

ORDINANCE NO. 2022-O-29

AN ORDINANCE AUTHORIZING A SPECIAL USE, THE EXPANSION OF AN EXISTING SPECIAL USE AND VARIATIONS PURSUANT TO THE WILMETTE ZONING ORDINANCE (3555 Lake Avenue)

WHEREAS, the Wilmette Park District (“Applicant”) has submitted an amended application (“Amended Application”) for the expansion of an existing special use (park/playground), a special use to expand an existing special use (recreation center), a special use for new lighting at an outdoor recreation facility and variations under Section 5.4, Section 8.2, Section 13.3.C.1.a, Section 13.3.C.1.b, Section 13.4.A.3, Section 13.4.A.7, Section 14.4.B.4 and Section 14.9.B of the Zoning Code. Specifically, Applicant requests an expansion of a special use for a park/playground, a special use for the expansion of an existing special use for a recreation center and a special use for new lighting at an outdoor recreation facility (collectively referred to as the “Special Use”), and variations for a 13.5’ accessory structure height variation (warming hut), a 1.0’ accessory structure height variation (paddle tennis court fence), a 6.0’ light pole height variation (paddle tennis courts), a 5.0’ front yard parking space setback variation and a variation from the requirement that accessory structures not have a basement (collectively referred to as the “Requested Variations”) to permit the construction of a warming hut addition and two lighted paddle tennis courts upon the subject property commonly known as 3555 Lake Avenue, Wilmette, Cook County, Illinois, and legally described as:

Lots 18 to 79, both inclusive, also vacated streets and alleys lying within the following described tract:

Beginning at the northeast corner of Lot 72, thence west to the northwest corner of Lot 18, thence south-easterly to the southwest corner of Lot 44, thence east to the southeast corner of Lot 79, thence north to the point of beginning, all in Arthur Dunas and Company’s Rapid Transit Company’s Unit Number 1, being a subdivision of that part of the north 30 acres (except the east $8\frac{3}{4}$ acres thereof) of the east half of the northwest quarter, lying east of the right of way of Public service Company of Northern Illinois and of the west 200 feet of the east $8\frac{3}{4}$ acres of north 30 acres of the east half of the northwest quarter of Section 31, Township 42 North, Range 13, East of the third principal meridian, recorded July 3, 1925 as document number 8693197, in Cook County, Illinois (“Subject Property”).

WHEREAS, the Applicant, pursuant to Ordinance 2013-O-14, has previously been granted a

special use and variations to allow for the construction and operation of four lighted paddle tennis courts and a warming hut at the Subject Property; and

WHEREAS, the Applicant, pursuant to Ordinance 2017-O-94, has previously been granted an expansion of a special use and variations to allow for the construction and operation of two additional lighted paddle tennis courts; and

WHEREAS, the Applicant represented in 2013 that the hours of operation would be 9:00 a.m. to 10:30 p.m. for the paddle courts and then in 2017 represented that the hours of operation would be from 8:00 a.m. until 10:00 p.m.; and

WHEREAS, as the Applicant has been operating the paddle courts until 11:00 p.m. despite the represented times discussed above, the Village Board desires to clarify the authorized hours of operation, which shall be provided for in this Ordinance and shall supersede the previous approvals granted by the Village Board and any provisions of the Village Code; and

WHEREAS, the above provision is meant for clarification purposes and shall not be construed to determine the validity or invalidity of any other provision or absence of another provision in this or any other ordinance, law, or resolution adopted by the Village Board; and

WHEREAS, the Zoning Board of Appeals, after giving due and proper notice as required by law, held a public hearing on April 6, 2022, on the initial application for the Special Use and Requested Variations, and

WHEREAS, the Zoning Board of Appeals failed to provide a positive recommendation upon the Applicant's initial Application; and

WHEREAS, the Applicant submitted the Amended Application prior to the Village Board meeting, in which the Applicant reduced their original request from their initial Application to include only the relief outlined in this Ordinance; and

WHEREAS, on April 26, 2022, the Village President and Board of Trustees, in a vote of 7-0, approved the Amended Application, which contained certain agreed upon conditions; and

WHEREAS, the Amended Application includes parking spaces to be located on the Village's Right-of-Way and as such a Village permit will be required to be obtained by the Applicant. The Village and the Applicant will, prior to the issuance of the Right-of-Way permit, address ways and methods to mitigate any damage or removal of trees that are otherwise healthy and in good condition caused by the construction of the parking spaces; and

WHEREAS, in this Ordinance, the Director of Community Development is given discretion to ensure imposed conditions and mitigations are installed and maintained, and once the Director of Community Development deems such mitigations and requirements reasonably effective and have reasonably achieved the intent of this Ordinance, the Village intends on providing documentation to the Applicant indicating that only the maintenance of such mitigations shall be further required and that no additional installations or construction will be necessary.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Wilmette, Cook County, Illinois:

SECTION 1: The foregoing findings and recitals are hereby made a part of this Ordinance and are incorporated by reference as if set forth verbatim herein.

