

Winnetka Village Council
REGULAR MEETING
Village Hall
510 Green Bay Road
Tuesday, January 21, 2014
7:00 p.m.

Emails regarding any agenda item are welcomed. Please email contactcouncil@winnetka.org, and your email will be relayed to the Council members. Emails for the Tuesday Council meeting must be received by Monday at 4 p.m. Any email may be subject to disclosure under the Freedom of Information Act.

AGENDA

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Quorum
 - a) February 4, 2014 Regular Meeting
 - b) February 11, 2014 Study Session
 - c) February 18, 2014 Regular Meeting
- 4) Approval of Agenda
- 5) Consent Agenda
 - a) Approval of Village Council Minutes
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 - b) Approval of Warrant List.....8
 - c) Ordinance M-1-2014: 565 Lincoln Avenue, Special Use Permit for CONLON: A Real Estate Company – Adoption9
 - d) Resolution R-2-2014: Approval and Release of Executive Session Minutes – Adoption....20
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 - f) Parkway Tree Trimming, Removal and Maintenance Contract Extension27
- 6) Stormwater Report: No report.
- 7) Ordinances and Resolutions
 - a) Ordinance M-2-2014: Property Tax Abatement, Series 2014 GO Bonds – Introduction.....29
 - b) Resolution R-1-2014: Preliminary Approval of the Proposed Consolidation of 988 and 992 Oak Street – Adoption.....32

- 8) Public Comment
- 9) Old Business: None.
- 10) New Business
 - a) Willow Road Tunnel Project Engineering Contract97
- 11) Appointments
- 12) Reports
- 13) Executive Session
- 14) Adjournment

NOTICE

All agenda materials are available at villageofwinnetka.org (Government > Council Information > Agenda Packets & Minutes); the Reference Desk at the Winnetka Library; or in the Manager’s Office at Village Hall (2nd floor).

Broadcasts of the Village Council meetings are televised on Channel 10 and AT&T Uverse Channel 99 every night at 7 PM. Webcasts of the meeting may also be viewed on the Internet via a link on the Village’s web site: <http://winn-media.com/videos/>

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator – Megan Pierce, at 510 Green Bay Road, Winnetka, Illinois 60093, 847-716-3543; T.D.D. 847-501-6041.

**MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
January 7, 2014**

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Council Chambers on Tuesday, January 7, 2014, at 7:00 p.m.

- 1) Call to Order. President Greable called the meeting to order at 7:00 p.m. Present: Trustees Joe Adams, Jack Buck, Patrick Corrigan, Richard Kates, and Stuart McCrary. Absent: Trustee Arthur Braun. Also present: Village Manager Robert Bahan, Assistant to the Village Manager Megan Pierce, Village Attorney Katherine Janega, Community Development Director Mike D'Onofrio, Chief of Police Patrick Kreis and approximately 13 persons in the audience.
- 2) Pledge of Allegiance. President Greable led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) January 14, 2014 Study Session. All of the Council members present, with the exception of Trustee Adams, indicated that they expected to attend.
 - b) January 21, 2014 Regular Meeting. All of the Council members present indicated that they expected to attend.
 - c) February 4, 2014 Regular Meeting. All of the Council members present indicated that they expected to attend.
- 4) Approval of the Agenda. Trustee Adams, seconded by Trustee McCrary, moved to approve the Agenda. By roll call vote the motion carried. Ayes: Trustees Adams, Buck, Corrigan, Kates and McCrary. Nays: None. Absent: Trustee Braun.
- 5) Consent Agenda
 - a) Village Council Minutes.
 - i) December 10, 2013 Study Session.
 - ii) December 17, 2013 Regular Meeting.
 - b) Warrant Lists Nos. 1827 and 1828. Approving Warrant List No. 1827 in the amount of \$1,822,069.30, and Warrant List No. 1828 in the amount of \$786,805.58.
 - c) 2013/2014 GO Bond Series Proceeds. An annual report on sources and uses of the General Obligation stormwater bonds issued in 2013 and 2014, to ensure the Village complies with provisions of the IRS code.
 - d) Change Order for Transformer, Wesco. A change order in the amount of \$20,628 to allow the purchase of one three-phase transformer, subject to the terms of Bid #13-011.
 - e) Directional Boring Contract Extension, B-Max Inc. An authorization for the Village Manager to execute a purchase order to B-Max, Inc. for directional boring work for June 1, 2014 through May 31, 2015, in an amount not to exceed \$315,000, based on the third year pricing in Bid #011-011.

- f) Line Truck #64 Replacement; NJPA Contract. An authorization for the Village Manager to award a purchase order to Altec Industries, Inc. in the amount of \$140,856 to purchase an aerial line truck.

Trustee McCrary, seconded by Trustee Adams, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Adams, Buck, Corrigan, Kates and McCrary. Nays: None. Absent: Trustee Braun.

- 6) Stormwater Update. No report.

- 7) Ordinances and Resolutions.

- a) Ordinance M-1-2014: 565 Lincoln Special Use Permit for CONLON; A Real Estate Company – Introduction/Adoption. Mr. D’Onofrio reviewed this request to allow a non-retail use in the C-2 Retail Overlay District in vacant space within 50 feet of the front property line of the Subject Property. CONLON is an affiliate of Christie’s International Real Estate, and proposes to open a real estate office and to hold periodic evening events at the office.

Mr. D’Onofrio explained that nearby tenants expressed parking concerns. A parking study conducted by Kenig, Lindgren, O’Hara, Aboona, Inc. (KLOA) concluded that there is adequate parking on the street or the Lincoln Avenue public parking lot, as well as dedicated tenant spaces at the rear of the building.

Mr. D’Onofrio said the Zoning Board of Appeals (ZBA) voted to recommend approval of the special use permit, with two conditions: (i) business hours will be limited on Mondays and Tuesdays to 11:00 a.m. – 7:00 p.m., with the remaining hours as described on the application; and (ii) between the hours of 9:00 a.m. – 5:00 p.m. agents and employees must park in off-street parking, such as the public lot on Lincoln Avenue or the tenant’s spaces at the rear of the building. The Plan Commission voted to recommend approval of the special use, with the two ZBA conditions imposed, and a third condition that CONLON may request to modify the business hours at a later date.

Mr. D’Onofrio said the applicant is requesting that introduction be waived in order to expedite opening the office in time to take advantage of the spring season.

The applicant’s attorney, Chris Canning, introduced Benji Burford, a principal at CONLON.

Mr. Burford, in response to questions from the Council, stated that the office would have 25 to 30 agents, but no more than 2 or 3 in the office at one time, and he confirmed that there would be no agent meetings held at the site. He described the evening events, which will range from lectures on various topics, to jewelry and art shows. Most of the evening events will be open to the general public, but a few will be by invitation only.

There being no public comment, President Greable explained that a waiver of introduction requires a unanimous vote of the Council.

Trustee McCrary, seconded by Trustee Adams, moved to waive introduction of Ordinance M-1-2014. By roll call vote, the motion failed. Ayes: Trustees Adams, Buck, Kates and McCrary. Nays: Trustee Corrigan. Absent: Trustee Braun.

Trustee McCrary, seconded by Trustee Adams, moved to introduce Ordinance M-1-2014. By voice vote, the motion carried.

- b) Ordinance MC-5-2013: Establishing an Administrative Hearing Process – Adoption. Attorney Janega explained that at the September 17, 2013 Council meeting, the Council directed Staff to set the fines and define the scope of the Administrative Hearing program and to bring back an amended Ordinance for its consideration. As directed, the process scope excludes zoning or building code violations, with the exception of construction hours, which are currently enforced by the Police Department. Staff recommends amending the Ordinance at this meeting, but given the number of amendments, to adopt at the January 21st Council meeting.

Attorney Janega said the fines were structured using a two-tiered fine arrangement, maintaining the existing range of fines capped at \$750. Where a range of fines is set, the adjudicator will be required to impose the minimum fine.

Police Chief Patrick Kreis reviewed fines for the various covered offenses, and explained the rationale for moving certain provisions of the Code. He explained that Staff seeks to establish an efficient system not only for prosecution and enforcement of violations, but for the subjects who receive a citation. Under the current system, all violations go to Court; however, administrative adjudication allows violators in most cases to extinguish the matter by simply paying the minimum fine. The process also provides for a hearing before an administrative law judge for everything from parking tickets to other minor offenses.

Trustee Kates objected to amendments to the Ordinance that do not deal with the administrative hearing process, and questioned whether to do so violates the Open Meetings Act.

Attorney Janega said Open Meetings Act notice requirements were met, including posting of the agenda materials continuously for at least 48 hours on the Village's website, and making the agenda packet available to the public at the Winnetka Library. She explained that it is standard practice to make technical amendments when amending the Code, and she noted that discussion at the September 17 Council meeting revealed that reorganization of certain sections would be required. She said the agenda report explains which provisions were moved and where they came from, and displeasure over the material's packaging does not constitute a violation of the Open Meetings Act.

Attorney Janega suggested the Council discuss the fines, which are the key policy issue, and once clear direction on the fines is given, she would bring back the amended Ordinance, along with a comparison table fully explaining the changes and additions. She said no action would be taken on the item tonight.

Trustee Kates asked Chief Kreis why certain thefts would be part of the administrative adjudication process.

Chief Kreis explained that significant crimes and burglaries would still be prosecuted in Court, but that currently, petty offenses frequently do not get prosecuted, as some victims do not want to attend a court hearing. Giving a citation for a petty criminal offense allows resolution with paying a fine or having a hearing with the administrative law judge, rather than seeing the person go free.

Attorney Janega added that the Council could decide that certain violations would require a mandatory hearing if it is deemed that paying a citation is not enough, and she explained that the option to use the court system is always available.

President Greable asked what the financial impact of the new system would be.

Chief Kreis said the fines and fees should cover the operational process, once it is established. He noted that \$8,000 was budgeted to establish the system in 2014.

Attorney Janega said Staff would bring the Ordinance to the Council in February, along with a layout showing the provisions that have been moved, a financial impact analysis, and a summary of policy issues that the Council has provided direction on.

8) Public Comment and Questions. Trustee Kates had a question about the Village's contract with a vendor who performed a revenue audit for the Village, and what progress has been made to recoup gas taxes from customers who use out of state suppliers. Attorney Janega explained that the Village's contract with that vendor has been terminated.

9) Old Business. None.

10) New Business.

a) 976 Green Bay Road Appeal – Sprinkler Requirements. Fire Chief Alan Berkowsky said the subject appeal stems from a pre-occupancy inspection that was requested by a potential tenant for the space located at 976 Green Bay Road. The space is currently occupied by a retail store, and the potential tenant is an architectural firm, which constitutes a change of use from mercantile to business. Village Code requires the installation of a sprinkler system upon a change of use in the commercial districts, and a waiver that was requested by the building's owner was denied by the Fire Chief.

Chief Berkowsky reviewed the Village's sprinkler ordinance, which was adopted in 1977, noting that the intent of the Ordinance was to develop a gradual transition to sprinklers. He explained that the sprinklers are a crucial safety feature, given the close proximity of structures in the commercial districts, the age of the buildings, and the residential occupancies in many buildings. Many owners have invested in their buildings over the years to install these fire safety systems, and Chief Berkowsky recommended upholding the denial of the appeal, to ensure fair and consistent enforcement of the sprinkler ordinance.

Trustee Kates said the ULI Final Report recommended changes to the Village's sprinkler ordinance and asked the Chief if he would approve of passage of a sprinkler ordinance similar to one used in Lake Forest.

Chief Berkowsky responded that the scientific research on the safety effect of sprinklers is significant, especially where the commercial districts have residential uses above the commercial ones, sharing common elements where fire can spread.

Trustee Corrigan said his concern is the safety of the residential uses, and Trustee Adams said the Council had the Code for guidance.

Trustee McCrary said the sprinkler ordinance exists for the common safety, since a fire in the commercial districts can affect not only adjacent buildings, but the units residential above. He added that although this Council is not bound by previous Councils, the law does exist, and the idea of grandfathering in the older buildings was to give them time to comply with the sprinkler ordinance.

Trustee Adams, seconded by Trustee McCrary, moved to deny the appeal. By roll call vote, the motion carried. Ayes: Trustees Adams, Buck, Corrigan, Kates and McCrary. Nays: None. Absent: Trustee Braun.

President Greable instructed Attorney Janega to prepare findings and a final order reflecting the Council's decision.

11) Appointments.

12) Reports.

a) Village President.

b) Trustees.

i) Trustee McCrary commended Village staff for their hard work during the recent snowstorms and extreme cold.

c) Attorney. Attorney Janega reported that the bonds sold on December 3, 2013 closed this morning, and the full value of the two bond issues are in the Village's control.

d) Manager. Manager Bahan announced that the Village launched its redesigned website in late December. Assistant to the Village Manager Megan Pierce managed the process, working with the Village departments and the vendor to migrate content and roll out new features.

13) Executive Session. None.

14) Adjournment. Trustee McCrary, seconded by Trustee Adams, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 9:00 p.m.

Recording Secretary



Agenda Item Executive Summary

Title: Warrant List

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 01/21/2014

Consent: YES NO

<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Bid Authorization/Award
<input type="checkbox"/>	Policy Direction
<input checked="" type="checkbox"/>	Informational Only

Item History:

None.

Executive Summary:

Warrant List dated 1/16/2014 was emailed to each Village Council member.

Please note, this warrant list was prepared using the New World Software. Village staff is learning the capabilities and reporting options available. At this point, we are mostly operating with very standard reports.

In addition to a new overall report format, certain customized information that was added over the years to our old reports is not present. Staff continues to work in the new software program to determine the optimum reporting formats.

Recommendation / Suggested Action:

Consider approving Warrant List dated 1/16/2014

Attachments:

None.



Agenda Item Executive Summary

Title: Ordinance M-1-2014: 565 Lincoln Avenue, Special Use Permit for CONLON: A Real Estate Company - Adoption

Presenter: Michael D'Onofrio, Director of Community Development

Agenda Date: 01/21/2014

Consent: YES NO

- | | |
|-------------------------------------|-------------------------|
| <input checked="" type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | Bid Authorization/Award |
| <input type="checkbox"/> | Policy Direction |
| <input type="checkbox"/> | Informational Only |

Item History:

Ordinance M-1-2014 was introduced at the January 7, 2014 Village Council meeting. (See January 7, 2014 Agenda, pp. 57-148).

Executive Summary:

Ordinance M-1-2014 grants a Special Use Permit in accordance with Section 17.56 of the Winnetka Zoning Ordinance to allow a real estate office in vacant retail space at 565 Lincoln Ave. The property is located in the C-2 Retail Overlay District. Pursuant to Section 17.44.020 and the Table of Uses in Section 17.46.010 of the zoning ordinance, a Special Use Permit is required for non-retail uses located on the ground floor within 50 feet of the front property line in the Retail Overlay District.

Grafton Holdings d/b/a CONLON: A Real Estate Company proposes to occupy 1,513 s.f. of space at 565 Lincoln Ave. The application is subject to the Special Use Permit process due to its location directly adjacent to the front property line. The space measures approximately 15 ft. x 98 ft. and has been vacant since March 2011. The subject site is located in a single-story commercial building with six (6) commercial tenant spaces at 563-571 Lincoln Ave.

The proposed space will be equipped with 10 workstations for agents and would be staffed seven days a week. The proposed business hours are Monday-Friday 9am to 5pm, Saturday 10am to 4pm, and Sunday 10am to 3pm. CONLON is an affiliate of Christie's International Real Estate. Through that affiliation CONLON intends to display art work in the office and, from time to time, hold art shows.

The Plan Commission and Zoning Board of Appeals both recommended approval with the following two conditions:

1. Business hours shall be limited to 11am to 7pm on Mondays and Tuesdays with the remaining business hours as described on the application;
2. Between the hours of 9am to 5pm agents and employees must park in off-street parking, such as the public parking lot on Lincoln Ave. and the tenant's designated spots behind the building.

The Plan Commission added a third condition: The applicant may request reconsideration of condition no. 1 if there are circumstances leading to its position change.

Recommendation / Suggested Action:

Consider adoption of Ordinance M-1-2014, granting a Special Use Permit to allow CONLON: A Real Estate Company to occupy retail space at 565 Lincoln Ave.

Attachments:

- Agenda Report
- Attachment A: Ordinance M-1-2014
- Attachment B: Map of Site

AGENDA REPORT

TO: Village Council

PREPARED BY: Michael D'Onofrio, Director of Community Development

SUBJECT: 565 Lincoln Ave., Ord. M-1-2014
Special Use Permit for CONLON: A Real Estate Company

DATE: January 8, 2014

REF: January 7, 2014 Council Mtg. pp. 57-148

Ordinance M-1-2014 grants a Special Use Permit in accordance with Section 17.56 of the Winnetka Zoning Ordinance to allow a real estate office in vacant retail space at 565 Lincoln Ave. The property is located in the C-2 Retail Overlay District. Pursuant to Section 17.44.020 and the Table of Uses in Section 17.46.010 of the zoning ordinance, a Special Use Permit is required for non-retail uses located on the ground floor within 50 feet of the front property line in the Retail Overlay District.

Summary of Request

Grafton Holdings d/b/a CONLON: A Real Estate Company proposes to occupy 1,513 s.f. of space at 565 Lincoln Ave. The application is subject to the Special Use Permit process due to its location directly adjacent to the front property line. The space measures approximately 15 ft. x 98 ft. and has been vacant since March 2011. The subject site is located in a single-story commercial building with six (6) commercial tenant spaces at 563-571 Lincoln Ave. The building is also currently occupied by Sara Campbell (563 Lincoln), J. McLaughlin (567A Lincoln), M. Stefanich Antiques (569 Lincoln), and Donald Stuart Antiques (571 Lincoln). The space formerly occupied by Chambers Cross Real Estate (567 Lincoln) is also currently vacant.

The application materials explain the space will be equipped with 10 workstations for agents and would be staffed seven days a week. The proposed business hours are Monday-Friday 9am to 5pm, Saturday 10am to 4pm, and Sunday 10am to 3pm. CONLON is an affiliate of Christie's International Real Estate. Through that affiliation CONLON intends to display art work in the office and, from time to time, hold art shows.

Parking Study

Winnetka zoning regulations do not require off-street parking to be provided for many uses within the area; uses such as retail stores which are permitted "by right" are not required to provide off-street parking. However, real estate offices and other non-retail users are subject to evaluation under the Special Use Permit process by the Zoning Board of Appeals (ZBA), Plan Commission and Village Council for potential impacts on the business district, including possible impacts on the availability of parking.

As part of the application a parking impact study was ordered by the applicant and prepared by KLOA, Inc. The purpose of the study was to determine the availability of public parking within the East Elm Street Business District on a weekday. It is anticipated that the maximum

parking demand generated by the proposed real estate office would be five to six vehicles. However, taking the most conservative approach, KLOA assumed that a total of 17 additional parking spaces will be occupied by the proposed use during business hours on a weekday. KLOA concluded that with the combination of available unoccupied on-street parking and off-street parking in the nearby public parking lots, the parking needs of the proposed use, as well as other vacant storefronts in the area, will be met even under the conservative scenario of a parking demand of up to 17 spaces.

Village Engineer Steve Saunders has reviewed the parking study and he concurs with the method of analysis and the conclusions of the KLOA study.

Background on Retail Overlay District

The adoption of the Retail Overlay District standards and accompanying special use process first arose in 1987 out of concern about the viability of the business districts as a whole if non-retail occupancies were allowed to proliferate and occupy significant areas within retail shopping districts. The C-2 Retail Overlay zoning district requires issuance of a Special Use Permit for non-retail uses that include service establishments, general office uses, travel agencies, financial institutions, real estate offices and medical offices, to name a few.

Following lengthy discussions by the Plan Commission and Business Community Development Commission (BCDC), the Village Council amended several provisions of the C-2 Retail Overlay District in 2009. Revisions included modification of the overlay district's boundaries, which saw some parcels newly added to the Retail Overlay District, with other areas adjusted slightly to remove them from the Overlay District. Additionally, the underlying standards saw a reduction in the applicability of the Retail Overlay District to each property within the District's boundaries, reducing the required "depth of retail" from 100 feet to the current standard of 50 feet. Under previous standards, non-retail uses were permitted without a Special Use Permit if located more than 100 feet from the front property line. Under the amendments, such uses are now permitted to be located without a Special Use Permit beginning at 50 feet from the front property line.

Recommendations of Advisory Boards

At the November 11, 2013 ZBA meeting, the four members present voted 4 to 0 to recommend approval of the requested Special Use Permit. In recommending approval, the ZBA recommended that approval be subject to the following conditions in order to minimize the impact on on-street parking:

1. Business hours shall be limited to 11am to 7pm on Mondays and Tuesdays with the remaining business hours as described on the application; and
2. Between the hours of 9am to 5pm agents and employees must park in off-street parking, such as the public parking lot on Lincoln Ave. and the tenant's designated spots behind the building.

At the November 20, 2013 Plan Commission meeting, the nine members present voted eight recommending and one abstaining, in favor of approval of the Special Use Permit. In recommending approval, the Plan Commission recommended that approval be subject to the following conditions:

565 Lincoln Ave.

Jan. 8, 2014

Page 3 of 3

1. Limiting the applicant's hours of operation between 11:00 a.m. and 7:00 p.m. on Monday and Tuesday with the remaining hours of operation as described in the application;
2. Require from 9:00 a.m. to 5:00 p.m. for the agents and employees to park off-street in parking such as at the public parking lot on Lincoln Avenue and in the tenant designated spots behind the leased premises; and
3. The applicant may request reconsideration of condition no. 1 if there are circumstances leading to its position change.

Adoption of the ordinance requires the concurrence of the majority of the Council.

Recommendation

Consider adoption of Ordinance M-1-2014 granting a Special Use Permit to allow CONLON: A Real Estate Company to occupy retail space at 565 Lincoln Ave.

Attachments

Attachment A: Ordinance M-1-2014

Attachment B: Map of Site

**AN ORDINANCE
GRANTING A SPECIAL USE PERMIT
FOR A REAL ESTATE OFFICE
WITHIN THE C-2 OVERLAY DISTRICT (565 Lincoln Avenue)**

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970, pursuant to which it has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the government and affairs of the Village; and

WHEREAS, the Council of the Village of Winnetka (“Village Council”) find that establishing standards for the use and development of lands and buildings within the Village and establishing and applying criteria for variations from those standards are matters pertaining to the affairs of the Village; and

WHEREAS, the property commonly known as 563-571 Lincoln Avenue in the Village of Winnetka (“Subject Property”) is legally described as follows:

Lot 3 in McGuire and Orr’s Arbor Vitae Road Subdivision, being a subdivision of Block 4 and part of Block 5 in Winnetka, a subdivision of the Northeast Quarter of Section 20 and the North Half of fractional Section 21, Township 42 North, Range 13 East of the Third Principal Meridian, in the Village of Winnetka, Cook County, Illinois; and

WHEREAS, the Subject Property is located in the East Elm Business District, on the east side of Lincoln Avenue north of Elm Street, in the C-2 Retail Overlay Zoning District provided for in Chapter 17.44 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code; and

WHEREAS, the Subject Property is improved with a single-story commercial building measuring 7,805 square feet, with approximately 100 feet of frontage on Lincoln Avenue and six commercial tenant spaces; and

WHEREAS, the owner of the Subject Property, Bertha Turner TN4, LLC, (“Owner”) has entered into an agreement with Grafton Holdings d/b/a CONLON: A Real Estate Company of Chicago (“Applicant”), whereby the Owner will lease that portion of the Subject Property with a common address of 565 Lincoln Avenue in the Village of Winnetka (“Lease Premises”) to Applicant for use as a real estate sales office; and

WHEREAS, the Lease Premises, which has been vacant since March of 2011, measures 1,513 square feet and was formerly occupied by a retail apparel store named Jakes; and

WHEREAS, the Lease Premises is located on the ground floor and within 50 feet of the front property line of the Subject Property; and

WHEREAS, pursuant to Sections 17.44.020(B) and 17.46.010(I) of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code, real estate sales offices are permitted only as special uses in the C-2 Overlay Zoning District when they are located within 50 feet of a public street; and

ATTACHMENT A

WHEREAS, pursuant to its agreement with the Owner, Applicant filed an application on October 10, 2013, seeking a Special Use Permit to allow Applicant to locate its real estate office in the Lease Premises; and

WHEREAS, on November 11, 2013, on due notice thereof, the Zoning Board of Appeals held a public hearing to consider the special use permit; and

WHEREAS, on November 20, 2013, on due notice thereof, the Plan Commission convened to consider the requested special use; and

WHEREAS, Applicant proposes to equip the real estate office with ten work stations and to staff the office seven days a week; and

WHEREAS, Applicant is also the Chicago area affiliate of Christie's International Real Estate, which is owned by Christie's Auction House; and

WHEREAS, the Lease Premises has a large display window which Applicant proposes to use to display art that would be sold in auctions conducted by Christie's Chicago office and the sales would occur by internet or at Christie's New York City office; and

WHEREAS, Applicant's proposed use of the Lease Premises would also include periodic evening receptions in which Christie's would display and provide information on art and jewelry objects; and

WHEREAS, Applicant's proposed business hours are Monday through Friday from 9:00 a.m. to 5:00 p.m., Saturday from 10:00 a.m. to 4:00 p.m., and Sunday from 10:00 a.m. to 3:00 p.m.; and

WHEREAS, the Applicant's representative testified that the morning hours are not busy, that the business does not hold morning meetings, that agents generally come into the office in the afternoon and show properties in the evening or on weekends, and that the office hours for Monday and Tuesday could be changed to run from 11:00 a.m. to 7:00 p.m. to avoid conflicts with parking demands caused by weekly meetings at other real estate offices in the vicinity; and

WHEREAS, Applicant submitted a parking study prepared by the traffic engineering firm of Kenig, Lundgren, O'Hara, Aboona, Inc. ("KLOA"), in which KLOA determined that the parking needs of the proposed special use, as well as the parking needs of other vacant storefronts in the area, which KLOA estimated at up to 17 spaces if occupied, would be met using a combination of available unoccupied on-street parking and off-street parking in the nearby public parking lots; and

WHEREAS, the Village Engineer reviewed the parking study and stated that he concurs with the method of analysis and conclusions of the KLOA study, but also noted that the off-street parking relied on in the KLOA study is located in the Elm Street and Lincoln Avenue Parking Lots, which are somewhat remote from the Subject Property and thus should be where Applicant's employees and agents park; and

WHEREAS, the separate proceedings before the Zoning Board of Appeals and the Plan Commission both included questioning of the Applicant and Applicant's representatives by members of the Zoning Board of Appeals and the Plan Commission; and

ATTACHMENT A

WHEREAS, the owners of five business located within 250 feet of the Subject Property have written to express concerns that the proposed special use might have a negative impact on the availability of parking in the immediate area; and

WHEREAS, no owners of property located within 250 feet of the Subject Property have submitted written objections to the proposed special use, submitted any evidence or requested an opportunity to cross-examine witnesses at either the Zoning Board of Appeals hearing or the Plan Commission meeting; and

WHEREAS, after considering the evidence presented at the November 11, 2013, hearing, the four members of the Zoning Board of Appeals then present voted unanimously to recommend approval of the request, subject to the following conditions: (i) that business hours on Mondays and Tuesday be limited to the hours from 11:00 a.m. to 7:00 p.m., with the business hours on the remaining days of the week being as described on the application, and (ii) that between the hours of 9:00 a.m. and 5:00 p.m., Applicant's agents and employees be required to park in off-street parking, such as the public parking lot on Lincoln Avenue and the tenant's designated parking spots at the rear of the Subject Property; and

WHEREAS, after considering all materials presented at its meeting on November 20, 2013, the eight voting members of the Plan Commission then present found the proposed special use to be consistent with the Comprehensive Plan and unanimously voted to recommend that it be approved; and

WHEREAS, the proceedings of the Zoning Board of Appeals and Plan Commission conformed with all requirements of their procedural rules, the Winnetka Village Code and applicable statutes of the State of Illinois; and

WHEREAS, the proposed special use is subject to the standards and requirements set forth in Section 17.56.120 of Chapter 17.56 of the Winnetka Zoning Ordinance, as well as to the conditions and requirements set forth in Section 17.44.020(B)(2)(b) of Chapter 17.44 of the Winnetka Zoning Ordinance; and

WHEREAS, subject to the terms and conditions of this Ordinance, the proposed special use will neither endanger nor be detrimental to the public health, safety, comfort, morals or general welfare, in that: (i) real estate offices are a permitted use pursuant to a special use permit, (ii) there are other real estate sales offices in the immediate vicinity, (iii) the proposed use is near the north end of the C-2 Overlay District, and (iv) the establishment of an office in this location will result in the upgrading and occupancy of a space that has been vacant for years; and

WHEREAS, subject to the terms and conditions of this Ordinance, the proposed special use will not substantially diminish or impair property values in the immediate vicinity, nor will the use and enjoyment of other property in the immediate vicinity be diminished, in that: (i) the establishment of the Applicant's office will help to restore vibrancy to the neighborhood and will help to introduce new residents and potential purchasers to the East Elm Business District, and (ii) the impact on surrounding businesses will be minimal, as the proposed staffing levels are small, and real estate offices are proven to be compatible with the retail uses in the vicinity; and

WHEREAS, subject to the terms and conditions of this Ordinance, the proposed special use will not impede normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the C-2 Retail Overlay District, as: (i) the establishment of the Applicant office is consistent with the final report recommendations of the

ATTACHMENT A

Urban Land Institute to allow the market to dictate how available space can be utilized, and (ii) a long vacant space, which has not and cannot support a retail use, will be converted to an office use which will bring employees and clients to the East Elm Business District, where they can take advantage of restaurant and retail opportunities in the vicinity; and

WHEREAS, the Subject Property is an existing building that has established patterns of ingress and egress and that is served by existing utilities, access roads, drainage and other facilities necessary for the operation of the proposed special use, and subject to the terms and conditions of this Ordinance, the proposed special use will not require any modifications or additions to such existing ingress and egress, utilities, access roads, drainage and other facilities; and

WHEREAS, subject to the terms and conditions of this Ordinance, there is adequate parking for the proposed special use, and the proposed special use will not significantly diminish the availability of parking in the East Elm Business District in that: (i) there is on-site parking at the rear of the Subject Property, (ii) there is public parking on the adjacent street, (iii) there is ample nearby public parking at the Lincoln Avenue Parking Lot, (iv) Applicant will not hold weekly or quarterly agent meetings in the Lease Premises, and (v) Applicant's hours of operation will be modified to avoid periods of heavy parking demand on Monday and Tuesday mornings; and

WHEREAS, subject to the terms and conditions of this Ordinance, the proposed special use conforms to the applicable regulations of Village Ordinances, in that Applicant proposes to bring the Lease Premises into full Code compliance, including making fire and life safety system upgrades; and

WHEREAS, subject to the terms and conditions of this Ordinance, the proposed special use will encourage, facilitate and enhance the continuity, concentration and pedestrian nature of the area in a manner similar to that of retail uses of a comparison shopping nature, in that, unlike the currently vacant Lease Premises, the proposed real estate office will generate foot traffic from agents and clients and the proposed hours of operation are consistent with the nature of the other businesses in the area; and

WHEREAS, subject to the terms and conditions of this Ordinance, the proposed special use will enhance the neighborhood and will not interrupt or negatively impact the concentration of existing and potential nearby retail uses of a comparison shopping nature in that: (i) the proposed special use will convert a vacant space into one that will bring employees and clients to the area, and (ii) Applicant will from time to time display art work and hold art shows that will generate foot traffic and enhance the vibrancy of the area, provide potential customers for the surrounding retail sites and offer a visual presence on Lincoln Avenue; and

WHEREAS, subject to the terms and conditions of this Ordinance, and as demonstrated in the proposed layout of the Lease Premises, the Applicant's use of the window display area will be similar in nature and compatible with that provided by retail uses of a comparison shopping nature in the immediate vicinity; and

WHEREAS, because the proposed special use will not change the appearance of the immediate vicinity, it is consistent with the *Winnetka 2020* objective to "ensure that commercial, institutional, and residential development is appropriate to the character of and minimizes the adverse impact on its surrounding neighborhood;" and

ATTACHMENT A

WHEREAS, because of its minimal intensity and the pre-existing infrastructure, the proposed special use is consistent with the *Winnetka 2020* objectives to: (a) “limit commercial, institutional and residential development within the Village to minimize potentially adverse impacts on adjacent residential neighborhoods and to prevent the need for significant increases in infrastructure and other community resources,” (b) “ensure that development proposals minimize the potential adverse impact they might have on residential neighborhoods, including the impact on pedestrian character, on-site parking, traffic patterns, congestion, open space, storm water management and Village infrastructure,” (c) “ensure that new development does not decrease the public parking supply, particularly on-street parking that supports retail use,” and (d) “maintain the essential quality, viability and attractiveness of Winnetka’s business districts while encouraging new economic development consistent with the character of the Village and the individual business districts;” and

WHEREAS, the proposed special use is consistent with the *Winnetka 2020* goals to: (a) “provide for a wide range of office/service and retail commercial land uses and development within the existing business districts in the Corridor,” and (b) “promote a strong community identity and opportunities to interact while building a healthy commercial tax base and provide a broad range of goods and services so that Winnetka residents can satisfy most of their ordinary shopping requirements in the Village and so that non-residents will come to the Village for specialty goods and services;” and

WHEREAS, based on all of the foregoing, and subject to the terms and conditions of this Ordinance, the proposed special use satisfies both the general standards for special uses set forth in Section 17.56.120 of the Winnetka Zoning Ordinance and the additional standards of Section 17.44.020 (B)(2)(b) that apply to requests for office uses within the C-2 Retail Overlay District.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Winnetka, as follows:

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

SECTION 2: Pursuant to Section 17.56.120 and Section 17.44.020(B)(2) of the Winnetka Zoning Ordinance, a special use permit is hereby granted to the Subject Property, commonly known as 565 Lincoln Avenue, Winnetka, Illinois, and located in the C-2 General Retail Commercial Overlay Zoning District provided in Chapter 17.44 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code, to allow Grafton Holdings LLC, d/b/a CONLON, A Real Estate Company of Chicago (“CONLON”), to use the Lease Premises of the Subject Property as a real estate office, subject to the terms and conditions hereinafter set forth.

SECTION 3: Pursuant to Section 17.56.070(C) of the Winnetka Zoning Ordinance, the special use permit granted by this Ordinance is subject to the following conditions:

A. The hours of business shall be limited as follows:

1. The business shall not open before 11:00 a.m. on Monday and Tuesday.
2. The business shall not open before 10:00 a.m. on Saturday and Sunday.
3. All other hours of operation shall be as represented and agreed by CONLON’s representatives in the course of the proceedings on the application for special use, as recited in the preamble to this Ordinance.

ATTACHMENT A

B. CONLON’s agents and employees shall park in off-street parking between the hours of 9:00 a.m. to 5:00 p.m., either in designated spots on the Subject Property or in designated employee parking areas of the Lincoln Avenue or East Elm Street Parking Lots. CONLON shall be responsible for purchasing a sufficient number of parking permits to enable its agents and employees to park in the employee parking areas of the foregoing parking lots.

C. All of the foregoing conditions and restrictions may be modified or revised from time to time by the Village Council, either at the request of CONLON or upon initiation by the Village, subject to the special use procedures set out in Chapter 17.56 of the Zoning Ordinance, including public notice and hearing.

D. Violation of any stipulation, condition or restriction imposed in this Section 3 shall be deemed a violation of (a) the provisions and regulations of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code, and (b) of the special use granted by this Ordinance.

SECTION 4: This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 5: This Ordinance shall take effect immediately upon its passage, approval and publication as provided by law.

PASSED this 21st day of January, 2014, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this 21st day of January, 2014.

