



**MINUTES  
VILLAGE OF GLENCOE  
ZONING COMMISSION  
REGULAR MEETING**

Village Hall Council Chamber and Videoconference  
675 Village Court  
Monday, September 13, 2021 – 6:00 PM

**1. CALL TO ORDER AND ROLL CALL**

The Regular Meeting of the Commission of the Village of Glencoe was called to order by the Chair, at 6:45 p.m. on the 13th day of September 2021, held virtually via Zoom web videoconference.

Attendee Name	Title	Status
<b>Zoning Commission</b>		
Scott Novack	ZC Chairman	Present
Sara Elsasser	Commissioner	Present
David Friedman	Commissioner	Present
Alex Kaplan	Commissioner	Present
John Satter	Commissioner	Present
Debbie Ruderman	Commissioner	Present
Michael Koppersmith	Commissioner	Present
<b>Village Staff</b>		
Stewart Weiss	Village Attorney	Present
Taylor Baxter	Development Services Manager	Present
Richard McGowan	Planner	Present

**2. CONSIDERATION OF MINUTES OF THE DECEMBER 7, 2020 ZONING COMMISSION MEETING**

<b>RESULT:</b>	<b>ACCEPTED</b>
<b>AYES:</b>	Novack, Elsasser, Friedman, Kaplan, Satter
<b>NAYS:</b>	None
<b>ABSTAIN:</b>	Ruderman, Koppersmith

**3. CONSIDERATION OF A PROPOSED AMENDMENT TO THE ZONING MAP TO REZONE THREE PARCELS FROM THE R-C DISTRICT TO THE R-D DISTRICT AND A SPECIAL USE PERMIT TO CONSTRUCT A SIX-UNIT MULTI-FAMILY RESIDENTIAL BUILDING AT 538 GREEN BAY ROAD**

Before the discussion began, Commissioner David Friedman stated that he lives at 324 South Avenue and his wife submitted a letter regarding tonight's agenda independent of him, and that he will fulfill his obligations as a member of the Commission.

Commissioner John Satter then stated that he has some history with 538 Green Bay Road and based on that experience and formed opinion relative to that property that he will not be able to objectively weigh the information presented from the applicant and those in disagreement, so he decided to recuse himself from this specific meeting.

Taylor Baxter then gave an overview of the case, stating that the applicants at 538 Green Bay Road ("subject property") are requesting a zoning map amendment to rezone three parcels (one zoning lot) from the R-C district to the R-D district. Mr. Baxter stated that the lot is currently developed with a single-family residence and that the R-C zoning district only allows single-family residences, while the R-D zoning district allows both single and multi-family housing, and that multi-family housing in the R-D district also requires a Special Use Permit ("SUP") which is also a part of the application tonight. Mr. Baxter then gave an overview of the overall process.

Mr. Baxter shared an aerial view of the subject property, showing that it does not have direct frontage onto Green Bay Road as there is a Glencoe Park District ("Park District") property that is between the subject property and Green Bay Road which is zoned R-D multi-family, and that a significant amount of properties along Green Bay Road that are also zoned R-D. Mr. Baxter then explained that the parcels to the south and west of the subject property are also owned by the Park District, properties to the north of the subject property are zoned R-D and R-C, and a parcel to the west that is zoned R-C.

Mr. Baxter then proceeded to share what could potentially be built on the subject property and explained that it could not be subdivided without the subdivision and variation process. Mr. Baxter then explained in detail what the applicants are proposing for 538 Green Bay Road. Mr. Baxter then shared a site plan and footprint comparison of the existing and proposed conditions, elevations, and an overview of next steps.

Chairman Novack opened the public hearing, and then Mr. Baxter swore in Mr. Chris Canning for Mr. Canning's presentation.

Mr. Canning stated he is representing the owner of the subject property, Mr. Steve McGuire, and that his office is at 1000 Skokie Boulevard in Wilmette. Mr. Canning reiterated that the applicants are requesting to rezone the subject property from R-C to the R-D zoning district, and to obtain a SUP to allow a multi-family residential building in the R-D zoning district, and that the staff memorandum does a great job of explaining what the applicants are proposing. Mr. Canning explained that 538 Green Bay Road sold the portion of their property that has frontage on Green Bay Road to the Park District in 1926, which is now

zoned R-D. Mr. Canning stated that a multi-family building on the subject property would be in character with the other properties on the west side of Green Bay Road. Mr. Canning also explained that the building was designed to be approved without any zoning variations such as height, parking, and gross floor area. Mr. Canning stated that a 6,900 square-foot single-family residence could be built on this property by right, and would not require any Board or Commission approval, but it would not be in keeping with the existing character on the west side of Green Bay Road.

