board reviewed the request and identified concerns related to the building materials and suggested the fourth floor be set back to reduce the building's bulk and scale with the matter being continued to their next meeting. Ms. Klaassen stated for the new proposed design, which is currently before the Board this evening, the fourth floor no longer required a zoning variation with regard to the setback. She also noted that the Plan Commission is scheduled to consider the special use at their next meeting on April 26.

Ms. Klaassen noted no public correspondence was received relating to the request and the Board is to make a recommendation to the Village Council as to whether the request met the special use and zoning variation standards with a draft motion included on page nos. 18 and 19. She then asked if there were any questions.

Ms. Casale MacNally asked if the original setback request for the fourth floor is the same against the alley. Ms. Klaassen responded the proposed 3-foot setback at the northwest corner increases to 7.83 feet at the southwest corner of the lot, and that the relief being requested is the same as the previous request in regard to the rear setback. Ms. Casale MacNally also stated with regard to the parking space requirement calculation, she asked if the 1.5 space requirement is for two bedroom units and if they were to round up due to the number of bedrooms. Ms. Klaassen confirmed that is correct. Ms. Casale MacNally then referred to the lift previously requested. Ms. Klaassen confirmed that a lift is not proposed with this plan.

Ms. Hanley referred to the Comprehensive Plan land use map and asked if the parking lots nearby have overnight parking. Mr. Schoon referred to A and C permits the Village issues for various parking lots he identified and stated C permits allow parking overnight for tenants. Ms. Klaassen confirmed the residences would be apartments as opposed to condominiums.

Mr. Haller asked if roof deck appurtenances counted toward roof height. Ms. Klaassen responded the mechanical equipment, and its screening, extended taller than the 45-foot building height and was not included in the overall building height with the proposal complying with the 45-foot building height. Mr. Schoon stated the structure housing stairs to a rooftop deck would be included in building height calculations.

Mr. Haller asked if two staircases are necessary for each floor. Ms. Klaassen responded an elevator and staircase can be included on each floor with the proposal including two staircases. Mr. Schoon confirmed two means of egress are necessary. Mr. Haller then asked if 560 Green Bay Road to the south included parking. Ms. Klaassen responded they do not. Chairman Bradley referred to page 31 of the agenda packet. Ms. Casale MacNally asked if the C permits are applied for annually. Mr. Schoon responded they are issued 6 months at a time with no guaranteed parking space being provided.

Chairman Bradley referred to page 11 of the staff memo and the minimum clearance requirements from the overhead power lines; he asked for clarification. Ms. Klaassen responded the plans are preliminary with other departments reviewing them. She identified the clearance requirements and also referred to the setback requirements for the second floor deck with the applicant being required to make adjustments, which will only increase the rear yard setback and in turn reduce the requested rear yard setback variation. Chairman Bradley asked if the 2,500 square foot threshold is complied with in terms of public access space. Ms. Klaassen responded the plans need to have enough detail to confirm that the commercial space would not trigger the requirement for parking spaces. She explained that staff will review building permit plans, once submitted, to confirm the commercial space continues to be less than 2,500 square feet for parking calculations purposes and thus not require parking.

Mr. Haller referred to the parking analysis and asked if the Board is to only consider the lack of sufficient space for the residential units and not the commercial space. Ms. Klaassen confirmed that is correct and informed the Board that Village Engineer Jim Bernal reviewed the study and concurred with the findings that the special use would not have a negative impact although the study was not updated to address the variation for the number of parking spaces which the applicant can address. No additional questions were raised at this time.

Chairman Bradley swore in those speaking to this matter. Cal Bernstein, attorney for the applicant, stated they would explain to the Board what brought about the change requiring the special use. Paul Lazarre, one of the managers for the 564 Green Bay partnership, explained to the Board their finalizing of plans, the changes to the economy and financing on the project changed their financial ability to do the project. He stated they considered options to generate more income to justify the additional expense. Mr. Lazarre stated an offer for off-site parking was offered from a location across the street.

Mr. Bernstein stated the prior proposal included a lift to include three car parking and it was determined not to be a viable option. He described the area as a transit oriented district and their attempts to find additional parking to satisfy the parking requirement. Mr. Bernstein reminded the Board the applicant initially considered renovating the building which did not turn out to be a viable alternative.

Nathan Kipnis, the project architect, referred to the PowerPoint presentation and identified the 10-foot setback on the fourth floor which he commented provided a nice transition to the lower floor and described the proposed building materials. He then stated they are in discussions with the Village electric utility regarding the clearance from the powerlines and noted the proposed plans can be adjusted if needed. Mr. Bernstein noted the rear proposed setback would be greater than the existing condition and asked if there were any questions.

