

Winnetka Village Council
REGULAR MEETING
Village Hall
510 Green Bay Road
Tuesday, August 5, 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) August 12, 2014 Study Session (Cancelled)
 - b) August 19, 2014 Regular Meeting
 - c) September 2, 2014 Regular Meeting
- 4) Approval of Agenda
- 5) Consent Agenda
 - a) Approval of Village Council Minutes
 - i) July 8, 2014 Study Session 3
 - ii) July 15, 2014 Regular Meeting..... 7
 - b) Approval of Warrant List Dated 7/11/14 – 7/31/14.....12
 - c) Resolution No. R-24-2014: Cook County Data Sharing Agreement – Adoption.....13
- 6) Stormwater: No report.
- 7) Ordinances and Resolutions
 - a) Ordinance No. M-8-2014: 620 Lincoln Avenue, Special Use Permit for Winnetka Community House – Waiver of Introduction/Adoption33
 - b) Ordinance No. MC-6-2014: Reimbursement of Third Party and Professional Fees – Waiver of Introduction/Adoption82
 - c) Ordinance No. MC-7-2014: Implementing a Ban on Coal Tar-Based Pavement Sealants – Introduction90
- 8) Public Comment
- 9) Old Business: None.
- 10) New Business

a) Board and Commission Annual Update	97
b) Plan Commission Recommendations: Building Height and Related Zoning Modifications	127
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 STUDY SESSION

July 8, 2014

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, July 8, 2014 at 7:00 p.m.

- 1) Call to Order. President Greable called the meeting to order at 7:00 p.m. Present: Trustees Arthur Braun, Carol Fessler, Richard Kates, William Krucks, Stuart McCrary, and Marilyn Prodromos. Absent: None. Also in attendance: Village Manager Robert Bahan, Assistant to the Village Manager Megan Pierce, Village Attorney Peter Friedman, Public Works Director Steve Saunders, Assistant Public Works Director Steve Auth, and approximately 8 persons in the audience.
- 2) Report to Winnetka Village Council on Coal Tar Sealant Materials. Mr. Saunders explained that, after meeting four times to discuss the issue, the Environmental & Forestry Commission (EFC) had completed its review on the use of coal tar-based sealants. Studies indicate that coal tar sealants contain high concentrations of carcinogens and toxic Polycyclic aromatic hydrocarbons (PAH), and the EFC concluded that their use is detrimental to the environment and to human health.

Mr. Saunders said the EFC therefore recommends a ban on coal tar-based pavement sealant products, using robust public education combined with regulation, which would include licensing commercial driveway sealant applicators. The public education could take place through the fall and winter, so the community would be aware of the ban in time for the spring driveway sealing season, and the licensing requirement would simplify enforcement of the ban.

Trustee Braun said he favored licensing individual homeowners along with the contractors. Mr. Saunders explained that licensing the professional applicators would prevent most of the coal tar-based sealant from being used, and would avoid putting a regulatory burden on individual homeowners. He added that enforcement on individual homeowners could lead to the Village getting pulled into neighbor quarrels, making for a frustrating and time-consuming process.

Trustee Fessler asked if any test results confirm that the Village's stormwater contains contaminants from coal tar sealant; whether the substance is banned by the Environmental Protection Agency (EPA) or the State; and what alternative sealers are available. She suggested having a combined legislative effort with other toxic substances such as fertilizer and pesticides.

Mr. Saunders said there are not yet test results about the levels of toxic substances in the Village's stormwater, but the sampling that will take place later in the summer and fall will assist the Village with putting together a priority list of substances it needs to deal with. He added that coal tar is not currently banned by the EPA or the State. He noted that a ban on coal tar would be viewed favorably by the permitting agencies as the Willow Road Tunnel process moves forward.

After the Council thoroughly discussed the issue, a general consensus was reached to ban coal tar-based sealants in the Village, and it was agreed that public education is a crucial part of achieving success with the ban.

Trustee McCrary suggested educating the public about other harmful pollutants such as pesticides and fertilizers, and also examining the Village's use of road salt.

Trustee Prodrornos said no doubt the coal tar is harmful, but she expressed reservations about whether the Village could effectively enforce a ban.

Trustee Kates expressed support for a ban, adding that the Village should take a leadership role on the issue, as it did in being one of the first towns to enact a hand-held cell phone ban. He said local hardware stores sell alternative products.

Trustee Krucks said if the Village is serious it should enact a ban on everyone who uses coal tar sealants, not just professional applicators, and to make education a priority.

Trustee Fessler said the case has been made against coal tar sealants and called for a concerted, rational approach to regulating and monitoring toxic substances. She commented that education will be more important than regulations, and information about alternatives will avert frustration for the public.

Trustee Braun said he was in favor of an overall ban, and also approved of charging the EFC with researching other dangerous pollutants, in an effort to get at the source of contaminants before they get into the stormwater.

President Greable said coal tar sealants need to be banned for the health and welfare of the community, and to show that the Village is serious about environmental concerns and stormwater quality.

Mr. Saunders said Staff would craft a draft policy and bring it back to a Council meeting in August, and he asked what the enforcement measure against individual homeowners should be. He added that he would meet with the Village's engineer, MWH, to discuss the most effective tactic for water quality and Tunnel permit approval, and also to get a list of toxic compounds that the Council might wish the EFC to study.

- 3) Community-Wide Village Survey: Update. Trustee Fessler explained that the Village plans to do its first ever community survey. The survey will be sent to all households in late September, in time for the results to be considered during the Willow Road Tunnel Design Project Review Point #2. Particulars of what the survey will encompass include: (i) collect demographic information that can be tracked over time; (ii) get resident viewpoints and input; and (iii) provide actionable information for the Council and Staff.

Trustee Fessler said a working committee comprised of herself, Trustee McCrary, Manager Bahan and Megan Pierce has been researching a vendor to help with the survey process and there will be a recommendation for the Council at the July 15 Council meeting. She noted that an annual survey in a home rule community will help to provide the right standards of good governance.

Trustee Krucks asked if businesses and property owners would receive a survey and he discussed the highlights of the most recent Plan Commission meeting.

Trustee Fessler said no decision has been reached regarding the input of businesses and property owners, but that each of the lower boards and commissions will have opportunity to provide a list of things they would like to see on the survey.

The Council discussed the value of the survey for gathering community viewpoints, and as a vehicle to educate the public. The plan is for a paper survey for each household, with an online option.

Patricia Balsamo, 1037 Cherry Street. Ms. Balsamo said people have a lot to do and they get tired of answering survey questions, so an education program is essential in distinguishing the importance of this survey.

Manager Bahan said the survey would be broadly advertised, and the preferred vendor proposes three mailings, so there will be multiple attempts to achieve a higher response rate.

- 4) Strategic Planning: Immediate & Short-Term Initiatives. Manager Bahan reviewed the updated strategic planning tool that was presented at the June Study Session. He requested feedback from the Council about the revisions, additions and format updates.

Trustee Fessler commented that it did not make sense to her to make recommendations without having an overall vision for the commercial districts, and she said there is a healthy tension between the residents and the business owners that directly affects the health of the Winnetka business community. In terms of an ultimate plan, there needs to be negotiation between those two perspectives, which would be brought together in the planning process.

The Council had a lengthy discussion about the business districts, as well as the Plan Commission and the Business Community Development's (BCDC) advice to the Council on the ULI study recommendations.

Trustee Fessler suggested seeking a mandate to create a comprehensive plan for the commercial districts. She said the creative tension between the Plan Commission and the BCDC could be harnessed, rather than avoided, to increase the potential of a successful plan creation process.

After some discussion, the Council was in general agreement that Winnetka's commercial districts need revitalizing and the Post Office site needs to be developed, but information on the rent structure and other economic forces in the Village is needed first.

Manager Bahan explained that a strategic planning process for the commercial districts could take from 6 to 18 months, and he suggested a comprehensive market analysis to provide data on the rent situation. He suggested creating a task force to work on the plan in order to fast-track the process.

After a lengthy discussion about how to create vibrancy in the business districts, President Greable asked if some of the strategic planning initiatives could be shrunk to a shorter timeframe, so some items can be finished before the new Council is next spring.

Manager Bahan said he would do his best, but cautioned that Staff time is a limited commodity.

There was a discussion about shortening the special use process, and it was asked whether the Plan Commission and the Zoning Board of Appeals can hold joint hearings when they are considering the same request.

Attorney Friedman said joint meetings are frowned upon if their separate standards aren't delineated clearly, but that it was feasible if done correctly.

Manager Bahan said Winnetka's special use process can be benchmarked against neighboring communities to see if the timeframe is in line or too long.

- 5) Public Comment. None.
- 6) Executive Session.
- 7) Adjournment. Trustee Fessler, seconded by Trustee Braun, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 9:53 p.m.

Deputy Clerk

**MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
July 15, 2014**

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, July 15, 2014, at 7:00 p.m.

- 1) Call to Order. President Greable called the meeting to order at 7:02 p.m. Present: Trustees Arthur Braun, Carol Fessler, Richard Kates, William Krucks, and Marilyn Prodromos. Absent: Trustee Stuart McCrary and Village Manager Robert Bahan. Also present: Assistant to the Village Manager Megan Pierce, Village Attorney Peter Friedman, Finance Director Ed McKee, Public Works Director Steve Saunders, Community Development Director Mike D’Onofrio, Deputy Fire Chief John Ripka, and approximately 6 persons in the audience.
- 2) Pledge of Allegiance. President Greable led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) August 5, 2014 Regular Meeting. All of the Council members present, with the possible exception of Trustee Prodromos, indicated that they expected to attend.
 - b) August 12, 2014 Study Session. President Greable announced that this meeting is cancelled.
 - c) August 19, 2014 Regular Meeting. All of the Council members present, with the exception of Trustee Prodromos, indicated that they expected to attend.
- 4) Approval of the Agenda. Trustee Fessler, seconded by Trustee Braun, moved to approve the Agenda. By roll call vote, the motion carried. Ayes: Trustees Braun, Fessler, Kates, Krucks, and Prodromos. Nays: None. Absent: Trustee McCrary.
- 5) Consent Agenda
 - a) Village Council Minutes.
 - i) June 24, 2014 Rescheduled Regular Meeting.
 - ii) July 1, 2014 Regular Meeting.
 - b) Warrant List. Approving the Warrant List dated 6/27/14 – 7/10/14 in the amount of \$539,915.80.
 - c) Resolution R-22-2014: Approval & Release of Executive Session Minutes – Adopt. A resolution approving and releasing executive session minutes and authorizing the destruction of audio recordings of executive sessions held on or before January 15, 2013.

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

6) Stormwater.

a) Stormwater Monthly Summary Report. Mr. Saunders reviewed the status of the Village's stormwater projects:

- Spruce Outlet: The project will be complete in mid-August, with paving and restoration taking place in early September.
- Winnetka Avenue Pump Station: The first two pumps are installed and undergoing flow testing; the old pumps are still operational, and the project should be completed in the next few months.
- Northwest Winnetka: The Village is finalizing the grant process with the Metropolitan Water Reclamation District and will report on the outcome as soon as possible.
- A pilot study area for the IKE Grant has been identified on Boal Parkway, two workshops with the Boal Parkway residents have been completed, and a second set of workshops will be scheduled for review of a pilot area in the West Elm business district.

Trustee Kates requested notification of the workshop dates.

Trustee Fessler urged residents to read each Stormwater Monthly Summary Report, as it contains a valuable schematic of the complete Stormwater Program.

Mr. Saunders reported that the Lloyd Park Outlet project has helped the area in the last few severe rain storms which have caused flash flooding in other parts of the Village.

b) Ash Street Pump Station Replacement – Construction Contract. Mr. Saunders explained that the Ash Street Pump Station serves Ash, Cherry and Oak Streets between Hibbard Road and Glendale Avenue. The pump has reached the end of its useful life and an improved pump has been designed which will maximize outflow to match the outlet capacity, providing additional protection to area residents during low-intensity rainfalls. In addition to the immediate benefit to the area, the new pump station will keep as much stormwater in the western watershed as possible, which serves the interest of improved stormwater quality going to the Willow Road Tunnel.

Mr. Saunders recommended a design-build method for the project, rather than using the traditional design-bid-build approach. This tactic can minimize risk and compress the project schedule by overlapping the design and construction phases, which allows for the new pump station to come online in 2014.

The Trustees briefly discussed the project with Mr. Saunders. He explained that this project will enhance the strategy of the Tunnel Project to use as much of the existing stormwater infrastructure as possible to pick up the first runoff, thereby improving the quantity and quality of water that would go into the Tunnel.

Trustee Kates, seconded by Trustee Krucks, moved to authorize the Village Manager to sign a construction management contract with Christopher B. Burke Engineering, Ltd. for \$255,150, substantially in the form attached, subject to final review by the Village Attorney, for design and construction of the Ash & Hibbard Pump Station.

7) Ordinances and Resolutions.

- a) Ordinance M-7-2014: 561 ½ Lincoln Avenue, Special Use Permit for KMK Luxury Consignment – Waiver of Introduction & Adoption. Mr. D’Onofrio reviewed this request for a special use permit to allow an upscale consignment shop to operate in the space formerly occupied by Flee, which moved out in December. The Zoning Board of Appeals and the Plan Commission both voted unanimously to recommend approval of the request. He said the applicant is requesting a waiver of introduction in order to open the store as soon as possible.

Trustee Braun asked why a special use was required for a consignment shop.

Trustee Krucks explained that he and Trustee Kates were a part of the Plan Commission proceedings for this case, and he explained that “thrift” and “second-hand” shops are required to go through the special use process under the Zoning Ordinance.

The applicant, Karen Kikos, said her store would be strictly a consignment business, and she added that she has heard anecdotally that some retail shops in Winnetka occasionally sell items on consignment.

President Greable said he wanted to make clear that the Community Development Department did not hold up the application process, but was simply upholding a provision of the Village Code. He added that it is time for the Council to take action to streamline the special use process, and he asked if the Plan Commission and Zoning Board could meet at the same time.

Attorney Friedman said the two committees could meet together at a special meeting if the Village Code is revised to allow for a joint meeting. He noted that there are logistical problems relating to scheduling, notice, and procedure.

President Greable called for the Community Development Department to conduct an analysis on the special use process. Mr. D’Onofrio suggested that in addition to an analysis, possibly the Plan Commission should be involved in a review of special use provisions.

Trustee Fessler said the current request has spawned a larger conversation, and that the Community Development Department operates within the constraints of the regulations adopted by the Village Council. She stated that the Plan Commission needs the Council’s direction to begin work streamlining the special use process. She added that the Village is business-friendly, and she welcomed Ms. Kikos to Winnetka.

Mr. Kriby Kaiser, BJB Evanston, said Mr. D’Onofrio and his staff worked with what the Code requires, and that this process had been very smooth.

Trustee Braun, seconded by Trustee Krucks, moved to waive introduction of Ordinance M-7-2014. By roll call vote, the motion carried. Ayes: Trustees Braun, Fessler, Kates, Krucks, and Prodromos. Nays: None. Absent: Trustee McCrary.

Trustee Braun, seconded by Trustee Fessler, moved to adopt Ordinance M-7-2014. By roll call vote, the motion carried. Ayes: Trustees Braun, Fessler, Kates, Krucks, and Prodromos. Nays: None. Absent: Trustee McCrary.

8) Public Comment. None.

9) Old Business. None.

10) New Business.

a) Factory Mutual Global Fire Department Grant. Deputy Fire Chief John Ripka explained that the Fire Department applied for a grant from Factory Mutual Insurance Company, for funds to purchase iPads for the Fire Prevention Bureau. He commended Fire Support Specialist Nick Mostardo for his assistance gathering data and filling out the application.

Mr. Don McNulty, from Factory Mutual Insurance, commented that his company was the world's leading property insurance company, congratulated the Winnetka Fire Department on the grant award, and presented the Deputy Chief with a check for the full grant amount of \$1,950.

b) Village Survey Development and Administration: National Research Center (NRC). Trustee Fessler reported that the search for a survey research partner was a classic, textbook process and she reviewed the objectives and the qualifications of the Survey Team, comprised of herself, Trustee McCrary, Manager Bahan, and his Assistant, Megan Pierce.

Ms. Pierce recapped the search process, which began several months ago and culminated in four firms responding to the Village's Scope of Services request. Out of the responding firms, two were chosen to be interviewed.

Trustee Fessler said it was clear that NRC was the best choice, as they were very responsive, have extensive experience, and have done many custom surveys. They also agreed to provide unlimited iterations of the survey until it is finalized, present analysis of the results, and work within the deadline constraints.

Ms. Pierce pointed out that NRC has a very well defined three-fold communications approach that includes three mailings: (i) announcement of the survey; (ii) mailing of the first survey; and (iii) mailing of a second survey to those who did not previously respond. In addition, an online version of the survey will be offered.

Trustee Fessler said the goal is to get information on the views, values and vision of the community to inform the Council, lower boards and staff. The survey questions will be identified in a collaborative process between the Council and NRC.

The Council discussed the survey thoroughly, and unanimously agreed that NRC is the best choice to facilitate the process.

Trustee Fessler, seconded by Trustee Braun, moved to authorize the Village Manager to enter into an agreement with National Research Center Inc. to develop and administer the Village's first community-wide survey, for a price not to exceed \$30,000, as outlined in their pricing proposal dated July 10, 2014. By roll call vote, the motion carried. Ayes: Trustees Braun, Fessler, Kates, Krucks, and Prodromos. Nays: None. Absent: Trustee McCrary.

11) Appointments.

Trustee Fessler, seconded by Trustee Prodromos, moved to approve the appointment of Tina Dalman as Chair of the Plan Commission for a full term, effective immediately. By voice vote, the motion carried.

Trustee Krucks, seconded by Trustee Fessler, moved to approve the appointment of Caryn Rosen Adelman to replace Chuck Dowding as the Environmental & Forestry Commission representative to the Plan Commission, effective immediately. By voice vote, the motion carried.

12) Reports.

a) Village President. President Greable invited the community to attend the annual Sidewalk Sale.

b) Trustees.

i) Trustee Kates reported on the special Plan Commission meeting at which the overlay district was discussed, and he thanked Trustee Krucks for his service on the Commission.

ii) Trustee Prodromos said the Chamber of Commerce is very excited about the upcoming Sidewalk Sale and Let Loose on Lincoln, which will feature food trucks. She invited the community to come out and enjoy the weekend in the Village's business districts.

iii) Trustee Fessler said the survey process is moving forward and that the chairs of the lower boards have been contacted to ask for their input on survey question topics.

c) Attorney. None.

d) Manager. None.

13) Executive Session. None.

14) Adjournment. Trustee Braun, seconded by Trustee Fessler, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 8:49 p.m.

Deputy Clerk



Agenda Item Executive Summary

Title: Warrant List

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 08/05/2014

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:

The Warrant List for August 5, 2014 Regular Council Meeting was emailed to each Village Council member.

Recommendation:

Consider approving the Warrant List for the August 5, 2014 Regular Council Meeting.

Attachments:

None.



Agenda Item Executive Summary

Title: Resolution No. R-24-2014: Cook County Data Sharing Agreement- Adoption

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

Agenda Date: 08/05/2014

Consent: YES NO

Ordinance
 Resolution
 Bid Authorization/Award
 Policy Direction
 Informational Only

Item History:

Executive Summary:

In order to assist in the maintenance and upkeep of data for the Village's Geographic Information System (GIS), the Village has found it beneficial to seek access to data developed by other governmental agencies. The Cook County Assessor's office has developed a dataset of digital information for the entire county, including property assessment data, property photographic images, and other mapping information useful for populating and maintaining the Village's GIS. The Assessor's office allows the Village to obtain this data at no charge to the Village so long as it is used for the purpose of performing official business.

In order to access the data, the Village must enter into an agreement with the County, and pass an authorizing resolution. Resolution R-24-2014 authorizes the Village to enter a data sharing agreement with Cook County for the purpose of sharing geographic data.

Recommendation:

Consider adoption of Resolution No. R-24-2014, authorizing staff to sign an intergovernmental agreement allowing the Village access to Cook County's digital GIS information.

Attachments:

1. Resolution No. R-24-2014
2. Cook County Data Sharing Agreement

RESOLUTION NO. R-24-2014

**A RESOLUTION
APPROVING AN INTERGOVERNMENTAL AGREEMENT
FOR ACCESS TO GEOGRAPHIC INFORMATION SYSTEM (GIS)**

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

WHEREAS, pursuant to its home rule status and the Illinois Municipal Code, the Village is granted all powers necessary to carry out its legislative purposes as to the general governance of the Village and its residents, including the development and use of property, the establishment and maintenance of basic infrastructure such as streets, water systems, sanitary and stormwater sewer systems, and the provision of public safety services; and

WHEREAS, in the performance of its general governmental responsibilities, the Village is constantly evaluating and accessing information regarding the physical and other attributes within the Village and adjacent to its boundaries; and

WHEREAS, the Cook County Assessor's Office has a geographic information system (“GIS”) database that it is willing to make available to the Village at no cost; and

WHEREAS, GIS data sharing with the Cook County Assessor's Office will allow the Village to access GIS data from the Assessor that will facilitate the Village's decision-making process with respect to its management, provision, and maintenance of governmental services; and

WHEREAS, cooperation between and among governmental agencies and entities through intergovernmental agreements is authorized and encouraged by Article VII, Section 10 of the Illinois Constitution of 1970 and by the Intergovernmental Cooperation Act, 5 ILCS 220/1 *et seq.*; and

WHEREAS, the Village and the Cook County Assessor have negotiated an Agreement for Access to Geographic Information System in substantially the form attached to this Resolution as Exhibit A (the “Intergovernmental Agreement”);

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

SECTION 1: Recitals. 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: Approval of Intergovernmental Agreement. The Agreement for Access to Geographic Information System (the “Intergovernmental Agreement”) is hereby approved substantially in the form attached to this Resolution as Exhibit A and, subject to final approval by the Village Attorney of the form of the Intergovernmental Agreement, the Village President and Village Manager are authorized to execute and seal the Intergovernmental Agreement on behalf of the Village.

SECTION 3: 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 4: This Resolution shall take effect immediately upon its adoption.

ADOPTED this __ day of _____, 2014, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk

**AGREEMENT
FOR ACCESS TO GEOGRAPHIC INFORMATION SYSTEM**

This AGREEMENT is entered into as of the 5th day of August, 2014, by and between Village of Winnetka (“Agency”) and the Cook County Assessor’s Office (the “CCAO”).

WITNESSETH:

WHEREAS, the CCAO has developed a Geographic Information System (the “GIS”) consisting of cadastral data, planimetric data, assessment data, property images, digital orthophotography (aerial photos) and other data (collectively, such images, photos and data, “Assessor Data”);

WHEREAS, portions of the GIS, and the related data dictionary, are copyrighted materials of the CCAO and/or Cook County of the State of Illinois (“Cook County”);

WHEREAS, some of the Assessor Data in the GIS is only available to the public and to commercial users for a fee, as permitted by law;

WHEREAS, Agency has requested access to and license to use the GIS for use in performing its official functions (as set forth below);

WHEREAS, the CCAO in the spirit of cooperation desires to make the GIS available, efficiently and without charge, to Agency for use in performing its official functions; and

WHEREAS, Agency acknowledges and agrees that access to the GIS and/or Assessor Data is conditioned upon the agreement that access is provided as set forth in this Agreement solely for use in performing the official functions of the Agency, and that any other use, alteration, sale, dissemination, lease or transfer of the GIS and/or Assessor Data by Agency, or by any employee or agent of same, without written consent of the CCAO is strictly prohibited, and shall be deemed to warrant immediate termination of this Agreement, as well as entitle the CCAO to pursue any other remedies to which it is entitled.

NOW, THEREFORE, in consideration of the mutual promises and covenants and the terms and conditions hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

SECTION 1. INCORPORATION OF RECITALS.

The foregoing recitals are incorporated into and made a part of this Agreement as if fully set forth herein.

SECTION 2. STATEMENT OF OFFICIAL PURPOSES; RESTRICTIONS ON USE.

For purposes of this Agreement, Agency represents and warrants as its official purpose for access to the GIS and Assessor Data as stated in Exhibit A and incorporated herein. Agency agrees that access to the

GIS and/or Assessor Data is conditioned upon and provided as set forth in this Agreement solely for its use in performing its official purposes (as described in Exhibit A). Any other use of the GIS or Assessor Data, without express written consent of the CCAO, is strictly prohibited, including the display, sale, transfer, lease, dissemination or lease of the GIS or Assessor Data in any location or manner in its current form, derivative or altered form, or otherwise. Any such prohibited use shall be deemed to be a breach which warrants immediate termination of this Agreement. This Section shall survive the termination of this Agreement.

SECTION 3. INFORMATION PROVIDED.

The CCAO agrees to provide Agency access to the GIS and Assessor Data only upon the conditions and based upon the representations and warranties set forth in this Agreement. In order to obtain specific Assessor Data, Agency must request Assessor Data by filing the attached exhibits with the Department of Automation of the CCAO (each such request, an “Information Request”). Each Information Request is subject to approval of the CCAO.

SECTION 4. LIMITED LICENSE TO USE.

Subject to the provisions of this Agreement, the CCAO hereby grants to Agency a non-exclusive, non-transferable license to use the Assessor Data only as specifically provided for in this Agreement. Agency acknowledges that the title, copyright and all other rights to the GIS and Assessor Data remain with the CCAO and/or Cook County. Neither Agency nor any other authorized user shall have any right, title or interest in the GIS or Assessor Data except as expressly described herein. The CCAO reserves the right to withdraw from the GIS and/or Assessor Data any item or part of an item for which it no longer retains ownership rights or which it has reasonable grounds to believe infringes copyright or is unlawful or otherwise objectionable.

SECTION 5. TERM AND EXTENSION.

This Agreement is for one year, effective from the date of execution. It will be extended annually for terms of one year each, unless, at least 30 days prior to the expiration of any term, either party notifies the other in writing of its intent not to renew the Agreement.

SECTION 6. DISCLAIMER OF WARRANTIES.

The GIS and the Assessor Data is provided “as is” without any warranty or representation whatsoever, including any representation as to accuracy, timeliness, completeness, infringement of rights of privacy, copyright or trademark rights or disclosure of confidential information. All burdens, including any burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use, rests solely on Agency and/or the requester. The CCAO and Cook County make no warranties, express or implied, as to the use of the GIS. There are no implied warranties of merchantability or fitness for a particular purpose. There is no warranty to update any of the information provided hereunder. THE CCAO AND COOK COUNTY EXPRESSLY DISCLAIMS ANY AND ALL REPRESENTATIONS OR WARRANTIES (EXPRESS OR IMPLIED, ORAL OR WRITTEN) RELATING TO THE GIS AND/OR ASSESSOR DATA, INCLUDING BUT NOT LIMITED TO ANY AND ALL IMPLIED WARRANTIES OF QUALITY, PERFORMANCE, ACCURACY, COMPLETENESS, MERCHANTABILITY OR FITNESS FOR A PARTICULAR

PURPOSE. Agency acknowledges and accepts the limitations of the GIS and the Assessor Data, including the fact that the GIS and Assessor Data are dynamic and are in a constant state of maintenance, correction and update.

SECTION 7. LIMITATION OF LIABILITY.

AGENCY EXPRESSLY AGREES THAT NO MEMBER, OFFICIAL, EMPLOYEE, REPRESENTATIVE OR AGENT OF THE CCAO OR COOK COUNTY, OR THEIR RESPECTIVE SUCCESSORS, HEIRS OR ASSIGNS, SHALL BE LIABLE, WHETHER INDIVIDUALLY OR PERSONALLY OR OTHERWISE, TO AGENCY OR ANY OTHER PERSON OR ENTITY, OR THEIR RESPECTIVE SUCCESSORS, HEIRS OR ASSIGNS, FOR ANY LOSS OR CLAIM, INCLUDING BUT NOT LIMITED TO ANY SPECIAL, INDIRECT, INCIDENTAL, EXEMPLARY OR CONSEQUENTIAL DAMAGES OR LOSS OF GOODWILL DATA OR IN THE EVENT OF ANY DEFAULT OR BREACH BY THE CCAO UNDER THIS AGREEMENT OR ANY INACCURACY OF THE GIS OR ASSESSOR DATA, IN ANY WAY ARISING FROM OR RELATING TO THIS AGREEMENT OR RESULTING FROM THE USE OR INABILITY TO USE THE GIS AND/OR ANY ASSESSOR DATA.

SECTION 8. AGENCY INDEMNIFICATION.

Agency agrees to hold harmless and indemnify the CCAO and Cook County, its commissioners, officers, agents, employees, representatives and affiliates, and their respective heirs, successors and assigns, from and against, and defend, at its own expense (including reasonable attorneys', accountants' and consultants' fees), any suit, claim, action or proceeding brought by any third party against the CCAO, Cook County or any commissioner, officer, agent, employee, representative or affiliate of the CCAO or Cook County arising out of or incident to the performance or nonperformance of this Agreement by CCAO, Cook County, Agency or any other entity. To the extent that the CCAO or Cook County incurs administrative expenses including attorneys' fees during Agency's defense of any claim, Agency shall reimburse the CCAO or Cook County, as appropriate, for all such expenses. The provisions of this Section shall survive the termination of this Agreement.

SECTION 9. APPLICABLE LAW.

This Agreement shall be interpreted and construed in accordance with, and governed by, the laws of the State of Illinois, excluding any such laws that might direct the application of the laws of another jurisdiction. Venue shall be in a court of competent jurisdiction located within the County of Cook, Illinois. The CCAO and Agency each acknowledge the existence of state and other applicable law defining the duties and responsibilities of each party regarding real estate taxation and other governmental functions. No part of this Agreement has the effect of or is intended to impact any applicable legal duty of either party under existing law, especially the Illinois Property Tax Code, 35 ILCS 200/1 et seq. Both parties remain responsible under applicable law for performing all stated duties and responsibilities.

SECTION 10. CONFIDENTIALITY.

Agency acknowledges and agrees that information regarding this Agreement, and portions of the GIS and Assessor Data and other information disclosed hereunder, is confidential and shall not be disclosed, directly, indirectly or by implication, or be used by Agency in any way, whether during the term of this Agreement or any time thereafter, except solely in accordance with the official purposes set forth above. All such Assessor Data and the GIS shall be treated in confidential manner, except as otherwise expressly stated in a written document.

SECTION 11. MISCELLANEOUS.

- (a) This Agreement constitutes the entire agreement between the parties and supersedes all prior agreements, understandings, negotiations and discussions, whether oral or written, in relation to the matters dealt with herein. There are no representations, warranties, collateral agreements or conditions to this Agreement, except as expressly stated in this Agreement.
- (b) The section headings are for reference and information purposes only, and shall not affect in any way the meaning or interpretation of this Agreement. References to singular shall include the plural and to plural shall include the singular. References to a person shall include a corporate or government body. Words such as “including” and similar expressions shall not be read as words of limitation.

* * * * *

IN WITNESS WHEREOF, the parties have executed this Agreement by their respective authorized representatives as of the date first written above.

**COOK COUNTY
ASSESSOR’S OFFICE**

Chief Deputy Assessor
Cook County Assessor’s Office

Signature:
Rob Bahan

Print Name
Title: Village Manager

Agency Name: _____
Village of Winnetka

Telephone Number:
847-716-3542

Exhibit A: Statement of Official Purpose

Our community's GIS system holds over 300 feature classes, many of which are supported by county GIS data. This request for county GIS data helps keep our data current, supports our processes of creating and viewing maps, selecting and querying database information, analyzing geographic data, using directly with other community data, deriving additional information, and displaying in community applications.

Specifically the data is used in the community for:

- Owner information for local mailings used with existing community data
- Owner information for public safety information
- Tax code information for taxing districts
- Tax code information for TIFS and other incentive districts
- Tax code information to determine municipal incorporation
- Building improvement information for classifying building types
- Identify properties that have basements and their types for Fire Prevention and First Responders
- Building code information to find garage characteristics for Fire Prevention and First Responders
- Check number of floors in building to assist in Fire Accreditation processes
- Help identify city owned properties
- Distinguish exempt taxing properties
- Perform property value change analysis with previous year's data
- Perform a building age analysis
- Generate EAV related maps and lists for neighborhoods or project area
- Generate EAV comparisons over time and over geography
- Analyze how much of the total tax a neighborhood is paying
- Owner name cross reference information for utility billing auditing
- Owner name to identify coincidental property ownership
- Assessment Value Analysis for residential development

The data will be used in the GIS Consortium to feed GIS applications owned by the consortium and for regional analysis similar to the site examples provided above. The current members of the GIS Consortium are the Village of Buffalo Grove, the City of Park Ridge, the Village of Deerfield, the City of Des Plaines, the Elk Grove Village, the Village of Glencoe, the Village of Glenview, the Village of Glen Ellyn, the City of Highland Park, the City of Lake Forest, the Village of Lincolnshire, the Village of Lincolnwood, the Village of Morton Grove, the Village of Mundelein, the Village of Norridge, The Village of Northbrook, the Village of Oak Brook, the Village of Riverside, the Village of Skokie, the Village of Tinley Park, the Village of Wheeling, the Village of Winnetka, and the Village of Woodridge.

Exhibit B: Assessment Data

Village of Winnetka (“Agency”) hereby requests access to **assessment data** in accordance with the Agreement, dated August 5th, 2014, between Agency and the Cook County Assessor’s Office (the “CCAO”).

The CCAO has developed a file of assessment data, which is maintained on the Cook County Mainframe. The CCAO will make the file of assessment data available to Agency, subject to the terms and restrictions and limitations as set forth in the Agreement. A data dictionary is available upon request.

Agency requests assessment data based on the following geographic area (select area by completing one of the blanks below):

Tax Codes: _____

Municipality: The incorporated limits plus a one mile buffer

Permanent Index Number range: Attach additional sheet if necessary

Township: _____

Requested by
Name: Rob Bahan
Signature: _____
Date: August 5th, 2014

Exhibit C: Property Images

Village of Winnetka (“Agency”) hereby requests access to **property images** in accordance with the Agreement, dated August 5th, 2014, between Agency and the Cook County Assessor’s Office (the “CCAO”).

The CCAO has developed a computerized database of property images. The CCAO will make this computerized database of property images available to Agency in JPEG format, subject to the terms and restrictions and limitations as set forth in the Agreement. In addition to the property images, the CCAO will provide a file containing Permanent Index Number(s), property image capture date, and a list of Permanent Index Number(s) that have no property image assigned. A data dictionary is available upon request.

Agency requests assessment data based on the following geographic area (select area by completing one of the blanks below):

Permanent Index Number range: Attach additional sheet if necessary

Municipality: Not Requested

Year 1998 Photos

Year 2007 Photos

Requested by

Name: Rob Bahan

Signature: _____

Date: August 5th, 2014

Exhibit D: Digital Orthophotography (Aerial Photos)

Village of Winnetka _____ (“Agency”) hereby requests access to **digital orthophotography (aerial photos)** in accordance with the Agreement, dated August 5th, 2014, between Agency and the Cook County Assessor’s Office (the “CCAO”).

The CCAO has developed a computerized database of digital orthophotography (aerial photos). The computerized database of digital orthophotography for Cook County contains 4,486 tiles. The CCAO will make the computerized database of digital orthophotography available to Agency, subject to the terms and restrictions and limitations as set forth in the Agreement. The digital orthophotography will be provided in .tif or .sid format. In addition to the digital orthophotography, the CCAO will provide a shapefile containing an index of all the tiles for Cook County. Metadata is available upon request.

Agency requests assessment data based on the following geographic area (select area by completing one of the blanks below):

Municipality: Not Requested

Township: _____

Year 1998 Photos

Year 2003 Photos

Requested by

Name: Rob Bahan

Signature: _____

Date: August 5th, 2014

Exhibit E: Planimetric data

Village of Winnetka (“Agency”) hereby requests access to **planimetric data** in accordance with the Agreement, dated August 5th, 2014, between Agency and the Cook County Assessor’s Office (the “**CCAO**”).

The CCAO has developed a computerized database of geographic information system (GIS). This computerized database consists of both planimetric data and cadastral data. The CCAO will make the computerized database of planimetric data available to Agency, subject to the terms and restrictions and limitations as set forth in the Agreement. The planimetric data is maintained using ESRI’s ArcGIS software and is in a geodatabase format specific to ESRI’s product line. Metadata is available upon request.