Mr. Baxter then swore in Scott Freres, the President of the Lakota Group, the urban planning firm that is representing the applicant. Mr. Freres then gave an overview of the project background and then gave an overview of the subject property. Mr. Freres stated that there are several pocket parks along the Green Bay Road corridor that provide a buffer between single-family and multi-family housing districts, and that the subject property is within walking distance to Glencoe's downtown. Mr. Freres noted that in addition to the Green Bay Road corridor, the vibe of downtown, location near transit, changing demographics, and Village's Comprehensive Plan are part of the reasons why they believe a change in land use is appropriate for this location. Mr. Freres reiterated that they did not come out of the blue with this idea and that part of the basis for their plans are based off Glencoe's community planning through the 2004 Comprehensive Plan update, 2016 Plan for Downtown, and the 2019 Design Guidelines which support and encourage meaningful development along the Green Bay Road corridor, walkability, diversity of housing options, proximity to transportation, economic development, and the look and scale of multi-family structures within the community. Mr. Freres also noted that they intend to design the structure to not obstruct the neighbor to the north's green technology solutions on their home, and that their site plan was sited properly to respect and balance the neighboring homes.

Mr. Baxter then swore in Fred Wilson and John Potter, the Architects from Morgante-Wilson Architects for the proposed multi-family housing at 538 Green Bay Road. Mr. Wilson explained that the building will have a stone base with a stucco-like material for the second and third floors, and that the resident parking is all inside of the building, with three guest spots outside of the building. Mr. Wilson noted that the corners of the building are all open-air outdoor porches to soften the bulk of the structure, and that the proposed building was pushed as far west as the zoning code allows to allow sunlight to hit the neighbor to the north's solar panels at 550 Green Bay Road. Mr. Wilson stated that the dwelling units in the proposed building will be two and three-bedroom units, ranging from about 1,500 square feet to about 1,900 square feet. Mr. Wilson then shared shadow studies of the potential shadows that would be casted from the proposed building during different times of the day and during different seasons.

Mr. Baxter then swore in Monica Oplawski, the Civil Engineer from Bono Consulting Civil Engineers out of Park Ridge. Ms. Oplawski provided a brief site overview with storm, sanitary, and water services and stated that they would be working with the Village Engineer to meet the Village's detention requirements, in addition to the Metropolitan Water Reclamation District ("MWRD") of Greater Chicago requirements due to the size of the subject property.

Mr. Wilson then proceeded to share a potential layout of the subject property if someone were to develop a 6,876-square foot single-family residence, which he claimed would be more impactful to the neighbor to the north at 550 Green Bay Road. Mr. Freres then reiterated that the proposed multi-family use and building would be consistent with the community's vision and goals, community development standards, and community design character and quality of life.

Mr. Baxter then swore in Peter Cummins, a Real Estate Broker with "@properties" in Winnetka. Mr. Cummins stated that he is the former Village Manager for the Village of Glencoe from 1991-1995 before moving out to Vail, Colorado. Mr. Cummins also explained that he developed the building at 450 Green Bay Road in 1999 which is a 9-unit condominium building with Park District property on each side, and that that project should be looked at when reviewing the various objections for this proposal. Mr. Cummins stated that the state statutes are very clear about the thresholds that must be met to get zoning relief or a zoning change, such as hardship. Mr. Cummins then stated that he has been a Real Estate Broker since 2003, and that the McGuires obtained the subject property in 1987 and attempted to sell it in 2005 and in 2011 and did not have success yielding a reasonable return in accordance with the zoning code during those times. Mr. Cummins then referenced the Illinois Revised Statutes, stating that one of the three conditions that you need to satisfy for the Zoning Board of Appeals for zoning relief is that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone. Mr. Cummins clarified that there has been a demonstrated attempt to generate a reasonable return and that was not successful and explained that in the fall of 2011 and spring of 2013 Mr. McGuire was unsuccessful attempting to sell the subject property. Mr. Cummins then shared a presentation with the audience showing a copy of an email dated May 23, 2013, from former Village Employee, John Houde. Mr. Houde's email stated that the subject property is not subdividable and does not qualify for any type of zoning variation to make it subdividable, and Mr. Cummins stated that Mr. Baxter and the Village Attorney agreed that Mr. Houde's opinion in 2013 was incorrect. Mr. Cummins said that these factors previously noted lead to Mr. McGuire to sit on his property without any reasonable return. Mr. Cummins then stated that the anomaly and outlier here is the single-family home to the north (550 Green Bay Road) that is in the R-D multi-family zoning lot and multi-family housing directly north of 550 Green Bay Road, and that the owner of 550 Green Bay Road could tear his house down and build what he does not want the owner of the subject property to do to him, and that the owner of 550 Green Bay Road cannot have his cake and eat it too. Mr. Cummins then proceeded to break down and disagree with the Appraiser's Analysis of Diminution in Value, which stated that the Appraiser believes that the proposed zoning change and redevelopment of 538 Green Bay Road will have an adverse effect on both the value and marketability of 550 Green Bay Road. Mr. Cummins then proceeded to share and compare the existing conditions of the multi-family housing at 556-562 Green Bay Road versus the proposed conditions at 538 Green Bay Road. Mr. Cummins stated the Appraiser's opinions are not consistent with the evidence, and proceeded to share his research and comparisons for the average sales price of the neighbors to the north of 550 Green Bay Road and the neighbors to the south of 450 Green Bay Road, stating that neighboring property values were driven up after the multi-family building at 450 Green Bay Road was built, which conflicts with the Appraiser's

