



ZONING BOARD OF APPEALS REGULAR MEETING

MONDAY, APRIL 8, 2019 - 7:00 p.m.

WINNETKA VILLAGE HALL COUNCIL CHAMBERS – 510 GREEN BAY ROAD

AGENDA

1. Call to Order & Roll Call
2. Community Development Report
3. Approval of March 11, 2019 meeting minutes.
4. **Case No. 19-08-SU: 800 Pine Street – Winnetka Community Nursery School:** An application submitted by Winnetka Community Nursery School seeking approval of a Special Use Permit and zoning variations to allow renovation of the existing playground at 800 Pine Street. The requested zoning variations would permit play equipment (a) to provide less than the minimum required front yard setback from Pine Street and (b) to provide less than the minimum required front yard setback from Killian Court. The Village Council has final jurisdiction on this request.
5. **Case No. 19-11-SU: 1112 Willow Road – Crow Island School:** An application submitted by Winnetka School District 36 seeking approval of a Special Use Permit and a zoning variation to allow renovation of the existing playground along Glendale Avenue at Crow Island School. The requested zoning variation would permit play equipment and a relocated playhouse to provide less than the minimum required front (corner) yard setback from Glendale Avenue. The Village Council has final jurisdiction on this request.
6. Other Business.
7. Public Comment.
8. Adjournment

Note: Public comment is permitted on all agenda items.

NOTICE

All agenda materials are available at villageofwinnetka.org (Government > Boards & Commission > Agenda Packets).

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510 Green Bay Road, Winnetka, Illinois 60093

Administration and Finance (847) 501-6000 Fire (847) 501-6029 Police (847) 501-6034 Community
Development (847) 716-3520

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**WINNETKA ZONING BOARD OF APPEALS
MARCH 11, 2019**

Zoning Board Members Present: Sarah Balassa, Acting Chairperson
E. Gene Greable
Wally Greenough
Kimberly Handler

Zoning Board Members Absent: Matt Bradley

Village Staff: David Schoon, Director of Community Development
Ann Klaassen, Senior Planner

Agenda Items:

**Minutes of the Zoning Board of Appeals
March 11, 2019**

Call to Order:

Acting Chairperson Balassa called the meeting to order at 7:00 p.m.

Call to Order & Roll Call

Ms. Klaassen took a roll call of the Board Members present.

Community Development Report

Mr. Schoon stated last year, the Board reviewed a two lot subdivision at 67 Brier and related zoning variations. He informed the Board the applicant received a favorable recommendation from the Plan Commission on the final plat approval which went to the Village Council which approved the final plat. Mr. Schoon then stated next week, a public hearing would be held on amendments to the overlay district. He stated the Village Council has been discussing it for several months and notice has gone out to property owners in the area with the public hearing to be held next Tuesday. Mr. Schoon also stated on the Village's website, they have information regarding the amendments.

Mr. Schoon stated at the last Village Council meeting, they reviewed the thoughts from each of the advisory bodies with regard to the planned development regulations and the Village Council directed staff to continue to move forward with amendments. He stated in terms of direction, the items the Boards and the Plan Commission discussed were if there needed to be both preliminary approval and final approval but if at the final plan stage, if there are not substantive changes, the final plan would only be handled by the Village Council. Mr. Schoon also stated in terms of which advisory body would review it, four Members thought there should be a planned development Commission and two Members thought it should remain as is. He then stated they were given direction to move forward with a planned development Commission. Mr. Schoon stated those and other amendments would be brought to the Village Council on April 4, 2019 with a hearing for public comment. He informed the Board the zoning aspect of the planned development would be reviewed by the commission consisting of 9 Members and the DRB would review the planned development separate from that zoning review.

Approval of January 14, 2019 meeting minutes

1 Chairperson Balassa asked if there were any changes to be made to the minutes. No comments were
2 made at this time. Mr. Greenough moved to approve the January 14, 2019 meeting minutes and the
3 motion was seconded by Mr. Greable. A vote was taken and the motion unanimously passed.
4

5 **Case No. 19-10-V2: 1309 Trapp Lane: An application submitted by Mark Gent and Jennifer Gonzalez**
6 **seeking approval of a zoning variation to allow an in-ground pool at 1309 Trapp Lane. The requested**
7 **zoning variation would permit the pool to provide less than the minimum required front yard**
8 **setback from Holly Lane. The Village Council has final jurisdiction on this request.**

9 Ms. Klaassen stated Case No. 19-10-V2 is an application filed by Mark Gent and Jennifer Gonzalez as the
10 owners of the property known as 1309 Trapp Lane requesting approval of the following variation from
11 the zoning ordinance to allow an in-ground pool at 1309 Trapp. She stated they are requesting a front
12 yard setback of 51.33 feet from Holly Lane, whereas a minimum of 88.59 feet is required, a variation of
13 37.26 feet or 42.06%.
14

15 Chairperson Balassa asked the Board if they had any questions for staff. Mr. Greenough asked if the
16 applicants are the original owners of the property and questioned the two story addition. Ms. Klaassen
17 stated the applicants would be better suited to answer those questions and noted a garage was added
18 and an addition toward the north.
19

20 Chairperson Balassa then swore in those who would be speaking to this matter.
21

22 Mark Gent introduced himself to the Board. He stated his wife was raised in Winnetka and he grew up in
23 South Florida. He stated with regard to background, they have three small children, two of whom had
24 anxiety issues in connection with swimming lessons which took place in various places. Mr. Gent stated
25 as part of the addition plans; they had to redo the patio and determined it would be a good time to
26 build a pool to make them more comfortable with their surroundings. He stated they did as much as
27 they could to protect their neighbors and there is an arbor vitae hedge around the north and west sides
28 of the lot. Mr. Gent then stated the neighbors to the east have a pool which is identical to the one they
29 want to build with a privacy hedge. He stated the pool would be laid out in a north-south direction
30 which drove the need for the variance. Mr. Gent informed the Board they considered an east-west
31 proposal but due to a large tree, it would not survive if the pool is placed in that direction. He described
32 the tree as big and difficult to replace in terms of its caliper inches and which also provided substantial
33 shade.
34

35 Chairperson Balassa asked if there were any questions.
36

37 Rick Lamble of Rocco Fiori & Sons introduced himself to the Board and stated the biggest thing driving
38 the request are the unique characteristics of the lot with it being a through-lot with two front yard
39 setbacks. He stated they are trying to minimize the encroachment and tried to limit where they placed
40 the pool to protect the tree as well as to stay away from the surrounding properties. Mr. Lamble noted
41 the Village Engineering Department already approved the request as well as the Forestry Department.
42 Chairperson Balassa asked if they would be taking down any trees. Mr. Lamble stated they would not
43 and the request would be well under the amount of impermeable lot coverage that is allowed.
44

45 Dan Hartman stated if they were to take down the 26 inch tree, they would have to replace it inch for
46 inch and if they were to replace them on the property, it would result in 4 to 6 additional trees on the
47 property which would not have the same impact. He stated the tree is very healthy and was looked at by
48 Jim Stier, Village Forester, and they were told to do whatever they could to save the tree. Mr. Hartman

1 then stated on the engineering side, they worked with Greengard on the project. He reiterated they are
2 under the amount of impervious surface for the lot coverage and with the addition to the home built in
3 2012, there was a detention system installed below ground to take care of water runoff. He also stated
4 there would be no impact on adjoining properties.
5

6 Chairperson Balassa asked the Board if they had any questions. Mr. Greenough asked where the two
7 story addition was built onto the home. Mr. Gent stated the first floor has an attached two car garage
8 and once they began construction to add a bedroom and bath on top of it, it would be much more
9 efficient from a cost standpoint. Mr. Greenough referred to the plat of survey. Mr. Hartman identified
10 the footprint of the addition and the large honey locust. He stated if they were to orient the pool in an
11 east-west direction, it can be done if they take the tree down. Mr. Hartman stated they looked at every
12 option including shortening the pool when it is dug out with the mechanicals, water lines, etc. and
13 stated the root system of the tree would be very compromised and would die in two to three years if
14 the pool was put in an east-west configuration. He informed the Board they would put a tree
15 preservation fence around it and would follow any additional recommendations Mr. Stier had. Mr.
16 Hartman stated they work with a licensed arborist and Mr. Stier would inspect the work while it is being
17 done.
18

19 Ms. Handler stated it is her understanding these trees live 60 to 70 years and asked if it is nearing the
20 end of its useful life. She also questioned whether building a pool around a tree nearing the end of its
21 useful life might not make sense. Mr. Hartman responded he thought the tree would last significantly
22 longer than that as opposed to if it were a black locust. Ms. Handler asked what species is the tree and
23 noted honey locust trees are listed as desirable while others are not. Mr. Hartman stated after meeting
24 with Mr. Stier, they looked at all of the existing trees and reiterated they were told to do whatever is
25 possible to save that tree.
26

27 Mr. Greenough stated it was mentioned the neighbor has a similar pool and asked what the size of their
28 pool is. Mr. Gent responded for the neighbor to the east, they have a 20x40 foot pool and the north end
29 of their pool is approximately 45 feet from the Holly Lane property line. He then stated while the
30 proposed pool may be a bit larger, it would also be shallower and the north end of the pool would be
31 approximately 50 feet from the property line. Mr. Gent also stated their pool would start further south.
32 Mr. Greenough asked Mr. Gent why not just make a smaller pool. He stated since they are proposing to
33 have a lot of deck space, etc., if they were to remove some of that, they would not need a variance. Mr.
34 Gent stated they would still need a variance because the 90 foot setback is close to the back of the
35 home. He added the only reason the pool would measure 20x50 instead of 20x40 is because they want
36 to make the shallow end shallower due to the children's age. Mr. Gent also stated they want to make
37 the deep end deep enough to allow diving from that perspective. He referred to slope standards which
38 require 1 foot of elevation drop for every 3 feet in length.
39

40 Mr. Greenough stated one of the goals of the Board is to work with the applicant to see what they can
41 do to minimize the variation and described a 20x40 foot pool as a good sized pool. He then stated he is
42 not persuaded they need a 20x50 foot pool requiring a variance. Mr. Gent reiterated it is driven by
43 wanting the shallower end of the pool and referred to the slope standard requirement. He then stated
44 unless they made the drop off very steep, they could not have the shallow end.
45

46 Mr. Gent then stated they would be happy to consider reducing the amount of deck area at the north
47 end although the deck is not a driver of the variance. He stated they would do what is necessary to
48 achieve having the shallow end of the pool which would make the overall variance smaller. He

1 reiterated a variance would be necessary regardless since they do not have the distance from the back
2 of the home to the rear lot line to fit a pool in that space.

3
4 Mr. Greable stated when they planned the pool, he asked if they were aware of what the front yard
5 minimum and maximums were at that time. He stated the calculations show 88.59 feet as the
6 requirement and they can only come up with 51 feet. Mr. Greable stated they are asking for a 42%
7 variance as it related to the front yard from the Holly Lane side of the property. Mr. Gent responded
8 they were not and it was discovered after working with Ms. Klaassen after coming up with the proposal.
9 He then stated while he recognized all of their prior permits have disclaimers, he stated all of their other
10 plans have a 50 foot setback line drawn on them. Mr. Gent stated they then learned because of the
11 through lot, the average calculation made a difference.

12
13 Mr. Greable then stated with regard to Section 17.30.050, they would have to have a standard minimum
14 setback of 50 feet from Holly Lane and they met that test in terms of the code requirement. He asked if
15 they were not aware of the 88 foot average setback requirement. Mr. Gent confirmed that is correct
16 and they did not know their lot was a through lot and their initial design was based on 50 feet. Mr.
17 Greable asked Ms. Klaassen if the 88 feet came about by the selection of the three lots which had to be
18 used for this calculation. Ms. Klaassen confirmed that is correct. Mr. Greable then asked because of the
19 size of those lots, that drove the percentage to be so large and the 88 feet could be reduced if the
20 subject home was located in another area. Ms. Klaassen responded it was possible if the other homes
21 had been located in closer proximity of Holly Lane. Mr. Greable stated the applicant would still be
22 complying with the minimum set forth in the code. Ms. Klaassen noted the R-2 district required a
23 minimum of 50 feet and in this case, the average did apply and that required a setback of approximately
24 88 feet. She confirmed a variation would be needed regardless.

25
26 Chairperson Balassa asked if there were any other questions. Ms. Handler asked if it could run parallel to
27 the home on the north side of the tree although it would still require a variance. She then stated the
28 impact to the neighbor directly behind on Holly Lane and the distance between the pool and their front
29 door is exacerbated. Mr. Gent agreed while the total depth would be less, he referred to the area
30 required by the variance which would be more. He also referred to the usability of their backyard.

31
32 Chairperson Balassa asked if there were any questions from the audience. She then swore in those
33 speaking to this matter.

34
35 Sherry Abuls, 1311 Holly Lane, stated their concern related to drainage. She informed the Board she just
36 finished a project and referred to the Village's precise requirement with regard to water and where it
37 would go. Ms. Abuls then stated with regard to the applicant's neighbor to the left, they are getting a lot
38 of pooling after heavy rains. She stated they want to make sure with the FAR, etc., where would the
39 water go and their concern of it flowing closer to Holly Lane. Ms. Klaassen stated the applicant may be
40 able to explain their proposed drainage plan and she would have to refer her to the Village engineers
41 regarding the specifics relating to the drainage requirements. Ms. Abuls also referred to landscaping.

42
43 The applicant stated there is a drain in the ground along the north border by Ms. Abul's home. He stated
44 part of the plan is to re-grade the lot to eliminate some water pooling. He also stated they planned to
45 put in fencing on their property and arbor vitae and an evergreen hedge across the full length of the
46 back. Chairperson Balassa stated there are fencing rules in connection with fencing the pool. Mr.
47 Hartman noted regardless of the neighbors on three sides, a fence must be installed on the property
48 with the pool to ensure the pool remained enclosed. He also stated with regard to drainage, there is a

1 basin two feet lower than Holly Lane. He also stated there is an 18 inch pipe which ran to the detention
2 system along with other piping to ensure water does not flow to other properties.

3
4 Chairperson Balassa stated to confirm, the applicant would be retaining their storm water. Mr. Hartman
5 stated they cannot re-grade any adjoining properties and added with regard to grading, they have to be
6 at that elevation or lower and the neighbors would have to accept water which would naturally flow
7 onto their properties. He described how the procedure worked in terms of positive pitch, water flow,
8 etc. Mr. Hartman noted there are drainage swails which would be installed to keep the plantings
9 healthy. Mr. Greable asked if the Village signed off on engineering. Mr. Lambie confirmed that is correct.
10 Ms. Klaassen informed the Board the proposal complied with impermeable lot coverage and is not part
11 of the applicants' request. Mr. Gent noted the fence height would be 48 inches together with the
12 planting.

13
14 Mr. Greable asked with regard to the chain link, he asked if it is on Holly Lane. Mr. Gent stated they
15 planned to put in fencing on all three sides and they cannot tear down that fence as it is not their fence.
16 Mr. Hartman noted the applicants' fence would be located 6 inches inside the property line.

17
18 Chairperson Balassa then called the matter in for discussion. She referred to the location of the other
19 pool. Ms. Handler referred to the pool on the neighbor's property and whether it needed a variation.
20 Chairperson Balassa stated they have to determine if it is acceptable to the neighborhood and what it
21 would do to the neighborhood character. She then referred to the honey locust tree. Ms. Handler stated
22 she would have preferred to hear statements directly from Mr. Stier. She also stated the Board has to
23 look at the conditions of the property and not the occupants and she is not convinced if the pool is
24 installed differently, that would prevent them from realizing reasonable return. Chairperson Balassa
25 stated that location would affect the tree. Mr. Greenough stated they should not allow a tree to hold
26 them hostage in terms of a variance. He then stated it would be a mistake to remove the tree regardless
27 and they should not assume if the Board denied the variance, they would take down the tree.

28
29 Chairperson Balassa stated looking at it practically and the location and how it would impact it and how
30 it is landscaped, the character of Holly Lane is not changing. She referred to their being three homes on
31 Holly Lane and Mr. Greable's comments with regard to it being the luck of the draw and the comments
32 made with regard to minimizing variances, she agreed in theory that you do not want to do anything
33 around the tree and asked what they would achieve by rejecting it. Mr. Greenough stated with regard to
34 arbitrarily accepting it in this instance, he agreed with Ms. Handler that there are standards and referred
35 to standard nos. 1 and 2. He stated he did not see a through lot being a unique circumstance and the
36 request is driven by the applicants' inability to put in as big of a pool as they would like. Chairperson
37 Balassa asked what if the applicants asked for a smaller pool which would still require a variation and
38 Mr. Greenough responded that has been done a number of times and the smaller the variation, the
39 better. He stated unique circumstances run with the property and not the occupants. Mr. Greenough
40 added the applicants knew the lot was a through lot when they purchased it.