Signed:

Village President

Countersigned:

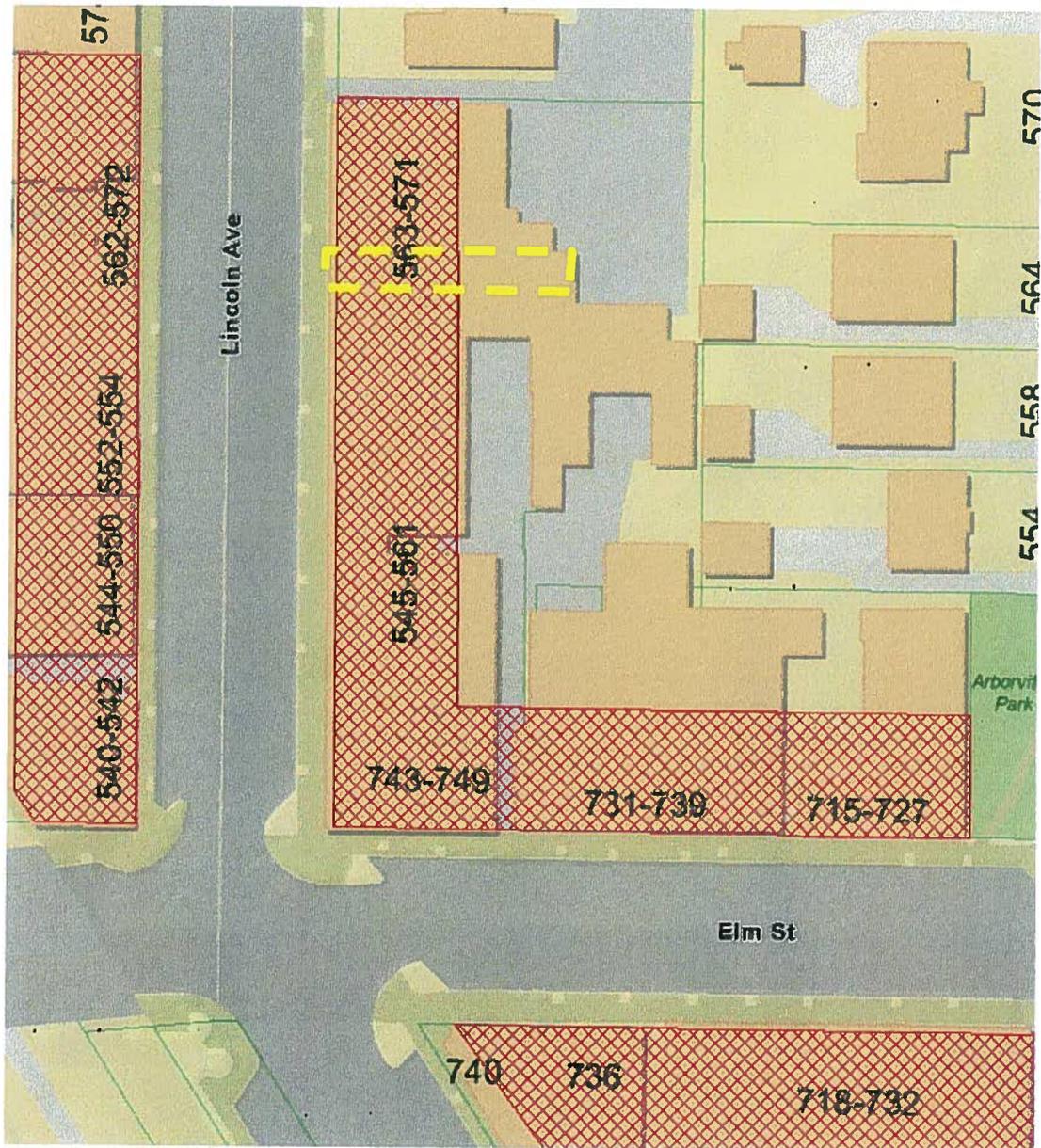
Village Clerk

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this ____ day of _____ 2014.

Introduced: January 7, 2014

Passed and Approved:

565 Lincoln Avenue



Legend



SUBJECT SITE: 565 Lincoln Avenue



Retail Overlay District





Agenda Item Executive Summary

Title: R-2-2014 - Approval and Release of Executive Session Minutes - Adopt

Presenter: Katherine S. Janega, Village Attorney

Agenda Date: 01/21/2014

- Ordinance
- Resolution
- Bid Authorization/Award
- Policy Direction
- Informational Only

Consent: YES NO

Item History:

Semi-annual review of executive session minutes, pursuant to Section 2.06(d) of the Illinois Open Meetings Act. (5 ILCS 120/2.06(d))

Executive Summary:

Pursuant to Section 2.06(a) of the Illinois Open Meetings Act, the Winnetka Village Council maintains minutes of all of its meetings, whether open or closed to the public, and makes an audio recording of all of its closed (executive session) meetings. Pursuant to Section 2(c)(21) of the Act, executive session minutes are reviewed in closed session, but are then approved by a vote taken in an open session meeting. Twice a year, pursuant to Section 2.06(d) of the Act, the Village Council considers a resolution that approves executive session minutes and determines which sets of those minutes no longer require confidential treatment and are to be made available for public review.

Resolution R-2-2014 contains the Village Council's semi-annual report of its review of executive session minutes, with Section 2 publicly stating the Council's approval of those minutes. Section 3 of the Resolution contains the Council's determination of which minutes still require confidential treatment, including the two executive sessions held since the July, 2013, review of executive session minutes. Section 4 authorizes the release of all other executive session minutes.

Section 5 of Resolution R-2-2014 directs that audio recordings of executive sessions held before July 21, 2012, be destroyed. This destruction is authorized by Section 2.06(c) of the Act, which allows executive session recordings to be destroyed after 18 months, provided minutes of those recorded meetings have been approved. Finally, Section 6 of the Resolution confirms that the audio recordings of executive sessions are not available to the public.

Recommendation / Suggested Action:

Consider adopting Resolution R-2-2014, which approves minutes of executive session meetings, determines which minutes still require confidential treatment, and authorizes the destruction of audio recordings of executive sessions held on or before July 21, 2012.

Attachments:

Resolution R-2-2014 - A Resolution Pertaining to the Approval and Release of Executive Session Minutes and Authorizing the Destruction of Verbatim Recordings of Closed Sessions of the Winnetka Village Council

**A RESOLUTION
PERTAINING TO THE APPROVAL AND RELEASE
OF EXECUTIVE SESSION MINUTES
AND
AUTHORIZING THE DESTRUCTION OF VERBATIM RECORDINGS
OF CLOSED SESSIONS OF THE WINNETKA VILLAGE COUNCIL**

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Council of the Village of Winnetka (the “Village Council”) is a public body subject to the requirements of the Illinois Open Meetings Act (5 ILCS 120/1, *et seq.*); and

WHEREAS, from time to time, as permitted by Section 2(c) of the Open Meetings Act, the Village Council has held meetings or portions of meetings that are closed to the public (“Closed Sessions”), including two Closed Sessions held between July 1, 2013 and January 1, 2014; and

WHEREAS, as required by Section 2.06(a) of the Open Meetings Act, the Village Council makes a verbatim audio recording of all Closed Sessions; and

WHEREAS, Section 2.06(d) of the Open Meetings Act requires the Village Council to periodically determine and report whether the need for confidentiality still exists as to the minutes of such Closed Sessions; and

WHEREAS, the Village Council has examined the minutes of the Closed Sessions held prior to January 1, 2014, and has determined that, with the exception of the Closed Sessions held on the dates set forth in Section 3 of this Resolution, the minutes of all Closed Sessions held prior to January 1, 2014, no longer require confidential treatment and should be made available for public inspection; and

WHEREAS, pursuant to Section 2.06(c) of the Open Meetings Act, the Village may destroy the verbatim record of Closed Sessions without notification to or the approval of a Records Commission or the State Archivist, as long as more than eighteen (18) months have passed since the completion of the recorded Closed Sessions, and the Village Council has approved the destruction of the Closed Session recordings and has also approved the written minutes of such Closed Sessions; and

WHEREAS, the Winnetka Village Council has approved written minutes for each of the Closed Sessions listed or referred to in Sections 2 through 5 of this Resolution; and

WHEREAS, at least eighteen (18) months have passed since the completion of the Closed Sessions listed in Section 5 of this Resolution; and

WHEREAS, as provided in Section 2.06 of the Open Meetings Act, the Village Council finds and determines that no recordings of the Closed Sessions shall be made available to the public, and that all verbatim recordings of Closed Sessions shall be destroyed as soon as such destruction is permitted under Section 2.06 of the Open Meetings Act, regardless of whether the minutes of such Closed Sessions have been made available to the public.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Winnetka as follows:

SECTION 1: The foregoing recitals are hereby incorporated as the findings of the Council of the Village of Winnetka (“Village Council”), as if fully set forth herein.

SECTION 2: The Village Council hereby publicly discloses its approval of minutes of all Closed Sessions held between July 1, 2013 and January 1, 2014.

SECTION 3: The Village Council finds and determines that a need for confidentiality still exists as to the minutes of the following Closed Sessions:

July 5, 2011	April 10, 2012
July 19, 2011	April 17, 2012
September 13, 2011	April 24, 2012
September 20, 2011	June 12, 2012
November 8, 2011	October 16, 2012
November 15, 2011	November 8, 2012
January 17, 2012	January 15, 2013
February 7, 2012	March 5, 2013
February 14, 2012	March 19, 2013
March 8, 2012	June 4, 2013
March 13, 2012	September 3, 2013
March 20, 2012	October 8, 2013

SECTION 4: With the exception of the Closed Sessions held on the dates listed in the preceding Section, the minutes of all Closed Sessions held before January 1, 2014, no longer require confidential treatment and should be made available for public inspection.

SECTION 5: The Council of the Village of Winnetka hereby orders the destruction of the verbatim audio recordings of all Closed Sessions held on or before July 21, 2012.

SECTION 6: Notwithstanding the approval of minutes of Closed Sessions, and notwithstanding the release for public disclosure of the minutes of certain Closed Sessions, nothing in this Resolution shall be construed either (a) as a determination that any of the verbatim recordings of Closed Sessions no longer require confidential treatment, or (b) as the consent of the Village Council to the disclosure of such verbatim recordings.

SECTION 7: This Resolution shall take effect immediately upon its adoption.

ADOPTED this 21st day of January, 2014, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk



Agenda Item Executive Summary

Title: Annual Outdoor Seating Permits and Sidewalk Restaurant Liquor Licenses

Presenter: Katherine S. Janega, Village Attorney

Agenda Date: 01/21/2014

Consent: YES NO

- | | |
|--------------------------|-------------------------|
| <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | Bid Authorization/Award |
| <input type="checkbox"/> | Policy Direction |
| <input type="checkbox"/> | Informational Only |

Item History:

Annual authorization of outdoor seating permits and licenses:

- Commercial use of Village sidewalks (Village Code Section 12.04.070)
- Sidewalk Restaurant Liquor License Riders (Village Code Section 5.09.100(M))

Executive Summary:

The Village Code requires Village Council permission for businesses to operate on public sidewalks. A liquor license rider is also required to serve liquor on public sidewalks. (No permit or liquor license rider is necessary if the outdoor area is on private property.) Because of limited space on sidewalks, applicants must provide a proposed drawing for approval by the Public Works Department. A certificate of insurance naming the Village as an additional insured is also required, to protect the Village against potential liability.

Twelve restaurants and one retail business had sidewalk seating permits in 2013. Six of the 12 restaurants also had Sidewalk Liquor License Riders to allow the service of alcoholic beverages at the sidewalk restaurants. Because the Village Manager is now authorized to allow outdoor seating and service to begin earlier in the year if weather permits, Staff is seeking early, conditional approval of the same sidewalk seating permits and sidewalk liquor rider licenses for the same businesses for 2014, subject to the the Village's receipt and approval of all required documentation.

Recommendation / Suggested Action:

1. Approve outdoor seating permits for the same 13 businesses as in 2013, subject to the receipt, review and approval of the individual applicants' documentation by Village staff.
2. Authorize the issuance of Sidewalk Restaurant Liquor License Riders to the same six restaurants as in 2013, subject to the receipt, review and approval of the individual applicants' documentation by Village staff.

Attachments:

Agenda Report
Attachment 1 - Table of Sidewalk Seating and Liquor License Rider Applicants

AGENDA REPORT

SUBJECT: Annual Outdoor Seating Permits and Sidewalk Restaurant Liquor License Riders

PREPARED BY: Katherine S. Janega, Village Attorney

DATE: January 15, 2014

Permit and License Requirements. Section 12.04.070 of the Village Code prohibits the use of public sidewalks for business operations without the prior approval of the Village Council. In addition, Section 5.09.100(M) of the liquor license regulations provides for restaurants with liquor licenses to obtain a sidewalk restaurant rider license that authorizes the service of beer and wine at tables set out on public sidewalks.

Timing of Outdoor Seating Approvals. The Village Code provides for sidewalk seating and service to run from April 1st through November 30th and, in prior years, the outdoor seating permits were placed on the Council's agenda for consideration in March, to coincide with the issuance of renewed liquor licenses, which also became effective on April 1st.

However, the Code amendments that implement the change to the calendar-based fiscal year also authorized the Village Manager to allow outdoor seating and service to begin before April 1st and to extend past November 30th if weather permits. Therefore, although sidewalk seating permit applications are still being processed, and the liquor license renewal process is just beginning, staff is presenting outdoor seating and liquor service for early consideration so that permit and license processing won't delay outdoor seating and service should there be an early spell of warm weather.

There are two other noteworthy points pertaining to liquor license renewals. First, the licensing process for this year will complete the transition to the calendar year cycle, in that the licenses issued last year run through March 31st of this year, and the licenses that will become effective this year will run through December 31st of this year. Second, as explained at the January 14th Study Session, Staff is in the process of implementing a more streamlined liquor license renewal process. While this has caused a slight delay in issuing renewal notices, it should expedite the renewal process for both the licensees and Village staff, since the renewal applications will now focus on updating information on insurance, ownership, management, operation and premises, and will no longer require submitting an application that duplicates information already on file.

2014 Outdoor Seating and Service Twelve restaurants and one retail business held outdoor seating permits in 2013. Six of those restaurants also had sidewalk liquor rider licenses in 2013. (See Attachment 1) No other new or existing businesses have inquired about sidewalk seating.

To protect the Village against liability that might arise from having partially obstructed sidewalks, businesses that use the Village's sidewalks must submit proposed layout sketches for approval by the Director of Public Works and must also provide a certificate of insurance showing at least \$2,000,000 general aggregate liability, with the Village as an additional named insured. Staff also works with the businesses throughout the outdoor seating season to assure the safe passage of pedestrians on the Village's sidewalks.

Because the permit and license process is still in its initial stages, Staff is requesting conditional approval of the same sidewalk seating permits and sidewalk liquor license riders for the same businesses that received approval last year. No permits or licenses would actually be issued to any applicant unless and until all of the required documentation has been submitted, reviewed and accepted by Village staff in the ordinary course of business.

Recommendation:

- 1) Consider approval of the 2014 Outdoor Seating Permits for each of the businesses listed in Attachment 1, subject to the receipt, review and approval of the individual applicants' documentation by Village staff.
- 2) Consider approval of Sidewalk Restaurant Liquor License Riders for Café Aroma, D's Haute Dogs, Jerry's at Corner Cooks, Little Ricky's, Mirani's and Winnetka Wine Shop, subject to the issuance of the underlying general liquor license.

Attachment 1

Sidewalk Seating and Liquor License Rider Applications

Name	Address	Sidewalk		Liquor
		Restaurant	Other	
Café Aroma	749 Elm	X		X
Caffe Buon Giorno	566 Chestnut	X		–
D’s Haute Dogs	551 Lincoln	X		X
Corner Cooks/Jerry’s	505 Chestnut	X		X
Little Ricky’s	540 Lincoln	X		X
Mirani’s	727 Elm	X		X
Once Upon a Bagel	1050 Gage	X		–
Panera	940 Green Bay	X		–
Peet’s Coffee (Caribou)	817 Elm	X		–
Starbucks Coffee	566 Chestnut	X		–
True Juice	542 Chestnut	X		–
Winnetka Wine Shop	726 Elm	X		X
Noah’s Ark	831 Elm		X	–



Agenda Item Executive Summary

Title: Parkway Tree Trimming, Removal, and Maintenance Contract Extension

Presenter: Steven M. Saunders, Director of Public Works/Village Engineer

Agenda Date: 01/21/2014

Consent: YES NO

<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	Bid Authorization/Award
<input type="checkbox"/>	Policy Direction
<input type="checkbox"/>	Informational Only

Item History:

March 19, 2013 Council Meeting

Executive Summary:

On March 19, 2013, pursuant to a competitive bidding process, the Village awarded a contract to Nels Johnson Tree Experts ("Johnson") for parkway tree trimming, removal, and maintenance. Johnson has provided excellent services for the Village on this contract. The bidding documents allowed for an extension of the contract, at current contract prices, based on the mutual consent of both parties. Johnson has requested renewal of the contract for 2014.

The FY 2014 Budget contains \$160,000 for parkway tree maintenance, trimming, and removal.

Recommendation / Suggested Action:

Consider extending the 2013 tree trimming and maintenance contract at the 2013 unit rates for 2014, with Nels Johnson Tree Experts.

Attachments:

1. Nels Johnson Tree Experts Contract Extension Request



912 Pitner Avenue • Evanston, IL 60202 • ph: 847.475.1877 • fx: 847.475.0037 • nelsjohnsontree.com

December 12, 2013

Mr. Jim Stier
 Village of Winnetka
 Public Works
 1390 Willow Road
 Winnetka, IL 60093

Dear Jim:

Nels J. Johnson Tree Experts, Inc. would like to renew the parkway tree maintenance and parkway tree and stump removal contracts for 2014 at the current prices as outlined below:

CONTRACTS	0" – 6"	7" – 12"	13" – 24"	25" – 36"	>37"
Removal	\$4.00	\$8.00	\$9.50	\$15.00	\$22.00
(Stumps)	(\$2.00)	(\$2.00)	(\$2.00)	(\$2.00)	(\$2.00)
Trimming	\$7.00	\$17.00	\$33.00	\$58.00	\$68.00

Time & Material (hourly)	
Crewleader	\$60.00
Trimmer	\$50.00
Groundman	\$40.00
Aerial Truck	\$75.00
Log/Loader Truck	\$40.00
Chipper Truck	\$40.00
Stumper	\$10.00
Pick-up Truck/Other	n/c

We look forward to working in the Village of Winnetka. Thank you.

Sincerely,

Nels J. Johnson Tree Experts, Inc.



Erik N. Johnson
 Vice President

ENJ/cz



Agenda Item Executive Summary

Title: Ordinance M-2-2014: Property Tax Abatement, Series 2014 GO Bonds- Intro

Presenter: Ed McKee, Finance Director

Agenda Date: 01/21/2014

Consent: YES NO

<input checked="" type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Bid Authorization/Award
<input type="checkbox"/>	Policy Direction
<input type="checkbox"/>	Informational Only

Item History:

On December 3, 2013, the Council abated the 2013 tax for the Series 2013 GO Bonds. At the same meeting, the Council adopted Ordinance M-16-2013, which issued the Series 2014 General Obligation Stormwater Improvement Bond in the amount of \$7.5 million, and intended to abate the 2013 tax for those bonds after finalizing the sale in January.

Executive Summary:

The Village has issued general obligation debt for various purposes, with each bond ordinance levying property tax to pay the debt service for each year the bonds are outstanding. It has been the practice of the Village to abate the tax levy for certain outstanding debt if that was the intent of the Council originally issuing the bonds.

It was the intent of the Council to abate the property tax levy related to both the Series 2013 and Series 2014 GO Stormwater Improvement Bonds, and to collect the monies necessary to repay these two obligations from a stormwater utility fee that will become effective July 1, 2014.

Ordinance M-23-2013, adopted on December 3, 2013, abated the 2013 property tax levy for the Series 2013. Because the Village did not close on the 2014 bonds until January 7, 2014, the abatement was postponed until this time. Ordinance M-2-2014 abates the \$324,010.56 tax levy for 2013 related to the Series 2014 GO Stormwater Improvement Bonds. There are adequate reserves on hand to allow for this abatement.

Recommendation / Suggested Action:

Introduce Ordinance M-2-2014, abating the 2013 property taxes levied for payment of debt service to be paid in 2014 on the Series 2014 GO Bonds.

Attachments:

1) Ordinance M-2-2014: Property Tax Abatement, Series 2014 GO Bonds

**AN ORDINANCE
ABATING THE TAX HERETOFORE LEVIED
FOR THE YEAR 2013
TO PAY THE PRINCIPAL OF AND INTEREST ON
\$7,500,000 GENERAL OBLIGATION BONDS, SERIES 2014,
OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS**

WHEREAS, the Village of Winnetka (“Village”) is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and, pursuant thereto, has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the government and affairs of the Village, including the power to tax; and

WHEREAS, the Council of the Village of Winnetka, Cook County, Illinois (the “Village Council”), by Ordinance Number M-16-2013, adopted on the 3rd day of December, 2013 (the “Ordinance”), did provide for the issue of \$7,500,000 General Obligation Bonds, Series 2014 (the “Bonds”), for the financing of certain improvements to the stormwater system of the Village and for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Bonds; and

WHEREAS, the Village has deposited sufficient funds in the appropriate fund pursuant to the Ordinance, for the purpose of paying the principal of and interest on the Bonds up to and including December 15, 2014; and

WHEREAS, it is necessary and in the best interests of the Village that the tax heretofore levied for the year 2013 to pay the principal of and interest on the Bonds be abated.

NOW, THEREFORE, be it ordained by the President and Board of Trustees of the Village of Winnetka, as follows:

SECTION 1: Abatement of Tax. The tax heretofore levied for the year 2013 of Three Hundred Twenty-Four Thousand and Ten Dollars and Fifty-Six Cents (\$324,010.56) in Ordinance Number M-16-2013 to pay the principal of and interest on \$7,500,000 General Obligation Bonds, Series 2014, of the Village of Winnetka, Cook County, Illinois, is hereby abated in its entirety.

SECTION 2: Filing of Ordinance. Forthwith upon the adoption of this Ordinance, the Village Clerk shall file a certified copy hereof with the County Clerk of the County of Cook, Illinois, and it shall be the duty of said County Clerk to abate said tax levied for the year 2013 in accordance with the provisions hereof.

SECTION 3: Home Rule. This Ordinance is adopted by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

[Remainder of this page intentionally left blank.]

SECTION 4: Effective Date. This Ordinance shall be in full force and effect from and its passage, approval, and posting as provided by law.

PASSED this ___ day of _____, 2014, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ___ day of _____, 2014.

Signed:

Village President

Countersigned:

Village Clerk

[Seal]

Published by authority of the
President and Board of Trustees
of the Village of Winnetka,
Illinois, this ___ day of
_____, 2014.

Introduced: January 21, 2014

Passed and Approved:



Agenda Item Executive Summary

Title: Resolution R-1-2014: Preliminary Approval of the Proposed Consolidation of 988 and 992 Oak Street

Presenter: Michael D'Onofrio, Director of Community Development

Agenda Date: 01/21/2014

Consent: YES NO

<input type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	Resolution
<input type="checkbox"/>	Bid Authorization/Award
<input type="checkbox"/>	Policy Direction
<input type="checkbox"/>	Informational Only

Item History:

No previous action.

Executive Summary:

The owner of 988 Oak St. and 992 Oak St. is seeking approval of a resubdivision which would consolidate two (2) adjacent lots measuring 50 ft. x 187 ft. into a single lot measuring 100 ft. in width and 18,700 s.f. in area. The east lot is improved with a single family residence where the applicant resides. The adjacent lot to the west is a separate buildable lot which has been vacant land since 2010.

Pending approval of the requested subdivision, the increased lot area would facilitate a proposed addition to the existing residence. Submitted in conjunction with the application for subdivision is a development plan for the consolidated single lot, which proposes a 1½ story addition, a covered wood pergola at the rear of the residence, and an additional driveway off Locust St. In addition to the resubdivision application, the applicant submitted a variation application to permit the nonconforming side yard that would result from the consolidation as well as a variation to exceed the maximum permitted gross floor area (GFA). The plans have since been revised to exclude the GFA variation.

The Plan Commission (PC) considered the resubdivision at its November 20, 2013 meeting. The PC's vote was unanimous to recommend approval of the preliminary subdivision, subject to inclusion of a restrictive covenant which would require the lots to revert to the original "two 50-ft. lots" configuration if the existing house is demolished in the future.

The Zoning Board of Appeals (ZBA) considered the variation application at its December 9, 2013 meeting. The five members present voted unanimously to approve the side yard variation. However, the GFA variation did not receive a favorable recommendation. The five members present voted 3 to 2 to recommend denial of the GFA variation. As noted previously, the plans for the proposed addition were revised after the meeting to comply with the maximum permitted GFA.

Recommendation / Suggested Action:

- 1) Consider adoption of Resolution R-1-2014, which would grant preliminary approval of the proposed consolidation of 988 and 992 Oak Street; OR
- 2) Consider denying the application for consolidation and move to reject the recommendation of the Plan Commission.

Attachments:

Agenda Report
Attachment A: Zoning Matrix
Attachment B: Resolution R-1-2014
Attachment C: Site Map
Attachment D: Zoning Map
Attachment E: Subdivision Application
Attachment F: Variation Application
Attachment G: Existing Site Plan
Attachment H: Proposed Site Plan and Building Plans
Attachment I: Neighborhood Petition
Attachment J: Plan Commission (Draft) Minutes
Attachment K: Zoning Board of Appeals Minutes

AGENDA REPORT

TO: Village Council

PREPARED BY: Michael D'Onofrio, Director of Community Development

SUBJECT: Resolution R-1-2014: Preliminary approval of the proposed consolidation of 988 Oak St. and 992 Oak St. into a single lot.

DATE: January 9, 2014

Introduction

The owner of 988 Oak St. and 992 Oak St. is seeking approval of a resubdivision which would consolidate two (2) adjacent lots measuring 50 ft. x 187 ft. into a single lot measuring 100 ft. in width and 18,700 s.f. in area. The east lot is improved with a single family residence where the applicant resides. The adjacent lot to the west is a separate buildable lot which has been vacant land since 2010.

The applicant purchased the residence at 988 Oak in 2000 shortly after the home's construction. In 2009 the applicant acquired the adjacent residence at 992 Oak and subsequently demolished the single story home in 2010 for the purpose of providing additional yard space adjacent to their residence.

Pending approval of the requested subdivision, the increased lot area would facilitate a proposed addition to the existing residence. Submitted in conjunction with the application for subdivision is a development plan for the consolidated single lot, which proposes a 1½ story addition, a covered wood pergola at the rear of the residence, and an additional driveway off Locust St.

In addition to the resubdivision application, the applicant submitted a variation application to permit the nonconforming side yard that would result from the consolidation as well as a variation to exceed the maximum permitted gross floor area (GFA). As discussed in more detail later in this report, the plans have since been revised to exclude the GFA variation.

Property Location

The parcels are located at the southeast corner of Oak and Locust Streets (Attachment C). Both sides of the respective blocks on Oak and Locust Streets are in the R-5 Single-Family Zoning District.

Neighborhood Context

Winnetka's single-family residential areas are zoned into a series of five (5) different zoning classifications, or districts. Each district has unique development standards set out in the zoning ordinance governing maximum building size, building height and setbacks from property lines, based both on historical development patterns as well as the desired scale of future development.

A comparison of the hierarchy of Winnetka's five residential zoning standards is listed in Table 1 on the following page.

Zoning District	Minimum lot size	Minimum lot width	Minimum front setback
R-5	8,400 s.f.	60 ft.	30 ft.
R-4	12,600 s.f.	60 ft.	30 ft.
R-3	16,000 s.f.	75 ft.	40 ft.
R-2	24,000 s.f.	100 ft.	50 ft.
R-1	48,000 s.f.	150 ft.	50 ft.

Table 1

The subject properties are centrally located within the R-5 single-family district (Attachment D). As shown in the table above, the R-5 district allows smaller, narrower lots, while at the same time allowing smaller setbacks from adjoining properties (as small as 6 ft.) and from the street (as little as 30 ft.).

The subject neighborhood was first platted for development in 1888 in the Provident Mutual Land Association Subdivision. That subdivision, together with the adjacent Groveland Subdivision of 1875 platted a twenty-four block area (140+ acres) for development as predominantly 50 ft. wide lots. With a relatively small number of exceptions, lots within this area remain predominantly 50 ft. in width.

Comparison of allowable development scales

With the proposed doubling of lot area, the parcel as proposed would be permitted to be developed more intensively, with respect to the size of the individual home. A comparison of allowable building size is shown below in Table 2.

	Allowable Gross Floor Area	Allowable building footprint
Existing Lot: 9,350 s.f.	3,498 s.f. (each lot)	2,337 s.f. (each lot)
Proposed Lot: 18,700 s.f.	5,807 s.f. (combined single lot)	4,675 s.f. (combined single lot)

Table 2

The resulting allowable gross floor area (GFA) of 5,807 s.f. for the proposed consolidated lot is 2,309 s.f. (66%) larger than that permitted on each of the existing lots, as well as nearly all neighboring lots in the area. Note that the permitted GFA for the lot as consolidated is less than the sum of the maximum GFA permitted for the existing individual lots due to the “sliding scale” GFA formula which exists for larger lots such as the proposed consolidated lot.

Demolition of 992 Oak St.

Prior to demolition of 992 Oak the applicant consulted with Village staff regarding procedural requirements for the short term objective of providing additional yard space. In addition, a review of longer term options and related procedures was outlined. Longer term options included either (a) selling the vacant lot for development of an additional home, or (b) as is now being requested, a request to consolidate for purposes of constructing an addition to the 988 Oak residence.

The large majority of demolition activity in the Village is associated with new construction that follows shortly thereafter. However, Village zoning and development regulations also allow demolition to occur without new construction to follow.

Over a period of approximately 12-15 years, there have been approximately 10 demolitions which have occurred with the lot remaining as vacant buildable lots. In such instances the property owner is required to develop a grading and site restoration plan which is intended to assure that the property neither collects water, nor sheds water onto adjoining parcels. Such plans are required to incorporate landscaping to stabilize the site against erosion and maintain an appropriate appearance.

Under the zoning ordinance, a vacant lot retains its legal status as a separate buildable lot so long as the owner continues to observe the established boundaries by not extending any physical improvements onto the vacant lot.

Proposed Consolidated Lot and Development Plan

The proposed consolidated lot would be 100 ft. wide and 187 ft. deep (18,700 s.f.). As depicted in the proposed development plans, a proposed addition of 613 s.f. will increase the 988 Oak residence from 5,168 square feet to 5,781 s.f. Based on current zoning standards, an additional 25 s.f. of GFA could be added in the future, without requiring any zoning relief.

It should be noted that the existing residence at 988 Oak is considered legal nonconforming with respect to gross floor area (GFA), with an existing GFA of 5,168 s.f. whereas the maximum permitted GFA for the existing 50 ft. wide lot is 3,498 s.f. At the time the residence was built in 2000 the basement was not included in the GFA and the residence complied with the maximum allowable GFA requirement. However, based on the current zoning regulations the basement is included in the GFA due to the height of the first floor above grade. In 2002 the zoning ordinance was amended to require basements constructed after February 7, 1989 that have a finished first floor more than 2.5 ft. above grade to be included in the GFA. In this case the first floor of the existing residence is 3.58 ft. above grade.

The proposed addition on the first floor (613 s.f.) would consist of an expansion of the existing mudroom, a new family room, and a sun room. A new master closet is proposed on the second floor level of the addition but does not contribute to the net GFA due to the allowance available for areas that do not exceed a half-story. The addition would also have a basement, which would not contribute to the GFA because the elevation of the first floor of the addition would be lowered to exclude the basement area. The initial submittal required a GFA variation because the basement was included in the GFA. However, after consideration by the

Zoning Board of Appeals at their meeting December 9, 2013, the applicant revised the plans to comply with the maximum permitted GFA by reducing the elevation of the first floor above grade by 1.25 ft.

Because the width of the consolidated lot would be 100 ft., the required east side yard setback increases to a minimum of 12 ft. The Zoning Ordinance requires side yard setbacks to be provided in relation to the width of a given lot. Consequently, increasing the lot width from 50 ft. to 100 ft., as proposed, would increase the minimum side yard requirement from 6 ft. to 12 ft. Thus the proposed consolidation would render the existing residence nonconforming, as it would encroach 5.98 ft. in the newly required 12 ft. side yard.

Recommendations of Advisory Boards

The Plan Commission (PC) considered the resubdivision at its meeting November 20, 2013 (Attachment J). The PC's vote was unanimous to recommend approval of the preliminary subdivision, subject to inclusion of a restrictive covenant which would require the lots to revert to the original "two 50-ft. lots" configuration if the existing house is demolished in the future.

The Zoning Board of Appeals (ZBA) considered the variation application at its meeting December 9, 2013 (Attachment K). The five members present voted unanimously to approve the side yard variation. However, the GFA variation did not receive a favorable recommendation. The five members present voted 3 to 2 to recommend denial of the GFA variation. As noted previously, the plans for the proposed addition were revised after the meeting to comply with the maximum permitted GFA.

Council Consideration and Action

Because the GFA variation was eliminated, the ZBA has jurisdiction to grant the side yard variation. Therefore, it is not necessary for the Council to enact an ordinance. In light of the Plan Commission's favorable recommendation, the attached Resolution R-1-2014 has been drafted to grant the requested consolidation. It should be noted, however, that notwithstanding the ZBA's decision, the Council retains the ultimate discretion to determine whether the consolidation is appropriate and consistent with the character of the immediate neighborhood.

Recommendation

- 1) Consider adoption of Resolution R-1-2014, which would grant preliminary approval of the proposed consolidation of 988 and 992 Oak Street, subject to the restrictive covenant stated in the Resolution; OR
- 2) Consider denying the application for consolidation and move to reject the recommendation of the Plan Commission.

Attachments

- Attachment A: Zoning Matrix
- Attachment B: Resolution R-1-2014
- Attachment C: Site Map

- Attachment D: Zoning Map
- Attachment E: Subdivision Application
- Attachment F: Variation Application
- Attachment G: Existing Site Plan
- Attachment H: Proposed Site Plan and Building Plans
- Attachment I: Neighborhood Petition
- Attachment J: Plan Commission (Draft) Minutes
- Attachment K: Zoning Board of Appeals Minutes

Attachment A

ZONING MATRIX
(Revised 01.09.2014)

ADDRESS: 988 Oak St.
CASE NO: 13-20-V2
ZONING: R-5

ITEM	REQUIREMENT	EXISTING	PROPOSED	TOTAL	STATUS
Min. Lot Size	8,900 SF	9,350 SF (1)	18,698 SF	N/A	OK
Min. Average Lot Width	70 FT	50 FT (2)	100 FT	N/A	OK
Max. Roofed Lot Coverage	4,674.5 SF (3)	2,264.14 SF	613.64 SF	2,877.78 SF	OK
Max. Gross Floor Area	5,806.84 SF (3)	5,167.6 SF (2)	613.64 SF	5,781.24 SF	OK
Max. Impermeable Lot Coverage	9,349 SF (3)	4,747.87 SF (2)	(221.33) SF	4,526.54 SF	OK
Min. Front Yard (Oak)	30 FT	39.82 FT	N/A	N/A	OK
Min. Corner (Front) Yard (Locust)	28 FT	N/A	37.25 FT	N/A	OK
Min. Side Yard (East)	12 FT	6.02 FT	6.02 FT	N/A	5.98 FT (49.83%) VARIATION
Min. Rear Yard (South)	25 FT	84.02 FT	82.42 FT	N/A	OK

NOTES:

- (1) Area of the current 988 Oak lot. 992 Oak is also 9,350 s.f. in lot area.
- (2) Existing nonconforming on the current 988 Oak lot.
- (3) Permitted s.f. based on proposed lot area of 18,698 s.f.