Agency requests assessment data based on the following geographic area (select area by completing one of the blanks below):

Permanent Index Number range: Attach additional sheet if necessary

Municipality: Not Requested

Township: _____

Requested by

Name: Rob Bahan

Signature: _____

Date: August 5th, 2014

Exhibit F: Cadastral data

Village of Winnetka _____ (“Agency”) hereby requests access to **cadastral data** in accordance with the Agreement, dated August 5th, 2014, between Agency and the Cook County Assessor’s Office (the “CCAO”).

The CCAO has developed a computerized database of geographic information system (GIS). This computerized database consists of both planimetric data and cadastral data. The CCAO will make the computerized database of cadastral data available to Agency, subject to the terms and restrictions and limitations as set forth in the Agency Agreement. The cadastral data is maintained using ESRI’s ArcGIS software and is in a geodatabase format specific to ESRI’s product line. Metadata is available upon request.

Agency requests assessment data based on the following geographic area (select area by completing one of the blanks below):

Permanent Index Number range: Attach additional sheet if necessary

Municipality: Not Requested

Township: _____

Requested by

Name: Rob Bahan

Signature: _____

Date: August 5th, 2014

Exhibit G: Digital Terrain data

Village of Winnetka (“Agency”) hereby requests access to **digital terrain data** in accordance with the Agreement, dated August 5th, 2014, between Agency and the Cook County Assessor’s Office (the “**CCAO**”).

The CCAO has developed a computerized database of geographic information system (GIS). This computerized database includes digital terrain data. The CCAO will make the computerized database of digital terrain data available to Agency, subject to the terms and restrictions and limitations as set forth in the Agency Agreement.

Agency requests assessment data based on the following geographic area (select area by completing one of the blanks below):

Municipality: Not Requested

Township: _____

Requested by

Name: Rob Bahan

Signature: _____

Date: August 5th, 2014

Exhibit H: Lidar data

Village of Winnetka _____ (“Agency”) hereby requests access to **lidar data** in accordance with the Agreement, dated August 5th, 2014, between Agency and the Cook County Assessor’s Office (the “CCAO”).

The CCAO has developed a computerized database of geographic information system (GIS). This computerized database includes lidar data. The CCAO will make the computerized database of digital terrain data available to Agency, subject to the terms and restrictions and limitations as set forth in the Agency Agreement.

Agency requests assessment data based on the following geographic area (select area by completing one of the blanks below):

Municipality: Not Requested _____

Township: _____

Requested by

Name: Rob Bahan _____

Signature: _____

Date: August 5th, 2014 _____

Exhibit I: Oblique Aerial Imagery

Village of Winnetka _____ (“Agency”) hereby requests access to **oblique aerial imagery** in accordance with the Agreement, dated August 5th, 2014, between Agency and the Cook County Assessor’s Office (the “**CCAO**”).

The CCAO has developed a computerized database of geographic information system (GIS). This computerized database includes Oblique Aerial Imagery data. The CCAO will make the computerized database of Oblique Aerial Imagery data available to Agency, subject to the terms and restrictions and limitations as set forth in the Agency Agreement.

Agency requests assessment data based on the following geographic area (select area by completing one of the blanks below):

Municipality: Not Requested

Township: _____

Requested by

Name: Rob Bahan

Signature: _____

Date: August 5th, 2014



VILLAGE OF WINNETKA

Incorporated in 1869

Cook County Assessor's Office
ATTN: Dominick Spalla
118 N. Clark Street
Room 301
Chicago, IL 60602

Re: Cover Letter
Inter-Agency Agreement between the Cook County Assessor's Office and
Village of Winnetka ("Agency"), dated August 5th, 2014

Dear Chief Legal Counsel:

Please accept this letter and attachments in consideration of the Inter-Agency Agreement between the Cook County Assessor's Office and the Village of Winnetka. The Village of Winnetka is a local government within Cook County which I have full authority to act on behalf on.

This request for county GIS data helps keep our data current, supports our processes of creating and viewing maps, selecting and querying database information, analyzing geographic data, using directly with other community data, deriving additional information, and displaying in community applications. Some specific examples of use include providing the most current PIN based information into enterprise systems, providing owner information for local mailings used with existing community data and or public safety reference, taxing agency information, building improvement information for classifying building types, distinguish exempt taxing properties, performing property value change analysis with previous year's data, and assessment value analysis for development

The data will be used in the GIS Consortium to feed GIS applications owned by the consortium and for regional analysis similar to the site examples provided above. The current members of the GIS Consortium are the Village of Buffalo Grove, the City of Park Ridge, the Village of Deerfield, the City of Des Plaines, the Elk Grove Village, the Village of Glencoe, the Village of Glenview, the City of Highland Park, the City of Lake Forest, the Village of Lincolnshire, the Village of Lincolnwood, the Village of Morton Grove, the Village of Mundelein, the Village of Norridge, the Village of Oak Brook, the Village of Riverside, the Village of Skokie, the Village of Tinley Park, the Village of Wheeling, the Village of Winnetka, and the Village of Woodridge.

510 Green Bay Road, Winnetka, Illinois 60093

Administration and Finance (847) 501-6000 Fire (847) 501-6029 Police (847) 501-6034
Public Works (847) 716-3568 Water and Electric (847) 716-3558 www.villageofwinnetka.org



VILLAGE OF WINNETKA

Incorporated in 1869



I want to ensure you that the use of this information is limited as required by the county agreements. If you have any additional requirements or questions, please call me at 847-716-3542 or contact me by email at rbahan@winnetka.org.

Sincerely,

Signature

Rob Bahan
Village Manager

Name/Title

510 Green Bay Road, Winnetka, Illinois 60093

Administration and Finance (847) 501-6000 Fire (847) 501-6029 Police (847) 501-6034
Public Works (847) 716-3568 Water and Electric (847) 716-3558 www.villageofwinnetka.org



VILLAGE OF WINNETKA

Incorporated in 1869

Cook County Assessor's Office
ATTN: Dominick Spalla
118 N. Clark Street
Room 301
Chicago, IL 60602

Re: Agency Letter
Inter-Agency Agreement between the Cook County Assessor's Office and
Village of Winnetka _____ ("Agency"),
dated August 5th, 2014

Dear Chief Legal Counsel:

This letter concerns the agreement listed above (the "Agreement") and is a request that either the Cook County Assessor's Office send Assessor Data (as that term is defined in the Agreement) directly to the GIS Consortium, ("Consultant") or that Agency be allowed to forward Assessor Data to Consultant directly or through one of its agents.

Agency hereby authorizes Consultant to act for Agency and in Agency's name with respect to those certain Exhibits attached to the Agreement, including, but not limited to, the completion and execution of such Exhibits. Agency will at all times remain liable under the Agreement and any Exhibits, including, but not limited to, any Exhibits completed and executed by Agency and/or Consultant, subject to the terms of the Agreement.

This letter is being written to induce the Cook County Assessor's Office to deliver Assessor Data to Consultant or to grant permission that Agency be allowed to forward Assessor Data to Consultant.

Sincerely,

Signature

Rob Bahan

Village Manager

Name/Title

510 Green Bay Road, Winnetka, Illinois 60093
Administration and Finance (847) 501-6000 Fire (847) 501-6029 Police (847) 501-6034
Public Works (847) 716-3568 Water and Electric (847) 716-3558 www.villageofwinnetka.org



VILLAGE OF WINNETKA

Incorporated in 1869

Cook County Assessor's Office
ATTN: Dominick Spalla
118 N. Clark Street
Room 301
Chicago, IL 60602

Re: Agency Letter
Inter-Agency Agreement between the Cook County Assessor's Office and
Village of Winnetka _____ ("Agency"),
dated August 5th, 2014

Dear Chief Legal Counsel:

This letter concerns the agreement listed above (the "Agreement") and is a request that either the Cook County Assessor's Office send Assessor Data (as that term is defined in the Agreement) directly to Municipal GIS Partners, Inc, ("Consultant") or that Agency be allowed to forward Assessor Data to Consultant directly or through one of its agents.

Agency hereby authorizes Consultant to act for Agency and in Agency's name with respect to those certain Exhibits attached to the Agreement, including, but not limited to, the completion and execution of such Exhibits. Agency will at all times remain liable under the Agreement and any Exhibits, including, but not limited to, any Exhibits completed and executed by Agency and/or Consultant, subject to the terms of the Agreement.

This letter is being written to induce the Cook County Assessor's Office to deliver Assessor Data to Consultant or to grant permission that Agency be allowed to forward Assessor Data to Consultant.

Sincerely,

Signature

Rob Bahan

Village Manager

Name/Title

510 Green Bay Road, Winnetka, Illinois 60093

Administration and Finance (847) 501-6000 Fire (847) 501-6029 Police (847) 501-6034
Public Works (847) 716-3568 Water and Electric (847) 716-3558 www.villageofwinnetka.org



Agenda Item Executive Summary

Title: Ordinance No. M-8-2014: 620 Lincoln Avenue, Special Use Permit for Winnetka Community House

Presenter: Michael D'Onofrio, Director of Community Development

Agenda Date: 08/05/2014

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

Consent: YES NO

Item History:

No previous action.

Executive Summary:

The Winnetka Community House (WCH) is proposing to install a "Children's Garden" and related accessory structures south of the existing building. More specifically, the Children's Garden would be located on the southwest corner of the site, adjacent to the Village's Lincoln Avenue commuter parking lot. The plans include the following: hardscape improvements including brick paved walkways and patio/terrace areas, new accessory buildings and structures, including an arched entryway, greenhouse, pergola, playhouse and shed. The improvements are subject to a Special Use Permit process due to the WCH being permitted only as a Special Use in the B-1 Multi-Family Residential District; therefore any expansion requires approval of a Special Use Permit.

The Plan Commission considered the Special Use Permit application at its June 25, 2014 meeting and voted unanimously to recommend approval. Its approval was conditional upon the applicant reviewing the plans for compliance with federal, state and local laws related to fall zones around play equipment.

The Design Review Board (DRB) considered a Certificate of Appropriateness for the project at their meeting June 19, 2014. The five members present voted unanimously to recommend approval, requesting that the applicant return to the DRB prior to permit issuance with additional details on the proposed shed, pergola and arched entry structure. Supplemental details on the pergola, archway, and tool shed were considered by the DRB at their meeting July 17, 2014 and unanimously recommended for approval.

At the ZBA's July 14, 2014 meeting, the six members present voted unanimously to recommend approval of the Special Use Permit.

Recommendation:

Consider waiving introduction of Ordinance No. M-8-2014 and consider adoption granting a Special Use Permit to allow for the installation of the Children's Garden at the WCH at 620 Lincoln Avenue.

Or

Consider introduction of Ordinance No. M-8-2014 granting a Special Use Permit to allow for the installation of the Children's Garden at the WCH at 620 Lincoln Avenue.

Attachments:

- Agenda Report
- Attachment A: Zoning Matrix
- Attachment B: Special Use Application
- Attachment C: Supplemental information on pergola, archway, and tool shed
- Attachment D: Ordinance No. M-8-2014
- Attachment E: Excerpt of June 19, 2014 DRB meeting minutes
- Attachment F: Excerpt of June 25, 2014 Plan Commission meeting minutes
- Attachment G: Excerpt of July 14, 2014 ZBA meeting minutes

AGENDA REPORT

TO: Village Council

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

SUBJECT: 620 Lincoln Avenue, Winnetka Community House, Ordinance No. M-8-2014 Special Use Permit for Children's Garden

DATE: July 30, 2014

Ordinance M-8-2014 grants a Special Use Permit to the Winnetka Community House, 620 Lincoln Ave., in accordance with Section 17.56.010 of the Winnetka Zoning Ordinance to permit a "Children's Garden" and related accessory structures south of the existing building. More specifically, the Children's Garden would be located on the southwest corner of the site, adjacent to the Village's Lincoln Avenue commuter parking lot.

Summary of Request

The plans included in Attachments B and C detail: (a) landscape planting details; (b) hardscape improvements including brick paved walkways and patio/terrace areas; and (c) new accessory buildings and structures, including an arched entryway, greenhouse, pergola, playhouse and shed. As represented on Attachment A, Zoning Matrix, all of the proposed improvements comply with the zoning ordinance.

The property is located in the B-1 Multifamily Residential zoning district. The Winnetka Community House was created by the Winnetka Congregational Church in 1911. There are seven previous zoning cases for this property. The most recent case was in 2002 when a Special Use Permit and Variations were granted to permit the renovation and expansion of the facilities. The first zoning case took place in the early 1920's; unfortunately no records could be found as to what type of zoning relief was requested.

Recommendations of Advisory Boards

The Design Review Board (DRB) considered a Certificate of Appropriateness for the project at their meeting June 19, 2014. The five members present voted unanimously to recommend approval, requesting that the applicant return to the DRB prior to permit issuance with additional details on the proposed shed, pergola and arched entry structure (Attachment E). Supplemental details on the pergola, archway, and tool shed (Attachment C) were submitted July 10, 2014 and were considered by the DRB at their meeting July 17, 2014, which recommended in favor of approval.

The Plan Commission (PC) also voted unanimously to recommend approval of the plan at their meeting June 25, 2014. The PC's recommendation was conditioned on the applicant reviewing the plans for compliance with federal, state and local laws related to fall zones around play equipment.

At the July 14, 2014 Zoning Board of Appeals meeting, the six members present voted unanimously to recommend approval of the Special Use Permit.

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

Recommendation

Consider waiving introduction of Ordinance No. M-8-2014 and consider adoption granting a Special Use Permit to allow the Winnetka Community House to install a Children's Garden and related accessory structures at 620 Lincoln Avenue.

Or

Consider introduction of Ordinance No. M-8-2014 granting a Special Use Permit to allow the Winnetka Community House to install a Children's Garden and related accessory structures at 620 Lincoln Avenue.

Attachments

Attachment A: Zoning Matrix

Attachment B: Special Use Application

Attachment C: Supplemental information on pergola, archway, and tool shed

Attachment D: Ordinance No. M-8-2014

Attachment E: Excerpt of June 19, 2014 DRB meeting minutes

Attachment F: Excerpt of June 25, 2014 Plan Commission meeting minutes

Attachment G: Excerpt of July 14, 2014 ZBA meeting minutes

ATTACHMENT A

**ADDRESS: 620 Lincoln Ave.
CASE NO: 14-17-SU
ZONING: B-1**

ITEM	REQUIREMENT	EXISTING	PROPOSED	TOTAL	STATUS
Min. Lot Size	N/A	137,107.59 SF	N/A	N/A	OK
Min. Average Lot Width	60 FT	(+) 392 FT	N/A	N/A	OK
Max. Roofed Lot Coverage (40%)	54,843.04 SF (1)	45,390.72 SF	284.5 SF	45,675.22 SF	OK
Max. Impermeable Surface (60%)	82,264.55 SF (1)	79,125.44 SF	1,318.37 SF	80,443.81 SF	OK
Max. Gross Floor Area (80%)	109,686.07 SF (1)	98,852.63 SF	284.5 SF	99,137.13 SF	OK
Min. Front Yard (Lincoln/East)	25 FT	102.5 FT	N/A	N/A	OK
Min. Corner (Front) Yard (Pine/North)	25 FT	25 FT	N/A	N/A	OK
Min. Rear Yard (West)	20 FT	18.17 FT (2)	8.5 FT (3)	N/A	EXISTING NONCONFORMING
Min. Side Yard (South)	12 FT	44 FT (4)	12 FT	N/A	OK

NOTES:

- (1) Based on lot area of 137,107.59 s.f.
- (2) Variation granted in 2003 to allow addition within the required setback.
- (3) Setback to proposed greenhouse. Playhouse would provide a setback of 18 ft. Accessory buildings are permitted to encroach the rear yard.
- (4) Setback to electrical building.
- (5) Calculations of GFA and lot coverage include area of Community House, Electrical building and Champion House, but do not include areas of Harkness Hall, which is under separate ownership and control.

ATTACHMENT B

CASE NO. H-17-SU

APPLICATION FOR SPECIAL USE

Name of Applicant WINNETKA COMMUNITY HOUSE

Property Address 620 LINCOLN AVE

Home and Work Telephone Number 847. 446. 0537

Fax and Email _____

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

CHALET / TIM STENZEL 847. 688. 0561
3132 LAKE AVE WILMETTE, IL 60091

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

Date Property Acquired by Owner _____

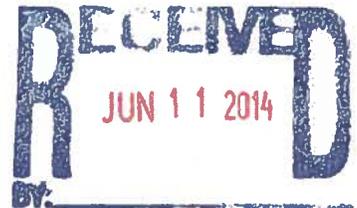
Nature of Any Restrictions on Property _____

Explanation of Special Use Requested PROPOSED CHILDREN'S
GARDEN SOUTH OF BUILDING —
SEE ATTACHED

OFFICE USE ONLY

Special Use Requested under Ordinance Section(s) _____

Staff Contact: _____ Date: _____



ATTACHMENT B

The proposed Children's Garden is designed for children and families. It is a special place to explore and discover the natural world. The garden provides horticultural experiences for creative and imaginative play. The Children's Garden is located on the southwest side of the Community House. It is our hope that hundreds of youngsters will garden in the Children's Garden every year. The garden will provide families and community members the chance to reconnect with nature and unplug from the electronic world. Children will have the opportunity to apply academic skills - such as science, math, nutrition, ecology, and art - to real-life activities. Learning in this environment is not static; children will have the opportunity to expand on their experiences in the garden from year to year. Children and families would be able to participate in "green activities" without the fear of being overcrowded. School groups and play groups will be invited to use the garden as long as they call in advance to reserve the space.

The garden will feature raised vegetable beds, an herb garden, fruit trees and a greenhouse. Younger children, called KinderGardeners, will combine planting, tending, and harvesting with craft making and creative play. For older children, lessons in science and urban ecology accompany the gardening, and teenagers who successfully complete the program can go on to become Junior Instructors.

Establishing the Garden would create a sense of homeland pride in children as they discover Midwestern gardening traditions. By developing a children's garden, our community would become part of a growing trend across the nation. The mission of the Children's Gardens is to: promote an understanding of plants and the role they play in our daily lives, nurture the wonder in a child's imagination and curiosity, and provide a place of enrichment and delight for children of all ages.

With a focus on greening the urban environment through education, sustainable practices, and stewardship, Winnetka Community House encourages young people to be participants, not just spectators, in community horticulture and conservation. Here, children aged 36 months to six years can plant their own crops and flowers and harvest them under the guidance of garden instructors. Furthermore, the Children's Garden would be an exciting opportunity for local Garden Clubs to study, research, demonstrate, and educate children and adults of all ages.

The garden will also feature a 16' x 16' patio/pergola area for holding classes and meetings. There will be a platform area against the south side of the existing building to allow for the many weddings, receptions and other functions that use the neighboring courtyard to take staged photographs.

ATTACHMENT B

Standards

- 1.) The establishment, maintenance, and operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare of the residents of Winnetka. The renovated garden will provide a pleasant community appearance that will add to Community welfare, provide an attractive amenity for children and adults in the Community as well as enhance children's programming at the Community House.
- 2.) The Special Use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity, which are permitted by right in the district, nor substantially diminish or impair property values in the immediate vicinity. The Children's Garden will remain within Winnetka Community House property enhancing existing green space with additional plantings and landscaping. Research shows that beauty is one of the top three factors in creating community attachment to a particular town or city.
- 3.) The establishment of Special Use will not impede the normal and orderly development of improvement of other property in the immediate vicinity for uses permitted by right in the district of concern. None of the roadways, sidewalks or parking areas will be affected. The Garden will be maintained by Winnetka Community House and enhance the experience of all Community House visitors using the south entrance.
- 4.) Adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways. The existing municipal parking lot, pedestrian walkways and roadways will not be affected by this renovation.
- 5.) Adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the Special Use exist. The site will not increase any off-site water flow.
- 6.) The Special Use in all other respects conforms to the applicable regulations of this and other village ordinances and codes.

Respectfully submitted,



Timothy P. McCabe
Executive Director, Winnetka Community House
620 Lincoln Ave., Winnetka, IL 60093

6/10/14

Date

ATTACHMENT B

Proposed Children's Garden

Winnetka Community House

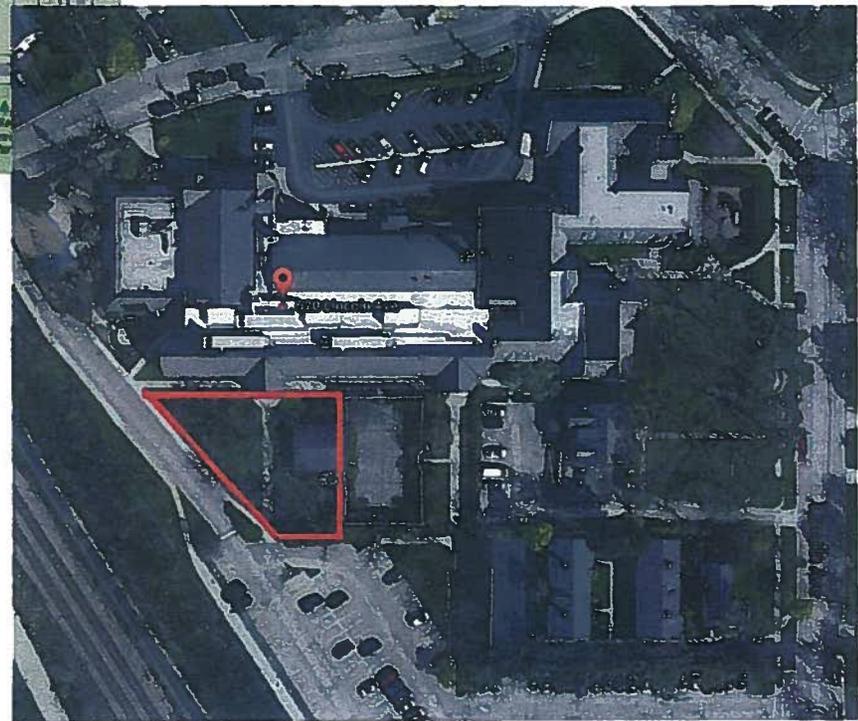
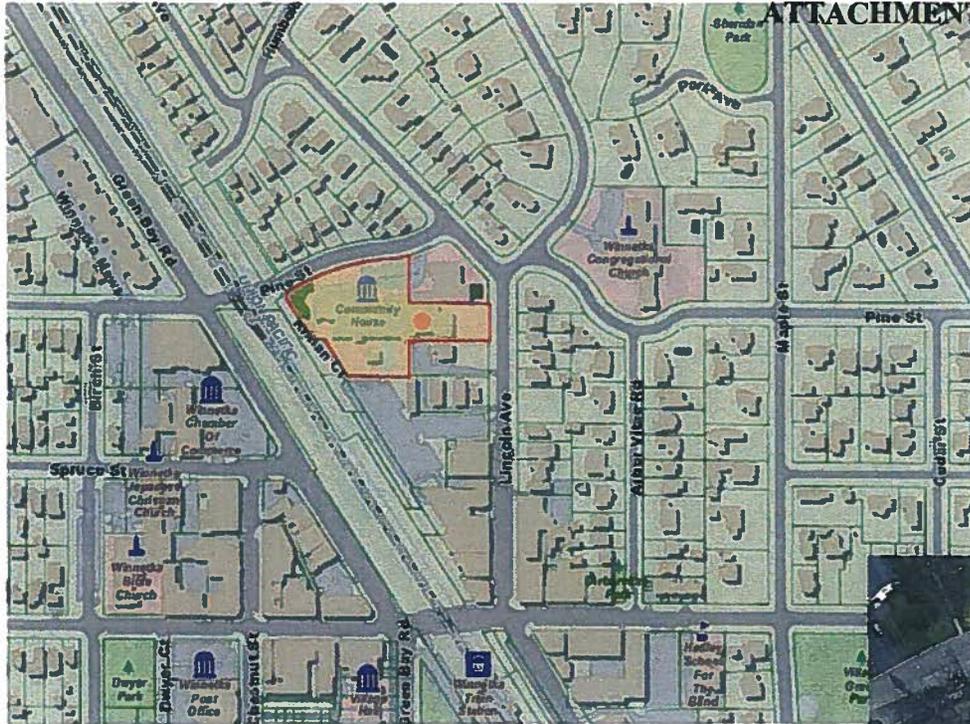
620 Lincoln Ave
Winnetka, IL

Chalet

LANDSCAPE • NURSERY • GARDEN CENTER

Certificate of Appropriateness Application
6.11.2014

ATTACHMENT B

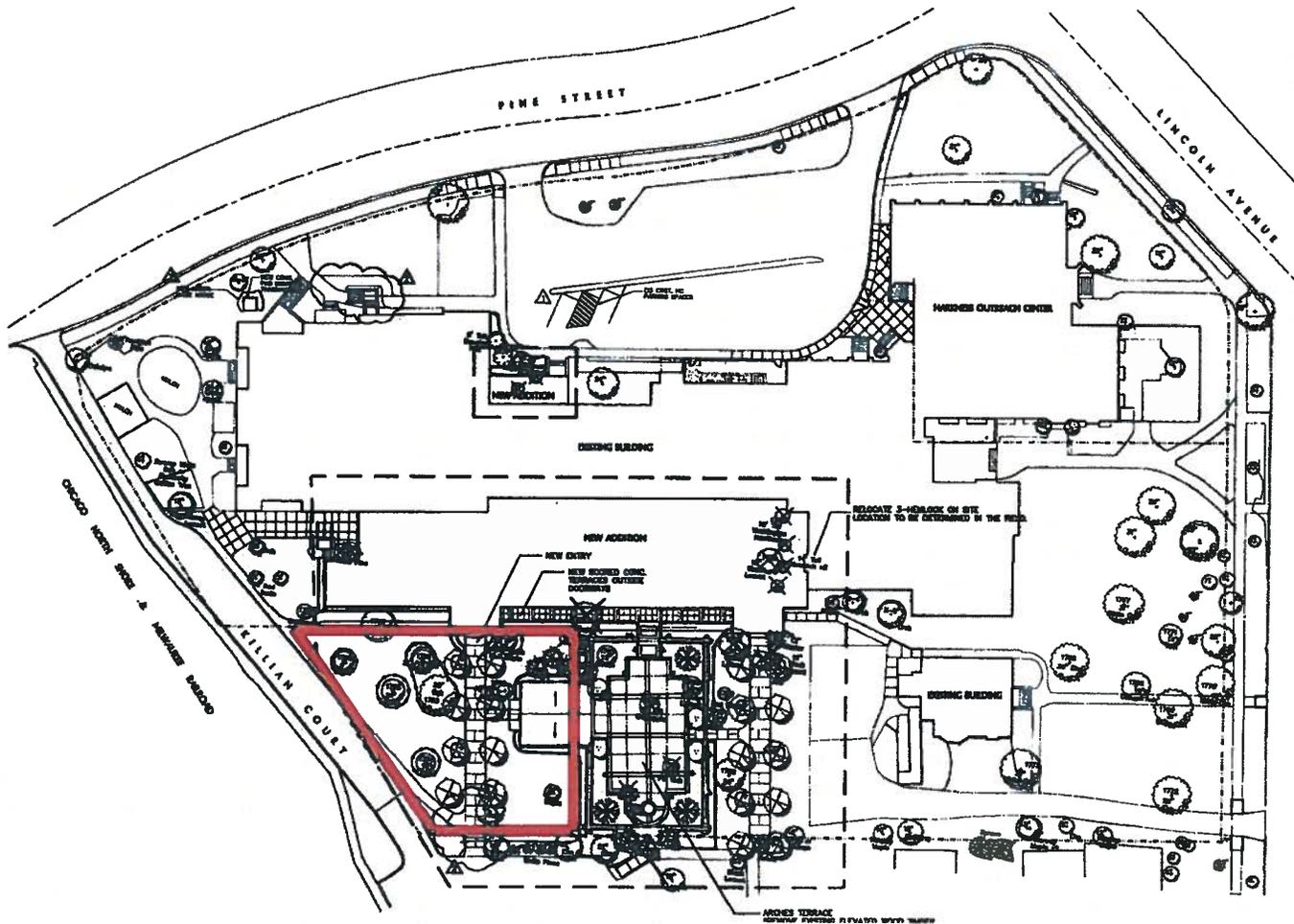


Winnetka Community House - Proposed Children's Garden
620 Lincoln Ave

Site Location

Chalet
LANDSCAPE - NURSERY - GARDEN CENTER

ATTACHMENT B



Winnetka Community House - Proposed Children's Garden
620 Lincoln Ave

Area of Work

Chalet
LANDSCAPE - NURSERY - GARDEN CENTER

ATTACHMENT B

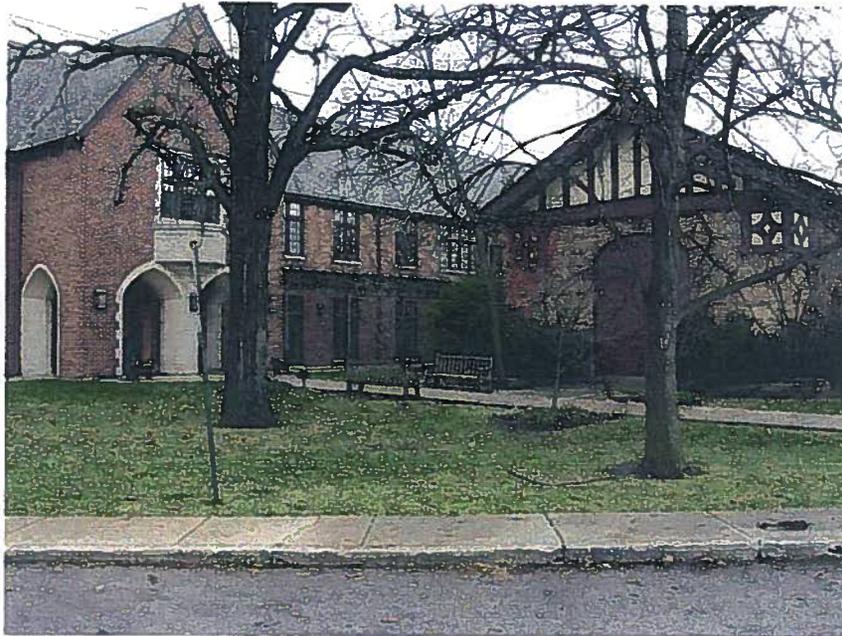


Winnetka Community House - Proposed Children's Garden
620 Lincoln Ave

Site Photos



ATTACHMEN



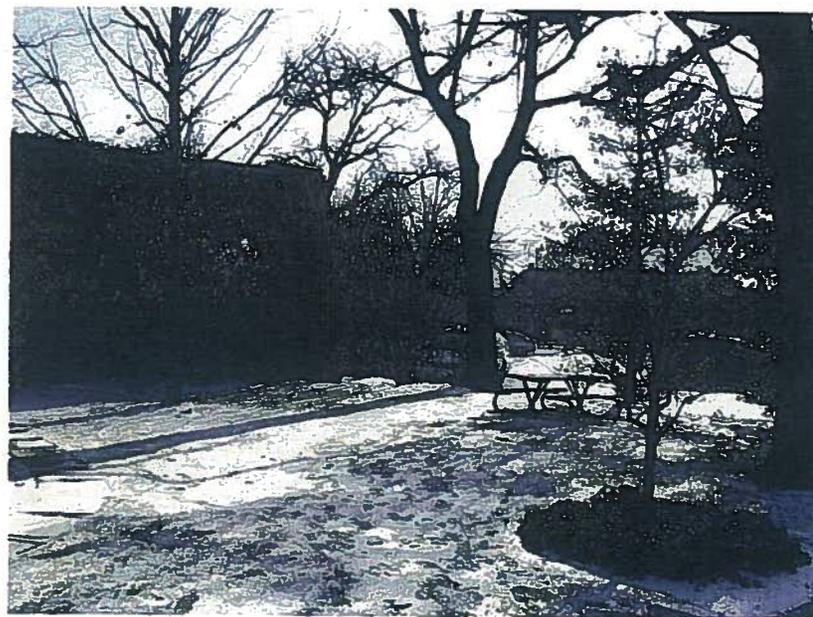
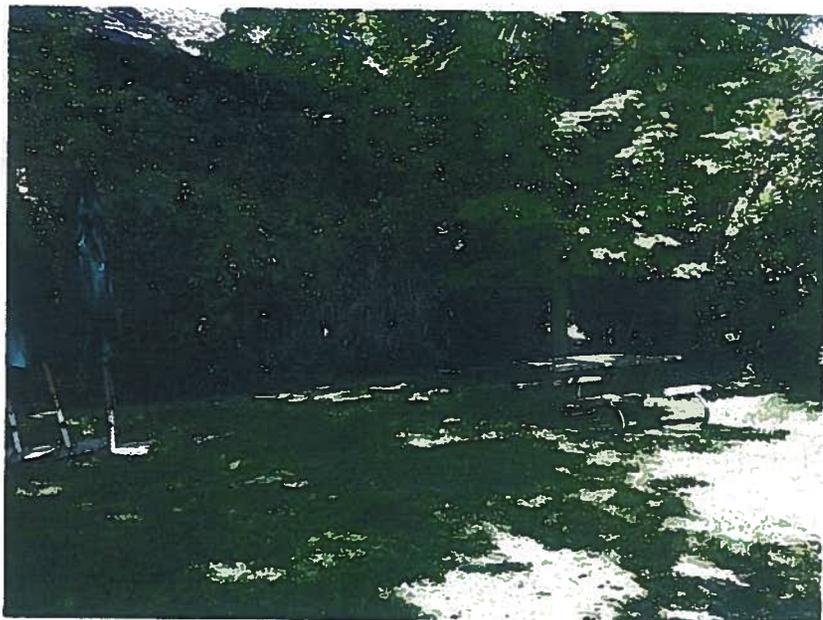
Winnetka Community House - Proposed Children's Garden
620 Lincoln Ave