41
42 Mr. Greable also stated while the variation is large, he reiterated it is the luck of the draw and identified
43 the surrounding properties contributing to the average. He stated it made the requirement seem
44 unusually large and they cannot bypass the minimum of 50 feet. Mr. Greable then stated he could
45 understand accepting the minimum of 50 feet in this case. He also stated as far as the first two
46 standards, he asked Mr. Gent how he viewed the reasonable return standard. Mr. Gent responded other
47 than information submitted in their application, they were aware it was a through lot at the time they
48 purchased it and they were attracted to the large backyard. He stated taking into account all of the

1 setbacks, 75% of the lot would be unusable, unbuildable, etc. Mr. Gent also stated their home is
2 substantially underbuilt in terms of what the lot would allow. He stated they can look at ways of
3 reducing the pool although a lot of the property is covered by setbacks. Mr. Gent agreed with Mr.
4 Greable's comments that if any of the other properties on Holly Lane were used, the number would be
5 smaller with two of the homes used in the calculations having large setbacks and facing the other
6 direction. Mr. Greable asked Mr. Gent to comment on unique circumstances. Mr. Gent stated they
7 realize through lots are not overly unique. He noted there are four homes which actually face Holly Lane
8 with two neighboring homes being on the dead end. Mr. Gent stated their situation is different in that
9 there is not a lot of traffic going through.

10
11 Chairperson Balassa asked if there was anything else to add. Mr. Greable stated he understood the tree
12 situation but one item which impacted him was the requirement of 50 feet which is substantial. He
13 stated in fairness to the owners and the way in which the lots are laid out, he would lean toward
14 approval.

15
16 Chairperson Balassa asked if they took a roll call vote of the Board, the Village Council would be making
17 the final decision. Ms. Klaassen confirmed that is correct. Chairperson Balassa then stated she agreed
18 with Mr. Greable and the nature of Holly Lane contributed to the substantial setback for that specific
19 area as well as the manner in which the calculations were done. She indicated it appeared the vote
20 would be split.

21
22 Ms. Klaassen stated there needs to a motion first and stated in order for a motion to carry, there would
23 have to be a vote of 4 to 0. Mr. Schoon suggested a motion be made in the affirmative and that based
24 upon comments of the Board, it would appear it may fail by a vote of 2 to 2.

25
26 Mr. Greable moved to recommend approval of a variation granting a front yard setback of 51.33 feet
27 from Holly Lane whereas a minimum of 88.59 feet is required, a variation of 37.26 feet or 42.06% from
28 Section 17.30.050 (front and corner yard setback) as the Board finds based on evidence in the record
29 and in a public document that the variation requested is in harmony with the general purpose and
30 intent of the zoning ordinance and that each of the following standards on which evidence is required
31 pursuant to Section 17.60.050 of this Code has been met in connection with this variation application.
32 Mr. Schoon asked for someone other than Chairperson Balassa to second the motion and she can ask for
33 further discussion. Ms. Handler seconded the motion.

34
35 Mr. Greenough stated he would vote no on the motion since the first two standards have not been met
36 with the remainder of the standards being irrelevant for purposes of this discussion. A vote was taken
37 and the motion failed, 2 to 2.

38
39 AYES: Balassa, Greable
40 NAYS: Handler, Greenough

41
42 Mr. Schoon stated Village staff would inform the Village Council the motion failed and that the Board
43 was divided on the application.

44
45 **PUBLIC COMMENT**

46 Chairperson Balassa asked if there was any comment from the audience. No comment was made at this
47 time.

48

1 **OTHER BUSINESS**

2 Chairperson Balassa asked if there was any other business. No additional business was discussed by the
3 Board at this time.

4
5 **ADJOURNMENT:**

6 The meeting adjourned at 7:54 p.m.

7
8 Respectfully submitted,

9
10 Antionette Johnson

11 Recording Secretary

DRAFT



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: APRIL 5, 2019
SUBJECT: CASE NO. 19-08-SU: 800 PINE STREET - WINNETKA COMMUNITY NURSERY SCHOOL - SPECIAL USE PERMIT AND VARIATIONS

INTRODUCTION

On April 8, 2019, the Zoning Board of Appeals will conduct a public hearing on an application filed by Winnetka Community Nursery School (the "Applicant") as the lessee of the property at 800 Pine Street (the "Subject Property"). The Applicant requests approval of the following relief:

1. Approval of a **Special Use Permit** to allow the renovation of the existing playground for an existing institution of an educational, philanthropic or eleemosynary nature in the B-1 Multi-Family Zoning District;
2. Approval of a **zoning variation** to allow a front yard setback of 11.25 feet from Pine Street, whereas a minimum of 25 feet is required, a variation of 13.75 feet (55%) [Section 17.32.010 – B-1 Multifamily Residential District regulations]; and
3. Approval of a **zoning variation** to allow a front yard setback of 1 foot from Killian Court, whereas a minimum of 25 feet is required, a variation of 24 feet (96%) [Section 17.32.010 – B-1 Multifamily Residential District regulations].

A sign has been posted on the Subject Property indicating the time and date of the ZBA public hearing. A mailed notice has been sent to property owners within 250 feet in compliance with the Zoning Ordinance. The hearing was properly noticed in the *Winnetka Current* on March 21, 2019. As of the date of this memo, staff has not received any written comment from the public regarding this application.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.18 acres in size and consisting solely of the Winnetka Community Nursery School playground, is located at the northwest corner of the Winnetka Community House property at the southeast corner of Pine Street and Killian Court. The Winnetka Community House property contains a two-story institutional building. The Applicant has occupied the one-story wing on the western-most portion of the building since 1972. Figures 1, 2 and 4 on the following pages identify the Subject Property.

The Comprehensive Plan designates the Subject Property as appropriate for "Public/Semi-Public" uses). The property is zoned B-1 Multifamily Residential, and it is bordered by B-1 to the south and east, and R-5 Single Family Residential to the north (represented on Figure 3 later in this report).

As suggested by its name, the B-1 Multifamily zoning district allocates areas of the Village appropriate for higher density residential development, and is designated largely in transitional areas, often lying as a buffer between higher density commercial uses and lower intensity single-family districts.

In addition to multi-family residential uses, the B-1 District allows a limited range of additional uses by Special Use Permit. Allowed Special Uses in the B-1 District include (a) parking lots, (b) day care centers, (c) institutions of an education, philanthropic or eleemosynary nature, and (d) planned developments.

The Applicant's use of the Subject Property as an institution of an education, philanthropic or eleemosynary nature is generally consistent with this Comprehensive Plan land use designation and the B-1 zoning district.



Figure 1 – Subject Property (Pine Street)



Figure 2 – Subject Property (Killian Court)

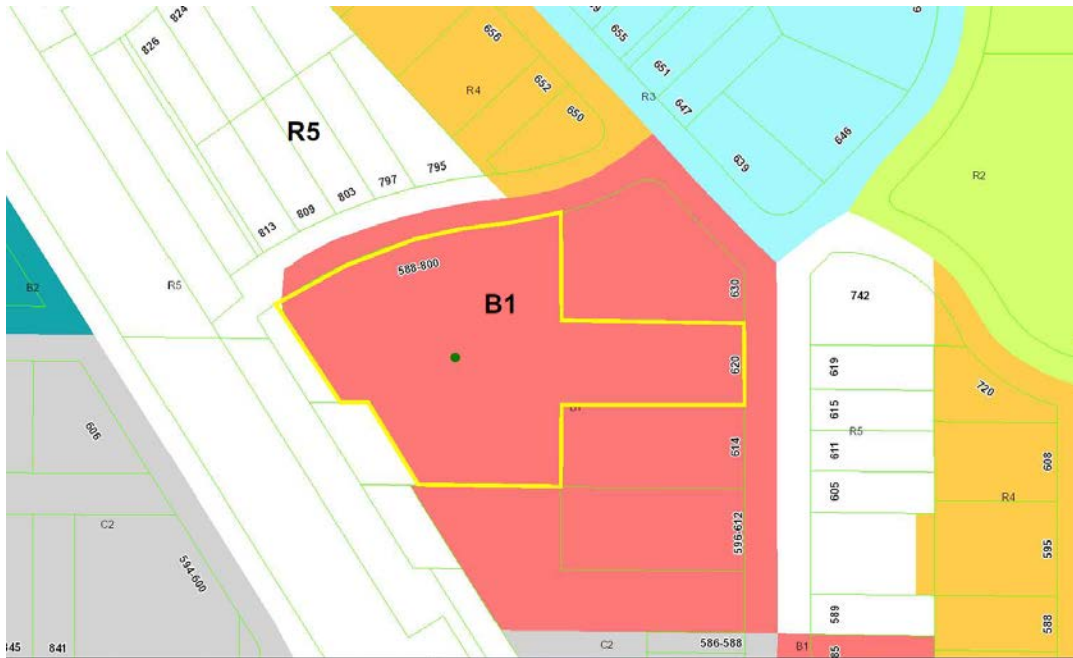


Figure 3 – Zoning Map



Figure 4 – Aerial Map

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

As previously noted, the Applicant has occupied the Subject Property since 1972. There are two previous zoning cases on file for the Subject Property: (1) on September 19, 1991, the Village Council adopted Resolution R-1112-91 granting a Special Use Permit to allow the relocation and replacement of a storage shed in the playground area and (2) on May 4, 2004, the Village Council adopted Ordinance M-17-2004 granting a Special Use Permit and variations to allow the renovation of the Winnetka Community Nursery School playground and to allow play equipment to encroach the required front yard setbacks from Pine Street and Killian Court (Attachment D).

PROPOSED PLAN

The proposed renovation of the existing playground consists of the following: (1) reconfiguration of walks; (2) replacement of some play equipment; (3) a new playhouse; and (4) new components that include berms, a tricycle path, a live willow tunnel, and evergreen forest. The proposed playground would have a naturalistic hobbit theme. The components in the playground would be made from natural materials or would be composed to resemble nature items with neutral colored accents.

The large play structure currently located closest to Pine Street would be replaced with a new treehouse play piece. An existing “tree studio” identified in Figure 2 and in photos submitted by the Applicant, which are included in the attached application materials (Attachment C), would be removed to accommodate the proposed playhouse.

The existing sandbox would be removed and replaced with berms covered with a rubber surface. A new sandbox that can be covered is proposed closer to the building between two existing entrances to the school on the west side of the building. The impermeable lot coverage within the playground would increase by approximately 377 square feet and comply with the maximum permitted impermeable lot coverage. It is important to note that the area of the playground itself would not increase.

Other incidental play pieces are proposed throughout the playground and are identified on the Conceptual Plan along with corresponding photos and descriptions of the pieces included in Attachment A. In addition to photos and plans, the Applicant has provided a narrative description of the proposed plan, which is also included in Attachment C.

Given the ZBA often receives questions regarding the stormwater regulations applicable to a specific request being considered by the ZBA, attached is a Stormwater Matrix (Attachment B). Based on the proposed plan, it appears additional stormwater detention would not be required. However, Village Engineering staff will confirm compliance upon submittal of a building permit.

ZONING RELIEF

Two variations are being requested: (1) Front Yard Setback from Pine Street; and (2) Front Yard Setback from the Killian Court roadway easement. The proposed treehouse piece would provide a minimum front yard setback of 11.25 feet from Pine Street, whereas a minimum front yard setback of 25 feet is required. For reference, the existing large play piece that would be removed to accommodate the proposed treehouse piece is setback approximately 11 feet from Pine Street and was subject to the variation that was granted in 2004. The proposed playhouse also requires zoning relief as a setback of 1-foot is proposed from the outer-limits of the roadway easement for Killian Court, whereas a minimum front setback of 25 feet is required. It should be noted that the existing “tree studio” that would be removed encroaches the Killian Court easement, however, the proposed playhouse would be located outside of the easement.

CONSIDERATION BY OTHER ADVISORY BOARDS/COMMISSIONS

The Plan Commission considered the Special Use Permit on April 3, 2019 and recommended approval of the request by a vote of 8-0.

The Design Review Board considered a Certificate of Appropriateness for the proposed improvements on March 21, 2019 and approved the request by a vote of 4-0.

The Special Use Permit and variations are subject to final approval by the Village Council.

REQUESTED ZONING CONSIDERATION

The Applicant is requesting approval of a Special Use Permit and the following zoning variations to renovate the existing playground on the Subject Property:

1. Front yard setback of 11.25 feet from Pine Street, whereas a minimum of 25 feet is required, a variation of 13.75 feet (55%) [Section 17.32.010 – B-1 Multifamily Residential District regulations]; and
2. Front yard setback of 1 foot from Killian Court, whereas a minimum of 25 feet is required, a variation of 24 feet (96%) [Section 17.32.010 – B-1 Multifamily Residential District regulations].

The ZBA is charged with evaluating Special Uses for consistency with the six standards for granting special use permits, as well as the eight standards for granting of zoning variations.

FINDINGS

In the attached application materials submitted by the Applicant, the Applicant has provided a statement of justification regarding how the requested Special Use Permit and variations meet the standards for granting the requested Special Use Permit and zoning variations. Does the ZBA find that the requested Special Use Permit and variations meet the standards for granting such special use and variations; and if so, is the ZBA prepared to make a recommendation to the Village Council regarding the requested relief? If so, a ZBA member may wish to make a motion recommending approval or recommending denial based upon the following:

Move to recommend **approval [denial]** of the requested special use and zoning variations to allow the renovation of an existing playground for the Winnetka Community Nursery School, an institution of an education, philanthropic or eleemosynary nature, based on evidence in the record, or a public document, and upon the following findings of fact:

1. “The proposed playground renovation special use is consistent with the Standards for the granting of Special Use Permits, as follows:
 - a. That the establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare;
 - b. That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;
 - c. That the establishment of the special use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;
 - d. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public ways;
 - e. That adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the special use exist or are to be provided; and

- f. That the special use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes.”
2. “The requested zoning variations to allow a front yard setback of 11.25 feet from Pine Street, whereas a minimum of 25 feet is required, a variation of 13.75 feet (55%) and a front yard setback of 1 foot from Killian Court, whereas a minimum of 25 feet is required, a variation of 24 feet (96%) [Section 17.32.010 – B-1 Multifamily Residential District regulations] are **in harmony [not in harmony]** with the general purpose and intent of the Zoning Ordinance and that each of the following eight standards on which evidence is required pursuant to Section 17.60.050 of this Code **has been met [has not been met]** in connection with this variation application **[subject to the following conditions...]**

The eight standards to consider when granting a variation are as follows:

- a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.
- b. The plight of the owner is due to unique circumstances. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants.
- c. The variation, if granted, will not alter the essential character of the locality.
- d. An adequate supply of light and air to the adjacent property will not be impaired.
- e. The hazard from fire and other damages to the property will not be increased.
- f. The taxable value of the land and buildings throughout the Village will not diminish.
- g. The congestion in the public street will not increase.
- h. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired.”

ATTACHMENTS

Attachment A: Zoning Matrix

Attachment B: Stormwater Matrix

Attachment C: Application Materials

Attachment D: Ordinance M-17-2004, adopted May 4, 2004

ATTACHMENT A

ZONING MATRIX

ADDRESS: 800 Pine Street - Winnetka Community Nursery School

CASE NO: 19-08-SU

ZONING: B-1

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (2)
Min. Lot Size	N/A	137,107.59 SF (1)	N/A	N/A	OK
Min. Average Lot Width	N/A	392+ FT (1)	N/A	N/A	OK
Max. Roofed Lot Coverage	54,843.04 SF (1)	45,675.22 SF (1)	N/A	N/A	OK
Max. Gross Floor Area	109,686.07 SF (1)	99,137.13 SF (1)	N/A	N/A	OK
Max. Impermeable Lot Coverage	4,776 SF (3)	2,562 SF (3)	2,939 SF (3)	377 SF	OK
Min. Front Yard (Pine/North)	25 FT	1.92 FT (4)	1.92 FT	N/A	13.75 FT (55%) VARIATION (5)
Min. Front Yard (Killian Court/West)	25 FT	0 FT	1 FT	1 FT	24 FT (96%) VARIATION
Min. Front Yard (Lincoln/East)	25 FT	N/A	N/A	N/A	OK
Min. Side Yard (South)	12 FT	N/A	N/A	N/A	OK

NOTES:

(1) Lot area of Community House property.

(2) Variation amount is the difference between proposed and requirement.

(3) Based on area of Winnetka Community House Nursery School site (7,960 s.f.).

(4) Setback to existing shed that is to remain.

(5) Setback to proposed tree house play piece is 11.25 ft., requiring a variation of 13.75 ft. (55%). The existing play piece that would be replaced provides a setback of 11 ft.

ATTACHMENT B

Stormwater Volume Requirements for Development Sites

In addition to meeting the following storm water volume detention requirements, development sites must meet all other Village storm water management requirements such as drainage and grading, storm water release rates, storage system design requirements, etc.