analysis. Mr. Cummins then shared an excerpt from the Illinois Revised Statutes that he referenced earlier from "(65 ILCS 5/11-13-4) (from Ch.24, par. 11-13-4)" which states:

*"...the board of appeals shall require evidence that (1) the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone; and (2) the plight of the owner is due to unique circumstances; and (3) the variation, if granted, will not alter the essential character of the locality. A variation shall be permitted only if the evidence, in the judgment of the board of appeals, sustains each of the 3 conditions enumerated..."*

Mr. Cummins concluded that he believes this is a meritorious case that warrants approval and is a good thing for the community.

Chairman Novack thanked Mr. Cummins and then requested a ten-minute break for everyone. The meeting resumed at 8:15 p.m.

Commissioner David Friedman asked Mr. Cummins whether Mr. McGuire had received offers during the period the property was marketed for sale. Mr. Cummins responded that he was not the Broker during those time frames and that it is his understanding that there were no offers during those time frames. Commissioner Friedman then asked Mr. Freres if it is customary that his clients meet with neighbors during zoning processes as part of best practices, and if his clients met with the neighbors. Mr. Freres responded that yes, meeting is customary, and that to the best of his knowledge, nobody contacted neighbors.

Chairman Novack then asked Mr. Baxter if he could elaborate on the height of the proposed multi-family building compared to the height of a single-family home that could be built in the same location. Mr. Baxter stated that the applicant's measurement of 31 feet is measured to the top of the proposed roof, whereas the zoning code defines and measures height by the type of roof, and that 31 feet is lower than a single-family home with a pitched roof could put in this same location. Chairman Novack then asked about the square footage of the proposed building, and Mr. Potter stated that the building's proposed footprint is 7,400 square feet.

Mr. Baxter then stated that if anyone provided written comment prior to the publishing of the agenda packet, their comments have been forwarded to the Commissioners and are already in the public record in the agenda packet itself, and that the 7 written comments received prior to the start of the meeting today that were not in the agenda packet would be read tonight. Mr. Baxter clarified that 5 of the 7 written comments were under the 400-word limit and were forwarded to the Commissioners the day of the meeting and 2 of the 7 exceeded the 400-word limit, but regardless, all those written comments will be forwarded to the Village Board in their agenda packet. Mr. Baxter then proceeded to share the additional written comments received after the agenda packet was published.

Chairman Novack described public comment process moving forward, which was divided into two segments: those that live within 200 feet of the subject property ("proximate property owners"), and those that do not live within 200 feet of the subject property ("general public"). Chairman Novack clarified that proximate property owners will have an

unlimited amount of time to present, and the general public comments will be limited to three minutes.

Mr. Barney Gallagher of 550 Green Bay Road stated that he has three representatives tonight, Mr. Bruce Cowans, Jim Nyeste, and Robert Headrick. Mr. Cowans proceeded to speak on behalf of Barney and Adrienne Gallagher of 550 Green Bay Road, stating that he owns a home on Lincoln Avenue and that he is a former Village Board Member from 2005 – 2015. Mr. Cowans reflected on the development of Writer's Theatre, where he recalls the Village Board deciding that the benefit of the project would outweigh the neighbor's opposition and so Village Board approved the project. Mr. Cowans also recalled a situation where Am Shalom wanted to purchase a single-family home to convert into a parking lot and there was opposition from the Village. He brought these two instances up to reflect on precedent set by the Village where there is a project that may or may not benefit the community. Mr. Cowans asked about the standards and concluded that you have to compare the number of people that would benefit from tonight's proposal and the number of people who are expressing opposition, which Mr. Cowans has heard is over 100 people.