Site Photos

Chalet

LANDSCAPE - NURSERY - GARDEN CENTER

ATTACHMENT B



Winnetka Community House - Proposed Children's Garden
620 Lincoln Ave

Site Photos

Chalet

LANDSCAPE - NURSERY - GARDEN CENTER

ATTACHMENT B



Rail line to the west



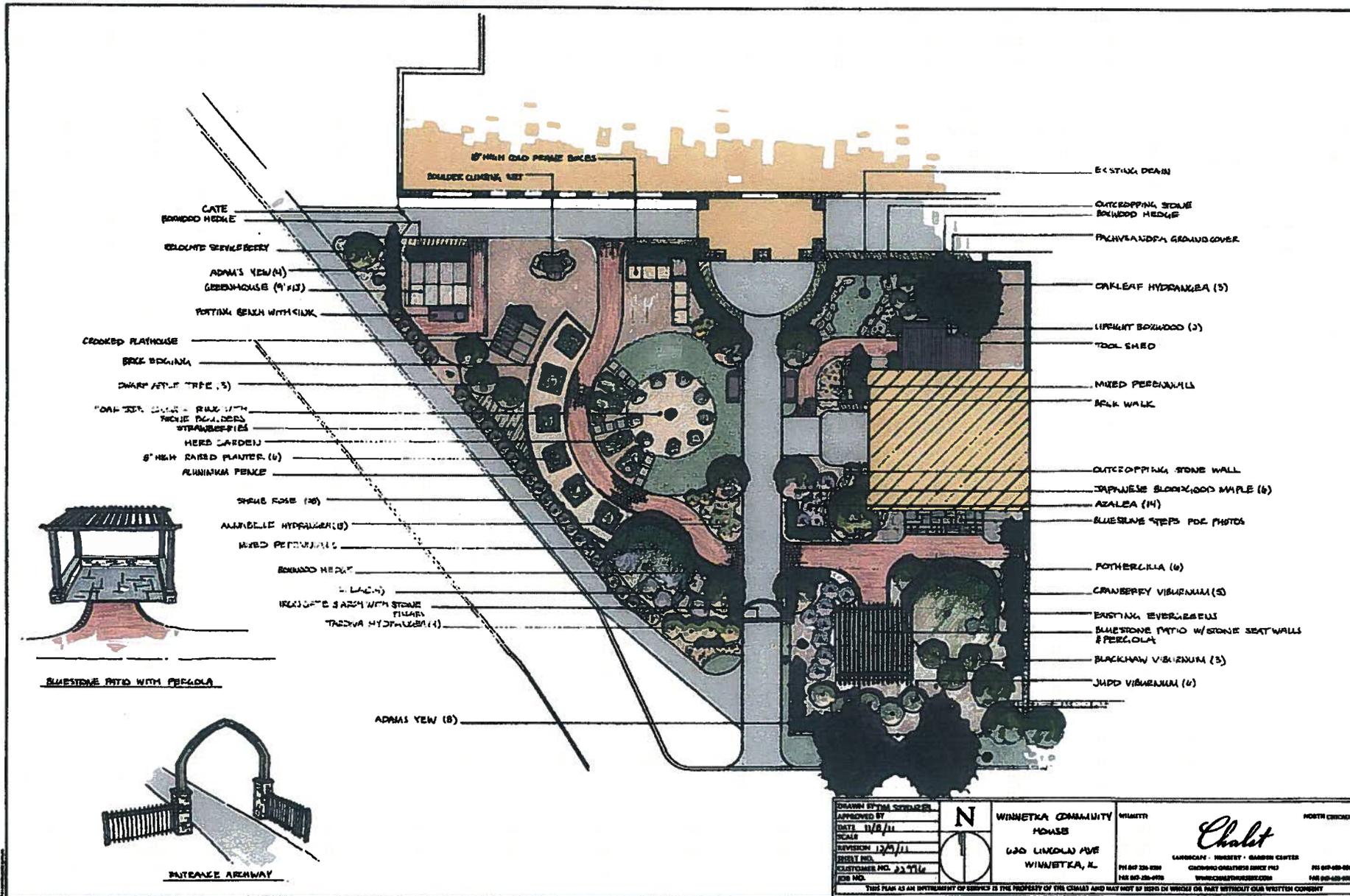
Parking lot to the south

Winnetka Community House - Proposed Children's Garden
620 Lincoln Ave

Surrounding Properties



ATTACHMENT B

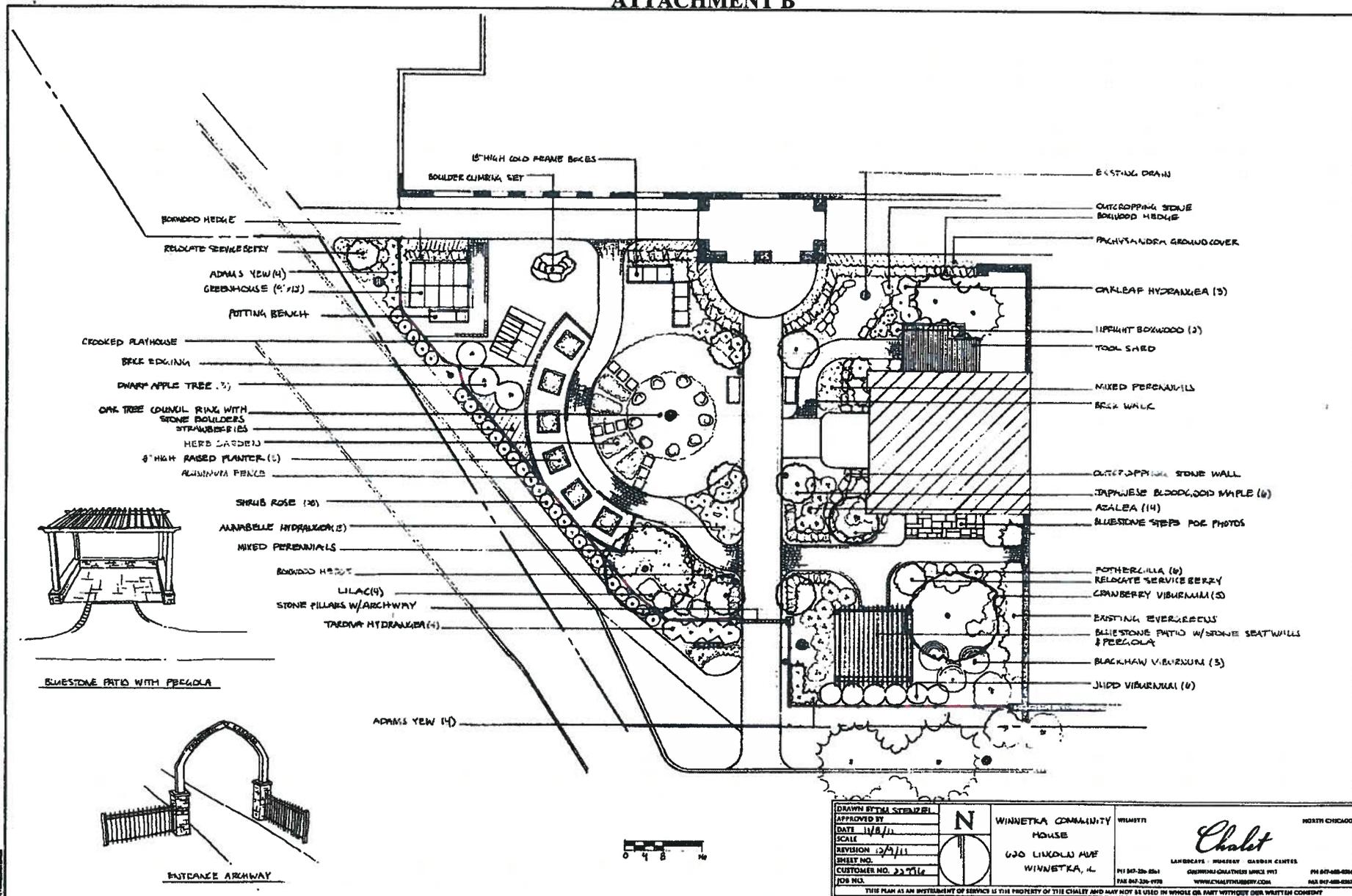


Winnetka Community House - Proposed Children's Garden
620 Lincoln Ave

Proposed Site Plan
(colored rendering)



ATTACHMENT B



DRAWN BY: TM SPENGLER APPROVED BY: DATE: 11/8/11 SCALE: REVISION: 12/7/11 SHEET NO.: CUSTOMER NO.: 22716 JOB NO.:	N 	WINNETKA COMMUNITY HOUSE 630 LINCOLN AVE WINNETKA, IL	WINNETKA LANDSCAPE · NURSERY · GARDEN CENTER 630 LINCOLN AVE WINNETKA, IL 60093 PHONE: 847-488-4337 FAX: 847-488-4337 WWW.CHALETNURSERY.COM	NORTH CHICAGO
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THIS PLAN AS AN INSTRUMENT OF SERVICE IS THE PROPERTY OF THE CHALET AND MAY NOT BE USED IN WHOLE OR PART WITHOUT OUR WRITTEN CONSENT.

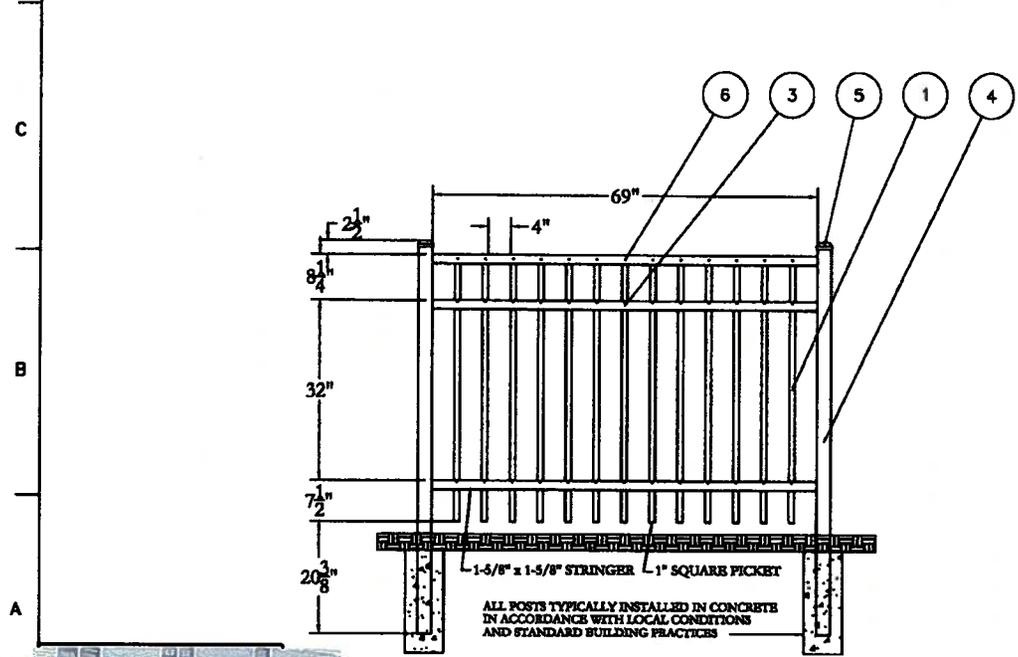
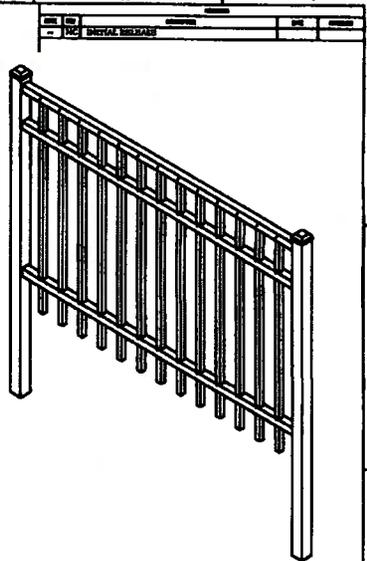
Winnetka Community House - Proposed Children's Garden
 620 Lincoln Ave

Proposed Fencing

LANDSCAPE · NURSERY · GARDEN CENTER

ATTACHMENT B

FENCE PARTS			
Name	Qty	Item	
1202-48 PICKET	13	1	
70-1/2" - 13 HOLE IND. STRINGER	2	3	
2-1/2" POST	2	4	
2-1/2" ALUMINUM POST CAP	2	5	
70-1/2" - 13 HOLE IND. HEADER	1	6	



Jepp
Manufacturing Co., Inc.
 Philadelphia, PA 19154
 (800)344-2242

DRAWING:
INDUSTRIAL FENCE
STYLE #202 - 48" HEIGHT

REV D DWG NO. IN48U202SN REV NC
 SCALE 1-1/4" SHEET 1 OF 1

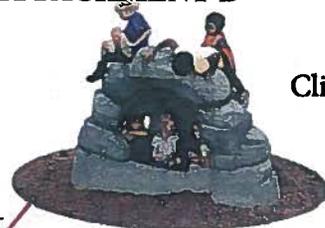


Winnetka Community House - Proposed Children's Garden
 620 Lincoln Ave

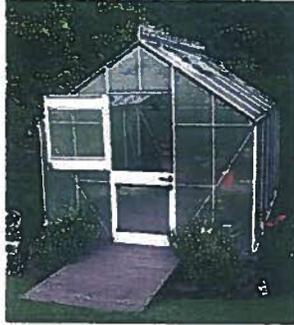
Proposed Fencing



ATTACHMENT B



Climbing Set (1)



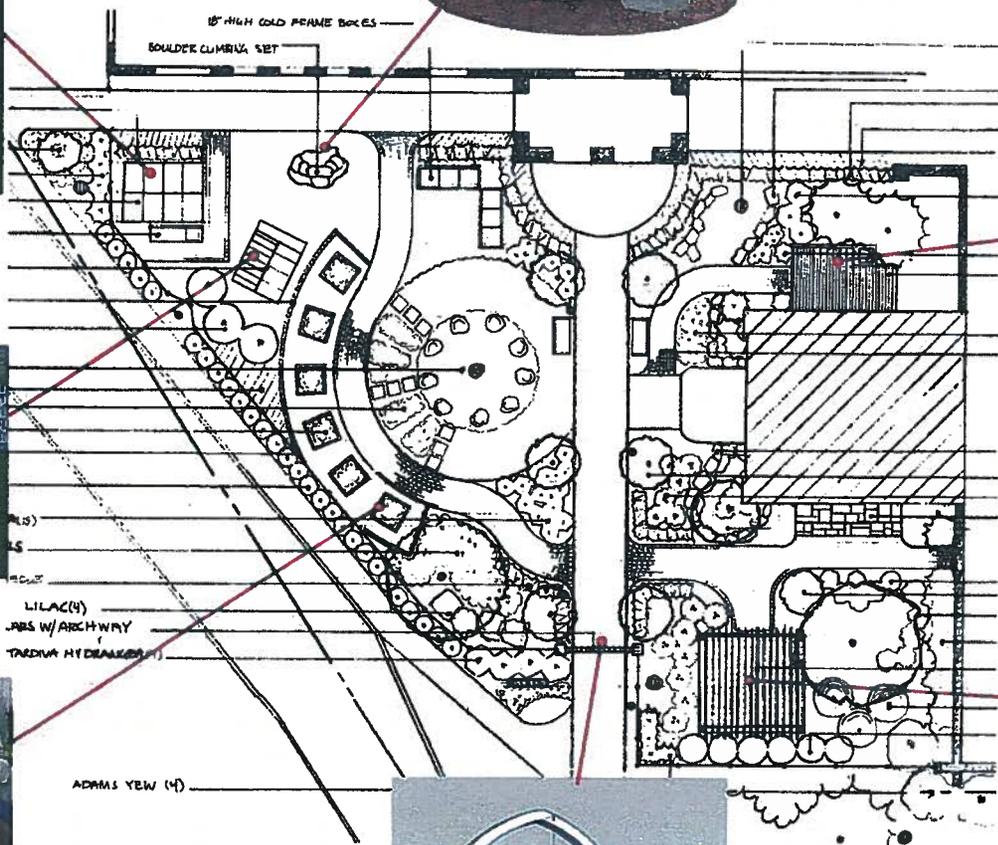
Greenhouse (1)



Crooked Playhouse (1)



18" High Raised Bed (12)



Tool Shed (1)



Cedar Pergola (1)



Winnetka Community House - Proposed Children's Garden
620 Lincoln Ave

Proposed Structures/
Elements



ATTACHMENT B



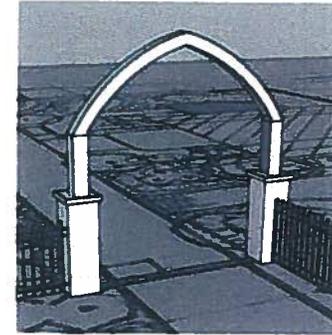
Cave Boulder Playset

Size: 7'2" (l) x 5'2" (w) x 4'2" (h)



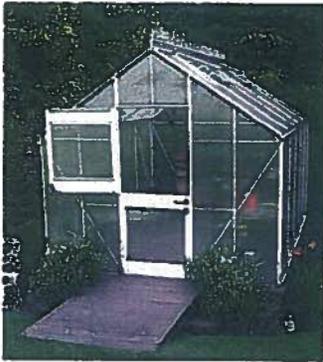
Crooked Playhouse

Size: 8' (l) x 4' (w) x 7'6" (h)



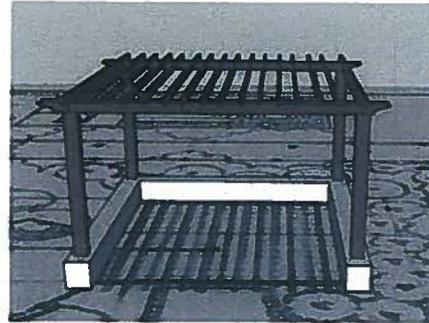
Entrance Arch

Size: 12'6" (h)



Greenhouse

Size: 9'1" (w) x 12'2" (l) x 8'3" (h)



Cedar Pergola

Size: 16' (w) x 16' (l) x 10' (h)



Raised Planting Beds

Size: 6' (w) x 6' (l) x 1'6" (h)

ATTACHMENT B

QTY	COMMON NAME	SCIENTIFIC NAME	SIZE
6	Japanese Bloodgood Maple	<i>Acer palmatum</i> 'Bloodgood'	8' Specimen
40	Green Mountain Boxwood	<i>Buxus</i> 'Green Mountain'	24"
3	Alice Oakleaf Hydrangea	<i>Hydrangea quercifolia</i> 'Alice'	5 Gallon
2	Green Mountain Boxwood	<i>Buxus</i> 'Green Mountain'	36"
8	Densifloris Yew	<i>Taxus x media</i> 'Densifloris'	24"
14	Compact Poukhanense Azalea	<i>Rhododendron yodoense</i> 'Compact'	5 Gallon
6	Dwarf Fothergilla	<i>Fothergilla gardenii</i>	7 Gallon
5	Compact Cranberry Viburnum	<i>Viburnum trilobum</i> 'Compactum'	7 Gallon
3	Blackhaw Viburnum	<i>Viburnum prunifolium</i>	5'
6	Judd Viburnum	<i>Viburnum x juddi</i>	54"
12	Adam's Columnar Yew	<i>Taxus cuspidata</i> 'Adam's'	6'
4	Tardiva Hydrangea	<i>Hydrangea paniculata</i> 'Tardiva'	48"
4	Miss Kim Lilac	<i>Syringa patula</i> 'Miss Kim'	42"
27	Green Velvet Boxwood	<i>Buxus</i> 'Green Velvet'	24"
18	Annabelle Hydrangea	<i>Hydrangea arborescens</i> 'Annabelle'	5 Gallon
28	Knock Out Shrub Rose	<i>Rosa</i> 'Knock Out'	#100
3	Dwarf McIntosh Apple	<i>Malus domestica</i> 'McIntosh'	5 Gallon
30	Green Carpet Pachysandra	<i>Pachysandra terminalis</i> 'Green Carpet'	Flat
75	Assorted Perennial		1 Gallon

Winnetka Community House - Proposed Children's Garden
620 Lincoln Ave

Proposed Plant List

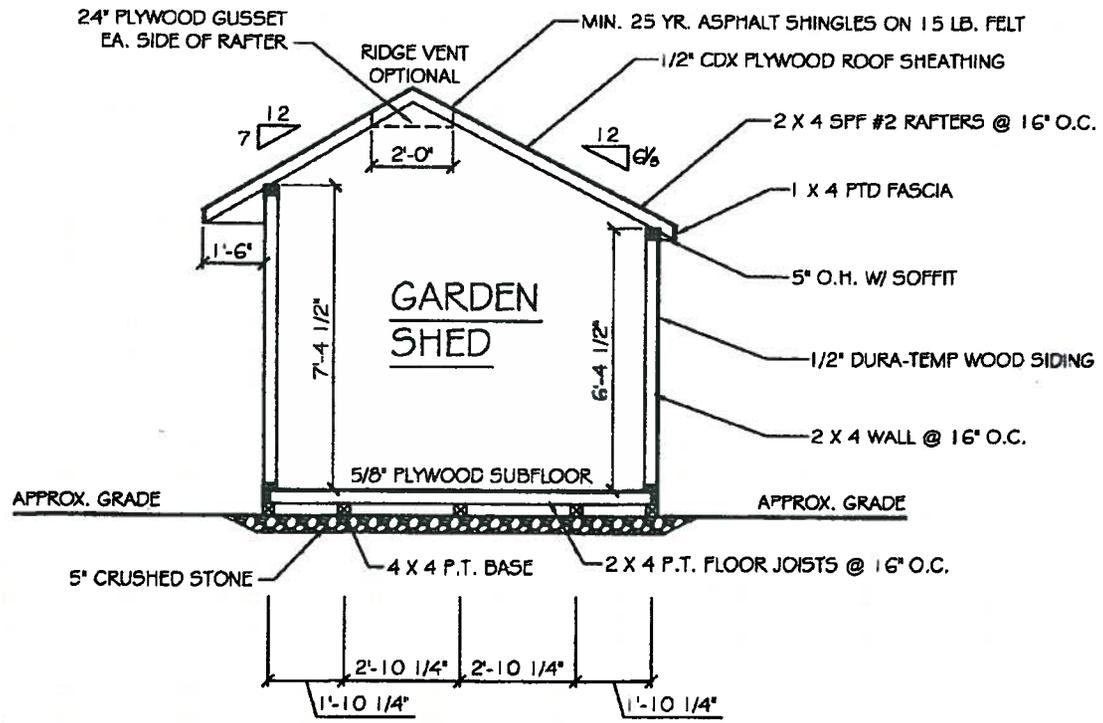


LANDSCAPE · NURSERY · GARDEN CENTER

ATTACHMENT B

WINNETKA COMMUNITY HOUSE - 620 LINCOLN

RECEIVED
 JUN 20 2014
 BY:



SECTION DETAIL "A"

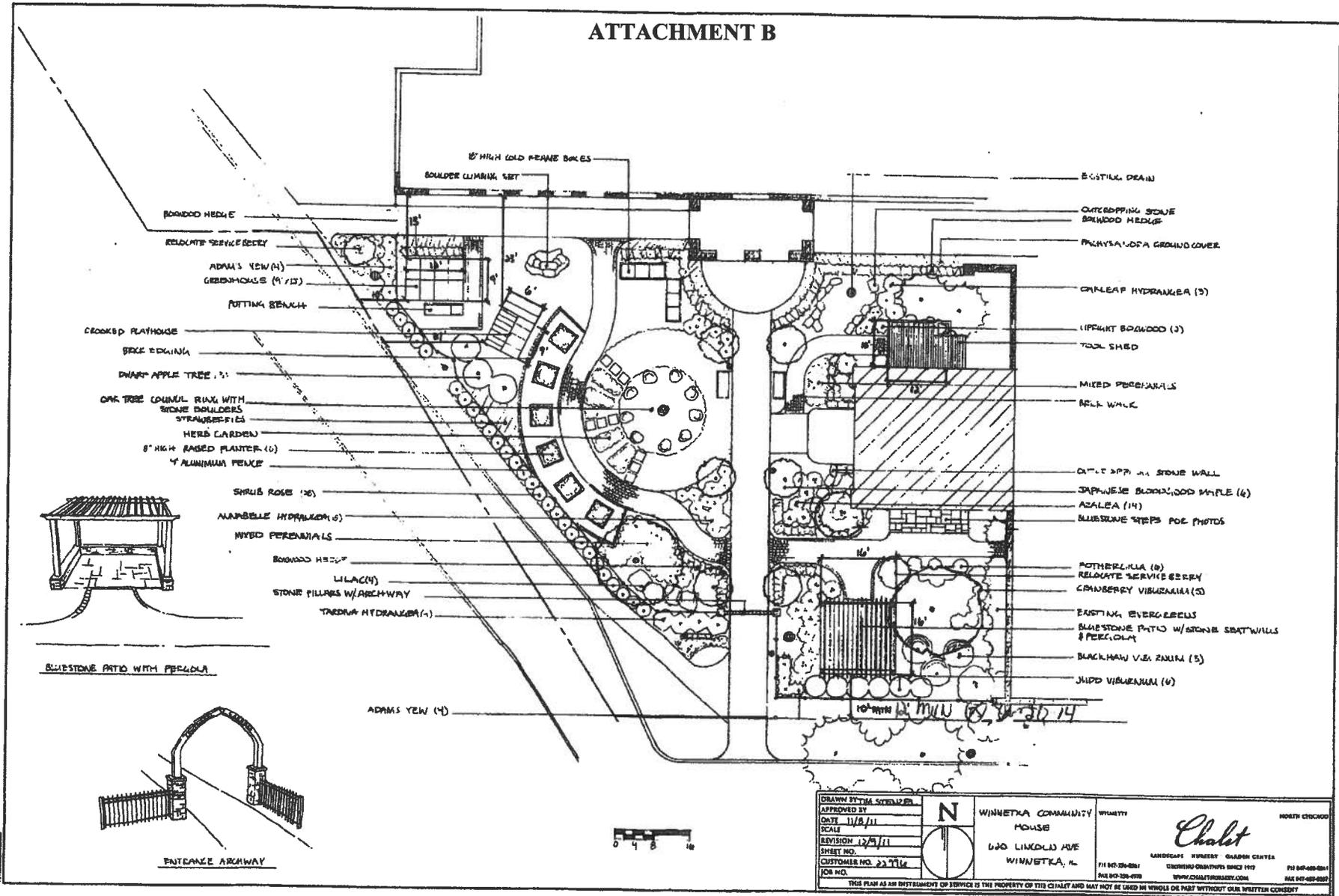
SCALE: 1/4" = 1'-0"

OVERALL HEIGHT = 10' 6"

JOHN ESH 717-442-5053
DRAFTING CONCEPTS LLC
 ARCHITECTURAL DRAFTING
 DRAFTER, MARNY STOLZMUS

SEAL:	
BUILDER:	CLASSIC GAR 4070 THOMI GORDONVILL
PROJECT:	
TITLE:	10 QL
DATE:	5
DRAWN BY:	E
SCALE:	A
SHEET:	2
	E2
	A

ATTACHMENT B



**Proposed Children's Garden
-Supplemental Information-**

Winnetka Community House
620 Lincoln Ave
Winnetka, IL

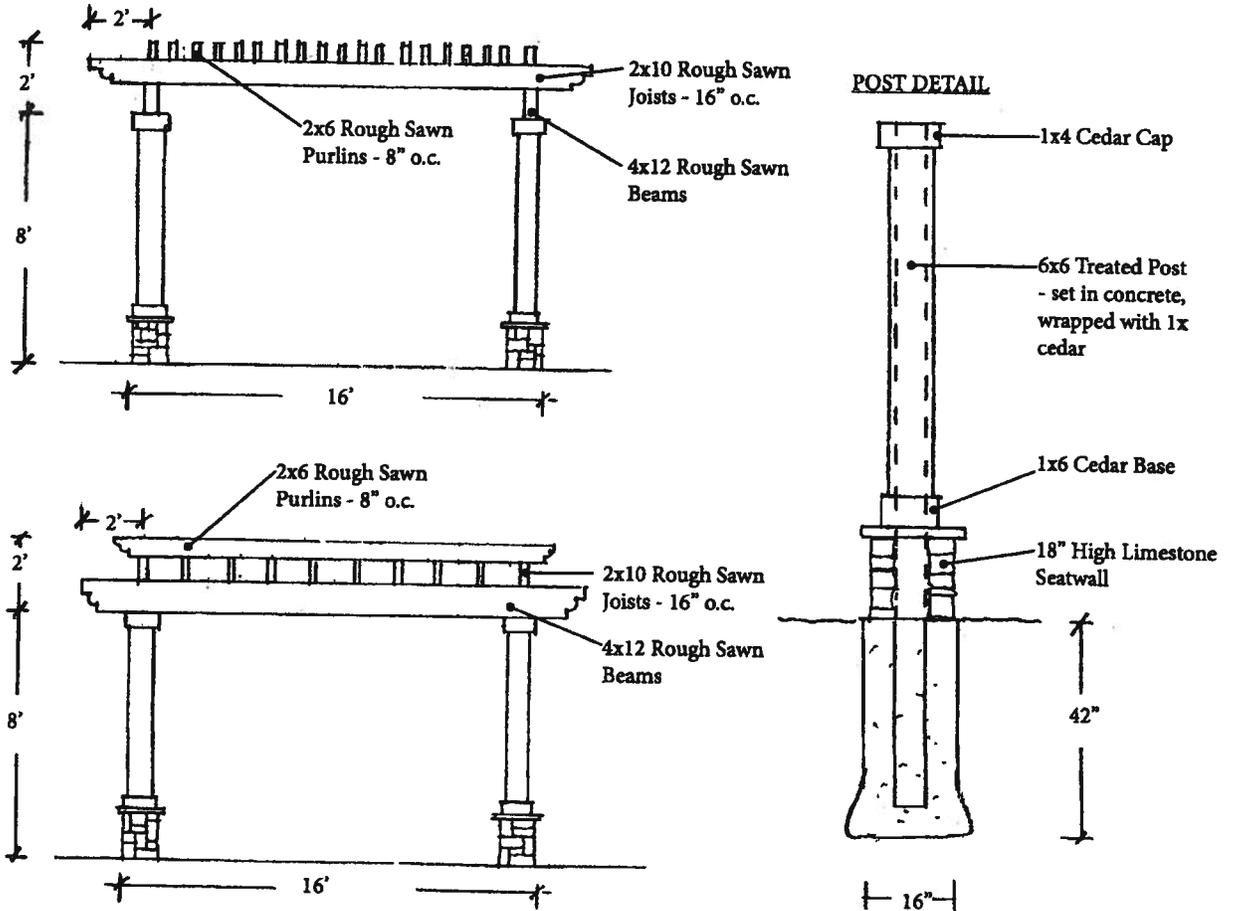
Chalet

LANDSCAPE · NURSERY · GARDEN CENTER

Certificate of Appropriateness Application
7.10.2014

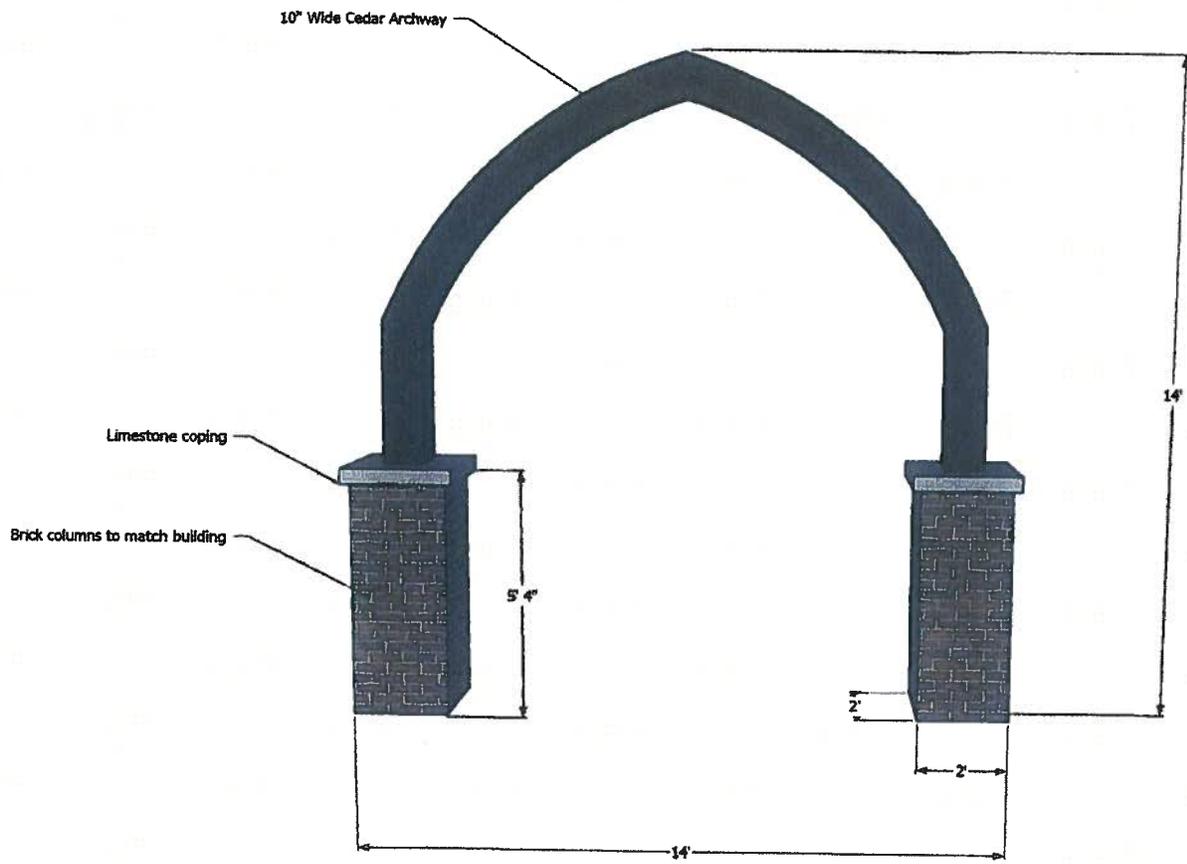
ATTACHMENT C

PERGOLA DETAILS



<p>Winnetka Community House - Proposed Children's Garden 620 Lincoln Ave</p>	<p>Proposed Pergola</p>	<p><i>Chalet</i> LANDSCAPE MORTARY GARDEN CENTER</p>
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ATTACHMENT C

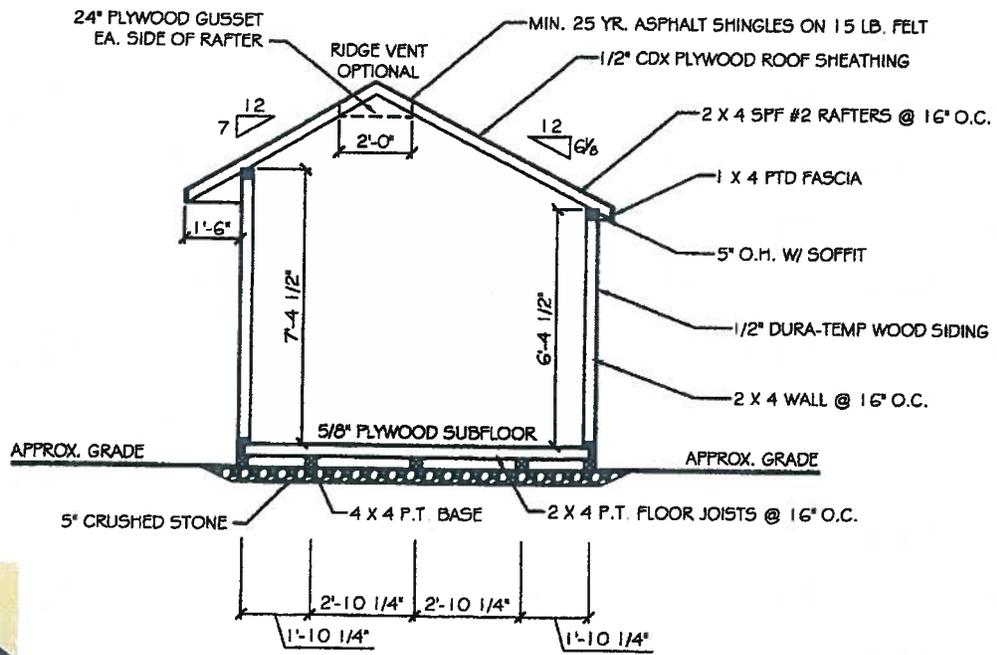


Winnetka Community House - Proposed Children's Garden
620 Lincoln Ave

Proposed Entrance Arch

Chalet
LANDSCAPE NURSERY GARDEN CENTER

ATTACHMENT C



Overall Shed Height = 10' 6"



NOTE: Picture shows an optional cupola which is not to be included in this project

Winnetka Community House - Proposed Children's Garden
620 Lincoln Ave

Proposed Tool Shed

Chalet
LANDSCAPE HURSTON GARDEN CENTER

ATTACHMENT D

ORDINANCE NO. M-8-2014

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT IN
THE APPLICATION OF THE ZONING ORDINANCE
OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS
(620 Lincoln Avenue)**

WHEREAS, the Winnetka Community House ("*Applicant*") owns that certain real estate commonly known as 620 Lincoln Avenue, Winnetka, Illinois, and legally described in **Exhibit A** attached to, and by this reference made a part of, this Ordinance ("*Subject Property*"); and

WHEREAS, the Subject Property is located within the B-1 Multi-Family Residential Zoning District of the Village ("*B-1 District*"); and

WHEREAS, pursuant to Section 17.32.010(B)(2)(c) of the Winnetka Zoning Ordinance ("*Zoning Ordinance*"), an institution of an educational, philanthropic, or eleemosynary nature is not permitted within the B-1 District without a special use permit; and

WHEREAS, the Applicant is a non-profit, non-sectarian community center that provides various educational and community services, including youth enrichment programs for children, health and fitness activities for adults, recreational programs for all ages, and spaces for parties, events, meetings, gatherings, and the performing arts; and

WHEREAS, the Applicant desires to construct and install a children's garden in the rear yard to the south of the Applicant's existing building on the Subject Property, which children's garden would include, among other things: (i) hardscape improvements, including planting beds and plantings, brick paved walkways, and patio and terrace areas; and (ii) new accessory buildings and structures, including an arched entryway, a green house, a pergola, children's play equipment, and a tool shed (collectively, "*Children's Garden*"); and

WHEREAS, on June 11, 2014, the Applicant filed an application for a special use permit pursuant to Section 17.32.010(B)(2)(c) of the Zoning Ordinance and Chapter 17.56 of the Winnetka Village Code ("*Village Code*") to allow the construction and installation of the Children's Garden in the B-1 District ("*Special Use Permit*"); and

WHEREAS, on June 25, 2014, after due notice thereof, the Plan Commission met to consider whether the proposed Children's Garden is consistent with "Winnetka 2020," the Winnetka comprehensive plan ("*Comprehensive Plan*"), and, by the unanimous vote of the seven voting members then present: (i) found the Children's Garden to be consistent with the Comprehensive Plan, and (ii) recommended that the Village Council grant the Special Use Permit, subject to the condition that the Applicant comply with applicable federal, state, and local laws related to "fall zones" around children's play equipment; and

WHEREAS, on June 19, 2014, the Design Review Board reviewed the proposed Children's Garden and issued generally favorable comment, but requested more details from the Applicant regarding the materials and locations of the pergola, arch, greenhouse, and tool shed; and

August 5, 2014

M-8-2014

WHEREAS, on July 17, 2014 the Design Review Board considered the additional information submitted by the Applicant and issued favorable comment regarding the Children's Garden; and

WHEREAS, on July 7, 2014, after due notice thereof, the Zoning Board of Appeals conducted a public hearing on the proposed Children's Garden and, by the unanimous vote of the six members then present, recommended that the Village Council grant the Special Use Permit; and

WHEREAS, the proposed Children's Garden is consistent with the Comprehensive Plan, including the following objectives and recommendations: (i) to preserve and enhance those public assets and architecturally significant structures that create the attractive appearance and peaceful, single-family residential character of the Village; (ii) to support educational excellence and the enrichment of Winnetka's religious and cultural environment; (iii) to preserve or expand the quantity, quality, and distribution of open space and recreational opportunities; (iv) to recognize the critical role of the Village's historic architecture in defining Winnetka's unique character in public, institutional, commercial, and residential areas and encourage its preservation; (v) to recognize the critical importance of educational, religious and other community institutions to Village residents; (vi) to ensure safe and attractive access to educational and community institutions; (vii) to encourage the continued vitality of the Winnetka Community House as a community facility for a variety of programs accessible to all residents; (viii) to preserve significant trees and encourage new tree planting on public and private properties to the greatest extent possible; (ix) to support the development of recreational facilities to meet the needs of residents of all ages; (x) to maintain an atmosphere in which diverse cultural, educational and religious organizations may flourish and in which special activities for residents of all ages may be enhanced; and (xi) to encourage governmental and non-governmental institutions to work with their constituents, neighbors and the Village to minimize the impact of traffic and parking on surrounding residential streets and to develop on-site solutions where appropriate; and

WHEREAS, there is no evidence that the Children's Garden will substantially diminish or impair property values, or be injurious to the use and enjoyment of other property, in its immediate vicinity; and

WHEREAS, there is no evidence that the establishment, maintenance, and operation of the Children's Garden will be detrimental to or endanger the public health, safety, comfort, morals, or general welfare of the residents of the Village, as the Children's Garden will provide a pleasant appearance, which will enhance the Community House and provide an attractive amenity and educational opportunities for residents; and

WHEREAS, the Applicant and the proposed Children's Garden are one of several institutional uses in the area, including the Winnetka Congregational Church at the northeast corner of Pine and Lincoln, and there is no evidence that the installation and construction of the Children's Garden will impede the normal and orderly development or improvement of other property in the immediate vicinity; and

WHEREAS, adequate measures have been taken to provide ingress and egress in a manner that minimizes pedestrian and vehicular traffic congestion in the public ways, in that the Applicant will continue to provide on the Subject Property off-street parking, on-site passenger drop-off, and access for persons with disabilities; and

WHEREAS, adequate utilities, access roads, drainage and other facilities necessary for the operation of the Children's Garden already exist on the Subject Property; and

WHEREAS, as proposed, the Children's Garden conforms with the applicable regulations of the Zoning Ordinance and the Village Code.