	Storm Water Detention Volume Requirements	Applicable Requirement
A. New Home Construction - Previously Developed Lot	The amount of additional required storm water detention volume is based upon the difference between maximum impermeable lot coverage, per Zoning Code, and existing lot coverage, using the run-off coefficient for a 100-year storm event for both.	
B. New Home Construction - Previously <u>Undeveloped</u> Site	The amount of required storm water detention volume is based upon the maximum impermeable lot coverage, using the run-off coefficient for 100-year storm event.	
C. Redevelopment of Site for Different Use (e.g. single family to multi-family, or commercial)	The amount of required storm water detention volume is based upon the maximum impermeable lot coverage, using the run-off coefficient for 100-year storm event.	
D. Improvements to Existing Home and/or Lot, causing an increase in impermeable lot coverage <u>greater or equal to 25%</u>.	The amount of additional required storm water detention volume is based upon the difference between the proposed and existing impermeable lot coverage, using the run-off coefficient for 100 year storm event. (Note: If the increase in impermeable lot coverage is less than 25%, additional storm water detention volume is <u>not</u> required.)	<i>Applies to 800 Pine Street</i> <i>Based upon preliminary review of information to date, it appears that 800 Pine Street <u>would not</u> have to provide additional storm water detention volume. However, a final determination will not occur until plans are submitted with a building permit application and reviewed by Village Engineering staff.</i>

ATTACHMENT C

CASE NO. 19-08-SU

APPLICATION FOR SPECIAL USE

Name of Applicant Winnetka Community Nursery

Property Address 800 Pine Street Winnetka, IL 60093

Home and Work Telephone Number 847-446-4432

Fax and Email WCNS office@gmail.com

Architect Information: Name, Address, Telephone, Fax & Email

Clauss Brothers, Inc. Natalie Gongaware
12 N330 Switzer Rd NFG @ claussbrothers.com
Elgin, IL 60124 847.488.0711

Attorney Information: Name, Address, Telephone, Fax & Email

Matthew Botica matthew.botica@gmail.com
290 Forest St. Winnetka, IL 60093 312.543.1555

Date Property Acquired by Owner Winnetka Community House - 1911 Winnetka Community
Nursery School - 1972

Nature of Any Restrictions on Property _____

Explanation of Special Use Requested _____

OFFICE USE ONLY

Special Use Requested under Ordinance Section(s) _____

Staff Contact: _____ Date: _____



Explain in detail how the proposed Special Use meets the following standard. Under the terms of the Zoning Ordinance, no Special Use Permit shall be granted unless it is found:

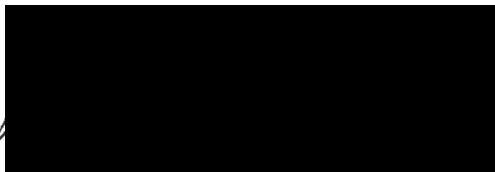
1. That the establishment, maintenance, and operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare;
2. That the Special Use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;
3. That the establishment of Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;
4. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways;
5. That adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the Special Use exists or are to be provided; and
6. That the Special Use in all other respects conforms to the applicable regulations of this and other village ordinances and codes.

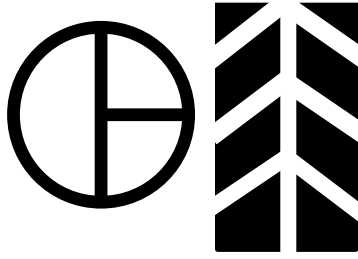
Respectfully Submitted,

Lessor Winnette Community House
Property Owner

2/6/15
Date

620 Lincoln
Address





CLAUSS BROTHERS, Inc.
Landscape Architects & Contractors

12N330 Switzer Rd
Elgin, IL 60124
TEL (847) 488-0711
FAX (847) 488-0551

SPECIAL USE PERMIT STANDARDS
Pertaining to Winnetka Community Nursery School

- 1) The current playground overtime has shown wear and tear and is nearing its life expectancy on some of the play elements. Some of the play features are seldom used by the children and will be removed and replaced with new innovated components. A few popular structures will remain with parts replaced to ensure a safe environment. The musical instruments are being removed and no new sounding equipment will be installed, reducing the sound levels to neighbors. The exciting changes in the space provide a naturalistic hobbit theme to the playground. Recent studies have shown that children, especially in urban areas, are in need of developing skills to invent active play and encourage imagination. The new components of the playground will include berms for running and rolling on, a tricycle path with a more stable surface to ride on with S turns, a live willow tunnel and evergreen forest drive thru. A new smaller sand box will have the ability to be covered and provide a clean artistic place to create along with the mud room where hands are allowed to get dirty. The big kids play structure will feature a treehouse with a real tree trunk base and challenging climbing opportunities. All meet current safety guidelines and ADA standards. The naturalistic design approach will complement the Community House Campus and neighborhood. All components in the playground will be made from natural materials or are composed to resemble nature items with neutral colored accents.
- 2) The playground will remain in the current footprint and not extend beyond the existing fence limits surrounding the playground. The public walks will remain open. The project is replacing aged equipment keeping the maintenance of the playground up to standards. The natural theme of the playground will not distract from the neighborhood and the rejuvenation and improvements of the playground will not diminish property values but rather make it a desirable component of the neighborhood. The playground is utilized only during daylight hours during the operation of the school and will not be in use during evening and nighttime hours.
- 3) Pine St and Killian Court roadways will remain unchanged and open to all. The easement inside the fence line of the playground has been included in the design development so if future use is required it will be available to all districts of concerns.

- 4) The design incorporates the existing side and back entrance off Killian Court and the school entry so as to minimize disruption of Pine St. No additional traffic use, both vehicular and pedestrian, is anticipated per the proposed design. All public walks will remain.
- 5) All utilities will remain intact. Site improvements will utilize the existing grades and drain to existing structures in place. The users of the revitalized space will remain the children of the nursery school with no anticipated additional users. Parking and access will remain the same as previous footprint.
- 6) The Village's easements have been included in the proposed design and respected. The Playground will meet ADA standards the CPSC guidelines in regards to playground development. Impermeable surfacing has been maximized where applicable.

CASE NO. 19-08-SU

APPLICATION FOR VARIATION
WINNETKA ZONING BOARD OF APPEALS

Owner Information:

Name: Lessor Winnetka Community House for Winnetka Community
Property Address: 620 Lincoln Nursery School
Home and Work Telephone Number: 847-881-9333
E-mail: Bob T @ my web .org

Architect Information: Name, Address, Telephone, E-mail:

CLAUSS BROTHERS, INC. NATALIE GONGAWAR
12N330 SWITZER RD NRG@CLAUSSBROTHERS.COM
ELGIN, IL 60124 847 488-0711

Attorney Information: Name, Address, Telephone, E-mail:

Matthew Botica
290 Forest St, Winnetka
matthew.botica@gmail.com 312-543-9555

Date Property Acquired by Owner: 1911

Nature of Any Restrictions on Property: N/A

Explanation of Variation Requested:
(Attach separate sheet if necessary)

PROJECT CONSISTS OF RENOVATION
OF EX PLAYGROUND. RECONFIGURATION OF WALKS
INSTALLATION OF NEW PLAY FEATURES AND PLAYS
SURFACES IS THE SCOPE OF PROJECT. GRADES REMAIN THE
SAME, ALL TREES REMAIN, IMPERVIOUS AREA-
INCREASES SLIGHTLY BUT REMAINS BELOW ALLOWANCES

OFFICE USE ONLY

Variation Requested Under Ordinance Section(s): _____

Staff Contact: _____ Date: _____



Standards for Granting of Zoning Variations

1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.

While we still remain within the minimum requirements for both permeable/impermeable grounds and fall zone spacing, we are expanding in order to help enhance our school's outdoor playground experience. The playground update ultimately helps attract families to want to join our school community. In order to remain competitive within the preschool landscape, we must continue to update and iterate on what we provide with regards to outdoor learning experiences.

2. The plight of the owner is due to unique circumstance. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants.

Our playground shape is somewhat unique. This causes some issues for placing large playground equipment pieces. However, we believe our proposed updates are still within the requirements necessary to safely place it. The new structure will go where an existing one is located.

3. The variation, if granted, will not alter the essential character of the locality.

The variation will not cause any sort of character or aesthetic alteration to the property or the locality. The new piece of equipment has the same look, feel and material as the current piece of equipment.

4. An adequate supply of light and air to the adjacent property will not be impaired.

The new play structure will not alter the supply of light and air to the adjacent property, especially seen as the new play structure is smaller than the existing piece.

5. The hazard from fire and other damages to the property will not be increased.

Nothing in the playground update would cause an increase in hazards from fire and other damages to the property.

6. The taxable value of the land and buildings throughout the Village will not diminish.

There would be nothing to cause the taxable value of the land and buildings throughout the Village to be diminished because of the update to the playground.

7. The congestion in the public street will not increase.

Congestion in the public street should not be affected during or after construction.

8. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired.

Both during and after construction of the playground, the public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be impaired. Clauss Brothers is a very reputable commercial and municipal landscaping company. This organization, led by landscape architect Natalie Gongaware, will safely and productively demolish and rebuild parts of the Winnetka Community Nursery School playground for the better enjoyment of its occupants and attendants.

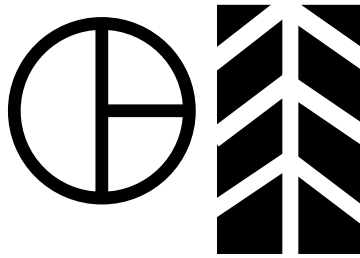


Winnetka Community Nursery School

Playground Rehabilitation

Village of Winnetka, Illinois
Department of Community Development
January, 2019

SPECIAL USE & VARIANCE PERMIT APPLICATION



CLAUSS BROTHERS, Inc.
Landscape Architects & Contractors

12N330 Switzer Rd
Elgin, IL 60124
TEL (847) 488-0711
FAX (847) 488-0551

January 24, 2019

Page 1 of 2

TO: Planning & Zoning Board
DRB Members
Planning Staff
FR: Natalie Gongaware, RLA, Clauss Brothers, Inc.
Kim Mancini, WCNS
Jennifer Page, WCNS

RE: Planning & Zoning Request for Approval: Plan Overview

On behalf of Clauss Brothers, Inc. and the Winnetka Community Nursery School, we are pleased to submit our design proposal for the renovation of the playground at the Winnetka Community Nursery School. The design process was a collaborative effort among teachers, staff and parents to develop a unique playground experience with a natural approach to play.

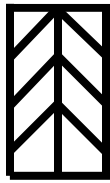
The current playground overtime has shown wear and tear and is nearing its life expectancy on some of the play elements. Some of the play features are seldom used by the children and will be removed and replaced with new innovated components. A few popular structures will remain with parts replaced to ensure a safe environment. The exciting changes in the space provide a naturalistic hobbit theme to the playground. Recent studies have shown that children, especially in urban areas, are in need of developing skills to invent active play and encourage imagination. The new components of the playground will include berms for running and rolling on, a tricycle path with a more stable surface to ride on with S turns, a live willow tunnel and evergreen forest drive thru, and a building area where sticks and stones become trains, castles or wherever the imagination takes it. A new smaller sand box will have the ability to be covered and provide a clean artistic place to create along with the mud room where hands are allowed to get dirty. The big kids play structure will feature a treehouse with a real tree trunk base and challenging climbing opportunities. All meet current safety guidelines and ADA standards. The naturalistic design approach will complement the Community House Campus. All components in the playground will be made from natural materials or are composed to resemble nature items with neutral colored accents.

The playground is designed to minimize visual impact. The green themed environment will fit well into the neighborhood. All existing trees are preserved and an additional shade tree and evergreens will be added to the environment. The Impervious surfaces remain below standards.

Certified Natural Engineered wood fiber surfacing providing the safe fall zones along with tested poured in place rubber. The scope of the renovation includes the following:

- New wood tree house play feature for 3-5 year olds
- New sand box area with log surrounds and sized for covering
- Mushroom seats to climb, sit and gather
- Rubber covered berms resembling islands in water
- Art panels for artistic drawing
- Log benches for sitting and balance climbing
- Sticks and stone building area
- Concrete tricycle path
- Free play area circle with solid surface
- Mud room with mud tables
- Wood cabin playhouse
- 4 seat wood swing frames will remain
- Live Willow tunnel
- Wood play structure for ages 2-5 year olds will be updated with new parts
- Evergreen shrub forest for hide and seek
- All existing trees preserved and a shade tree and evergreens added
- Both Wood fiber and Rubber Surfacing are certified as ADA accessible
- Safety standards are incorporated into design

We are requesting a zoning variance and a special use permit in order to replace the declining nursery school playground and update with an innovative play space meeting current ADA and safety standards.



CLAUSS BROTHERS, INC.
Landscape Architects & Contractors

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Custom Tree House Play Piece by Daniels Woodland



Tree opening with Eave



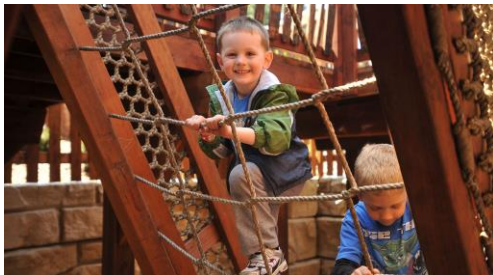
Tree with Roofed Deck

Cedar Shingle Roof



Curved slide

Climbing Rope Ladder



Climbing
Wall

Equipment Description:

Structure Materials /Color

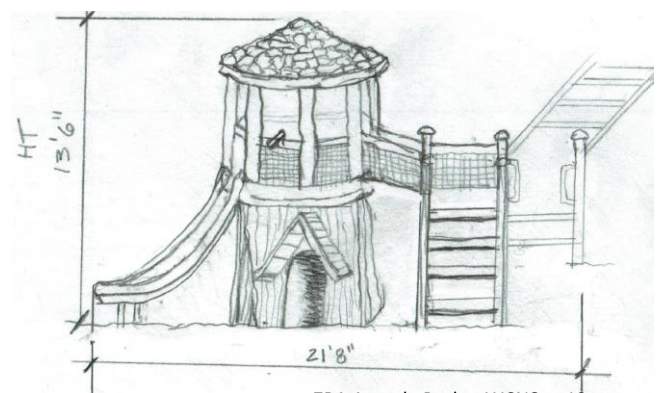
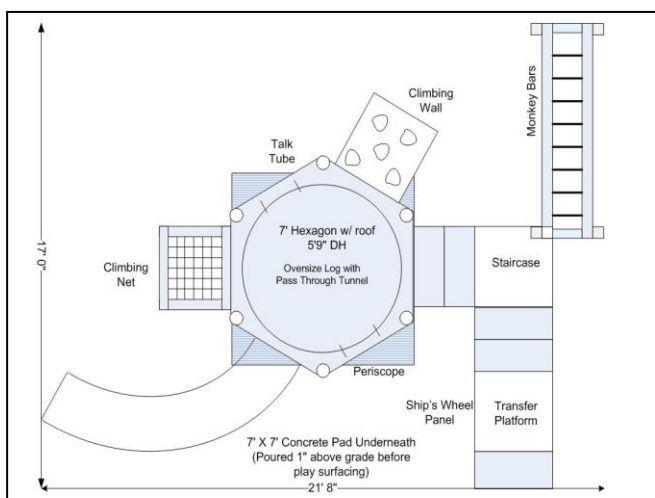
Natural Wood with rope and
green and beige accents

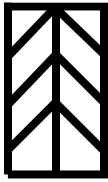
Structure Components

Climbing wall, Rope ladder,
slide, Tunnel pass thru,
Transfer deck, Monkey Bars,
Periscope, Talk Tubes, Ship's
Wheel Panel

Dimensions

17'0" x 21'8" x 13'6" height (top of
roof)





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Custom Playhouse By Daniels Woodland



Faux Chimney Stack

Cedar Shingle Roof



Equipment Description:

Structure Materials/Color

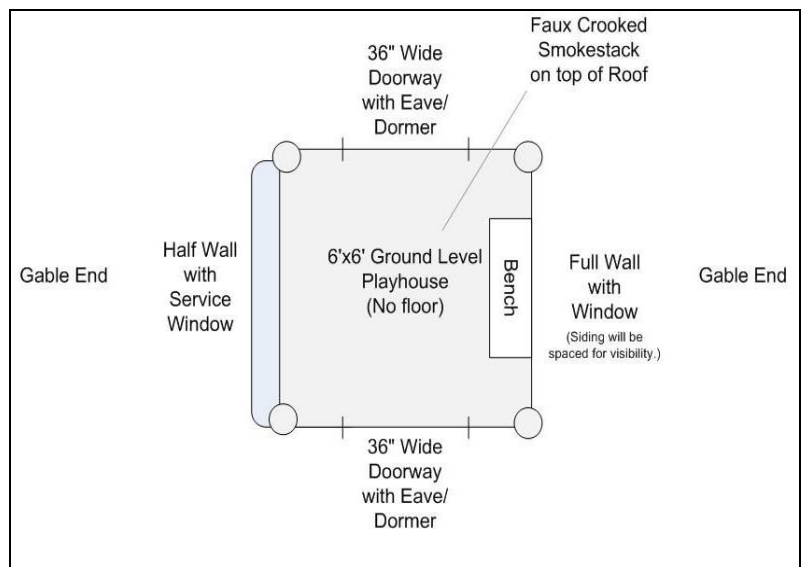
All Natural Wood

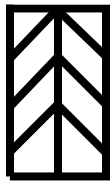
Structure Components

2 Doorways with Eaves, no Floor,
Indoor bench, Full window, Faux
Crooked Smokestack,
Half wall with service window

Dimensions

6'W x 6'W x 9'HT (top of roof)





CLAUSS BROTHERS, INC.
Landscape Architects & Contractors

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Elgin, IL 60124
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F 847 488.0551
www.claussbrothersinc.com

Play Components



Art Panels by Landscape Structures
Dimension: 30 3/8"W x 50"HT
Materials/Colors: Leaf aluminum
posts w/ brown permalene paint
holder



Sticks and Stone Building Materials

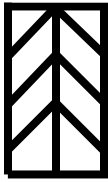
Materials/Colors – Natural Wood and stone



Log Bench by Nature Rocks
Dimensions: 2'W x 4'L
Materials/Colors: Glass Fiber
Reinforced Concrete in Neutral
Colors



Mushroom Seat/Climbers by
Landscape Structures
Dimensions: 14" dia x 16" ht
Materials/Colors: Precast
Concrete in Neutral colors



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Play Components



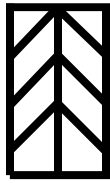
Sand Box edge – Natural logs and Rosetta Stone -precast stone outcropping
Color - fon du lac



Living Willow Tunnel – *Salix miyabeana* 7-8' rods



Hide and Seed Forest – *Thuja occidentalis* 'Smargard' 4' ht



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Landscape Architects & Contractors

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PLAYGROUND SURFACING



Poured in Place Rubber Surfacing over berms
2" Thickness Colors: 50% black mix with 50% green for islands
50% black mix with 50% blue for water

- **FibarPIP** helps to cushion falls and lower the chance of injuries.
- **FibarPIP** complies with Federal CPSC* guidelines.