Mr. Haller referred to the economic question and the additional unit added to make the project more economically feasible and asked if an analysis had been done with regard to the smaller unit with a smaller deck in terms of rent. Mr. Lazarre confirmed that is correct and stated the main issue related to material costs. Mr. Bernstein stated the standards are addressed in the materials and asked if there were any questions. No additional questions were raised at this time.

Chairman Bradley noted there is no one in the audience to comment and called the matter in for discussion. Ms. Casale MacNally stated she had no problem with the rear yard setback, her concern related to the number of residential unit parking spaces and referred to the additional unit and the requirement for more parking spaces. She referred to the variation standards on page 18 which she commented a number of them are problematic to her. Ms. Casale MacNally asked why three additional parking spaces cannot be leased as opposed to one and reiterated her concern relating to parking and whether a walkup development would be successful without parking spaces being provided.

Chairman Bradley stated for similar projects with the code calling for adequate parking, it is often dealt with in residential areas where people ask for more parking such as for larger garages. He stated for this type of project in an opportunity-zoned site, since it is located proximately near public transportation and access of available public parking for tenants, to stringently require compliance to the code of 1.5 parking spaces per unit is not sensible. Chairman Bradley stated to require underground parking for this project is not feasible and referred to the fact that the property would be improved and would cure the rear yard setback issue. He then referred to the Board's previous discussion regarding the amount of traffic in the alley and stated they should not require additional parking on-site to meet code requirements. Chairman Bradley stated the market would bear in terms of the project and concluded he would be in support of the project.

Mr. Haller asked Chairman Bradley if he felt similar projects in the future should ignore the parking requirements. He stated he is concerned with regard to precedent setting for a similar mixed use project near the train station. Chairman Bradley responded the project is not a planned development which required the consideration of a different set of standards and would require concessions and a public benefit. He then stated Ms. Casale MacNally's opinions are valid and there is no way standard (e) would be met.

Ms. Hanley described the request as the perfect scenario for when zoning ordinance variations are needed and stated there is no way to put in five parking spaces on a 2,500 square foot lot. She also described the area as a perfect transit oriented site. Mr. Haller asked after all of the other alternatives were thrown out, why is a third parking spot not an option. Ms. Hanley stated the lot is only 35 feet wide and it is not possible. The Board Members referred to the previous discussion on the amount of traffic in the alley. Mr. Kipnis explained to the Board why three vehicle parking would not be possible in the rear. The Board Members discussed whether a condition should be put on their recommendation for a third parking space for a rental unit. Chairman Bradley added there is ample public parking nearby. Mr. Nielsen stated he would be in favor of the request; the way the world has changed did not require the same amount of parking necessity. Ms. Hanley stated the variation is to allow the applicant to park two vehicles on the site as opposed to five and the special use standards apply to off-street parking.

Chairman Bradley took a straw poll of the Board Members' positions. Ms. Casale MacNally suggested approval be conditioned on a parking space being leased at the Laundry Mall, as described by the applicant. Ms. Hanley stated they should not require a condition for the applicant to provide parking that may not be necessary. Mr. Haller stated he would be in favor of approval although he was initially concerned with the request for the parking variation. Mr. Nielsen identified his initial concerns and the amount of parking available nearby and stated he would be in favor of the request.

Chairman Bradley asked if the two parking spaces being provided are designated. Mr. Lazarre responded they have not yet been designated and would depend on the how the units are marketed.

Chairman Bradley then asked for a motion to recommend approval as noted on page nos. 18 and 19 of the agenda packet. Ms. Hanley moved to recommend approval of the request. The motion was seconded by Mr. Nielsen. A vote was taken and the motion passed, 4 to 1:
AYES: Bradley, Haller, Hanley, Nielsen
NAYS: Casale MacNally

Public Comment:
No comments were made at this time.

New Business
a. May 8, 2023, Regular Meeting - Quorum Check.
The Board Members discussed their availability.

Adjournment:
Chairman Bradley asked for a motion to adjourn. A motion to adjourn was made by Ms. Casale MacNally and seconded by Ms. Hanley. A vote was taken and the motion unanimously passed, 5 to 0:
AYES: Bradley, Casale MacNally, Haller, Hanley, Nielsen
NAYS: None
The meeting adjourned at 8:12 p.m.

Respectfully submitted,

Antionette Johnson
Recording Secretary