ATTACHMENT B

RESOLUTION NO. R-1-2014

**A RESOLUTION
GRANTING PRELIMINARY APPROVAL
OF THE PROPOSED CONSOLIDATION OF
988 and 992 Oak Street**

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with article VII, Section 6 of the constitution of the State of Illinois of 1970, pursuant to which it has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the government and affairs of the Village; and

WHEREAS, the Council of the Village of Winnetka (“Village Council”) finds that establishing standards for the use and development of lands and buildings within the Village and establishing and applying criteria for the subdivision and consolidation of property, and for granting variations from zoning regulations, are matters pertaining to the affairs of the Village; and

WHEREAS, the property commonly known as 988 Oak Street, Winnetka, Illinois (“Parcel 1”), is legally described as follows:

Lot 7 in Block 7 in the Provident Mutual Land Association’s Subdivision of Blocks 7 to 12, 28 to 33, 54 to 79 all inclusive in the Village of Winnetka being a subdivision of the West Half of the Northeast Quarter of Section 20, Township 42 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois; and

WHEREAS, the property commonly known as 992 Oak Street, Winnetka, Illinois (“Parcel 2”), is legally described as follows:

Lot 8 in Block 7 in the Provident Mutual Land Association’s Subdivision of Blocks 7 to 12, 28 to 33, 54 to 79 all inclusive in the Village of Winnetka being a subdivision of the West Half of the Northeast Quarter of Section 20, Township 42 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois; and

WHEREAS, Parcels 1 and 2 are adjoining lots of record that are owned by the same persons (“Owners”); and

WHEREAS, Parcel 1 is improved with a two-story, brick single-family residence, with a detached garage in its southwest corner, which were built by the Owners in 2000, after first purchasing Parcel 1 in 1998; and

WHEREAS, in 2009, the Owners purchased Parcel 2, which was improved with a single-family residence that the Owners demolished the following year; and

WHEREAS, the Owners have applied for preliminary approval for the proposed consolidation of Parcels 1 and 2 into a single lot of record, in order to construct an addition to the home on Parcel 1; and

ATTACHMENT B

WHEREAS, in support of their application, Owners have submitted an existing site plan, a proposed site plan and building plans, and a petition signed by 15 residents in the neighborhood, expressing support for the proposed consolidation; and

WHEREAS, the Owners propose to expand the single family residence on Parcel 1 toward the west, by adding a two-story addition that includes a 1½ story addition, a covered wood pergola at the rear of the residence, an additional driveway off Locust to provide access to the garage while retaining the north portion of the driveway, so that it will terminate at the north side of the proposed addition; and

WHEREAS, Parcels 1 and 2 are located on the south side of Oak Street, at the southeast corner of Oak and Locust Streets; and

WHEREAS, Parcels 1 and 2 are located in the R-5 Single-Family Residential Zoning District, in which the minimum lot area is 8,400 square feet and the minimum average lot width is 60 feet; and

WHEREAS, Parcels 1 and 2 are part of a 24-block area of predominantly 50-foot wide lots that were platted in 1875 and that have been developed as platted; and

WHEREAS, Parcels 1 and 2 are rectangular properties of equal size, each being 50 feet wide and 187 feet deep, with a conforming lot area of 9,350 square feet; and

WHEREAS, the proposed consolidation of the Parcels 1 and 2 (collectively, the “Subject Property”) would result in a lot of record that would be 100 feet wide and 187 feet deep, and would have a lot area of 18,700 square feet; and

WHEREAS, the increased lot width resulting from the proposed consolidation would increase the side yard set back requirements and require a minimum east side yard of 12 feet; and

WHEREAS, because the existing residence on Parcel 1 currently observes an east side yard of 6.02 feet, the 12-foot east side yard requirement under the proposed consolidation would create a nonconformity of 5.98 feet; and

WHEREAS, because the proposed subdivision creates the nonconforming 6.02-foot side yard, a nonconformity of 49.83%, the proposed consolidation does not comply with all requirements of the Subdivision Ordinance; and

WHEREAS, the existing residence on Parcel 1 has a legally nonconforming gross floor area, because the height of the existing first floor above grade results in the gross floor area of the basement being included in the total gross floor area calculation for Parcel 1; and

WHEREAS, in the plans and elevations submitted with the subdivision application, Owners proposed to have the first floor level of the addition match the existing first floor level and would result in a nonconforming gross floor area of 6,800.63 square feet, which would exceed the permitted gross floor area by 933.79 square feet; and

WHEREAS, due to the nonconformities that would result from the consolidation as originally proposed, the Owners also filed an application for the following variations from the requirements of the Lot, Space, Bulk and Yard Regulations for Single Family Residential Districts established by Chapter 17.30 of the Zoning Ordinance: (a) a variation from the maximum building size limitations established by Section 17.30.040, to permit the construction of a two-story addition that will result in a gross floor area of 6,800.63 square feet, whereas a maximum of

ATTACHMENT B

5,806.84 square feet is permitted, a variation of 993.79 square feet (17.11%); and (b) a variation from the side yard setback requirements of Section 17.30.060, to allow a nonconforming east side yard setback of 6.02 feet for the existing residence, whereas a minimum of 12 feet is required, a variation of 5.98 feet (49.83%); and

WHEREAS, on November 20, 2013, pursuant to notice, the Plan Commission considered the proposed consolidation and the Owners' proposed development plan for the consolidated Subject Property, and the eight voting members then present voted unanimously to recommend approval of the proposed subdivision, subject to a restrictive covenant that would require the lots to revert to their original configuration if the existing house is demolished in the future; and

WHEREAS, on December 9, 2013, on due notice thereof, the Zoning Board of Appeals conducted a public hearing on the requested variations and made the following recommendations: (a) by the unanimous vote of the five members then present, recommended approval of the side yard setback variation; and (b) by a vote of 3 to 2, recommended that the gross floor area variation be denied; and

WHEREAS, as a result of the Zoning Board of Appeals' negative recommendation, the Owners modified their plans to lower the level of the first floor of the proposed addition, thereby bringing the plans into conformity with the maximum building limitations on Section 17.30.040 of the Zoning Ordinance; and

WHEREAS, due to the withdrawal of the request for a gross floor area variation, the side yard setback variation is within the decision-making authority of the Zoning Board of Appeals, and is therefore deemed to be granted by the Zoning Board of Appeals, subject to the final approval of the proposed consolidation; and

WHEREAS, the proposed consolidation will result in a new zoning lot that exceeds the minimum requirements of the R-5 Single-Family Zoning District, allows for substantially larger buildings than are present in the immediate neighborhood, and has characteristics that are more similar to other zoning districts that have greater setback requirements, in that: (a) the proposed new lot area of 18,700 square feet exceeds the minimum corner lot size of the R-5 Single Family Zoning District by nearly 10,000 square feet, and is more consistent with the 16,800 square foot minimum lot area of the R-3 Single Family Zoning District; and (b) the 100-foot width of the proposed new lot will exceed the minimum corner lot width of the R-5 Single Family Zoning District by 30 feet and will be midway between the minimum corner lot width required in the R-3 and R-2 Single Family Zoning Districts; and

WHEREAS, the proposed consolidated lot will continue to have its front lot line on Oak Street, thereby maintaining the existing block face, and the location of the larger lot on a corner is compatible with the nearby neighborhood, where some other corner lots also exceed the standards of the R-5 Single Family Zoning District; and

WHEREAS, subject to the terms and conditions set forth in this ordinance, the Village Council finds that the proposed consolidation of Parcels 1 and 2 into a single lot of record is appropriate and consistent with the character of the immediate neighborhood, in that it will allow a larger lot on the corner, while assuring that development of the Subject Property remains consistent with the scale of development in the neighborhood.

ATTACHMENT B

NOW, THEREFORE, be it resolved by the Council of the Village of Winnetka as follows:

SECTION 1: The Village Council adopts the foregoing recitals as its findings of facts, as if fully set forth herein.

SECTION 2: Preliminary approval is hereby given to the proposed consolidation of the properties commonly known as 988 Oak Street and 992 Oak Street in the Village of Winnetka, subject to the following conditions:

A. The Owners shall submit revised plans and elevations that reflect the withdrawal of the requested gross floor area variation request and that do not create the need for any further zoning relief other than the side yard setback variation needed to maintain the location of the existing residence.

B. No additional impermeable surfaces, as defined in the Winnetka Zoning Ordinance (including buildings and expansions thereto, other roofed areas, pavements or other impermeable surfaces), shall be constructed or installed on the consolidated lot other than that depicted in the proposed concept plans.

C. The Owners shall submit a complete application for final approval of the proposed consolidation, as provided in Title 16 of the Winnetka Village Code.

D. The final plat of consolidation shall meet all requirements of Title 16 of the Winnetka Village and shall also include (i) declarations of the restrictive covenants described above, in language that is acceptable to the Village Attorney, (ii) the dedication of utility easements in locations to be determined by the Department of Water & Electric and/or Department of Public Works, (iii) any other corrections or modifications required by the Plan Commission.

E. No permits shall be issued for any construction activity related to the proposed building addition unless and until the Council has given its final approval of the plat of consolidation, the final plat of consolidation has been recorded with the Cook County Recorder of Deeds, and complete permit applications for the proposed construction have been submitted, reviewed and found to be in conformity with all applicable ordinances and development regulations of the Village.

SECTION 3: Nothing in this Resolution shall be deemed as granting final approval of the proposed consolidation, as granting any final zoning relief, or as approving or waiving compliance with the requirements of the Title 15 of the Winnetka Village Code.

SECTION 4: The preliminary approval granted herein shall automatically be null and void and of no force or effect if, within 12 months after the adoption of this Resolution, the Owners have not submitted a final plat of consolidation that meets all of the conditions of Section 2 of this Resolution.

[Remainder of this page intentionally left blank.]

ATTACHMENT B

SECTION 5: This Resolution is adopted by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 6: This Resolution shall be in full force and effect immediately upon its adoption.

ADOPTED this ____ day of _____, 2014, by the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Attest:

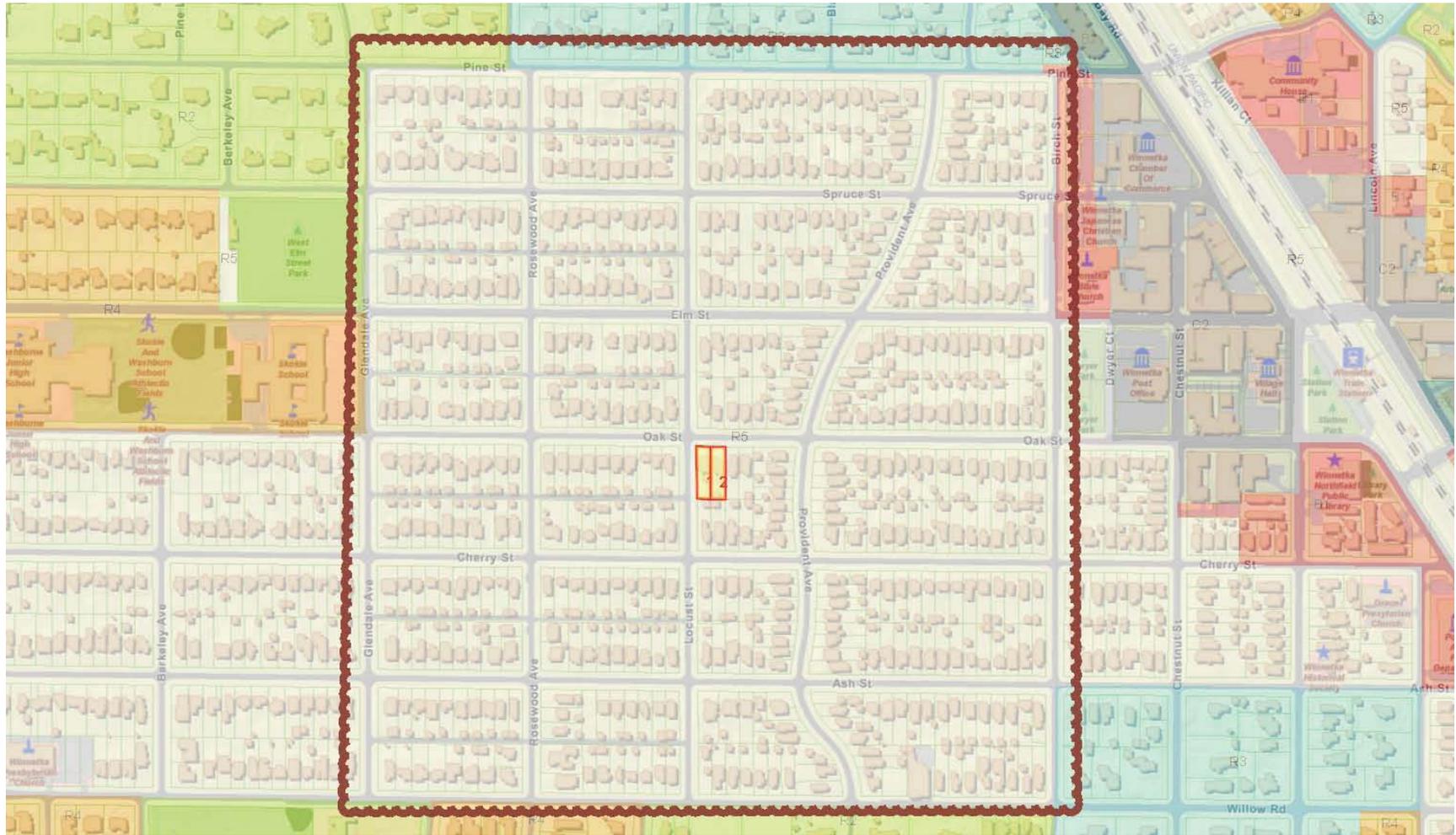
Village Clerk

ATTACHMENT C



Site Map

ATTACHMENT D



Zoning Map

RECEIVED
SEP 10 2013
BY: _____

CASE NO. _____

APPLICATION FOR LAND SUBDIVISION
WINNETKA PLAN COMMISSION

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

IAN LARKIN
988 OAK ST. WINNETKA [REDACTED]

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

CENTRAL SURVEY P. 773-631-5285
6415 N. CALDWELL AVE. CHICAGO, IL. F. 773-775-2071

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

KATHY O'BRIEN - AIRCOOL ARCHITECTS P. 847-763-1100
6825 N. LINCOLN AVE. LINCOLNWOOD, IL. F. 847-763-1110

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

PAUL GERBOSI WISEN & ELLIOTT, LLC
200 W. ADAMS ST. SUITE 2500 CHICAGO, IL.

Date Property Acquired by Owner SEPT. 18, 1998

Note: This application must be accompanied by a written narrative summary of the proposed subdivision together with associated improvements.

Signature: _____



Date: 9/9/13



COVER LETTER

September 9, 2013

Brian Norkus
Assistant Director of
Community Development
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093

RE: 988 Oak Street – Larkin Residence.

Mr. Norkus:

Please accept this letter as a formal application for the meeting on October 14, 2013. Included with this correspondence is the application for the land consolidation and by default requiring a side yard zoning variation. Also included are one 11” x 17” set of existing plans, one 11” x 17” set of proposed building plans, 24 copies of the 24” x 36” resubdivision plats, 24 copies of the 24” x 36” topographic survey, a copy of the homeowner’s quit claim deed in trust, and calculations of the RLC/ GFA/ impermeable surface sheets.

Please consider and take into account the following points in your review:

- The side yard zoning variation is required due to a wider lot after the consolidation and we are not encroaching any further than the surrounding existing side yards. Also, the side yard variation is needed since there is no way to move the existing house and re-center it on the consolidated lots.
- Property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone.
- The homeowners purchased the lot beside them to provide their six children a safe place to play and for future home expansion.
- Because the family has six kids they have found the family room and kitchen are not adequate for a family of this size. The children range from 4 to 13 years of age. The family is committed to the community and their church and do not believe they can find another property that can handle a family of this size within the Winnetka boundaries that would allow them to keep their children in the same school district and near their friends.

- The plight of the owner is due to unique circumstance. Such circumstances must be associated with the characteristic of the property in question, rather than being related to the occupants.
- The vacant lot being consolidated is a corner lot. Corner lots have unique limitation on orientation of the home and size because they are on a corner lot. As a result corner lot houses typically do not have a proper backyard and in this current age for young families is not ideal for young families. Typically corner lot houses are slightly smaller because of the setback configurations. The existing corner lot is vacant and not ideal for building a new home. The homeowners do not wish to build a new house on the vacant lot. They feel providing open green space and landscaping is a better use for the property and an addition has far less impact on the environment than a new single family home.
- The homeowner is currently using the lot as an open yard. Currently a house does not exist on the property. The homeowner is looking to legally combine their properties to reflect the use of the property as it exists today.
- The variation will not alter the essential character of the locality.
- The existing lot is vacant and does not have a home on it currently. It is already part of the character of the community as a vacant property that is nicely landscaped.
- An adequate supply of light and air to the adjacent property will not be impaired.
- The lot consolidation will result in a permanent increase in green space and light when compared to a new single family home being built.
- The hazard from fire and other damages to the property will not be increased.
- The lot consolidation will decrease the danger of fire, as a new single family house cannot be built on the property once it is consolidated.
- The taxable value of the land and buildings throughout the Village will not diminish.
- We do not believe this will not have a negative impact on the property values in the area. There is no evidence that larger lots reduce property value. Typically they increase the property's value.



- The congestion in the public street will not increase.
- The congestion on the street will decrease because an additional house with additional residence will not be using the street.
- The public health, safety, comfort, morals and welfare of the inhabitants of the village will not otherwise be impaired.
- The family currently residing in the residence is typical of Winnetka's residents, young professionals with children. Health, safety or moral changes will not be impacted by this change.
- The total FAR of the improved home with the proposed addition will be less than two single family homes and less than a single new home built on the consolidated lot. The current home is restricted in size because the existing basement counts against the total FAR calculation and thereby decreasing the current above grade allowable FAR by 1510 square feet.

Thank you for reviewing our request and please contact me if you have any questions or need any additional information.



Amias Turman

Permits and Zoning

Airoom Architects

6825 N. Lincoln Ave., Lincolnwood, IL 60712

Direct: 847.213.5253

Fax: 847.679.0446

Email: aturman@airoom.com

Main office: 847.763.1100

APPLICATION FOR VARIATION
WINNETKA ZONING BOARD OF APPEALS



Owner Information:

Name: IAN LARKIN
Property Address: 988 OAK STREET WINNETKA
Home and Work Telephone Number: [REDACTED]
Fax and E-mail: [REDACTED]

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

KATHY O'BRIEN - AIROOM ARCHITECTS
6825 N. LINCOLN AVE LINCOLNWOOD, IL. 60712
P. 847-763-1100 F. 847-763-1110

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

PAUL GLEZBOSI DISCEN & ELLIOTT LLC
400 W. ADAMS ST. SUITE 2500
CHICAGO, IL.

Date Property Acquired by Owner: 9-18-98

Nature of Any Restrictions on Property: THE CURRENT HOUSE HAS THE FAR RESTRICTED
UNDER THE CURRENT GUIDELINES DUE TO THE HEIGHT OF THE BASEMENT.

Explanation of Variation Requested: PLEASE SEE THE ATTACHED COVER SHEET
WE ARE APPLYING FOR A SIDE YARD VARIATION
FOR TWO CONSOLIDATED LOTS

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:  Date: 9-9-13

(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.



Attachment H

Boundary & Topographic Survey Central Survey, LLC 6415 N. Caldwell Ave., Chicago, Illinois 60631
 Phone: (773) 631-5285 www.Centralsurvey.com Fax: (773) 631-5285

Legal Description
 Lots 7 and 8 in Block 7 in Provident Mutual Land Association's Subdivision of Blocks 7 to 12, 28 to 33, 54 to 59, all in a Subdivision of the West 1/2 of the Northeast 1/4 of Section 20, Township 42 North, Range 13 East of the Third Principal Meridian, Cook County, Illinois
 Commonly Known as: 988 Oak St., Winnetka, Illinois
 Area of Land Described: 18,698 Sq. Ft.

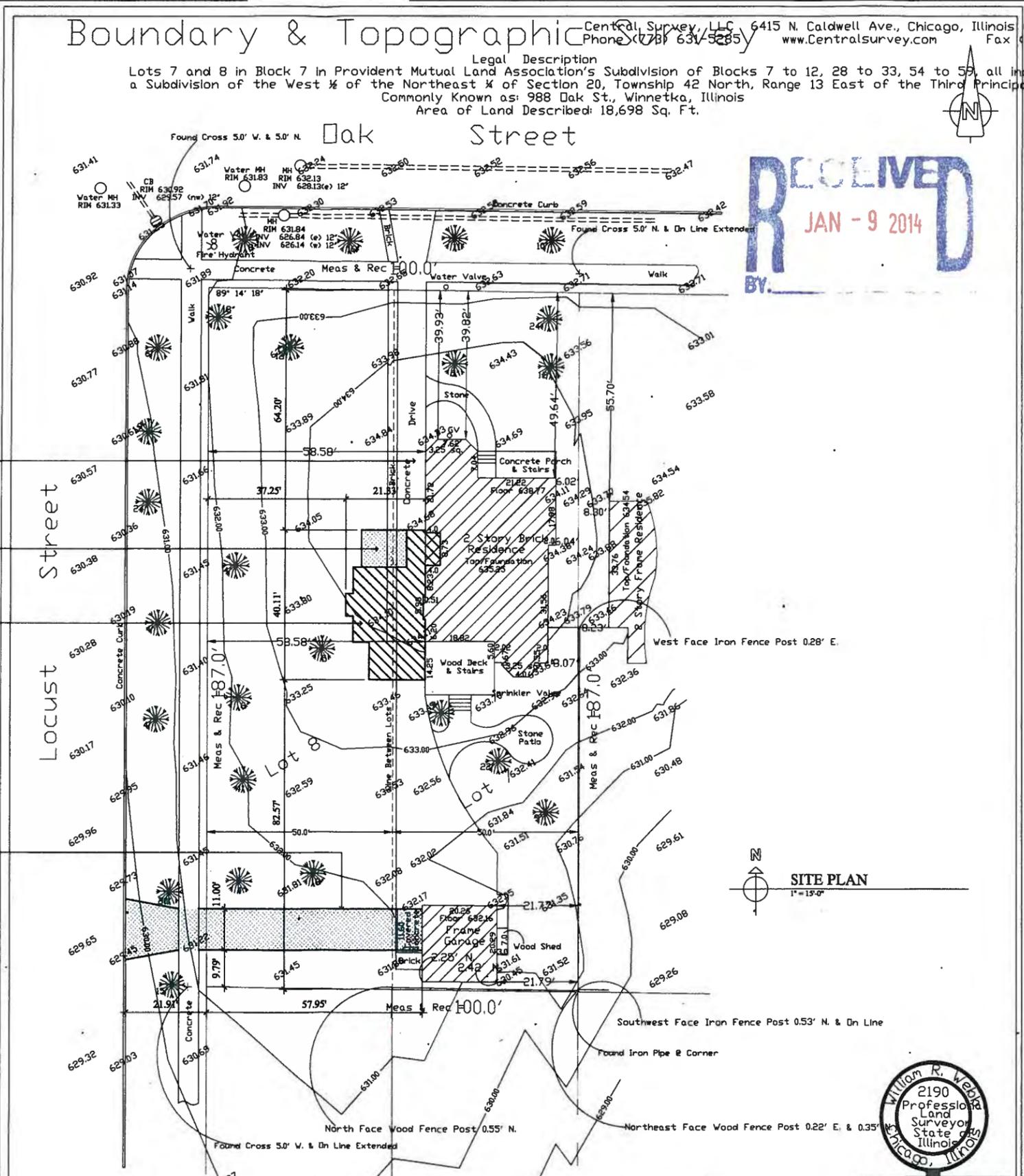


EX. CONCRETE DRIVEWAY TO REMAIN UP TO ADDITION

AREA OF PROPOSED COVERED PORCH

AREA OF PROPOSED ADDITION

AREA OF PROPOSED DRIVEWAY



1/8" = 1/8" Decimal/Inch Conversions

1.01'	=	1/40.08"
1.02'	=	1/40.08"
1.03'	=	3/80.17"
1.04'	=	1/20.25"
1.05'	=	5/80.33"
1.06'	=	3/40.42"
1.07'	=	7/80.50"

Legend
 N. = North
 S. = South
 E. = East

State of Illinois)
 County of Cook) S.S.
 Central Survey LLC does hereby certify that an on the ground the land shown hereon was performed on August 22, 2013 and that the is a correct representation of said survey. When bearings are shown



AIRROOM
 ARCHITECTS & BUILDERS
 SINCE 1958
 Airoom Architects Corp.
 6825 N. Lincoln Avenue
 Lincolnwood, Illinois 60712
 Phone: (847) 763-1100 Fax: (847) 679-0446
 Website: www.airoom.com
 Email: info@airoom.com

ISSUES & REVISIONS:

ISSUE DATES	DESCRIPTION
09/20/2013	EXISTING CONDITIONS (BCD)
---	ISSUED FOR PERMIT
---	- PERMIT REVISION #1
---	- PERMIT REVISION #2
---	ISSUED FOR POC
---	ISSUED FOR READY
---	ISSUED FOR PRE-START REVIEW
---	ISSUED FOR CONSTRUCTION

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APPROVALS:

PLACE APPROPRIATE STAMP HERE.

DATE THE BUYER HAS REVIEWED THE AIRROOM ARCHITECTS & BUILDERS DOCUMENTS AND AIRROOM ARCHITECTS & BUILDERS CONSTRUCTION SPECIFICATION DOCUMENT.

DATE THE BUYER UNDERSTANDS AND AGREES TO THE TERMS, CONDITIONS AND RELATIONS CONTAINED WITHIN THE AIRROOM ARCHITECTS & BUILDERS DOCUMENTS AND APPROVES THE CONSTRUCTION NOTED.

BUYER	DATE
BUYER	DATE
ARCHITECT REPRESENTATIVE	DATE

PROJECT INFORMATION

LARKIN IAN & NORA

988 OAK ST.
 WINNETKA, IL
 60093

HOME: (874) 441-5004
 CELL: (312) 961-2893 IAN
 CELL (312) 560-8827 NORA

PROJECT CONTACT / FIRM NAME

PROJECT MANAGER: **MARV WARNER**

PROJECT ARCHITECT: **BRIAN R. MAITE**

PROJECT DEVELOPMENT MANAGER: **KLEIN / KELLY**

PROJECT NO:

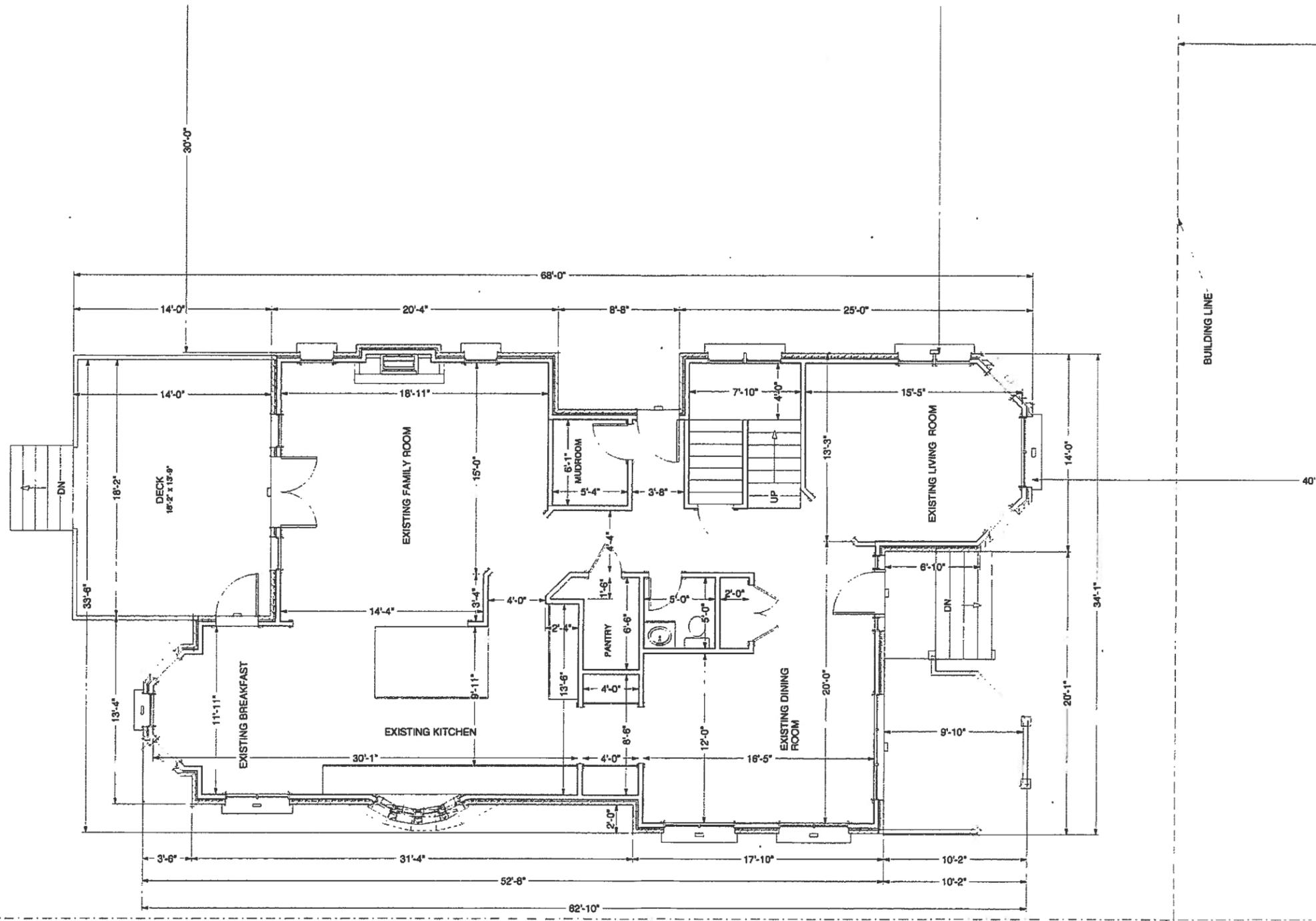
130182

SHEET TITLE:

SITE PLAN

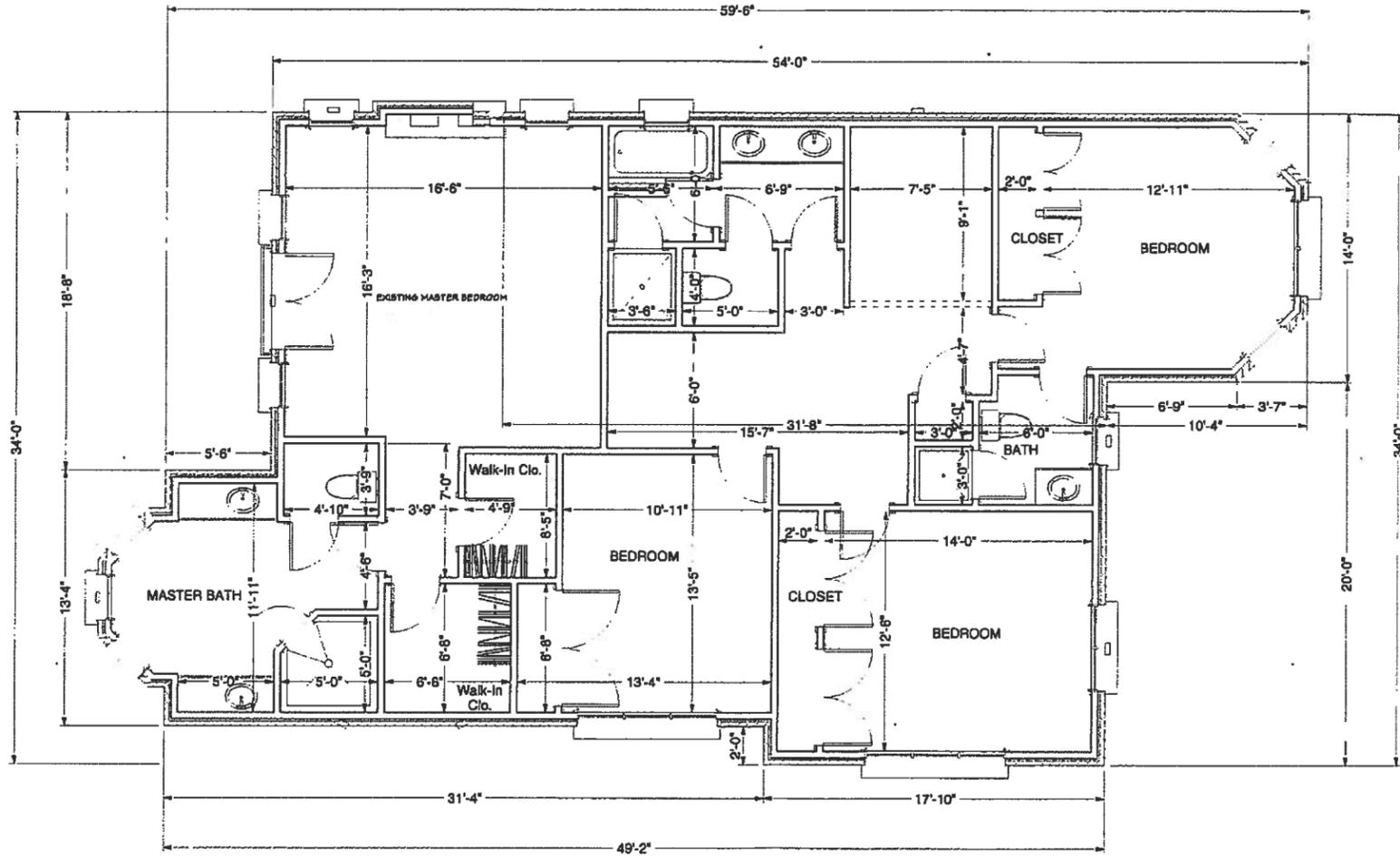
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CAD FILE NAME	LARKIN - CURRENT.DWG
DATE	8/22/13
BY	C-1

3
 OF 15



EXISTING FIRST FLOOR
 SCALE: 1/8" = 1'-0"

 ARCHITECTS - BUILDERS - REMODELERS CELEBRATING 55 YEARS 6825 N. LINCOLN AVENUE LINCOLNWOOD, IL 60712
LARKIN RESIDENCE 988 OAK STREET WINNETKA, IL 60093
DATE: 9/9/2013 10/31/2013



EXISTING SECOND FLOOR

SCALE: 1/8" = 1'-0"

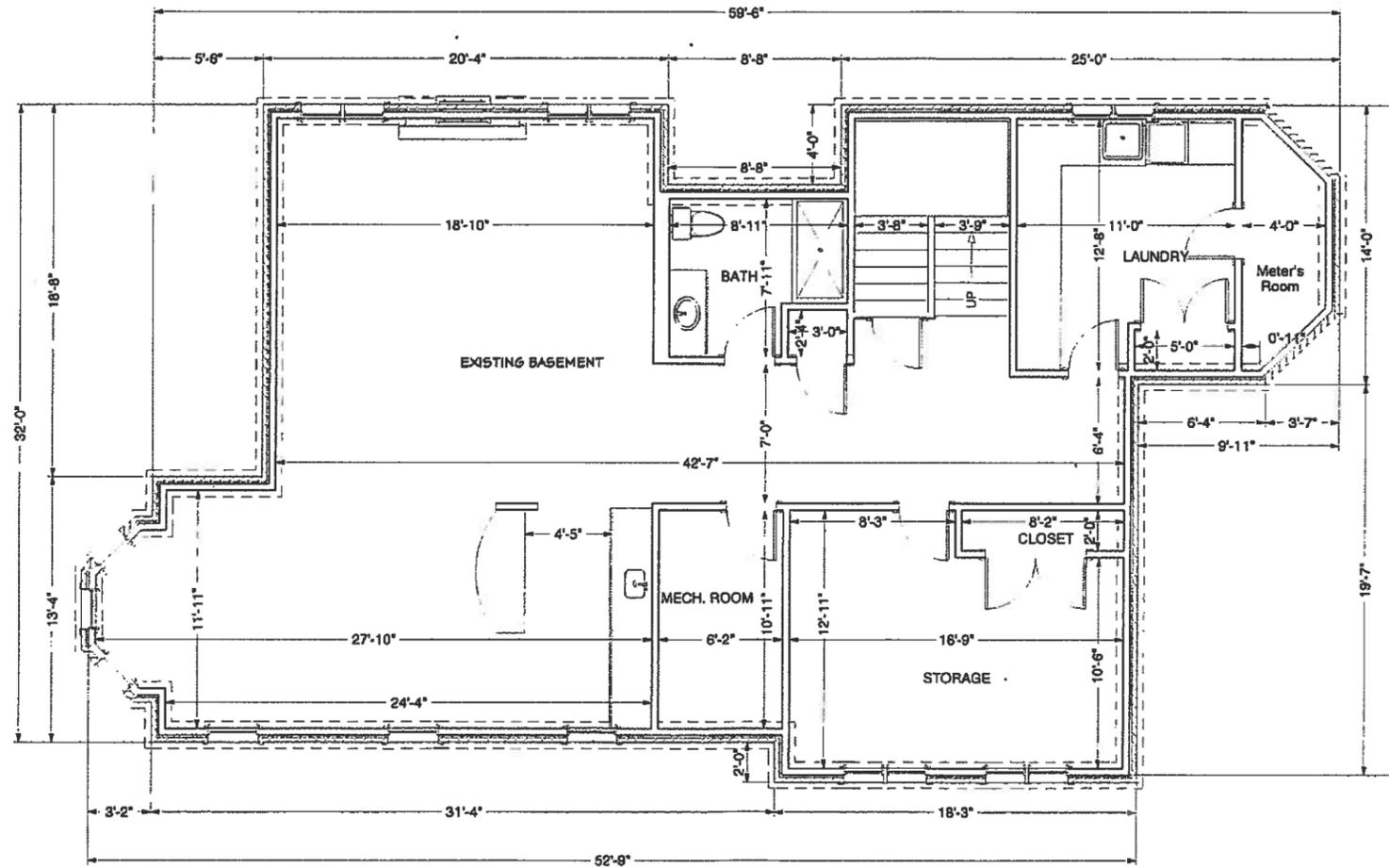
AIRROOM 55
 ARCHITECTS - BUILDERS - REMODELERS
 CELEBRATING 55 YEARS
 6825 N. LINCOLN AVENUE
 LINCOLNWOOD, IL 60712

LARKIN RESIDENCE

988 OAK STREET
 WINNETKA, IL 60093

DATE: 9/9/2013

10/31/2013



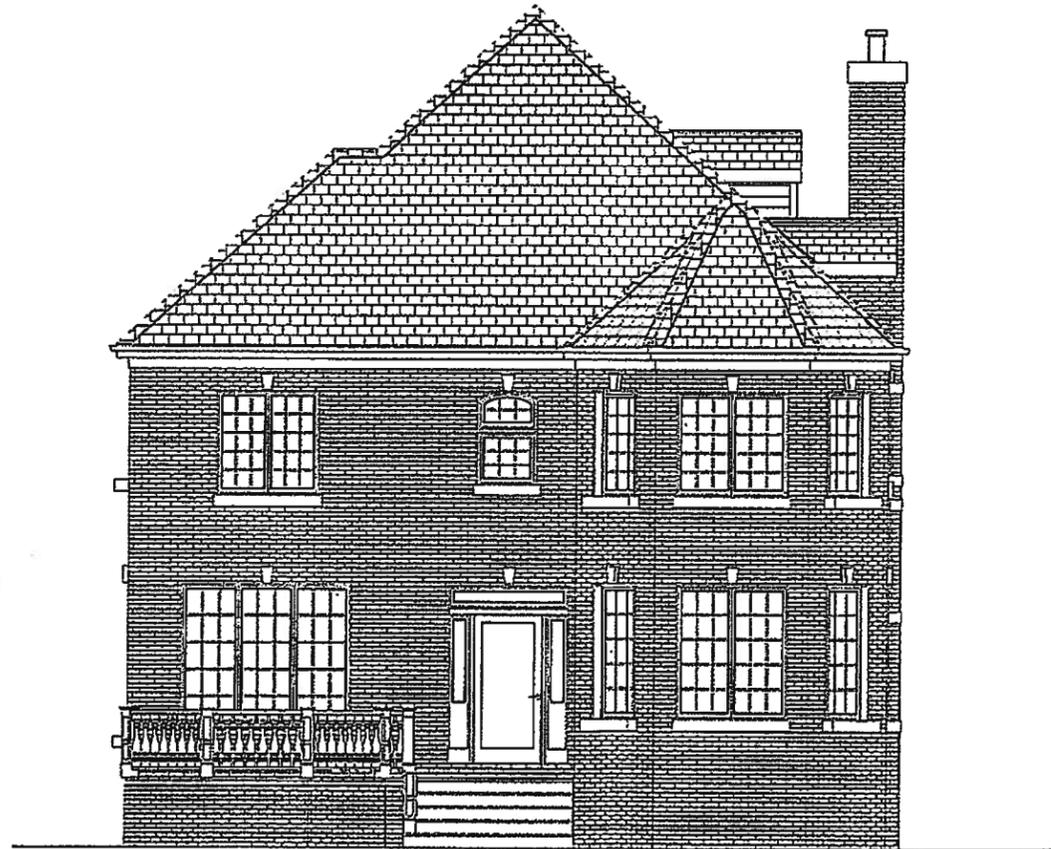
EXISTING BASMENT

SCALE: 1/8" = 1'-0"