Mr. Nyeste then stated that he is a former member of Glencoe's Zoning Commission from 2008 – 2015 and during that time, part of their decisions was based on the neighbor's input. Mr. Nyeste stated that the neighbors are clearly in opposition of tonight's proposal. Mr. Nyeste does not recall any public hearing that created any opposition like we have seen for tonight's proposal. Mr. Nyeste stated that the south side of the Gallagher's home is a complete wall of only windows, and the north side of the home does not have windows, so they do not overlook the multi-family housing directly north of their property at 550 Green Bay Road. Mr. Nyeste asked how Mr. Canning's comments that a single-family home would be out of character with the neighborhood be valid if they are proposing a larger multi-family home that is nearly 3 times larger than the existing single-family home at 538 Green Bay Road. Mr. Nyeste stated that the Gallagher's property values will go down, their privacy will be lost, and their views will be dominated by the bulky condo building and turnaround area. Mr. Nyeste then showed pictures of the Gallagher's existing single-family home at 550 Green Bay Road, explaining that there will be a change in scenery with a 7,400 square-foot condominium. Mr. Nyeste stressed that Barney and Adrienne Gallagher are longtime Glencoe residents and Adrienne is the Co-Chair of the Village Nominating Commission and Barney is the Chairperson of the Village's Sustainability Task Force, and they spent years renting looking for their dream home, and it would be extremely unfair to them to grant the McGuire's petition. Mr. Nyeste referenced former Village employee John Houde who stated that there has never been a rezoning from a single-family zoning district to a multi-family zoning district in Glencoe, and that the proposal tonight is for a private gain, and that according to Robert Headrick's appraisal, the Gallagher's home would be devalued approximately 6% - 8% if a multi-family building was built on the subject property. Mr. Nyeste also disagreed with Mr. Cummins' research on the average sales price of homes after the multi-family housing was developed at 450 Green Bay Road, stating that Mr. Cummins failed to acknowledge what the average sales price of the nearby homes could have been without a multi-family development. Mr. Nyeste argued that Mr. Cummins is neither a lawyer or appraiser, he does not live in Glencoe, only has financial interest, and that Glencoe's zoning map has no reliability if the Commission recommends approval of

tonight's proposal. Mr. Nyeste stated that existing issues such as traffic, ingress/egress, and parking would only be exacerbated if the Commission recommends approval, and property tax revenue needs to be weighted with the potential loss of property values of adjacent homes of the subject property. Mr. Nyeste stated that Mr. Canning and Mr. Cummins have straw-man arguments, such as the comments that nobody would buy a 6,900-square foot single-family home on Green Bay Road because that home won't be built, and the comment about the multi-family housing directly north of 550 Green Bay Road because the Gallagher's home at 550 Green Bay Road was designed to screen that multi-family housing.

Mr. Gallagher, Mr. Cowans, and Mr. Nyeste were then sworn in retroactively. Mr. Baxter then swore in Mr. Robert Headrick, the Appraiser representing Barney and Adrienne Gallagher of 550 Green Bay Road. Mr. Headrick stated that he has been appraising properties since 1977, that he works with the State of Illinois for appraisal fraud, and that he was approached by the Gallaghers to do the appraisal of their property at 550 Green Bay Road with a potential rezoning of the lot directly to the south at 538 Green Bay Road. Mr. Headrick noted that there are several factors that play into the appraisal, such as whether the housing is attached or detached, rather than being single-family or multi-family. Mr. Headrick noted that the appraisal was conducted on August 29, 2021, and that factors that lead to the Analysis of Diminution in Value from the appraisal of \$1,250,000 were due to the proposed multi-family building that would result in a change in the view, headlights from a driveway turnaround, ingress/egress traffic, congestion on Green Bay Road, service and delivery vehicles for residents of the multi-family building, shade from the structure, unknown impacts to the Gallagher's existing solar panels, and housing with similar circumstances.