SECTION 2: The report and recommendation of the Zoning Board of Appeals of this Village has been received by the Village Board and overturned by the Village Board and the Amended Application for the Special Use and Requested Variations is granted. The Special Use shall run with the use and not with the land, and shall be further conditioned as provided for in this Ordinance.

SECTION 3: The Director of Community Development of the Village of Wilmette, Illinois, hereby is authorized and directed to issue the necessary permits to allow the Special Use, the Requested Variations, and the proposed construction and operations, in accordance with the application and plans submitted at the public hearing, and as amended and presented to the Village Board, and on the condition that all other requirements of the Zoning and Building Ordinances and the conditions

provided for in this Ordinance are met. Failure to implement, institute, install and maintain such conditions constitute grounds for additional or amended conditions, a reduction or a revocation of the Special Use or the Requested Variations.

SECTION 4: The following definitions shall apply to this Ordinance:

“Courts” shall mean all eight (8) (six (6) existing and two (2) proposed) paddle tennis courts located on or to be located on the Subject Property as depicted and shown in the Amended Application.

“Director” shall mean the Village of Wilmette Community Development Director.

“League” shall mean the Chicago Platform Tennis Charities (men’s league only) and North Shore Women’s Paddle Tennis League (woman’s league only) paddle tennis court leagues. The term League shall not include the “in-house” league or any other league, by any other name.

“League Play” shall mean paddle tennis matches that are scheduled on one of the Courts by the League and played by League members. League Play shall not include any non-scheduled match activity.

“Lights” shall mean all the existing lights that are used for Courts, as well as those lights to be constructed for the proposed Courts, as depicted and shown in the Amended Application.

“Paddle Hut” or “warming hut” shall be the warming hut located on the Subject Property as depicted and shown in the Applicant’s application.

The following special conditions, which were presented as part of the Amended Application, shall be complied with:

1. HOURS OF OPERATION

Upon passage of this Ordinance the following provisions shall take effect:

- a. All use of the Courts and related outdoor activity shall cease no later than 10:00 p.m. and shall not begin again until sunrise the following day as follows:
 1. any use of the Courts for non-league play; and
 2. any use of the Courts, including League Play, on Friday, Saturday and Sunday; and
 3. any use of the Courts, including League Play, from April 1st to September 14th of each year.
- b. All League Play shall cease no later than 11:00 p.m. and shall not begin again until 8:00 a.m. the following day except as otherwise restricted in this subsection. A copy of League’s schedule, for each year, shall be submitted to the Director prior to the first League Play match of the season. Any amendments to the schedule shall be submitted by the Applicant to the Director prior to any such amendment taking effect. No League Play shall be permitted after 10:00 p.m. on any day after March 31st of any year and

before September 15th of any year. In addition, no League Play shall be permitted after 10:00 p.m. on every Friday, Saturday, and Sunday of the year.

- c. All paddle tennis outdoor activity and outdoor related activity shall cease at 10:00 p.m., except as otherwise allowed for League Play. Such outdoor activity may relocate indoors to the Paddle Hut which shall close no later than 11:00 p.m. and no individuals, except Park District employees or vendors, may be inside the Paddle Hut after 11:00 p.m. or prior 8:00 a.m. the following morning. The Paddle Hut shall be locked and remain locked from 11:00 p.m. to 8:00 a.m. each day with access only to Park District employees or vendors. If there are violations of this provision, the Village after consulting with the Park District, shall determine, in the Village's sole discretion, the appropriate mitigations to either reduce or eliminate such violations or reduce the hours of operation of the Paddle Hut.

2. LIGHTS

The installations required below shall be fully installed as soon as reasonably possible but in no event later than August 30, 2022, or as otherwise extended by the Director.

- a. The Lights shall have shielding installed and maintained at all times as determined by the Director. The shielding installed shall be intended to reasonably contain light to the Courts and restrict spillage of light to any area outside of the Courts. Furthermore, the shielding shall also reasonably reduce glare of the Lights that can be seen from the neighboring residential properties.
- b. The Director may require the Applicant, at the Applicant's sole cost, to have an expert light study and report generated with the purpose of determining whether additional mitigations should be installed or whether what has been installed at the time of the study being conducted reasonably and effectively achieves the purposes of this condition.
- c. If in the opinion of the Director the shielding does not reasonably contain the light to the Courts, restrict spillage of light to areas outside of the Courts and reduce the glare of the Lights, the Director may require additional shielding or other mitigations to be installed and maintained by the Applicant.

3. LIGHTS TO BE OFF AND REMAIN OFF WHEN COURTS NOT BEING USED

The installations required below shall be fully installed no later than August 30, 2022.