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

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

SECTION 2: Subject to the terms and conditions hereinafter set forth, the Special Use Permit is hereby granted to the Subject Property pursuant to Section 17.32.010(B)(2)(c) of the Zoning Ordinance, Chapter 17.56 of the Village Code, and the home rule powers of the Village to allow the construction and installation of the Children's Garden within the B-1 District on the Subject Property.

SECTION 3: The Special Use Permit granted by Section 2 of this Ordinance is subject to, and contingent upon, compliance by the Applicant with the following conditions:

- A. The Applicant must commence construction and installation of the proposed Children's Garden no later than 12 months after the effective date of this Ordinance.
- B. The development, use, and maintenance of the Children's Garden on the Subject Property must be in strict accordance with the following documents and plans, except for minor changes and site work approved by the Director of Community Development (within his permitting authority) in accordance with all applicable Village codes, ordinances, and standards: the plans prepared by Chalet, consisting of 1 sheet, and with a latest revision date of December 9, 2011, attached to, and by this reference made a part of, this Ordinance as **Exhibit B**.
- C. All children's play equipment constructed and installed as part of the Children's Garden must comply with all applicable federal, state, and local laws and standards related to fall zones around children's play equipment.

SECTION 4: This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon, the owner of the Subject Property, the Applicant (if different than the owner of the Subject Property), and each of their heirs, representatives, successors, and assigns.

SECTION 5: Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, in addition to all other remedies available to the Village, the Special Use Permit granted in Section 2 of this Ordinance will, at the sole discretion of the Village Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Council may not so revoke the Special Use Permit granted in Section 2 of this Ordinance unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village Council. In the event of revocation, the development and use of the

Subject Property will be governed solely by the regulations of the applicable zoning district and the applicable provisions of the Zoning Ordinance, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 6: The stipulations, conditions and restrictions set forth in the foregoing Section 3 of this Ordinance may be modified or revised from time to time by the Village Council following public notice and hearing, following the procedures specified in Chapter 17.56 of the Village Code for processing special use applications.

SECTION 7:

A. This Ordinance will be effective only upon the occurrence of all of the following events:

1. Passage by the Village Council in the manner required by law;
2. Publication in pamphlet form and posting in the manner required by law; and
3. The filing by the Applicant with the Village Clerk of an Unconditional Agreement and Consent in the form of **Exhibit C** attached to, and by this reference made a part of, this Ordinance, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance.

B. In the event that the Applicant does not file with the Village Clerk a fully executed copy of the unconditional agreement and consent described in Section 7.A.3 of this Ordinance within 60 days after the date of passage of this Ordinance by the Village Council, the Village Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

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

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

Introduced: _____, 2014

Passed and Approved: _____, 2014

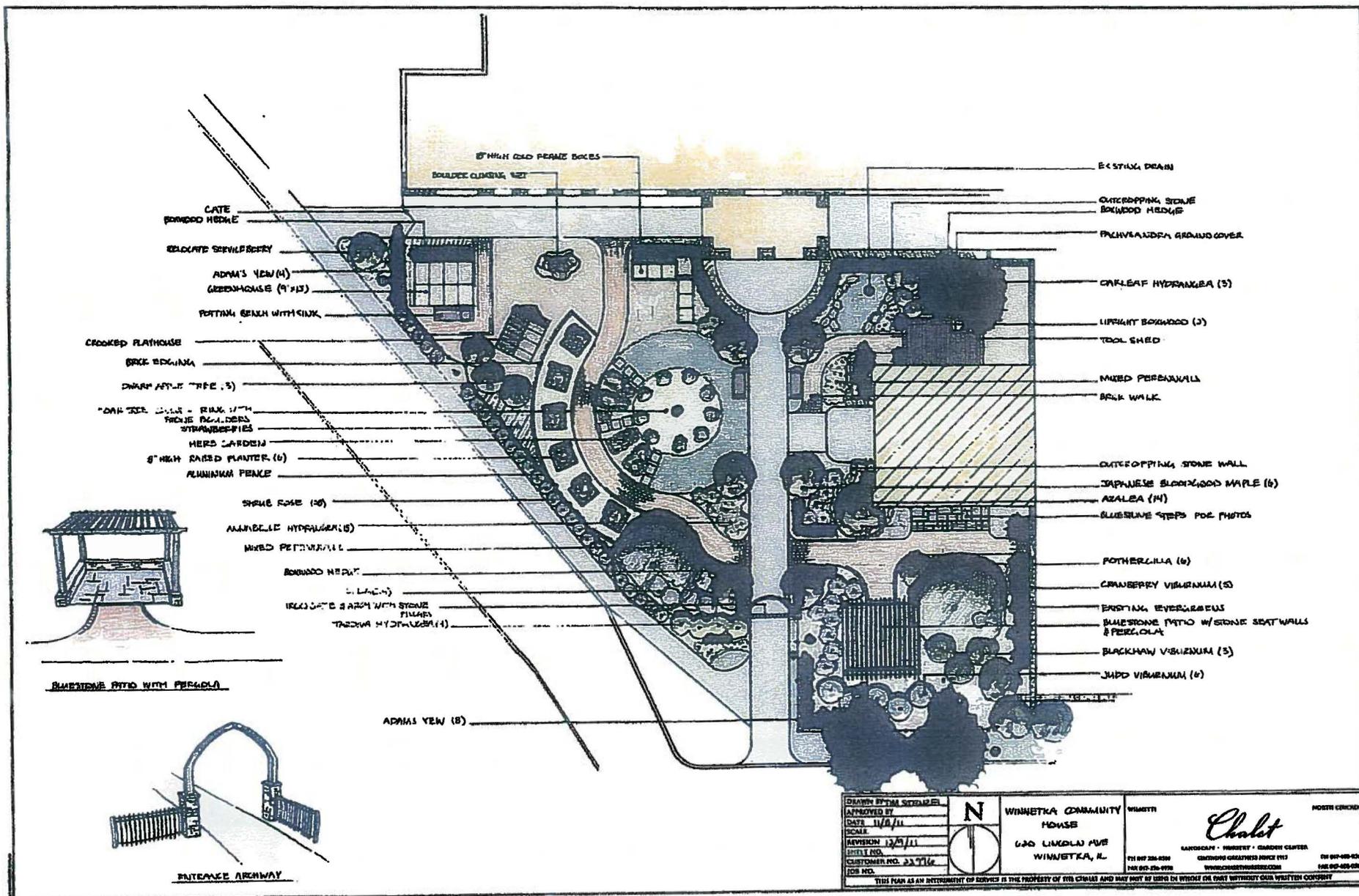
EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

Parcel 1 – Lot 1 of Community House Consolidation, a subdivision in the northeast $\frac{1}{4}$ of northeast $\frac{1}{4}$ of Section 20 and the southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of Section 17, Township 42 North, Range 13, East of the Third Principal Meridian, in the Village of Winnetka, Cook County, Illinois.

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

Commonly known as 620 Lincoln Avenue, Winnetka, Illinois.



DRAWN BY THE SURVEYOR APPROVED BY DATE 11/8/11 SCALE REVISION 12/9/11 SHEET NO. CUSTOMER NO. 23716 JOB NO.	N 	WINNETKA COMMUNITY HOUSE 620 LINCOLN AVE WINNETKA, IL	CHALET LANDSCAPE • HURRYRY • GARDEN CENTER 171 W. 236th St WINNETKA, IL 60093 TEL: 815-426-6200 FAX: 815-426-6200 WWW.CHALETLANDSCAPE.COM	NORTH CROWN
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THIS PLAN AS AN INSTRUMENT OF SERVICE IS THE PROPERTY OF CHALET AND MAY NOT BE USED IN WHOLE OR PART WITHOUT CHALET'S WRITTEN CONSENT.

Winnetka Community House - Proposed Children's Garden
 620 Lincoln Ave

Proposed Site Plan
 (colored rendering)

Chalet
 LANDSCAPE NURSERY GARDEN CENTER
 Agenda Packet P. 65

EXHIBIT C
UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Winnetka, Illinois ("*Village*");

WHEREAS, the Winnetka Community House ("*Applicant*") is the owner of that certain property commonly known as 620 Lincoln Avenue in the Village (the "Subject Property"); and

WHEREAS, Ordinance No. M-8-2014, adopted by the Village Council on _____, 2014 (the "Ordinance"), grants a special use permit to the Applicant for the use of the Subject Property for the construction and installation of a children's garden; and

WHEREAS, Section 7 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant has filed, within 60 days following the passage of the Ordinance, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Applicant does hereby agree and covenant as follows:

1. The Applicant does hereby unconditionally agree to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Applicant acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Applicant acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's granting of a special use permit for the Subject Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time.
4. The Applicant does hereby agree to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Ordinance granting the special use permit for the Subject Property.

Dated: _____, 2014

ATTEST: **WINNETKA COMMUNITY HOUSE**

By: _____ By: _____
Its: _____ Its: _____

ATTACHMENT E

DRAFT

**Winnetka Design Review Board/Sign Board of Appeals
Excerpt of Minutes
June 19, 2014**

Members Present:

John Swierk, Chairman
Kirk Albinson
Bob Dearborn
Brooke Kelly
Peggy Stanley

Members Absent:

Michael Klaskin
Paul Konstant

Village Staff:

Brian Norkus, Assistant Director of Community
Development

Comment to Village Council and Zoning Board of Appeals Regarding Special Use Permit for Proposed Children's Garden at the Winnetka Community House, 620 Lincoln Avenue

Tim McCabe introduced himself to the Board as the Executive Director of the Winnetka Community House along with Alana Flatley and Tim Stenzel from the Chalet Design Firm. He clarified the address of the Winnetka Community House as 620 Lincoln Avenue.

Mr. Stenzel informed the Board that the proposed garden would go on the south side of building between the building and the parking lot near the tracks. He noted that the proposed garden area would be for use by the community center for various events. Mr. Stenzel stated that they are proposing the use of several elements, one of which is to fence an area he identified for the Board. He also stated that it would include a play structure and a play house and that there would be a blue stone area with pergola over and seat wall around it and stoop buildings and additional plantings.

Chairman Swierk asked Mr. Norkus to provide the Board with some background and referred to any zoning issues.

Mr. Norkus informed the Board that the reason for the special use is that the project related to the expansion of space and referred to its treatment not as though it is necessarily a nursery school at the Community House with its own playground. He stated that the request would not be an expansion of the nursery school playground, but that this would be equivalent to when the Park District surrounding the Village Green wanted to change the playground equipment. Mr. Norkus

noted that a change like this increased the intensity of use and green space. He also stated that it is more of a programmed park use which is what put it in this special use category.

Chairman Swierk asked if the Board is to make a recommendation along with storm water and other requirements.

Mr. Norkus stated that the request would be reviewed by this Board and the Plan Commission next week to look at its consistency with the 2020 Comprehensive Plan while the ZBA would look at the special use. He stated that the request is well into the ZBA and is in compliance with zoning limitations such as setbacks, etc.

Chairman Swierk stated that his only comment is that if it worked, that would be great, but that there is detail on the structures in order for the Board to totally approval them. He referred to the applicant looking for final approval. Chairman Swierk then stated that in terms of the concept, it is fine but that the applicant would need to come back with additional structures and details. He added that those are the items for which the Board would want more review.

Mr. Norkus stated that in the case where plans are conceptual in nature, comment is needed in general from the Board from the standpoint of the conceptual plan with conditions on items for which they would like to see with more detail such as the pergola.

Mr. Dearborn asked if there were photographs of the pergola.

Mr. Stenzel he referred to those items and stated that some are greenhouse photographs as to what they would look like. He noted that the pergola is a rendering. Mr. Stenzel also stated that the play house is the actual color, but that it can be changed. He added that the play set shown is the actual play set.

Chairman Swierk stated that he had no problem with the play set.

Mr. Norkus provided material samples which were submitted to the Board for their review.

Chairman Swierk asked how big is the greenhouse.

Mr. Stenzel stated that it would have a footprint of 9 feet wide, 12 feet 2 inches in length and 8 feet 3 inches in height.

Mr. Norkus informed the Board that it would all be on Community House property.

Mr. Albinson asked if the public road is adjacent.

Mr. Stenzel stated that Killian Court is the adjacent road.

Mr. Albinson asked if the property line is identified.

Mr. Stenzel confirmed that is correct.

Ms. Kelly asked if there would be fencing.

Mr. Stenzel responded that is correct and that fencing is proposed for the north side of the nursery along the courtyard, next to the sidewalk along Killian Court and would then return to the east and tie into the building. He noted that it is shown on the drawings.

Mr. Dearborn asked if the fencing would be next to the archway.

Mr. Stenzel stated that it would lead to the archway and would be 4 foot black aluminum fencing.

Mr. Dearborn then asked if the entire playground would be enclosed.

Mr. Stenzel confirmed that is correct with the exception of the sidewalks by the building.

Mr. Dearborn referred to its compliance with the codes and regulations.

Chairman Swierk asked what would be the column material.

Mr. Stenzel stated that it would be limestone.

Chairman Swierk referred to the arches.

Mr. Stenzel stated that they would be iron material and that he proposed putting in the name of the garden if the applicant wanted, but that it is conceptual for now and would match the architecture of the building.

Mr. Dearborn commented that it seemed fine.

Chairman Swierk stated that they still need more detail with regard to the entrance and arch column size and that the applicant should come back with more detail.

Mr. Albinson stated that he would like offer as a recommendation the use of some evergreen landscaping around the greenhouse.

Mr. Stenzel informed the Board that there would be 4 evergreens on the west which can grow to 8 feet in height. He noted that they would not go in at 8 feet.

Mr. Albinson also suggested adding more evergreens which would grow taller and which would better conceal the greenhouse.

Mr. Dearborn asked if any of it would be viewable by the neighbors.

Mr. McCabe stated that area is on the other side of Killian Court and the railroad and that you cannot see it otherwise. He added that there are no neighbors per se.

Mr. Norkus stated that area is mostly commuter parking.

Chairman Swierk referred to the color rendering and the walkway and asked if with regard to the orange-red color if that is all bluestone.

Mr. Stenzel informed the Board that the red color is the brick and that there would be bluestone underneath the pergola structure and that the steps against the building are the diagonal hash.

Mr. McCabe stated that the area is better provided in the illustration.

Mr. Norkus stated that the Board's comment to the Village Council is that it can be subject to conditions and items for which the Board would like to see more detail.

Chairman Swierk referred to the arch and the pergola.

Ms. Stanley questioned the back of the toolshed.

Mr. Stenzel responded that was an earlier concept which was proposed.

Mr. McCabe stated that up against the railroad is a barn which is an existing structure.

Mr. Stenzel noted that they are proposing to do a stand-alone shed in the same spot and referred the Board to a photograph on the last page of the materials.

Chairman Swierk asked what is the distance between that and against the existing building.

Mr. Stenzel responded that it is right up against the building.

Chairman Swierk stated that they do care what the shed looked like next to the stone building. He then asked if it is not a new plan with a separate shed.

Mr. Stenzel confirmed that is correct. He then referred the Board to the third page of the materials which contained photographs and identified the photograph on the top right side as the location of where the shed will go. Mr. Stenzel then stated that to the right of that is the brick building with an evergreen in the front. He described the area as very tucked away.

Mr. Norkus stated that the concern would be diminished since it is so far back. He stated that the objective is to address the view from the public forum.

Chairman Swierk commented that the proposed shed is not the best when located next to the stone structure.

Mr. Dearborn stated that the pergola entrance is more public.

Ms. Kelly stated that with regard to the shed, there is nothing to do architecturally with regard to what is there and that it would be nicer for it to have a more cohesive appearance.

Chairman Swierk added that the area is already heavily landscaped.

Mr. Albinson asked what is the point if it is not within the jurisdiction of this Board. He stated that he did not have much concern about the shed.

Chairman Swierk stated that if there is a zoning use or change, everything is up for discussion. He suggested that they put in a couple of features to somewhat match or accent the old building.

Ms. Stanley stated that they can suggest that they consider the site and what is there in terms of design elements. She also stated that they can say to be sensitive to the current structure.

Mr. Albinson stated that there should not be much concern in connection with the shed since is concealed from the public. He stated that the Board should be concerned aesthetically only in connection with the public view of the greenhouse and in a lesser amount, the play house. Mr. Albinson then stated that in connection with the greenhouse from an architectural standpoint, with regard to the beautification of the view of the entire Community House, the question is putting that at that corner as well as how it would impact the experience of the Community House. He also stated that function-wise, it made sense.

Mr. Stenzel stated that there is a lot of shade from the big oaks and that this is one of only a few spots.

Mr. Albinson stated that he would raise that as a recommendation for the applicant is consider siting it appropriately to ensure the enhancement of the Community House.

Chairman Swierk then asked what type of glass panes would be on the greenhouse and that they did not want them to turn yellow or brown.

Mr. Stenzel stated that a sample piece of the material was given to the Board.

Mr. Albinson asked if there were issues or concerns with regard to security.

Mr. McCabe stated that there is always a concern for safety, but nothing which was specific to this. He then stated that the garden would be on the other side of the building and that there would be no issues there. Mr. McCabe reiterated that there are no specific concerns for it.

Chairman Swierk confirmed that they would not be increasing the risk with regard to security. He then stated that the Board's comment is that they would like to see more detail on the structures.

Mr. Albinson asked with regard to the schedule, when would the request go to the Village Council.

Mr. Norkus stated that the request would go to the Plan Commission next Wednesday, to the ZBA the second week of July and to the Village Council for a final review in late July or early August.

Mr. Dearborn suggested that the applicant can come back to the Board in July.

Mr. Norkus indicated that the Village Council is accustomed to seeing a recommendation which is positive with conditions from this Board. He stated that the question is whether the Board is comfortable giving a positive recommendation on the request with conditions. Mr. Norkus stated that there is a question relating to the concerns and how serious they are.

Chairman Swierk stated that they have to be comfortable with the location of the greenhouse.

Mr. Albinson stated that he would make a recommendation for the applicant to consider the siting of the greenhouse in keeping with the aesthetic of the overall campus from the street.

Chairman Swierk indicated that it cannot be too far into the site since there are trees and that it would be somewhat visible. He commented that it would be nice to see something which is active and that people are learning from it.

Mr. Albinson commented that they have an excellent program.

Ms. Stanley then moved to issue a positive recommendation with the following condition that the applicant think about the site for placing the greenhouse and that the Board would like to see more details in connection with the pergola, the arch, the greenhouse and tool shed material and its location.

Ms. Kelly seconded the motion. A vote was taken and the motion was unanimously passed.

AYES: Albinson, Dearborn, Kelly, Stanley, Swierk
NAYS: None

ATTACHMENT F

DRAFT

**Winnetka Plan Commission
Excerpt of Minutes
June 25, 2014**

Members Present:

Bill Krucks, Chairman
Jan Bawden
Jack Coladarci
Paul Dunn
Louise Holland
Jeanne Morette
John Thomas

Non-voting Members Present:

Richard Kates

Members Absent:

Chuck Dowding
John Golan
Matt Hulsizer
Keta McCarthy
Scott Myers

Village Staff:

Michael D'Onofrio, Director of Community
Development
Brian Norkus, Assistant Director of Community
Development

Consideration of Special Use Permit Application for Proposed Children's Garden At The Winnetka Community House, 620 Lincoln Avenue, For Consistency With The Winnetka 2020 Comprehensive Plan

Alana Flatley introduced herself to the Commission as the Director of Development at the Winnetka Community House, along with Nan Greenough, Tim Stenzel and ___ Shelley of the Nursery School and that they would go through the project. She then stated that brought copies to be distributed to the Commission for their review.

Tim Stenzel introduced himself to the Commission as the landscape architect with a business address of 205 Ash in Vernon Hills. He then stated that the proposed children's garden for use the community center would be located on the south side of the building and that it neighbored Killian Court to the east with the commuter parking lot to the south and the Community House to the east with the railroad tracks to the right. Mr. Stenzel then stated that the garden would be used by the Community House for a variety of children's programs. He stated that it would

contain raised vegetable beds for gardening and the activities proposed along with a proposed greenhouse structure, a pergola with a patio for meetings and weddings and a tool shed for keeping all of the tools. Mr. Stenzel also stated that there would be a brick walkway through the space and planters.

Chairman Krucks asked if there were any questions from the Commission.

Mr. Coladarci noted that he is on the Board of Governors of the Community House.

Mr. Kates stated that if an issue is raised, they would deal with it. He stated that they are not hearing anything and that they have a quorum for now.

Chairman Krucks stated that for the record, he asked Mr. Norkus to explain why a special use permits is needed for this project.

Mr. Norkus stated that it related threshold changes to institutional facilities including the Community House as well as the Park District facilities, schools, churches, etc. which are existing within zoning districts under the special use permit provisions of the code. He then stated those uses are accepted and understood as being compatible uses in each district in which they are located. Mr. Norkus stated that significant changes such as the expansion of the operation or a change in the layout or footprint of the space, etc. required a modification of the special use permit. He stated that an example would be a similar case of the Village Green where play equipment was installed and that they had to go through the special use process which gave the neighbors an opportunity to be involved in reviewing and commenting on the plans. Mr. Norkus stated that other changes are several of the Park District parks and playground where if there is an increase in the footprint to a significant degree, it required review through the special use process. He noted that everyone followed the same procedures and that the Community House project required the special use process. Mr. Norkus also stated that the Commission, the Village Council, the ZBA and neighbors would have an opportunity to examine the plans and comment. He described the children's garden as being located in the passive green space on the southwest side of the Community House building. Mr. Norkus added that he would like to make it clear that this part of the Community House lawn faced Killian Court as well as the commuter parking lot.

Mr. Kates asked the applicant how soon would they like to start.

Mr. Stenzel responded ASAP. He also stated that they need to go before the DRB again and then before the ZBA and the Village Council in August. Mr. Stenzel noted that the DRB had questions about some of the elements for which they wanted more detail.

Mr. Norkus stated that he would like to clarify that when the DRB is looking at plans in this case, they are accustomed to seeing plans which are somewhat conceptual in nature. He stated that in connection with a plan like this, to give favorable comment would mean that they would not have to go back to the DRB before going to the Village Council. Mr. Norkus informed the Commission that the DRB would like to see before permitting is completed, the refined details and some elements which are conceptual such as the gateway arch and pergola.

Mr. Kates commented that it is a wonderful idea.

Ms. Bawden asked with regard to the permeable surface, would there be an increase or decrease.

Mr. Stenzel responded that there would be an increase and that the walkways would be brick and measure 5 feet from one sidewalk to the other. He also stated that the patio would measure 16 feet x 16 feet and that there would be an increase in impermeable surface. Mr. Stenzel also referred to the use of sand.

Ms. Bawden then asked with regard to the trees, there is one oak which was identified as being taken out.

Mr. Stenzel stated that the tree is small and measured 8 inches which they would be taking out and that there is one other tree which is in bad health. He noted that three large oaks would be saved, one of which is the center piece of the design.

Ms. Bawden commented that it is a fabulous design. She then stated that from the Commission's standpoint, this would definitely increase congestion in this area in terms of activity. Ms. Bawden asked how did they plan to address that, if at all, and whether it would be an issue.

Mr. Stenzel stated that there would be fencing around the existing sidewalk for anyone using the space and that they have that as a buffer as well as the plants. He indicated that it is a very busy space now and that would continue. Mr. Stenzel then stated that from a design standpoint, there would be separation with the fence and planters and that they planned to keep all of the circulation off of the existing sidewalk and that the main sidewalk would be unchanged.

Ms. Bawden commented that it is a beautiful plan.

Ms. Morette asked if the Community House is privately funded.

Ms. Flatley confirmed that is correct and stated that the project is already funded.

Ms. Holland referred to a family of black squirrels living in the area and stated that she is in favor of the different vegetation and described it as a wonderful plan. She then thanked the Community House for enhancing the space.

Mr. Thomas stated that he represented the park board. He then stated that the Plan Commission and the Park District are almost always involved in the process of developing design and executing the design for children's parks and that the Park Board liked hearing and seeing things like this. Mr. Thomas described it as a lovely plan and stated that he had no concerns. He then stated that the question is do they know if all of the surfaces on which the children fall meet the various state and federal regulations.

Mr. Stenzel responded that he did not know.

Mr. Thomas suggested that they find out and that they may have to change some of the plans.

He then stated that he cannot vote in favor of the request unless the safety specifications have been met. Mr. Thomas suggested that the applicant contact Bob Smith. Mr. Stenzel agreed that would be fine.

Mr. Norkus stated that the Commission can add as a comment to the Village Council to work with the people at the Community House to get clarification on the applicability of these standards. He stated that he is not an expert as to whether it would apply in this case and stated that they would work with Mr. Stenzel and the Park District before the request went to the Village Council and that they would figure it out before the permit is issued. Mr. Norkus stated that they would find out before July or August.

Mr. Kates stated that they should deal with the safety issues obviously. He informed the Commission that the sentiment on the Village Council is to move these things along fast. Mr. Kates then referred to the sentiment of the Commission as far as commercial development is concerned as that they should see whether or not they can accelerate the process of getting these types of items to the Village Council and move ahead. Mr. Kates described the request as a model for how to do that and commented that it would be an excellent project for the children. He then stated that if there is a way for the administration to move faster, it would be most helpful and that if they cannot, it would be helpful for them to tell the Village Council why and if it needed legislative changes.

Mr. Norkus informed the Commission that the typical reason for the delay in the standing on the Village Council's docket related to the collection of the Commission, the ZBA and the DRB minutes. He stated that there must be a collection of all of the relevant background material for the Village Council to review and that the Village Council must have all of the lower board's materials.

Mr. Kates stated that the minutes would be accelerated and if they are not being accelerated, there should be a plan to deal with the change in the process so that they do not have that type of delay. He stated that it is the position of the Commission to do well for the Village and to see how quickly things can be done. Mr. Kates then stated that his comment to the Village staff is to see what they can do such as changing what they do in the minutes such as segregating part of them in order to deal with the issues faster.

Mr. Norkus responded that they have done that.

Mr. Thomas suggested that Mr. Stenzel or Ms. Flatley call the Park District in the morning and stated that their planner can give them verbal comment as to what they would have to address. He stated that the Commission can then recommend that they go forward with that as a proviso.

Mr. Dunn stated that he had no comment other than it would be a great amenity to the community. He also commented that he liked the idea of approving the request with a contingency that this matter be addressed.

Chairman Krucks asked if there were any comments from the audience.

Ms. Marus (sp?) asked the director if the garden would be exclusively used by the children who enroll in the Community House programs or if it would be open to all of the children in the Village.

Ms. Flatley responded that it would be open to all of the residents of Winnetka and the community they served. She informed the Commission that they are working with the Alliance For Early Children (?) at the Kohl's Museum Botanic Garden. Ms. Flatley also stated that it would be available during their off hours for all residents.

Chairman Krucks asked if there were any other comments. No additional comments were made by the audience at this time.

Chairman Krucks then stated that he would like to echo the Village Council sentiment in certainly moving these types of applications along. He then stated that with regard to the Commission, he is hearing that the request is consistent with the Comprehensive Plan and that the children's garden would provide a benefit and recreational activities as well as beautify this area of the Village. Chairman Krucks also stated that there would be a strong educational base for its operations and commented that there is nothing finer or more consistent with the Comprehensive Plan than that. He then asked for a motion.

Mr. Thomas moved to recommend to the Village Council approval of the special use permit to the Community House for building the children's garden subject to the Community House ensuring that local, state and federal applicable safety regulations are met.

Mr. Kates seconded the motion.

Chairman Krucks asked if there was any further discussion.

Ms. Holland suggested that they add to the motion the findings of the Commission and make it an omnibus motion and that the goals are fully addressed by the application.

Mr. Thomas agreed to the amendment to the motion.

Chairman Krucks asked if there were any other comments. No additional comments were made at this time.

Mr. Dunn seconded the motion. A vote was taken and the motion was unanimously passed.

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

**Findings of the Winnetka Plan Commission
Regarding
Consistency of the 620 Lincoln Avenue Special Use Permit
With the Village of Winnetka Comprehensive Plan**

After considering the application, the Commission makes its findings as follows,
Chapter II - Vision, Goals and Objectives

- (1) The proposed special use is consistent with the objective to "Ensure that commercial, institutional and residential development is appropriate to the character of and minimizes the adverse impact on its surrounding neighborhood" [Village Character and Appearance: Objective #1; page 2-2].
- (2) The proposed special use is consistent with the objective to "Encourage organizations, schools, religious institutions, businesses, and citizens in their efforts to beautify the Village"; [Village Character and Appearance: Objective #7; page 2-2].
- (3) The proposed special use is consistent with the objective to "Use high quality design and materials when constructing public improvements. Enhance the beauty of improvements with appropriate decorative details, artwork, or sculpture"; [Village Character and Appearance: Objective #13; page 2-3].
- (4) The proposed special use is consistent with the Goal to "Preserve or expand the quantity, quality and distribution of open space and recreational opportunities", and to "protect the Village's natural features and environmental resources". [Open Space Recreation and Environment: Goals; page 2-5].
- (5) The proposed special use is consistent with the objective to "Support the development of recreational facilities to meet the needs of residents of all ages"; [Parks, Open Space, Recreation and Environment: Objective 5; page 2-6].
- (6) The proposed special use is consistent with the objective to "Engage in a public process that balances institutional goals and minimizes any adverse impact to the character of the adjacent residential neighborhood; [Parks, Open Space, Recreation and Environment: Objective 6; page 2-6].
- (7) The proposed special use is consistent with the objective to "Encourage the preservation of open space inside and outside the Village"; [Parks, Open Space, Recreation and Environment: Objective 9; page 2-6].

RESOLUTION

NOW THEREFORE BE IT RESOLVED that the Winnetka Plan Commission finds that the proposed Special Use Permit application by the Winnetka Community House for a proposed Children's Garden is consistent with the Village of Winnetka Comprehensive Plan.

Passed by a vote of 7 in favor, none opposed and one abstention.

Date: June 25, 2014

ATTACHMENT G

DRAFT

**WINNETKA ZONING BOARD OF APPEALS
JULY 14, 2014**

Zoning Board Members Present: Joni Johnson, Chairperson
Mary Hickey
Carl Lane
Jim McCoy
Scott Myers
Chris Blum

Zoning Board Members Absent: Andrew Cripe

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

* * *

620 Lincoln Avenue, Case No. 14-17-SU, Winnetka Community House, Special Use To Allow A Children’s Garden And Related Accessory Structures

Mr. D’Onofrio read the public notice. The purpose of this hearing is to hear testimony and receive public comment regarding a request by the Winnetka Community House, 620 Lincoln Avenue, concerning a Special Use Permit in accordance with Section 17.56.010 of the Winnetka Zoning Ordinance to permit a “Children’s Garden” and related accessory structures south of the existing building.

Chairperson Johnson swore in those that would be speaking on this case.

Tim McCabe introduced himself to the Board as the Executive Director of the Winnetka Community House. He indicated that he did not realize that he would have to make a presentation. Mr. McCabe referred to the property which is located off of Killian Court next to the railroad tracks and stated that the project would take place on the south side of the building. He noted that it would not abut the neighbors per se.

Mr. McCabe also stated that the current area contained only weeds and grass and that they would like to transform it into a children’s garden. He stated that it would make the area more beautiful than it is now and that there would be plantings of vegetables and flowers. Mr. McCabe informed the Board that they are attempting to partner with the Kohl’s Children’s Museum and

the Alliance for Early Childhood in connection with the programs offered to expose the children to plantings, vegetables and flowers.

Chairperson Johnson asked what the timeline is once they receive approval for the project.

Mr. McCabe responded that it is not an extraordinarily fast timeline right now.

Tim Stenzel of the Chalet Design Firm introduced himself to the Board and stated that they are in the process of going before the DRB and the Plan Commission. He then stated that once they receive approval there, they would begin permitting.

Chairperson Johnson then swore in Mr. Stenzel.

Chairperson Johnson asked the applicant if that at this point, they do not have any ideas together and that the plan is to partner with the Kohl's Children's Museum or to have their own children's programs.

Mr. McCabe responded that they do not have anything in writing yet and that they planned to meet with those groups tomorrow to begin the process of putting it together and learning what they would be interested in bringing to the table.

Mr. Myers described the request as straightforward and commented that it would be a good addition.

Mr. McCoy stated that he agreed with Mr. Myers' comments.

Chairperson Johnson stated that there is a zoning question and that there would be 40% and 60% for RLC and asked if it is the same for residential.

Ms. Klaassen confirmed that is correct.

Chairperson Johnson stated that she would like to point out for the discussion that she fully supported the application and that if the proposal is approved by the Village Council, it would be close to the maximum on GFA and on permeable surface and close on RLC. She commented that hopefully, it would be successful and that the applicant cannot do much more on the property without a variation or taking some of the existing structures down. Chairperson Johnson asked if anyone had anything else to add. No additional comments were made at this time. She then asked for a motion.