AIRROOM 55
 ARCHITECTS - BUILDERS - REMODELERS
 CELEBRATING 55 YEARS
 6825 N. LINCOLN AVENUE
 LINCOLNWOOD, IL 60712

LARKIN RESIDENCE
 988 OAK STREET
 WINNETKA, IL 60093

DATE: 9/9/2013
 10/31/2013



EXISTING NORTH ELEVATION

SCALE: 1/8" = 1'-0"

AIRROOM 55
ARCHITECTS - BUILDERS - REMODELERS
— CELEBRATING 55 YEARS —
6825 N. LINCOLN AVENUE
LINCOLNWOOD, IL 60712

LARKIN RESIDENCE

988 OAK STREET
WINNETKA, IL 60093

DATE: 9/9/2013
10/31/2013



EXISTING WEST ELEVATION

SCALE: 1/8" = 1'-0"

AIRROOM 55
ARCHITECTS - BUILDERS - REMODELERS
— CELEBRATING 55 YEARS —
6825 N. LINCOLN AVENUE
LINCOLNWOOD, IL 60712

LARKIN RESIDENCE

988 OAK STREET
WINNETKA, IL 60093

DATE: 9/9/2013

10/31/2013



EXISTING SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

AIRROOM 55
ARCHITECTS - BUILDERS - REMODELERS
— CELEBRATING 55 YEARS —
6825 N. LINCOLN AVENUE
LINCOLNWOOD, IL 60712

LARKIN RESIDENCE

988 OAK STREET
WINNETKA, IL 60093

DATE: 9/9/2013
10/31/2013



EXISTING EAST ELEVATION

SCALE: 1/8" = 1'-0"

AIRROOM 55
ARCHITECTS - BUILDERS - REMODELERS
— CELEBRATING 55 YEARS —
6825 N. LINCOLN AVENUE
LINCOLNWOOD, IL 60712

LARKIN RESIDENCE

988 OAK STREET
WINNETKA, IL 60093

DATE: 9/9/2013
10/31/2013

ISSUES & REVISIONS :

ISSUE DATES	DESCRIPTION
09/20/2013	EXISTING CONDITIONS (ECD)
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-/-/-	PERMIT REVISION #1
-/-/-	PERMIT REVISION #2
-/-/-	ISSUED FOR PCC
-/-/-	ISSUED FOR READY
-/-/-	ISSUED FOR PRE-START REVIEW
-/-/-	ISSUED FOR CONSTRUCTION

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BUYER _____ DATE _____

BUYER _____ DATE _____

AIROOM REPRESENTATIVE _____ DATE _____

PROJECT INFORMATION:

LARKIN
IAN & NORA

988 OAK ST.
 WINNETKA, IL.
 60093

HOME: (874) 441-5004
 CELL: (312) 961-2893 IAN
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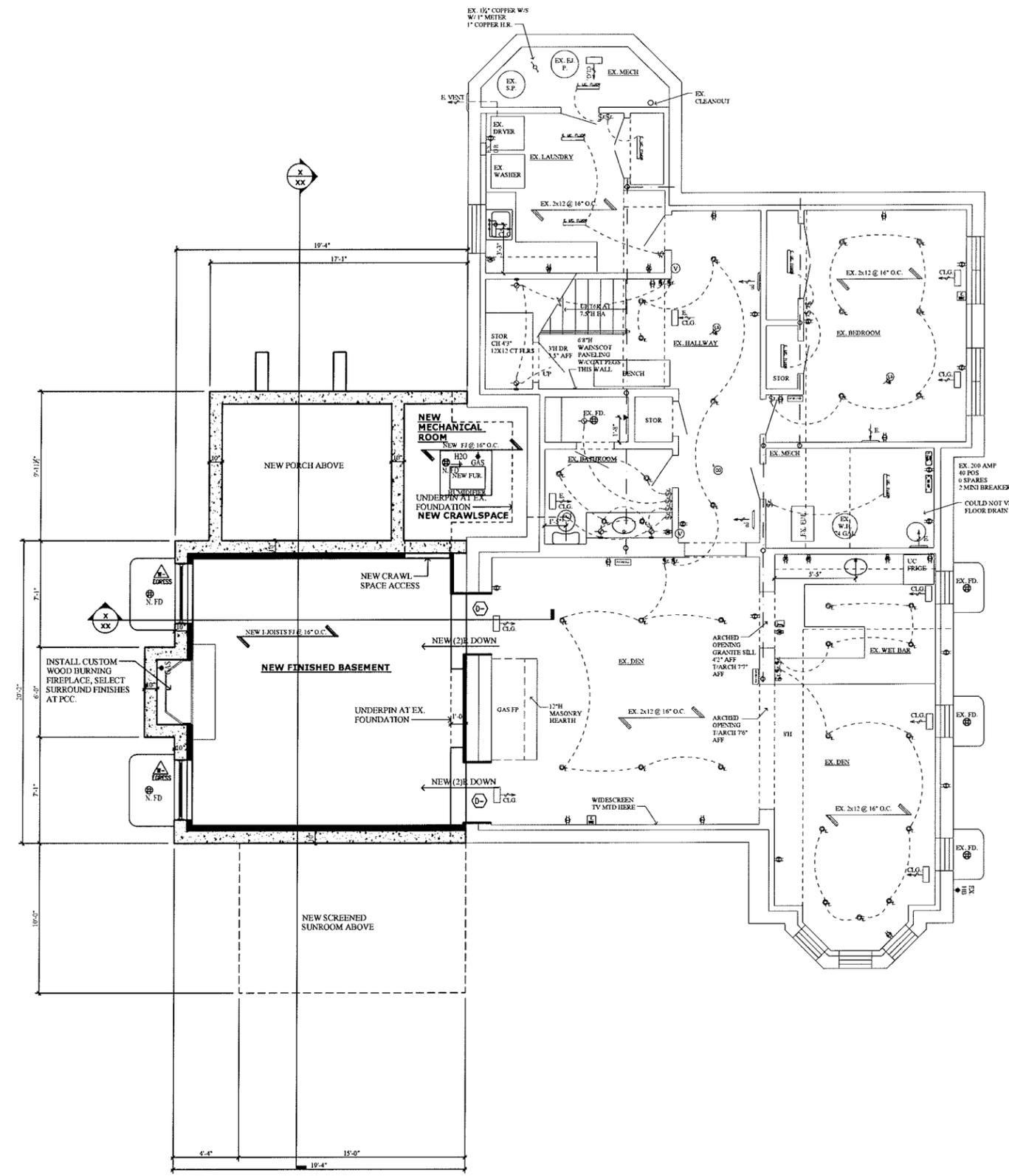
PROJECT CONTACT: PRC NAME
 PROJECT MANAGER: **MARV WARNER**
 PROJECT ARCHITECT: **BRIAN R. MAITE**
 PROJECT DEVELOPMENT MANAGER (PM): **KLEIN / KELLY**

PROJECT NO:
130182

SHEET TITLE:
NEW BASEMENT FLOOR PLAN

SHEET & FILE INFO:
 CAD LAYOUT: [RText, QText]
 CAD FILE NAME: [RTEXT, QTEXT]
 AFD REFERENCE: C-L
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6
 OF 29



1 NEW BASEMENT FLOOR PLAN
 1/4"=1'

ISSUES & REVISIONS	
ISSUE DATES	DESCRIPTION
09/20/2013	EXISTING CONDITIONS (ECD)
-/-/-	ISSUED FOR PERMIT
-/-/-	PERMIT REVISION #1
-/-/-	PERMIT REVISION #2
-/-/-	ISSUED FOR PCC
-/-/-	ISSUED FOR READY
-/-/-	ISSUED FOR PRE-START REVIEW
-/-/-	ISSUED FOR CONSTRUCTION

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AIROOM REPRESENTATIVE _____ DATE _____

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IAN & NORA

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 WINNETKA, IL.
 60093

HOME: (874) 441-5004
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 CELL (312) 560-8827 NORA

PROJECT CONTACT - POC NAME
 PROJECT MANAGER: **MARV WARNER**

PROJECT ARCHITECT:
BRIAN R. MAITE

PROJECT DEVELOPMENT MANAGER (PDM):
KLEIN / KELLY

PROJECT NO.:
130182

SHEET TITLE:
NEW FIRST FLOOR PLAN

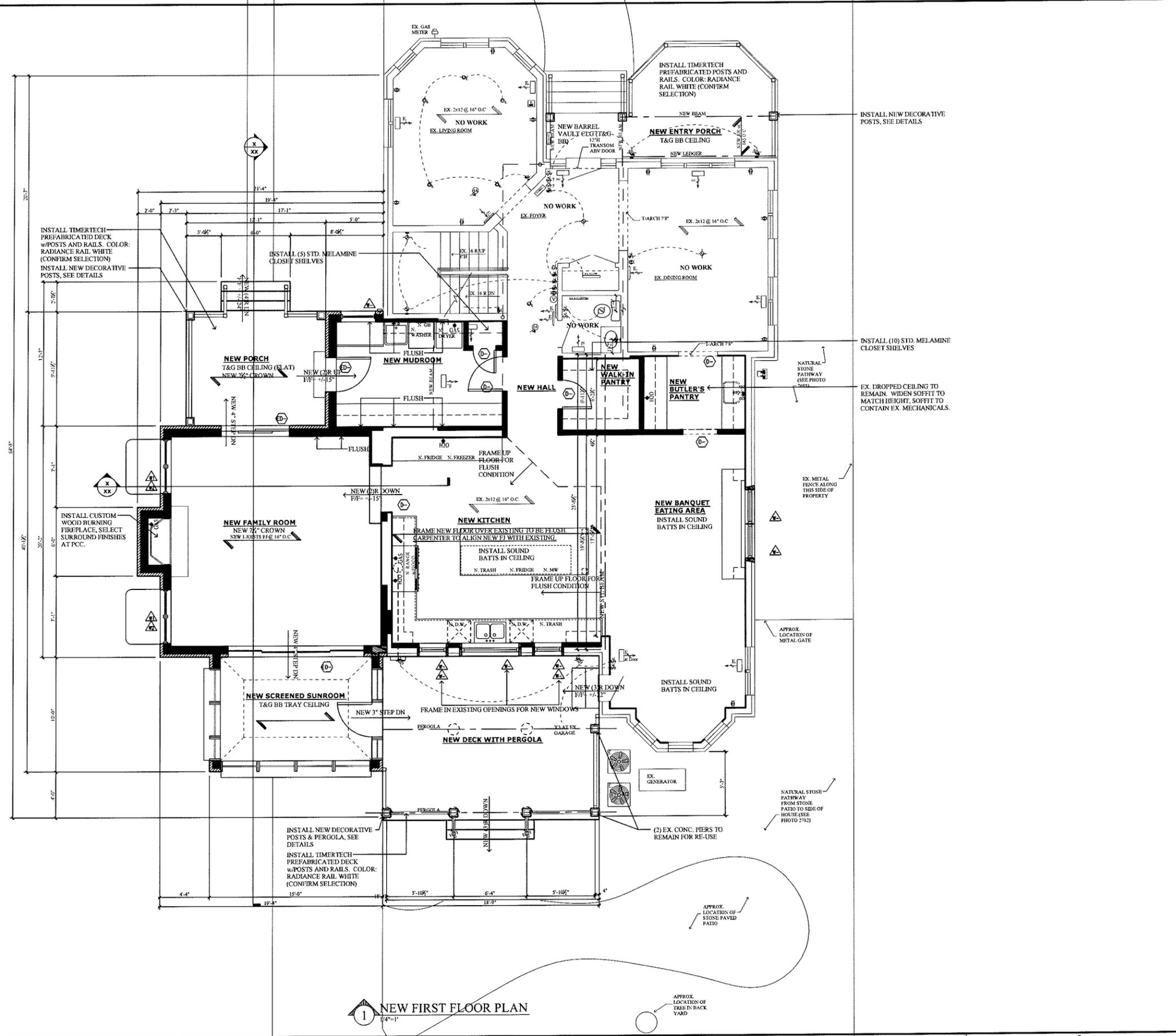
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CAD FILE NAME:
R|Text (R|Text)

AFD REFERENCE:
C - L

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8
 OF **29**



1 NEW FIRST FLOOR PLAN
 1/4"=1'

ISSUES & REVISIONS :	
ISSUE DATES	DESCRIPTION
09/20/2013	EXISTING CONDITIONS (ECD)
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-/-/-	- PERMIT REVISION #1
-/-/-	- PERMIT REVISION #2
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-/-/-	ISSUED FOR CONSTRUCTION

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BUYER _____ DATE _____

BUYER _____ DATE _____

AIROOM REPRESENTATIVE _____ DATE _____

PROJECT INFORMATION:

LARKIN
IAN & NORA

988 OAK ST.
 WINNETKA, IL.
 60093

HOME: (874) 441-5004
 CELL: (312) 961-2893 IAN
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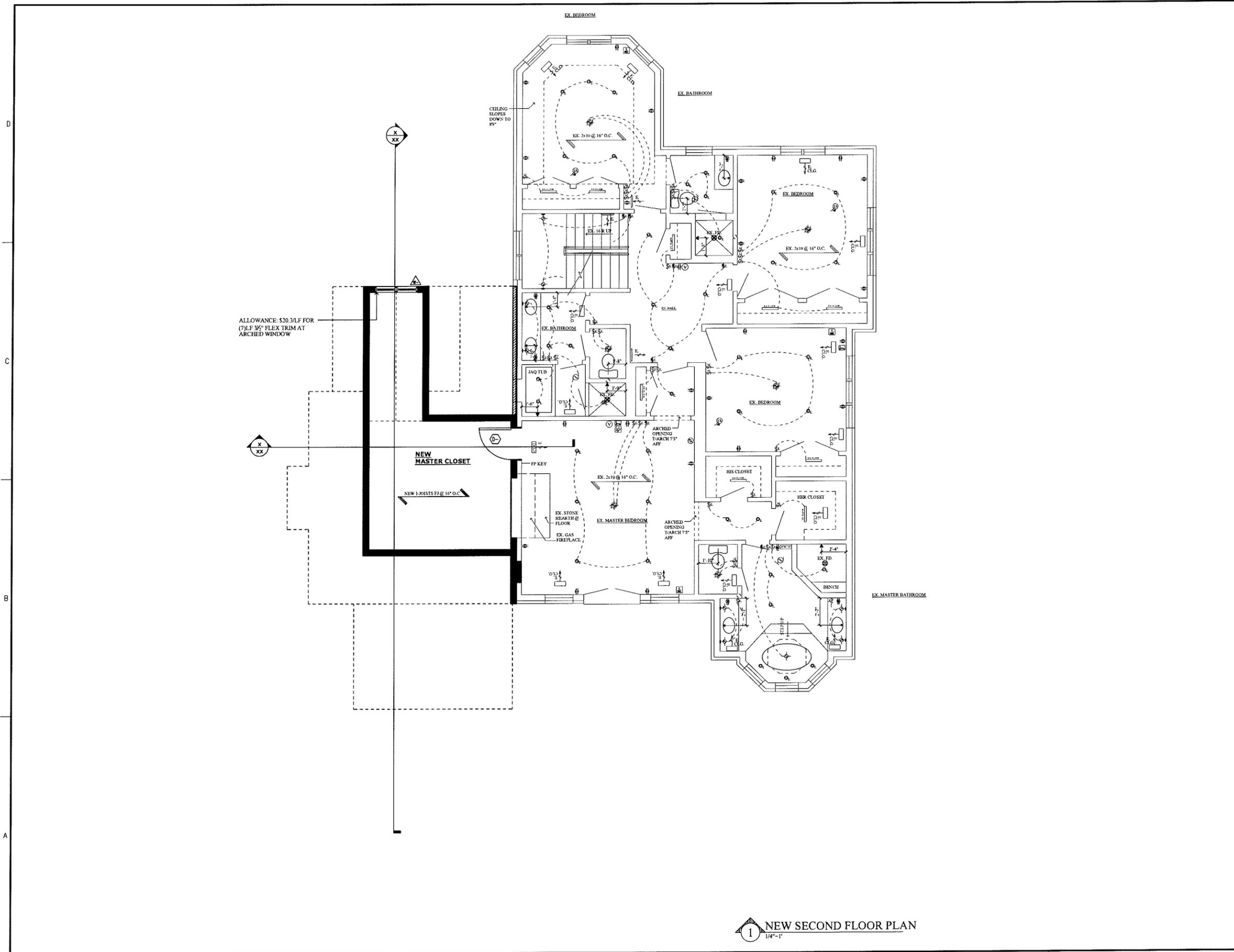
PROJECT CONTACT: POC NAME
 PROJECT MANAGER: **MARV WARNER**
 PROJECT ARCHITECT: **BRIAN R. MAITE**
 PROJECT DEVELOPMENT MANAGER (PDM): **KLEIN / KELLY**

PROJECT NO:
130182

SHEET TITLE:
NEW SECOND FLOOR PLAN

SHEET & FILE INFO:
 CAD LAYOUT: **RText (RText1)**
 CAD FILE NAME: **PROJECT INTEREST**
 AFD REFERENCE: **C-L**

10
 OF **29**



1 NEW SECOND FLOOR PLAN
 1/4"=1'

ISSUE DATES	DESCRIPTION
09/20/2013	EXISTING CONDITIONS (ECD)
-/-/-	ISSUED FOR PERMIT
-/-/-	PERMIT REVISION #1
-/-/-	PERMIT REVISION #2
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BUYER	DATE
BUYER	DATE
AIROOM REPRESENTATIVE	DATE

PROJECT INFORMATION:

LARKIN IAN & NORA

988 OAK ST.
 WINNETKA, IL.
 60093

HOME: (874) 441-5004
 CELL: (312) 961-2893 IAN
 CELL (312) 560-8827 NORA

PROJECT CONTACT - POC NAME: **MARV WARNER**

PROJECT ARCHITECT: **BRIAN R. MAITE**

PROJECT DEVELOPMENT MANAGER (PDM): **KLEIN / KELLY**

PROJECT NO.: **130182**

SHEET TITLE: **SECTIONS & DETAILS**

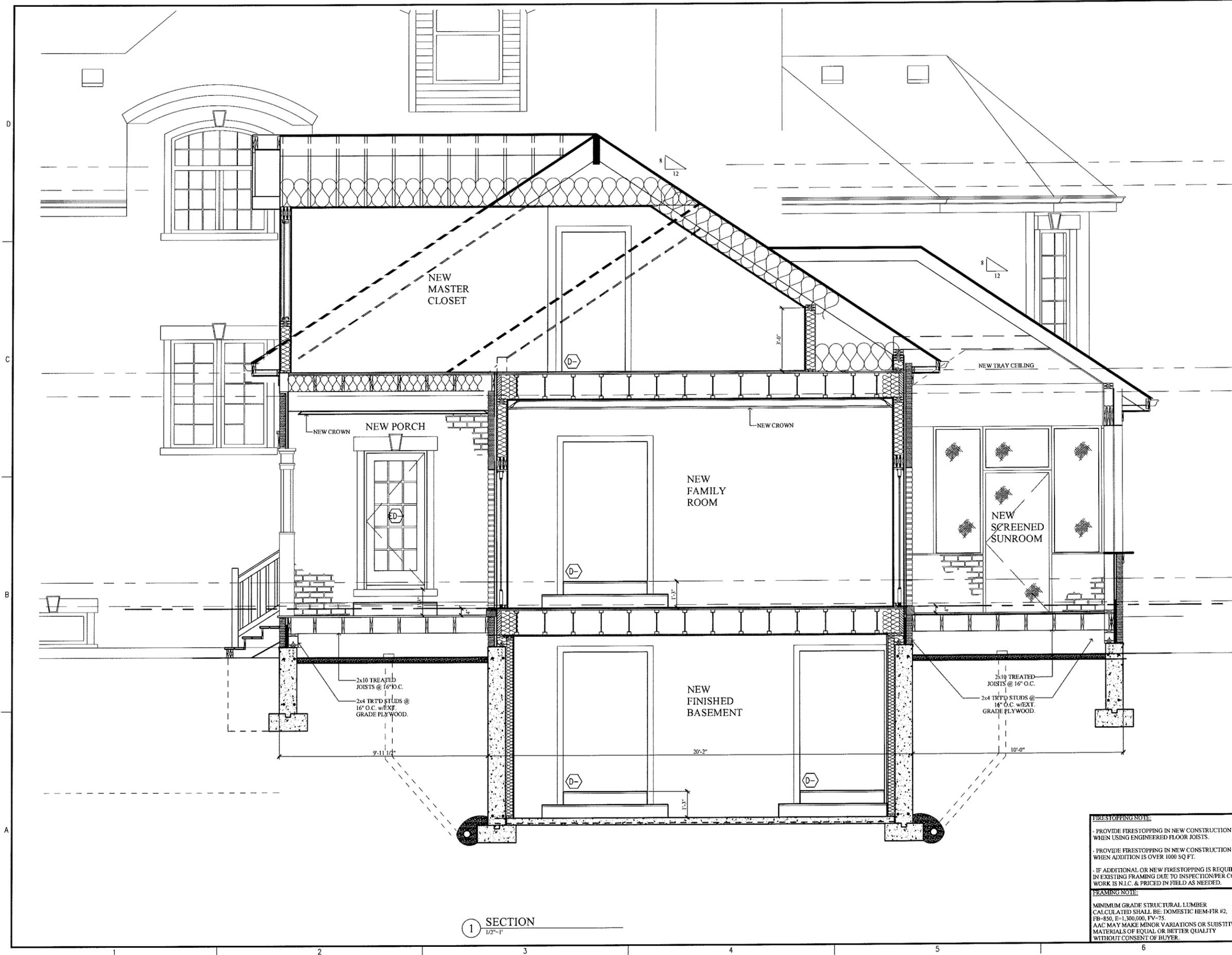
SHEET & FILE INFO:

CAD LAYOUT: [Text] [Text]

CAD FILE NAME: [Text] [Text]

AJD REFERENCE: C-L

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FIRESTOPPING NOTE:

- PROVIDE FIRESTOPPING IN NEW CONSTRUCTION WHEN USING ENGINEERED FLOOR JOISTS.
- PROVIDE FIRESTOPPING IN NEW CONSTRUCTION WHEN ADDITION IS OVER 1000 SQ FT.
- IF ADDITIONAL OR NEW FIRESTOPPING IS REQUIRED IN EXISTING FRAMING DUE TO INSPECTION/PER CODE, WORK IS N.I.C. & PRICED IN FIELD AS NEEDED.

FRAMING NOTE:

MINIMUM GRADE STRUCTURAL LUMBER CALCULATED SHALL BE: DOMESTIC HEM-FIR #2, FB-#50, E-1, 300,000, TV-75. AAC MAY MAKE MINOR VARIATIONS OR SUBSTITUTE MATERIALS OF EQUAL OR BETTER QUALITY WITHOUT CONSENT OF BUYER.

1 SECTION
1/2" = 1"

ISSUES & REVISIONS :	
ISSUE DATES	DESCRIPTION
09/20/2013	EXISTING CONDITIONS (ECD)
-/-/-	ISSUED FOR PERMIT
-/-/-	PERMIT REVISION #1
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BUYER _____ DATE _____

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 PROJECT MANAGER: **MARV WARNER**
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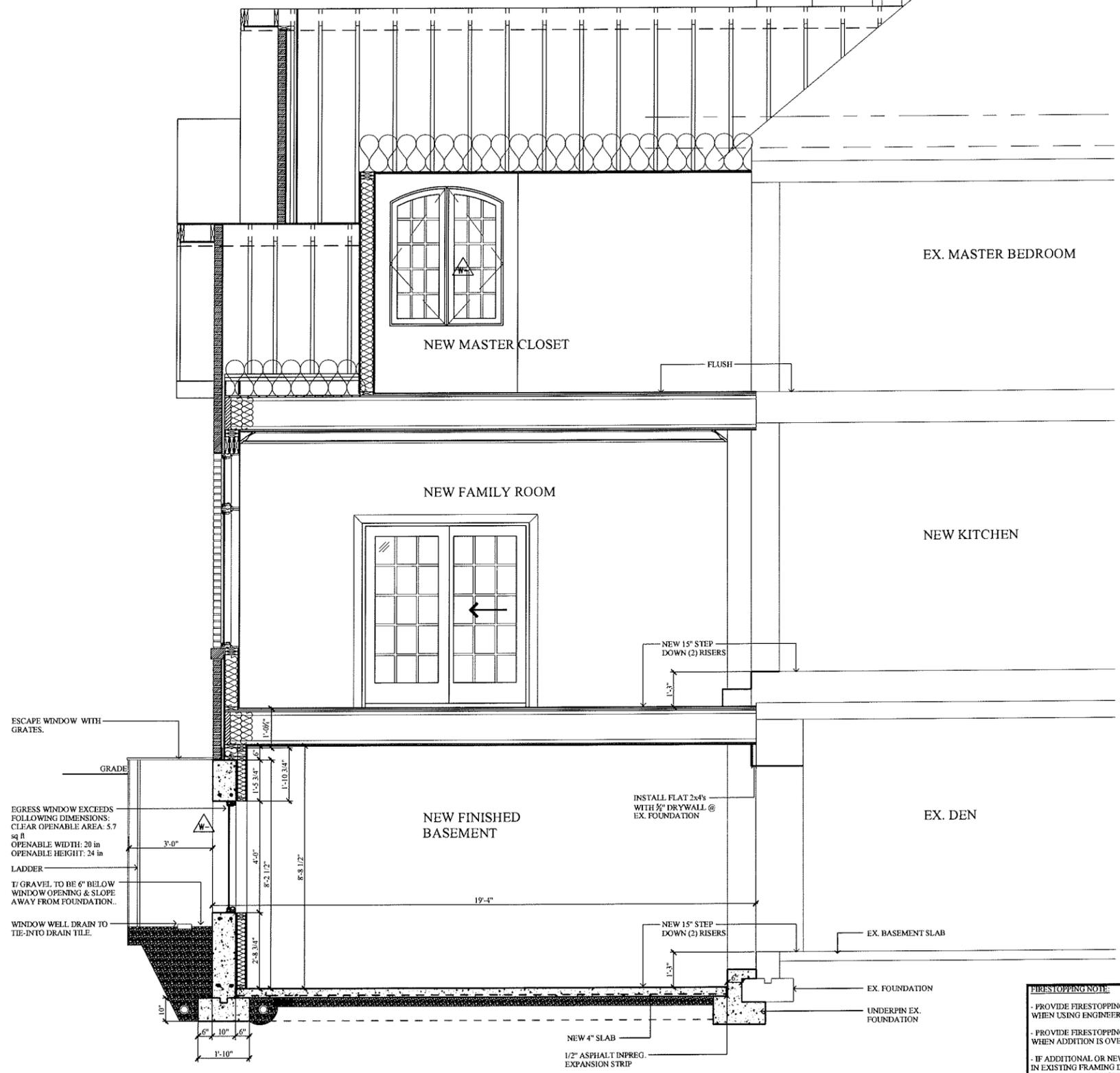
PROJECT NO:
130182

SHEET TITLE:

SECTIONS & DETAILS

SHEET & FILE INFO:
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 CAD FILE NAME: [Rtext] [GText]
 AFD REFERENCE: C-L
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6
 OF 15



ESCAPE WINDOW WITH GRATES.

GRADE

EGRESS WINDOW EXCEEDS FOLLOWING DIMENSIONS:
 CLEAR OPENABLE AREA: 5.7 sq ft
 OPENABLE WIDTH: 20 in
 OPENABLE HEIGHT: 24 in

LADDER

1/4\" GRAVEL TO BE 6\" BELOW WINDOW OPENING & SLOPE AWAY FROM FOUNDATION.

WINDOW WELL DRAIN TO TIE INTO DRAIN TILE.

FIRESTOPPING NOTE:

- PROVIDE FIRESTOPPING IN NEW CONSTRUCTION WHEN USING ENGINEERED FLOOR JOISTS.
- PROVIDE FIRESTOPPING IN NEW CONSTRUCTION WHEN ADDITION IS OVER 1000 SQ. FT.
- IF ADDITIONAL OR NEW FIRESTOPPING IS REQUIRED IN EXISTING FRAMING DUE TO INSPECTION PER CODE, WORK IS N.I.C. & PRICED IN FIELD AS NEEDED.

FRAMING NOTE:

MINIMUM GRADE STRUCTURAL LUMBER CALCULATED SHALL BE: DOMESTIC HEM-FIR #2, FIBER-850, E=1,300,000, IV=75. A/C MAY MAKE MINOR VARIATIONS OR SUBSTITUTE MATERIALS OF EQUAL OR BETTER QUALITY WITHOUT CONSENT OF BUYER.

SECTION 1
 1/2\"-1\"

ISSUES & REVISIONS :	
ISSUE DATES	DESCRIPTION
09/20/2013	EXISTING CONDITIONS (ECD)
-/-/-	ISSUED FOR PERMIT
-/-/-	- PERMIT REVISION #1
-/-/-	- PERMIT REVISION #2
-/-/-	ISSUED FOR PCC
-/-/-	ISSUED FOR READY
-/-/-	ISSUED FOR PRE-START REVIEW
-/-/-	ISSUED FOR CONSTRUCTION

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BUYER _____ DATE _____

BUYER _____ DATE _____

AIRROOM REPRESENTATIVE _____ DATE _____

PROJECT INFORMATION:

LARKIN
IAN & NORA

988 OAK ST.
 WINNETKA, IL.
 60093

HOME: (874) 441-5004
 CELL: (312) 961-2893 IAN
 CELL (312) 560-8827 NORA

PROJECT CONTACT / POC NAME

PROJECT MANAGER: **MARV WARNER**

PROJECT ARCHITECT: **BRIAN R. MAITE**

PROJECT DEVELOPMENT MANAGER/POC: **KLEIN / KELLY**

PROJECT NO:

130182

SHEET TITLE:

NEW NORTH ELEVATION

SHEET & FILE INFO:

CAD LAYOUT: [RText] [GText]

CAD FILE NAME: [RTEXT] [GTEXT]

APD REFERENCE: C-L

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16
 OF 29



1 NEW NORTH ELEVATION
 1/4"=1'

D
C
B
A

1 2 3 4 5 6

ISSUES & REVISIONS :	
ISSUE DATES	DESCRIPTION
09/20/2013	EXISTING CONDITIONS (ECD)
-/-/-	ISSUED FOR PERMIT
-/-/-	PERMIT REVISION #1
-/-/-	PERMIT REVISION #2
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-/-/-	ISSUED FOR PRE-START REVIEW
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BUYER _____ DATE _____

AIROOM REPRESENTATIVE _____ DATE _____

PROJECT INFORMATION:

LARKIN IAN & NORA

988 OAK ST.
 WINNETKA, IL.
 60093

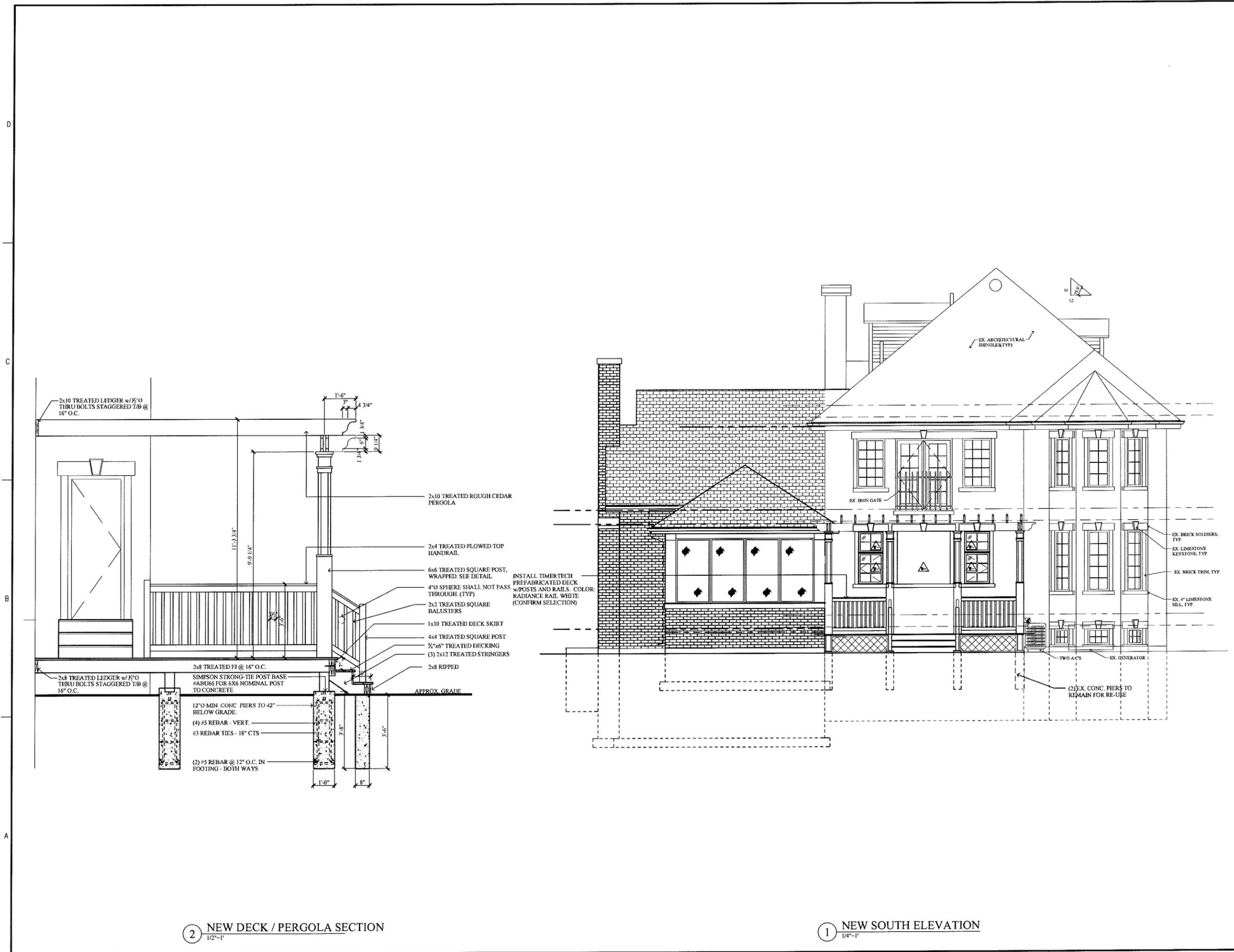
HOME: (874) 441-5004
 CELL: (312) 961-2893 IAN
 CELL: (312) 560-8827 NORA

PROJECT CONTACT: POC NAME
 PROJECT MANAGER: **MARV WARNER**
 PROJECT ARCHITECT: **BRIAN R. MAITE**
 PROJECT DEVELOPMENT MANAGER (PDM): **KLEIN / KELLY**

PROJECT NO:
130182

SHEET TITLE:
NEW SOUTH ELEVATION

SHEET & FILE INFO:
 CAP LAYOUT: [RText (RText)]
 CAD FILE NAME: [RTEXT (RTEXT)]
 AFD REFERENCE: C-L
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2 NEW DECK / PERGOLA SECTION
 1/2" = 1"

1 NEW SOUTH ELEVATION
 1/4" = 1"

ISSUES & REVISIONS :	
ISSUE DATES	DESCRIPTION
09/20/2013	EXISTING CONDITIONS (ECD)
-/-/-	ISSUED FOR PERMIT
-/-/-	PERMIT REVISION #1
-/-/-	PERMIT REVISION #2
-/-/-	ISSUED FOR FCC
-/-/-	ISSUED FOR READY
-/-/-	ISSUED FOR PRE-START REVIEW
-/-/-	ISSUED FOR CONSTRUCTION

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BUYER _____ DATE _____

BUYER _____ DATE _____

AIROOM REPRESENTATIVE _____ DATE _____

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IAN & NORA

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 WINNETKA, IL.
 60093

HOME: (874) 441-5004
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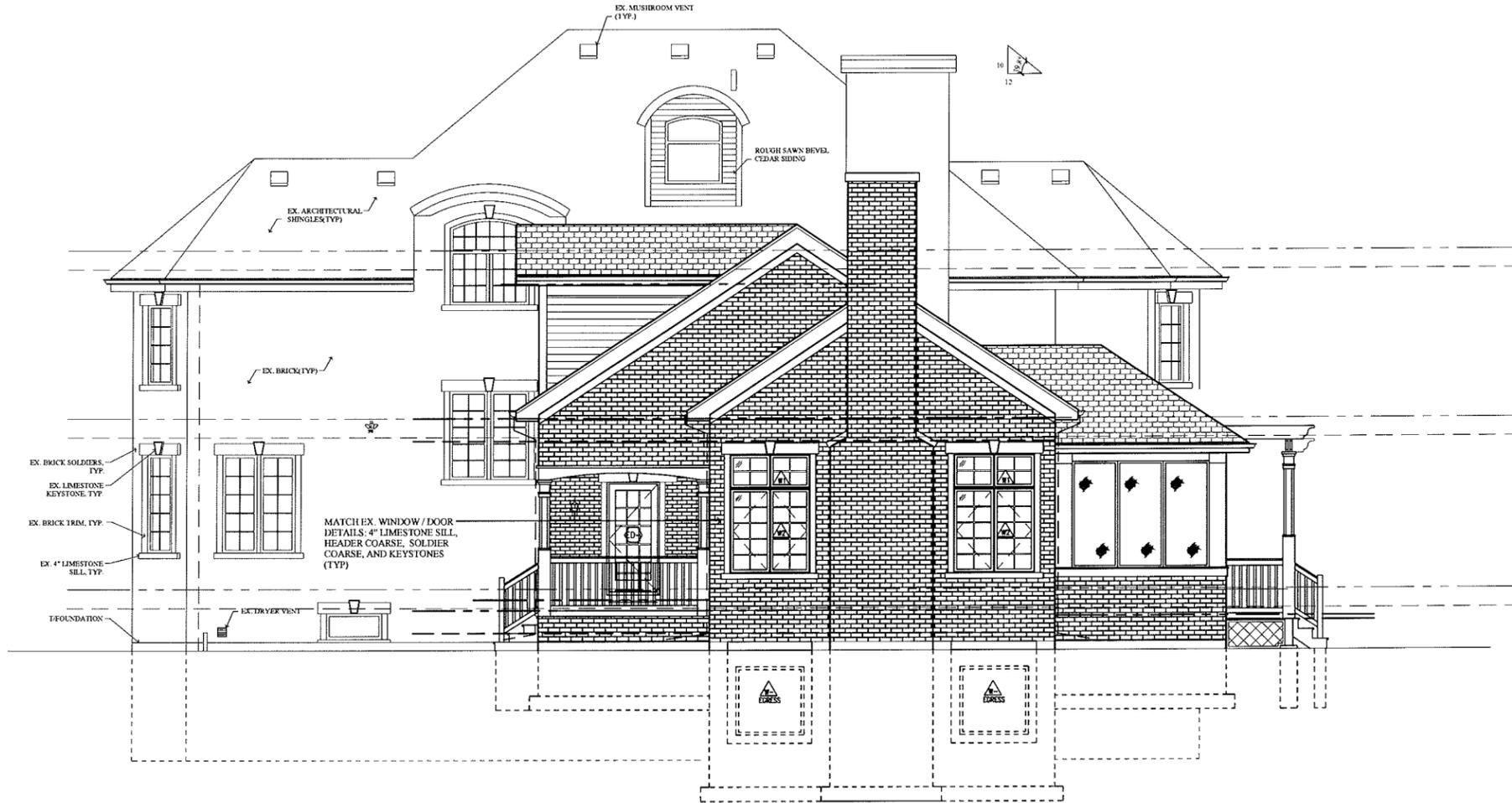
PROJECT CONTACT / POC NAME
 PROJECT MANAGER: **MARV WARNER**
 PROJECT ARCHITECT: **BRIAN R. MAITE**
 PROJECT DEVELOPMENT MANAGER (PDM): **KLEIN / KELLY**

PROJECT NO: **130182**

SHEET TITLE: **NEW WEST ELEVATION**

SHEET & FILE INFO:
 CAD LAYOUT: [RText] (RText)
 CAD FILE NAME: [RText] (RText)
 APP REFERENCE: C-1
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20
 OF 29



1 NEW WEST ELEVATION
 1/4"=1'



988 Oak Street, Winnetka
Lot Consolidation

I have reviewed the proposed drawings for the lot consolidation of two 50 foot wide lots to create a single 100 foot corner lot at 988 Oak Street, Winnetka. I have no objections to the resulting side yard variance for the east side of the house that is created when the two lots are combined. I support the Larkin's petition request for a lot consolidation and any required variations they seek.