Mr. Gallagher of 550 Green Bay Road then introduced himself and asked the Zoning Commission to respect their home, their dreams, and love for Glencoe as neighbors. Mr. Gallagher added that he is the Chair of the Sustainability Task Force, and added that he and his wife, Adrienne Gallagher, love the charm, open spaces, and things that make Glencoe unique, and that they would not tear their house down to build condominiums. Mr. Gallagher added that his home was thoughtfully designed to screen the multi-family housing to the north of his property, with windows on the south side of the home to take advantage of the view and open space, and that the previous owners relied on the zoning code to make a major financial decision to build a single-family home rather than multi-family, since 550 Green Bay Road is zoned R-D Multiple Family. Mr. Gallagher added that before they purchased their home, they checked the zoning map to make sure that 538 Green Bay Road was zoned R-C and not R-D, and that they made the largest financial investment of their lives relying on the R-C zoning of the 538 Green Bay Road property. Mr. Gallagher stated that they were forced here tonight because the petitioner is seeking to reverse 50 years of precedent, and a change in Village staff has brought him to question precedent today since Mr. John Houde and the Zoning Commission stood for precedent around 2013. Mr. Gallagher concluded that their privacy would be gone if a multi-family structure was built on the subject property, that landscape screening would not resolve this because you cannot shield a 3-story building, a 3-story building will destroy the character of the neighborhood, and that he hopes the Zoning Commission supports his and his wife's

opposition. Mr. Baxter then clarified with Chairman Novack that now is the appropriate time for cross-examinations if there are any.

Mr. Nyeste then proceeded to ask Mr. Cummins if he is a lawyer. Mr. Cummins responded that he is not. Mr. Nyeste then asked Mr. Cummins if he is an Appraiser. Mr. Cummins responded that he is not. Mr. Nyeste then asked Mr. Cummins if he has financial interest in this application. Mr. Cummins stated that he does not. Mr. Nyeste then asked Mr. Cummins if he is a Real Estate Broker. Mr. Cummins confirmed that he is. Mr. Nyeste then asked Mr. Cummins if he stands to represent buyers or sellers of the proposed building on the subject property. Mr. Cummins responded that he could potentially do so and that he is under no agreement for the listing of the sale of any of the units for this building and this is what he would call good citizenry work, and that Mr. McGuire has owned the subject property for 34 years. Mr. Nyeste then asked Mr. Cummins what Mr. McGuire paid for his property. Mr. Cummins did not know. Mr. Nyeste then asked Mr. Cummins what a reasonable return for the subject property would be. Mr. Cummins responded that market value based an assessment would be appropriate. Mr. Nyeste then asked Mr. Cummins if he thinks Mr. McGuire could get \$1,000,000 for his property today without rezoning. Mr. Cummins said absolutely not. Mr. Nyeste then asked Mr. Cummins what the subject property was recently listed for, and Mr. Cummins said that it was approximately \$1,200,000 and then \$899,000. Mr. Nyeste then asked Mr. Cummins when Mr. McGuire tried to sell the subject property. Mr. Cummins stated that he was not the broker and that Mr. McGuire tried to sell it in the Fall of 2011 through the Spring of 2013, and also in 2005 during the height of the market. Mr. Nyeste then asked Mr. Cummins if the subject property was listed for \$1,200,000 in 2005 and Mr. Cummins confirmed it was. Mr. Nyeste then asked Mr. Cummins if he thinks if the listing prices were based on the current zoning and Mr. Cummins responded that he was not involved in the pricing of the home at that point. Mr. Nyeste then asked Mr. Cummins if it was listed for \$1,200,000 in 2005 then shouldn't it be worth that now, and Mr. Cummins responded that it is not. Mr. Nyeste then asked Mr. Cummins about a previous development at 450 Green Bay Road and Mr. Canning intervened, stating to Chairman Novack that this calls for speculation, and Chairman Novack noted that he is struggling to see why we are devoting so much time to 450 Green Bay Road. Mr. Nyeste stated that the homes on Adams Avenue would have sold for more money if the multi-family housing at 450 Green Bay Road was not built. Mr. Nyeste then asked Mr. Headrick if the homes on Adams Avenue would have sold for more money if the negative external factor of 450 Green Bay Road condominium building, and Mr. Canning stated objection for this question due to no foundation in Mr. Headrick's report that would be able to allow Mr. Headrick to make an informed opinion about that. Chairman Novack then asked Village Attorney Stewart Weiss to provide input on this cross-examination procedure and Mr. Weiss stated that Mr. Nyeste is mixing up his cross-examination with direct and that we are now talking about two properties removed, and that it is the Chair's determination for relevance. Chairman Novack noted that there is not enough correlation since Mr. Headrick has not evaluated those properties on Adams Avenue that Mr. Nyeste is questioning. Mr. Nyeste then asked Mr. Cummins if he agreed in his testimony that it would be impractical for a 6,900-square-foot single-family home to be built on the subject property, and Mr. Cummins confirmed that is correct. Mr. Nyeste then asked Mr. Cummins if Mr. McGuire lives in Glencoe, and Mr. Cummins said that he has for years and has multiple residences. Mr.