*Consumer Product Safety Commission

- **FibarPIP** complies with ADA*

*Americans with Disabilities Act

- **FibarPIP** is certified for safety by IPEMA.*

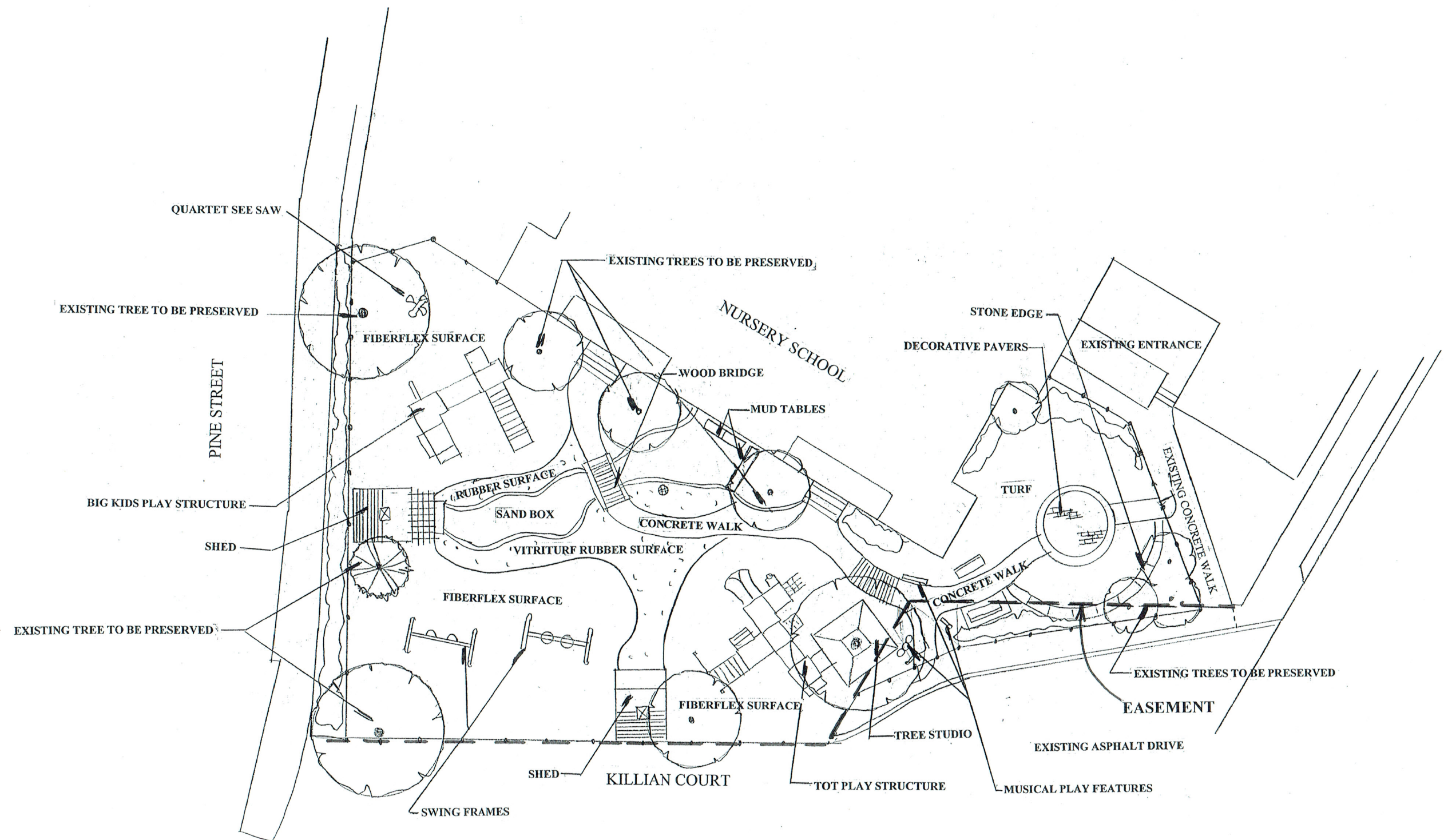
*International Play Equipment Manufacturers Association



Engineered Wood Fiber by Fibar

Fibar is regularly tested to comply with all relevant standards of the Consumer Product Safety Commission (CPSC) and ASTM, including F2075 for fiber size and purity, F1292 for impact absorption, and F1951, which provides access for the physically challenged. The test results are independently verified by IPEMA, the International Play Equipment Manufacturers Association.

ZBA Agenda Packet WCNS p. 23

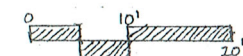


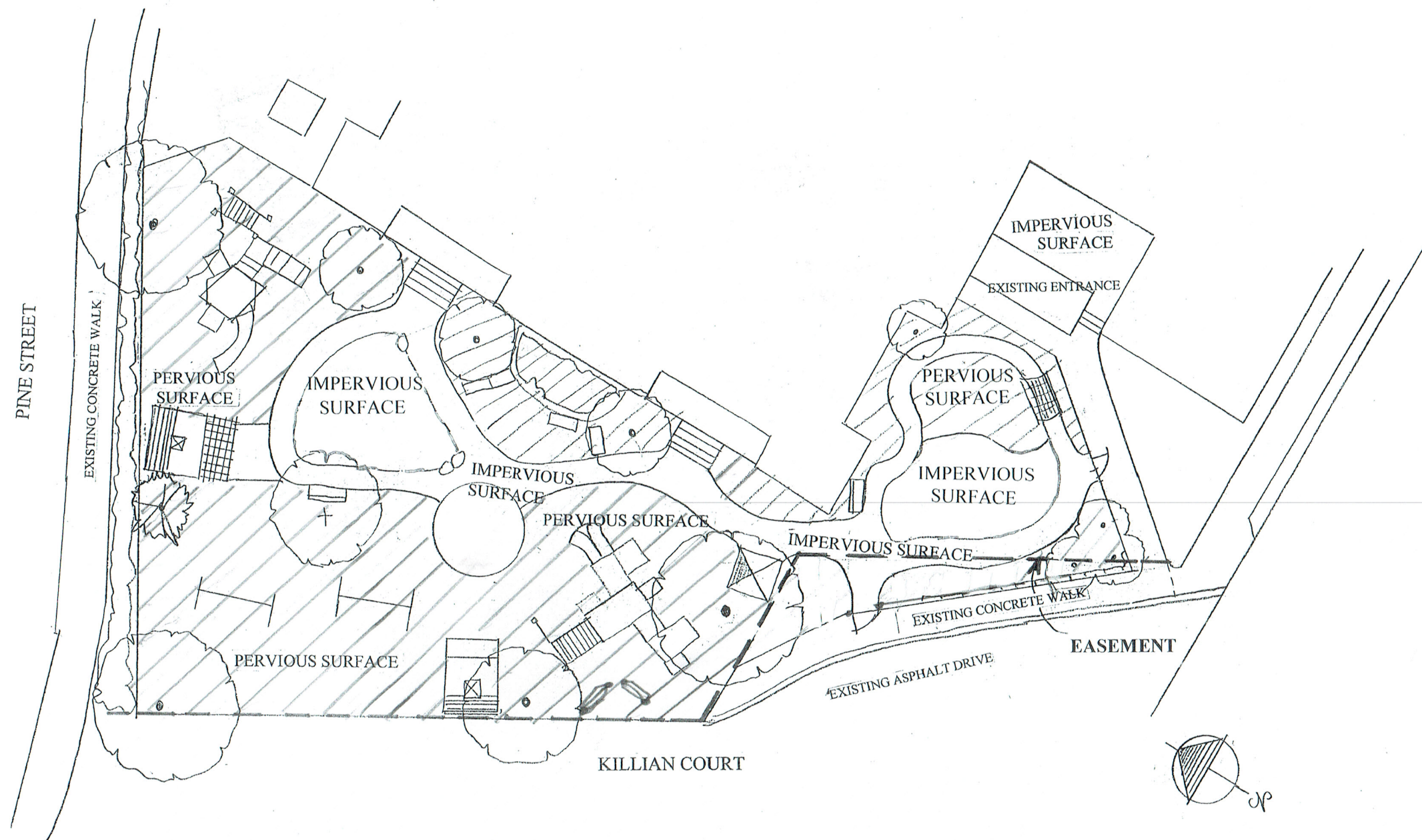
WINNETKA COMMUNITY NURSERY SCHOOL
Playground Renovation
Existing Conditions

Scale: 1" = 10' 0"

L2

CLAUSS BROTHERS, INC.
 Landscape Architects & Contractors





Existing Conditions

Site Area:	7,960 square feet
Impervious Area:	2,562 square feet (32%)
Pervious Area:	5,398 square feet (68%)

Proposed Plan

Site Area:	7,960 square feet
Impervious Area:	2,939 square feet (37%)
Pervious Area:	5,021 square feet (63%)

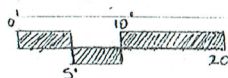
WINNETKA COMMUNITY NURSERY SCHOOL

Playground Renovation

Impervious vs. Pervious Surface Exhibit

Scale: 1" = 10' 0"

CLAUSS BROTHERS, INC.
Landscape Architects & Contractors



Wider view of large Treehouse Playpiece and Wooden Bridge



Tree studio to be removed and replaced with Playhouse



Existing Treehouse Play piece (to be removed)

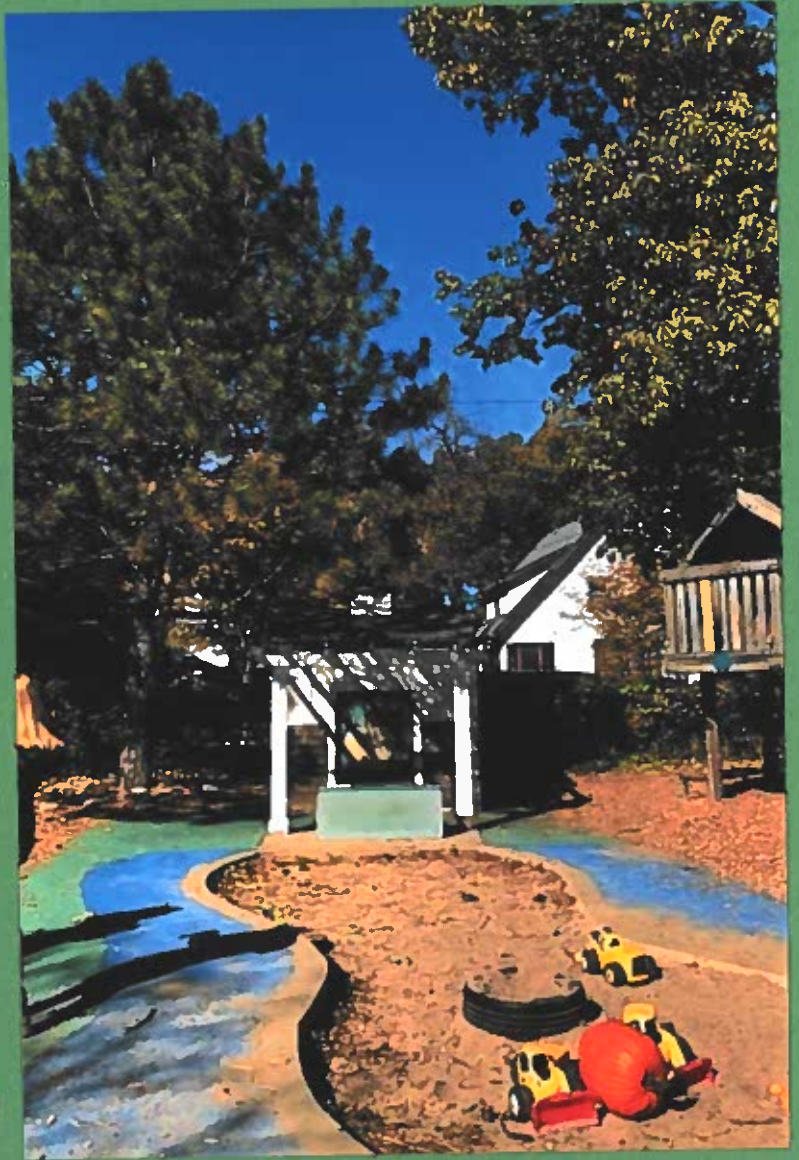
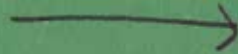


part of
saw
be
removed

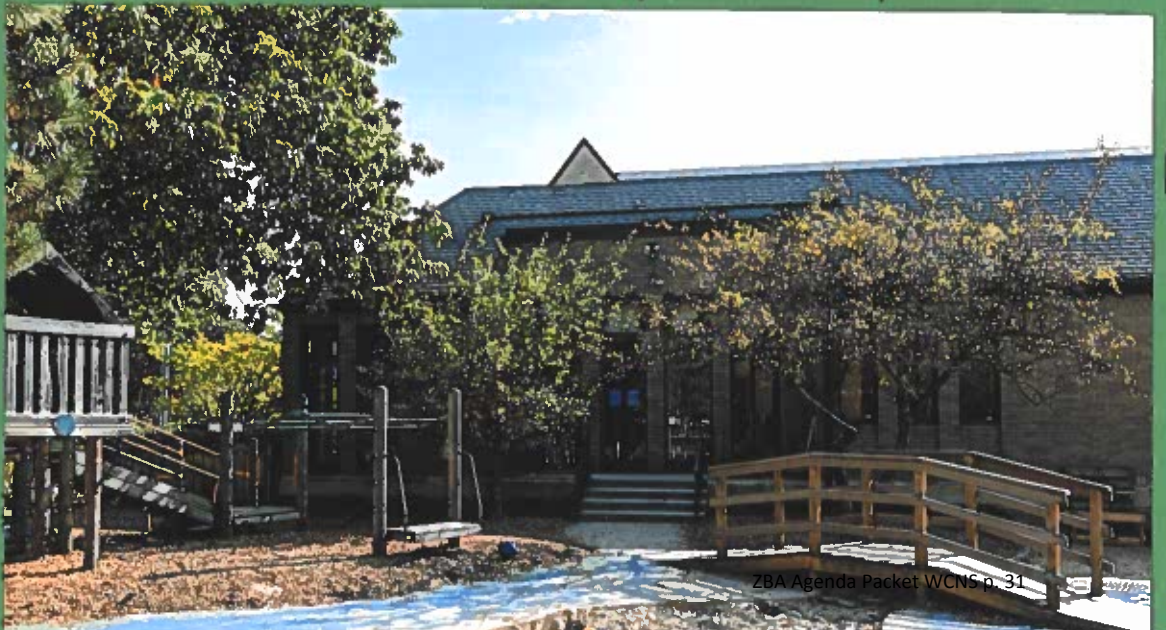
Existing Tree house Playpiece (to be removed)



Sand box to be
removed and
replaced with
the rubber surfacing
over berms



Wood bridge to be removed



This is where the "hide and seek" / willow tunnel
will be





Village of Winnetka, IL Ordinances and Resolutions

ORDINANCE NO. M-17-2004**AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND VARIATION IN THE APPLICATION OF THE ZONING ORDINANCE OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS (Winnetka Community Nursery School – 800 Pine)**

WHEREAS, the Winnetka Community House is the owner of the following described real estate (the “Subject Property”):

Parcel 1 – Lot 1 of Community House Consolidation, a subdivision in the northeast ¼ of northeast ¼ of Section 20 and the southeast ¼ of the southeast ¼ of Section 17, Township 42 North, Range 13, East of the Third Principal Meridian, in the Village of Winnetka, Cook County, Illinois.