Mr. Myers moved to recommend approval of the special use permit and stated that as justification, he asked to record Attachment B of the application which addressed the six standards for special use.

Mr. McCoy and Ms. Hickey seconded the motion. A vote was taken and the motion was unanimously passed, 6 to 0.

AYES: Hickey, Johnson, Lane, McCoy, Myers, Blum
NAYS: None

Standards for Granting Special Uses

The standards for granting special uses are set both by statute and by Village Code. Section 11-13-1.1 requires that special uses be permitted only upon evidence that these meet standards established by the applicable classification in the zoning ordinances. Conditions “reasonably necessary to meet such standards” are specifically authorized. Section 22.13. (l) establishes the following standards for granting special use permits:

1. The establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare of the residents of Winnetka. The renovated garden will provide a pleasant community appearance that will add to community welfare, provide an attractive amenity for children and adults in the community as well as enhance children’s programming at the Community House.
2. The special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity, which are permitted by right in the district, nor substantially diminish or impair property values in the immediate vicinity. The children’s garden will remain Winnetka Community House property enhancing existing green space with additional plantings and landscaping. Research shows that beauty is one of the top three factors in creating community attachment to a particular town or city.
3. The establishment of the special use will not impede the normal and orderly development and improvement of other property in the immediate vicinity for uses permitted by right in the district of concern. None of the roadways, sidewalks or parking areas will be affected. The garden will be maintained by the Winnetka Community House and enhance the experience of all Community House visitors using the south entrance.
4. Adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public ways. The existing municipal parking lot, pedestrian walkways and roadways will not be affected by this renovation.
5. Adequate parking, utilities, access roads, drainage and other facilities necessary for the operation of the special use exist. The site will not increase any offsite water flow.
6. The special use in all other respects conforms to the applicable zoning regulations and this and other Village ordinances and codes.



Agenda Item Executive Summary

Title: Ordinance No. MC-6-2014: Reimbursement of Third Party and Professional Fees: Intro/Adopt

Presenter: Robert M. Bahan, Village Manager and Peter M. Friedman, Village Attorney

Agenda Date: 08/05/2014

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:

None.

Executive Summary:

The Village retains third party professionals, including engineers, lawyers, and planners, to perform services to assist the Village with its review and disposition of applications for Village action or decision, including requests for zoning relief. In these circumstances, the Village incurs fees and costs. This Ordinance sets forth a clear process by which the Village will receive reimbursement of its fees and costs from the applicants. Applicants would be required, before the Village performs any review, to deposit in an escrow account the estimated amount of the cost of third party and professional services required to review and act upon the application. Applicants would also be required to execute a short escrow agreement to govern the escrowed money. The Village would draw against the balance of the escrow account for reimbursement. If third party and professional fees exceed the estimate, the Village may require that an additional amount be deposited into escrow. If third party and professional fees are less than the estimate, the Village would return the balance to the applicant upon completion of the Village review and a final accounting.

This new process is particularly important in light of the Village Attorney organizational change from inside to outside counsel. Under the proposed Ordinance, Village Attorney fees on Village approvals and requests for zoning relief will be covered by the escrow deposit.

Recommendation:

We recommend waiver of introduction and approval of Ordinance No. MC-6-2014.

Attachments:

- 1) Memo re: Reimbursement of Professional Fees
- 2) Ordinance No. MC-6-2014

VILLAGE OF WINNETKA
M E M O R A N D U M

TO: Village Council

FROM: Robert M. Bahan, Village Manager
Peter M. Friedman, Village Attorney

CC: Megan E. Pierce, Assistant to the Village Manager

DATE: July 30, 2014

SUBJECT: Ordinance No. MC-6-2014, Reimbursement of Professional Fees

Background

The Village often must retain third party professionals, including engineers, lawyers, and planners, to perform services for the Village as part of its review and disposition of applications for Village action or decision on various matters, including requests for zoning relief. In these circumstances, the Village incurs fees and costs. These fees and costs, incurred because the Village must act in response to an application, should be borne by the applicant, not the Village. The current provisions of the Village Code regarding these circumstances requires updating to ensure a clear and fair process. The Village Manager identified the need to adopt a more effective process to assure that the Village is reimbursed for these third party and professional fees and costs.

This updated process is particularly important in light of the Village Attorney organizational change from inside to outside counsel. Under the proposed Ordinance, Village Attorney fees on Village approvals and requests for zoning relief will be covered by the escrow deposit.

Progress Update

In consultation with the Village Manager, the Village Attorney drafted Ordinance No. MC-6-2014 to amend Title 2 of the Winnetka Village Code, adding a new Chapter 2.76. This new Chapter sets forth a process by which the Village will receive reimbursement of third party professional fees and costs from applicants seeking Village action or decision, including requests for zoning relief.

Applicants will be required, before Village staff performs its review, to deposit in an escrow account the estimated amount of third party professional costs required to review and act upon the application. The Applicant will also be required to execute a short escrow agreement to govern the escrowed money. With regard to attorney fees, the estimated cost will be based upon the reimbursement rates established by the Village Council in its annual fee resolution. The Village would draw against the escrow balance to receive reimbursement. If actual third party and professional fees incurred exceed the initial estimate, the Village will estimate the amount of

additional required fees and the Applicant will then make the additional escrow deposit. After the Village completes its review, it will perform a final accounting of the total amount of third party and professional fees incurred and the total amount of the Applicant's escrow deposits. If the total amount of third party fees exceeds the total amount deposited into escrow, the Village may require the applicant to deposit an additional amount. If the total amount of third party fees is less than the total amount deposited into escrow, the Village will return the balance to the Applicant.

Recommendation

We recommend that the Village Council consider and introduce and approve Ordinance No. MC-6-2014.

Attachments

- Ordinance No. MC-6-2014.

**AN ORDINANCE
AMENDING TITLE 2 OF THE WINNETKA VILLAGE CODE
REGARDING REIMBURSEMENT OF THIRD PARTY AND PROFESSIONAL
FEES AND COSTS INCURRED BY THE VILLAGE
DURING REVIEW OF APPLICATIONS FOR VILLAGE ACTION**

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 has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Chapter 15 of the Winnetka Village Code, as amended ("*Village Code*"), titled "Buildings and Construction," sets forth certain regulations governing the issuance of permits and other approvals necessary for real estate development and construction within the Village ("*Development Approvals*"); and

WHEREAS, Section 15.32.02 of the Village Code provides, among other things, that: (i) the Village Council shall establish, by resolution, all fees, costs, deposits, and bonding requirements for obtaining Development Approvals (collectively, "*Development Fees and Costs*"); and (ii) the owner of property seeking Development Approvals is responsible for the payment of all Development Fees and Costs, including the costs incurred by the Village for third party and professional services retained by the Village in connection with the Village's review of the owner's application for Development Approvals; and

WHEREAS, Title 2 of the Village Code, titled "Administration and Personnel," sets forth various regulations regarding the administration of Village affairs; and

WHEREAS, the Village desires to update and clarify the process for receiving reimbursement of Development Fees and Costs and other costs incurred by the Village for third party and professional services retained by the Village in connection with the Village's review of applications for Village action or decision on any matter ("*Reimbursement Regulations*"); and

WHEREAS, the Village Council has determined that amending Title 2 of the Village Code to add a new Chapter 2.76 adopting Reimbursement Regulations as set forth in this Ordinance is in the best interests of the Village;

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 in this Section.

SECTION 2: Title 2, titled "Administration and Personnel," of the Village Code is hereby amended by adding a new Chapter 2.76, titled "Third Party Fees and Escrow of Funds," which new Chapter 2.76 will read as follows:

Chapter 2.76
THIRD PARTY FEES AND ESCROW OF FUNDS

Section 2.76.010 Purpose.

The general purposes of this chapter are to require persons or other legal entities who apply to or petition the Village for consideration or review of, or action on, any matter requiring Village approval to: (a) reimburse the Village for certain third party and professional fees incurred by the Village as a result of the application or petition, and (b) deposit the funds necessary to reimburse the Village before the Village incurs any third party or professional fees as a result of the application or petition.

Section 2.76.020 Responsibility for third party fees.

Any person or other legal entity who applies to or petitions the Village for consideration or review of, or action on, any matter requiring Village approval shall be responsible for any third party and professional fees, including without limitation engineering fees, planning fees, and legal fees, incurred by the Village during its review of, and any action in response to, the application or petition.

Section 2.76.030 Amount of fees.

The Village Council shall establish by resolution the rates at which third party and professional fees shall be reimbursed to the Village pursuant to this chapter.

Section 2.76.040 Estimate of costs and establishment of escrow.

A. Upon receipt of any application or petition for Village consideration, review, or action, including, without limitation, approvals required under the Winnetka Zoning Ordinance, that will require the Village to obtain third party or professional services, the Village Manager, or the Manager's designee, shall estimate the cost of the third party and professional services based upon the nature and complexity of the required services, the rates established by the Village Council for reimbursement of third party and professional fees, and any other factors that may be relevant to estimating the cost of the required third party and professional services. The Village Manager or designee shall send written notice to the applicant or petitioner of the estimated cost of third party and professional services and shall require the applicant or petitioner to: (1) execute an escrow agreement in a form to be provided by the Village Manager, and (ii) deposit the estimated amount with the Village within 14 days of receipt of the notice. The Village will not be required to take any official action on the application or petition before the applicant or petitioner executes and delivers the escrow agreement and makes the required escrow deposit.

B. Upon receipt of the executed escrow agreement and the amount equal to the estimated cost of the required third party and professional services, the Village Manager, or the Manager's designee, shall deposit this amount into a separate escrow account established to defray the cost of third party and professional fees incurred by the Village during its review of, and any action in response to, the application or petition. No interest shall be payable on any funds deposited in the escrow account.

Section 2.76.050 Withdrawals from escrow.

A. The Village Manager, or the Manager's designee, shall require the third parties and professionals the Village engages in connection with the review of, and any action in response to, any application or petition to keep reasonably detailed records of their services performed and to invoice the Village no less frequently than monthly.

B. The Village shall draw on the funds deposited in the escrow account to pay, at the rates established by the Village Council, the invoices for third party and professional services rendered in connection with the review of, and any action in response to, the application or petition. The Village Manager shall approve all draws from the escrow account, keep a written record of the draws, and send a written record of all draws to the applicant.

C. The Village Manager, or the Manager's designee, shall monitor the balance of funds on deposit in the escrow account to assure that sufficient funds are available to defray the cost of all third party and professional services performed in connection with the review of, and any action in response to, the application or petition. If, at any time, the Village Manager determines that sufficient funds are not available, the Village Manager shall estimate the cost of the foreseeable remaining required third party and professional services and send written notice to the applicant or petitioner requiring an additional amount to be deposited in the escrow account within 14 days after receipt of the notice, all in accordance with the escrow agreement and the process set forth in Section 2.76.040. The Village Manager may instruct the third parties and professionals engaged in connection with the review of, and any action in response to, the application or petition to cease performing further services until the additional amount requested has been deposited into the escrow account.

Section 2.76.060 Closing of escrow.

A. After all third party and professional services required for the review of, and any action in response to, the application or request have been completed, the Village Manager shall perform a final accounting of the deposits made into the escrow account and the actual cost of the third party and professional fees incurred. The Village Manager shall promptly provide a written copy of this accounting to the applicant or petitioner.

B. If the amount deposited in the escrow account is insufficient to pay for the actual third party and professional fees incurred by the Village for the review of, and any action in response to, the application or petition, the Village Manager shall provide the applicant or petitioner with written notice and require payment of the balance due.

C. If, after the payment of all actual third party and professional fees incurred for the review of, and any action in response to, the application or petition, the Village Manager shall promptly return any remaining balance to the applicant or petitioner. If the Village Manager is unable to return the balance held in the escrow account to the applicant or petitioner 30 days after sending written notice of any balance to the applicant or petitioner, the Village Manager shall be entitled to charge the applicant or petitioner an administrative fee of \$50.00 per month, and to draw upon the escrow account for the payment of the fee, until the applicant or petitioner recovers the balance or the balance is exhausted. If the applicant or petitioner does not recover the remaining balance held in the escrow account two years after the Village Manager sent the applicant or petitioner written notice, the Village Manager will be entitled to transfer the balance from the escrow account to the Village general fund."

SECTION 3: 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 4: This Ordinance shall take effect immediately upon its passage, approval, and posting as provided by law.

[SIGNATURE PAGE FOLLOWS]

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

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

Introduced: _____, 2014

Passed and Approved: _____, 2014

Submitted to State of Illinois for posting: _____, 2014



Agenda Item Executive Summary

Title: Ordinance No. MC-7-2014: Implementing a Ban on Coal Tar-Based Pavement Sealants- Intro

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

Agenda Date: 08/05/2014

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:

April 8, 2014 Council Study Session
July 8, 2014 Council Study Session

Executive Summary:

During the review of the Stormwater Master Plan and related stormwater improvement projects, a ban on the use of coal tar sealants as a potential local environmental regulation was discussed. Coal tar is a waste material generated in the conversion of coal to coke. Manufacturers choose coal tar for sealants because of its resistance to petroleum products like gasoline and oil, which drip from cars and deteriorate asphalt surfaces. In time, sunlight and vehicle traffic wears down sealcoating, and sealcoat flakes are washed away by rain or carried away by wind. The Village Council reviewed information and research provided by staff on the nature and use of coal tar at the April 8, 2014 Study Session, where the Council ultimately directed the Winnetka Environmental & Forestry Commission (WEFC) to study the matter and report back to the Village Council.

The WEFC met on four occasions in April, May, and June of 2014 to study and discuss the issue, and at the July 8, 2014 Study Session the WEFC recommended that the Village Council consider banning the use of coal tar-based sealers in the Village of Winnetka. The WEFC recommended implementing the ban by requiring commercial applicators to obtain a license to apply pavement sealant products, and to sign an affidavit not to apply coal tar-based sealant materials. The WEFC also recommended that the Village engage in a robust education effort to make residents and contractors aware of the ban, and communicate the reasons for banning the material.

The Village Council discussed the matter and concurred with the WEFC's recommendation, however the Council wished to make the ban more general, noting that the licensing approach would not apply to residents applying the material to their own driveways. Pursuant to Council direction, staff has prepared an Ordinance that would implement a general ban on coal tar-based pavement sealants. Ordinance MC-7-2014 modifies the Village Code to require licensing of commercial sealant applicators and to include coal tar-based sealants in the definition of public nuisances.

Recommendation:

Consider introduction of Ordinance No. MC-7-2014 implementing a ban on coal tar-based pavement sealants.

Attachments:

1. Agenda Report
2. Ordinance No. MC-7-2014

Agenda Report

Subject: MC-7-2014: Implementing a Ban on Coal Tar-Based Pavement Sealants

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

Date: July 29, 2014

Ref: April 8, 2014 Council Study Session
July 8, 2014 Council Study Session

Background

During the review of the Stormwater Master Plan and related stormwater improvement projects, a ban on the use of coal tar sealants as a potential local environmental regulation was discussed. Sealants are used on asphalt driveways and parking lots as a means of protecting the asphalt surface from weathering. Generally, sealcoats come in two basic varieties: coal tar-based and asphalt-based. Coal tar-based sealants are more resilient, but contain much higher levels of a class of chemical compounds known as polycyclic aromatic hydrocarbons (PAH), some of which can harm fish, and with prolonged exposure, pose a risk of cancer in humans. The asphalt based products contain significantly less PAH's than coal tar-based sealants. An Austin, Texas study determined that sealcoat products based in coal tar contained up to 1,000 times more PAH's than asphalt-based products.

Coal tar is a waste material generated in the conversion of coal to coke. Manufacturers choose coal tar for sealants because of its resistance to petroleum products like gasoline and oil, which drip from cars and deteriorate asphalt surfaces. In time, sunlight and vehicle traffic wear down sealcoating, and sealcoat flakes are washed away by rain or carried away by wind. The Village Council reviewed information and research provided by staff on the nature and use of coal tar at the April 8, 2014 Study Session, where the Council ultimately directed the Winnetka Environmental & Forestry Commission (WEFC) to study the matter and report back to the Village Council.

The WEFC met on four occasions in April, May, and June of 2014 to study and discuss the issue, and at the July 8, 2014 Study Session the WEFC recommended that the Village Council consider banning the use of coal tar-based sealers in the Village of Winnetka. The WEFC recommended implementing the ban by requiring commercial applicators to obtain a license to apply pavement sealant products, and to sign an affidavit not to apply coal tar-based sealant materials. The WEFC also recommended that the Village engage in a robust education effort to make residents and contractors aware of the ban, and communicate the reasons for banning the material.

The Village Council discussed the matter and concurred with the WEFC's recommendation, however the Council wished to make the ban more general, noting that

the licensing approach would not apply to residents applying the material to their own driveways. Pursuant to Council direction, staff has prepared an Ordinance that would implement a pavement sealant applicator license program along with a general ban on coal tar-based pavement sealants. Ordinance MC-7-2014 (**Attachment #1**) modifies the Village Code as follows:

Add Chapter 74 in Title 5:

5.74. Pavement Sealant Applicators.

A. License. No person shall apply pavement or pavement sealing products ("Sealant") to any public or private property within the Village without a license ("Pavement Sealant License"), which License shall be renewed annually. A Pavement Sealant License shall not be required for a property owner applying Sealant to pavement on a single-family lot owned by the property owner. Application for a Pavement Sealant License shall be on a form provided by the Village and shall, at a minimum, state the name, address, and contact information of the person applying for the License and the person or persons who will be applying the Sealant, and such other information as may be required by the Village Manager.

B. Certification; Previous Services. All persons applying for a Pavement Sealant License shall (i) sign a certification on a form provided by the Village, certifying, at a minimum, that neither the licensee nor any person acting under the License will apply products that contain coal tar, coal tar derivatives, or coal tar mixtures ("Coal Tar Products") to any public or private property within the Village, and (ii) upon the Village's request, provide a written list of locations where the licensee or any person acting under the licensee has provided applied Sealant to any public or private property within the Village within the preceding 365 days.

C. Fee. All applications for a Pavement Sealant License shall be accompanied by the annual license fee, which shall be set from time to time by resolution of the Village Council.

D. Review and Approval. The Director of Public Works shall review all applications for Pavement Sealant Licenses and shall make a recommendation to the Village Manager for each application. The Village Manager shall grant a Pavement Sealant License if the application complies with all applicable provisions of this Chapter and the Village Code.

A new number 17 in Section 9.16.020 B:

17. The application after [insert effective date] of pavement or pavement sealing products that contain coal tar, coal tar derivatives, or coal tar mixtures ("**Coal Tar Products**") to any public or private property within the Village. Abatement of this nuisance shall consist, at a minimum, of sealing over the Coal Tar Products with an asphalt-based product free of coal tar.

The proposed language retains the recommended licensing for commercial applicators and expands the Village Code language on Public Nuisances to include coal tar-based sealers. If the Village Council ultimately adopts MC-7-2014, staff proposes to focus very heavily on education during the remainder of the 2014 pavement season. Education will include contacting pavement sealer applicators, e-Winnetka updates, using the Village's website, the Winnetka Report, and other means. During the 2015 construction season, staff will conduct a data gathering effort using refuse collectors to identify the number of driveways being sealed during the year. Property owners will be contacted for a follow-up survey to determine whether the sealant was self-applied or a commercial applicator was used, whether the property owner is aware of the ban, and whether the material applied was asphalt-based or coal tar-based. Data would be used to evaluate the effectiveness of public education and to refine enforcement procedures for coming years.

Enforceable licensing requirements for commercial applicators would be implemented for the 2015 construction season, and enforcement for commercial applicators will be related to whether or not an applicator possesses a license. For residential property owners who self-perform sealant application, staff anticipates that enforcement would begin in the 2015 construction season and focus primarily on issuances of warnings combined with educational materials for the first year, to be fine-tuned based on data-gathering from the 2015 season.

Recommendation:

Consider introduction of Ordinance MC-7-2014 implementing a ban on coal tar-based pavement sealants.

Attachments:

1. Ordinance MC-7-2014

**AN ORDINANCE
AMENDING TITLE 5 AND SECTION 9.16.020
OF THE WINNETKA VILLAGE CODE REGARDING A BAN ON COAL TAR
PRODUCTS AND THE APPLICATION OF PAVEMENT
SEALANTS WITHIN THE VILLAGE**

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 has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Title 5 of the Winnetka Village Code, as amended ("*Village Code*"), titled "Business Licenses and Regulations," sets forth certain regulations governing the licensing and operation of businesses within the Village ("*Business Regulations*"); and

WHEREAS, Section 9.16.020 of the Village Code, titled "Public nuisances defined," identifies certain activities that, when conducted within the Village, are deemed to be public nuisances punishable by certain penalties and that must be abated ("*Nuisance Regulations*"); and

WHEREAS, the Village desires to update: (i) the Business Regulations to require all persons engaged in the business of applying pavement sealing products to public or private property within the Village to obtain a Village license; and (ii) the Nuisance Regulations to declare a public nuisance the application of any pavement sealing product that contains coal tar, coal tar derivatives, or coal tar mixtures to any public or private property within the Village; and

WHEREAS, the Village Council has determined that amending the Business Regulations and the Nuisance Regulations as set forth in this Ordinance is in the best interests of the Village;

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: Title 5, titled "Business Licenses and Regulations," of the Village Code is hereby amended by adding a new Chapter 5.74, titled "Pavement Sealant Applicators," which new Chapter will read as follows:

Chapter 5.74
PAVEMENT SEALANT APPLICATORS

Section 5.74.010 License.

No person shall apply pavement or pavement sealing products ("Sealant") to any public or private property within the Village without a license ("Pavement Sealant License"), which License shall be renewed annually. A Pavement Sealant License shall not be required for a property owner applying Sealant to pavement on a single-family lot owned by the property owner. Application for a Pavement Sealant License shall be on a form provided by the Village and shall, at a minimum, state the name, address, and contact information of the person applying for the License and the person or persons who will be applying the Sealant, and such other information as may be required by the Village Manager.

Section 5.74.020 Certification; previous services.

All persons applying for a Pavement Sealant License shall (i) sign a certification on a form provided by the Village, certifying, at a minimum, that neither the licensee nor any person acting under the License will apply products that contain coal tar, coal tar derivatives, or coal tar mixtures ("Coal Tar Products") to any public or private property within the Village, and (ii) upon the Village's request, provide a written list of locations where the licensee or any person acting under the license has applied Sealant to any public or private property within the Village within the preceding 365 days.

Section 5.74.030 Fee.

All applications for a Pavement Sealant License shall be accompanied by the annual license fee, which shall be set from time to time by resolution of the Village Council.

Section 5.74.040 Review and approval.

The Director of Public Works shall review all applications for Pavement Sealant Licenses and shall make a recommendation to the Village Manager for each application. The Village Manager shall grant a Pavement Sealant License if the application complies with all applicable provisions of this Chapter and the Village Code.

SECTION 3: Subsection B, titled "Pubic Nuisances Affecting Health," of Section 9.16.020, titled "Public nuisances defined," of Chapter 9.16, titled "Nuisances," of Title 9, titled "Public Peace, Morals and Welfare," of the Village Code is hereby amended by amending a new Paragraph 17, which new Paragraph will read as follows:

17. The application after _____, 2014, being the effective date of this Paragraph, of pavement or pavement sealing products that contain coal tar, coal tar derivatives, or coal tar mixtures ("*Coal Tar Products*") to any public or private property within the Village. Abatement of this nuisance shall consist, at a minimum, of sealing over the Coal Tar Products with an asphalt-based product free of coal tar.

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 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

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

Introduced: _____, 2014

Passed and Approved: _____, 2014

Submitted to State of Illinois for posting: _____, 2014



Agenda Item Executive Summary

Title: Board and Commission Annual Update

Presenter: Robert M. Bahan, Village Manager

Agenda Date:

08/05/2014

Consent:

YES

NO

Ordinance

Resolution

Bid Authorization/Award

Policy Direction

Informational Only

Item History:

August 6, 2013: Village Council Regular Meeting, Board & Commission Annual Update

Executive Summary:

While the Village Council regularly hears and acts on the recommendations of many of the Village's boards and commissions, an annual report allows all an opportunity to provide a status on the previous year of activity. The Board and Commission Chairs will be present on August 5 to briefly present on several key areas: significant policy considerations and/or major cases; top three to five projects; and Council recommendations. Chairpersons submitted update forms summarizing this information, along with any supporting documentation. These items are attached.

Six of the Village's Boards and Commissions provided reports: Business Community Development Commission (BCDC), Design Review Board (DRB), Environmental & Forestry Commission (EFC), Landmark Preservation Commission (LPC), Plan Commission (PC), and Zoning Board of Appeals (ZBA). The Board of Fire & Police Commissioners, as well as the Firefighters and Police Pension Boards, were not asked to submit reports due to the internal and specific focus of their functions.

Recommendation:

Review the annual Board and Commission reports.

Attachments:

- 1) BCDC Report
- 2) DRB Report
- 3) EFC Report
- 4) LPC Report
- 5) ZBA Report
- 6) PC Report

2014 Annual Board and Commission Update



Board: Business Community Development Commission

Presenter: Jon Talty, BCDC Chair

Date: 07/30/2014

Significant Policy Considerations or Major Cases: *(list individually)*

Redevelopment of the Post Office site.

Through a marketing and branding analysis, determine how the commercial district built environments (i.e. pedestrian walkways, lighting, landscaping, signage, etc.) can benefit both the business community and positively impact the village at large.

Implementation of a wayfinding signage program throughout all the commercial districts.

Pending the hiring of an economic development coordinator, enhance communications between local merchants and promote Winnetka commercial brand throughout the region.

Top 3 - 5 Projects:

Enhance promotion and development of village wide events and community activities.

Conduct business retention visits with BCDC members and economic development coordinator.

Review the recommendations of the ULI TAP and continue to implement those which will enhance the business environment.

Pending the hiring of an economic development coordinator, develop a "How to Open a Business" information packet.

Pending the hiring of an economic development coordinator, develop a BCDC website.

Recommendations to Council: *(provide estimates for any items with budgetary impact)*

As identified in the ULI Tap process, consider implementation of BCDC recommendations related to building height, parking and the zoning overlay district.

Consider establishing a budget of \$20,000 for funding community wide events in the commercial districts, which would benefit those districts, as well as the village at large.

Attachments: *(list and provide all supporting documentation for inclusion in the packet)*

2014 Annual Board and Commission Update



Board: Design Review Board

Presenter: John Swierk

Date: 07/23/2014

Significant Policy Considerations or Major Cases: *(list individually)*

Of particular note are two Special Use Permit cases which the Board commented on.

Most recently, the DRB issued favorable comment regarding a Special Use Permit application for the Winnetka Community House's Children's Garden. In part because of its location, the application received little attention from the public. The board requested only minor clarification of design details following zoning approval of the project, and has since given final approval of those details (7/17/14 meeting).

In contrast, the Board's April 2014 meeting was well attended by neighbors of Greeley School regarding plans for exterior site improvements and new fencing (see attached). In recognition of neighbor concerns and Design Review Board comment (excerpt of minutes attached), the parent's group heading that project determined that it would be appropriate to revisit the design in order to develop a more contextual solution.

It is anticipated that the Greeley plans will be resubmitted to the Design Review Board in coming months, with the final approval of the Special Use Permit subject to Council approval.

Top 3 - 5 Projects:

Over the previous 12 months the Design Review Board has reviewed a total of eighteen (19) cases.

* Increased level of activity in new businesses, with six (7) agenda items pertaining to exterior alterations and/or signs & awnings (Jos. A Bank, Heavenly Pianos, Paul Rehder Salon, Orange Leaf Yogurt, Riley Baker Education, Beauty Lash, Conlon Real Estate).

* Existing businesses and institutions modifying their exteriors accounted for twelve (12) remaining cases.

Recommendations to Council: *(provide estimates for any items with budgetary impact)*

The Design Review Board's role in the Special Use Permit process, as well as the Special Use Permit process itself is worth highlighting in the context of the Greeley School application.

The Design Review Board recognizes concerns about the time frame of review for other Special Use permits including the recent Community House Children's Garden project, but would point out the positive outcome of the dialogue in the case of the Greeley case.

Attachments: *(list and provide all supporting documentation for inclusion in the packet)*

- (1) Proposed Greeley School site improvements
- (2) April 17, 2014 DRB minutes re: Greeley School



**Winnetka Design Review Board/Sign Board of Appeals
April 17, 2014**

Members Present:

John Swierk, Chairman
Brooke Kelly
Michael Klaskin
Paul Konstant
Peggy Stanley

Members Absent:

Kirk Albinson
Bob Dearborn

Village Staff:

Brian Norkus, Assistant Director of Community
Development

Call to Order:

Chairman Swierk called the meeting to order at 7:33 p.m.

Chairman Swierk asked if there were any comments or corrections to be made to the March 20, 2014 meeting minutes. No comments were made at this time. He then asked for a motion.

A motion was made and seconded to approve the March 20, 2014 meeting minutes. On a voice vote, the motion was unanimously passed.

Comment to the Village Council Regarding Special Use Permit Application To Construct New Playground Equipment, Fencing And Related Improvements At Greeley Elementary School, 275 Fairview Avenue

Kim Ronan introduced herself to the Board as the chair of the committee for the new Greeley outdoor learning and play space. She informed the Board that she is the second chair and that it has been a long process for over two years and noted that Maggie Meyers was the first chair and spearheaded the design and fundraising portions of the project. Ms. Ronan then stated that she is handling the implementation phase of the project. She also stated that the architect, Ken Bryant, could not be present at this meeting.

Ms. Ronan then referred the Board to two documents and the master site plan and that they had originally planned on starting out with phase one. She stated that the first photograph and some of the items in the design phase had gone through in terms of iterations. Ms. Ronan referred the Board to the initial master plan and identified the backside of Greeley. She then stated that with regard to their vision and the fundraising that they were able to do, at this point, what would happen during phase one would be the back corner area at Elder Lane and Woodland Avenue which she identified for the Board. Ms. Ronan described the outside area of Greeley as currently stark with a chain fence, a lot of asphalt and basic playground equipment and that they

would like to make the area more inviting and interesting.

Ms. Ronan stated that as she goes over some of the structures, she would go over some of the items which may not be interesting or elicit any questions, such as the fence and the sunshade which she would save for last. She then identified a mound which would be installed and which she stated looked like a hill and that there would be tunnels there where the children can crawl through. Ms. Ronan also identified the solar system and that there would be timbers for the children to sit on which would be made of stones, pebbles, rocks and natural elements. She stated that the totem poles would be between 8 and 9 feet in height and that there would not be any painting at the top, but that they would be carved with something yet to be determined. Ms. Ronan noted that there would not be any paint on the top half and that the children would paint the bottom half of the totem poles.

Ms. Ronan then identified the structures which appear to be dirt mounds which are actually hives that the children can play in. She noted that one would be inverted similar to a nest. Ms. Ronan then identified what they call the tinkering studio which would be used for outside classes. She stated that there would be varying play levels and that it would be similar to a deck to be made of a composite material so that it would have a longer longevity and look like wood.

Ms. Ronan then referred the Board to a rendering of the sunshade which appeared to be big in the rendering. She informed the Board that the height would range between 8½ and 11½ feet at the highest point. Ms. Ronan described it as tension fabric or tension material and that it is much stronger than a canvas. She stated that in warmer climates, it is up year round, but that they planned to take it down at the beginning of the winter months since it would not be made to withstand the winter. Ms. Ronan added that it would be manufactured in a way that would make it easy for the parents to take down and put back up.

Ms. Ronan informed the Board that the fence has gone through several changes. She stated that the fence would be cedar and that although it appeared in the illustration to be of varying widths apart, that was the original vision and is not the case today. Ms. Ronan noted that it would be 3½ inches apart similar to that of a picket fence. She then stated that currently, it is envisioned to undulate in order to provide visual interest, as well as to act as a safety feature near the tinkering studio due to the elevation in that area. Ms. Ronan described the cedar and planks as very much a traditional type of structure.

Ms. Ronan informed the Board that the one item that presented a challenge during their fundraising and the amount they can raise, in phase one, the fence would go halfway up in an area which she identified for the Board where the sunshade started, go around the corner and end in an area which she identified for the Board, with the remaining portion of the fence to be the existing portion of the fence which would remain. She stated that their intent is to do the project in phases and to take the fence all the way around. Ms. Ronan then asked the Board if they had any questions.

Chairman Swierk commented that Ms. Ronan did an excellent job of explaining the project. He informed the Board that he received a call from a neighbor who was unable to attend the meeting

and asked him what is she supposed to do. Chairman Swierk noted that the neighbor lives on Elder Lane and noted for the record that her only objection is to the new south portion of the fence. He also stated that Mr. Dearborn is on the Board and is not attendance at the meeting but provided comments.

Mr. Norkus noted that a copy of his statement has been provided to everyone.

Ms. Ronan informed the Board that she attempted to address most questions, one of which related to the totem poles which would not have any colors at the top. She then noted that the sunshade would be between 8½ and 11½ feet. Ms. Ronan also stated that with regard to the fence, there would be approximately 3½ inches between the posts which conformed to the playground code so that the children cannot get through it.

Mr. Konstant asked how big are the posts.

Ms. Ronan responded that she did not know the exact dimensions but could get them. She described it as a pretty traditional post which you would see in the neighborhood.

Mr. Konstant questioned the horizontal portion.

Ms. Ronan informed the Board that the original design had no horizontal elements and was very cost prohibitive to put that many posts into the foundation which is why they had to go to a horizontal design for the fence. She reiterated that they have gone through a number of iterations for the fence from visual, safety and cost perspectives.

Chairman Swierk asked if the existing playground equipment would be moved.

Ms. Ronan confirmed that is correct and identified the playground in an illustration for the Board. She added that there would be no loss of playground equipment and that there would be more for the children to play with. Ms. Ronan then identified the areas of asphalt which would be removed.

Chairman Swierk then referred to the zoning variation which would be needed for the sunshades.

Ms. Ronan informed the Board that she spoke with two neighbors and their concern with regard to the fence.

Ms. Stanley referred to the concern with the undulation of the fence.

Chairman Swierk informed the Board that the neighbor who called him did not want a solid fence.

Emily Rose, 420 Elder Lane, informed the Board that she lives across the street from the playground and that she had some of the same concerns. She stated that she saw the plan at its initial stage and that the funds were much lower than what they expected to receive for the

project. Ms. Rose stated that she asked which elements would come out, which would remain in, etc. and that she was told that 98% of it would be maintained. She then stated that she has a couple of questions with regard to what has changed in the plans.

Ms. Rose stated that she had concerns with regard to the fence and the fact that it is a rolling fence and the amount of space between the openings. She stated that currently, there is a sense of opening and clear space. Ms. Rose commented that it is a well-designed element and the fact that it would become a wall with her property being located across the street which would become her view. She stated that she is concerned that they are going to lose some of that view. Ms. Rose then referred to her concern in the initial presentation in connection with the awning and that her concern is that a lot of the time, they are under extreme weather with snow and ice and together with small children, she questioned how secure would it be. She also stated that while they are excited about the renovation, the neighbors are concerned with regard to how it would directly impact them and how the overall plan changed from the original submission.

Ms. Ronan responded that some of the items in the original plan had to be eliminated, including a weather vane, a fossil dig and a sound garden. She then stated that a lot of what had to be eliminated from the original design related to a lot of landscaping items inside the playground area since the landscaping is expensive. Ms. Ronan reiterated that a lot of the items which changed from the original submission related to landscaping as well as the fence not going all the way around, the weather vane, the fossil dig and the sound garden.

Ms. Ronan then stated that with regard to the openness of the area, there is a chain link fence there now which while not attractive, allowed for an open view and that she understood the concern in that regard. She then stated that with regard to the sunshade, the safety concern is paramount and that they planned to comply with all of the manufacturer's specifications and that it would be constructed to be a permanent structure. Ms. Ronan stated that there is a concern with regard to snow sitting on it which is why it would be taken down during the winter months.

Chairman Swierk asked what programs would be offered during the summer.

Ms. Ronan responded that there is currently a camp in the summer which may be the only official program there during the summer. She added that there may be other groups which would use the playground.

Chairman Swierk then asked how important is the sunshade.