Nyeste then asked Mr. Cummins if he lives in Glencoe, and Mr. Cummins stated that that question is a cheap shot and is irrelevant. Commissioner Kaplan then asked Mr. Weiss if Glencoe opted out of the Illinois Statutes and Mr. Weiss responded that the statutes that Mr. Cummins was referring to are standards for variations which are different than legislative decisions such as amending a zoning code. Mr. Weiss clarified that the Village does have standards for amendments and those amendments track the standards that have been supported in Illinois case law for zoning and it consists of a variety of factors, and the Village's zoning code includes 14 factors to consider, and one of them is the consideration for the trend in development, as well as considerations for impact on other properties, and hardship is not necessarily a standard for variations but there are other standards that are somewhat analogous.

Mr. Baxter then swore in Ms. Jennifer Black for public comment. Ms. Black of 545 Vernon Avenue stated that she first heard about tonight's proposal through Mr. Gallagher, that she never got anything in the mail, and that she shares a rear lot line with the subject property. Ms. Black then questioned whether Mr. Cummins has any financial interest in tonight's proposal, and then proceeded to provide her family's history in Glencoe. Ms. Black noted that she would completely lose sunlight with a new multi-family building in this location, that it would not help her financially, that she will get a lot of light and garbage from the construction activity, that it will increase traffic, and that it will tarnish her view of Glencoe if this is approved.

Mr. Baxter then swore in Mr. Robert Mallin of 326 Hawthorn Avenue for public comment and clarified that he is the last of approximate property owners registered to provide public comment tonight. Mr. Mallin stated that he is speaking on behalf of his family, and they chose 326 Hawthorn Avenue because of the backyard and open space. Mr. Mallin continued, questioning Mr. Cummins' testimony, and asked what a reasonable return is for a home that was purchased for \$180,000, which is what Mr. Mallin stated that the McGuires bought the home for at 538 Green Bay Road. Mr. Mallin also questioned the lack of outreach to neighbors and added that a new multi-family structure would have a significant impact on the shadows, sunlight, and privacy for his property. Mr. Mallin added that there is an existing water issue on the subject property where water stagnates near his lot at 326 Hawthorn Avenue, and that he offered to pay stormwater remediation to the McGuires, and the McGuires told him that if the Buckthorn was removed in this specific location, then it would negatively impact the subject property's value. Mr. Mallin concluded that the use and enjoyment of his property would be ruined if the zoning amendment was approved.

Mr. Baxter then swore in Joseph and Jane Artabasy of 322 Hawthorn Avenue. Mr. Artabasy gave a brief history of his experience in Glencoe and stated that he shares a property line with the Gallaghers at 550 Green Bay Road. Mr. Artabasy shared his concerns with lighting, proximity, and potential loss of peace and quiet. Mr. Artabasy stated that he is here for the long-haul, and if the zoning is changed on the subject property, it would be a tragedy. Ms. Artabasy stated that their home is a place to feel protected from the outside world, which should take priority over someone who is looking to make money. Mr. Artabasy added that if Glencoe's downtown was any more vibrant, nobody would ever find

a parking space, and that we do not need any more population density in this town, and the multi-family building does not belong here.

Mr. Baxter then swore in Rich Kates of 555 Vernon Avenue. Mr. Kates stated that he shares a lot line with the subject property and they are concerned with the sense of privacy and community, water drainage, potential decrease in property values, elimination of serenity, traffic on Green Bay Road, safety for children, and setting a poor example of how Glencoe neighbors should conduct business with each other. Chairman Novack thanked Mr. Kates.

Chairman Novack then discussed with the Commissioners that the next set of public comments for neighbors that are not within 200 feet of the subject property will be limited to a public comment time of three minutes.

Mr. Baxter then swore in Joe Rosenthal of 524 Vernon Avenue stated that he is still very close to the subject property and was in disbelief when he first heard about the potential rezoning of the subject property because it is out of character with the neighborhood. Mr. Rosenthal stated that when he purchased his house, they were attracted to the view it had from the interior and based on the west elevations and setbacks of the proposed building would eliminate his views. Mr. Rosenthal also added that it would lead to an increase in flooding issues, traffic, and he urged the Commissioners to vote against this.