Parcel 2 - Lots 7, 8, 9, in Block 13 of Winnetka Park Bluffs, a subdivision of Blocks 1, 2, 3, 4, (except lots 4, 5, and 6 in Block 4), Blocks 5 and 6, Lots 8, 9, 10, 11 and 12 in Block 7, Lots 3, 6 and 7 in Block 9, Lots 1, 2, 3, 4, 5 and 7 in Block 12 and the north 75 feet in Block 11, Park Addition, in the northeast ¼ of northeast ¼ of Section 20 and the southeast ¼ of the southeast ¼ of Section 17, Township 42 North, Range 13, East of the Third Principal Meridian, in the Village of Winnetka, Cook County, Illinois,

commonly known as 620 Lincoln Avenue, Winnetka, Illinois, and located in the B-1 Multi-Family Residential Zoning District, provided in Chapter 17.32 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code; and

WHEREAS, the principal use of the Subject Property is a special use that includes the Winnetka Community House and the Winnetka Community Nursery School; and

WHEREAS, the operations of the Winnetka Community Nursery School, which is located in the northwest corner of the Subject Property and has a common street address of 800 Pine Street, include a 9,033-square foot playground located at the southeast corner of Pine Street and Killian Court; and

WHEREAS, on February 25, 2004, the Winnetka Community House (the "Applicant") filed an application for a special use permit pursuant to Section 17.32.010(B)(2)(c) of the Winnetka Zoning Ordinance, to allow the renovation of the Winnetka Community Nursery School's playground facilities; and

WHEREAS, on February 25, 2004, the Applicant also filed an application for the following variations from Chapter 17.32 of the Winnetka Zoning Ordinance: (a) a variation from the setback requirements of Section 17.32.010 to permit the play equipment to observe a front setback of 2.67 feet from the Pine Street property line, whereas a front setback of 25 feet is required, a variation of 22.33 feet (89.32%); and (b) a variation in the setback requirements of Section 17.32.010 to permit play equipment to observe a corner setback of 0.67 feet from the Killian Court property line, whereas a corner setback of 25 feet is required, a variation of 24.33 feet (97.312%); and

WHEREAS, on February 25, 2004, on due notice thereof, the Plan Commission met to consider the application and, by the unanimous vote of the nine members then present, found the proposed playground renovation consistent with the Winnetka Comprehensive Plan, *Winnetka 2020*, although it also suggested that the applicant consider alternative fencing for the playground; and

WHEREAS, on March 18, 2004, the Design Review Board reviewed the proposed building and site alterations and issued generally favorable comment, but requested that the applicants remove the chain link fence on the west side and modify the proposal from a lattice fence to a 4-foot high, solid, board-on-board fence, which would be 4 feet in height; and

WHEREAS, on March 29, 2004, on due notice thereof, the Zoning Board of Appeals conducted a public hearing on the requested special use and variations and, by the unanimous vote of the six members then present, has recommended that the Council grant the relief requested; and

WHEREAS, the proceedings of the Zoning Board of Appeals complied with all applicable procedural requirements, including allowing the cross-examination of witnesses by interested parties, as provided in the rules of the Zoning Board of Appeals; and

WHEREAS, at the March 29, 2004, Zoning Board of Appeals hearing, the applicant informed the Zoning Board of Appeals that there would be an ornamental picket fence around the perimeter, with two access points and gates along Killian Court, and that the applicant would replace the chain link fence with a 4-foot high solid cedar fence; and

WHEREAS, the proposed replacement of the equipment in the Winnetka Community Nursery School Playground will benefit the public health, safety, comfort, morals and general welfare of the Village, because (a) it will improve the safety, accessibility and appearance of the playground, by installing new playground equipment, providing safe fall zones, reducing impermeable surfaces and improving the storm drainage on the Subject Property, all in accordance with applicable requirements of the Americans with Disabilities Act, playground safety standards and the Village Code; (b) it will provide separate areas for the older and younger children; and (c) it will provide enhanced activities, including crawl tubes, gardening and digging areas, and two new play houses; and

WHEREAS, the proposed amendment to the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity, nor will it substantially diminish or impair property values in the immediate vicinity, as the Winnetka Community Nursery School Playground is a firmly established component of the use of the Subject Property, and its renovation will neither increase the intensity of the existing use nor alter its nature, and the renovations will improve both the functionality and appearance of the playground; and

WHEREAS, the proposed amendment to the special use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted under applicable zoning regulations, the Winnetka Community Nursery School Playground is an established use in its existing location on the Subject Property, and neither the use of the Subject Property nor the location of the playground will be changed; and

WHEREAS, adequate measures have been taken to provide ingress and egress in a manner that minimizes pedestrian and vehicular traffic congestion, in that points of access to the Subject Property and parking will not be changed, there will be no changes to vehicular access, and the playground area will be separated from vehicles traveling on Killian Court by an improved fence and gates; and

WHEREAS, adequate parking, access roads, utilities, drainage and other facilities necessary to the operation of the playground exist or will be provided; and

WHEREAS, the proposed amendment to the special use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes;

WHEREAS, the plight of the applicant is unique in that the Winnetka Community Nursery School is an established part of the special use on the Subject Property and the renovation of the playground is necessary for the Winnetka Community Nursery School to meet State licensing requirements; and

WHEREAS, the strict application of the front and corner setback requirements create practical difficulties and particular hardships for the applicant because the equipment cannot be placed in a conforming location due to (a) the limited amount of space available in the playground area, (b) the irregular shape of both the Subject Property and the playground area, (c) the need for the playground to be in open, exterior space on the Subject Property, and (d) the playground's proximity to the principal Community House building, Pine Street and Killian Court; and

WHEREAS, the variations, if granted, will not alter the essential character of the locality, in that the Community House and the Winnetka Community Nursery School are established uses in the neighborhood, and the proposed improvements will replace or upgrade play equipment currently located in the Winnetka Community Nursery School Playground, which is an established use in its existing location on the Subject Property; and

WHEREAS, the Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the applicable zoning regulations, as the sole purpose of the Subject Property is to provide community resources and facilities, the sole purpose of the Winnetka Community Nursery School is to provide educational and recreational experiences for pre-school aged children in the community, and there are limited locations in the Village where such facilities can be located; and

WHEREAS, an adequate supply of light and air to adjacent property will not be impaired, as the new equipment will be in the same area as the existing equipment, and the height of the two playhouses and the tallest component of the play equipment will be substantially below the maximum allowable heights for accessory structures; and

WHEREAS, the hazard from fire and other damages to the property will not be increased, because the equipment will remain in an open site, and the new equipment and playground surface will meet safety standards; and

WHEREAS, there is no evidence that the taxable value of land and buildings throughout the Village will diminish; and

WHEREAS, the proposed renovation of the Winnetka Community Nursery School Playground equipment will not increase congestion in the public streets because the playground is an existing accessory to the Winnetka Community Nursery School, which is also an existing use on the Subject Property; and

WHEREAS, the proposed playground renovation will not be detrimental to or endanger the public health, safety, comfort, morals and welfare of the inhabitants of the Village, because the upgraded playground will be in full compliance with current safety standards and guidelines, and will meet accessibility requirements of the Americans with Disabilities Act.

NOW, THEREFORE, the Council of the Village of Winnetka do ordain as follows:

SECTION 1: The foregoing recitals are hereby incorporated into this section as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

SECTION 2: Subject to the terms and conditions hereinafter set forth, the special use previously granted to the Subject Property, commonly known as 620 Lincoln Avenue, Winnetka, Illinois, and located in the B-1 Multi-Family Residential Zoning District provided in the Winnetka Zoning Ordinance, Section 17.32 of Title 17 of the Winnetka Village Code, is hereby amended to allow the renovation of the existing Winnetka Community Nursery School playground facilities located at the northwest corner of the Subject Property, in the area commonly known as 800 Pine Street.

SECTION 3: Subject to the terms and conditions hereinafter set forth, the following variations are hereby granted to the Subject Property, commonly known as 620 Lincoln Avenue, Winnetka, Illinois, and located in the B-1 Multi-Family Residential Zoning District provided in the Winnetka Zoning Ordinance, Section 17.32 of Title 17 of the Winnetka Village Code: (a) a variation from the setback requirements of Section 17.32.010 to permit the play equipment to observe a front setback of 2.67 feet from the Pine Street property line, whereas a front setback of 25 feet is required, a variation of 22.33 feet (89.32%); and (b) a variation in the setback requirements of Section 17.32.010 to permit play equipment to observe a corner setback of 0.67 feet from the Killian Court Property line, whereas a corner setback of 25 feet is required, a variation of 24.33 feet (97.312%), as depicted in the landscape and site plans that accompanied the application for variation, as modified by the February 19, 2004, drawing that was presented to the Village Council.

SECTION 4: The special use and variations granted herein are subject to the following conditions:

A. The playground improvements shall be in accordance with the site plans and elevations submitted with the application, as depicted in the February 19, 2004, drawing that was presented to the Council, which drawing contained modifications reflecting the change in fences described to the Zoning Board of Appeals.

B. The proposed construction shall commence within 12 months after the effective date of this Ordinance.

SECTION 5: The stipulations, conditions and restrictions set forth in the foregoing Section 4 of this Ordinance may be modified or revised from time to time by the Village Council following public notice and hearing, following the procedures specified in Section 17.56 of the Winnetka Village Code for processing special use applications.

SECTION 6: This Ordinance shall take effect immediately upon passage, approval and posting.

ADOPTED this 4th day of May, 2004, pursuant to the following roll call vote:

AYES: Trustees Abell, Eilers, Greenough, Ritchell, Tucker and Webster

NAYS: None

ABSENT: None

APPROVED this 4th day of May, 2004.

Signed:

//s//Michael F. Duhl

Village President

Countersigned:

//s//Douglas G. Williams

Village Clerk

Introduced: April 20, 2004

Posted: April 21, 2004

Passed and Approved: May 4, 2004

Posted: May 5, 2004



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: ZONING BOARD OF APPEALS
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: APRIL 5, 2019
SUBJECT: CASE NO. 19-11-SU: 1112 WILLOW ROAD - WINNETKA SCHOOL DISTRICT 36 - CROW ISLAND SCHOOL - SPECIAL USE PERMIT AND VARIATIONS

INTRODUCTION

On April 8, 2019, the Zoning Board of Appeals will conduct a public hearing on an application filed by Winnetka School District 36 – Crow Island School (the “Applicant”) as the owner of the property at 1112 Willow Road (the “Subject Property”). The Applicant requests approval of the following relief:

1. Approval of a **Special Use Permit** to allow the renovation of the existing playground for an existing elementary school in the R-2 Single-Family Residential Zoning District; and
2. Approval of a **zoning variation** to allow a corner (front) yard setback of 6.25 feet from Glendale Avenue, whereas a minimum of 50 feet is required, a variation of 43.75 feet (87.5%) [Section 17.30.050 – Front and Corner Yard Setbacks].

A sign has been posted on the Subject Property indicating the time and date of the ZBA public hearing. A mailed notice has been sent to property owners within 250 feet in compliance with the Zoning Ordinance. The hearing was properly noticed in the *Winnetka Current* on March 21, 2019. As of the date of this memo, staff has not received any written comment from the public regarding this application.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 5.5 acres in size, is located at the southwest corner of Willow Road and Glendale Avenue and contains an existing elementary school. Figures 1, 2 and 3 on the following pages identify the Subject Property.

The Comprehensive Plan designates the Subject Property as appropriate for “Public/Semi-Public” uses. The property is zoned R-2 Single Family Residential, and it is bordered by R-2 Single Family Residential to the south and west, R-4 Single Family Residential to the east, and R-5 Single Family Residential to the north (represented on Figure 4 later in this report).

In addition to single-family residential uses, the R-5 District allows a limited range of additional uses by Special Use Permit. Allowed Special Uses in the R-5 District include (a) church or temple; (b) public school, elementary and high, or private school having a curriculum equivalent to a public elementary school, public high school or public institution of higher learning; and (c) library.

The Applicant's use of the Subject Property as an elementary school is generally consistent with the Comprehensive Plan land use designation and the R-5 zoning district.

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

There are five previous zoning cases on file for the Subject Property:

1. Ordinance M-11-2002 was adopted in April 2002 by the Village Council, granting a Special Use Permit and setback variations to allow the installation of new playground equipment and play surfaces in the northwest and southwest playgrounds;
2. Ordinance M-16-2002 was adopted in June 2002 by the Village Council, granting a Special Use Permit and a front yard setback variation to allow installation of new playground equipment in the playground south of the school and along the east property line;
3. Ordinance M-22-2003 was adopted in June 2003 by the Village Council, granting a Special Use Permit and a front setback variation to allow installation of new playground equipment in the northeast playground (**the playground that is subject to this application**) (Attachment D);
4. In 2012 the Applicant, in conjunction with the Winnetka Park District, submitted, and subsequently withdrew, a Special Use Permit to allow additional parking for the Crow Island Campus on both properties and within the public right-of-way on Mt. Pleasant Road; and
5. Ordinance M-7-2016 was adopted in April 2016 by the Village Council, granting a Special Use Permit and a side yard setback variation to allow the construction of two temporary classroom structures.



Figure 1 – Subject Property (looking west from Glendale Avenue)

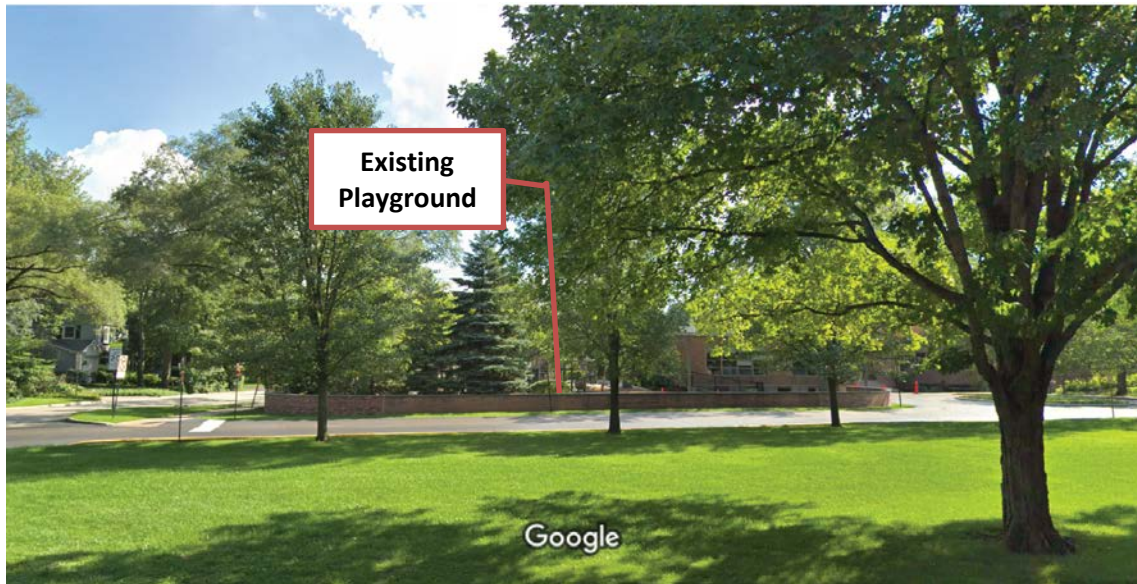


Figure 2 – Subject Property (looking south from Willow Road)



Figure 3 – Aerial Map



Figure 4 – Zoning Map

PROPOSED PLAN

The proposed renovation of the existing playground, referred to as the Glendale play area, consists of the following: (1) replacement of play equipment; (2) installation of rubberized play surface; (3) reconfiguration of a portion of concrete walk; and (4) relocation of an existing playhouse. The proposed play equipment is similar in design and character to the existing equipment that would be replaced, as well as other equipment that was removed in 2018 due to its condition. The new play equipment would all be located in the reconfigured play area that would be covered with the rubberized play surface. The rubberized surface would replace the existing engineered wood fiber play surface (mulch).

The existing playground is located within the front (corner) yard along Glendale Avenue. Figure 5 below is an excerpt of the site plan illustrating the location of the existing and renovated playground within the corner yard. The large play structure currently located closest to Glendale Avenue would be replaced with a new play piece in relatively the same location. An existing playhouse identified in Figure 1 and in photos submitted by the Applicant, which are included in the attached application materials (Attachment C), would be relocated slightly south of its current location.

The impermeable lot coverage within the playground would increase by approximately 1,555 square feet and comply with the maximum permitted impermeable lot coverage. It is important to note that the location and area of the playground itself would not increase.

A site plan and photos of the existing Glendale play area and descriptions of the proposed play equipment are included in Attachment C. In addition to the photos and plans, the Applicant has provided a narrative description of the proposed plans, which is also included in Attachment C.

Given the ZBA often receives questions regarding the stormwater regulations applicable to a specific request being considered by the ZBA, attached is a Stormwater Matrix (Attachment B). Based on the

proposed plan, it appears additional stormwater detention would not be required. However, Village Engineering staff will confirm compliance upon submittal of a building permit.

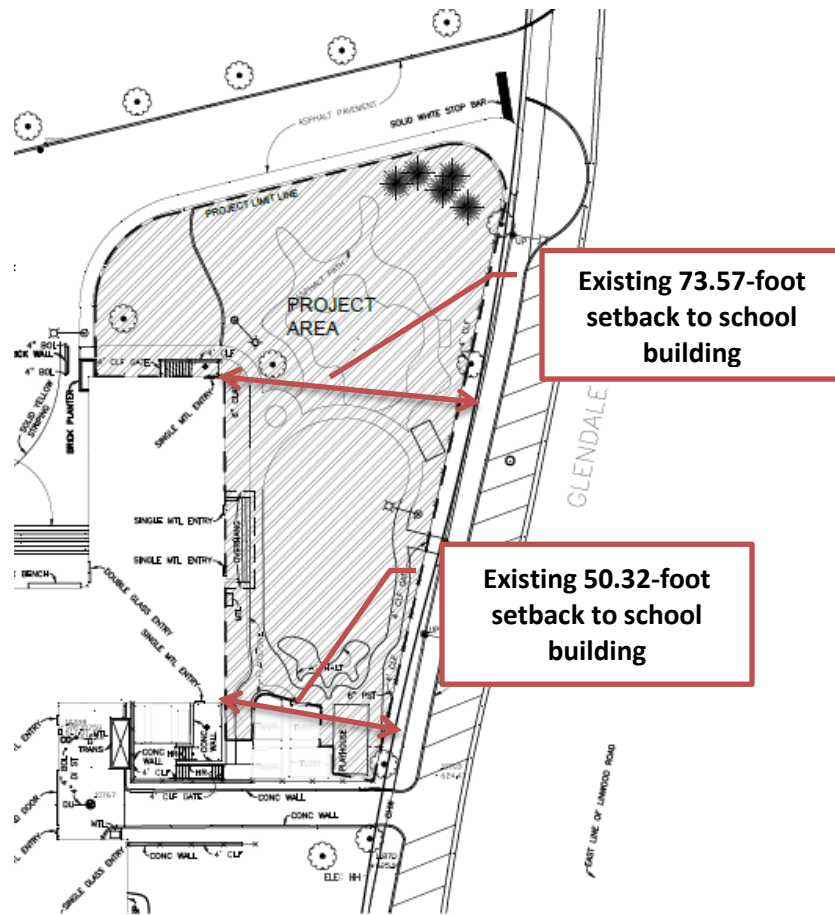


Figure 5 – Excerpt of Site Plan

ZONING RELIEF

One variation is being requested to allow the relocated playhouse and play equipment to provide less than the minimum required front (corner) yard setback. The relocated playhouse would provide a minimum front (corner) yard setback of 6.25 feet, whereas a minimum front (corner) yard setback of 50 feet is required. The large play piece would provide a setback of 27.75 feet. For reference, the existing playhouse that would be relocated is currently setback approximately 6.42 feet and the large play piece that would be replaced is currently setback approximately 21.75 feet from the Glendale Avenue property line, both were subject to the variation that was granted in 2003.