Ms. Ronan informed the Board that there is not a lot of shade in the back of Greeley and that if a classroom is taken outside on a hot day, there would not be a good location to do that. She described the sunshade as more of a utility to have more space for the children for use in the sun or rain.

Mr. Konstant asked Ms. Ronan if they considered a more permanent structure other than the sunshade.

Ms. Ronan confirmed that they did and that they determined that a more permanent structure may be more obtrusive to the neighbors.

Several Board members suggested the use of an open trellis to provide shade.

Ms. Rose stated that she was told that the sunshade would be very thin.

Ms. Ronan informed the Board that it would look more like a permanent structure and that it would not look like a tent. She reiterated that it is meant to be permanent in some climates, but that in locations where it snowed a lot, it cannot be.

Ms. Rose asked Ms. Ronan if it is their plan to leave it up during the summer when there are no maintenance people around to ensure that it is being maintained. She stated that the area would be used as a congregating space for the students during the day and in the evening.

Ms. Ronan stated that there should not be maintenance on it and that it would be more like a permanent structure and that it would not require any maintenance. She stated that it is their vision for it to remain during the summer to provide shade for everyone.

Ms. Kelly questioned the original fence design and stated that it appeared to be a 4 x 4 post 3 inches apart which she described as pretty solid. She also stated that it represented a lot of cost for the fence which did not seem to be a part of what a playground is all about.

Ms. Ronan stated that she agreed with Ms. Kelly's comments and that it was not included in the first round of discussions. She reiterated that there has been a lot of discussion with regard to the fence and that originally, it was perceived to be more like tiers at different widths apart. Ms. Ronan also stated that it was meant to meld with the school environmental and that there was a different perspective at that point.

Mr. Konstant questioned the use of other materials besides cedar.

Ms. Ronan stated that they are attempting to move more toward a traditional looking fence and that while the proposed fence is very common, they are open to looking at different materials which may be better suited. She then stated that they felt that cedar would be a better natural material and that it would wear and have a duration between 15 and 20 years.

Ms. Kelly stated that raised another concern since they talked about phasing in the fence and that there may be a drastic change between the old and new fence material which would result in a patchwork look going around the school.

Ms. Ronan responded that with regard to the open feel concept, the chain link fence did not really go and described Greeley as a warm, inviting place. She stated that their challenge is that as they tried to change the look on the outside is to come up with something which is little more aesthetically pleasing and natural as opposed to the use of a chain link fence, although they would lose the openness.

Ms. Kelly commented that the proposed fence would look much like a wall as opposed to a fence.

Ms. Ronan informed the Board that there are certain specifications in connection with playgrounds and how wide they can go since they do not want the children to be able to get through the fence.

Chairman Swierk suggested a combination of an ornamental fence with wood and referred to the areas where a taller fence is needed near the climbing areas and the tinkering area for the wood portions of the fence. He also stated that would serve to break it up a little along with landscaping which can also be used.

Mr. Klaskin asked if the architect who put the proposal together has done something similar at other schools.

Ms. Ronan stated that the shading portion of the request is new and has not been done in a playground that she is aware of and that it is new for the architect to do as well.

Mr. Klaskin commented that the shaded area is somewhat innovative. He then stated that his concern is that the fence would age.

Chairman Swierk asked if there was any consideration to putting the tinkering area somewhere else.

Ms. Ronan responded that they was not and that the only way to look at it is that it is going to be around the perimeter and that the asphalt costs prohibit breaking up that much asphalt. She indicated that it could be placed more toward the center but that alternative would require breaking up more asphalt and that at this point, they do not have the funds to do that.

Ms. Kelly then asked with regard to the area where the solar system is, she asked if that is where pebbles and gravel are and if that is something they would want to have on a playground for children. She also referred to the maintenance cost.

Ms. Ronan responded that some of it is the playground materials you would normally see such as mulch. She indicated that she is sure that it will get moved around a little and that they can work on that and bring it back together.

Mr. Konstant questioned the beehives.

Ms. Ronan stated that the beehives would be made of a composite material. She again referred to the regulations with regard to playground equipment and informed the Board that they would be very safe. Ms. Ronan also stated that it is not unique and that there are others which exist in different places. She added that they would not be movable.

Chairman Swierk asked Ms. Ronan what is their time frame for the project.

Ms. Ronan stated that they hoped to start construction this summer when school is out.

Chairman Swierk stated that the applicant can take some of the Board's suggestions and come back. He also stated that the Board can review different alternatives for the canvas.

Ms. Stanley stated that she agreed with Mr. Konstant's idea of having something which is less mauve and in your face.

Chairman Swierk commented that it is a great idea to have the shaded area.

Mr. Klaskin stated that a trellis would not provide that much more shade since it would be open and that the proposal would provide more shade.

Ms. Stanley stated that it would provide a different feel.

Mr. Klaskin stated that it would not accomplish the same effect for the students and activities and whether it would provide the same amount of protection as the actual shade.

Ms. Stanley stated that something can be done to the trellis to not make it porous.

Ms. Ronan informed the Board that they can come up with some alternative options for a way to provide some shade and different designs for the fence in terms of material and to provide more openness.

Mr. Konstant referred the undulating fence and the sunshade area and stated that he would be concerned in connection with the appropriateness of the sunshade in this climate. He also stated that with regard to the undulating cedar fence, he would be concerned with regard to the longevity and that when cedar is put into the ground, it would start to rot and that they would then be looking at a maintenance issue. Mr. Konstant stated that he understood what the applicant is attempting to do and that other alternatives for material would be worth exploring.

Chairman Swierk asked Mr. Konstant if he agreed with the idea to break up the fence.

Mr. Konstant stated that with regard to the idea of something that is neighborhood friendly and whose vision would not change, he understood that. He stated that he would caution against spending the money and not having a good result.

Ms. Ronan stated that the idea is to meld with the neighborhood and that they wanted everyone to like it. She then stated that she would take all of the Board's suggestions back and come back with design ideas.

Ms. Stanley stated that it is important to take the neighbors' ideas into consideration.

Ms. Ronan stated that it has been a long process and that although she was not here when it started, there is also a timing issue.

Mr. Norkus stated that they would share the comments from tonight's meeting with the ZBA which is scheduled for May 12, 2014.

Chairman Swierk asked Mr. Norkus if from the Board's standpoint, if the Board should discuss the zoning variation in connection with the setback.

Mr. Norkus agreed that is correct, along with the height variation.

Chairman Swierk then asked that with regard to the location, could the right design element be favorable to this Board. He indicated that it would be difficult to answer yes or no.

Ms. Stanley stated that the Board could not respond until they have the proposal. She then stated that from her perspective, as drawn, it would not be [favorable].

Mr. Norkus stated that he [and Ms. Ronan] would talk with regard to strategy and that they did not want to have the project grind to a screeching halt while they explore other design alternatives. He then stated that at the same time, they might benefit from not presenting this plan to the ZBA since they know that the proposed plan would receive quite a bit of change.

Ms. Ronan agreed that would be fine. She then stated that there are other aspects on which they can move forward since the fence and sunshade are presenting the problems.

Mr. Norkus informed the Board that they can approve the request up to, but not including the fence and the sunshade if the Board is comfortable with the balance of the design.

Consideration of Certificate of Appropriateness for a New Fence at Hubbard Woods Elementary School, 1110 Chatfield Road

Daniel Ryan introduced himself to the Board. He referred to the fence on the north side of the playground which is to the west of the school. Mr. Ryan stated that they have never had a south side fence. He stated that there has always been a concern, not necessarily for safety, but with regard to balls going into the street and in the winter for the snow piling into the street. Mr. Ryan stated that there is currently a line of bushes along the south side of the property and that the fence would be installed on the inside of the bushes. He stated that you would not be able to see the fence since the bushes are 4 feet in height. Mr. Ryan then described the area where the fence would be installed and stated that their goal is to have a safe, secure playground.

Chairman Swierk stated that the north fence is there and that he drove by it today.

Mr. Ryan confirmed that is correct and described it as a classic chain link fence. He stated that they were told that the protocol is to have more of a wood type of fence.

Chairman Swierk stated that the fence is actually a steel fence. He then stated that he did not have any questions or comments and asked if there were any questions from the Board.

Ms. Kelly asked if the fence would be black.

Mr. Ryan confirmed that is correct.

Chairman Swierk asked if there were any questions or comments from the audience. No questions were raised by the audience at this time. He then asked for a motion.

A motion was made for the issuance of a Certificate of Appropriateness for the fence as presented in black. Ms. Kelly seconded the motion. A vote was taken and the motion was unanimously passed.

AYES: Kelly, Klaskin, Konstant, Stanley, Swierk

NAYS: None

Consideration of Certificate of Appropriateness for Winnetka Council Garden Clubs Landscaping Plan

Mary Beth Schweih's introduced herself to the Board and stated that she is representing the Winnetka Council Garden Clubs. She stated that they are looking to address the northeast corner of Green Bay Road and Elm Street which she described as one of the most prominent spots in Winnetka. Ms. Schweih's stated that the current landscape plan is overgrown. She informed the Board that Rick Schram of the Winnetka Park District came up with a landscaping plan.

Ms. Schweih's then stated that they planned to keep the pine trees and that they would be trimmed to let in more light. She stated that all of the materials would be very hearty and appropriate for the conditions there. Ms. Schweih's then stated that the hardscape consisted of a short brick wall and brick pavers along the path and that some of the bricks are coming out and will be fixed by the park district.

Mimi Goodrich informed the Board that sections of the brick pavers will also be fixed. She also stated that there are a couple of rails which go around the pavers which are sticking up.

Ms. Schweih's stated that the variables are the benches which she identified for the Board. She also referred to the garbage receptacle which can either be the metal or concrete garbage receptacle.

Chairman Swierk asked Mr. Norkus if there is a standard that the Village would like to use.

Mr. Norkus stated that as far as consistency with streetscape guidelines, it would be to go with a

more modern, metal receptacle.

Ms. Schweihs then informed the Board that there would be a lamppost in an area which she identified for the Board which would contain hanging baskets in order to be consistent with others throughout the Village. She stated that the only items which are unknowns at the present time are the two signs which are currently there. Ms. Schweihs stated that the Winnetka Community House has a sign and that the Rotary Club has a sign whose locations she identified for the Board. She stated that they talked to both groups and stated that signage is really expensive and that they are not sure where that stood now with the different groups.

Chairman Swierk asked if in the worst case scenario they would remain as they are.

Ms. Schweihs responded that the signs would be moved in order to make room for the bench.

Ms. Kelly referred to the new signs which were put in on Tower Road and Green Bay Road.

Ms. Schweihs commented that those signs are beautiful. She then informed the Board that she has taken photographs of signage in other suburbs and described those signs as the Rolls Royce of signs. Ms. Schweihs stated that given the prominent spot of this intersection, it would be out of the community House and the Rotary Club's budget.

Chairman Swierk suggested that the existing signs be left as is and that if somewhere down the road, they came back with signs, that would be great.

Mr. Konstant asked if there is a spot where they would be located.

Ms. Schweihs clarified the location for the Board.

Mr. Norkus informed the Board that there would be low junipers surrounding the new location of the sign. He noted that he spoke with Tim McKay of the Community House and that he is very appreciative of the efforts the applicant is making on the corner. Mr. Norkus also stated that he did confirm that they do not have much of a budget for new signage and the fact that the sign would be more visible for which they are also appreciative.

Ms. Goodrich stated that the existing sign is not lit and that the sign in the new location would be lit.

Chairman Swierk then asked if the streetlight would be to the left of the bench as shown on the plan.

Ms. Schweihs and Ms. Goodrich identified the location of the streetlight.

Ms. Schweihs also identified the location of the bus stop sign which would not interfere with the bench or trash receptacle.

Ms. Goodrich reiterated that the existing pine trees would be pruned up and that viburnum would also be installed in order to soften the area so that in the winter, you would not be looking at the silhouette of the tree trunks.

Ms. Schweihs added that the area would remain green during the winter months.

Ms. Kelly asked if the bench would be the same antique or if it would be metal.

Ms. Schweihs and Ms. Goodrich stated that they have not yet decided.

Ms. Schweihs stated that a case might be made for both and that the budget might be a concern. She then stated that the park district bench is Victorian-like and which has both sides and wooden slats and estimated the cost to be \$1,000. Ms. Schweihs stated that she is not sure of the cost of the teak bench. She commented that what would be awesome are the metal benches used in the park by the train station but that due to budgetary concerns [that would not be an option].

Mr. Konstant asked what is the caliper of the new ivory silk tree which would be put in.

Robert Smith introduced himself to the Board as the Executive Director of the Winnetka Park District and that he has worked with the Winnetka Garden Club for a while. He stated that they would do a plant material that is appropriate and common, especially when there are salt conditions. Mr. Smith then stated that as far as the caliper for those types of trees, given the site, the tree would measure approximately 3 inches in caliper.

Mr. Konstant then asked how fast would they grow.

Another presenter responded that it is a slow growing tree and that it may grow between 6 to 8 inches a year. He also stated that it is more of a decorative tree.

Mr. Konstant asked if it would look big enough in that space.

The presenter responded that initially, it would not and that eventually, it would be.

Ms. Kelly asked if there are a lot of scrub trees there.

Ms. Schweihs responded that they would clear all of that out.

It was also noted that there is an irrigation system which is handled by an irrigation firm.

Ms. Schweihs stated that the new plantings would be a heartier material than the existing roses and that they did not survive since there was not enough sun. She also stated that the new system would not require constant pruning and maintenance. Ms. Schweihs then referred to the park district watering the area and the extreme summer heat in the past which would require a lot more watering.

Chairman Swierk asked if there were any other questions.

Mr. Konstant commented that there are too many varieties of plants.

Ms. Schweihs stated that there would be a variety of color and that a lot of color required a lot of consistent sun and a lot of watering. She stated that they have found that across from the library at Woodley Road, there has been maintenance even though some items have died off. Ms. Schweihs stated that they have attempted to get material which would last longer, be more cost effective and also which would not require a lot of maintenance.

Ms. Goodrich stated that there is not too much material in the small space and that you would see the mass of the daylilies and the sedum.

Mr. Klaskin stated that he did not know anything about plants and asked if they would mature at about the same rate so that in time, it would look as though it has always been there.

Ms. Schweihs stated that there would be some seasonal items there which would last through the fall and noted that the boxwood would be green all winter long. She also stated that the sedum would bloom in the fall and that it would be another color in the summer.

Ms. Goodrich then stated that with regard to the sedum, there are pavers which help prevent soil erosion. She stated that the sedum would be used to soften the area so that as you drive by, there would not only be a row of concrete wall. She asked if there were any other questions. No additional questions were raised by the Board at this time.

Chairman Swierk then asked for a motion.

Ms. Kelly moved to issue a Certificate of Appropriateness for the Green Bay Road and Elm Street northeast corner landscaping project. The motion was seconded. A vote was taken and the motion was unanimously passed.

AYES: Kelly, Klaskin, Konstant, Stanley, Swierk
NAYS: None

Adjournment:

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Antionette Johnson

2014 Annual Board and Commission Update



Board: Environmental and Forestry Commission

Presenter: C.H. Dowding

Date: 07/01/2014

Significant Policy Considerations or Major Cases: *(list individually)*

Banning of coal tar based asphalt sealing products

Top 3 - 5 Projects:

Complete revitalization of the WEFC web page

Be prepared to undertake special assignments relative to the storm water management plan

Continue to support placement of recycling containers in the business districts

Recommendations to Council: *(provide estimates for any items with budgetary impact)*

1) Authorize and approve the distribution of recycling containers as presented. Budget has been approved but not authorized

2) Develop plan to ban use of coal tar based asphalt sealing products

Attachments: *(list and provide all supporting documentation for inclusion in the packet)*

Accomplishments are compared to the strategic & Implementation plan in the attachment

2013 IMPLEMENTATION PLAN (1/3)

Long Range Goal from Strategic Plan

2012 Action/Achievement

2013 Action/Achievement

2014 Action/Achievement

Energy Conservation Goal:

Reduce the Village's carbon footprint by reducing energy use and increasing the use of renewable and non-fossil fuels for energy.

- Evaluate and, if warranted, recommend implementing improved electric distribution and metering technologies.
- Evaluate and, if warranted, implement energy-efficiency audits of public and private buildings.
- Work cooperatively with the Illinois Municipal Electric Agency (IMEA) to develop and offer energy efficiency programs.
- Work cooperatively with the IMEA to diversify its power supply portfolio and increase its use of renewable resources.
- Village buildings audited through grant from Cook County Energy Efficiency Conservation Block Grant program.
- Studied compensation for cost of power during period of high cost to village

Forestry and Open Space Goal:

Maintain the Village's ambience and quality of life by preserving and enhancing forestry and open space in the Village.

- Enhance, when needed, the Village's successful forestry program to preserve and enhance the forest canopy.
 - 1) Supported 1st canopy tree inventory. No cost via USDA Forest Service grant program.
 - 2) Supported 2nd consecutive grant totaling \$16,125. (\$10,000/2011-\$6,125/2012)
- Suggest, when needed, changes in the Forestry ordinance and regulations.
- Review the Village's Comprehensive Plan, Winnetka 2020, as it pertains to preserving and enhancing green/open space.
- Develop a policy and program to implement the Winnetka 2020 recommendations concerning green spaces.
- Research possible avenues for elevating the value of open space conservation in reviews and decisions concerning proposed
- Reviewed and modified "Approved tree list for Winnetka"
- Reviewed January, February, April, and June 2012

2013 IMPLEMENTATION PLAN (2/3)

Long Range Goal from Strategic Plan

2012 Action/Achievement

2013 Action/Achievement

2014 Action/Achievement

Water Conservation Goal:

Conserve and enhance water resources in and around the Village by reducing water use and water pollution.

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| <ul style="list-style-type: none">• Engage the community in public education on strategies and techniques to conserve water and reduce water use.• Engage the community in public educations on strategies and techniques to reduce the amount of pollutants entering Stormwater runoff.• Evaluate and, if warranted, implement sustainable Stormwater Best Management Practices (eg rain barrels, rain gardens, etc.). | <ul style="list-style-type: none">• Sponsored "Bioswale Flood and Pollution Mitigation" projects NU engineering design class. | <ul style="list-style-type: none">• Co sponsored with Winnetka Park District Bioswale project w/ NU engineering students. | <ul style="list-style-type: none">• Devised & forwarded to Council plan for banning coal tar based asphalt sealants |
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Green Building Goal:

Provide a sustainable Village built environment by developing environmentally friendly building standards and development practices.

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| <ul style="list-style-type: none">• Engage the community in public education on sustainable building principles, practices, and programs.• Research and develop sustainable building and site development recommendations, standards, guidelines, or ordinances.• Research and, if warranted, implement a construction/demolition debris recycling program. | <ul style="list-style-type: none">• Reviewed Winnetka Park District's master plan for Skokie Play Fields.• Developed October 2010 Ordinance requiring 50% recycling, increasing to 75% by Jan. 1, 2012. | <ul style="list-style-type: none">• Move to "Ongoing" and monitor for effectiveness and possible improvements. |
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2013 IMPLEMENTATION PLAN (3/3)

Long Range Goal from Strategic Plan

2012 Action/Achievement

2013 Action/Achievement

2014 Action/Achievement

Recycling Goal:

To maximize recycling and minimize material disposed of as refuse within the Village.

- Explore with SWANCC provision of a "one-stop" drop-off facility at the Village Yards beyond the current curbside recycling program.
- Implement a commercial district recycling program.
- Placing of recycling containers and collection throughout the public areas of the Village, Park District, and schools.

- Supported expansion by collection at Village Yards of batteries, holiday lights & sports shoes.
- Supported successful and expanded collection of commercial business district recycling.

- Supported expansion through holiday collection of block styrofoam.
- Researching and creating a commercial district recycling initiative.

- Implemented program for collection of styrofoam (#6) at the Village yards
- Devised & forwarded to Coucil; plan to place recycling containers in business districts

Awareness and Collaboration Goal:

Raise public awareness of environmental issues and sustainable stewardship of the Village's environmental resources.

- Develop a recycling brochure for items not in the curbside recycling program.
- Develop a website for environmental information.
- Develop environmental tips for weekly public distribution.
- Hold community environmental events.
- Prepare presentations and articles of environmental information.
- Collaborate with other governmental and non-profit organizations to develop best practices.

- Updated January 2012
- Ongoing in conjunction with village website.
- Ongoing in conjunction with village website.

- Ongoing in conjunction with village website.
- Ongoing in conjunction with village website.

- Ongoing in conjunction with new village website.

2014 Annual Board and Commission Update



Board: Landmark Preservation Commission

Presenter: Louise Holland, Chairperson

Date: 07/17/2014

Significant Policy Considerations or Major Cases: *(list individually)*

There were 36 demolition applications reviewed in 2013.

Five applications required a Historical Architectural Impact Study (HAIS).

One application received a 60 day delay (807 Prospect).

Top 3 - 5 Projects:

The owners of 1175 Whitebridge Hill (The Jared Gage Home) applied for a demolition permit. This important historic home was the featured residence during the Lady Elgin disaster that occurred off the Winnetka shore on September 8, 1860. 1175 Whitebridge Hill served as both a hospital and unfortunately as a morgue. The LPC met many times with the new owners of 1175 Whitebridge Hill and the neighbors on Whitebridge Hill. Through efforts of the prior owner, the new owner agreed to save the historic facade and move it 60 ft. east. This facade weighs 30 tons, and will be in place as the entrance to the new home. This was the first time that the LPC was able to save an important part of Winnetka history from total demolition.

Recommendations to Council: *(provide estimates for any items with budgetary impact)*

The LPC thanks the Council for appointing Christopher Enck to the Commission. Christopher is a preservation architect with years of involvement in historic preservation in the state of Illinois. He and his wife, Martha, are also the owners of the Lola Maverick Lloyd home at the corner of Birch and Cherry, (a historic Winnetka home, built by the daughter of Henry Demerest Lloyd).

The LPC also welcomed Bill Krucks as our first Council Liaison. The LPC is delighted to have Bill join the conversation of historic preservation in our Village.

The LPC would hope to see the delay for demolition permits of historic homes increased to 6 months from 2 months. Perhaps this extra time would result in saving a part of our history as it did in the effort directed to 1175 Whitebridge Hill that took 7 months.

We encourage the Council to include the list of Winnetka Landmarks and National Register of Historic Places in the fall issue of the Winnetka Report. It would showcase the historic value of these homes and the importance of these homes in the fabric of our Village.

The LPC requests a budget allowance for a trolley tour in the spring of 2015. The total cost of trolley rental and printing will not exceed \$1,500. We will be awarding 8 Preservation Awards in the fall of 2014, a budget of \$670.00 would be sufficient for those awards.

Attachments: *(list and provide all supporting documentation for inclusion in the packet)*

1) List of Winnetka Landmarks

2014 Annual Board and Commission Update



Board: Zoning Board of Appeals ("ZBA")

Presenter: Joni Johnson, Chair

Date: 07/20/2014

Significant Policy Considerations or Major Cases: *(list individually)*

The ZBA had two significant variation requests. The first was for a GFA variation to allow the construction of a new home in the floodplain with a FEMA-mandated clay pad and a full basement. Although basement GFA is generally excluded from the total allowable GFA calculation, in this case, the Zoning Ordinance required that portions of the basement that were more than 2.5' above grade be included in the calculation. After two hearings, the ZBA recommended denial of the variation request (Public Works staff was present at the second hearing to answer questions about building in the floodplain). The applicants subsequently withdrew the application; it is my understanding that they are building a new home that does not require any zoning relief. In the second case, the applicants requested variations for a proposed subdivision that did not meet the minimum lot size and rectangular building area requirements. After the ZBA continued the case so the applicants could provide additional evidence, the application was withdrawn.continued on attachment

Top 3 - 5 Projects:

The ZBA considers applications (standard and major variations, special uses, and planned developments); appeals from decisions of the Zoning Administrator under Chapter 17.72.010 of the Zoning Ordinance on Minor Zoning Variations, as defined in the Zoning Ordinance; and appeals from orders, requirements, decisions and determinations of any Building Officer under Chapter 15.72 of the Village Code. Consequently, we do not have any projects per se.

During the reporting period (August 2013-August 2014), the ZBA conducted hearings on 12 variation cases; one mixed special use/variation case, which was subsequently withdrawn before being presented to the Village Council (see attachment); and three special use cases. It has not heard any appeals under Chapter 15.72 or 17.72.010. The ZBA had final jurisdiction on 5 of the 16 cases.

As of this date, we have completed our review of all zoning cases and of the BCDC recommendations referred to us. We do not have any cases being continued for further hearings.

Based on historical data, the number of special use applications during the reporting period appears to be equivalent to the number filed per year since 2000.

Recommendations to Council: *(provide estimates for any items with budgetary impact)*

After receiving the Village Council's authorization in 2013 to update the ZBA's 1996 Rules and Regulations, I have discussed revisions with Mike D'Onofrio, the Community Development Director. We will seek the advice and input of the Village Attorney before finalizing any changes. We will also discuss with the Village Attorney the recommendation that the ZBA made to the Village Council when it presented its Update in 2013—namely, to implement joint hearings by the Plan Commission and ZBA on certain special use cases.

Attachments: *(list and provide all supporting documentation for inclusion in the packet)*

Continuation of Significant Policy Considerations or Major Cases

Attachment to ZBA Annual Board and Commission Update--2014

Continuation of Significant Policy Considerations or Major Cases

None of the four special use cases presented significant policy considerations and the ZBA recommended approval of all four. One of the cases—for changes to the Greeley School playground—was withdrawn after the ZBA voted to recommend approval. Another had not been presented to the Village Council as of the date of this report; the Council approved the special uses in the other two cases.

At the request of the Village Council, the ZBA reviewed the BCDC's recommended changes to several parking regulations. The ZBA has significant concerns about the recommendation that existing parking lots be allowed to expand without obtaining a special use permit. The ZBA believes that if a proposed parking lot expansion would be contiguous to or visible from the street/sidewalk, it should still require a special use permit. As requested by the Council, the ZBA has also reviewed the BCDC's recommended changes to the Overlay District. It does not believe those changes should be made at this time. Staff will provide the Council with a more comprehensive explanation of the ZBA's analysis of these BCDC recommendations.

2014 Annual Board and Commission Update



Board: Plan Commission

Presenter: Bill Krucks

Date: 07/23/2014

Significant Policy Considerations or Major Cases: *(list individually)*

As directed by the Council in February, the focus of the Plan Commission's work has been in the area of reviewing commercial zoning standards as identified in the ULI TAP report. The Plan Commission will have held seven (7) meetings which addressed the subject of commercial zoning regulations. Included among these seven meetings were two (2) special meetings, including one public forum on July 7th to solicit input from merchants and residents regarding the Overlay District.

The Plan Commission has focused its review and recommendations on improving the health of the business district while balancing the goals of commercial property owners, merchants and residents.

Top 3 - 5 Projects:

The Plan Commission's building height recommendations are scheduled to be presented at the Council's August 5th meeting, with the Plan Commission's recommendation affirming the BCDC's core building height recommendation to increase from the current maximum of 2 1/2 stories to 4 stories. The Plan Commission's work has focused on modifications to that height limit, by developing a system which balances the increased height against surrounding residential neighborhood character by imposing a lower 3-story "transitional height" district in targeted areas near single-family homes.

The Plan Commission's parking recommendations are nearing completion and it is expected that those recommendations to the Council will be presented in the coming weeks. Similar to the "building height" issue, the Plan Commission's work has included development of specific draft language to reduce the number parking spaces required for mixed use developments in the downtown area. Extensive "clean up" of related zoning language dealing addressing parking requirements is also in process and nearing completion.

In addition to the above, the Plan Commission has over the previous twelve months reviewed four (4) re-subdivision requests and commented on two (2) Special Use applications.

Recommendations to Council: *(provide estimates for any items with budgetary impact)*

The Plan Commission has recommended that the Village solicit input from the community in order to gain clarity and focus on a vision for the future of Winnetka's commercial districts. This will be accomplished through the Village's inaugural survey. The Plan Commission further recommends that the Council authorize and fund the Master Planning Process, the second step in the strategic plan that began with the ULI study last year. An articulable vision for Winnetka's downtown areas is needed before undertaking possible changes to the Retail Overlay District or other immediate measures. A budget for the recommended robust professional master planning process is suggested in the amount of \$100,000.

Attachments: *(list and provide all supporting documentation for inclusion in the packet)*

-- Winnetka Plan Commission, Annual Prioritization of Comprehensive Plan Goals and Objectives (Appendix 6 of the Winnetka 2020 Comprehensive Plan, dated October 24, 2012).

Annual Prioritization of Comprehensive Plan Goals and Objectives

*Recommendations by the Winnetka Plan Commission
Pursuant to Appendix 6 of the
Winnetka 2020 Comprehensive Plan*

- October 24, 2012

I. Background of the Annual Review process

The success of a comprehensive planning process depends to a very large degree on the articulation of a broad, long-term vision for the Village's land use and development. To remain vital and relevant, however, a comprehensive plan must acknowledge changing conditions and priorities. That is the purpose of the "Appendix 6" annual review process.

The *Winnetka 2020 Comprehensive Plan* ("the Plan") was developed in a collaborative fashion involving the talent and input of hundreds of Village residents. Adopted in 1999, and articulating an approximately 20-year vision for Winnetka, its goals and objectives address all facets of Village life, from the character of residential neighborhoods to the appearance and vitality of commercial districts, and it touches on areas as diverse as open space planning, transportation, historic preservation, and environmental protection.

Unanticipated conditions would, however, inevitably shift the Plan's priorities from year to year. In order to ensure that the Plan remains a vital and current policy statement of the Village's goals and objectives, its authors had the foresight to call for an annual review of the Plan's priorities and recommendations. In *Appendix Six*, the Plan Commission recommends to the Village Council what it believes should be the Village's top priorities for the short term, selected from the dozens of goals and recommendations articulated in the Plan (see attached *Table A-6*). *Appendix Six* and its annual update also serve a critical role in advocating for both the Plan and the planning process.

II. The Plan Commission's recommended priorities

After reviewing the recommendations in the most recent *Appendix Six*, the Plan Commission recommends that the Village Council consider focusing its attention on the following three objectives:

1. **Commercial Area Strategic Planning** - The quality of the Village's commercial areas plays a significant role in defining the character of the Village, while providing residents convenient local opportunities to meet many, if not all, of their daily needs in the Village. Built before the car became the dominant form of transit, and clustered around three commuter train stations, Winnetka's traditional downtown flexibly serves a variety of retail, office, residential and social needs in a close-knit, walkable, transit-oriented location. Both individual, and broader

community needs are fulfilled through convenient shopping and services, dining, and entertainment options.

The downtown areas also provide housing and employment, are home to many institutions, and are an important part of the “social infrastructure” of the Village, providing both informal gathering spaces and locations for community events. The importance of the continued success of the business districts cannot be overstated.

Recent changes in the economy have significantly impacted commercial real estate, retail trade, and consumer behavior at the national, regional and local levels. Similarly, growth and change in the retail and commercial base of surrounding communities and the region as a whole have dramatically changed the Village’s trade area, its ability to draw customers, and its ability to thrive.

A long-established, high priority goal of the Plan Commission has been to step up planning efforts intended to maintain and enhance the viability and vitality of the Village’s business districts. But this has been difficult for the Village, partly because Chapter 5 of the Plan, dealing with the Green Bay Road Corridor and the Village’s business districts, needs to be expanded and updated. For the last 10 years the Plan Commission has tried to work with the existing Chapter 5, often using the *Appendix Six* review process. Beginning almost immediately after the 1999 adoption of the Comprehensive Plan, and in view of the growth of “big box” retail in neighboring communities, the Plan Commission has used the *Appendix Six* process to make recommendations about the business districts that further the Plan’s existing goals. For example, previous *Appendix Six* efforts called for more focused attention on improving retail/economic development, advocating for transit station improvements, enhancing the pedestrian environment, and developing creative approaches to satisfy increased parking demand.

The Village Council has attempted to address some of these concerns: it has studied retail zoning standards, evaluated parking capacity, proposed streetscape improvements, and planned for the return of the Post Office block to Village control. Yet, these efforts have taken place as a series of individual “projects”, rather than as components of a comprehensive and widely-held vision for the business districts as a whole. In the absence of such a comprehensive vision, as should be contained in Chapter 5 of the Plan, the Village has made only limited progress. Although it recently revised the retail zoning standards, the Village Council has not taken action on the recommendations of the parking study, and it has put Post Office planning on hold while the Library Board did a comprehensive study of its future needs.

Without a well thought-out community-supported vision for the business districts, written into an amended Chapter 5, the Village will remain limited in what it can do to enhance the business and commercial areas in the heart of our Village. As the Plan states so well at the end of Chapter 1:

“Planning does not take place in a vacuum; it is driven by physical realities and community philosophy. An effective plan helps Village leaders make informed decisions by providing an inventory of the values shared by residents as well as an inventory of the community’s physical attributes. *A successful plan captures the imagination of*

residents, merchants and local officials, while reflecting the consensus view that allows diverse members of the community to support actions for the common good.”

The Plan Commission therefore recommends that the Village Council consider undertaking a two-step collaborative strategic planning process involving relevant stakeholders to articulate a shared vision for the future of the business districts and for the revision of Chapter 5 of the Comprehensive Plan.

The Plan Commission anticipates that such an effort would be broad in scope, and reflect both business and social/cultural considerations. With respect to business considerations, the strategic planning process should analyze the Village’s market trade area and its retail, commercial, office and mixed-use residential real estate markets. It should also assess other key factors that impact the viability and character of the business districts, such as the regional economy, land use planning, transit-oriented design, environmental concerns, parking, open space, and public facilities. With respect to the social/cultural considerations, the planning process should reflect the Plan’s goals of providing facilities and services that will accommodate the needs of the Village and enrich its cultural environment while attracting more residents and retail customers to patronize and support each of the business districts.

Due to the complexity of issues involved, the Commission believes that such a process would require both the commitment of adequate resources and the participation and support of many stakeholder groups, including landlords, merchants and business owners, shoppers and business patrons, institutions such as the Library and Community House, commuters, downtown residents, residents of adjoining neighborhoods, and others. Cooperation and collaboration amongst various groups will be critical to building broad support for such a plan’s goals and vision.

To move toward the creation of such a comprehensive vision, the Plan Commission, with input from BCDC and village staff, has reviewed several strategic planning efforts and recommends the following **Two-Step path toward creating a vision for Winnetka’s downtown areas.**

The first step (the “ULI Study”) involves engaging a Technical Assistance Panel (TAP) of the Chicago Council of the Urban Land Institute (ULI), which is, arguably the preeminent trade association of land use and real estate development professionals in the world. “ULI assembles an interdisciplinary volunteer panel (of its professional members) who explore the project, interview stakeholders, and make (high level) recommendations. Panelists approach the assignment from all perspectives, including market potential, land use and design, financing and development strategies, and governance and implementation. This objective and diverse team of real estate and planning professionals would not be available ‘for hire’ anywhere.” The TAP report presents a possible “implementation strategy that is based on sound information, community realities, and best practices.”

Engaging a TAP as the first step has several advantages.

- It is a relatively quick exercise, typically completed in less than six months.
- It is relatively inexpensive, involving a \$15,000 contribution from the Village toward the costs of the effort (which arguably would be a multiple of this stipend if the volunteer

- professionals were paid for their time and effort). This is matched by a \$15,000 contribution from ULI for their services and materials.
- It engages a cohort of volunteer professionals who bring their expertise to address the issues raised and provide a fresh, competent, and capable view of the assets and impediments that exist here.
 - It requires Village representatives to articulate a precise and limited set of questions about the business districts to guide the TAP effort.
 - It offers a template of recommendations to focus discussion within the Village before proceeding toward the more involved, lengthier, and more expensive second step of the comprehensive planning effort.
 - It concludes in a public presentation of the TAP report, which can be the catalyst for a robust community-wide discussion in preparation for the second step.