Mr. Baxter then swore in Mr. Tim Doelman of 366 South Avenue. Mr. Doelman stated that this proposal is a very large building that will have the size and scale of a warehouse in an existing open space, it is not a part of the existing character of the neighborhood, it that it is a bit disingenuous that the developers did not share the square footage of the building. Mr. Doelman asked the Commissioners to deny the request tonight. Chairman Novack then asked for a clarification of the square footage of the property. Mr. Potter stated that the footprint of the proposed building is 7,441 square feet, so the total would be just under 12,000 square feet because the third floor is smaller under the sloping roof conditions. Mr. Potter confirmed the lot is approximately 26,000 square feet or just over a half-acre. Mr. Potter confirmed this approximate lot area is for all three parcels on the subject property. Mr. KupperSmith asked if that included the garage, and Mr. Potter stated that the proposed structure is about 20,000 square feet including the garage on the first floor.

Mr. Baxter then swore in Mr. Barton Schneider, who did not provide his address. Mr. Schneider stated that he is a Board Member of the Glencoe Park District, but his comments tonight are his own and do not reflect those of the Park District. Mr. Schneider stated that a multi-family structure on the subject property would negatively affect Green Bay and South Avenue Park, with a multi-family driveway through a Glencoe Public Park. Mr. Schneider explained that this single-family lot is accessed through a highly unusual 80-foot-long easement, that was likely intended to be temporary. Mr. Schneider added that vehicular traffic through use of a public park is inappropriate, and the parking area would be over the only consistently dry area of the existing park. Mr. Schneider added that the proposed rezoning would add two stunning precedents for the 43 homes on Linden Avenue described in his August 27<sup>th</sup> email that was sent to Mr. Baxter. Mr. Schneider added that no multi-family homes along Green Bay extend as far west as the one proposed tonight, except for a

cluster of multi-family buildings next to downtown and Temple Court, which would set a new westward precedent for multi-family zoning. Mr. Schneider added if there was a Richter Scale for zoning, this would be a magnitude 9 earthquake for Linden Avenue. Mr. Schneider added that his final point is a big lack of transparency, and that the rezoning of the subject property is applicable to all the homes on the east side of Linden Avenue, but the Village of Glencoe has not been transparent and has not notified anyone on Linden Avenue of the rezoning under consideration, and then questioned why 43 homeowners on Linden Avenue were not notified. Mr. Schneider concluded it is a lack of transparency and is not right. Chairman Novack asked Mr. Schneider if any of the properties on Linden Avenue have access on Green Bay Road and Mr. Schneider said they do not. Chairman Novack stated that he understands what Mr. Schneider is talking about and respectfully disagrees and that the residents on Linden Avenue should have been notified. Chairman Novack added that the Village works very hard to be above board and to follow procedures, and they need to focus on information that is directly relevant to tonight's application.

Chairman Novack then asked the Commissioners if they have any questions. Commissioner Kaplan asked if there was any discussion for allocating some of the dwelling units for low-income housing by the petitioners. Mr. Canning stated that they did not have that discussion. Commissioner Kaplan then asked if any of the dwelling units were designated for empty-nesters, perhaps through a deed restriction or qualification to encourage or facilitate specifically Glencoe empty-nesters. Mr. Canning stated that there was no specific discussion on this, though they would be the logical market for this type of development. Mr. Weiss added that he would caution that there are considerations about restricting the sale or rental of property that could violate the federal Fair Housing standards. Commissioner David Friedman stated that he would like to hear from the developer to hear his thought processes, motivations, and interests, and finds it disturbing that he put professionals between himself and the Commissioners. Commissioner Friedman expressed displeasure that there was no interaction with the community. Commissioner Friedman concluded that he respects Scott Freres' presentation, but he has a hard time discounting the intensity and feelings of the neighbors and would vote on the side of the neighbors if pressed to decide. Commissioner Debbie Ruderman stated that she shares a lot of the same views that Commissioner Friedman just expressed, and that she does not have anything further to add without repeating points that have already been made. Commissioner Sara Elsasser added that she also shares similar sentiments with Commissioner Friedman and Commissioner Ruderman, although she came into the start of the meeting feeling torn. Commissioner Elsasser thought that Mr. Freres' presentation was compelling and agrees that this location is ideal for multi-family housing because of the existing examples north and south of the subject property but concluded that the Commission emphasizes respect for neighbor opinions and respecting the views of neighbors. Commissioner Elsasser added that although she respects the opinions of the neighbors, she does not agree with all the comments that were made, such as stormwater drainage and traffic. Commissioner Elsasser concluded that right now she is leaning towards siding with the neighbors because of all the comments they have heard tonight. Commissioner KupperSmith stated that he shares many of the sentiments that Commissioner Friedman expressed, and he has a particular concern with the lack of community outreach on the developer's end, and he wants to hear from the

Village counsel about the legal standards that the Zoning Commission should be considering before a decision is made.