CONSIDERATION BY OTHER ADVISORY BOARDS/COMMISSIONS

The Design Review Board considered a Certificate of Appropriateness for the proposed improvements on March 21, 2019 and approved the request by a vote of 4-0.

The Plan Commission considered the Special Use Permit on April 3, 2019 and recommended approval of the request by a vote of 8-0.

The Special Use Permit and variation are subject to final approval by the Village Council.

REQUESTED ZONING CONSIDERATION

The Applicant is requesting approval of a Special Use Permit and the following zoning variation to renovate the existing playground on the Subject Property:

1. Corner (front) yard setback of 6.25 feet from Glendale Avenue, whereas a minimum of 50 feet is required, a variation of 43.75 feet (87.5%) [Section 17.30.050 – Front and Corner Yard Setbacks].

The ZBA is charged with evaluating Special Uses for consistency with the six standards for granting special use permits, as well as the eight standards for granting of zoning variations.

FINDINGS

In the attached application materials submitted by the Applicant, the Applicant has provided a statement of justification regarding how the requested Special Use Permit and variation meet the standards for granting the requested Special Use Permit and zoning variation. Does the ZBA find that the requested Special Use Permit and variation meet the standards for granting such special use and variation; and if so, is the ZBA prepared to make a recommendation to the Village Council regarding the requested relief? If so, a ZBA member may wish to make a motion recommending approval or recommending denial based upon the following:

Move to recommend **approval [denial]** of the requested special use and zoning variation to allow the renovation of an existing playground for Winnetka School District 36 – Crow Island School, an existing elementary school, based on evidence in the record, or a public document, and upon the following findings of fact:

1. “The proposed playground renovation special use is consistent with the Standards for the granting of Special Use Permits, as follows:
 - a. That the establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare;
 - b. That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;
 - c. That the establishment of the special use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;
 - d. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public ways;
 - e. That adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the special use exist or are to be provided; and
 - f. That the special use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes.”
2. “The requested zoning variation to allow a corner (front) yard setback of 6.25 feet from Glendale Avenue, whereas a minimum of 50 feet is required, a variation of 43.75 feet (87.5%)[17.30.050 – Front and Corner Yard Setbacks] is **in harmony [not in harmony]**

with the general purpose and intent of the Zoning Ordinance and that each of the following eight standards on which evidence is required pursuant to Section 17.60.050 of this Code **has been met [has not been met]** in connection with this variation application **[subject to the following conditions...]**

The eight standards to consider when granting a variation are as follows:

- a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.
- b. The plight of the owner is due to unique circumstances. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants.
- c. The variation, if granted, will not alter the essential character of the locality.
- d. An adequate supply of light and air to the adjacent property will not be impaired.
- e. The hazard from fire and other damages to the property will not be increased.
- f. The taxable value of the land and buildings throughout the Village will not diminish.
- g. The congestion in the public street will not increase.
- h. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired."

ATTACHMENTS

Attachment A: Zoning Matrix

Attachment B: Stormwater Matrix

Attachment C: Application Materials

Attachment D: Ordinance M-22-2003, adopted June 3, 2003

ATTACHMENT A

ZONING MATRIX

ADDRESS: 1112 Willow Road - Crow Island School

CASE NO: 19-11-SU

ZONING: R-2

ITEM	MIN/MAX REQUIREMENT	EXISTING	PROPOSED	DIFFERENCE BETWEEN PROPOSED & EXISTING	ZONING CODE COMPLIANCE (2)
Min. Lot Size	25,200 SF	239,872 SF	N/A	N/A	OK
Min. Average Lot Width	115 FT	321.85 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	59,968 SF (1)	54,667.2 SF	N/A	N/A	OK
Max. Gross Floor Area	56,985.56 SF (1)	55,686.2 SF	N/A	N/A	OK
Max. Impermeable Lot Coverage	119,936 SF (1)	117,321.2 SF	118,876.2 SF	1,555 SF	OK
Min. Front Yard (Willow/North)	50 FT	31.57 FT (3)	31.57 FT (3)	N/A	EXISTING NONCONFORMING
Min. Corner (Front) Yard (Glendale/East)	50 FT	6.42 FT (4)	6.25 FT	(-)0.17 FT	43.75 FT (87.5%) VARIATION
Min. Front Yard (Mt. Pleasant/South)	50 FT	(+) 50 FT	(+) 50 FT	N/A	OK
Min. Side Yard (West)	12 FT	6 FT	6 FT	N/A	EXISTING NONCONFORMING

NOTES:

(1) Based on lot area of 239,872 s.f.

(2) Variation amount is the difference between proposed and requirement.

(3) Setback to building. Proposed work complies with front yard setback from Willow Road.

(4) Setback to existing playhouse that would be relocated.

ATTACHMENT B

Stormwater Volume Requirements for Development Sites

In addition to meeting the following storm water volume detention requirements, development sites must meet all other Village storm water management requirements such as drainage and grading, storm water release rates, storage system design requirements, etc.

	Storm Water Detention Volume Requirements	Applicable Requirement
A. New Home Construction - Previously Developed Lot	The amount of additional required storm water detention volume is based upon the difference between maximum impermeable lot coverage, per Zoning Code, and existing lot coverage, using the run-off coefficient for a 100-year storm event for both.	
B. New Home Construction - Previously <u>Undeveloped</u> Site	The amount of required storm water detention volume is based upon the maximum impermeable lot coverage, using the run-off coefficient for 100-year storm event.	
C. Redevelopment of Site for Different Use (e.g. single family to multi-family, or commercial)	The amount of required storm water detention volume is based upon the maximum impermeable lot coverage, using the run-off coefficient for 100-year storm event.	
D. Improvements to Existing Home and/or Lot, causing an increase in impermeable lot coverage <u>greater or equal to 25%</u>.	The amount of additional required storm water detention volume is based upon the difference between the proposed and existing impermeable lot coverage, using the run-off coefficient for 100 year storm event. (Note: If the increase in impermeable lot coverage is less than 25%, additional storm water detention volume is <u>not</u> required.)	<i>Applies to 1112 Willow Road</i> <i>Based upon preliminary review of information to date, it appears that 1112 Willow Road <u>would not</u> have to provide additional storm water detention volume. However, a final determination will not occur until plans are submitted with a building permit application and reviewed by Village Engineering staff.</i>

ATTACHMENT C

CASE NO. _____

APPLICATION FOR SPECIAL USE

Name of Applicant WINNETKA SCHOOL DISTRICT 36 - CROW ISLAND SCHOOL

Property Address 1112 WILLOW ROAD, WINNETKA, IL 60093

Home and Work Telephone Number (847) 446-9400 (DISTRICT)

Fax and Email BRAD GOLDSTEIN BRADGOLDSTEIN@WINNETKA36.ORG

Architect Information: Name, Address, Telephone, Fax & Email

K M TALTY DESIGN, INC. LANDSCAPE ARCHITECTURE

45 LONGMEADOW ROAD, WINNETKA, IL 60093

(847) 612-5154

KATHRYN@KMTALTYDESIGN.COM KATHRYN TALTY, PRESIDENT

Attorney Information: Name, Address, Telephone, Fax & Email

HODGES, LOIZZI, EISENHAMMER, RODICK & KOHN LLP

3030 SALT CREEK LANE, SUITE 202, ARLINGTON HEIGHTS, IL 60005

(847) 670-9000 / FAX (847) 670-7334

WWW.HLERK.COM

Date Property Acquired by Owner 1940

Nature of Any Restrictions on Property NONE

Explanation of Special Use Requested REPLACEMENT PLAY EQUIPMENT FOR EXISTING AGED
EQUIPMENT AND THE ADDITION OF POURED-IN-PLACE
RUBBERIZED SURFACE. GLENDALE PLAY AREA IS
PROPOSED FOR USE.

OFFICE USE ONLY

Special Use Requested under Ordinance Section(s) _____

Staff Contact: _____ Date: _____

Explain in detail how the proposed Special Use meets the following standard. Under the terms of the Zoning Ordinance, no Special Use Permit shall be granted unless it is found:

1. That the establishment, maintenance, and operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare;
2. That the Special Use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;
3. That the establishment of Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;
4. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways;
5. That adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the Special Use exists or are to be provided; and
6. That the Special Use in all other respects conforms to the applicable regulations of this and other village ordinances and codes.

Respectfully Submitted,

WINNETKA SCHOOL DISTRICT 36

Property Owner

FEBRUARY 22, 2019

Date

1235 OAK STREET
WINNETKA, IL 60093

Address

Project narrative
Crow Island School - Glendale Playground Improvements

School District 36 respectfully submits this application for a zoning variance and special use permit to enhance an existing play area on its Crow Island School campus. The District seeks to replace existing play equipment, and play equipment removed in 2018, that had aged past its useful life. As part of this project, the District also proposes to add rubberized, poured-in-place surfacing to the playground area.

Currently, Crow Island School maintains a play area along Glendale Avenue that will be affected by this enhancement. All proposed new play equipment will be located in this play area and will be of similar appearance, scale and height to the existing equipment. This entirety of the reconfigured play area will have poured-in-place rubberized play surfacing under all equipment in accordance with all safety requirements.

The principal of Crow Island School gathered input from a group of teachers representing all grade levels attending the school. Attention was focused on adding play pieces for the school's youngest children that both physically challenge and spark creative play. The new playground configuration provides a progression of skills within a continuous play space.

The District seeks approval to install this play equipment during the school's summer break with a planned commencement of June or July 2019.

Special Use Standards Commentary
Crow Island School – Glendale Playground Improvements

1. *That the establishment, maintenance, and options of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare;*

Last year, the Crow Island School's Glendale playground lost equipment due to the aging process. The replacement equipment will offer similar age appropriate pieces to those that exist. This updated equipment will give an option to students and neighborhood children to have an engaging place to imagine create and play.

2. *That the Special Use will not substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;*

The updated equipment in the Crow Island School playground will offer the community a place for little ones to play during off hours. Having this lovely resource near homes in the area will only enhance the appeal to property owners in that the playground will be appropriately maintained and safety measures and guidelines will be followed throughout installation process. The current plans meet all safety regulations and the structures themselves are attractive.

3. *That the establishment of Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;*

The playground location and area will not be noticeably changed. The location of the equipment will primarily be the same with minimum changes to play area safety surface. The surrounding neighborhood will not be impacted negatively nor will it be intruded upon.

4. *That adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways;*

The installation of the new playground equipment will in no way impede the normal activities that occur around Crow Island School. The pedestrian and vehicular traffic will remain unchanged by the replacement of the play equipment. Furthermore, the District will use good judgment and decision making as to when the equipment will be installed, ensuring, to the best of our ability, that traffic and sidewalks will not be obstructed for users.

5. *The adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the Special Use exits or are to be provided;*

The playground project does not require changes to existing parking, roads, drainage or facilities. The District will ensure that any disruption to the neighbors due to the installation of the new equipment will be minimal. We will provide information to the neighbors regarding the installation process.

6. *That the Special Use in all other respects conforms to the applicable regulations of this and other village ordinances and code.*

The school district is obliged to follow the safety rules and regulations stated in school code, which ensures a safe playground for children to enjoy. The District will comply with all Village regulations, ordinances and codes in this process.

CASE NO. _____

**APPLICATION FOR VARIATION
WINNETKA ZONING BOARD OF APPEALS**

Owner Information:

Name: WINNETKA SCHOOL DISTRICT 36 - CROW ISLAND SCHOOL

Property Address: 1112 WILLOW ROAD, WINNETKA, IL 60093

Home and Work Telephone Number: (847) 446-9400 (DISTRICT OFFICE)

E-mail: BRAD GOLDSTEIN, CFO BRADGOLDSTEIN@WINNETKA36.ORG

Architect Information: Name, Address, Telephone, E-mail:

K M TALTY DESIGN, INC. LANDSCAPE ARCHITECTURE

45 LONGMEADOW ROAD, WINNETKA, IL 60093

(847)612-5154

KATHRYN@KMTALTYDESIGN.COM

KATHRYN TALTY, PRESIDENT

Attorney Information: Name, Address, Telephone, E-mail:

HODGES, LOIZZI, EISENHAMMER, RODICK & KOHN LLP

3030 SALT CREEK LANE, SUITE 202, ARLINGTON HEIGHTS, IL 60005

(847) 670-9000 / FAX (847) 670-7334

WWW.HLERK.COM

Date Property Acquired by Owner: 1940

Nature of Any Restrictions on Property: NONE

Explanation of Variation Requested: _____

(Attach separate sheet if necessary)

REPLACEMENT PLAY EQUIPMENT FOR EXISTING, AGED PLAY EQUIPMENT AND ADDITION OF POURED-IN-PLACE RUBBERIZED SAFETY SURFACE IN THE GLENDALE PLAYGROUND. EXISTING GLENDALE PLAY AREA IS BEING PROPOSED FOR USE. PROPOSED EQUIPMENT IS SIMILAR IN DESIGN AND CHARACTER TO THAT WHICH IS EXISTING.

THE CURRENT/PROPOSED LOCATION DOES NOT CONFORM WITH THE SETBACK REQUIREMENTS AND REQUIRES AN APPROVED VARIANCE FOR USE. THE POURED-IN-PLACE SURFACE INCREASES THE IMPERMEABLE SURFACE ON THE PROPERTY.

OFFICE USE ONLY

Variation Requested Under Ordinance Section(s): _____

Staff Contact: _____ Date: _____

STANDARDS FOR GRANTING OF ZONING VARIATIONS

Applications must provide evidence and explain in detail the manner wherein the strict application of the provisions of the zoning regulations would result in a clearly demonstrated practical difficulty or particular hardship. In demonstrating the existence of a particular difficulty or a particular hardship, please direct your comments and evidence to each of the following items:

1. The property in question can not yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.
2. The plight of the owner is due to unique circumstance. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants.
3. The variation, if granted, will not alter the essential character of the locality.
4. An adequate supply of light and air to the adjacent property will not be impaired.
5. The hazard from fire and other damages to the property will not be increased.
6. The taxable value of the land and buildings throughout the Village will not diminish.
7. The congestion in the public street will not increase.
8. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired.

For your convenience, you will find attached examples of general findings, for and against the granting of a variation, which have been made by the Zoning Board of Appeals and Village Council in prior cases.

NOTE: The Zoning Board of Appeals or the Village Council, depending on which body has final jurisdiction, must make a finding that a practical difficulty or a particular hardship exists in order to grant a variation request.

Property Owner's Signature: WINNETKA SCHOOL
DISTRICT 36 Date: FEBRUARY 22, 2019

(Proof of Ownership is required)

Variations, if granted, require initiation of construction activity within 12 months of final approval. Consider your ability to commence construction within this 12 month time period to avoid lapse of approvals.

Zoning Standards Commentary
Crow Island School – Glendale playground improvements

1. *The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone;*

The proposed play equipment and safety surface replaces existing, aging play equipment and engineered fiber play mulch within the Glendale play area. The current plan will only affect the existing Glendale playground. The location and area of the playground will not be changed or expanded. The playground is an important factor in the education of our children and must be preserved.

2. *The plight of the owner is due to unique circumstance. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants;*

The Glendale play area was chosen for its proximity to classrooms of the school children who will be its primary users. The location is ideal for the safety of the students based on its open sightlines and contained boundary. Other open space on Crow Island's campus is wooded or open to the neighboring Park District property, creating challenges for oversight by teachers.

3. *The variation, if granted, will not alter the essential character of the locality;*

The plan for the updated play equipment does not exceed the area of the current playground space. The new proposed items for the Crow Island School Glendale playground are in keeping with the character of the items that are being replaced. The updated playground will continue to offer the community a well maintained resource; a place where young neighborhood children can play during and after school hours. We believe having this lovely resource near homes in the area enhances the appeal to property owners.