The second step (the “Master Planning Process”) involves engaging a team of planning professionals (land use, market & economic analysis, traffic & civil engineering, and zoning experts) specifically focused on creating a detailed master plan for Winnetka’s business districts, including a ‘road map’ for pursuing the various public policy and legislative actions necessary to lay the ground work to ultimately implement the plan. This Master Plan process is a much more intense and lengthy process, including multiple opportunities for community input and comments throughout. A steering committee of Winnetkans, selected by the Council, would be engaged and involved, directing the process all along the way. Comparable Master Plan efforts tend to require 15 to 18 months, including the team selection period, and can cost in the low to mid six figures. (Partial funding may be available from public bodies such as Regional Transportation Authority, given the multiple Metra stations within the Winnetka business districts.) This process is very robust and must include significant community input and engagement throughout. Generally, several alternative plans will be considered with public comment helping to shape refinements in those ideas, resulting in a final plan acceptable to the community. Direction on issues such as density, land use, parking, transportation, and public/private partnerships can be addressed comprehensively for the business districts, and not piecemeal, one site at a time. The end product – the Master Plan - can then provide guidelines and a game plan, presenting the template for the revision of Chapter 5 of the Comprehensive Plan and other necessary public policy modifications as well as for focused market response to help achieve the plan goals over time.

The Village of Glen Ellyn completed a Master Planning Process for its downtown in 2009. Its formal process (following engagement of the planning team) commenced with interviews in April 2008 and concluded with the final Open House in January 2009 with a final survey of public reaction to the Preferred Plan at that time.

More recently, Wilmette completed a 2-step process such as this Plan Commission recommends for Winnetka. First, a ULI TAP was convened in January 2008, likely following a several month preparation. The report, titled “Revitalizing a Classic American Town: Wilmette, Illinois” can be found online at: http://www.ulichicago.org/PDFs/tap_reports/wilmette_tap.pdf. That study identified key strategies and initiatives—most crucially, that Wilmette immediately undertake the second step: “Developing and adopting a master plan...one that provides a clear and concise direction for the Village Center in addition to predictability of outcomes for the development

community.” In late 2009 Wilmette hired a planning and design team led by land use planners and that included independent professional experts in market and economic analysis, in traffic and engineering, and in zoning. The 10-month Master Plan process, began in January 2010 built upon several other past studies of the downtown, traffic and parking, and engaged hundreds of citizens in public conversation about their town.. (The RTA funded a grant of \$100,000 which covered ‘a majority of the costs’.) The Wilmette Village Center Master Plan report includes a list of Priority Action Tasks as well as a list of Catalytic Projects, and can be found online at <http://www.thelakotagroup.com/wilmette/1-VCMasterPlanCover.pdf>

The challenges confronting Winnetka’s business districts are not unique. Providing an articulate vision of how we as a community will address those challenges will accelerate the achievement of that vision. **The ULI TAP process will get us started, but it is not enough. A Step 2 professional master planning process that explores the ideas raised and hears from our citizens should immediately follow.**



Agenda Item Executive Summary

Title: Plan Commission Recommendation - Building Height and Related Zoning Modifications

Presenter: Michael D'Onofrio, Director of Community Development

Agenda Date: 08/05/2014

Consent: YES NO

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

Item History:

The Village Council directed the Plan Commission to conduct a review and issue recommendations for commercial zoning amendments on February 11, 2014.

Executive Summary:

On May 28, 2014 the Plan Commission concluded its review and recommendations for zoning amendments within the Commercial zoning districts pertaining to building height, together with related amendments. The Plan Commission's recommendations include:

- * increase in the maximum allowable building height from the current 2 1/2 stories (35 feet) to 4 stories (45 feet);
- * establishment of a "transitional" height district near single family residential areas and imposition of a lower building height of 3 stories (35 feet) in those areas;
- * establishment of a new "upper story setback" requirement which would require stories above the third floor to be stepped back from the front property line in order to maintain an appropriate pedestrian scale at the sidewalk; and
- * elimination of outdated density and lot coverage standards which discourage residential units from being developed within the downtown area.

Recommendation:

Provide policy direction.

Attachments:

- Agenda Report
- Exhibit A – Discussion draft of recommended commercial zoning amendments
- Exhibit B – Comparable community building height data
- Exhibit C – Excerpt of February 2014 building height analysis
- Exhibit D – Excerpt of April 2014 building massing model
- Exhibit E – February 26, 2014 Plan Commission Minutes
- Exhibit F – April 23, 2014 Plan Commission Minutes
- Exhibit G – May 28, 2014 Plan Commission Minutes

AGENDA REPORT

SUBJECT: Plan Commission recommendations for modification to Zoning Ordinance
- building height regulations & related density limits

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

DATE: July 30, 2014

INTRODUCTION

On February 11, 2014 the Village Council received a report from the Business Community Development Commission (BCDC) outlining a series of recommended modifications to the Zoning Ordinance, following receipt of the Urban Land Institute's *Technical Assistance Panel* report. The BCDC's recommendations included proposed modifications to both parking requirements and building height limits of the Village's commercial zoning standards. Included within the BCDC's February 11 report was a recommendation to increase the maximum allowable building height from its current maximum of 2 ½ stories and 35 feet, to 4 stories and 45 feet.

Upon receipt of the BCDC's recommendation the Council directed the Plan Commission to conduct its own review on both parking requirements and building height limits. The Plan Commission initiated its review on February 26, and concluded its review on building height limitations at its May 28, 2014 meeting. (It is anticipated that the Plan Commission's recommendations regarding parking standards will be transmitted to the Council in coming weeks.)

This report details the Plan Commission's findings and recommended modifications to **building height limitations** within the Village's commercially-zoned areas. In addition, this report will outline related recommendations to modify or eliminate certain related zoning standards related to building density. For example, existing standards limiting **building lot coverage** at upper stories which were found by the Plan Commission to discourage redevelopment or expansion of commercial properties, and inconsistent with goals to revitalize and improve downtown commercial areas.

PLAN COMMISSION RECOMMENDATIONS

In order to clarify the Plan Commission's recommendations, draft language has been developed for and reviewed by the Plan Commission, highlighting proposed changes by comparing proposed new language to existing language (Exhibit A).

Recommendation # 1 – introduce a two-tiered approach to commercial building height in the C2 Commercial zoning district, increasing building height to *either* (a) 4 stories and 45 feet, *or* (b) 3 stories and 35 feet.

Commercial building height limits are expressed in the Zoning Ordinance as both a maximum number of stories and a maximum vertical distance in feet, with the current maximum building height set at 2 ½ stories and 35 feet. The current standard has been in place since February 1998, when the Village Council adopted Ordinance MC-20-1998, which lowered the maximum allowable building height from what had previously been a maximum height of 4 stories, 42 feet.

The Plan Commission’s analysis included a review of comparable communities’ building height regulations, as well as data on existing Winnetka building heights. A review of comparable community data (Exhibit B) revealed that building height in those comparable communities trend toward a height of 2 to 3 stories, with some communities allowing 4 or 5 stories, or in the case of Northfield, up to 8 stories.

The Plan Commission’s review of existing Winnetka building height data was directed at establishing an understanding of the scale of existing buildings and the “spatial distribution” of varying building heights and density among the Village’s multiple commercial areas. The evaluation of existing Winnetka buildings was viewed as establishing the existing context which in turn would be used both to evaluate the appropriateness of the existing 2 ½ story standard, as well as the contemplated increase in allowable height. The review of existing buildings included images noting the height of numerous existing buildings throughout the Elm Street and Hubbard Woods Business districts (examples attached as Exhibit C).

During the course of its review of existing buildings, the Plan Commission noted numerous existing 3-story buildings, as well as several taller 4-story buildings both within the commercial areas as well as in multiple-family developments along Green Bay Road. Numerous examples of existing iconic, “classic” downtown 3-story buildings led the Commission to agree with the BCDC’s conclusion that the 2 ½ story height limit is overly restrictive and inconsistent with the Village’s existing building stock.

In addition, the Plan Commission expanded on its findings by concluding, similar to the BCDC, that that additional height and density would support broader commercial revitalization goals by providing additional foot traffic for merchants. In a related sense, the Plan Commission noted that additional development density can be supported by convenient commuter rail service within a short walk of each commercial district.

At the same time, the Plan Commission expressed concern about the impacts of the proposed 4-story height in some areas. The Plan Commission noted the existence of some peripheral areas of the C2 Commercial zoning district which abut single-family residential homes. Concerns about

such “transitional” areas led the Plan Commission to request additional detail outlining the existence of such areas. The Plan Commission’s review resulted in the development of a three dimensional model of each of the Village’s commercial districts in order to illustrate both existing building heights, as well as the spatial relationship with abutting single-family areas (example images attached as *Exhibit D*).

A detailed review of the existing commercial buildings in East Elm, West Elm and Hubbard Woods not only showed the variety of building heights in each district, but also revealed areas of each district which abut single-family homes. The existence of these *transitional* areas near single family homes led the Plan Commission to recommend a departure from the “one size fits all” approach to building height limits, introducing the concept of a two-tiered building height standard. The Plan Commission’s recommendation would support the BCDC’s recommendation to increase allowable building height to 4 stories and 45 feet in most areas, with exceptions for certain parcels abutting single family homes.

Section 2 of the proposed modified zoning language (page 2 of *Exhibit A*) details the proposed two-pronged approach to building height, calling for a “*standard height district*” of 4 stories and 45 feet (designated on maps in brown) throughout most of the C2 commercial district, while mapping (in yellow) other areas as a “*transitional height district*” of 3 stories and 35 feet where nearby residential homes are abutting.

Recommendation # 2 – introduce a new section “upper story setback” requiring stories above the third floor be setback from the front building line to maintain the scale of existing buildings at the sidewalk.

During the course of its building height discussions, the Plan Commission also addressed member concerns regarding the perceived scale of buildings at the sidewalk. Specific concerns were voiced regarding the possibility of new 4-story buildings to have a “looming” effect when judged next to existing 2- or 3- story buildings. In order to address the scale issue, the Plan Commission recommended adoption of an “Upper story setback” requirement. This requirement, outlined in **Section 2A** of the proposed modified zoning language (page 3 of *Exhibit A*) would reduce the perceived mass of new buildings by requiring stories above the third floor level to be setback a minimum of 10 feet (or incorporate other design details as may be deemed appropriate by the DRB) in order to maintain a lower “pedestrian” scale at the sidewalk.

Recommendation # 3 – remove or modify various related, outdated density limits in the Zoning Ordinance.

Development of draft building height language in the attached *Exhibit A* involved detailed review of zoning language of several nearby communities. During the course of that review it

was revealed that other aspects of Winnetka’s current commercial zoning standards are “unique” to Winnetka, with several elements in Winnetka’s code found to be non-existent in comparable neighboring communities. As a result of that review, the Plan Commission has incorporated in its recommendation several additional potential modifications to remove outdated or counter productive requirements.

Those additional recommendations include the following elements;

- A. Elimination of Lot Area and Density requirements (Section 5). Current commercial zoning standards include *residential* density limitations limiting the number of residential dwelling units per acre (38 units per acre in the C2 Commercial district). Such density limits have been found to exist in Winnetka’s zoning ordinance since the 1930’s, but the approach is uncommon today (no such standards exist in Glencoe, Lake Forest, Wilmette, Northfield or Kenilworth).

This standard has a profound impact on the feasibility of residential development, serving as a disincentive for residential development in favor of office development where no similar limit exists. In light of the desired goal to increase the attractiveness of mixed-use residential redevelopment, it has been recommended by the Plan Commission that the residential density limitations be eliminated entirely.

- B. Elimination of Intensity of Use of Lot requirements (Section 6). Similar to dwelling unit density limits described above, existing Intensity of Use of Lot limitations single out mixed-use buildings which incorporate residential units, requiring that upper stories of such buildings be scaled back in size in a “wedding cake” density standard that requires such upper stories to be significantly smaller than the allowable first floor space (60 - 70% of lot area, compared to 90 % of lot area for first floor space).

As with the above, these limitations serve as a disincentive to residential mixed use developments in favor of office uses on upper floors which have no such limit. It is therefore recommended by the Plan Commission that the intensity of use of lot requirements be eliminated in their entirety, including the 90 % lot coverage limitation at the first floor.

- C. Elimination of minimum dwelling unit area per occupant (Section 7). Standards requiring minimum dwelling unit area and limiting the number of occupants are similarly outdated. Occupancy standards are provided in the Village’s adopted property maintenance code, the more appropriate jurisdiction for such standards. The Plan Commission’s recommendation is to eliminate this section to reduce confusion and to remove the possibility of conflicting standards.
- D. Elimination of inner court / outer court requirements (Section 8). Standards dictating the proportions of courtyard spaces are provided in modern building codes, a more appropriate jurisdiction for such standards. The Plan Commission’s recommendation is to eliminate this section to reduce confusion and to remove the possibility of conflicting standards.

Recommendation: Provide policy direction.

Attachments:

Exhibit A – Discussion draft of recommended commercial zoning amendments

Exhibit B – Comparable community building height data

Exhibit C – Excerpt of February 2014 building height analysis

Exhibit D – Excerpt of April 2014 building massing model

Exhibit E – February 26, 2014 Plan Commission Minutes

Exhibit F – April 23, 2014 Plan Commission Minutes

Exhibit G – May 28, 2014 Plan Commission Minutes

Section 1 - Commercial Zoning District Purpose Statements

A. Purpose of the C-1 Neighborhood Commercial District ~~(Limited Retail) Commercial District~~

~~While recognizing the presence of existing uses within the boundaries of the C-1 (Limited Retail) Commercial District upon the date of adoption of the chapter codified in this title, the requirements set forth in this section have been adopted in order to provide for a neighborhood service district, complemented by multifamily residential uses, for the purpose of retailing convenience goods and providing personal services for the accommodation of the basic day-to-day shopping or service needs of persons living or working within the district and the nearby area, while preserving the character of the adjoining single-family residential zoning districts.~~

The C-1 Neighborhood Commercial District is established to provide for a variety of commercial uses, including retail goods establishments, personal service establishments and office uses. In addition, the district permits multi-family residential housing units integrated into the district to encourage a pedestrian-friendly, walkable, mixed-use neighborhood. Allowable densities, setback and height regulations within the C-1 Neighborhood Commercial District are of a comparatively lower scale than when compared to the C-2 district, due both to the compact size of the district and the close proximity of single family residential uses.

B. Purpose of the C-2 General Retail Commercial District

The requirements set forth in this chapter for the C-2 General Retail Commercial District have been adopted in order to provide for a community commercial district which offers a wide range of goods and services for residents of the Village and a wider market area. Portions of the C-2 General Retail Commercial District shown in the shaded areas of the Official Village of Winnetka Zoning Map and referred to in this chapter as the C-2 Overlay District are subject to regulations that encourage retailing of comparison shopping goods and personal services compatible with such retailing on ground floor in order to encourage a clustering of such uses, to provide for a wide variety of retail shops and expose such shops to maximum foot traffic, while keeping such traffic in concentrated (yet well distinguished) channels throughout the district, and permitting as a special use other commercial uses only to the extent that they meet certain additional requirements.

Section 2 - Permitted Building Height

- A. The C-1 zoning district is limited to a height of 2 ½ stories, and 35 feet.
- B. The C-2 Zoning District contains two (2) height sub-districts listed on Table 17-2: C2 District Building Height Regulations, which are depicted in Figures 17-1 (A) through 17-1(D): Commercial Building height sub-districts.
 - 1. Transitional Height District. The Transitional Height District identifies specific areas which allow comparatively lower building heights due a close proximity to lower density single family residential uses.
 - 2. Standard Height District. The Standard Height District encompasses those areas which were developed in a traditional pedestrian pattern, and includes existing buildings ranging in height from one to four stories.

<u>Table 17-2</u> <u>Building Height Regulations</u>		
	<u>Height Sub-district</u>	
	<u>Transitional Height district</u>	<u>Standard Height District</u>
<u>Maximum Building Height</u>	<u>35' & 3 stories</u>	<u>45' & 4 stories</u>
<u>Minimum Ground Floor Height ⁽¹⁾</u>	<u>14'</u>	<u>14'</u>

(1) Minimum ground floor height shall be measured from the finished first floor to the finished floor of the second story.

- ~~A. **Principal Building.** No building shall have a height greater than 35' or 2 ½ stories, provided that the maximum height may be increased to 40 feet to permit construction of an enclosure on the roof to contain machinery or equipment, or to provide access. No portion of any such enclosure shall occupy more than ten (10) percent of the gross surface area of the roof and the enclosure shall not be closer than ten (10) feet, measured horizontally, from the exterior face of the nearest exterior building wall.~~
- ~~B. **Accessory Building.** No accessory building shall exceed the following heights: on a lot having an area less than one-half acre, one story or fourteen (14) feet; on a lot having an area of one-half acre or more, one and one-half stories or twenty (20) feet.~~
- ~~C. **Other structures.** No other structure shall exceed thirty five (35) feet in height. If a structure is attached to or supported by a building, its height, together with that of the building to which it is attached or supported, shall not exceed the height limit applicable to the building.~~

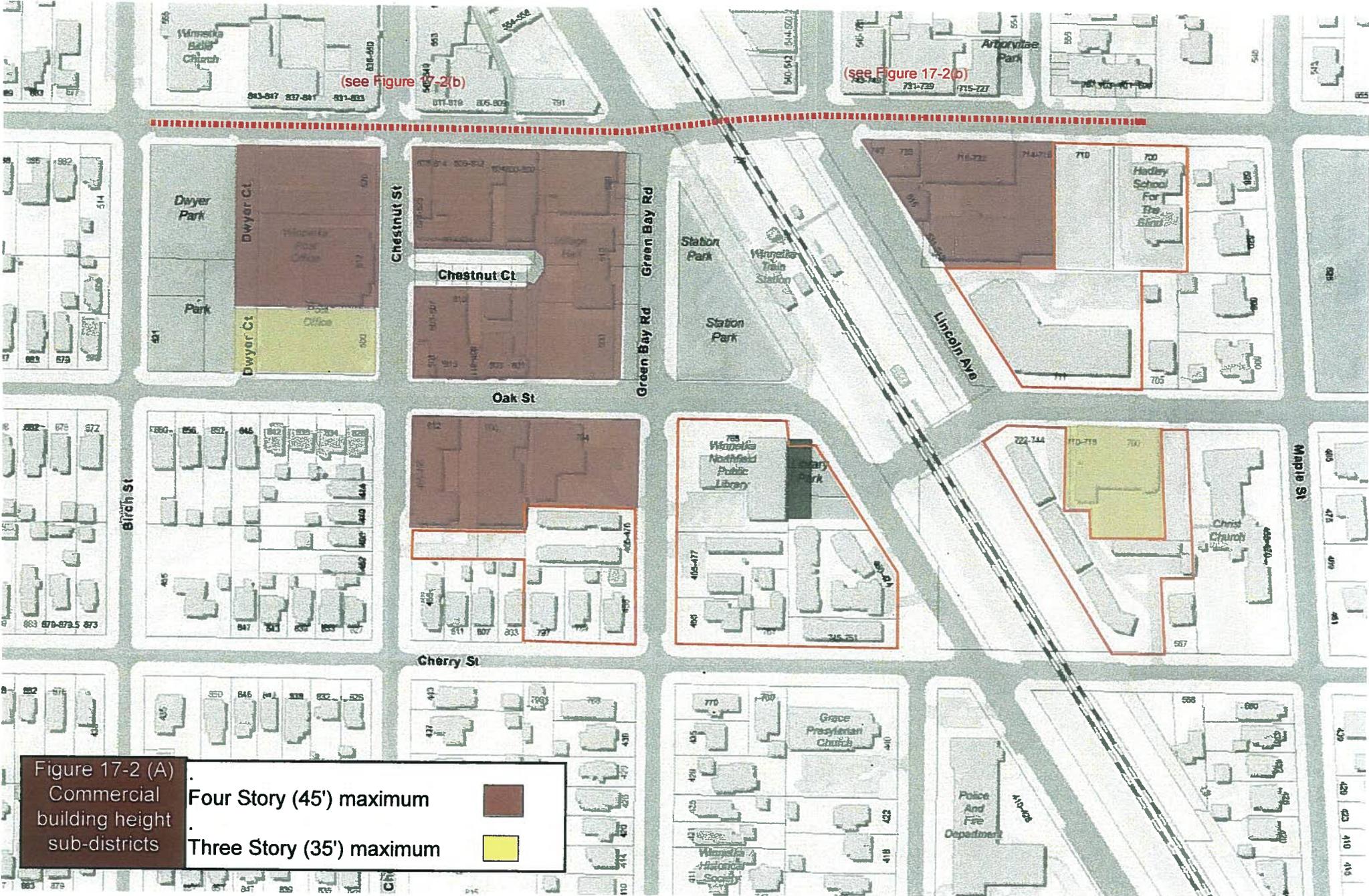


Figure 17-2 (A)
 Commercial building height sub-districts

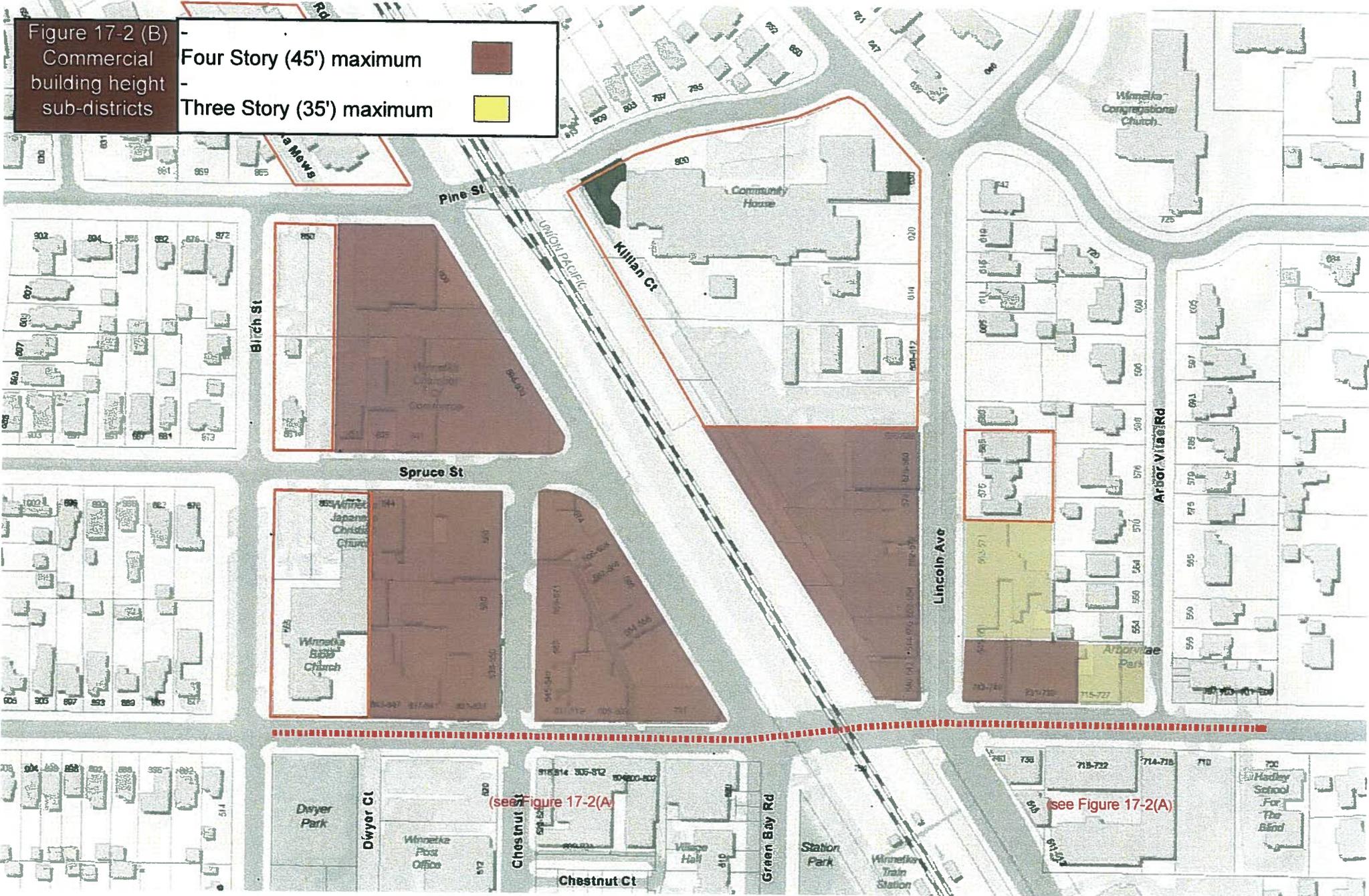
Four Story (45') maximum	
Three Story (35') maximum	

Figure 17-2 (B)
Commercial
building height
sub-districts

Four Story (45') maximum



Three Story (35') maximum



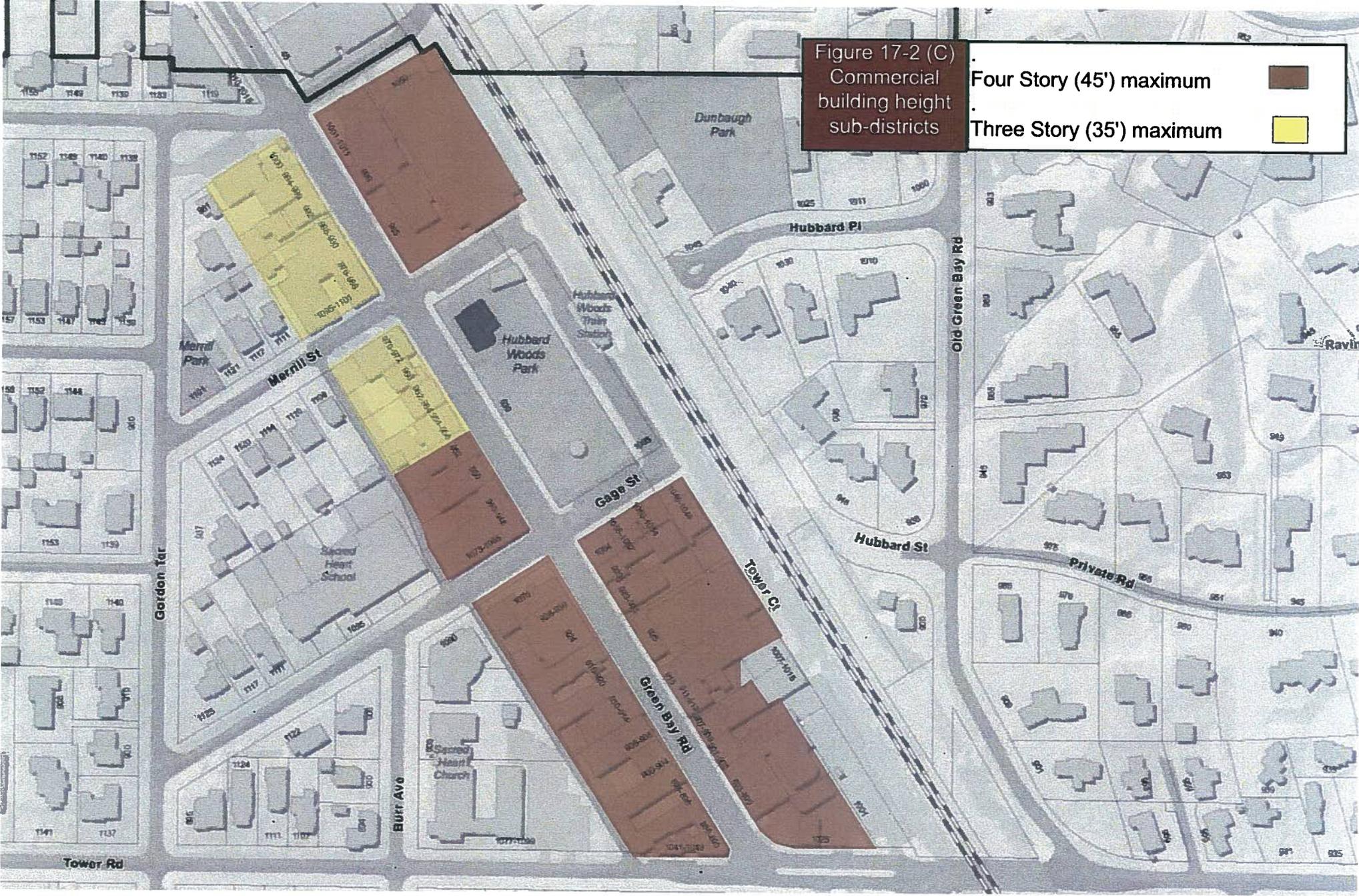




Figure 17-2 (D)
Commercial building height sub-districts

Four Story (45') maximum	
Three Story (35') maximum	

Section 2A – Upper story setback

In order to maintain the existing scale of commercial buildings, stories above the third floor shall be setback from the front property line a minimum of 10 feet, as illustrated in **Figure 17- 1: Upper story setback**, or by such other means as may be approved by the Design Review Board pursuant to Chapter 15.40 [Certificate of Appropriateness of Design].

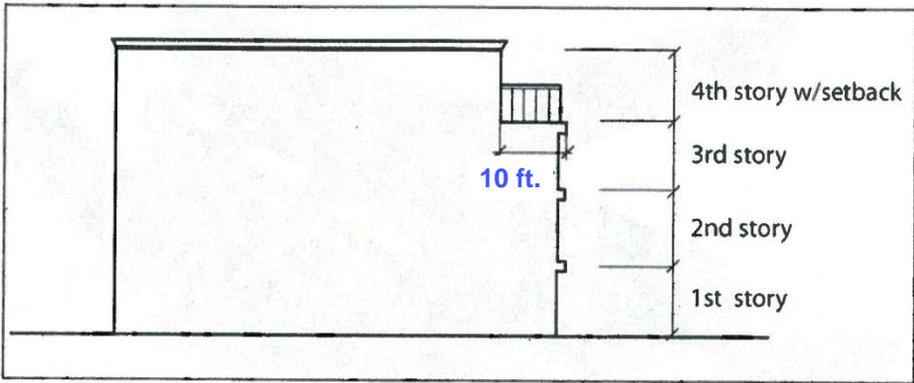


Figure 17-1: Upper story setback

Section 4 – Building Setback Requirements

- A. **Table of setback requirements.** Setback requirements are established along each lot line as described in Table 17-3, Building Setback Regulations.
- B. **Front Setback – exceptions to maximum setback.** Front yard setback requirements are established in order to maintain a continuous streetwall of buildings in alignment along each street frontage. Portions of certain buildings may be setback a distance greater than the maximum front yard setback as follows;
 - 1. Courtyard buildings - That portion of a building which is setback to establish a courtyard area may be setback greater than the maximum allowable setback.
 - 2. ~~Upper story setback~~ – Any floor above the ~~ground~~ third floor ~~may shall~~ be setback as proscribed in Section 2A – Upper story setback. ~~greater than the maximum allowable setback.~~

Table 17-3		
<i>Building Setback Regulations</i>		
<i>C-1 and C-2 zoning districts</i>		
Regulations	Zoning District	
	C-1 Neighborhood Commercial District	C-2 General Retail Commercial District
A. Front Yard Setback ⁽¹⁾		
Minimum	0' ⁽¹⁾	0' ⁽¹⁾
Maximum	3' ⁽¹⁾	3' ⁽¹⁾
Interior Side Yard Setback ⁽²⁾		
Minimum	0' (3') ⁽²⁾	0' (3') ⁽²⁾
Corner Yard Setback (abutting a street)		
Minimum	0'	0'
Maximum	3'	3'
Rear Yard Setback		
Minimum	10'	10'

(1) The required front yard setback shall be determined by the Zoning Administrator, and shall be established so that the front building line of the subject property aligns with the front building line of the adjoining buildings so as to create a continuous streetwall. If the buildings on the properties adjacent to the subject property do not have equal front yard setbacks, or if their front yard setback exceeds three (3) feet, the zoning administrator shall establish the front yard setback line so as to provide the greatest degree of consistency of setbacks on the block face.

(2) A side yard is not required, but where a side yard is provided, it shall be a minimum of 3 feet.

~~Section 5 – Lot Area and Density (Section to be omitted)~~

- ~~A. C-1 Limited Retail District. No building containing a dwelling unit shall be erected or altered to accommodate or make provisions for more than thirty-two (32) dwelling units on any acre of land, nor make provision for more than a proportional number of dwelling units on a fractional part of any acre of land.~~
- ~~B. C-2 General Retail District. No building containing a dwelling unit shall be erected or altered to accommodate or make provisions for more than thirty-eight (38) dwelling units on any acre of land, nor make provision for more than a proportional number of dwelling units on a fractional part of any acre of land.~~

~~Section 6 – Intensity of use of lot (Section to be omitted)~~

~~The principal buildings, in combination with their accessory buildings, accessory structures and all other impermeable surfaces, shall not occupy more than ninety (90) percent of the area of the lot. Any floor above the ground level of a commercial building that is used partially or wholly for residential purposes shall not occupy more than sixty (60) percent of the area of an interior lot nor more than seventy (70) percent of the area of a corner lot.~~

~~Section 7 – Dwelling unit area per occupant (Section to be omitted)~~

~~No dwelling unit containing less than three hundred fifty (350) square feet of interior floor area shall be occupied by more than one (1) person. Every new dwelling unit erected or altered shall contain not less than three hundred fifty (350) square feet of interior floor area. A dwelling unit containing three hundred fifty (350) square feet or more of interior floor area may be occupied by two (2) persons and shall contain at least one hundred fifty (150) square feet of interior floor area for each additional person residing therein; provided, however, that the number of persons entitled to occupy a dwelling unit shall not exceed seven (7). A newborn child need not be considered to be a resident until attaining the age of one (1) year.~~

~~Section 8 – Inner court / outer court (Section to be omitted)~~

- ~~A. Inner court. An inner court shall have a width of not less than six (6) feet, nor shall its area be less than twice the square of its required least dimension.~~
- ~~B. Outer court. An outer court shall have a width equal to at least two (2) inches for each foot of length of such courtyard; provided that it shall not be less than five (5) feet from the closed end.~~

Exhibit B

- Commercial Building Heights

	<u>Lake Forest</u>	<u>Highland Park</u>	<u>Glencoe</u>	<u>Lake Bluff</u>	<u>Wilmette</u>	<u>Northfield</u>	<u>Hinsdale</u>
Downtown Commercial Districts	Includes three districts B2,3, &4. All allow maximum of 35 feet	Includes two districts B4 & 5. Allow maximum of 40 ft. or 3-stories	Includes one district B1 Central Business District. Allow maximum of 40 ft. or 3-stories, whichever is less	Includes two districts Central BD - 30 ft. & not to exceed 2-stories. CBD Block 1 - 35 ft. & not to exceed 3-stories	Includes two districts Village Center - 32 ft. & not to exceed 3-stories whichever is less. General Commercial - 30 ft. or 2.5 stories, whichever is less.	Includes two districts B1 Community Commercial - 35 ft. Village Center Overlay- 60 ft. or 6-stories. May approve up to 80 ft. or 8-stories (Along Edens)	Includes three districts - B1,2 &3. Allow maximum of 30 ft. or 2-stories, whichever is less.
Planned Developments	N/A	Allows up to 50 ft., but no more than 4-stories	N/A	N/A	N/A	N/A	N/A
Exeptions							In B2 district height may be increased by 20% to accommodate architectural feature.