Name	Address	Signature
Anne & Michael Klaskin		
Patricia David Carmel		
Andy - Rick Bles		
Susan Dwyer		
Eleanor John O'Connell		
Shannon Puelle		
ABRAHAM GAUP		
John Wilson		
Mary [unclear]		
[unclear]		
Paul Mulvaney		
Barbara H. Robertson		
Judy [unclear]		
Adrienne Sassaman		
LAURA VANCIL		

Larkin

988 Oak Street, Winnetka

9-13-2013



AIROOM 
ARCHITECTURE • INTERIORS • LANDSCAPE

LARKIN RESIDENCE WILSON, NJ

DESIGNED BY: MICHAEL KEVIN, JANE KELLY, CADINA TORRES, & ANGELO DA ROCHA



AIRROOM **LLC**
ARCHITECTS & INTERIORS

LARKIN RESIDENCE . WINNETKA, IL

DESIGNED BY: MICHAEL KEENE, JAKE SULLY, CALINA GOBIN & ANGELA DA ROCHA

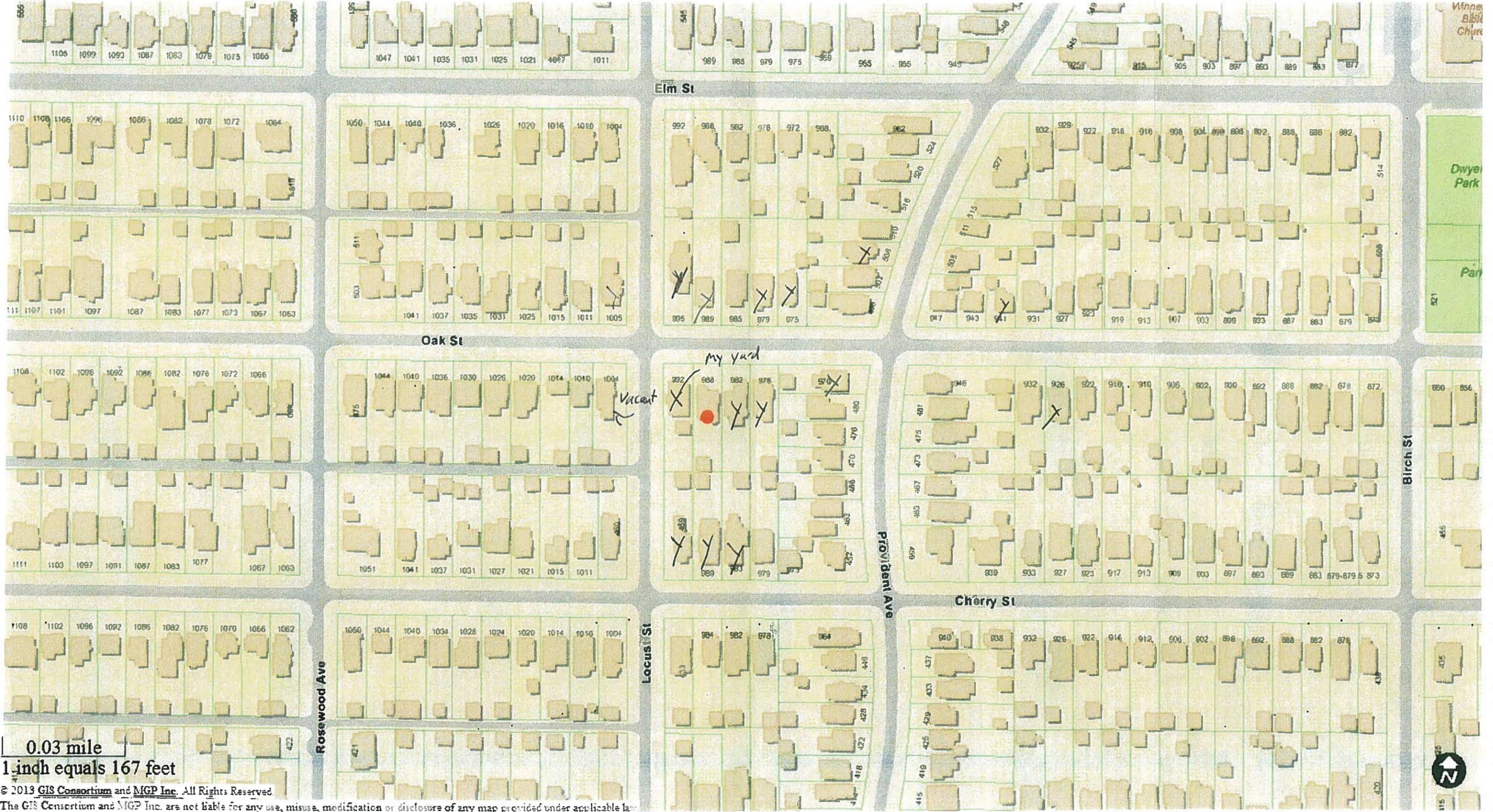


AIRROOM 

ARCHITECTURAL RENDERING
BY AIRROOM ARCHITECTS
1000 N. LAUREL AVENUE
SUITE 100
WINNETKA, IL 60093
TEL: 847.441.1000
WWW.AIRROOMARCHITECTS.COM

LARKIN RESIDENCE . WINNETKA, IL

DESIGNED BY: MICHAEL KLEIN, JANE KELLY, CALINA GOBIS & ANGELA DA ROCHA



0.03 mile
1 inch equals 167 feet

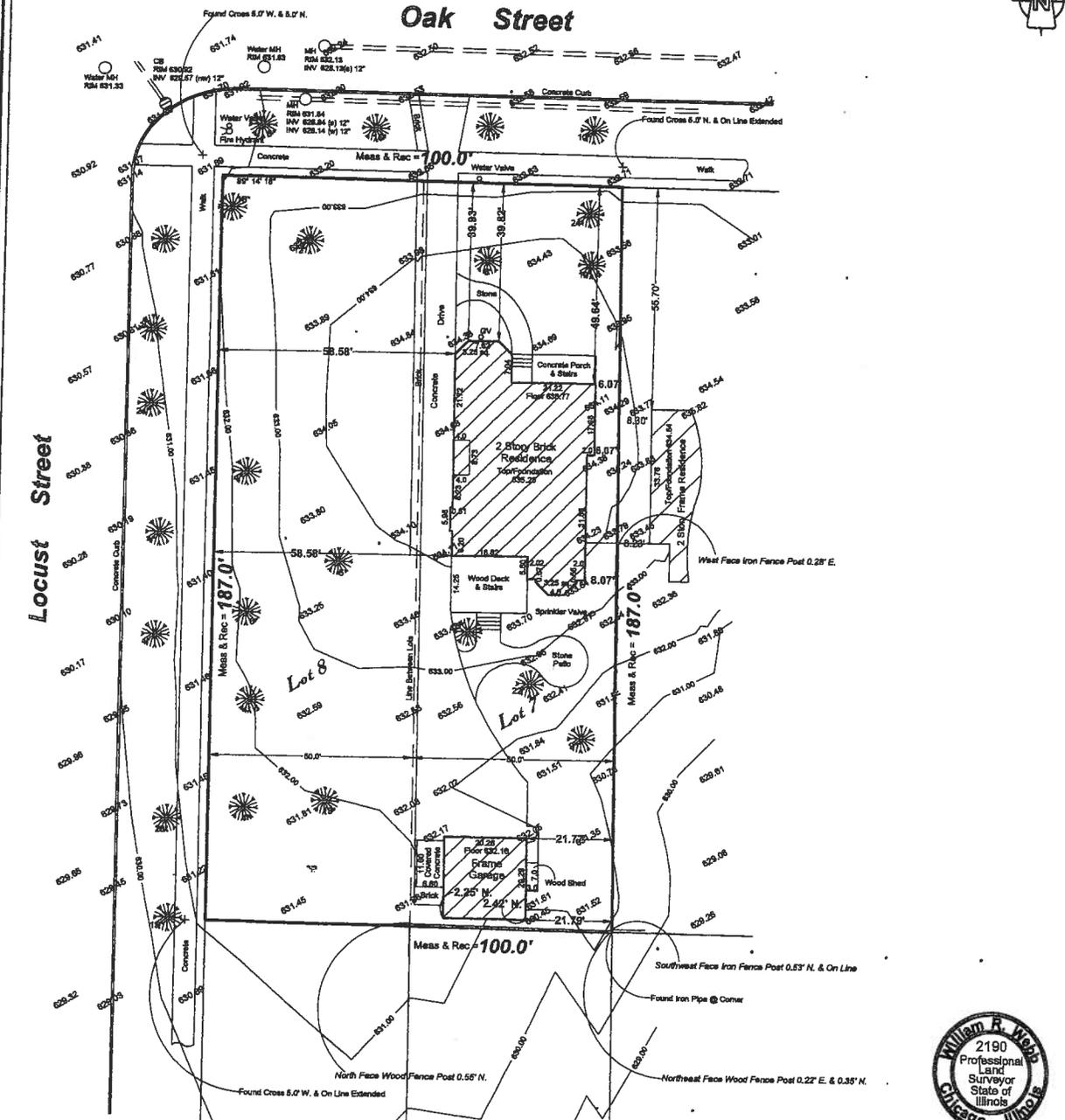
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Petition signed are
marked Y

Boundary & Topographic Survey

Central Survey, LLC 6415 N. Caldwell Ave., Chicago, Illinois 60648-2713
 Phone (773) 631-5285 www.Centralsurvey.com Fax (773) 775-2071

Legal Description
 Lots 7 and 8 in Block 7 in Provident Mutual Land Association's Subdivision of Blocks 7 to 12, 28 to 33, 54 to 59, all inclusive in Village of Winnetka, being a Subdivision of the West 1/4 of the Northeast 1/4 of Section 20, Township 42 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois
 Commonly Known as: 988 Oak St. Winnetka, Illinois
 Area of Land Described: 18,698 Sq. Ft.



0.01" = 1/8"	Decimal/Inch Conversions
0.02" = 1/4"	0.06" = 1"
0.03" = 3/8"	0.17" = 2"
0.04" = 1/2"	0.28" = 3"
0.05" = 5/8"	0.39" = 4"
0.06" = 3/4"	0.50" = 5"
0.07" = 7/8"	0.61" = 6"
	0.72" = 7"
	0.83" = 8"
	0.94" = 9"
	1.05" = 10"
	1.16" = 11"
	1.27" = 12"

Scale: 1 inch equals 20 Feet
 Ordered By: Alroom
 Order Number: 888

Legend
 N. = North
 S. = South
 E. = East
 W. = West
 (TYP) = Typical
 Rec = Record

NOTE:
 Mess = Measure Elevations shown are derived from Village
 St. = Street of Winnetka BM located at Willow & Locust
 Ave. = Avenue (Elevation = 623.84 NGVD-1988)

Central Survey LLC does hereby certify that an on the ground survey per record description of the land shown hereon was performed on August 22, 2013 and that the map or plat hereon drawn is a correct representation of said survey. When bearings are shown the bearing base is assumed. Dimensions are shown in feet and hundredths and are correct at a temperature of 69° Fahrenheit. This professional service also conforms to the Illinois minimum standards for topographic surveys.

Dated this 22nd day of August 2013
 William R. Webb P.L.S. #2190 (exp. 11/30/2014) Professional Design Firm Land Surveying LLC #184-004113



This professional service conforms to current Illinois minimum standards for a boundary survey.

Cook County CookViewer Output

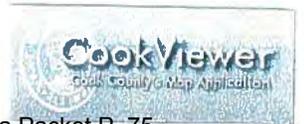


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ATTACHMENT J

DRAFT

**WINNETKA PLAN COMMISSION
EXCERPT OF NOVEMBER 20, 2013 MEETING MINUTES**

Members Present:

Bill Krucks, Chairman
Jan Bawden
Jack Coladarci
Chuck Dowding
Paul Dunn
John Golan
Jeanne Morette
John Thomas

Non-voting Members Present:

Richard Kates

Members Absent:

Louise Holland
Matt Hulsizer
Keta McCarthy
Scott Myers

Village Staff:

Brian Norkus, Assistant Director of Community
Development

Preliminary Consideration of Proposed Larkin Resubdivision, a Consolidation of 988 Oak and 922 Oak into a Single Lot

Mr. Thomas informed the Commission that he contacted Mr. Norkus to ask him to check with the Village attorney to see if he needed to recuse himself from the discussion because of his relationship with the applicant. He stated that the Village attorney confirmed that it would be okay for the record and that he is not required to recuse himself from the discussion.

Hal Francke introduced himself to the Commission as an attorney with Meltzer Purtill & Stélie and stated that he would be representing the homeowners. He informed the Commission that Michael Klein of Airoom Architects is out of town as well as the clients and that Amias Turman with Airoom Architects is present. Mr. Francke then stated that before they began the presentation of the lot consolidation, he would like to familiarize everyone with a brief PowerPoint presentation with the proposal which identified the existing conditions and proposed conditions. He stated that there would then be a comparison of other homes and lots in the neighborhood and noted that the home is located in the R-5 single family district.

Mr. Francke referred the Commission to a survey of the property and the existing home which was built in 2000 and the vacant lot next door which is proposed for consolidation. He then stated that

as indicated in the staff report, both lots measure 50 feet x 187 feet and that the corner lot is vacant as a result of the home being demolished two to three years ago. Mr. Francke informed the Commission that his clients owned the home since 2000 and that the proposal is to build an addition to the home of 624 square feet. He then distributed information to the Commission which provided the floor plan for the first floor.

Mr. Coladarci arrived to the meeting at this time.

Mr. Francke stated that because of the improvements, it would be necessary to create one lot of record. He stated that with regard to the subdivision ordinance, the proposal complied with the subdivision code. Mr. Francke asked the Commission if they had any questions and noted that ultimately, any issues are to be considered by the ZBA for the December meeting. He then identified the plat of resubdivision.

Amias Turman with Airoom Architects informed the Commission that he handled permits and zoning. He then stated that with regard to their clients, one of the things they desired to do because of their growing family is to expand the size of the existing home. Mr. Turman informed the Commission that they found a photograph of the existing home before it was demolished on the corner lot which measured approximately 1,400 square feet. He then stated that in connection with their desire to expand the size of the lot, they planned to combine the two lots and build a family room addition, sunroom and expand the mudroom a little and stated that the overall size of the proposed addition would measure 624 square feet. Mr. Turman noted that the size of the family room measured 20 feet x 21 feet, the sun porch on the rear of the home measured 11 feet x 15 feet and that they planned to expand the mudroom to 6 feet x 9 feet. He stated that the applicants found it necessary to go this route since they have children and that as they grow, more room is needed. Mr. Turman also stated that one of the things they want to do is maintain the greenery of the property. He informed the Commission that if the lots are combined, the applicants planned to stay in Winnetka a long time. Mr. Turman stated that there will be a lot of green space and that they planned to reduce the amount of traffic since there would only be one home on the two combined lots. He also stated that it would allow for a place for the children to play. Mr. Turman then stated that overall, the existing home as shown would remain the same and that they would only be adding to the west side.

Mr. Turman then referred the Commission to a rendering of the proposed side view in an illustration. He also identified the front view from Oak, the front covered porch area into the family room and the mudroom expansion to the left.

Mr. Dowding referred to a wraparound driveway which is not shown on the documents.

Mr. Turman stated that the documents presented show a straight driveway which is their proposal. He noted that the existing driveway would go up to the addition and that there would be another new proposed driveway off of Locust. Mr. Turman also stated that they planned to take the garage door from the north side and turn it to the west side of the garage. He then stated that one of the issues they discovered is that with the circular driveway, it would come too close to the corner and that it was their option to extend the driveway off of Locust.

Mr. Thomas asked if the new driveway would affect the two large trees there.

Mr. Turman confirmed that it would not and referred the Commission to an illustration of the plat of survey which showed that the driveway would go between the trees. He then stated that was done in an effort to maintain as much greenery as possible and that they tried to prevent the elimination of trees.

Chairman Krucks asked if it is correct that with the discontinuation of the driveway off of the street at the house and with the addition of the Locust driveway, it appeared that there would be less covered surface than in the original condition.

Mr. Turman confirmed that is correct and noted that the existing driveway to the back of the driveway would be removed, as well as a patio. He confirmed that it would increase the amount of greenery and that they planned to maintain or increase the amount of grass on the property.

Mr. Dowding stated that it appeared that the width of the driveway is smaller than the width of the garage and asked how would they get into the second bay.

Mr. Turman responded that is not correct and that it would be 16 feet wide which is the same width as the garage door. He informed the Commission that an updated illustration was sent to Ms. Klaassen and that he also has it for the Commission's review.

Mr. Thomas asked if the request had not yet been in the front of the ZBA for the variance.

Mr. Norkus confirmed that is correct and that it is scheduled for the December meeting. He then stated that he would like to provide an explanation behind the zoning variation. Mr. Norkus stated that because the current lot at 988 Oak has a residence which sat today on only a 50 foot wide lot, the zoning ordinance requires that the home be built at a minimum side yard which is required to be 6 feet. He stated that with regard to the way in which the ordinance worked on side yard requirements, the side yard requirements increase as a result of the increase in lot width and that the minimum side yard goes to a 12 foot minimum as the result of the consolidation of the existing home which becomes nonconforming with the 12 foot minimum side yard requirement. Mr. Norkus then stated that it represented a similar situation to the previous subdivision that the Commission reviewed and is described in the packet at 769 and 777 Locust.

Mr. Turman informed the Commission that he did not have the illustration and then drew on an illustration the driveway flare which would occur at both the garage door approach and the apron going to the street.

Chairman Krucks asked if the garage is conforming.

Mr. Norkus confirmed that is correct and that it is allowed to be within 2 to 3 feet [of the rear yard] depending on the zoning district.

Mr. Francke stated that with regard to the zoning issue, the reason it is relevant is that one of the issues for the Commission when considering the subdivision is if the consolidation creates a

zoning nonconformity. He then stated that when you look at the code, Section 16.08.030 says that the Commission should not create a nonconformity as a condition of approval of the zoning variation. Mr. Francke stated that the Village Council would have to approve the condition that Mr. Norkus referred to and that they are to address the other issues which are relevant.

Mr. Francke then referred the Commission to page 5 which identified the parcel as proposed would be permitted to be developed more intensely with regard to the size of the individual home and stated that is not what is being proposed here. He then stated that on an 18,000 square foot lot, they could build a 5,800 square foot home which is not the situation here since the existing home with the proposed addition would be well below 4,000 square feet. Mr. Francke then stated that if down the road the home is demolished, a 5,800 square foot home could be built. He also stated that if you look at both lots together, if you were to leave the home there and build a new home on the vacant lot, what could be constructed under the code is a 7,000 square foot home and that more than that could be built with the consolidated lot. Mr. Francke stated that the consolidation would result in the decrease in the existing and potential intensity of use of lot. He also stated that in terms lot coverage, on each lot, it could have 2,337 square feet and that on the consolidated lot, it would be 4,675 square feet which is the same thing. Mr. Francke added that they would not be creating the potential amount of larger lot coverage if the lots were developed with two single family homes.

Mr. Dowding asked if it is possible in the future for the applicants to decide to resubdivide the property into two lots. He added that he would be adamantly opposed to that and that his recommendation would be that the applicants never be allowed to do that.

Mr. Francke stated that they could not create a thin lot on the corner.

Mr. Norkus gave an example of another instance where that would not be allowed.

Mr. Coladarci stated that on Sunset and Essex Road, a home was removed and the home was expanded onto the lot and was approved with a restrictive covenant that if the home was demolished, there would be a resubdivision of the lots into the two original lot sizes to protect the area from a giant home being built on the corner. He stated that it is the same kind of issue here since there are all 50 foot lots in the neighborhood. Mr. Coladarci then stated that while the expansion seemed fine, in connection with the home on that lot after the consolidation, if it is removed, there could still be a lot which is bigger than others in the neighborhood. He then referred to whether the home is torn down and the lots resubdivided back into two 50 foot lots.

Mr. Francke stated that represented two different issues, one of which related to further subdivision and one which reverted the subdivision. He stated that the Commission can make a recommendation and referred to this home being demolished and a large lot created with a new home which would be out of character with the neighborhood. Mr. Francke then distributed information to the Commission for their review. He added that all of the examples in the staff report are non-R-5 district properties.

Mr. Norkus informed the Commission that the home on Essex and Sunset is in the R-5 zoning district.

Mr. Francke then stated that with regard to 769 to 777 Locust, the Commission acknowledged already the existing diversity of lot sizes in the neighborhood. He stated that in this R-5 district, there are already lots which are much larger than the minimum and that in connection with the R-5 zoning district, when you identify the minimum lot size, the ordinance did not say that the lot cannot be larger than a certain amount and that there is no maximum on lot size in any district. Mr. Francke stated that when you look at what was created, they put X's over three homes in the R-5 zoning district. He then referred to 1089 Spruce which is a 17,700 square foot lot with a 2,400 square foot home. Mr. Francke stated that under zoning, that lot could be developed with a 5,500 square foot home which would not be that different than what was identified as potential new construction here. He then referred to 1051 Cherry which measured over 17,000 square feet and has a home which measured 3,149 square feet and that there could be a 5,500 square foot home on that lot. Mr. Francke stated that at 455 Birch, the lot measured 26,000 square feet and that a 8,000 square foot home could be built. He stated that at 815 Ash, the lot measured 21,000 square feet and a 6,600 square foot home could be built. Mr. Francke then stated that while it is true you did not find these size homes in the immediate neighborhood, they are not proposing that kind of home be built on this consolidated lot. He stated that he wanted to point out that the potential could happen on this lot and others in the neighborhood.

Mr. Thomas described the information as interesting, but stated that it is not relevant to the Locust home. He then referred to the diversity of the sizes of the homes on the same block. Mr. Thomas stated that while he had no problem with the request, he would ask for a condition.

Chairman Krucks asked if you would get to the same place that Mr. Dowding talked about with regard to setbacks. He then asked that with imposing additional side yard setbacks on the property, would that accomplish the same thing.

Mr. Francke responded that may not be the problem and referred to Mr. Dowding's concern with regard to subdivision. He stated that it would be impossible for there to be a second home on that land.

Mr. Dowding stated that there is an exception for corner lots in connection with the relief allowed for them.

Mr. Norkus agreed that corner lots are treated differently in terms of setbacks. He then stated that what was done on Locust is because of the nonconformity created on one side yard and that the condition required for the balance to be made up and increased the side yard on the opposite side of the lot so that there would be a no net loss situation. Mr. Norkus added that the corner setback in this case is for a 100 foot wide lot and it would be 30 feet to Locust regardless.

Mr. Norkus stated that for clarity on the Locust subdivision request being used as an example, not only were there restrictive covenants required for an increased side yard setback, there was a requirement to increase the front yard setback because the larger lot existed in a neighborhood with smaller lots in close proximity and that the increased front yard setback applied since the proposed additions were set back quite a ways and the larger home would have the benefit of having an increased front yard setback beyond the minimum 30 foot requirement. He also stated that the Locust subdivision restrictive covenants included a limitation which precluded future additions of

additional improvements beyond those shown in the development plan.

Mr. Dowding suggested that the Commission make a recommendation to the ZBA and the Village Council as to what those conditions would be.

Chairman Krucks asked if there were any questions from the audience. No questions were raised by the audience at this time.

Ms. Morette asked Mr. Norkus if the two lots are consolidated and an addition was put onto the home, it is her understanding that there would not be enough space to construct another home on the second lot.

Mr. Norkus stated that if the two lots are consolidated, even without constructing an addition to the home, they would still be precluded from constructing an additional home.

Ms. Morette then asked if the home is demolished would the lots remain consolidated.

Mr. Norkus confirmed that is correct.

Mr. Francke stated that there would be no way to subdivide the property into three lots because of the minimum lot size requirement in the R-5 zoning district.

Mr. Golan stated that as you drive through the neighborhood, there are mega homes in the neighborhood and that he could not imagine that another home would be out of character. He suggested that the Commission not focus too much on restrictions, but to restrict future addition to conform to the side yards.

Chairman Krucks stated that it is a fair statement to say that it is the Commission's consensus to allow the consolidation of the two lots on the basis that although it may be out of character, each request is taken on a case by case basis with other lots in the immediate vicinity as a whole so that the result does not detract or have a negative impact on the entire neighborhood. He stated that the Commission will make a recommendation to the Village Council and the ZBA to approve consolidation of the two lots with certain conditions. Chairman Krucks then asked what is the proposed square footage total for the new home.

Mr. Francke responded that it would be 3,893 square feet.

Chairman Krucks then asked what is the lot coverage.

Mr. Francke stated that it would become less than what is permitted as 4,675 square feet.

Chairman Krucks asked for a proposal for the types of conditions to make. He stated that it appeared that the plan for the property when the lots are combined would be appropriate for the neighborhood. Chairman Krucks then stated that what is troubling to the Commission is what might happen in the future if the home is torn down and another home is built on the lot to the max.

Mr. Thomas referred to language with regard to the restrictive covenant in the previous example.

Mr. Coladarci then stated that on page 1, the same thing can be done if the area in the red blocks is moved around the neighborhood. He stated that they could have a neighborhood with large homes where two lots are purchased, one home is torn down and a large home built. Mr. Coladarci stated that keeping the 50 foot lot size would be important in the future and that there should be a restrictive covenant.

Chairman Krucks suggested that there be language that the consolidated lots be reverted into two lots if the home is demolished.

The Commission agreed with Chairman Krucks' suggestion.

Chairman Krucks then asked for the Commission's comments with regard to future additions.

Mr. Thomas stated that it would have to come to the Commission.

Mr. Norkus confirmed that a request of that type would likely need to go to the ZBA. He then asked how far under GFA would the home be with the addition.

Mr. Francke estimated it to be approximately 2,000 square feet and that they would be limited by lot coverage, height, setback, etc. and that the home as proposed would measure 3,893 square feet. He then stated that if they have this kind of discussion at the ZBA meeting, part of the square footage is created by the change in the Village ordinance in 2002 which was two years after the home was built because until then, the code said that parts of the basement are to be counted if it is more than 3 feet out of the ground. Mr. Francke noted that the home did not change, but how many square feet calculated in the home did change. He indicated that fact is not relevant unless there is a discussion with regard to the square footage of homes.

Ms. Bawden asked if there is a way to accomplish the proposed addition without consolidating the lots.

Mr. Golan stated that there is not and that they can only build a new structure.

Mr. Francke stated that it is his guess that the ordinance has a provision in that every home has to be on a single lot of record and that you could not build over lot lines here.

Mr. Norkus stated that the only way to accomplish adding space is to redesign the addition in the back of the lot and to ask for a different form of zoning relief.

Mr. Golan then moved to consider approval of the request with the restriction that if the home is torn down, the lots would have to be resubdivided. He also stated that there should have to be a restriction that if they want a new addition, the request would have to come before the Commission.

Mr. Norkus stated that they are saying that they would not be creating a nonconforming lot which

is not permitted anyway. He described that as redundant and that the ordinance would not allow the creation of a lot which is less than 7,600 square feet or less than 60 feet in width. Mr. Norkus indicated that there is no need to state the requirement and that the ordinance already made that possible.

Mr. Thomas seconded the motion.

Chairman Krucks asked if there were any questions from the audience. No questions were raised by the audience at this time. He then asked if there were any other restrictions to be recommended.

Ms. Bawden suggested that they remove any voluntary aspect with regard to the removal of the existing home.

Chairman Krucks asked if there were any other comments. No additional comments were made at this time. A vote was taken and the motion was unanimously passed.

AYES:	Bawden, Coladarci, Dowding, Dunn, Golan, Krucks, Morette, Thomas
NAYS:	None
NON-VOTING:	Kates

ATTACHMENT K

Final minutes adopted 01.13.2014

WINNETKA ZONING BOARD OF APPEALS EXCERPT OF MINUTES DECEMBER 9, 2013

Zoning Board Members Present: Joni Johnson, Chairperson
Chris Blum
Andrew Cripe
Carl Lane
Scott Myers

Zoning Board Members Absent: Mary Hickey
Jim McCoy

Village Staff: Michael D'Onofrio, Director of Community
Development
Ann Klaassen, Planning Assistant

Agenda Items:

Case No. 13-20-V2: **Continued from the November 11, 2013 meeting**
988 Oak St.
Ian Larkin
Variations by Ordinance
1. Maximum Building Size
2. Side Yard Setback

Case No. 13-20-V2 (Continued from the November 11, 2013 meeting), 988 Oak St., Ian Larkin, Variations by Ordinance – (1) Maximum Building Size and (2) Side Yard Setback

Mr. D'Onofrio stated that the public notice was read into the record at the November 11, 2013 meeting and that the case was continued from the November meeting.

Chairperson Johnson informed the audience that there are only five Board members present and that in order to recommend a favorable approval, there would need to be a vote of four members in favor of the request. She then swore in those that would be speaking on this case.

Hal Francke introduced himself to the Commission as an attorney with Meltzer Pirtill & Stelle and that he would be representing the homeowners. He stated that the matter also involved a request to consolidate two lots, one of which is the vacant lot which adjoined the home which was previously improved with a new residence approximately 10 years ago. Mr. Francke informed the Board that the goal in the renovation of the home and expanding the home would be discussed by representatives of Airoom Architects, Brian May, the Director of Architecture and Amias Turman, the Director of Permits and Zoning.

Mr. Francke stated that they are here for two requests for variations, one for a GFA variation of 400 square feet and the other for a side yard variance. He then stated that under the existing code, a 6 foot side yard is required and that because of the acquisition and proposed consolidation of the two lots, a 12 foot side yard is being required. Mr. Francke also stated that with regard to the existing residence, on that side, the home would not be changing and that because of the fact that the lot is being consolidated and enlarged; there is an increase in the amount of the required side yard. He noted that the need for the variation is not being driven by anything that the applicants are doing or as the result of improvements or encroachments into the required side yard of 12 feet. Mr. Francke reiterated that part of the home would not be moving or changing.

Mr. Francke then informed the Board that the other variation related to GFA which emanated from the change in the code provisions relating to how basements are calculated and which are being counted in GFA. He also stated that this application is driven in large part by the changes to the code and that Mr. May would walk the Board through the changes being proposed.

Chairperson Johnson stated that she would like to mention for the record that Airoom Architects did a project in her home three years ago and that she has had no dealings with them since.

Mr. May stated that the proposal and zoning variations are in conflict somewhat of the existing nature consolidation and addition being sensitive to the neighborhood historically and moving forward. He described the addition as fairly simple and stated that they would be adding a family room and expanding the kitchen to align with the floor plates. Mr. May then stated that in connection with the basement condition, they would be aligning it with the proposed addition. He also stated that due to the height restrictions of the basement, they are looking to maximize the addition in a small footprint. Mr. May informed the Board that they made accommodations to keep the massing and lines of the residence in scale and reduced the dormer, reduced some of the footprint with the basement and making some crawl space to keep the addition as sensitive as possible.

Mr. May then referred to an illustration on the PowerPoint presentation of the existing home with the consolidated lot. He indicated that you can see along the right hand side of the screen the lot line and setback which is requested to be 12 feet and reiterated that they are not doing anything to that side. Mr. May also identified the proposed addition. He then stated that with regard to the impact on the consolidated site and square footage, it would not be significant as far as comparing two lots with two separate residences. Mr. May informed the Board that it is their position that the proposal is sensitive to the neighborhood and that they hope that the Board would find in favor of the variations.

Chairperson Johnson asked the applicant to address hardship and the unique circumstances.

Mr. May then stated that with regard to hardship, he would defer to Mr. Francke. He then referred the Board to an illustration of the plat of consolidation. Mr. May also identified current photographs of the home and the proposed rear and side view with the proposed addition. He stated that one approach was to make sure that it would be sensitive to the community and the fabric of the community and that they kept the scope and massing as minimal as possible.

Mr. Blum asked for clarification on the rendering that the landscaping will be as shown or would the tree be where the home is.

Mr. Larkin informed the Board that there is a home there, to the west is land and to the east is the neighbor's home.

Mr. Francke stated that he would like to address the standards. He stated that with regard to one standard relating to the plight of the applicants being due to unique circumstances, he informed the Board that when this home was built, it was done in accordance with the code that did not count the basement in the GFA. Mr. Francke then stated that it is his understanding from the Village staff and the applicants that there would be over 1,700 square feet of area in the basement when the home was constructed over 10 years ago in 2000 and that area was not counted in GFA.

Chairperson Johnson asked Mr. Francke if he is stating that the ordinance is the hardship. She referred to the fact that Mr. Francke sat on the Board when they had a similar case for 1034 Ash and that the Board did not recommend approval of that request.