4. *An adequate supply of light and air to the adjacent property will not be impaired;*

The proposed playground equipment and design consists of predominantly open structures that have a minimal effect on light or air flow. Following the safety guidelines which require the structures to be properly spaced from piece to piece provides for additional open space. In addition, the equipment is similar to the structures that are being replaced and any effects on light or air flow are basically unchanged.

5. *The hazard from fire and other damages to the property will not be increased;*

The school district is obliged to follow the safety rules and regulations stated in school code, which ensures a safe playground for children to enjoy. We also look forward to working collaboratively with the Village in addressing its regulations, ordinances and codes in this process. The proposed playground is in compliance with school code safety regulations and the District will ensure it is also in compliance with safety regulations of the Village.

6. *The taxable value of the land and buildings throughout the Village will not diminish;*

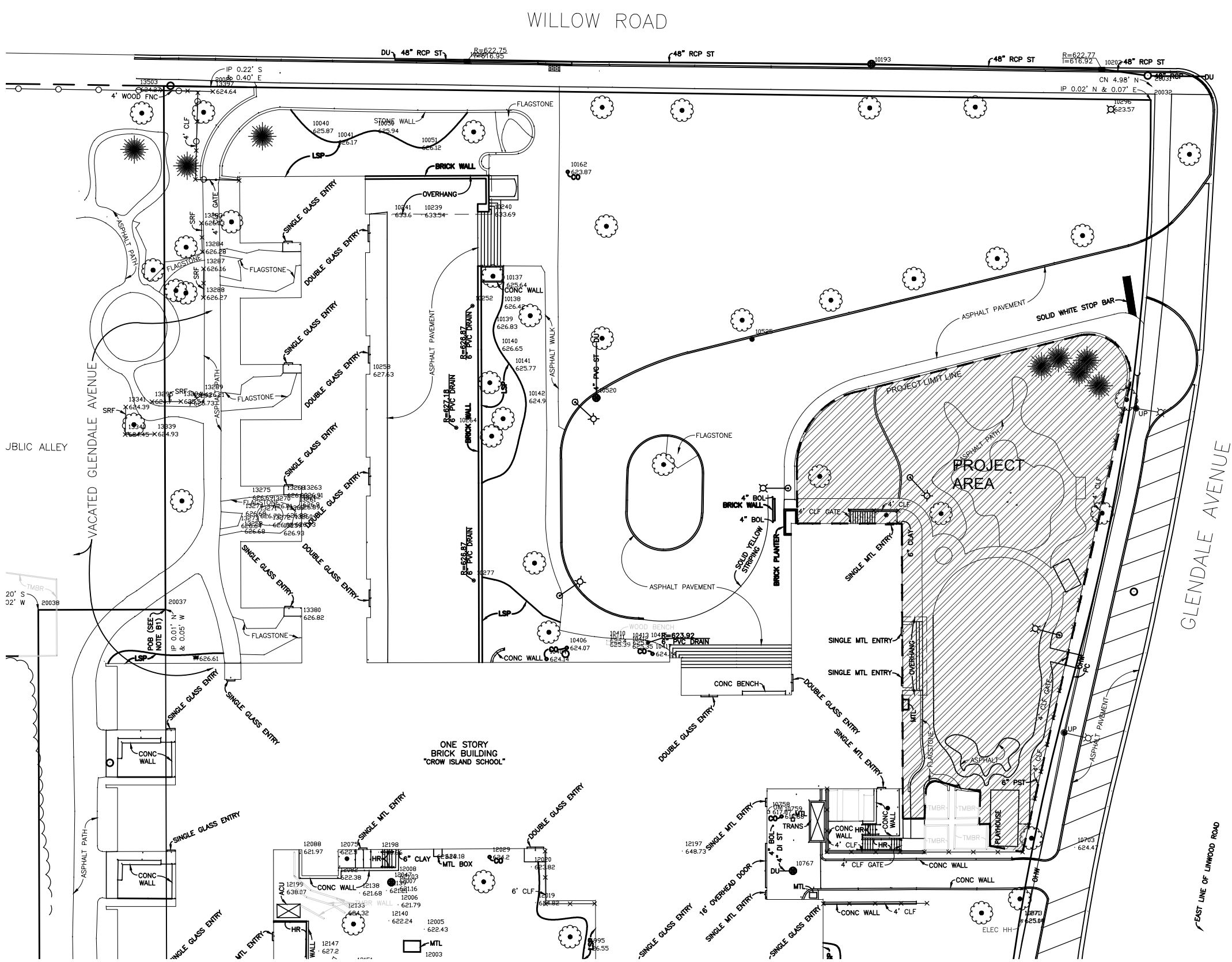
The new additions to the Crow Island School Glendale playground will offer the community a place for little ones to play during and after school hours. We believe having this lovely resource near homes in the area enhances the appeal to property owners. The playground will be appropriately maintained and available for community use when school is not in session. The current plans provide for structures and design that are attractive and a benefit to the community.

7. *The congestion in the public streets will not increase;*

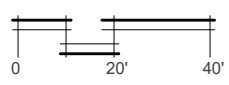
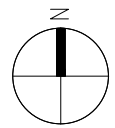
The installation of the new playground equipment will not, in any way, impede or alter the normal activities or traffic that occurs around Crow Island School. The District will use good judgment and decision making as to when the equipment will be installed ensuring, to the best of our ability, that traffic and sidewalks will not be obstructed for users.

8. *The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired;*

The District has made great efforts to be pro-active with the upkeep of their outdoor play spaces and replace any aged play equipment as the pieces have become antiquated. Furthermore, efforts to continue to improve the accessibility of the schools' play areas had led to the replacement of surfacing that will more easily accommodate students with restricted mobility. The new replacement equipment and surface will offer the school and neighborhood children an engaging, accessible place to imagine, create, climb, jump leap and play.



OVERALL SITE PLAN - PROJECT LOCATION
SCALE: 1" = 40'-0"



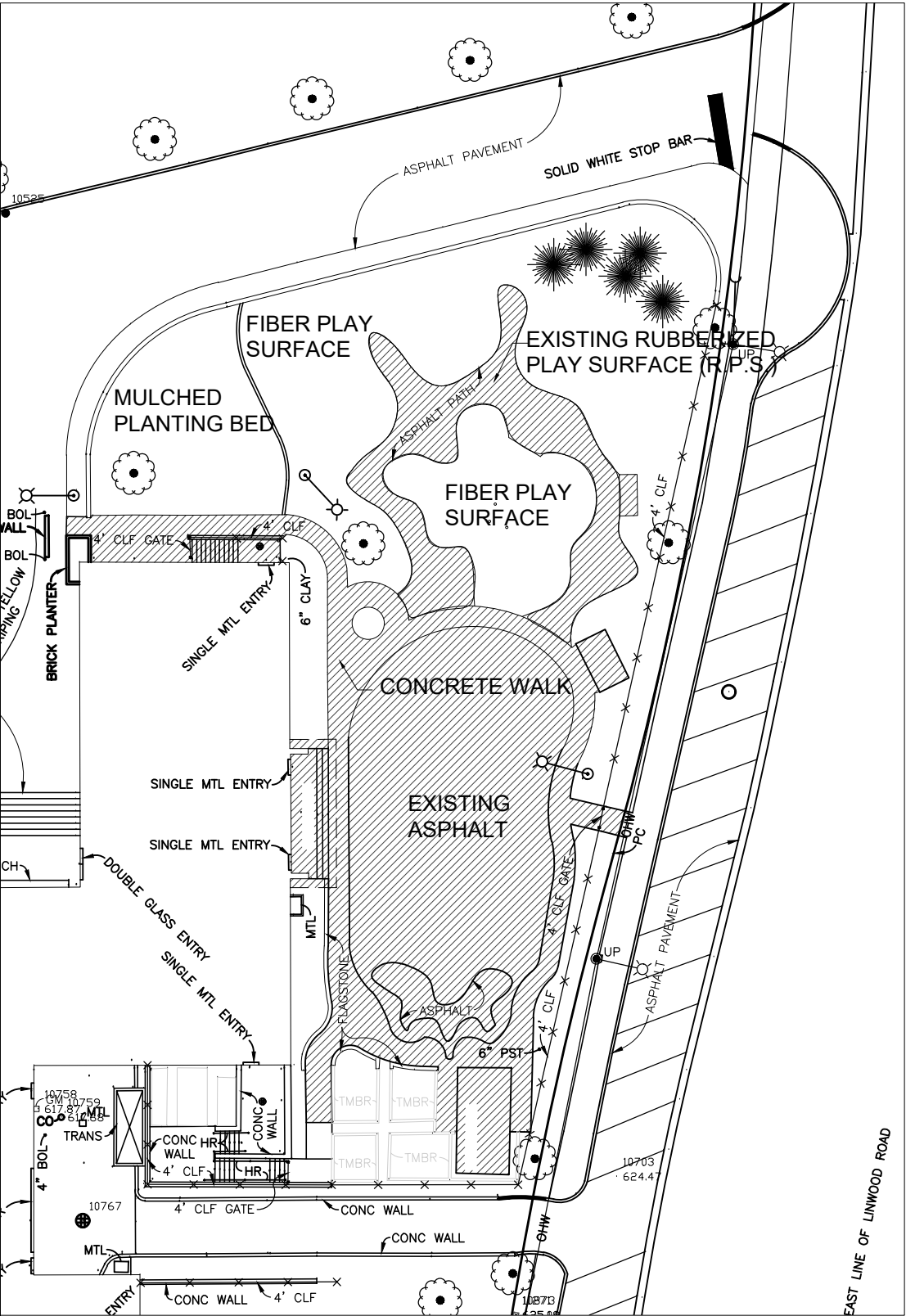
GLENDAL PLAY AREA IMPROVEMENTS

SCHOOL DISTRICT 36 - CROW ISLAND SCHOOL

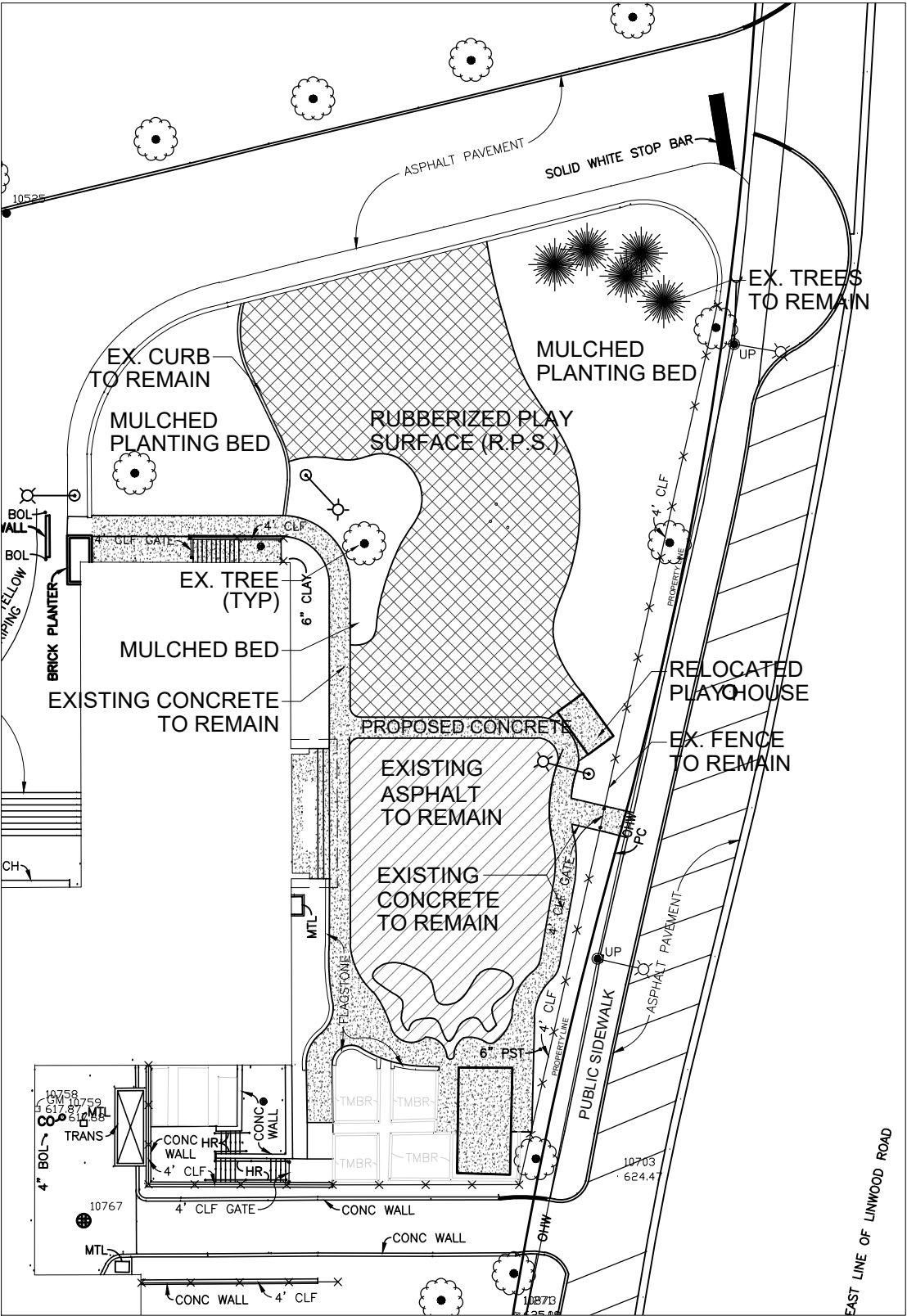
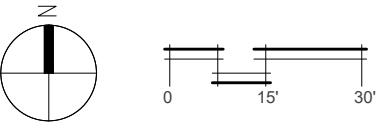
WINNETKA, ILLINOIS

K M TALTY DESIGN
LANDSCAPE ARCHITECTURE

Winnetka, Illinois 60093
847.612.5154 www.kmaltydesign.com

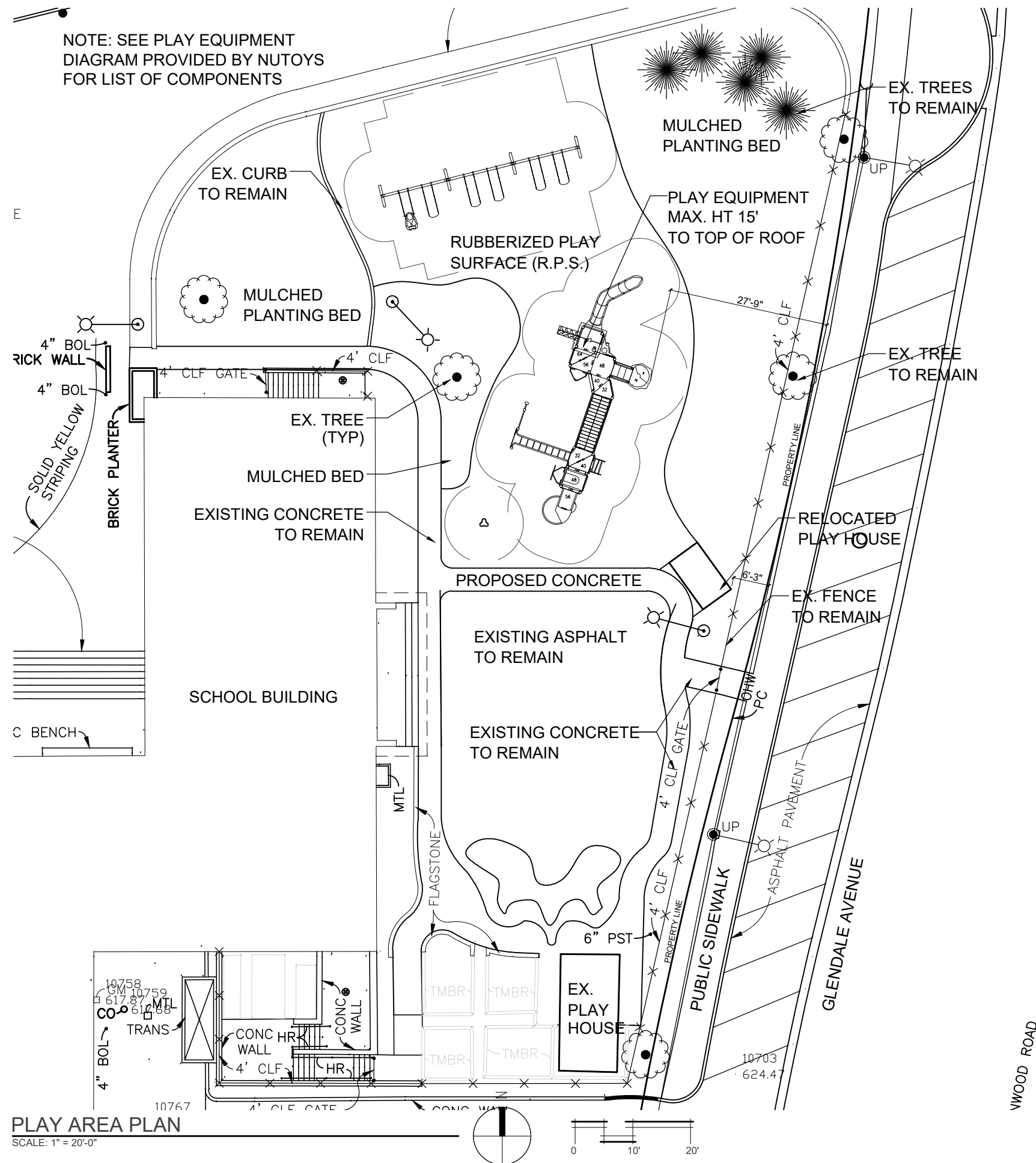


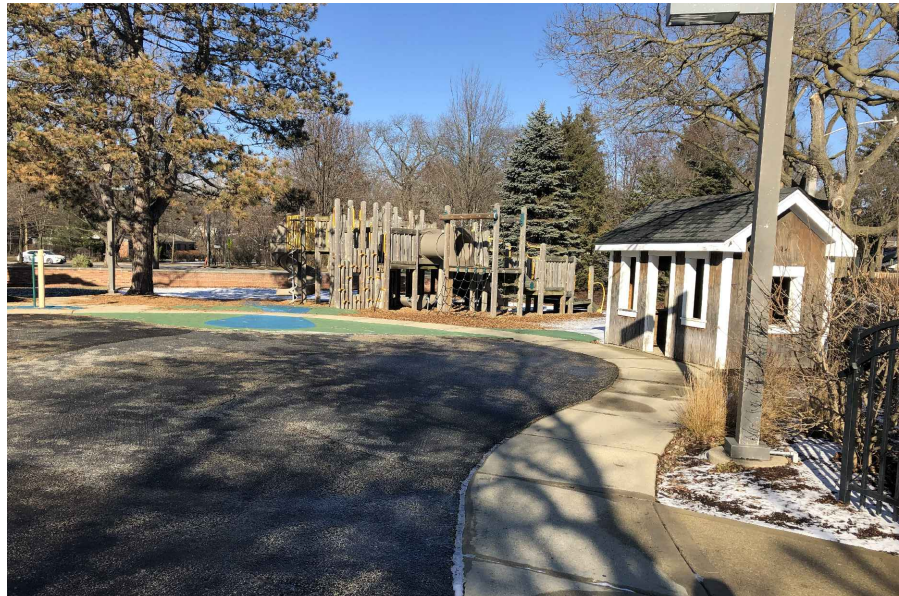
EXISTING IMPERMEABLE SURFACE PLAN
SCALE: 1" = 30'-0"