- a. The Lights for each specific Court are to be off and remain off at all times each such Court is not being used for paddle tennis activity.
- b. The Lights shall be fitted or retrofitted with a system that will automatically turn off the Lights for each of the individual Courts within a reasonable period of time after activity on an individual Court has ceased. In no case shall the Lights remain on for more than 30 minutes after activity on each individual Court has ceased.
- c. The Lights for each specific Court shall be turned off and remain off at the end of the paddle tennis activity of each day, but at no time after the permitted hours of operation

provided for in this Ordinance, for the day until at least 8:00 a.m. the following day. The Lights may only be turned on manually at or after 8:00 a.m. the following day. At no point shall the Lights remain on after 10:00 p.m. on non-League Play days or after 11:00 p.m. on League Play days for any reason.

- d. Notwithstanding the above, the Lights may be turned on prior to 8:00 a.m. for the purpose of Park District staff to construct, repair, and maintain (including snow removal) the Courts.

4. LANDSCAPING

The installations required below shall be fully installed no later than August 30, 2022, or as otherwise extended by the Director.

- a. Landscaping, upon consultation with the Director, shall be installed and maintained upon the Subject Property, including areas adjacent to and around the Courts with the intent that such landscaping will provide a buffer between the Courts and the neighboring residential properties. The landscaping installed and maintained is intended to reasonably contain light to the Courts and restrict spillage of light to any area outside of the Courts. Furthermore, the landscaping shall also be intended to reduce the glare of the Lights that can be seen from the neighboring residential properties.
- b. The Director may require the Applicant, at the Applicant's sole cost, to have an expert light study and report generated with the purpose of determining whether additional mitigations should be installed and whether what is installed reasonably achieves the purposes of this condition.
- c. If in the opinion of the Director the landscaping does not reasonably contain the light to the Courts, restrict spillage of light to areas outside of the Courts and reduce the glare of the Lights, the Director may require additional landscaping or mitigations to be installed and maintained by the Applicant.

5. CODE OF CONDUCT

Upon passage of this Ordinance the following provisions shall take effect:

- a. The Applicant shall reasonably enforce violations of the Park District's Conduct Ordinance, as well as any League rules or codes of conduct.
- b. The Applicant shall create, distribute, and reasonably enforce a communications policy and program that is to be distributed to all players and "captains" notifying the users of the Courts to be mindful of the neighbors and respectful of their surroundings. This policy shall also include all the conditions related to the use of the Courts and the Paddle Hut that are provided for in this Ordinance be communicated to all players and "captains" prior to League Play commencing each year.
- c. All alcohol shall be removed from the Paddle Hut nightly after the close of the Paddle Hut and prior to the opening of the Paddle Hut the next morning.

- d. The Applicant shall install signage in various locations on the Courts, in the manner and form approved by the Director, that notifies all users of the Courts of the appropriate rules.

6. NOISE

The study required below shall be completed no later than December 31, 2022. The mitigations that may be required shall be implemented or installed prior to April 1, 2023, or as otherwise extended by the Director.

- a. The Applicant, at the Applicant's sole expense, shall have a new noise study conducted during peak hours of League Play. The Director shall provide the time(s) and day(s) of the week such a study shall take place. The noise shall be measured by industry standards.
- b. If the study indicates that the noise level generated from the Courts (absent the ambient noise) exceeds the Village's standards, the Director may require additional mitigations to help reduce the noise generation from the Courts. Nothing in this provision shall restrict the Applicant from applying for a variation to allow the increased sound.
- c. The Applicant shall not be allowed to use any amplified sound in the exterior portion of the Subject Property. This restriction shall include amplified sound created from any speaker, television and other device.

7. PARKING

The study required below shall be completed no later than December 31, 2022, or as otherwise extended by the Director. The mitigations that may be required shall be implemented or installed prior to April 1, 2023, or as otherwise extended by the Director.

- a. The Applicant, at the Applicant's sole expense, shall have a new parking and traffic study conducted during peak hours of League Play during a time of the year that other park uses are not impacted by weather conditions. The Director shall provide the time(s) and day(s) of the week such a study shall take place.
- b. If the study indicates that the parking and traffic generated from the use is in excess of reasonable parking and traffic operations, the Director may require additional mitigations to help alleviate the concerns provided for in the parking and traffic study.
- c. The Applicant shall apply for a Village Right-of-Way Permit that addresses the ways and methods to mitigate any damage or removal of trees that are otherwise healthy and in good condition.

8. NATIONAL AND STATE TOURNAMENTS

The Applicant shall not be allowed to host any national paddle tennis tournaments or state paddle tennis tournaments. This restriction shall apply to any tournaments of any kind in which the Courts are to be used that have a national or statewide affiliation.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval as required by law.

PASSED by the President and Board of Trustees of the Village of Wilmette, Illinois, on the **10th** day of **May 2022**, according to the following roll call vote:

AYES: **Trustees Gjaja, Kennedy, Sheperd, Dodd and President Plunkett.**

NAYS: **None.**

ABSTAIN: **None.**

ABSENT: **Trustees Sullivan and Barrow.**

Clerk of the Village of Wilmette, IL

APPROVED by the President of the Village of Wilmette, Illinois, this **10th** day of **May 2022**.

President of the Village of Wilmette, IL

ATTEST:

Clerk of the Village of Wilmette, IL