Mr. Francke stated that this situation is unique in the sense that they would be adjoining the lot acquired by the applicants and taking the existing nonconforming condition and reducing the amount of the nonconformity. He then stated that the home, because of the change in the ordinance, put the residence on the lot over the requirement by 1,600 square feet and that the existing home is a nonconforming home by 1,600 square feet. Mr. Francke reiterated that the applicants by acquiring the lot and proposing consolidation would substantially reduce the amount of the nonconformity from 1669 square feet to over 400 square feet, all of which is in the basement. He noted that none of the extra FAR is above the basement. Mr. Francke stated what the Board is to consider is how the variation is minimized. He then stated that he appreciated the reference to the prior case, but that every case stands on its own and that one unique circumstance is that the request would be furthering the goals of the ordinance and protecting bulk and scale in the neighborhood.

Chairperson Johnson stated that argument did not make sense and asked if there are any aspects of the home which are deemed inadequate, such as the kitchen or family room.

Mr. Francke responded that he would let the applicant speak to that. He stated that they are aware that the nature of the occupants is not what drives the variation.

Chairperson Johnson referred to whether all of that is addressed in the application.

Mr. Francke stated that there are aspects in the home which they plan to bring into a better state for themselves. He then referred to the need for a two car garage or a larger mudroom. Mr. Francke stated that the applicant can better describe the goals they are trying to achieve.

Ian Larkin, the property owner, stated that the goal of acquiring the lot and merging and building an addition would be to give them more room and that they have a large family with 6 children under the age of 15. He then stated that they hired Airoom Architects to make the decisions. Mr. Larkin stated that if they do not get a waiver on the basement variation, there would either be a step

up or down in the home and that they are attempting to minimize the impact on the neighborhood without an unnatural step in the basement area. He also stated that their goal is to have something which fit in the neighborhood. Mr. Larkin then referred to the petition in the packet of information which showed the list of people who are in support of the application.

Mr. Myers stated that one standard of the Village Council that the Board is asked to look at and apply is whether the property would not be able to yield a reasonable return and that while it is not a financial standard, the question related to whether the home has the normal expectations of a North Shore home. He then stated that when you look at the plans of the current home, it has features in the home which other applicants are looking for, such as a family room or mudroom. Mr. Myers then stated that the Board held to that standard and that it would be difficult for the Board to say it would be okay for the applicant to want the home to be bigger because their family is bigger.

Mr. Larkin stated that to do the work and a consolidated lot is to make sure that the basement did not have an unnatural break. He also stated that they are not asking for the addition to extend way into the yard, but it is because they want a seamless basement area. Mr. Larkin noted that they appreciated that individual circumstances did not mean granting a variation.

Mr. Blum stated that in keeping with the neighborhood, if the variation is granted, in the R-5 district, the home would still be too big in the R-2 district and that it would exceed the GFA in that area. He stated that there was talk with regard to a home in the R-5 district where the lot measured 9,000 square feet and that the GFA corresponded to that size lot and asked how would that be in keeping with the neighborhood.

Mr. Francke stated that with regard to other lots and homes in the neighborhood, there is tax information showing how compatible the home would be with homes in the area and the lot sizes which show that the home is consistent with other lots in the area. He indicated that they do not have the square footage of the other homes in the area and that he would walk through the other addresses of the neighbors who signed the petition.

Chairperson Johnson stated that Mr. Francke knows, since he served on the Board, that neighbors who support an application are not a factor to be taken into consideration.

Mr. Francke stated that he referred to the petition because if you look at those lots and those homes, those homes represent the immediate neighborhood.

Chairperson Johnson stated that most of the Board's members drove down the block.

Mr. Cripe stated that what they are considering is bigger than the immediate block.

Chairperson Johnson referred to page 4 in the packet of information which contains GIS information.

Mr. Francke stated that not every standard applied in every case. He then referred to the Ash case and stated that there have been several cases before the Board where they struggled to find whether

a property cannot yield a reasonable return and that there are some cases where the Board looked at the global purpose of the ordinance. Mr. Francke also stated that the goals and objectives in the ordinance are what drive the Board's consideration, which sometimes overrides every standard being met. He then stated that with regard to the 1034 Ash case, he can cite other cases where the Board recommended approval and were not able to say that the property cannot yield a reasonable return.

Chairperson Johnson stated that while she agreed, the variations being requested in those instances were minimal. She then stated that here, they are dealing with the basement provision and that there are many homes which have a similar situation and that it is not a minor provision.

Mr. Myers admitted that although he cannot read the diagram, he asked if the applicant would not be adding anything on the first floor and asked the applicant to go through the existing first floor.

Mr. Larkin informed the Board that a lot of where the variation is occurring is in the basement area.

Mr. Myers asked if the challenge is because the zoning laws changed after the home was constructed. He stated that the plan does include expansion on the first and second floors.

Mr. Larkin confirmed that is correct. He added that without the variation, they would have to do it differently because of the basement.

Mr. Myers stated that because the basement was built before the ordinance changed, he asked whether the applicant is asking the Board to say to allow the expansion on the first and second floor and to continue the grandfathering of the basement.

Mr. Francke stated that they are not confirming the grandfathering of the basement. He stated that they appreciated the change in the ordinance and that they are counting 1,700 square feet in today's calculation. Mr. Francke also stated that they are counting new basement space. He then stated that with regard to the area above ground being added on, he referred the Board to an illustration and suggested that the Board take into account the changes in the ordinance made in 2002 and the other GFA changes which were intended to respond to the Village's desire to control height and bulk. He noted that none of the proposal would affect either height or bulk. Mr. Francke added that if the proposal was to be built on a slab, there would be no variation required. He indicated that the request did not represent the typical situation and because of the ordinance change and the fact that the applicant wanted an addition, they need a variation to bump out the home or make it taller. Mr. Francke also stated that the uniqueness related to whether it could be done in other parts of the Village.

Chairperson Johnson noted that the height of the current home is more than 33 feet which is already too high and that the height of the basement is too high based on the current code.

Mr. Francke then stated that what is unique is that the applicants purchased the adjoining lot, demolished the home and created a situation which is less in terms of the amount of encroachment onto adjoining properties. He indicated that they could build 7,000 square feet on two lots and that there would also be more traffic, more vehicles and more bulk.

Chairperson Johnson referred to the fact that if a new home is built on the vacant lot, it will generate more property taxes than the incremental tax increase that will occur if the application is approved and the current home is enlarged. She also said there were other public policy issues at stake.

Mr. Francke responded that is not the standard.

Chairperson Johnson stated that the applicants are saying that they are doing the Village a favor.

Mr. Francke reiterated that the applicants purchased the adjoining lot and made it vacant and that they are proposing to consolidate the lots. He stated that they could put the property back on the market and another home could be built on that lot. Mr. Francke then referred to the ordinance and Section 17.04 which stated that the goals are to protect the scale and character of the neighborhood and to prohibit structures which are not compatible. He stated that the request is unique because it is needed to expand the lot of one home and added that they would be reducing the amount of bulk for the neighborhood.

Chairperson Johnson stated that having two R-5 lots is more consistent with the neighborhood. She indicated that they would be taking a buildable lot in the R-5 district which has the smaller lots in the Village and making it into green space and building a home which would be bigger than other homes in the neighborhood. Chairperson Johnson then stated that if a future owner demolished less than 50% of the home, that would be a way to get around the restrictive covenant and build more onto the home.

Mr. Francke noted that the Plan Commission recommended a restrictive covenant. Chairperson Johnson agreed that while that is correct, the Village Council may not agree with the recommendation.

Mr. Francke then stated that if the ordinance did not change, a 3,500 square foot home on a single lot could increase to 7,000 square feet. He reiterated that they would be taking 988 square feet of the home out of conformance and that by the application, by consolidating the lots, there could be 600 square feet above the basement built without a variation. He indicated that they are talking about 404 square feet in the basement under the addition and reiterated that they would not be changing the bulk or height of the home.

Mr. Blum stated that whether there remained 2 lots or 2 homes, one residence would be in conformance and one would not. He referred to whether granting the variation would be the only way to reduce the nonconformity over the two areas in total.

Mr. Myers stated that he is struggling with the issue of reasonable return. He stated that if they were to do the addition above ground and not build an additional basement and do just a slab, would they just need a side yard variation versus struggling with the argument with regard to the reasonable return standard having to be met.

Mr. Francke responded that not every standard gets applied to every case or like Chairperson Johnson said that the Board has to contort to say that the standard has been met. He noted that the

Board has struggled in the past to come up with satisfaction of the standard to increase a mudroom or to allow a dormer or two car garage.

Mr. Myers stated that in those instances, there were structures which were completely falling down or related to something which did not exist in the home. He then stated that with regard to taking things which are already in the home and making them bigger, he understood why the applicants would make that request, but that is not a standard that the Board can apply.

Mr. Francke suggested that the Board look at all of the standards.

Chairperson Johnson stated that in connection with the taxable value, the lot may not have high property taxes and that with a home on the lot, there would be more tax value than the addition to the existing home. She then stated that the request has not met any of the standards and asked if there were any other questions.

Mr. Cripe stated that the challenge is unique circumstances. He then stated that the question is whether there is something vital happening in the basement where they cannot do it on a slab.

Mr. Larkin responded that if they do the addition, it would be silly not to expand the basement. He reiterated that he realized that personal circumstances did not matter. Mr. Larkin then asked if it is a goal of the Board to push higher taxes to the Village.

Everyone responded that it is not.

Mr. Lane asked that for a lot with 50 feet, where the requirement for the width of 70 feet is. He added that everybody seemed to be at 50 feet.

Mr. D'Onofrio informed the Board that corner lots have a requirement of 70 feet.

Mr. Lane then stated that getting that into compliance and that getting to a lot width of 100 feet would be more in compliance. He then stated that corner lots appear to be bigger in the neighborhood. Mr. Lane stated that the problem is that the Board is being told to ignore some of the standards and that with regard to standard nos. 1 and 2, the Board has always considered them and found reasoning, some of which may be more definitive than others.

Chairperson Johnson referred to the gross floor area bonus of 400 square feet for a garage in the rear yard. She then stated that in connection with bulk, the current home is higher than what is allowed, even though the applicant would not be making that issue worse. Chairperson Johnson also stated that the home is bigger than a potential home would be on the vacant lot. She then referred to the home on the southwest corner and that the home will be torn down and redeveloped. Chairperson Johnson added that it is the same size as the lot to the west of the applicant. She then asked if there were any other questions from the Board or the audience.

Linda Tate, 978 Oak, referred to the comment made that the neighborhood petition was signed to be nice. She informed the Board that she would not be doing any additions or signing a petition to be nice and that she can speak for the neighbors. Ms. Tate stated that the request would allow

them to keep the neighborhood feel and that the applicant opened up their side yard to everyone in the neighborhood and would continue to do so. She also stated that the proposed addition is much smaller than a new home would be and that there would be more green space which she commented felt like a little park for the street. Ms. Tate informed the Board that the neighbors are highly supportive of the request. She concluded that while she did not understand all of the variations, in terms of neighborhood support, the applicant has it in spades.

Chairperson Johnson asked if there were any other comments.

Mr. Francke stated that in connection with the reference made to the petition, the reason is the same as the reference to the GIS map. He then identified the map on page nos. 6 and 7 of other lots in the neighborhood which they went through at the Plan Commission meeting and stated that all of the lots could be built today with similar sized homes as what is being proposed even though all of the homes are 2,400 square feet to 3,400 square feet. Mr. Francke also stated that many homes in the neighborhood are in this condition because of the ordinance change. He then stated that what is unique is that it is a larger lot now because of the proposed consolidation.

Mr. Francke reiterated that the Board should look at the standards for the variation and why the request met the standards. He then stated that the goal of the Board in considering whether variations be approved or denied is to increase the taxable value of the land and that it is not supposed to diminish it. Mr. Francke stated that the standard related to whether the request would diminish taxable value. He then stated that the request would accomplish the objectives of the ordinance and create a more conforming home which would be reduced by 1,200 square feet, bring the lot width more into conformance and decrease the amount of traffic and parking. Mr. Francke also stated that the ultimate goal of the ordinance is to allow reasonable use of the property and that the request would not adversely affect the neighborhood in terms of bulk and height. He added that it encouraged others to bring their homes as much as possible into conformity and stated why should they not encourage residents to bring their homes into conformance with the code.

Mr. Blum stated that larger lot sizes are what are unique. He referred to whether the larger lot would still be out of conformity and over GFA requirements. Mr. Blum then asked the applicants how they met the standard for GFA based on the larger lot.

Mr. Francke responded that if they were to consolidate the lot, the home on the property would be allowed to have 5,800 square feet. He then stated that if the ordinance did not change, it would be a non-issue. Mr. Francke noted that they acknowledge the ordinance change and that the 1,700 square feet is not considered part of GFA and that when it is added in, they are up to over 5,100 square feet. He then stated that if they were to add 600 square feet by making the proposed addition, there would be no effect on bulk or height and that the 400 square feet for the variation is below grade and would not be an issue but for the code change.

Chairperson Johnson stated that if the basement addition was not above grade and they had a step, it would be allowed. She stated that they have still not heard a reason from the applicants as to why it is not possible.

Mr. Francke informed the Board that the goal of the renovation is to eliminate that condition in the

existing home. He then asked what goal of the Village that accomplished by not allowing the applicant to eliminate the step.

Chairperson Johnson stated that they could not do the addition without the consolidation. She then referred to a case on Arbor Vitae to which Mr. Francke was opposed when he sat on the Board. Chairperson Johnson stated that it is not a matter of right and that the request has implications for the neighborhood.

Mr. Cripe asked the applicant if there is an accessibility issue driving the need to eliminate the step.

Mr. Larkin responded that there is not.

Chairperson Johnson asked if there were any other comments. No additional comments were made at this time. She then called the matter in for discussion.

Mr. Blum stated that he would not be in favor of the request for an R-2 home in the R-5 district.

Mr. Myers commented that it is a nice design to meet the applicants' needs, but that he struggled with the standard with regard to reasonable return. He stated that on the first two standards, the Board tended to focus on ways to address them and that he understood the challenge of the applicants because of the ordinance change, but that it is not up to the Board to completely ignore the standard and that it would be up to the Village Council to do to that. Mr. Myers stated that he is having a difficult time figuring out how to justify reasonable return. He then stated that he would side with the argument with regard to unique circumstances and commented that it is questionable either way. Mr. Myers also stated that he would be more sympathetic to that argument than the reasonable return argument.

Mr. Lane commented that there are some positives here and that first; the applicant would be bringing the lot width into compliance. He also stated that they would be taking 1,600 feet to 400 feet over GFA even though it would be in the basement. Mr. Lane stated that it is driven partially by the basement. He noted that the other setbacks are well within the standards other than the side yard which is where reasonable return is clear. Mr. Lane also stated that the applicants would not tear down the home in order to get that back into compliance. He referred to being more in favor of the Ash case where they cannot reduce the height of the property. Mr. Lane then stated that to do anything to the home would put it into a situation sometimes where they would have the option to tear it down to get to a couple inches.

Mr. Lane then referred to the argument that they cannot get reasonable return and otherwise would tear down the entire home. He also stated that the Board has not gotten a good answer on the slab and that there has been no evidence why that is not a reasonable option. Mr. Lane then stated that their plight is clearly difficult because of the consolidation of the properties. He noted that the bigger issue is because it is a corner lot and less than 50 feet, it would be difficult to do. Mr. Lane stated that with regard to the consolidation be a unique circumstance, the Board has not had that as a unique circumstance in the past. He then stated that with regard to the essential character of the locality, if you look at the property and imagine it with the addition, the homes next door clearly

look different. Mr. Lane also suggested that they look at the map on pages 4 and 5 and that although the homes are longer and wider, they may not be as tall and are not completely out of character. He stated that they are to look broadly at the neighborhood. Mr. Lane concluded that at the end of the day, he is struggling with standard nos. 1 and 2 and that generally, he would be in favor of the request and would like to see more information in connection with the reasonable return issue and that they cannot tear down the home to make it compliant.

Mr. Cripe stated that he agreed with Mr. Lane's well stated comments. He stated that what is unique is the fact that it is a corner lot and is not in conformity. Mr. Cripe then stated that there is a reason for having bigger corner lots and that bigger setbacks are beneficial to sight lines and to improve the character of the neighborhood. He stated that he is generally in favor of the request, but that there has not been clear information as to why building on a slab is not a reasonable alternative.

Chairperson Johnson stated that she is not in favor of the request and referred to owning the corner lot and that they are not proposing to build on it. She indicated that she did not see how it is relevant that corner lots create more problems in terms of setbacks than an interior lot. Chairperson Johnson then noted that the corner lot is the same size as the lot across the street that will have a new home and be within the requirements of 8,900 square feet. She stated that with regard to the issue of green space and bulk, she described it as a false comparison and that the neighborhood is not intended to have green space on every corner even though the neighbors like it and the property owners benefit from it. She then stated that if it is not approved by the Village Council, the applicants would continue to live there with green space or move to another home to accommodate their large family. Chairperson Johnson stated that a lot is built to have a home and a family and that she clearly did not see any hardship and that the applicants only wanted a larger home and larger rooms. She noted that the home was built in 2000 and that it is a modern home with modern amenities. Chairperson Johnson also stated that there have been situations before where the applicant has argued that the basement ordinance can be considered a unique circumstance and that would open a can of worms. She asked if there were any other comments.

Mr. Francke stated that in connection with the two requests, they have discussed GFA and that when the Board made their findings, he asked them to be broken out which would be helpful.

Mr. Blum informed the Board that with regard to the drive to get into compliance, one alternative is to do nothing and live in the home and that there is no drive to get into compliance going on as is. He stated that the proposed addition is what is driving the variation.

Chairperson Johnson stated that the applicants or a future family could keep the home as is. She then asked for a motion. Chairperson Johnson noted that there would need to be four Board members in favor of the request to make a favorable recommendation to the Village Council.

Mr. Myers moved to recommend approval of the side yard setback variation. He stated that given that the property could not yield a reasonable return and that to tear down the home and move it in 6 feet is unreasonable. Mr. Myers stated that with regard to unique circumstances, the applicants acquired a second lot for consolidation which changed the requirements. He stated that the request would not alter the character of the locality and that there would be no effect on the light

and air of neighboring properties. Mr. Myers stated that there would be no hazard from fire, the taxable value of the land would not diminish, congestion would not increase and that the public health, safety, comfort, morals and welfare of the Village will not be otherwise impaired.

Mr. Lane and Mr. Cripe seconded the motion. A vote was taken and the motion was unanimously passed, 5 to 0.

AYES: Johnson, Blum, Cripe, Lane, Myers
NAYS: None

FINDINGS OF THE ZONING BOARD OF APPEALS

1. The requested variation is within the final jurisdiction of the Village Council.
2. The requested variation is in harmony with the general purpose and intent of the Winnetka Zoning Ordinance. The proposal is compatible, in general, with the character of existing development within the immediate neighborhood with respect to architectural scale and other site improvements.
3. There are practical difficulties or a particular hardship which prevents strict application of Section 17.30.060 [Side Yard Setback] of the Winnetka Zoning Ordinance which is related to the use or the construction or alteration of buildings or structures.

The evidence in the judgment of the Zoning Board of Appeals has established:

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. It is unreasonable to require the applicant to tear down the existing home and rebuild the east building wall 6 feet further west than the existing wall to comply with the minimum required 12 foot side yard setback.
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 owner has acquired the lot to the west of the existing residence and the proposed consolidation of the two lots 50 feet in width into a lot 100 feet in width increases the minimum required side yard setback from 6 feet to 12 feet.
3. The variation, if granted, will not alter the essential character of the locality. No improvements or alterations are proposed on the east side of the residence.
4. An adequate supply of light and air to the adjacent property will not be impaired. No improvements or alterations are proposed on the east side of the residence, therefore there will not be a change in the supply of light and air to the adjacent property.
5. The hazard from fire or other damages to the property will not be increased as the proposed improvements shall comply with building code standards, including fire and life safety requirements.

6. The taxable value of land and buildings throughout the Village will not diminish. No evidence was provided to the contrary.
7. Congestion in the public streets will not increase. The structure will continue to be used as a single-family residence.
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be otherwise impaired. No evidence was provided to the contrary.

Mr. Myers then moved to not recommend approval of the variation on GFA given that the applicants did not demonstrate that the home without modifications cannot yield reasonable return. He stated that the unique circumstances of the basement do not seem so unique that it warranted granting a variation. Mr. Myers stated that the request would alter the essential character of the locality. He stated that the request would have no effect on the supply of light and air to neighboring properties. Mr. Myers stated that there would be no hazard from fire and that the taxable value of the land would not diminish. He concluded by stating that congestion would not increase and that the public health, safety, comfort, morals and welfare of the Village will not be otherwise impaired.

Mr. Blum seconded the motion. A vote was taken and the motion passed, 3 to 2.

AYES: Johnson, Myers, Blum
NAYS: Cripe, Lane

FINDINGS OF THE ZONING BOARD OF APPEALS

1. The requested variation is within the final jurisdiction of the Village Council.
2. The requested variation is not in harmony with the general purpose and intent of the Winnetka Zoning Ordinance. The proposal is not compatible, in general, with the character of existing development within the immediate neighborhood with respect to architectural scale and other site improvements.
3. There are no practical difficulties or a particular hardship which prevents strict application of Section 17.30.040 [Maximum Building Size] of the Winnetka Zoning Ordinance which is related to the use or the construction or alteration of buildings or structures.

The evidence in the judgment of the Zoning Board of Appeals has established:

1. The property can yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone. The applicant has not provided evidence that the property cannot yield a reasonable return without the proposed addition.
2. The plight of the owner is not due to unique circumstances which are associated with the characteristics of the property in question, rather than being related to the occupants. Including the basement in the gross floor area is not a unique circumstance.

3. The variation, if granted, will alter the essential character of the locality. The total proposed gross floor area of the residence is more common for a house in the R-2 zoning district, whereas the subject site is located in the R-5 zoning district.
4. An adequate supply of light and air to the adjacent property will not be impaired by the proposed variation, as there are no proximate structures to the proposed addition.
5. The hazard from fire or other damages to the property will not be increased as the proposed improvements shall comply with building code standards, including fire and life safety requirements.
6. The taxable value of land and buildings throughout the Village will not diminish. No evidence was provided to the contrary.
7. Congestion in the public streets will not increase. The structure will continue to be used as a single-family residence.
8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be otherwise impaired. No evidence was provided to the contrary.



Agenda Item Executive Summary

Title: Willow Road Tunnel Project Engineering Contract

Presenter: Steven M. Saunders, Director of Public Works/Village Engineer

Agenda Date: 01/21/2014

Consent: YES NO

<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	Bid Authorization/Award
<input type="checkbox"/>	Policy Direction
<input type="checkbox"/>	Informational Only

Item History:

July 9, 2013 Study Session
September 17, 2013 Council Meeting
January 14, 2014 Study Session

Executive Summary:

At the January 14, 2014 Study Session, the Village Council reviewed the results of a two-stage, Qualifications-Based Selection process to identify an engineering firm to undertake permitting and design engineering for the proposed Willow Road Stormwater Tunnel project. Staff presented proposed scopes of services, fee proposals, and summaries of team interviews and reference checks for two firms, a team led by Christopher B. Burke Engineering, Ltd. (CBBEL) and a team from MWH Global. Staff also presented a recommendation to develop and award a contract to MWH Global for the project. The Village Council concurred with that recommendation and directed staff to bring back a proposed contract for Council consideration, structured as follows:

1. The contract should be based on the scope of work and fee estimate contained in MWH's proposal dated November 21, 2013;
2. The contract should contain intermediate decision and review points to allow for phased engineering of the project, and;
3. The contract should reflect a total project fee not to exceed \$2,023,818.

Staff and MWH have prepared the attached contract document reflecting this direction.

Recommendation / Suggested Action:

Consider awarding the attached contract to MWH Americas, Inc. for Engineering Services for the Willow Road Stormwater Tunnel and Area Drainage Improvements, in an amount not to exceed \$2,023,818.

Attachments:

1. Agenda Report
2. Contract Documents

Agenda Report

Subject: Willow Road Tunnel Project Engineering Contract

Prepared By: Steven M. Saunders, Director of Public Works/Village Engineer

Date: January 15, 2014

Ref: July 9, 2013 Study Session
September 17, 2013 Council Meeting
January 14, 2014 Study Session

At the January 14, 2014 Study Session, the Village Council reviewed the results of a two-stage, Qualifications-Based Selection process to identify an engineering firm to undertake permitting and design engineering for the proposed Willow Road Stormwater Tunnel project. Staff presented proposed scopes of services, fee proposals, and summaries of team interviews and reference checks for two firms, a team led by Christopher B. Burke Engineering, Ltd. (CBBEL) and a team from MWH Global. Staff also presented a recommendation to develop and award a contract to MWH Global for the project. Staff's recommendation

The Village Council concurred with that recommendation and directed staff to bring back a proposed contract for Council consideration, structured as follows:

1. The contract should be based on the scope of work and fee estimate contained in MWH's proposal dated November 21, 2013;
2. The contract should contain intermediate decision and review points to allow for phased engineering of the project, and;
3. The contract should reflect a total project fee not to exceed \$2,023,818.

Staff and MWH have prepared a contract document reflecting this direction, shown as **Attachment #1**.

The contract is structured in 4 parts. The body of the contract, pages 1 through 9, sets forth details for:

- Compensation, Invoicing, and Payment
- Client (Village) Responsibilities
- Consultant (MWH) Responsibilities
- Change Orders
- Data Rights
- Insurance and Contractual Liability
- Suspension, Termination, and Dispute Resolution

These details are consistent with most standard engineering contracts and have been thoroughly reviewed by the Village Attorney, who has provided comments and proposed revisions to MWH. Therefore Article 17 in the attached agreement, relating to Dispute Resolution, is still in MWH's draft form, as the Village's proposed changes are still being negotiated with MWH's corporate counsel. Final language for this Article will be provided to the Village Council as soon as it is finalized, so the Council can have the complete final draft in hand prior to taking action on the contract document. The remainder of pages 1 through 8 is in final form, as approved by the Village Attorney.

Attachment A to the contract contains the detailed Scope of Services, including the project tasks, sub-tasks, and deliverables needed to complete the engineering and permitting work on the project, and conforms to the scope of services and deliverables set forth in MWH's proposal response. This section also identifies the requested intermediate decision and review points.

Review Point #1 occurs after the completion of Concept Review, Permit Plan, and Hydrologic/Hydraulic Model Verification. The Village Council will be able to review and discuss advanced preliminary engineering and determine to:

- Direct CONSULTANT to proceed with additional activities in accordance with the current scope, schedule, and budget;
- Negotiate a revised scope, schedule, and budget for additional tasks and direct CONSULTANT to proceed with the revised scope; or
- Suspend services pending further direction from the CLIENT.

MWH estimates that this review point will be reached approximately 13 weeks after Notice To Proceed, or a late-April/early-May, 2014 timeframe. The fee associated with advancing the project to Review Point #1 is \$107,612.

Review Point #2 occurs after surveying, field investigations, preliminary design and cost estimates, and preparation of permit applications. This provides the Village Council with another opportunity for the Council to review and discuss the project and direct the CONSULTANT whether to proceed as above. MWH estimates that Review Point #2 will be reached approximately 47 weeks after Notice To Proceed, or a late-December 2014 timeframe. The fee associated with advancing the project from Review Point #1 to Review Point #2 is \$478,456.

Review Point #3 occurs at the end of Phase 1 - Permitting, when design has reached the 30% stage, initial permit applications have been submitted to regulatory and permit authorities, and the Construction Manager At-Risk procurement process is complete. This point is estimated to occur 65 weeks after Notice To Proceed, or late April, 2015. The fee for all Phase 1 – Permitting activities is \$798,818.

All three of these review points occur during Phase 1 of the contract. There will be additional review points in Phase 2, however these will be specified at a future date, as

further design, permitting, and planning details are specified. The Phase 2 fee is \$1,225,000, for a total contract maximum fee of \$2,023,818.

Attachments B and C to the contract contain MWH's hourly rate schedule and a sample change order document, respectively, to be used in the event a revised scope, schedule and budget is to be negotiated by the Village following any of the enumerated project review points.

It should be noted that the recommended approval uses the standard phrasing of approving the agreement "substantially in the form presented." While all substantive issues will necessarily be resolved before the Council takes final action, given the quick turnaround, the qualifying phrase is included in the phrasing of the approval, in case the need for a minor nonsubstantive correction or phrase clean-up is discovered in the final proofread before the contract is signed.

Recommendation:

Consider awarding a contract, substantially in the form presented, to **MWH Americas, Inc.** for Engineering Services for the Willow Road Stormwater Tunnel and Area Drainage Improvements, in an amount not to exceed \$2,023,818.

Attachments:

1. Contract for Engineering Services for the Willow Road Stormwater Tunnel and Area Drainage Improvements.

ATTACHMENT #1

Contract for Engineering Services for the Willow Road Stormwater Tunnel and Area Drainage Improvements



CONSULTING SERVICES AGREEMENT [Lump Sum]

This agreement (“Agreement”), with an effective date of _____, 2014, is by and between the Village of Winnetka, Illinois (“CLIENT”) and MWH Americas, Inc. (“CONSULTANT”).

In consideration of the mutual covenants and promises contained herein, the parties agree as follows:

1 SCOPE OF SERVICES

1.1 The services to be performed by CONSULTANT for CLIENT under this Agreement (“Services”) are set out in Attachment A (Scope of Services), incorporated herein by reference. The Services are to be performed in support of the project identified in Attachment A (“Project”). In the performance of these services, MWH (Americas, Inc., UK Ltd., etc.) may use personnel and resources from affiliated MWH companies.

2 COMPENSATION

2.1 CLIENT shall pay CONSULTANT, as compensation for the Services (“Compensation”), a lump sum amount of \$2,023,818.

2.2 Payment to the CONSULTANT shall be made based on the lump sum amounts for Phase 1 and Phase 2 services. Monthly Progress Payments shall be based on the following Schedule of Values for tasks and subtasks:

Phase 1/Task/Subtask Description	Task Value
Phase 1 – Permitting	
Task 1.1A – Preliminary Engineering: Review and Planning Task 1.1.1 – Concept Review Task 1.1.2 – Permit Plan Task 1.1.3 – Hydrologic and Hydraulic Model Verification	\$107,612
Task 1.1B – Preliminary Engineering: Field Investigations/Design Task 1.1.4 – Phase 1 Field Investigations Task 1.1.5 – Preliminary Design	\$478,456
Task 1.1C – Preliminary Engineering: Phase 1 Permitting	\$79,952
Task 1.2 – Phase 1 Project Management	\$49,328
Task 1.3 – Phase 1 Project Outreach	\$29,250
Task 1.4 – Construction Management Selection Process	\$54,220
Phase 1 Total	\$798,818

Phase 2/Task/Subtask Description	Task Value
Phase 2 – Engineering	
Task 2.1 – Phase 2 Engineering ¹	\$1,107,133
Task 2.2 – Phase 2 Project Management	\$73,992
Task 2.3 – Phase 2 Outreach	\$43,875
Phase 2 Total	\$1,225,000

¹ Interim milestones and associated lump sum values for Phase 2 Engineering will be defined upon completion of Phase 1 activities.

2.3 CLIENT will pay CONSULTANT additional compensation for labor and expenses incurred by CONSULTANT under a Change Order or in responding to or assisting with an audit required by CLIENT, or any federal, state and local government agencies, except that additional compensation will not be charged to CLIENT for audits, requests or other requirements of federal, state or local government agency that are part of permit application and reporting duties as part of the services included in Attachment .. The basis of payment will be the CONSULTANT's rate schedule ("Rate Schedule") as set forth in Attachment B, incorporated herein by reference.

3 INVOICING AND PAYMENT

3.1 CONSULTANT shall submit its standard monthly invoice describing progress toward completion of the identified work packages during the preceding month. CLIENT shall make payment of all undisputed portions of such invoice and provide written justification for the withholding of any disputed portions to CONSULTANT within thirty (30) calendar days from the date of CONSULTANT's monthly invoice.

3.2 Payment of all Compensation due CONSULTANT pursuant to this Agreement shall be a condition precedent to CLIENT's use or reliance upon any of CONSULTANT's professional services or work products furnished under this Agreement.

3.3 In the event payment for the Services has not been made within 60 calendar days from the date of the invoice, CONSULTANT may, after giving 7 calendar days written notice and without penalty or liability of any nature, and without waiving any claim against CLIENT, suspend all or any part of the Services. In order to defray carrying charges resulting from delayed payments, simple interest at the rate of 1.5% per month (18% per annum), not to exceed the maximum rate allowed by law, shall be added to the unpaid balance of each invoice. The interest period shall commence 30 calendar days after the date of the invoice. Payments shall first be credited to interest and then to principal.

3.4 Electronic payment may be made to the following address:

BANK NAME:	Wells Fargo Bank
BANK ADDRESS:	1000 Lakes Drive, Suite 250 West Covina, CA 91790
ACCOUNT #:	4945081503
ACCOUNT NAME:	MWHA A/R Collection
ABA#:	121000248
SWIFT #:	WFBIUS6S
NON US# SWIFT CODE:	WFBIUS6WFFX
ACH COORDINATOR:	Danielle Godfrey 415-243-7592 Danielle.godfrey@wellsfargo.com

Please Send Remittance Details To:

Accounts.receivable.correspondence@mwhglobal.com

3.5 Mail / Lock Box

MWH Americas, Inc.
PO Box 6610
Broomfield, CO 80021-6610
Attn: Accounts Payable

4 PERIOD OF PERFORMANCE

4.1 This Agreement shall have an effective date as set forth above and shall remain in effect until the Services are completed or unless terminated earlier pursuant to this Agreement.

5 CLIENT'S RESPONSIBILITIES

5.1 CLIENT shall designate in writing a person to act as CLIENT's representative with respect to this Agreement. Such person will have complete authority to transmit instructions, receive information and interpret and define CLIENT's policies and decisions.

5.2 CLIENT shall furnish to CONSULTANT all applicable information and technical data in CLIENT's possession or control that are reasonably required for the proper performance of the Services. CLIENT shall also disclose to CONSULTANT hazards at the Project site ("Site") that are known to CLIENT and that pose a significant threat to human health or the environment. CONSULTANT shall be entitled to reasonably rely upon the information and data provided by CLIENT or obtained from generally acceptable sources within the industry without independent verification except to the extent such verification is expressly included in the Services. CLIENT shall not be required to disclose obvious hazards and conditions that are reasonably apparent to CONSULTANT. CLIENT shall not be required to conduct additional investigations to locate or identify hazards.

5.3 CLIENT shall examine all studies, reports, sketches, drawings, specifications, and other documents presented by CONSULTANT, seek legal advice, the advice of an insurance counselor, or other consultant(s), as CLIENT deems appropriate for such examination. If any document requires CLIENT to approve, comment, or provide any decision or direction, such approval, comment, decision or direction shall be provided within a reasonable time within the context of the schedule for the Services ("Project Schedule").

5.4 CLIENT shall arrange for access to and make all provisions for CONSULTANT to enter upon public and private property as required for CONSULTANT to properly perform the Services.

5.5 CLIENT shall obtain, where applicable, the following:

5.5.1 All published advertisements for bids;

5.5.2 All permits and licenses that may be required of CLIENT by local, state, or federal authorities (except the services relating to obtaining permits and licenses required for the Project described in Attachment A);

5.5.3 All necessary land, easements, and rights-of-way;

5.5.4 All items and services not specifically covered by the terms and conditions of this Agreement.

5.5.5 CLIENT shall pay for any costs associated with the above items.

5.6 If the Services involve a construction phase of the Project, CLIENT shall require all construction contractors covered by the CLIENT's contracts related to the Project, to defend, indemnify and hold CONSULTANT harmless to the same extent that the contractor is obligated to defend, indemnify and hold CLIENT harmless and also require the contractor to add CONSULTANT as an additional insured on the contractor's Commercial General Liability and Auto Liability insurance policies applicable to the Project. CLIENT shall also require the construction contractor to assume sole and complete responsibility for Project site health and safety during the course of construction, including but not limited to the safety of all persons and property related to the Project.

6 CONSULTANT'S RESPONSIBILITIES

6.1 CONSULTANT shall designate in writing a project manager for the performance of the Services.

6.2 CONSULTANT shall perform the Services as an independent contractor and not as CLIENT's agent or employee. CONSULTANT shall be solely responsible for the compensation, benefits, contributions and taxes, if any, of its employees and agents.

6.3 The standard of care applicable to CONSULTANT's Services will be the degree of skill and diligence normally employed by professional consultants performing the same or similar services at the time and location said Services are performed. CONSULTANT will re-perform any Services not meeting this standard without additional compensation.

6.4 CONSULTANT may, during the course of its Services, prepare opinions of the probable cost of construction. CLIENT acknowledges, however, that CONSULTANT has no control over costs of labor, materials, competitive bidding environments and procedures, unknown field conditions, financial and/or market conditions or other factors affecting the cost of the construction and the operation of the facilities, all of which are beyond CONSULTANT's control and are unavoidably in a state of change. CLIENT therefore acknowledges that CONSULTANT cannot and does not make any warranty, promise, or representation, either express or implied, that proposals, bids, opinions of probable construction costs, or cost of operation or maintenance will not vary substantially from its probable cost estimates.

6.5 When CONSULTANT provides on-site monitoring personnel during construction as part of its Services, the on-site monitoring personnel will notify CLIENT of any observed defects in the Work; will otherwise make reasonable efforts to guard CLIENT against defects and deficiencies in the work of the contractor(s) and will help to determine if the provisions of the contract documents are being fulfilled. Providing on-site monitoring personnel will not, however, cause CONSULTANT to be responsible for those duties and responsibilities which belong to the construction contractor, and which include, but are not limited to, full responsibility for the means, methods, techniques, sequences and progress of construction, the health and safety precautions incidental thereto, and for performing the construction in accordance with the contract documents.