Chairman Novack thanked the Commissioners and stated that even though it is clear from a land use perspective that this proposal would fit in, that there is not a large variety of housing types in the Village, but it is a difficult decision because there is a large volume of neighbors that are opposed to it. Chairman Novack noted that both sides provided valuable input and should be given thoughtful consideration prior to deciding. Chairman Novack then noted he was not able to follow the Appraiser's report of how the value of the neighbor's home at 550 Green Bay Road would be devalued 6% - 8% and asked Mr. Headrick to clarify. Mr. Headrick was no longer present at the meeting. Chairman Novack then asked Ms. Oplawski to clarify on the stormwater detention and Ms. Oplawski stated that currently there is no stormwater detention on site and reiterated that Glencoe has a very robust stormwater code in addition to MWRD's requirements. Commissioner Friedman and Chairman Novack then asked for clarification for the standards of approval and closing the public hearing from Mr. Weiss. Mr. Weiss said that if the Commissioners feel as though they have heard enough input and do not need to gather more evidence. Chairman Novack kept the public hearing open. Commissioner Koppersmith asked the Architects to clarify on the shadow impacts from the proposed structure, and Mr. Wilson stated that Mr. Mullins' home may be impacted the way it is currently proposed but they can work with the location to minimize the impact on adjacent homes. Chairman Novack then asked Mr. Artabasy if he was concerned when 550 Green Bay Road was being constructed and Mr. Artabasy said that he was, but it did not impact his line of sight like the proposal tonight.

Mr. Weiss then presented the 14 "Standard for Amendments" from the Village Code Article VII, Part V, Section 7-501(E) and clarified a map amendment is legislative decision and there is a large amount of discretion that the Village Board will have in this case, but there are guiding principles.

Commissioner Koppersmith asked if the standards are equally weighted, and Mr. Weiss concluded that it is a multi-factor test but there is some guidance in the order of them. Chairman Novack asked if there were any additional questions. Following consideration of the testimony and discussion, a motion was made and seconded to close the public hearing.

#### **MOTION TO CLOSE THE PUBLIC HEARING**

<b>RESULT:</b>	<b>ACCEPTED</b>
<b>AYES:</b>	Novack, Elsasser, Friedman, Kaplan, Ruderman, Koppersmith
<b>NAYS:</b>	None
<b>ABSENT:</b>	None
<b>RECUSED:</b>	Satter

Following consideration of the testimony and discussion, a motion was made and seconded to direct staff to prepare a resolution recommending denial of the application to consider a proposed amendment to the zoning map to rezone three parcels from the R-C District to the R-D District and to consider a Special Use Permit to construct a six-unit multi-family residential building at 538 Green Bay Road and to draft a resolution.

**MOTION TO DIRECT VILLAGE STAFF TO DRAFT A RESOLUTION RECOMMENDING DENIAL OF A PROPOSED AMENDMENT TO THE ZONING MAP TO REZONE THREE PARCELS FROM THE R-C DISTRICT TO THE R-D DISTRICT AND A SPECIAL USE PERMIT TO CONSTRUCT A SIX-UNIT MULTI-FAMILY RESIDENTIAL BUILDING AT 538 GREEN BAY ROAD**

<b>RESULT:</b>	<b>ACCEPTED</b>
<b>AYES:</b>	Novack, Elsasser, Friedman, Kaplan, Ruderman, Koppersmith
<b>NAYS:</b>	None
<b>ABSENT:</b>	None
<b>RECUSED:</b>	Satter

Mr. Weiss confirmed that from a procedural standpoint, he and Mr. Baxter will draft a resolution reflecting the consensus of tonight's discussion to be voted on and if that Resolution is adopted then that recommendation would then be taken to the Board of Trustees. Mr. Weiss clarified that this does not prevent the applicant from proceeding forward. Mr. Baxter clarified that there will not be another public hearing at the October meeting, it will just be a Board discussion as presented by staff. Chairman Novack thanked everyone in attendance for tonight's meeting.

**5. MOTION TO ADJOURN**

There being no further business to come before the Zoning Commission, the meeting was adjourned at 11:57 p.m.