PROPOSED PLAN
SCALE: 1" = 30'-0"

IMPERMEABLE SURFACE COMPARISON - PROJECT AREA	
TOTAL PROJECT AREA	12,885 SF
EXISTING IMPERMEABLE LOT COVERAGE (PROJECT AREA)	
• BUILDINGS (PLAYHOUSE, SHED)	270 SF
• PAVING (ASPHALT, CONCRETE, R.P.S.)	5,698 SF
TOTAL EXISTING IMPERM. AREA	5,968 SF
RECONFIGURED IMPERMEABLE AREA	
• BUILDINGS (PLAYHOUSE, SHED)	270 SF
• EX. PAVING TO REMAIN	3,360 SF
• PROP. PAVING (CONCRETE, ASPHALT, R.P.S.)	3,893 SF
TOTAL PROP. IMPERMEABLE AREA	7,523 SF
NET INCREASE (IMPERMEABLE AREA)	+1,555 SF
IMPERMEABLE SURFACE - ENTIRE SITE	
EXISTING IMPERMEABLE LOT COVERAGE (VILLAGE PROVIDED)	117,806 SF
ALLOWED IMPERMEABLE LOT COVERAGE (VILLAGE PROVIDED)	119,936 SF
ADDITIONAL IMPERMEABLE AREA ALLOWED	2,130 SF





PLAY EQUIPMENT TO BE REPLACED
LOOKING NORTH

NOTE: PLAY HOUSE TO BE RELOCATED



VIEW FROM PLAY EQUIPMENT WEST



PLAY EQUIPMENT TO BE REPLACED



VIEW FROM PLAY EQUIPMENT EAST



February 19, 2019

Box 2121
La Grange, IL 60525
708-579-9055
708-579-0109 (fax)
1-800-526-6197

CROW ISLAND SCHOOL
WINNETKA, IL
OPTION 2 REVISED
PLAYBOOSTER

QTY. NO. DESCRIPTION

PlayBooster Component System

1	169322A	Discovery Tree Climb w/Aluminum Post w/Roof DB Only1
1	111812A	Headform Set
1	172665A	Loop Pole w/Recycled Wood-Grain Handholds 48"Dk DB
1	169318B	Wood Plank Wiggle Ladder 40"Deck w/Recycled Wood-Grain Handholds I
1	122570D	Cliff Climber 72"Dk DB
1	145107A	SpaceWalk Climber
1	116249A	Vertical Ladder 32"Dk DB
4	122197A	90* Triangular Tenderdeck
6	121948A	Kick Plate 8"Rise
3	111228A	Square Tenderdeck
1	169321A	Tree Stump Transfer Module 48"Dk (DB Only)
2	111231A	Triangular Tenderdeck
2	121949A	Tri-Deck Kick Plate 8"Rise
3	169319A	Recycled Wood-Grain Lumber Panel
1	130565A	Table Panel DB
1	114649A	Zoo Infill Panel
2	120818A	Playstructure Seat
1	111362A	Talk Tube 40' Tubing Kit PB
1	111363A	Talk Tube At Grade Mounted DB Only
1	141886B	Access/Landing Assembly Rails Barrier Right 32"Dk
1	119430A	Overhead Parallel Bars/Horiz Lad Connected Between Decks
1	130873A	Ring Pull
2	111404F	108"Alum Post DB
5	111404E	116"Alum Post DB
3	111404D	124"Alum Post DB
3	111404C	132"Alum Post DB
1	111404B	140"Alum Post DB
2	111403A	182"Alum Post For Roof DB
1	211190A	Tree House Roof w/Stack and w/Kids Only sign
1	169317B	Firepole w/Recycled Wood-Grain Handholds 56"Dk DB
1	169316A	SlideWinder2 w/Tree Branch Support 72"Dk DB
1	122033D	SpyroSlide 56"w/Hanger Bracket DB1

ALSO:

1	152179A	Saddle Spinner DB 16"Height
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PAGE 2

SWINGS:

1	221292A	5" Arch Swing Frame 8' Beam
2	221293A	5" Arch Swing Frame Addtl Bay 8' Beam
1	177351A	Molded Bucket Seat (5-12 yrs) w/Harness Proguard Chains 8' Beam
6	174018A	Belt Seat Proguard Chains 8' Beam

**Surface America
PlayBound Poured in Place**

Combination 3" thick (1,887 sq ft), and 3 1/2" thick (1,547sq ft) (Thicknesses are subject to a nominal variation) system with top surface in 50% color/ 50% black speckled mix. Includes aromatic binder. Includes freight

3,434 sq ft

Poured-in-Place

Notes:

- * 3" thick poured-in-place system meets 6'-7" critical fall height.
- * 3 1/2" thick poured-in-place system meets 8' critical fall height.
- * Thicknesses quoted to meet industry standards for ASTM testing of 1000 HIC/ 200 Gmax.
- * The above surfacing price includes shipping and installation but does not include any base construction or preparation.
- * Surface America poured-in-place system is IPEMA certified.
- * Standard wages included.
- * Quote does not include security that is needed to protect the surfacing during curing time. Purchaser shall be responsible for security, as needed, to prevent vandalism and/or damage of any type to the surface during installation process, curing time, and after the installation is completed.
- * With Certain EPDM rubber colors, Surface America recommends aliphatic (non-yellowing) binder be considered, however this is an additional charge. Adding aliphatic binder will carry a 10-year warranty.
- * Surface America recommends the following colors be used as accent colors only: Teal, Yellow, Purple and Primary Red. If one of the listed colors is selected for more than 25% of the top surface, additional charges may need to be added.
- * Price valid 120 days from day quote is provided.

Crow Island School

Winnetka, IL February 19, 2019 WNN19CRO2-3-1



FOR A BETTER TOMORROW
WE PLAY TODAY
shapedbyplay.com



Proudly presented by:



ZBA Agenda Packet Crow Island School 02-19-2019



FOR A BETTER TOMORROW
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ATTACHMENT D

ORDINANCE NO. M-22-2003

AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND VARIATION IN THE APPLICATION OF THE ZONING ORDINANCE OF THE VILLAGE OF WINNETKA, COOK, COUNTY, ILLINOIS FOR THE CROW ISLAND SCHOOL (1112 Willow Road)

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 is the beneficial owner of the following described real estate (the "Subject Property"), which is commonly known as Crow Island Elementary School, 1112 Willow Road, Winnetka, Illinois:

That part of vacated Glendale Avenue and of the east 13.0 feet of Lot 37 to 47, inclusive, in Block 1 in Vernamo, being a subdivision of the northwest quarter of the southwest quarter of Section 20, Township 42 North, Range 13, East of the Third Principal Meridian, and the east quarter of northeast quarter of the southeast quarter of Section 19, Township 42 North, Range 13, East of the Third Principal Meridian, described as follows: beginning at a point in the east line of said northwest quarter of the southwest quarter of said Section 20, 222.33 ft. south of the northeast corner thereof, thence south along said east line, 250.0 ft., thence west at right angles to said east line 46.0 ft., thence north parallel to the east line of said northwest quarter of the southwest quarter of said Section 20, 250.0 ft., thence east 46.0 ft., to the place of beginning, in Cook County, Illinois.

Also, Lots 48 to 70, both inclusive, and the east 17.0 ft. of vacated Glendale Avenue, lying west of and adjoining Lots 61 to 70, both inclusive, in Alles' Sunset Subdivision of the northeast quarter of the southwest quarter of Section 20, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois; and

WHEREAS, the Subject Property is located in the R-2 Single-Family Residential District provided in Chapter 17.24 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code; and,

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 is a body corporate and politic of the State of Illinois and operates a public school known as the Crow Island Elementary School, which is improved with the Crow Island School building and accessory structures; and

WHEREAS, the accessory structures at the Crow Island Elementary School include several playground areas; and

WHEREAS, public schools are permitted as special uses in the R-2 Single-Family Residential District, subject to the conditions and requirements pertaining to special uses, as set forth in Section 17.56 of the Winnetka Zoning Ordinance; and

WHEREAS, the Board of Education of Winnetka Elementary School District No. 36 ("applicant") has filed an application for a special use permit pursuant to Sections 17.24.010(B)2.b and Section 17.56.010 of the Winnetka Zoning Ordinance, to allow the site plan for the Subject Property to be revised as part of the upgrading of the playground areas on the Subject Property, including the kindergarten playground area at the northeast corner of the school property along the Glendale Avenue property line (the "Kindergarten Playground"); and

WHEREAS, the applicant has also filed an application for a variation from the corner setback requirements of Section 17.30.050 of the Winnetka Zoning Ordinance to permit the play equipment to observe a corner setback of 6.42 feet from the Glendale Avenue property line, whereas a corner setback of 50 feet is required, resulting in a variation of 43.58 feet (87.16%); and

WHEREAS, the current proposal is the third in a series of applications for improvements to the several playgrounds at Crow Island School; and

WHEREAS, special use permits and variations were granted for the first grade playground and the second to fourth grade playground, pursuant to ordinances M-11-2002; and

WHEREAS, on February 27, 2002, pursuant to due notice thereof, the Plan Commission considered the proposed improvements to the Crow Island School playgrounds and the eight members then present voted unanimously to find the proposed playground renovations, including the renovations to the Kindergarten Playground, consistent with the Winnetka Comprehensive Plan; and

WHEREAS, pursuant to due notice thereof, on April 17, 2003, the Design Review Board considered the proposed improvements and issued favorable comment for the proposed renovation of the Kindergarten Playground and its equipment; and

WHEREAS, pursuant to due notice thereof, the Zoning Board of Appeals held a public hearing on May 12, 2003, to consider the special use permit and variation request for the Kindergarten Playground renovation and, by the unanimous vote of the five members

then present, has recommended that the requested variation and special use permit be granted; and

WHEREAS, the proposed replacement of the equipment in the Kindergarten Playground will benefit the public health, safety, comfort, morals and general welfare of the Village, by improving the safety, accessibility and appearance of the playground by installing new playground equipment, providing safe use zones, reducing impermeable surface and improving the storm drainage on the Subject Property, all in accordance with applicable requirements of the Americans with Disabilities Act, playground safety standards and the Village Code; and

WHEREAS, the proposed special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity, nor will it substantially diminish or impair property values in the immediate vicinity, as the Kindergarten Playground is a firmly established component of the school and playground use of the Subject Property, which has been in place for over 50 years, the Kindergarten Playground renovation will neither increase the intensity of the existing use nor alter its nature, and the renovations will improve both the functionality and appearance of the playground; and

WHEREAS, the proposed special use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted under applicable zoning regulations, as the Kindergarten Playground is an established use in its existing location on the Subject Property, the use of the Subject Property will not be changed, and the Kindergarten Playground area is not in close proximity to any single-family residences; and

WHEREAS, adequate measures have been taken to provide ingress and egress in a manner that minimizes pedestrian and vehicular traffic congestion, in that points of access to the Subject Property and parking will not be changed, and there will be no changes to vehicular access; and

WHEREAS, adequate parking and access roads serve the Subject Property; and

WHEREAS, adequate utilities, drainage and other facilities necessary to the operation of the special use exist or will be provided; and

WHEREAS, the special use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes;

WHEREAS, the plight of the applicant is unique in that the play equipment is a necessary accessory to the principal use of the Subject Property in meeting the statutory obligations of the applicant to provide educational and recreational facilities; and

WHEREAS, the strict application of the corner setback requirements create practical difficulties and particular hardships for the applicant because the equipment cannot be placed in a conforming location due to the limited amount of space available in the Kindergarten Playground and the playground's proximity to the school building and paved access drives; and

WHEREAS, the variation, if granted, will not alter the essential character of the locality, in that the school and its playgrounds are established uses in the neighborhood, and the proposed improvements will replace or upgrade play equipment currently located in the Kindergarten Playground, which is an established use in its existing location; and

WHEREAS, the Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the applicable zoning regulations, as the sole purpose of the property is to provide educational and recreational facilities as required by law; and

WHEREAS, an adequate supply of light and air to adjacent property will not be impaired, as the new equipment will be in the same area as the existing equipment, the tallest component will be five feet high and the storage shed will be 11 feet high at its peak; and

WHEREAS, the hazard from fire and other damages to the property will not be increased, because the equipment will remain in an open site, and the new equipment and playground surface will meet safety standards; and

WHEREAS, there is no evidence that the taxable value of land and buildings throughout the Village will diminish; and

WHEREAS, the proposed renovation of the Kindergarten Playground equipment will not increase congestion in the public streets because the Kindergarten Playground is an existing accessory to the Crow Island School, which is also an existing use; and

WHEREAS, the proposed Kindergarten Playground equipment will not be detrimental to or endanger the public health, safety, comfort, morals and welfare of the inhabitants of the Village, because the upgraded Kindergarten Playground will be in full compliance with current safety standards and guidelines, and will meet accessibility requirements of the Americans with Disabilities Act.

NOW, THEREFORE, the Council of the Village of Winnetka do ordain:

SECTION 1: That the Village Council hereby adopts by reference the foregoing recitals as its findings as if those recitals were fully set forth herein.

SECTION 2: That, pursuant to Sections 17.24.010(B)2b and 17.56.010 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code, a special use permit is hereby granted with respect to the Subject Property, which is located in the R-2 Single-Family Residential Zoning District and is commonly known as the Crow Island Elementary School, to permit the renovation of the Subject Property by installing new playground equipment in the playground located at the northeast corner of the Subject Property along the Glendale property line of the Subject Property, said work to be done in accordance with the March 2003 Lakota Group plans, that accompanied the application for special use permit.

SECTION 3: That a variation is hereby granted to the Subject Property, which is located in the R-2 Single-Family Residential District provided in Chapter 17.24 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code, and which is commonly known as the Crow Island Elementary School from the corner setback provisions permitted by Section 17.30.050 of the Winnetka Zoning Ordinance, to allow a corner setback of 6.42 feet from the Glendale Avenue property line, whereas a 50.0-foot setback is required, resulting in a variation of 43.58 feet (87.16%), said variation being for the purpose of permitting the replacement of playground equipment and renovation of the existing Kindergarten Playground located at the northeast corner of the Subject Property along the Glendale Avenue property line of the Subject Property, said work to be done in accordance with the March 2003 Lakota Group plans that accompanied the application for variation.

SECTION 4: That the special use and variations hereby granted are subject to the following conditions:

A. That the applicants obtain final design review approval of the plans for the Kindergarten Playground area, in accordance with procedures established by the Village Code; and

B. That the applicants begin the proposed construction and implementation of the Kindergarten Playground improvements within twelve (12) months after the effective date of this ordinance.

SECTION 5: That, pursuant to Section 17.56.010(G) of the Zoning Ordinance, all stipulations, conditions and restrictions set forth in this Ordinance as part of the terms under which the special use is granted, may be modified or revised from time to time by the Village Council following public notice and hearing, using the same procedures set forth in the Zoning Ordinance for processing the original special use application.

SECTION 6: That this Ordinance shall be in full force and effect from and after its passage, approval, and posting.

ADOPTED this 3rd day of June, 2003, pursuant to the following roll call vote:

AYES: Trustees Abell, Brower, Greenough, Presser, Webster and Woodbury

NAYS: None

ABSENT: None

Signed:

s/s Michael F. Duhl

Village President

Countersigned:

s/s Douglas G. Williams

Village Clerk

Introduced: Waived

Passed and Approved: June 3, 2003

Posted: June 4, 2003