6.6 In addition to or in lieu of on-site personnel, CONSULTANT's off-site staff may periodically visit the Project site as part of its Services. Such periodic visits and any observations made by CONSULTANT during such periodic visits shall not make CONSULTANT responsible for, nor relieve the construction contractor of the sole responsibility for all construction means, methods, techniques, sequences, and progress of construction, and the health and safety precautions incidental thereto, and for performing the construction in accordance with the contract documents.

6.7 If the Services involve a construction phase of the Project, CLIENT shall require all construction contractor covered by the CLIENT's contracts related to the Project, to defend, indemnify and hold CONSULTANT harmless to the same extent that the contractor is obligated to defend, indemnify and hold CLIENT harmless and also require the contractor to add CONSULTANT as an additional insured on the contractor's Commercial General Liability and Auto Liability insurance policies applicable to the Project. CLIENT shall also require the construction contractor to assume sole and complete responsibility for Project site health and safety during the course of construction, including but not limited to the safety of all persons and property related to the Project.

7 CHANGE ORDERS

7.1 CLIENT or CONSULTANT may, from time to time, request modifications or changes in the Services. To the extent that the Services to be performed by CONSULTANT has been affected,

CONSULTANT's Compensation and Project Schedule shall be equitably adjusted. All changes shall be set forth in a written Change Order in the form of Attachment C, incorporated herein by reference, and executed by both parties.

8 FORCE MAJEURE

8.1 Neither party shall be responsible for a delay in its performance under this Agreement, if such delay is caused by extraordinary weather conditions or other natural catastrophes war, terrorism, riots, strikes, lockouts or other industrial disturbances, acts of any governmental agencies or other events beyond the reasonable control of the claiming party. CONSULTANT shall be entitled to an equitable adjustment to the Compensation and the Project Schedule as a result of any such delay.

9 CONFIDENTIALITY

9.1 CONSULTANT shall treat as confidential and proprietary all information and data delivered to it by CLIENT. Confidential information shall not be disclosed to any third party, other than CONSULTANT's subcontractors or subconsultants, during or subsequent to the term of this Agreement. Nothing contained herein shall preclude CONSULTANT from disclosing information or data: (i) in the public domain without breach of this Agreement; (ii) developed independently by CONSULTANT; or (iii) where disclosure or submission to any governmental authority is required by applicable statutes, ordinances, codes, regulations, consent decrees, orders, judgements, rules, and all other requirements of any and all governmental or judicial entities that have jurisdiction over the Services ("Law"), but only after prior written notice has been given to CLIENT.

10 RIGHTS IN DATA

10.1 All right, title and interest in and to the work products provided by CONSULTANT to CLIENT shall be the property of CLIENT ("Work Product"). Methodologies, process know-how and other instruments of service used to prepare the Work Product shall remain the property of CONSULTANT. Any modification or reuse of the Work Product without written verification or adaptation by CONSULTANT for the specific purpose intended will be at CLIENT's sole risk and without liability or legal exposure to CONSULTANT or to CONSULTANT'S subcontractors and subconsultants.

11 INSURANCE

11.1 CONSULTANT will furnish to CLIENT copies of insurance certificates evidencing that it maintains the following coverages while performing Services, subject to the terms and conditions of the policies:

<u>TYPE</u>	<u>AMOUNT</u>
Workers Compensation	Statutory policy limit
Employers' Liability	\$5,000,000
Commercial General Liability	\$5,000,000
Automobile Liability	\$1,000,000
Professional Liability	\$5,000,000

11.2 CONSULTANT will furnish CLIENT with certificates of insurance verifying the above referenced coverages and stating that the insurance carrier will provide CLIENT with thirty days prior written notice of insurance cancellation or reduction below the above listed requirements. CONSULTANT shall list CLIENT as an additional insured on the Commercial General Liability and the Automobile Liability insurance.

11.3 Waiver of Subrogation is required for Workers Compensation.

12 INDEMNITY

12.1 CONSULTANT agrees to indemnify and defend CLIENT, its officers, directors and employees, from loss or damage for bodily injury or property damage, (“Claims”), to the extent caused by the negligent errors or omissions of CONSULTANT in the performance of the Services. This obligation to indemnify CLIENT shall not impose any obligation on CONSULTANT that exceeds the Limitation of Liability provisions set forth below.

12.2 EXCEPT AS PROHIBITED BY LAW, CONSULTANT SHALL NOT BE LIABLE FOR ANY INDIRECT, INCIDENTAL, SPECIAL OR CONSEQUENTIAL DAMAGES WHATSOEVER (INCLUDING BUT NOT LIMITED TO LOST PROFITS OR INTERRUPTION OF BUSINESS) ARISING OUT OF OR RELATED TO THE SERVICES PROVIDED UNDER THIS AGREEMENT, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

13 LIMITATION OF LIABILITY

13.1 IN RECOGNITION OF THE RELATIVE RISKS AND BENEFITS OF THE PROJECT TO BOTH THE CLIENT AND CONSULTANT, THE PARTIES AGREE, TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE AGGREGATE LIABILITY OF CONSULTANT, ITS PARENT, AFFILIATES AND SUBCONTRACTORS, AND THEIR RESPECTIVE DIRECTORS, OFFICERS, EMPLOYEES AND AGENTS, TO \$5,000,000.

13.2 BY ENTERING INTO THIS AGREEMENT, THE PARTIES ACKNOWLEDGE THAT THIS LIMITATION OF LIABILITY CLAUSE HAS BEEN REVIEWED, UNDERSTOOD, IS A MATERIAL PART OF THIS AGREEMENT, AND EACH PARTY HAS HAD THE OPPORTUNITY TO SEEK LEGAL ADVICE REGARDING THIS PROVISION.

14 Not Used.

15 SUSPENSION

15.1 CLIENT may, at any time and without cause, suspend the Services of CONSULTANT, or any portion thereof for a period of not more than 90 days by notice in writing to CONSULTANT. CONSULTANT shall resume the Services on receipt from CLIENT of a written notice of resumption of the Services. If such suspension causes an increase in CONSULTANT’s cost or a delay in the performance of the Services, then an equitable adjustment shall be made to the Compensation and Project Schedule, as appropriate. In the event that the period of suspension exceeds 90 days, the contract time and compensation are subject to renegotiation.

16 TERMINATION

16.1 CLIENT may terminate all or part of this Agreement for CLIENT’s convenience by providing 10 days written notice to CONSULTANT. In such event, CONSULTANT will be entitled to Compensation for the Services performed up to the effective date of termination plus compensation for reasonable termination expenses. CONSULTANT will not be entitled to compensation for profit on Services not performed.

17 DISPUTES RESOLUTION – ARBITRATION

17.1 Any dispute arising between the parties concerning this Agreement or the rights and duties of either party in relation thereto shall first be submitted to a panel consisting of at least one representative of each party who shall have the authority to enter into an agreement to resolve the dispute. The disputes panel shall be conducted in good faith, either physically or electronically, within two weeks of a request by either party.

No written, verbal or electronic representation made by either party during the course of any panel proceeding or other settlement negotiations shall be deemed to be a party admission.

17.2 If the panel fails to convene within two weeks, or if the panel is unable to reach resolution of the dispute, then either party may submit the dispute for binding arbitration to be held in accordance with the Construction Industry Rules of the American Arbitration Association (“Association”) in effect at the time that the demand for arbitration is filed with the Association. Either party may file in the manner provided by the Rules of the Association, a Demand for Arbitration at any time. The arbitrator or arbitrators appointed by the Association shall have the power to award to either party to the dispute such sums, costs, expenses, and attorney’s fees as the arbitrator or arbitrators may deem proper. The decision of the arbitrator shall be enforceable by a court of competent jurisdiction.

18 NOTICE

18.1 Any notice or communication required or permitted by this Agreement shall be deemed sufficiently given if in writing and when delivered personally or 48 hours after deposit with a receipted commercial courier service or the U.S. Postal Service as registered or certified mail, postage prepaid, and addressed as follows:

CLIENT

Village of Winnetka
1390 Willow Road
Winnetka, IL 60093
Attention: Mr. Steven M. Saunders, Director of Public Works
CC: TO VILLAGE MANAGER

CONSULTANT

MWH
175 W. Jackson Blvd., Suite 1900
Chicago, IL 60604
Attention: Mr. Joe Johnson, Project Manager

or to such other address as the party to whom notice is to be given has furnished to the other party(ies) in the manner provided above.

19 SURVIVAL OF CONTRACT TERMINATION

19.1 The Articles relating to Indemnification, Limitation of Liability, Preexisting Conditions, Data Rights, Confidentiality, Governing Law and Venue shall survive completion of the Services, payment in full of the Compensation and termination of this Agreement.

20 MISCELLANEOUS

20.1 Governing Law. The validity, construction and performance of this Agreement and all disputes between the parties arising out of this Agreement or as to any matters related to but not covered by this Agreement shall be governed by the laws, without regard to the laws as to choice or conflict of laws, of the State where the Project is located.

20.2 Assignment. Neither this Agreement nor any rights under this Agreement may be assigned by any party, other than to a party’s affiliate, parent or subsidiary, without the prior written consent of the other party(ies).

20.3 Binding Effect. The provisions of this Agreement shall bind and inure to the benefit of the parties and their respective successors and permitted assigns.

20.4 Parties in Interest. Nothing in this Agreement, expressed or implied, is intended to confer on any person or entity other than the parties any right or remedy under or by reason of this Agreement.

20.5 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute a single agreement.

20.6 Amendment and Waiver. This Agreement may be amended, modified or supplemented only by a writing executed by each of the parties. Any party may in writing waive any provisions of this Agreement to the extent such provision is for the benefit of the waiving party. No action taken pursuant to this Agreement shall be deemed to constitute a waiver of any other party's compliance with provisions of this Agreement. No waiver by any party of a breach of any provision of this Agreement shall be construed as a waiver of any subsequent or different breach, and no forbearance by a party to seek a remedy for noncompliance or breach by another party shall be construed as a waiver of any right or remedy with respect to such noncompliance or breach.

20.7 Venue, Jurisdiction and Process. The parties agree that any arbitration proceeding arising out of this Agreement or for the interpretation, performance or breach of this Agreement, shall be instituted in the County where the Project is located, and each party irrevocably submits to the jurisdiction of such proceeding and waives any and all objections to jurisdiction or venue that it may have under the laws of that state or otherwise in such proceeding.

20.8 Severability. The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions, and this Agreement shall be construed in all respects as if any invalid or unenforceable provision were omitted.

20.9 Preparation of Agreement. All provisions of this Agreement have been subject to full and careful review by and negotiation between CONSULTANT and CLIENT. Each such party has availed itself of such legal advice and counsel as it, respectively, has deemed appropriate. The parties hereto agree that neither one of them shall be deemed to be the drafter or author of this Agreement, and in the event this Agreement is subject to interpretation or construction by a court of law or panel of arbitration, such court or panel shall not construe this Agreement or any portion hereof against either party as the drafter of this Agreement.

20.10 Entire Agreement. This Agreement embodies the entire agreement and understanding between the parties pertaining to the subject matter of this Agreement, and supersedes all prior agreements, understandings, negotiations, representations and discussions, whether verbal or written, of the parties pertaining to that subject matter.

CLIENT

CONSULTANT

Signature

Signature

Name (Printed or Typed)

Name (Printed or Typed)

Date

Date

ATTACHMENTS

Attachment A

SCOPE OF SERVICES

1. PROJECT DESCRIPTION

A conceptual, seven-phase plan of storm sewer improvements has been developed by Christopher B. Burke Engineering, Ltd. (CBBEL) to provide the Village of Winnetka with improved protection against flooding associated with a 100-year design storm. The plan is called the Willow Road Stormwater Tunnel and Area Drainage Improvements Project and includes approximately 30,800 feet of new, large diameter storm sewer as well as a new 96-inch diameter outfall to Lake Michigan. Elements of the conceptual plan are listed below.

- Outfall structure and 96-inch diameter storm sewer along Willow Road from Lake Michigan to Provident Avenue (approximately 6,200 feet long)
- 96-inch diameter storm sewer on Willow Road from Provident Road to Glendale Avenue (approximately 1,950 feet long)
- 48-, 54-, and 72-inch diameter storm sewers on Poplar Street, Cherry Street, and Sheridan Road (approximately 3,850 feet long)
- 84-inch diameter storm sewer on Winnetka Road, Essex Road, and Sheridan Road (approximately 4,600 feet long)
- 66-inch diameter storm sewer on Birch Street (approximately 2,250 feet long)
- 60-inch diameter storm sewer on Provident Avenue and Blackthorn Road (approximately 5,900 feet long)
- 96-inch diameter storm sewer on Glendale Avenue, 60-inch diameter storm sewer on Cherry and Ash Streets, a 5'x8' box culvert on Oak Street, and an 84-inch diameter storm sewer on Hibbard Road (approximately 6,050 feet long in total)

This scope of services does not include engineering services associated with the design of roadway improvements that are part of a proposed jurisdictional transfer of Willow Road from Provident Road to a point west of Hibbard Road.

CLIENT and CONSULTANT recognize that the configuration and characteristics of the proposed improvements may change during the course of the preliminary engineering and permitting effort. Upon completion of the initial preliminary engineering and permitting tasks, CLIENT and CONSULTANT will review the scope of the proposed project and make adjustments to the workplan, schedule, and budget as required to reflect changes made to the project.

As CLIENT's engineering consultant for this Project, CONSULTANT will be responsible for permitting support, preliminary engineering, and detailed engineering design for the proposed improvements as defined in this agreement. While engineering services during construction are not included in this scope of services, it is understood that the CLIENT will retain CONSULTANT for such services and negotiate an appropriate scope and budget as the Phase 2 design activities are completed. MWH will not be the engineer-of-record for tunnel projects without appropriate full-time engineering involvement during tunnel construction.

2. SCOPE OF SERVICES

Engineering services required to support final planning, preliminary design, permitting, and final design of CLIENT's implementation of the Willow Road Stormwater Tunnel and Area Drainage Improvements Project will be provided in two phases. Specific tasks to be performed under each phase of the project are described below.

Unless otherwise noted, CONSULTANT will submit five (5) printed copies and one electronic copy (.pdf format) of all deliverables prepared under this scope of services.

Phase 1 Permitting

Phase 1 Permitting activities will focus on the identification of permitting requirements that must be met in order for the project to proceed, and the development of the current project concept through preliminary engineering design. The preliminary design will be documented in 30% drawings. During Phase 1, CONSULTANT will also support CLIENT in the pre-qualification and selection of a contractor to deliver major elements of the project under the Construction Management at Risk (CMAR) delivery model.

Upon receipt of a Notice-to-Proceed from CLIENT, CONSULTANT will mobilize its staff and proceed with services required to refine the project concept, identify and pursue critical permits, coordinate interaction and outreach with key stakeholders, and support the pre-qualification and selection of a CMAR contractor for delivery of the new outfall and Willow Road storm sewer extending from Lake Michigan to Provident Avenue.

Task 1.1 – Preliminary Engineering

Preliminary engineering activities will include studies, analyses, evaluations and design efforts required to advance the current project concept to a 30% design that considers major permitting requirements.

Task 1.1.1 – Concept Review

OBJECTIVE

At the outset of the project, CONSULTANT will prepare for and conduct a review of the current project concept with CLIENT staff to frame major decisions that have the potential to significantly impact the performance, cost, schedule, and/or impacts of the project on the community. Working with CLIENT staff, CONSULTANT will identify critical questions/concerns that must be addressed to demonstrate the overall value of the project to the community. The concept review will determine what, if any, modifications to the concept plan sewer alignments will be considered during preliminary engineering.

ACTIVITIES

Under this task CONSULTANT will:

- Review current reports and documents describing the basis for and elements of the proposed project plan. Comments from recent public meetings will also be reviewed.
- Identify critical issues that have the greatest potential to impact the success, cost, schedule, and impacts of the project on the community and environment
- Conduct a half-day Concept Review Workshop with CLIENT staff in Winnetka. Topics to be reviewed will include:
 - performance expectations – flood mitigation
 - performance expectations – water quality impacts on lake
 - sewer configuration and alignments
 - construction methodologies
 - project delivery models

The goal of the workshop is to establish a common basis for the evaluation and refinement of the proposed project plan.

DELIVERABLE

CONSULTANT will document the results of the Concept Review Workshop in a technical memorandum.

Task 1.1.2 – Permit Plan

OBJECTIVE

CONSULTANT will prepare a well-defined plan and schedule for actions needed to support the acquisition of permits, license agreements, easements, and or rights-of-way during the course of the project. The plan will serve as a template and will be updated periodically during the course of the project.

ACTIVITIES

Under this task, CONSULTANT will:

- Compile available and relevant information to be used as a starting point for the development of the detailed permit action plan for the Willow Road Stormwater Tunnel and Area Drainage Improvements Project.
 - Review permit-related information provided by CLIENT (e.g., minutes from previous meetings with regulatory agencies, Baxter & Woodman water quality data, Winnetka NPDES stormwater discharge permit and associated stormwater management plan, preliminary outfall design selection)
 - Perform web-based research of regulatory requirements (e.g., Lake Michigan water quality standards, Lake Michigan beach E. Coli TMDL, Skokie River water quality standards)
 - Research potential stormwater BMPs to identify measures that may help mitigate water quality issues and search primary literature for quantifiable pollutant load reductions for those BMPs
- Organize and attend pre-application meetings with the appropriate regulatory agencies:
 - Review/refine list of required permits and associated permit agencies
 - Schedule and conduct meetings with identified permitting agencies to discuss the project (including alternatives), identify permitting requirements and limitations, and identify supporting technical data/analysis required for the permitting process. Pre-application meetings may be held by phone or in person with the following agencies:
 - Illinois Environmental Protection Agency (IEPA) – Springfield, IL
Clean Water Act Section 401 Water Quality Certification (WQC)
Phase II MS4 (ILR400476)
 - Illinois Department of Natural Resources (IDNR) – Chicago, IL
Lake Michigan Programs Section
Water Resources Management Section
Coastal Management Program
 - U. S. Army Corps of Engineers, Chicago District (USACOE) – Chicago, IL
 - Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) – Chicago, IL
 - Illinois Department of Transportation (IDOT) – Schaumburg, IL
 - Union Pacific Railroad – Chicago, IL
 - North Cook County Soil & Water Conservation District – Hoffman Estates, IL
- Prepare a Permitting Action Plan to contain:
 - Permit fact sheets for each required permit (conditions, application materials, fees, review time, key contact)
 - Permitting schedule
 - Summary of research performed
 - Meeting minutes from agency pre-application meetings
 - Identification of permit-related fatal flaws, if any

DELIVERABLE

CONSULTANT will prepare a Permitting Action Plan that provides a prioritized schedule of permitting activities anticipated to be required for implementation of the proposed project.

Task 1.1.3 – Hydrologic and Hydraulic Model Verification

OBJECTIVE

CONSULTANT will review and refine the previous hydrologic and hydraulic modeling of the current project concept to establish an updated hydraulic basis of design for project. The modeling will be used to confirm level of service and performance expectations.

ACTIVITIES

Under this task, CONSULTANT will:

- Review the XP-SWMM model and simulations that serve as the basis for the existing project concept. It is assumed that the CLIENT will provide CONSULTANT with a running version of the existing model that accurately represents the current project concept. CONSULTANT will review the model and advise CLIENT of any issues or concerns prior to proceeding with use of the model for this task.
- Document baseline flow rates and proposed storm sewer sizes for the project concept design condition (1% annual chance rainfall event)
- Document flow rates and proposed storm sewer sizes for an alternative project concept that considers factors identified during the concept review.
- Document inlet capacity, overland flow, and flow diversion requirements for the proposed system
- Conduct a two-hour “green infrastructure” workshop with CLIENT staff to assess the potential for incorporation of public and/or private best management practices into the project plan
- Based on results from the workshop, CONSULTANT will develop two alternative model scenarios (public only implementation of green infrastructure, public and private implementation of green infrastructure) and generate corresponding estimates of design flows.
- Develop storm sewer sizes for each of the two green infrastructure scenarios
- Prepare an alternative sizing memorandum documenting the impact of each of the green infrastructure scenarios on proposed storm sewer sizes.
- Conduct an alternative sizing workshop with CLIENT staff to review potential modifications to the concept plan and adopt a hydraulic basis for preliminary design. It is assumed that the alternative sizing evaluation will not result in a significant change in the length of storm sewer to be included in the preliminary design. Should the evaluation result in significant changes to the overall project concept, CONSULTANT will meet with the CLIENT to review the project scope, schedule and budget before proceeding.

DELIVERABLES

CONSULTANT will prepare an Alternative Sewer Sizing Memorandum that documents the results of modeling of the baseline and alternative project concepts as well as simulations of the benefits of two green infrastructure implementation scenarios.

Phase 1 - Permitting Review Point 1

Upon the completion of Tasks 1.1.1, 1.1.2, and 1.1.3, CONSULTANT will meet with CLIENT representatives to review key findings and evaluate the scope for field investigations and preliminary design. Based on the results of this review, CLIENT will either:

- Direct CONSULTANT to proceed with additional activities in accordance with the current scope, schedule, and budget;
- Negotiate a revised scope, schedule, and budget for additional tasks and direct CONSULTANT to proceed with the revised scope;
- Suspend services pending further direction from the CLIENT.

Task 1.1.4 – Phase 1 Field Investigations

OBJECTIVE

CONSULTANT will plan and oversee field investigations to obtain the supplemental data needed to support critical permitting and preliminary engineering activities. Phase 1 field investigations will include surveys required to document conditions and locate critical utilities along the proposed sewer alignments and geotechnical investigations required to provide data for the evaluation of construction methods for individual sewer segments.

ACTIVITIES

Under this task, CONSULTANT will:

- Plan and oversee topographic and utility engineering surveys as outlined below to support preparation of preliminary engineering (30%) drawings. Field surveys will be performed by American Surveying & Engineering under subcontract to CONSULTANT.
 - Obtain and review relevant existing survey data
 - Catalog, summarize, and transfer available data to working drawings
 - Recover/set horizontal and vertical control points along the proposed sewer alignment
 - Perform GPS/traverse and level circuit through control points
 - Perform field surveys for planimetric depiction and DTM creation
 - Obtain invert elevations for select drainage and sewerage, structures at critical connection or conflict points
 - Create base sheets showing project mapping (topographic planimetrics, DTM, and profile) along the proposed improvement alignments
- Plan and oversee geotechnical investigations as outlined below to support preliminary design and evaluation of open cut and tunnel construction methods for proposed sewer segments. Geotechnical investigations will be performed by Testing Services Corporation under subcontract to CONSULTANT. CONSULTANT will observe and document geotechnical field investigations.
 - Collect available data/review results from previous subsurface investigations
 - Prepare geotechnical investigation plan, locate borings, obtain permits for borings in IDOT rights-of-way, and clear sites for utilities
 - Perform borings at 24 locations to provide information needed for evaluation of open cut and tunneling construction options. It is assumed that 8 borings will be to a depth of approximately 75 feet, while the other 4 borings will be to a depth of 30 feet. Up to five borings will be converted to standpipe piezometers.
 - Collect up to 200 pavement cores
 - Document subsurface conditions with standard boring logs
 - Perform field tests including standard penetration testing (SPT) at 2.5 foot intervals with a calibrated pocket penetrometer

- Collect samples at each boring site and conduct laboratory testing for soil gradation, Atterberg Limit, abrasivity, and Unconfined Compressive Strength
- Collect samples at five boring sites for environmental screening of parameters that may impact soil disposal characteristics
- Perform an analysis of the geotechnical investigation results and prepare a generalized geotechnical profile along the proposed tunnel and open cut sewer alignments. The analysis results and profile will be considered in the final evaluation of construction options for various sewer segments.

DELIVERABLE

CONSULTANT will prepare an interim report documenting the Phase 1 field investigations conducted and the results obtained. Section 1 of the report will include a summary description of the field investigations. Section 2 will include a Phase 1 Geotechnical Data Report (GDR) based on American Society of Civil Engineers (ASCE) guidelines that describes the method of investigation and the boring logs and test data obtained. Soil boring logs and laboratory analysis results will be included as appendices to the Phase 1 GDR. Section 3 of the report will contain a Geotechnical Design Memorandum that presents the analysis of geotechnical data obtained and includes a generalized geotechnical profile along the proposed tunnel and open cut alignments.

Task 1.1.5 – Preliminary Design

OBJECTIVE

Preliminary design drawings for the proposed outfall and storm sewer improvements will be prepared to advance critical permitting activities and provide a refined basis for overall planning of design and construction activities associated with the proposed stormwater tunnel and area drainage improvements. The preliminary design documents will also be used as a reference during the pre-qualification and selection of the CMAR contractor.

ACTIVITIES

CONSULTANT will perform preliminary design activities including:

- Planning and leadership of a two-hour Design Standards Workshop with CLIENT staff. The workshop will provide the CONSULTANT and CLIENT teams with the opportunity to review/define general design standards for the project based on existing CLIENT and IDOT standards, lessons learned from recent CLIENT projects, and CONSULTANT input.
- Preparation of a set of 30% preliminary design drawings (total sheet count of approximately 108 sheets) and a list of special provisions expected to be required in the final bidding packages for the projects.
- Preparation of approximately 62 preliminary plan and profile drawings showing the proposed configuration and horizontal and vertical alignment of the proposed storm sewer improvements. Open cut drawings will be prepared at a horizontal scale of 1"=20'. Tunnel drawings will be prepared at a horizontal scale of 1"=50'.
- Hydraulic design analysis of the proposed outfall structure and major junction/diversion structures. CONSULTANT will use Computational Fluid Dynamics (CFD) modeling to analyze flow rates and velocities through the structure, and develop appropriate provisions for energy/velocity dissipation at the outfall. Results from the analysis will be used to develop a preliminary site plan and layout for the new structure at the lake front.
- Development of basic structural design criteria and preliminary type, size, and location layouts for the proposed outfall structure and major junction or diversion structures. The layouts will be incorporated into the 30% drawing set as preliminary structure drawings.
- Preparation of preliminary drawings showing the type, size, and location of proposed water quality management structures to be incorporated into the new storm sewer system.

- Preparation of preliminary traffic control and detour plans. CONSULTANT will review the extent of the proposed storm sewer improvements, preliminary plans for project staging and sequencing, and alternatives for the maintenance of traffic during construction of the proposed projects. A series of preliminary traffic control and detour plans will be documented and incorporated into the preliminary plan set.
- Preparation of a Class 4 Opinion of Probable Construction Costs (OPCC). CONSULTANT will use the preliminary drawing set as the basis for the preparation of an Association for the Advancement of Cost Engineering (AACE) Class 4 OPCC. The OPCC will be developed to provide a high level indication of overall project costs given refinements made to the original project concept and improved geotechnical, permitting and survey information.
- Preparation of a Preliminary Design Report/Preliminary Design Workshop. CONSULTANT will prepare a Preliminary Design Report summarizing the major features of the proposed project as included in the preliminary design drawings, the estimated OPCC for the project, the status of permitting activities, and issues remaining to be addressed during the detailed design phase of the project. CONSULTANT will submit a draft copy of the report to CLIENT (including 11"x17" prints of the preliminary drawings) for review and comment, and then schedule a half-day workshop with CLIENT staff and key permitting agency representatives to review and discuss the materials. Based upon comments from the workshop, CONSULTANT will prepare a final copy of the Preliminary Design Report and submit the document to the CLIENT as the basis for the next phase of design activities.

Task 1.1.6 – Phase 1 Permitting

OBJECTIVE

CONSULTANT will advance permitting efforts to the point of pre-approval or documented consensus on critical issues related to overall project feasibility and/or cost. The permits of greatest concern include those related to the siting and construction of the proposed new stormwater outfall, the construction of the Willow Road storm sewer under the Union Pacific railroad, and the construction of major new storm sewers within IDOT rights-of-way.

ACTIVITIES

Under this task, CONSULTANT will:

- Prepare and submit an initial Joint Permit Application to the IEPA, IDNR, and USACOE for the proposed new stormwater outfall to Lake Michigan. Steps involved in this process are as follows:
 - Compile, document and review available water quality data for stormwater discharges from Winnetka and for Lake Michigan. CONSULTANT anticipates that the IEPA 401 Water Quality Certification will be a key regulatory hurdle in the permit process. CONSULTANT will need to assist CLIENT (the Applicant) in convincing the IEPA that the effluent from the proposed stormwater outfall will neither violate state water quality standards nor degrade the quality or designated uses of Lake Michigan. For the purpose of this scope of work, CONSULTANT assumes that the water quality data collected by Baxter & Woodman as part of Winnetka's stormwater master planning effort, in addition to publicly available Lake Michigan water quality data (offshore and at beaches), will be sufficient data for the permit process. **No new water quality monitoring of stormwater discharges from Wilmette or baseline conditions in Lake Michigan is proposed as part of this scope of services.**
 - If regulatory agency feedback indicates that additional water quality data must be collected, CONSULTANT will prepare a proposal for performing additional water quality sampling and laboratory analysis that reflects the specific requirements of the permitting agency. Such a plan could, for example, include additional analytes or a sampling regime focused on characterizing first flush water quality versus other runoff.
 - Similarly, if regulatory agency feedback indicates that water quality modeling of conditions in the lake at the proposed outfall to Lake Michigan will be required for the permit process,

- CONSULTANT will prepare a proposal for performing the required analysis using appropriate dispersion modeling approaches.
- Prepare the initial Joint Permit Application to IEPA, IDNR, and USACOE for the construction of a new stormwater outfall to Lake Michigan. CONSULTANT would also propose to use these same permitting materials as the basis for communications with MWRDGC regarding the acceptability of a new stormwater outfall to the lake. The application will include the completed joint permit application forms, preliminary drawings of the proposed outfall structure and proposed water quality management facilities as well as a Water Quality Management Plan as described below. The draft Joint Permit Application will be submitted to CLIENT for review, and comments incorporated before it is transmitted to the permitting agencies for initial consideration.
 - Prepare a Water Quality Management Plan to document the measures that CLIENT will incorporate into its stormwater system to meet the water quality standards and anti-degradation criteria that will apply to the new discharge. Primary parameters of concern to be addressed in the Water Quality Management Plan will likely include sediment, total suspended solids, floatables, oil and grease, phosphorus, chloride, E. Coli, flow, temperature, and/or dissolved oxygen. To establish the Water Quality Management Plan, CONSULTANT will:
 - Adapt the hydrologic and hydraulic model of the project area for the analysis of pollutant loadings based on representative wash-off rates for communities with similar land use patterns
 - Estimate pollutant loadings at the existing discharge points from the project area for four specific design storm events and use the results to project peak and average loadings under current conditions
 - Document the likely water quality discharge standards for both the Lake Michigan and the Skokie River,
 - Assess available technologies for meeting the discharge standards
 - Develop a water quality management strategy for the project that includes consideration of private stormwater best management practices (BMPs), BMPs or stormwater treatment facilities constructed at distributed locations within the storm sewer system and within the public right-of-way, and/or end-of-pipe treatment measures.
 - Estimate pollutant loadings at existing and proposed discharge points within the proposed new storm sewer system with and without consideration of the water quality management measures proposed.
 - Document the estimated impact of the proposed storm sewer improvements on pollutant loadings to Lake Michigan with and without the proposed water quality management measures.
 - Compile results from the analyses into a project-specific Water Quality Management Plan for submittal with the Joint Permit Application.
 - Conduct a review of the Water Quality Management Plan with CLIENT and address/incorporate comments
 - Submit the initial Joint Permit Application, Water Quality Management Plan, and other supporting materials to the permit agencies for review
 - Review agency comments on the initial submittal and make revisions as appropriate
 - Participate in one public meeting to present the water quality management plan to the community and other interested parties
 - Prepare and submit an initial application to the MWRDGC requesting approval for the proposed new stormwater outfall to Lake Michigan. It is assumed that the materials contained in the Joint Permit Application will be suitable for submittal to the MWRDGC with minimal modification. CONSULTANT will follow-up with MWRDGC to document any comments or questions related to the permit application. CONSULTANT will document requested revisions to be addressed during final design.

- Prepare and submit an initial application to IDOT for the construction of new large-diameter storm sewers within state rights-of-way. The application to IDOT will consist of the completed forms and preliminary (30%) design drawings for the facilities proposed for construction within the IDOT right-of-way. CONSULTANT will follow-up with IDOT to document any comments or questions related to the permit application. CONSULTANT will document requested revisions to be addressed during final design.
- Prepare and submit an initial application to the Union Pacific Railroad for the construction of a 96-inch diameter storm sewer across the railroad right-of-way at Willow Road. The application to the railroad will consist of the completed forms and preliminary (30%) design drawings for the portion of the new sewer crossing the railroad right-of-way. CONSULTANT will follow-up with the railroad to document any comments or questions related to the permit application. CONSULTANT will also document requested revisions to be addressed during final design.

Phase 1 - Permitting Review Point 2

Upon the completion of Tasks 1.1.4, 1.1.5, and 1.1.6, CONSULTANT will meet with CLIENT representatives to review key findings and evaluate the scope for procurement of a CMAR contractor and preparation of final design documents. Based on the results of this review, CLIENT will either:

- Direct CONSULTANT to proceed with additional activities in accordance with the current scope, schedule, and budget;
- Negotiate a revised scope, schedule, and budget for additional tasks and direct CONSULTANT to proceed with the revised scope;
- Suspend services pending further direction from the CLIENT

Task 1.2 – Phase 1 Project Management

The Winnetka Stormwater Tunnel and Area Drainage Improvements Project will require a dedicated project management effort to plan, monitor, and coordinate the activities and stakeholders associated with the effort. At the outset of the project, CONSULTANT will develop a Project Execution Plan that defines the framework for overall management of the project and coordination with CLIENT, private and local stakeholders, and residents of Winnetka.

Task 1.2.1 – Project Management

OBJECTIVE

CONSULTANT will make use of its project management processes and tools to manage, direct, and administer project activities in a manner that promotes the completion of the defined tasks in accordance with the established project scope, schedule, budget, and quality objectives set for the project.

ACTIVITIES

Under this task, CONSULTANT will:

- Prepare a Project Execution Plan (including a risk register, change log, and high level communication plan)
- Conduct regular team meetings to coordinate project activities
- Schedule, conduct, and document appropriate quality reviews of project activities and deliverables
- Maintain a project action item list
- Monitor and report monthly to CLIENT on progress, expenditures, potential issues/changes, risks
- Prepare and submit monthly invoices and progress reports
- Coordinate communications between the project team, CLIENT, CLIENT’s Program Manager, and other stakeholders

DELIVERABLES

- Deliverables associated with project management activities will include
- Project Execution Plan (including risk register, change log, and high level communication plan)
- Monthly invoice and progress reports

Task 1.2.2 – Coordination with Private, State, Federal Entities

OBJECTIVE

CONSULTANT will partner with CLIENT to communicate and coordinate with private, state, and Federal stakeholders in such a way that the stakeholders remain informed of key project elements and plans, and that potential issues are identified early so that they can be resolved at a minimum impact to the project.

ACTIVITIES

Under this task, CONSULTANT will:

- Prepare/implement a communication plan for private, state, and federal stakeholders that includes information for specific contacts
- Prepare and distribute a quarterly update of 4 pages or less to identified stakeholders along with a summary of pending issues or action items
- Conduct a quarterly phone briefing for stakeholders during which key milestones, questions, issues, or changes are presented

DELIVERABLES

CONSULTANT will prepare a quarterly project update for distribution electronically to stakeholders and posting to CLIENT's stormwater management website.

Task 1.2.3 – Coordination with Local Entities

OBJECTIVE

CONSULTANT will partner with CLIENT to communicate and coordinate with local entities including the Winnetka Park District, the Winnetka School District 36, New Trier High School District, affected businesses, and local community groups so as to identify and address specific concerns in a timely fashion.

ACTIVITIES

Under this task, CONSULTANT will:

- Prepare a communication plan for local stakeholders that includes information for specific contacts
- Distribute a quarterly update on the project to identified local stakeholders along with a summary of pending issues or action items. This effort will be coordinated with the similar effort for private, state and federal stakeholders.
- Conduct a quarterly briefing in Winnetka with key local stakeholders to facilitate the discussion of project challenges and concerns as well as opportunities for coordination of activities to enhance project results or mitigate project impacts.

DELIVERABLES

CONSULTANT will prepare a quarterly project update for distribution electronically to stakeholders and posting to CLIENT's stormwater management website.

Task 1.2.4 – Progress Meetings

OBJECTIVE

CONSULTANT will participate in bi-weekly progress meetings with CLIENT staff to provide for consistent and effective communication and action within the overall CONSULTANT/CLIENT Project Team.

ACTIVITIES

The CONSULTANT's Project Manager will participate in regular progress meetings in Winnetka (typically at two –week intervals) with CLIENT's Project Team to review progress to date, discuss/resolve outstanding or anticipated issues, review plans for upcoming meetings or tasks, and coordinate overall project activities. To the degree practical, CONSULTANT will work to coordinate other project meetings or activities with the progress meetings so as to maximize the value of time spent in Winnetka and reduce overall travel time.

DELIVERABLES

- Progress, budget, and schedule updates
- Action item updates
- Risk Register updates
- Change log updates

Task 1.3 – Phase 1 Project Outreach

The proposed Willow Road Stormwater Tunnel and Area Drainage Improvements Project has already been the subject of significant debate and disagreement among various parties within CLIENT. As the project moves from concept into preliminary engineering, effective outreach will be critically important to provide stakeholders at all levels appropriate information regarding the project, to solicit input on decisions that are being considered, and to work toward a broader consensus regarding the overall value of the project to the community. CONSULTANT will provide effective outreach through a combination of ongoing communication and periodic structured interactions with stakeholders.

OBJECTIVE

Maintain a consistent and effective level of communication regarding project issues with key stakeholders. Specific activities associated with this task are focused on briefings to the Village Council and periodic public information meetings.

Task 1.3.1 – Village Council Briefings

ACTIVITIES

CONSULTANT's Project Manager will attend at least one Village Council meeting per quarter to provide a briefing to Council members on project progress and result and/or to answer questions.

DELIVERABLE

No deliverables are expected to be generated as part of this task. Briefing materials for Council Members will be taken from CONSULTANT's monthly progress report for the preceding or current month.

Task 1.3.2 – Public Information Meetings

ACTIVITIES

CONSULTANT's Project Manager and select members of the project team will participate in quarterly public meetings during the permitting/preliminary engineering phase of the project. Likely topics for these meetings may include:

- Water Quality Management Plan/Lake Michigan Outfall Permit
- Updated Concept Review
- Preliminary Design Report Review

CONSULTANT will work with CLIENT staff to document attendance at public meetings and provide a high level summary of issues discussed and general comments/questions addressed.

DELIVERABLES

CONSULTANT will work with CLIENT staff to prepare/distribute Public Meeting Summaries and attendee lists.

Task 1.4 – Construction Management Selection Process

CONSULTANT clearly understands CLIENT's desire to make use of the CMAR delivery model for the proposed Willow Road Stormwater Tunnel, segments of 96-inch diameter storm sewer to be installed east and west of the tunnel segment, and the proposed outfall to Lake Michigan. As an organization of planners, designers, and constructors, CONSULTANT has seen how an effective CMAR model can benefit both the owner and the CMAR contractor.

Task 1.4.1 – CMAR Committee Workshop

OBJECTIVE

An early workshop will provide the opportunity for CONSULTANT to work with CLIENT staff to review and refine the current strategy and expectations for the use of a CMAR contractor to implement major elements of this overall project.

ACTIVITIES

A CMAR Procurement Strategy and Decision Workshop will be held with key CLIENT staff, CLIENT's legal advisor for the procurement, CONSULTANT design staff and CONSULTANT CMAR advisor (The CMAR team). The legal requirements for the CMAR project will be reviewed and flexibilities within the legal requirements will be discussed as to potential benefits for the procurement or project. A matrix will be prepared that will contain all the decisions that need to be made for the RFQ and the RFP. Each decision will be discussed; options available with each decision will be reviewed as to pros and cons and with the decisions made a procurement strategy will unfold. At this workshop coordination and development of the CMAR Team will be discussed and include the following:

- Define the vision: Discuss the team's vision for a successful procurement and project as well as their understanding of the purpose and scope of the CMAR approach.
- Clarify the team purpose: Determine who is on team and for what purpose.
- Define Responsibilities: What are the boundaries for individual responsibilities and where are the interfaces between individuals.
- Develop team Operating Guidelines: Develop the lines of communication and interaction among team members

The Workshop portion will focus on the key considerations for the procurement (submittals received, evaluations, selection) and development of the CMAR contract. Policy and other key decisions will have to be made which will guide the procurement and agreement(s) development. Such key considerations include but are not limited to:

- Determine need for procurement meeting/site visit after issuance of RFQ.
- Determine the scope of work for the preconstruction services phase of the project and at what point in the design the CMAR is brought on board. The earlier the CMAR is brought on board the greater potential for benefits and advantages to be gained by CLIENT.
- Confirm procurement process- need to be in conformance with State Law- incorporate requirements and flexibilities
- Based on above, review/revise procurement process.
- Develop appropriate methodology from the various forms available of how a submission (SOQ, RFP (and possibly interview) will be evaluated and rated/scored.
- Confirm extent costs or cost components will be included and evaluated in selection process.
- Determine self-performance requirements or constraints and thus the amount of competitive bidding of the construction work.
- Decide on necessity for Guarantor/Guaranty Agreement.
- Review key risk parameters and determine CLIENT risk posture for the proposed contract. Determine process of introduction of contract into procurement and how to elicit comments from proposers and proposers' sureties. Obtaining surety concurrence as to form of bonds and terms and conditions of agreement as early as possible is critical for project schedule.
- Review/revise submittal (RFQ and RFP) requirements: qualifications/experience (construction, CMAR, prior working relationships on projects, dollar value, project types, etc.); key personnel; financial wherewithal; ability to meet critical deadlines and milestones; construction approach, project specific plans (Safety, QA/QC, Traffic Control, Cost and Schedule Control, etc.), price proposal, etc.
- MBE/WBE and other CLIENT requirements
- Determine the selection committee and add the committee to the CMAR team
- Determine the procurement schedule
- Address the CMAR contract and option of a contract term sheet for the procurement

DELIVERABLES

CONSULTANT will prepare a CMAR Workshop Summary Memo that documents key points of discussion and decisions made during the CMAR workshop.

Task 1.4.2 – CMAR Prequalification

OBJECTIVE

The CMAR prequalification process is intended to serve as a screening process for potential CMAR contractors. CONSULTANT will partner with CLIENT to develop and implement a prequalification process that attracts effective, experienced, and successful CMAR candidates.

ACTIVITIES

Based on observations from the CMAR workshop, CONSULTANT will develop an RFQ and submit it to CLIENT in draft format. CONSULTANT assumes that CLIENT will provide the necessary background information needed for the CMAR RFQ. The RFQ will reflect the decisions made at the workshop and appropriate language will be included to describe those decisions. Customary and routine RFQ requirements will be included based on our experiences, lessons learned and best practices.

CONSULTANT will meet with the CMAR project team to discuss comments and questions on the RFQ. Based on the comments and decisions made at the meeting the RFQ will be revised and finalized and submitted to CLIENT for its issuance.

Responses to all questions submitted during the proposal period will be developed by the appropriate CMAR team member and responses sent to the CMAR project team for comment and finalization. If appropriate, RFQ addenda will be developed, reviewed and finalized and submitted to CLIENT for issuance.

CONSULTANT will review and evaluate submissions and prepare review summaries of each submission as to compliance with procurement requirements and provide a listing of deficiencies or omissions for each submission. We will prepare a memo of the deficiencies and omissions (and perhaps request for additional information) to be sent by CLIENT to each proposer. It is assumed that no more than 5 SOQ's will be received. CONSULTANT will assist CLIENT in answering final questions or comment on the SOQ's to enable CLIENT to select the short list of proposers who will receive the RFP.

DELIVERABLES

Deliverables related to this task will include:

- Input to CLIENT's Request for Qualifications for CMAR Contractors
- CMAR Statement of Qualifications Review Memo

Task 1.4.3 – CMAR Selection

OBJECTIVE

CONSULTANT will partner with CLIENT to develop and implement a CMAR Request for Proposals document that attracts effective, experienced, and successful CMAR candidates. CONSULTANT will work with CLIENT to promote the development of a strong and effective CMAR team for this project.

ACTIVITIES

CONSULTANT will collaborate with CLIENT staff to prepare a Request for Proposals for potential CMAR contractors. The RFP will be developed and submitted to CLIENT in draft format. It is assumed that CLIENT will provide the necessary background information need for the RFP. The RFP will include the decisions made at the workshop and appropriate language will be included to describe those decisions.

CONSULTANT will work with CLIENT's legal advisor to develop the CMAR contract based on the legal posture and requirements of CLIENT. CONSULTANT will draw upon its considerable experience and expertise to help CLIENT identify and address some of the more troublesome terms and conditions used in CMAR agreements, and how they are often dealt with by the CMAR Contractor and owner. CONSULTANT assumes that CLIENT's legal advisor will prepare the draft CMAR contract for use on this project. CONSULTANT will review and make recommendations as to contract modifications and revisions.

CONSULTANT will meet with the CMAR project team to discuss comments and questions on the RFP. Based on the comments and decisions made at the meeting, CONSULTANT will finalize the RFP and submit it to CLIENT for its issuance.

Responses to questions submitted during the proposal period will be developed by the appropriate CMAR team member and responses sent to the CMAR project team for comment and finalization. If appropriate, RFP addenda will be developed, reviewed and finalized and submitted to CLIENT for issuance.

CONSULTANT will review and evaluate submissions and prepare review summaries of each submission as to compliance with procurement requirements and provide a listing of deficiencies or omissions for each submission. CONSULTANT will prepare a memo of the deficiencies and omissions (and perhaps request for additional information) to be sent by CLIENT to each proposer. It is assumed there will be a short list of three proposers.

CONSULTANT will meet with the CMAR team and address any questions and concerns associated with the proposals. We will discuss the agenda and protocol for the interviews and prepare the interview invitation

and requirements. CONSULTANT will assist in the interview process and meet with the CMAR team for a debriefing session on the interviews. After the interviews CONSULTANT will address final questions, and provide comments and concerns to CLIENT for support in its selection.

DELIVERABLES

- Input to CLIENT's Request for Proposal for a CMAR Contractor
- CMAR Proposal Review Memo

Phase 1 - Permitting Review Point 3

Upon the completion of Phase 1 activities, CONSULTANT will meet with CLIENT representatives to review key findings and evaluate the scope preparation of final design documents. Based on the results of this review, CLIENT will either:

- Direct CONSULTANT to proceed with additional activities in accordance with the current scope, schedule, and budget;
- Negotiate a revised scope, schedule, and budget for additional tasks and direct CONSULTANT to proceed with the revised scope;
- Suspend services pending further direction from CLIENT.

Phase 2 Engineering

Phase 2 Engineering tasks will build upon the 30% design and lead to the preparation of bidding documents (plans and specifications) for the various construction contracts that will make up the overall project. Interim deliverables (60% and 90% plans and specifications) will be prepared as part of the Phase 2 effort and submitted to CLIENT for review and comments. During Phase 2, CONSULTANT will work closely with the selected CMAR contractor to evaluate the impact of design decisions on project constructability, cost, and disruption, and incorporate features into the design that will facilitate the implementation of improvements selected for CMAR delivery. For project elements to be delivered via the traditional design-bid-build model, CONSULTANT's Phase 2 services will include engineering support during the bidding process up through review and evaluation of bids received for the various construction contracts. Major activities will include:

- supplemental field investigations,
- detailed design analyses,
- design coordination with the CMAR contractor,
- development of a final plan for bidding, contracting and phasing of construction,
- preparation of bidding documents including plans and specifications, and
- provision of support services during the bidding process.

The scope and budget presented for Phase 2 services are based on the current concept plan of storm sewer improvements and the preparation of 60%, 90% and 100% documents. Should analyses completed during Phase 1 result in significant changes to the concept plan, MWH will meet with CLIENT to review and adjust the Phase 2 scope of services, schedule, and budget prior to proceeding.

Task 2.1 – Engineering

Task 2.1.1 – Project Implementation Planning Workshop

OBJECTIVE

A project implementation planning workshop will be held at the outset of Phase 2 engineering to incorporate the CMAR contractor into the project team and establish a well-defined plan for phasing and coordination of design activities to support effective overall project implementation.

ACTIVITIES

Under this task, MWH will:

- Participate in a full-day workshop with the overall design team (CLIENT, CONSULTANT, CMAR Contractor) to review the 30% design and formulate a coordinated plan for phasing of design and construction activities
- Discuss and define the roles of CONSULTANT and the CMAR consultant relative to the major Willow Road sewer and outfall design tasks
- Work with the overall design team to define the number of construction packages to be bid, the approximate limits for each package, and relative timing of the proposed construction efforts.

DELIVERABLE

CONSULTANT will document the results of the Project Implementation Planning Workshop in a technical memorandum that includes a schedule showing the relative timing of the proposed construction contracts.

Task 2.1.2 – Phase 2 Field Investigations

OBJECTIVE

Phase 2 Field Investigations will be performed to obtain supplemental survey and geotechnical data needed to support final design efforts and the preparation of a Geotechnical Baseline Report for the Willow Road Tunnel.

ACTIVITIES

Under this task, CONSULTANT will:

- Plan and oversee supplemental topographic and utility engineering surveys as outlined below to support preparation of final bidding documents. Supplemental field surveys will be performed by American Surveying & Engineering under subcontract to CONSULTANT.
 - Create details of surveyed structures (manholes, inlets, vaults)
 - Add supplemental utility information the plan and profile base sheets
- Plan and oversee supplemental geotechnical investigations as outlined below to support preparation of the Geotechnical Baseline Report for the Willow Road sewer tunnel and final bidding documents for the other proposed sewer segments. Geotechnical investigations will be performed by Testing Services Corporation under subcontract to CONSULTANT. CONSULTANT will observe and document geotechnical field investigations.
 - Prepare geotechnical investigation plan, locate borings, obtain permits for borings in IDOT rights-of-way, and clear sites for utilities
 - Perform borings at 20 locations to provide supplemental geotechnical information. It is assumed that 6 borings will be to a depth of approximately 75 feet, while the other 14 borings will be to a depth of 30 feet
 - Document pavement and subsurface conditions with standard boring logs
 - Perform field tests including standard penetration testing (SPT) at 2.5 foot intervals with a calibrated pocket penetrometer
 - Collect samples at each boring site and conduct laboratory testing for soil gradation, Atterberg Limit, abrasivity, and Unconfined Compressive Strength
 - Collect samples at three boring sites for environmental screening of parameters that may impact soil disposal characteristics

- Supervise QA Field investigation, field and laboratory testing
- Prepare supplemental GDR including method of investigation, boring logs and test data
- Prepare revised Geotechnical Design Memorandum (GDM) incorporating the results of the supplemental investigations

DELIVERABLES

CONSULTANT will use results from the Phase 2 field investigations to update the previously developed GDR, GDM, and generalized geotechnical profile along the proposed tunnel and open cut alignments.

Task 2.1.3 – Design Engineering: Willow Road Outfall to Provident Avenue

OBJECTIVE

Design analyses will be performed in collaboration with CLIENT’s CMAR contractor to define the requirements for construction of the proposed 96-inch diameter outfall to Lake Michigan and new 96-inch diameter storm sewer along Willow Road from the outfall to Provident Avenue. Approximately 3250 feet of this improvement is proposed to be constructed as tunnel.

ACTIVITIES

Major activities associated with the design of the proposed improvements along Willow Road between the lake outfall and Provident Avenue include the following:

- **Geotechnical Analysis/Tunnel Design** – CONSULTANT will perform geotechnical and tunnel design analyses to support the design of the proposed 96-inch diameter sewer from the new lake outfall to Provident Avenue. Key considerations will include the tunnel section, tunnel depth and alignment, tunnel lining methods, shaft locations, constructability concerns, trucking and disposal, material delivery, tunnel operation shifts, staging areas, and tunnel and shaft analysis. Finite element analysis of initial and final support of tunnel and shafts will be performed to assess the risk of potential settlement impacts neighboring structures and utilities. Potential groundwater impacts (short term and long term) will be considered along with provisions for railroad crossings, MWRDGC interceptor crossings, ground improvement at crossings, and necessary movement monitoring instrumentation (shallow and deep monitoring, inclinometers, piezometers). Consideration will also be given to the subsurface conditions anticipated along the route of the 96-inch open cut sewer along Willow Road and to foundation and slope stability conditions in the vicinity of the proposed outfall.

Interim results from the geotechnical and tunnel design analyses will be reviewed with CLIENT’s CMAR contractor to solicit input and recommendations regarding options or provisions to reduce construction costs, disruption, or risks associated with the proposed work along Willow Road. Results from the geotechnical analysis and tunnel design efforts will be used as the basis for preparation of a Geotechnical Baseline Report (GBR). The GBR will serve to establish baseline subsurface conditions for the project and proactively allocate risks associated with the construction effort.

- **Storm Sewer Design** – Activities related to the design of open cut storm sewer improvements along Willow Road between the new outfall and Provident Avenue will focus on finalizing the horizontal and vertical alignment of the proposed sewer so as to limit, to the degree practical, impacts on adjacent utilities, parkway trees, and other sensitive features within the right-of-way. Locations where it is not possible to avoid significant impacts to existing utilities along the alignment will be identified and reviewed with CLIENT staff. The scope of services and budget presented in this document do not include allowances for the development of additional detailed design drawings for relocation or replacement of impacted utilities.

- **Outfall and Major Structure Design** – CONSULTANT structural engineers will build upon the 30% preliminary layouts developed for the new outfall to Lake Michigan and other significant junction or diversion structures that are part of this project, and perform the structural analysis necessary to support preparation of final structure drawings for these elements. Analyses will include consideration of foundation conditions, analysis of anticipated loadings, and overall requirements for reinforcement. Where appropriate, CONSULTANT will evaluate the potential for using pre-cast base tee sections or other pre-cast structures to minimize the need for construction of large cast-in-place structures at routine junctions between large diameter sewers.
- **Permitting** – Final permitting applications and/or supporting materials will be developed during the preparation of final design drawings for the Willow Road outfall/tunnel/sewer project. These materials will complement preliminary material submitted during Phase 1 of the project and will include the final documentation required to complete the permit applications.
- **CMAR Coordination** – During the design of the Willow Road Outfall/Tunnel/Storm Sewer, CONSULTANT will participate in periodic (monthly) progress reviews with CLIENT’s CMAR contractor. The CMAR contractor will also be provided with copies of the 60% and 90% sets of plans and specifications for more thorough design and constructability reviews. Comments and suggestions from the CMAR contractor will be evaluated and considered for incorporation into the design as design efforts continue.

DELIVERABLES

Deliverables from the design of the Willow Road storm sewer improvements between the outfall and Provident Avenue will include the 60%, 90%, and 100% plans and specifications for the project as described below under Task 2.1.6.

Task 2.1.4 – Design Engineering: Other Storm Sewer Projects

OBJECTIVE

Design analyses will be performed for the other storm sewer projects proposed to be tributary to the new Willow Road sewer/tunnel/outfall to support the preparation of detailed bidding documents for each of the defined construction projects. These projects are proposed to be constructed using a traditional design-bid-build delivery model.

ACTIVITIES

Major activities associated with the design of the proposed storm sewer improvements tributary to the Willow Road tunnel/sewer/outfall include the following:

- **Storm Sewer Design** – Activities related to the design of open cut storm sewer improvements tributary to the Willow Road trunk sewer will focus on finalizing the horizontal and vertical alignment of the proposed sewer so as to limit, to the degree practical, impacts on adjacent utilities, parkway trees, and other sensitive features within the right-of-way. Locations where it is not possible to avoid significant impacts to existing utilities along the alignment will be identified and reviewed with CLIENT staff. The scope of services and budget presented in this document do not include allowances for the development of additional detailed design drawings for relocation or replacement of impacted utilities.
- **Geotechnical Analysis** – CONSULTANT will perform geotechnical analyses to support the design of the proposed large diameter storm sewers tributary to the Willow Road trunk sewer. Key considerations anticipated trench and bedding conditions, as well as potential groundwater impacts (short term and long term).

- **Major Structure Design** – CONSULTANT structural engineers will build upon the 30% preliminary layouts developed for the significant junction or diversion structures that are part of these projects, and perform the structural analysis necessary to support preparation of final structure drawings for these elements. Analyses will include consideration of foundation conditions, analysis of anticipated loadings, and overall requirements for reinforcement. Where appropriate, CONSULTANT will evaluate the potential for using pre-cast base tee sections or other pre-cast structures to minimize the need for construction of large cast-in-place structures at routine junctions between large diameter sewers.
- **Water Quality Management Facilities Design** – CONSULTANT will build upon the 30% preliminary plans and develop additional design details and specifications related to proposed water quality management facilities to be included in the proposed storm sewer projects. Depending on the nature of the facilities to be provided at specific locations, design drawings may range from typical details for package systems to custom designs for new structures. Water quality management structures included in this scope are limited to elements located within the public rights-of-way that provide for physical management of solids and floatables. Should more advanced treatment technologies be required to obtain project permits, CONSULTANT will work with CLIENT to negotiate additional scope and budget for the design of the required systems.
- **Permitting** – Final permitting applications and/or supporting materials will be developed during the preparation of final design drawings for the Willow Road outfall/tunnel/sewer project. These materials will complement preliminary material submitted during Phase 1 of the project and will include the final documentation required to complete the permit applications.

DELIVERABLES

Deliverables from the design of the storm sewers proposed to drain to the Willow Road trunk sewer east of Provident Avenue will include 60%, 90%, and 100% plans and specifications for the projects as described below under Task 2.1.6.

Task 2.1.5 – Traffic Control

OBJECTIVE

Project specific traffic control and detour plans will be prepared based on the preliminary drawings developed during Phase 1 to allow for the effective management of traffic during construction of the proposed sewer improvements.

ACTIVITIES

Once the final contracting and sequencing plan for individual storm sewer projects has been established, CONSULTANT will develop project-specific traffic control and detour plans for the individual improvement projects. Plans will be based on consistent principles and details, and will consider options for limiting traffic impacts on sensitive properties (schools, hospitals, railroad crossings, businesses, etc.). Where practical, phased detour plans will be developed to limit impacts on particular areas. Traffic control and detour plans will be reviewed regularly with CLIENT and IDOT staff to solicit detailed input regarding the proposed closures.

DELIVERABLES

Deliverables associated with the development of detour and traffic control plans will include 60%, 90%, and 100% plans and specifications for the projects as described below under Task 2.1.6.

Task 2.1.6 – Preparation of Bidding Documents

OBJECTIVE

Design details for each of the proposed projects will be used to prepare plans and specifications for each project that provide the information needed for the development of accurate and cost-effective construction bids.

Table 1 below provides a summary of the estimated number of plan sheets required for each of the proposed storm sewer projects. These estimates assume that plan drawings for open cut storm sewer work will be prepared at a horizontal scale of 1" = 20', and that plan drawings for sewer constructed in tunnel will be prepared at a horizontal scale of 1" = 50'. No drawings are included for major water main or sanitary sewer replacement or relocation projects that CLIENT may want or need to coordinate with construction of the new storm sewer.

TABLE 1 Estimated Number of Plan Sheets for Storm Sewer Projects

Project	Total Length (ft)	Tunnel Length (ft)	Open Cut Length (ft)	Total Plan & Profile Sheets	Est. Total Sheets (100%)
Willow: Provident to Outfall	6200	3250	2950	10	72
Willow: Glendale to Provident	1950	0	1950	4	26
Provident/Blackthorn: Willow to Westmoor	3850	0	3850	8	28
Birch: Willow to Winnetka	4600	0	4600	10	35
Sheridan: Willow to Cherry	2250	0	2250	5	30
Sheridan: Willow to Underpass	5900	0	5900	12	46
Glendale/Hibbard: Willow to Pine	6050	0	6050	13	48
SUBTOTAL: Stormwater Tunnel and Area Drainage Improvements	30800	3250	27550	62	285

ACTIVITIES

Under this task, CONSULTANT will:

- Prepare plans for each of the proposed storm sewer contracts, including general, civil, structural, and traffic control drawings.
- Prepare technical specifications including special provisions as required to supplement the Illinois Department of Transportation's (IDOT) Standard Specifications for Road and Bridge Construction. It is assumed that template contract documents for these projects will be provided by CLIENT for review and modification by CONSULTANT to reflect the specific requirements of the proposed projects.
- Produce and submit 60% and 90% sets of plans and specifications to CLIENT and appropriate permitting agencies for review and comment. CONSULTANT will submit five (5) full size sets of both the 60% and 90% plans along with five (5) copies of the specifications for each review cycle.

- Meet with CLIENT after both the 60% and the 90% submittals to review its comments on the plans and specifications as well as comments received from permitting agencies, and make decisions regarding resolution of comments and questions.
- Prepare and submit five (5) printed sets of 100% plans and specifications, and one pdf copy each of the plans and specifications to CLIENT for use in the production and distribution of documents to potential bidders.

DELIVERABLES

Deliverables from this task will include 60%, 90%, and 100% sets of plans and specifications

Task 2.1.7 – Preparation of OPCCs and Construction Schedule

OBJECTIVE

As more detailed designs are completed for the individual storm sewer construction projects, CONSULTANT will prepare Opinions of Probable Construction Costs (OPCCs) for use by CLIENT in capital budgeting and evaluation of contractor bids for the traditional design-bid-build projects.

ACTIVITIES

Under this task, CONSULTANT will:

- Prepare a Class 3 AACE Opinion of Probable Construction cost for each of the six (6) storm sewer contracts to be delivered using the design-bid-build model once the 100% design drawings are complete.

DELIVERABLE

- A Class 3 OPCC prepared in accordance with the standards of the Association for the Advancement of Cost Engineering (AACE) will be delivered for each of the six (6) storm sewer projects to be constructed using the design-bid-build delivery model.

Task 2.1.8 – Bidding Assistance

OBJECTIVE

The CONSULTANT design team will support CLIENT during the advertisement and review of bids for individual storm sewer construction project so as to provide bidders with the best available information on which to generate their prices.

ACTIVITIES

- A CONSULTANT representative will attend the Pre-Bid Meeting for each contract to document questions and prepare Pre-Bid Meeting notes.
- CONSULTANT will provide timely responses to technical questions submitted by contractors during the bidding period. CONSULTANT has assumed one that one addendum will be needed during the bidding period for each construction contract.
- CONSULTANT will review bids received by CLIENT for each construction contract and prepare a tabulation of unit prices and bid evaluation report.

While engineering services during construction are not included in this scope of services, it is understood that the CLIENT will retain CONSULTANT for such services and negotiate an appropriate scope and budget as the Phase 2 design activities are completed.

DELIVERABLES

During the bidding period for each of the six (6) proposed design-bid-build storm sewer projects, CONSULTANT will prepare Pre-Bid Meeting notes, one addendum (if required), and a bid evaluation report.

Task 2.2 – Phase 2 Project Management

Project management activities during Phase 2 of the Stormwater Tunnel and Area Drainage Improvements Project will build upon the practices established during Phase 1 of the project. Coordination with external permitting agencies and stakeholders will become increasingly important as specific details of individual projects are developed and incorporated into design documents.

Task 2.2.1 – Phase 2 Project Management

OBJECTIVE

During Phase 2 of the project, CONSULTANT continue to make use of its project management processes and tools to manage, direct, and administer project activities in a manner that promotes the completion of the defined tasks in accordance with the established project scope, schedule, budget, and quality objectives set for the project.

ACTIVITIES

Under this task, CONSULTANT will:

- Review and update the Project Execution Plan (including a risk register, change log, and high level communication plan)
- Conduct regular team meetings to coordinate project activities
- Schedule, conduct, and document appropriate quality reviews of project activities and deliverables
- Maintain a project action item list
- Monitor and report monthly to CLIENT on progress, expenditures, potential issues/changes, risks
- Prepare and submit monthly invoices and progress reports
- Coordinate communications between the project team, CLIENT, CLIENT's Program Manager, and other stakeholders

DELIVERABLES

Deliverables associated with project management activities will include
Updated Project Execution Plan (including risk register, change log, and high level communication plan)
Monthly invoice and progress reports

Task 2.2.2 – Phase 2 Coordination with Private, State, Federal Entities

OBJECTIVE

CONSULTANT will continue to partner with CLIENT to communicate and coordinate with private, state, and Federal stakeholders in such a way that the stakeholders remain informed of key project elements and plans, and that potential issues are identified early so that they can be resolved at a minimum impact to the project. In the case of permitting agencies, coordination during this stage of the project will focus increasingly on preparing final permit submittals for approval prior to bidding.

ACTIVITIES

Under this task, CONSULTANT will:

- Maintain/update the communication plan for private, state, and federal stakeholders that includes information for specific contacts
- Prepare and distribute a quarterly update of 4 pages or less to identified stakeholders along with a summary of pending issues or action items

- Conduct a quarterly phone briefing for stakeholders during which key milestones, questions, issues, or changes are presented

DELIVERABLES

CONSULTANT will prepare a quarterly project update for distribution electronically to stakeholders and posting to CLIENT’s stormwater management website.

Task 2.2.3 – Phase 2 Coordination with Local Entities

OBJECTIVE

During Phase 2 of the project, CONSULTANT will continue to partner with CLIENT to communicate and coordinate with local entities including the Winnetka Park District, the Winnetka School District 36, New Trier High School District, affected businesses, and local community groups so as to identify and address specific concerns in a timely fashion. Discussions will increasingly focus on provisions that can be made in the design to mitigate the impact and disruption of construction activities on the community.

ACTIVITIES

Under this task, CONSULTANT will:

- Update the communication plan for local stakeholders that includes information for specific contacts
- Distribute a quarterly update on the project to identified local stakeholders along with a summary of pending issues or action items. This effort will be coordinated with the similar effort for private, state and federal stakeholders.
- Conduct a quarterly briefing in Winnetka with key local stakeholders to facilitate the discussion of project challenges and concerns as well as opportunities for coordination of activities to enhance project results or mitigate project impacts.

DELIVERABLES

CONSULTANT will prepare a quarterly project update for distribution electronically to stakeholders and posting to CLIENT’s stormwater management website.

Task 2.2.4 – Progress Meetings

OBJECTIVE

CONSULTANT will continue to participate in bi-weekly progress meetings with CLIENT staff to provide for consistent and effective communication and action within the overall CONSULTANT/CLIENT Project Team during Phase 2 Engineering activities.

ACTIVITIES

The CONSULTANT Project Manager will participate in regular progress meetings in Winnetka (typically at two –week intervals) with CLIENT’s Project Team to review progress to date, discuss/resolve outstanding or anticipated issues, review plans for upcoming meetings or tasks, and coordinate overall project activities. To the degree practical, CONSULTANT will work to coordinate other project meetings or activities with the progress meetings so as to maximize the value of time spent in Winnetka and reduce overall travel time.

DELIVERABLES

- Progress, budget, and schedule updates

- Action item updates
- Risk Register updates
- Change log updates

TASK 2.3 – PHASE 2 PROJECT OUTREACH

OBJECTIVE

Maintain a consistent and effective level of communication regarding project issues with key stakeholders. Specific activities associated with this task during the design phase of the project will continue to be focused on briefings to the Village Council and periodic public information meetings.

Task 2.3.1 – Phase 2 Village Council Briefings

ACTIVITIES

CONSULTANT’s Project Manager will attend at least one Village Council meeting per quarter to provide a briefing to Council members on project progress and result and/or to answer questions.

DELIVERABLE

No deliverables are expected to be generated as part of this task. Briefing materials for Council Members will be taken from CONSULTANT’s monthly progress report for the preceding or current month.

Task 2.3.2 – Phase 2 Public Information Meetings (60% Design Stage)

ACTIVITIES

- CONSULTANT’s Project Manager and select members of the project team will participate in seven public information meetings at the 60% design stage (one meeting for each construction contract). It is expected that these meetings will be focused on the individual neighborhoods that will be impacted by the proposed project. Topics for these meetings may include:
 - Proposed improvement alignments and construction methods
 - Anticipated construction schedule
 - Proposed detour and traffic control plans, including provisions for maintenance of access
 - Provisions for street and parkway restoration
- CONSULTANT will work with CLIENT staff to document attendance at public meetings and provide a high level summary of issues discussed and general comments/questions addressed

DELIVERABLES

CONSULTANT will work with CLIENT staff to prepare/distribute Neighborhood Meeting Summaries and attendee lists

Task 2.3.3 – Permitting Public Meeting

OBJECTIVE

CONSULTANT anticipates that the Joint Permit Application process for the new stormwater outfall to Lake Michigan will require at least one public meeting. CONSULTANT will assist CLIENT in planning and conducting this meeting to solicit comments and input from stakeholders. Comments will be considered as final design and permit approval efforts related to the outfall proceed.

ACTIVITIES

- CONSULTANT will work with CLIENT to schedule the required public meeting on the new outfall. It is assumed that the meeting will be held at a public venue in Winnetka.
- CONSULTANT will prepare an announcement and agenda for the meeting to be distributed by CLIENT
- CONSULTANT will participate in the public meeting by making a presentation on the proposed design of the outfall structure and provisions made to minimize/mitigate impacts from the discharge on Lake Michigan.
- CONSULTANT will work with CLIENT staff to document attendance at the meeting and capture comments and questions raised by participants.

DELIVERABLES

CONSULTANT will work with CLIENT staff to prepare/distribute Public Meeting Summaries and attendee lists

Task 2.3.4 – Public Information Meetings – Pre-Construction

OBJECTIVE

Prior to the start of each construction contract, CONSULTANT will coordinate with CLIENT staff to conduct a pre-construction meeting with residents of the neighborhoods to be most directly impacted. The goal of the meetings is to establish clear expectations regarding the scope of the project, the impacts that the construction will have on the neighborhood, impact mitigation measures being taken, and key points of contact for questions or issues that arise during construction.

ACTIVITIES

- CONSULTANT's Project Manager and select members of the project team will participate with CLIENT and construction contractor representatives in seven neighborhood pre-construction meetings (one meeting for each construction contract). It is expected that each of these meetings will be held at a public venue in Winnetka following the award of each contract to a construction contractor. Each meeting will focus on the individual neighborhoods that will be impacted by the proposed project. Topics for these meetings may include:
 - Proposed improvement alignments and construction methods
 - Anticipated construction schedule
 - Proposed detour and traffic control plans, including provisions for maintenance of access
 - Provisions for street and parkway restoration
 - Pre-construction surveys and provisions for management of damage claims
- CONSULTANT will work with CLIENT staff to document attendance at the pre-construction meetings and provide a high level summary of issues discussed and general comments/questions addressed

DELIVERABLES

CONSULTANT will work with CLIENT staff to prepare/distribute Neighborhood Meeting Summaries and compile attendee lists.

2. PROJECT SCHEDULE

Schedule milestones for delivery of services related to the Phase 1 and Phase 2 engineering for the Willow Road Stormwater Tunnel and Area Drainage Improvements include the following:

Phase 1/Task/Subtask Description	Schedule Milestone (weeks after Phase 1 NTP)
Phase 1 – Notice-to-Proceed	0
Task 1.1A – Preliminary Engineering: Review and Planning Task 1.1.1 – Concept Review Task 1.1.2 – Permit Plan Task 1.1.3 – Hydrologic and Hydraulic Model Verification	13 weeks
Task 1.1B – Preliminary Engineering: Field Investigations/Design ¹ Task 1.1.4 – Phase 1 Field Investigations Task 1.1.5 – Preliminary Design	47 weeks ¹
Task 1.1C – Preliminary Engineering: Phase 1 Permitting ¹	65 weeks ¹
Task 1.2 – Phase 1 Project Management	47 weeks
Task 1.3 – Phase 1 Project Outreach	47 weeks
Task 1.4 – Construction Management Selection Process	47 weeks

¹ Start date will depend on completion of Permitting Review 1

Phase 2/Task/Subtask Description	Estimated Schedule Milestone (weeks after Phase 2 NTP)
Phase 2 – Engineering Notice-to-Proceed ²	0 ²
Task 2.1 – Phase 2 Engineering	65 weeks
Task 2.2 – Phase 2 Project Management	65 weeks
Task 2.3 – Phase 2 Outreach	65 weeks

² Specific task durations and milestones dates for Phase 2 Engineering will be defined upon completion of Phase 1 activities.

Attachment B

RATE SCHEDULE (FOR CHANGES)

1. The rates provided below shall be in effect from January 1, 2014 to December 31, 2014.
2. Lump sum compensation for additional Services provided by CONSULTANT personnel in various labor categories will be calculated based on the following negotiated hourly rates (inclusive of salary, overhead, and fee):

Labor Category	Hourly Rate
<u>Company Officer/Technical Expert</u>	<u>\$240/hr</u>
<u>Principal Engineer/Scientist</u>	<u>\$220/hr</u>
<u>Project Lead Engineer/Scientist</u>	<u>\$175/hr</u>
<u>Supervising Engineer/Scientist</u>	<u>\$155/hr</u>
<u>Senior Engineer/Scientist</u>	<u>\$140/hr</u>
<u>Prof or Assoc Engineer/Scientist</u>	<u>\$120/hr</u>
<u>Senior CAD Operator</u>	<u>\$165/hr</u>
<u>CAD Operator</u>	<u>\$125/hr</u>
<u>Administrative Support</u>	<u>\$100/hr</u>

CAD machine time will be billed at \$11.00 per machine hour. Other direct costs (materials, travel expenses, printing and reproduction, communications) and subcontract costs will be billed at cost plus 10%.

Attachment C
CHANGE ORDER

Contract No. _____
Change Order No. _____
Effective Date _____

In accordance with Article 7 of the Consulting Services Agreement (Lump Sum) dated _____, 20__ (“Agreement”) between the Village of Winnetka, Illinois (“CLIENT”) and MWH AMERICAS, INC. (“CONSULTANT”), this Change Order modifies the Agreement as follows:

1. **Change in Services:**

2. **Change in time of Performance** (attach schedule if appropriate):

3. **Change in CONSULTANT’s Compensation:**

All other terms and conditions remain unchanged.

CLIENT

CONSULTANT

Signature

Signature

Name (Printed or Typed)

Name (Printed or Typed)

Date

Date