	<u>Glenview</u>	<u>La Grange</u>	<u>Downers Grove</u>	<u>Winnetka</u>
Downtown Commercial Districts	Includes four districts - B1,2,3 and Downtown Development. Allowable height in B districts is 40 feet. Downtown Development is ft.	Includes four districts- C1,2,3,&4. All allow a maximum of 45 ft. or 3-stories, whichever is less.	Includes two districts- Downtown Business allows maximum of 70 ft. Downtown Transition allows maximum of 60 ft.	Includes two districts - C1&2. Both allow a maximum of 35 ft. and 2.5 stories, whichever is less.
Planned Developments	N/A	Allows up to 70 feet or 5-stories.		Allows up to 45 feet.
Exeptions				

Exhibit C

- East/West Elm Building Heights



503 Chestnut
3-Stories
48' (top of Turret)

Exhibit C

– East/West Elm Building Heights



812 Oak
4 – Stories
46.5' (to ridge)

Exhibit C

– East/West Elm Building Heights



800 Oak
3 – Stories

Exhibit C

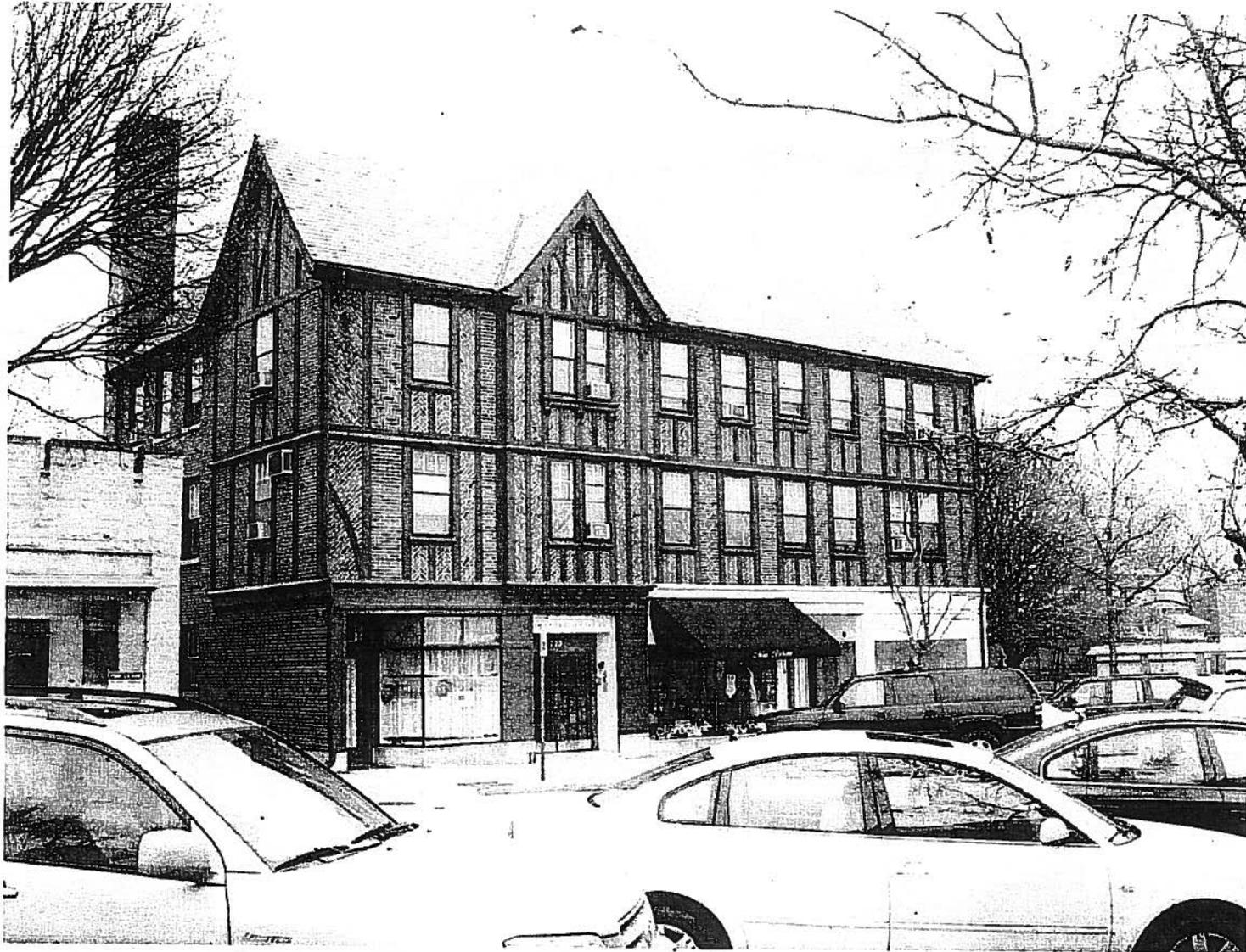
– East/West Elm Building Heights



711 Oak St
4 - Stories

Exhibit C

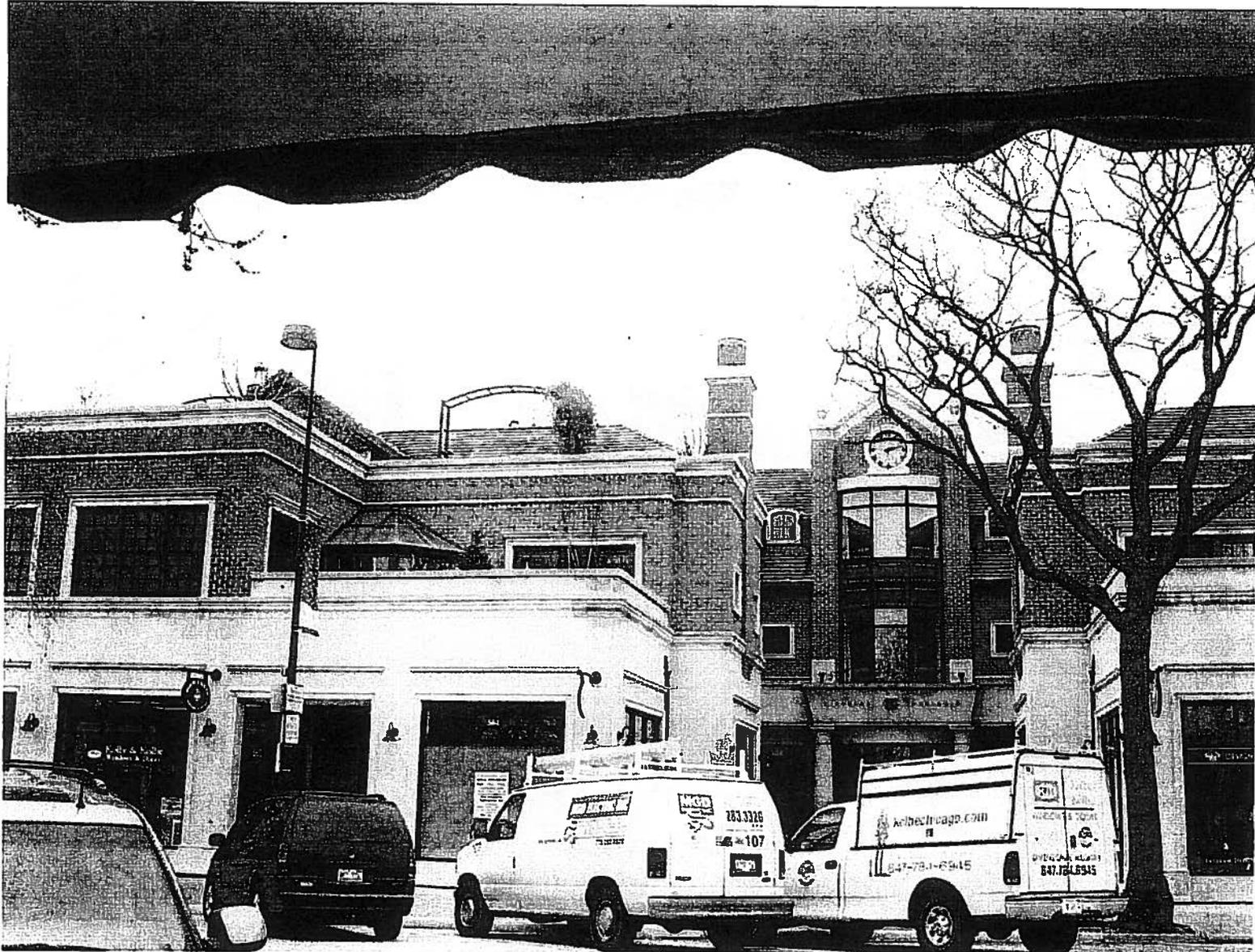
- East/West Elm Building Heights



723 Elm
3 – Stories
42' (to ridge)

Exhibit C

- East/West Elm Building Heights



Galleria
3 – Stories
43' (to ridge)

Exhibit C

- East/West Elm Building Heights

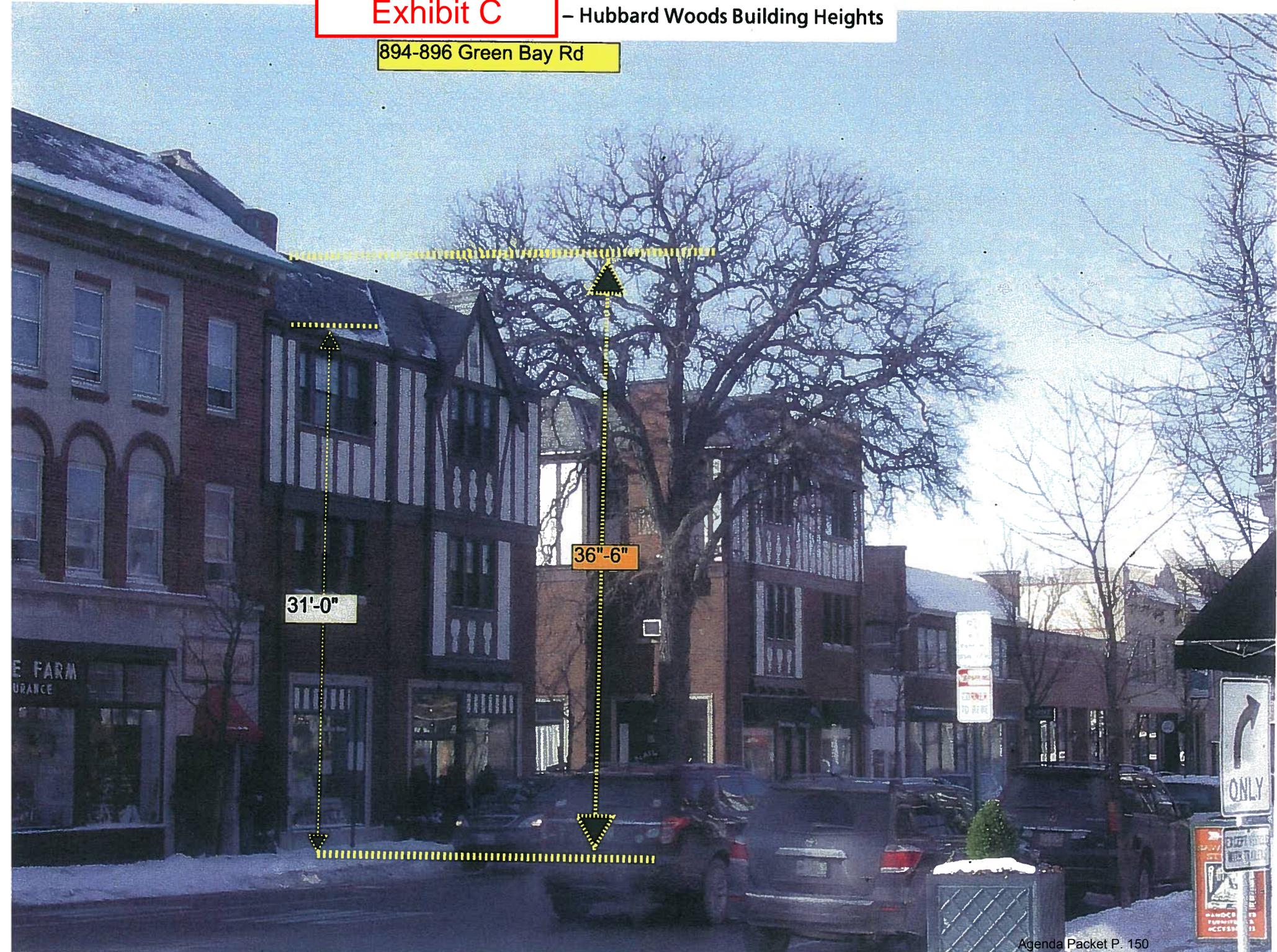


560 Green Bay Rd
4 – Stories
47.5'

Exhibit C

- Hubbard Woods Building Heights

894-896 Green Bay Rd



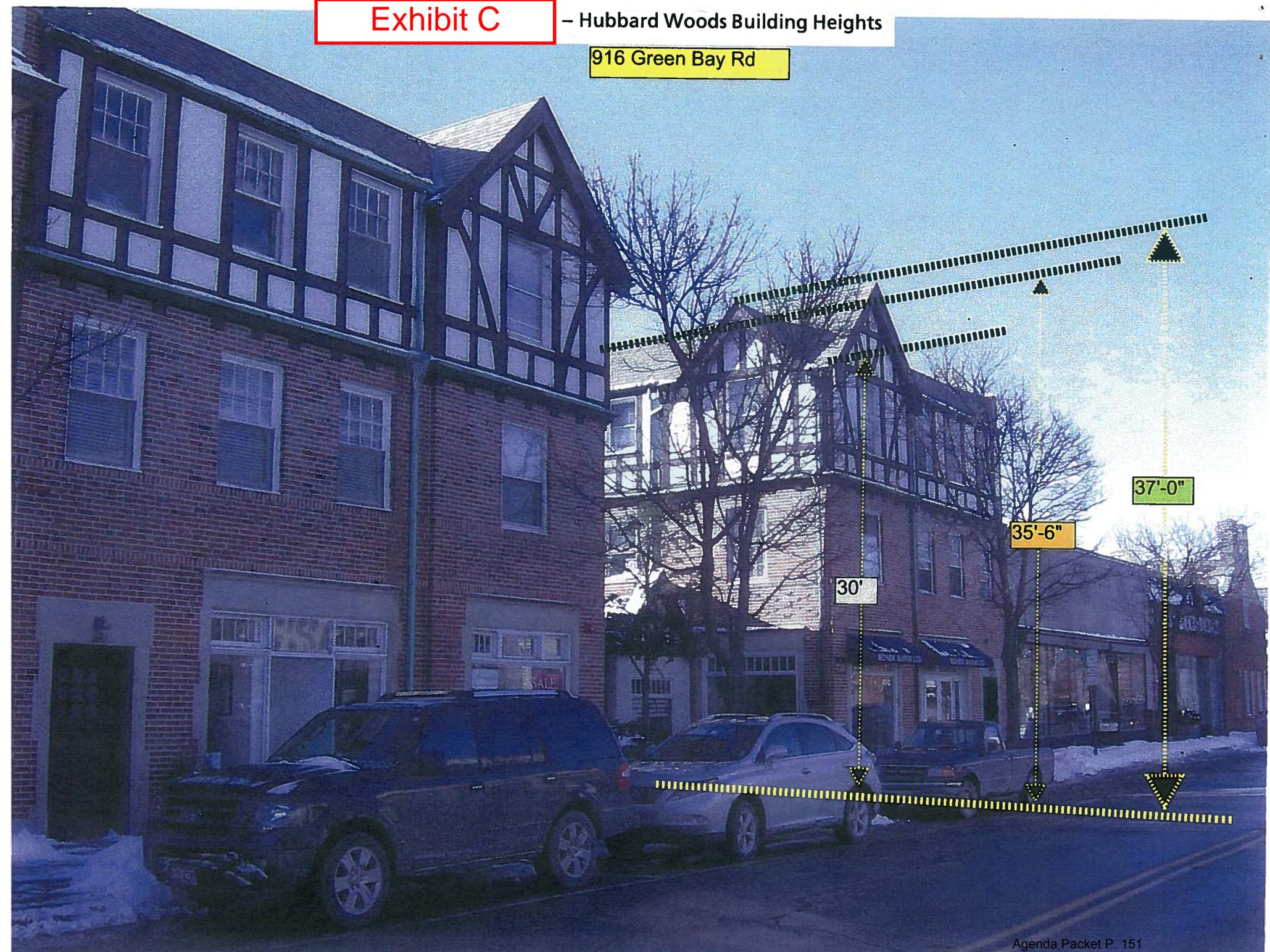
31'-0"

36''-6"

Exhibit C

– Hubbard Woods Building Heights

916 Green Bay Rd



30'

35'-6"

37'-0"

Exhibit C

- Hubbard Woods Building Heights

940 Green Bay Rd



Exhibit C

- Hubbard Woods Building Heights

952 Green Bay Rd

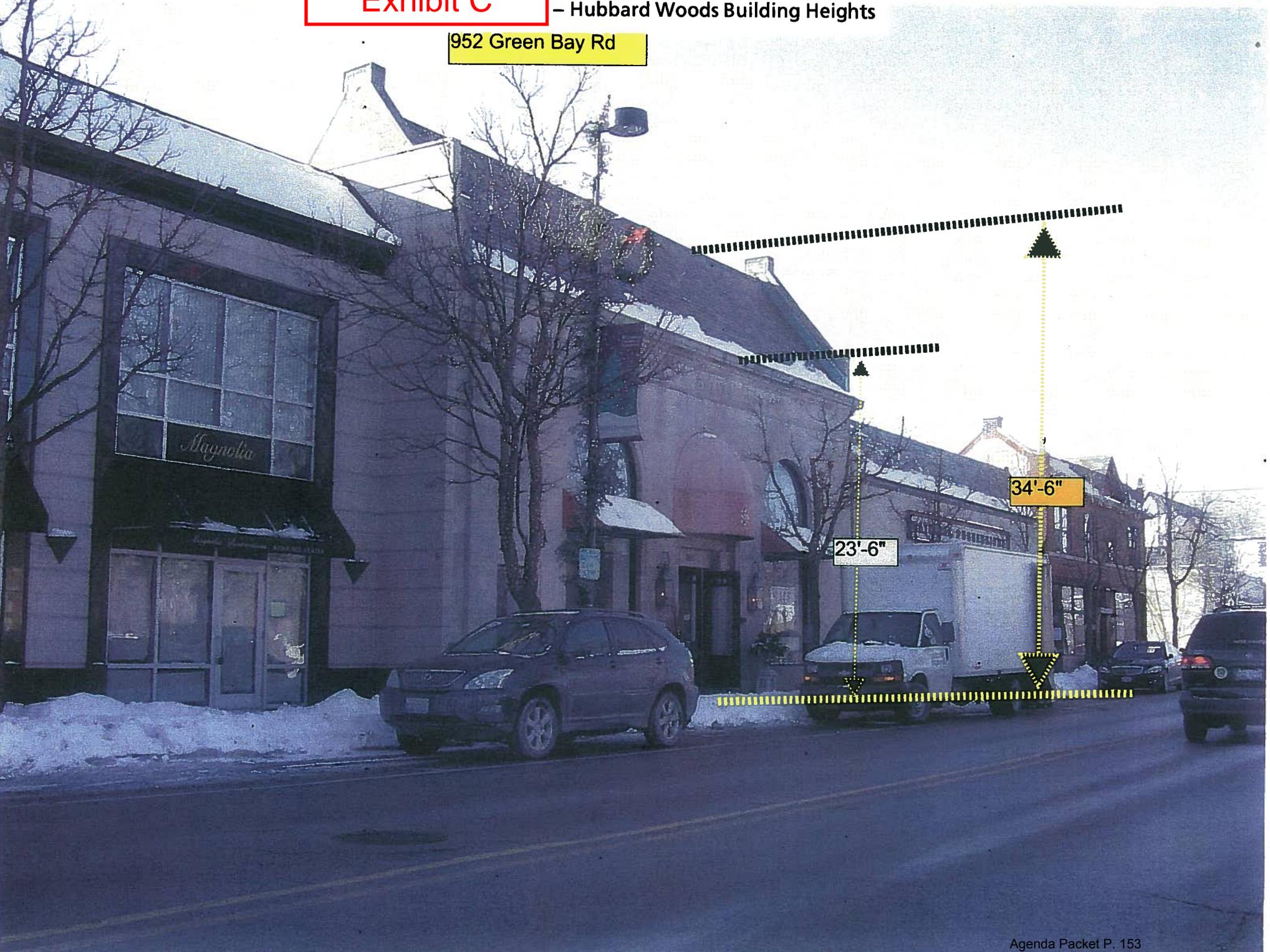
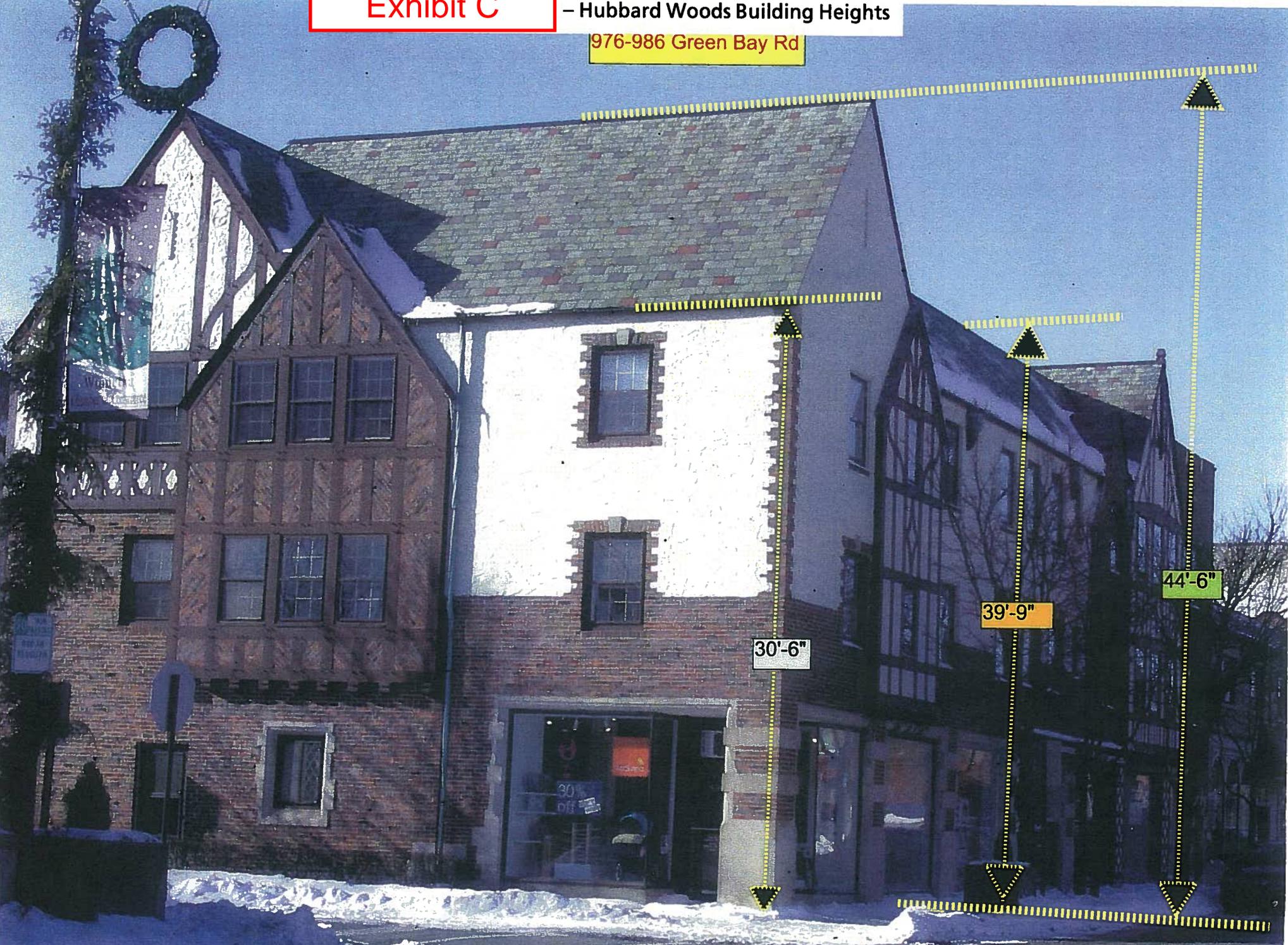


Exhibit C

- Hubbard Woods Building Heights

976-986 Green Bay Rd



30'-6"

39'-9"

44'-6"

Exhibit C

– Hubbard Woods Building Heights

994 Green Bay Rd

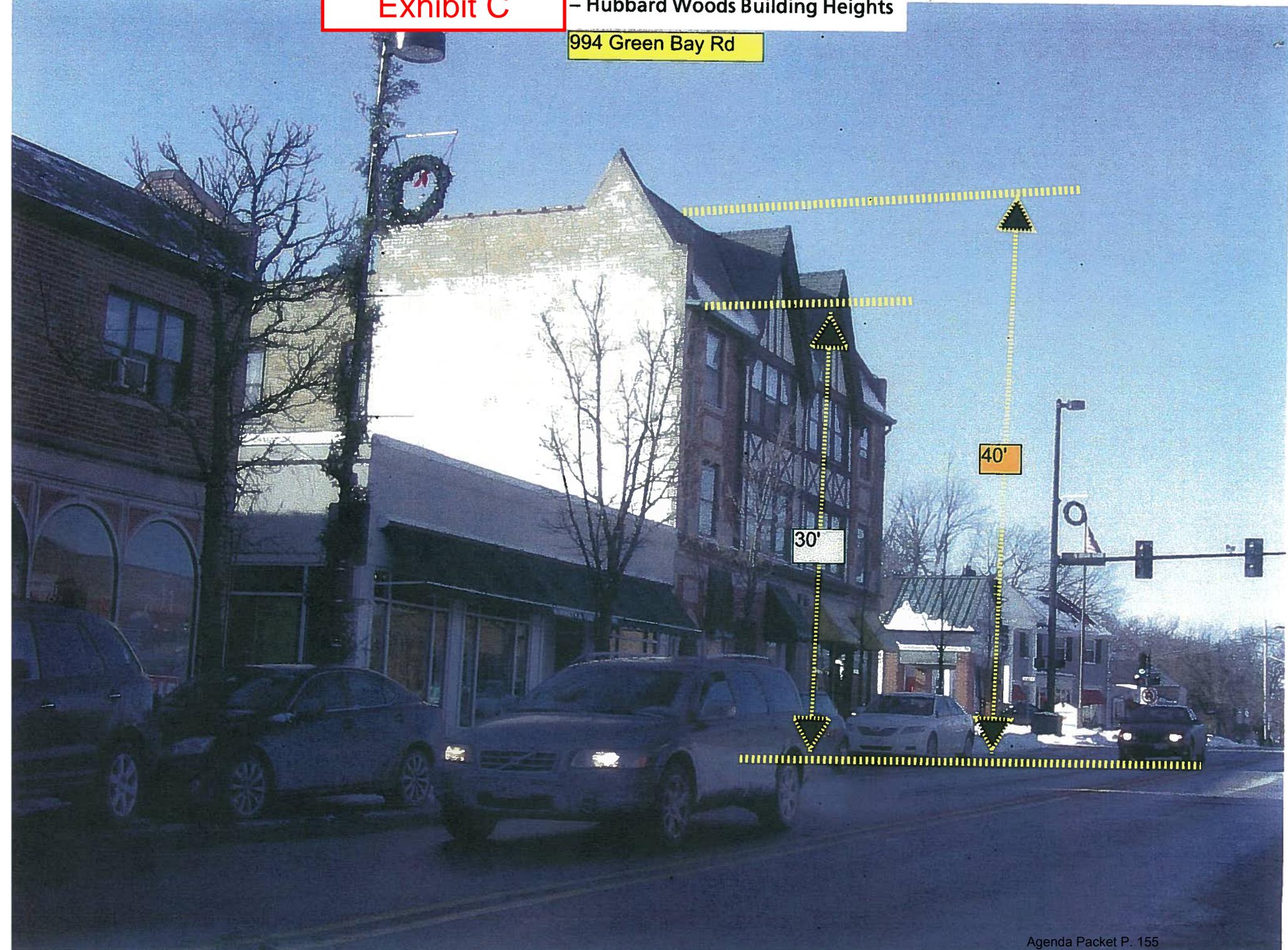
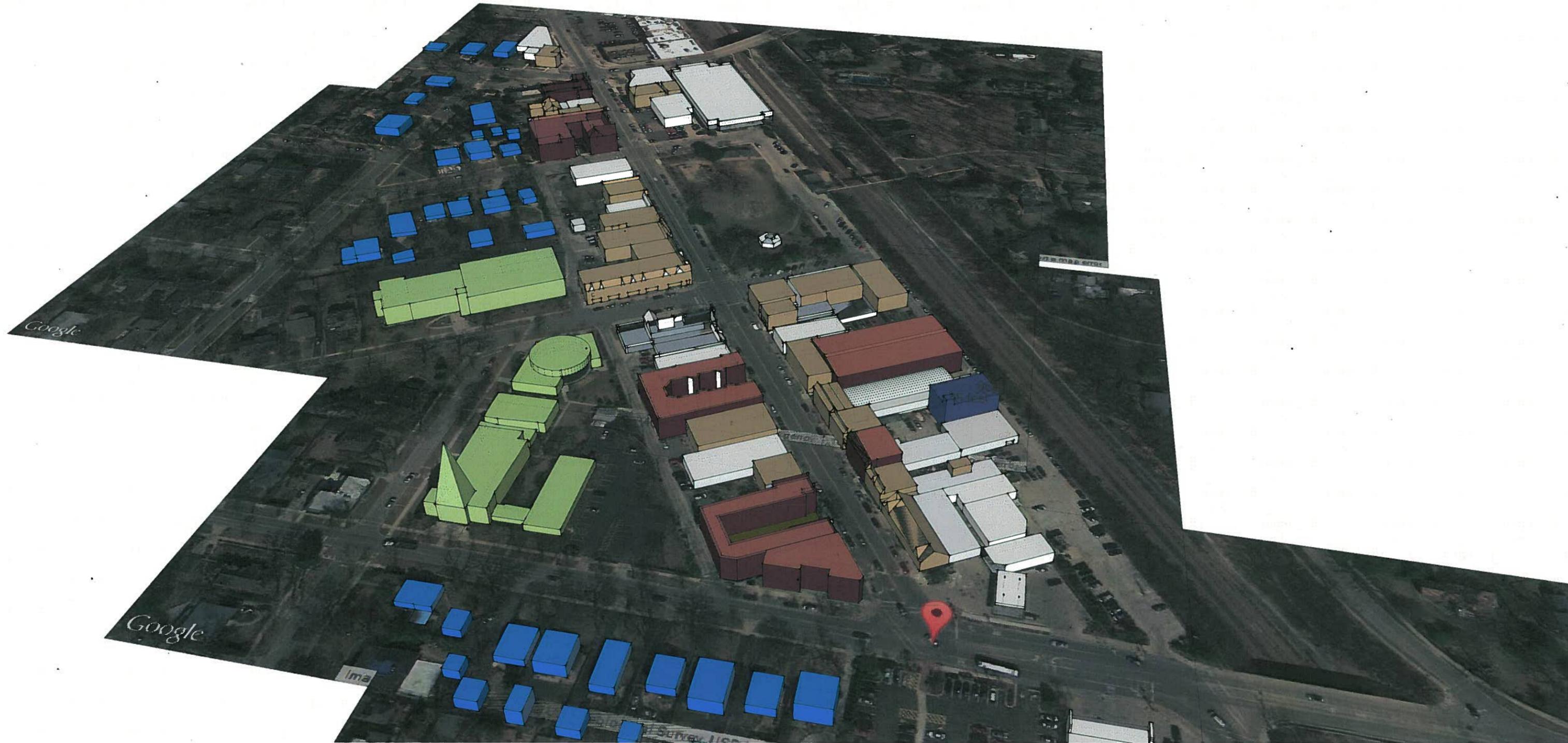


Exhibit D - Hubbard Woods building height model



**WINNETKA PLAN COMMISSION
MEETING MINUTES
FEBRUARY 26, 2014**

Members Present: Jack Coladarci, Acting Chairman
Jan Bawden
Chuck Dowding
Louise Holland
Keta McCarthy
Scott Myers
John Thomas

Non-voting Members Present: Richard Kates

Members Absent: Paul Dunn
John Golan
Matt Hulsizer
Bill Krucks
Jeanne Morette

Village Staff: Michael D'Onofrio, Director of Community
Development
Brian Norkus, Assistant Director of Community
Development

Call to Order:

The meeting was called to order by Chairman Coladarci at 7:36 p.m.

Chairman Coladarci asked if there were any comments or corrections to be made to the January 26, 2014 meeting minutes.

Mr. Norkus informed the Commission that he received a call from Mr. Dowding to correct a typographical error to Mr. Kates' statement on page 14. The statement was clarified in the minutes.

A motion was made by Mr. Thomas and seconded by Mr. Myers to approve the Plan Commission meeting minutes from January 26, 2014, as amended. The meeting minutes were unanimously approved.

Discussion of BCDC/ULI Recommendations on Parking and Building Height

Chairman Coladarci stated that the Commission members have received the reports and referred to the ULI and BCDC response. He noted that Mr. Norkus has additional information.

Mr. Norkus stated that late this afternoon, information went out to provide a response to questions from the Commission members on various topics with regard to the ULI study. He stated that it would be a benefit to answer those questions and he wrote up a response which was given to the Commission in the form of a memo. Mr. Norkus also stated that there is an additional handout and referred to the copy of Attachment A of the agenda packet and noted that the zoning standards are highlighted with regard to the commercial zoning districts and the parking requirements in those districts.

Mr. Myers asked with regard to the downtown residential addresses, if they are in the retail overlay district.

Mr. Norkus stated that it related to those in the downtown area. He then referred to those who sell vehicles stickers and the fact that they need to know how many stickers are registered to downtown residents which he stated amounted roughly 1 parking space per downtown residential unit. Mr. Norkus added that the vehicles sticker data is not broken down by address so there is some difficulty determining ratios for specific areas or buildings. .

Mr. Kates stated that there is some concern that people are not registering their vehicles.

Mr. Myers stated that even if they assume that it is 20% of people who do not register their vehicles, it would still be less than 1½ spaces per unit.

Mr. Dowding stated that even if there are two residents at each address, they would still be in the sticker count.

Chairman Coladarci stated that related back to the memo that Mr. Norkus prepared.

Mr. Norkus stated that he can give a brief staff report to the Commission.

Mr. D'Onofrio stated that they would provide the context and background in terms of the items they are discussing tonight in order for the Commission to understand how the matter evolved and ended up with the Commission. He began by stating that in 2011, when the Commission discussed Appendix 6, one item which came up was the issue of plans for the commercial business districts. Mr. D'Onofrio stated that when the Comprehensive Plan was done, a main part of the focus was on the residential districts in the Village. He stated that there was discussion about the commercial districts as well. Mr. D'Onofrio stated that the Commission thought it was time to look more at the commercial business districts. He stated that one thing that the Commission recommended was to engage ULI to conduct technical assistance panels (“TAP”) which would serve as an impetus to the kinds of things the Commission would want to be considered or looked at. Mr. D'Onofrio then stated that based on the Commission’s recommendations three years ago in 2012, the Village Council entered into a contract with ULI to conduct a two part TAP process. He stated that the goal was to assess the commercial health of the business districts and develop a long term strategy to improve them.

Mr. D'Onofrio stated that the first TAP panel convened a year ago and that it was a two day process. He stated that its purpose was to conduct a commercial assessment of the business districts and that it was done by a number of activities such as a shopper survey, interviews with stakeholders, focus groups with peer communities and a community reception. Mr. D'Onofrio stated that the second TAP panel focused on potential redevelopment sites and recommended strategies for the Village to pursue which took place in June 2013. He stated that after those two panels were conducted, ULI prepared a report.

Mr. D'Onofrio informed the Commission that ULI made a number of recommendations and referred to the highlighted areas in the agenda report. He noted that there are three key areas which include regulatory review, economic development staffing and physical improvements. Mr. D'Onofrio stated that once those recommendations came out, the Village Council and the Village Manager's office developed a plan to review the three key areas. Mr. D'Onofrio then referred the Commission to page 2 in the packet of materials. He stated that under regulatory review, item no. 1 related to revisiting the liquor license regulations. Mr. D'Onofrio informed the Commission that ULI thought that the current regulations were too restrictive and inhibit restaurateurs from coming to town. He stated that the Village Council reviewed some changes to those regulations and that there were discussions with regard to those changes. Mr. D'Onofrio informed the Commission that the Village attorney is now drafting those changes to the regulations.

Mr. D'Onofrio stated that ULI also made recommendations in connection with the fire sprinkler requirements. He stated that they were concerned that they were impacting commercial tenants from moving into the existing buildings. Mr. D'Onofrio noted that the Village Council reviewed them in a study session and that recommendations were made. He also stated that the Village attorney and the fire department are drafting changes to those requirements.

Mr. D'Onofrio stated that the third key area related to physical improvements. He then stated that last fall, the Village entered into a contract with a vendor to paint the Village's streetlights in the commercial districts to "Winnetka Green." Mr. D'Onofrio stated that there are more evident in Hubbard Woods. He described the process as ongoing and stated that they would be awarding a contract soon to continue the process throughout the commercial districts.

Mr. D'Onofrio then stated that the fourth item dealt with the second key area of economic development staffing. He informed the Commission that the Village Manager's office is interviewing consultants to do economic development activities which include looking at the processes in the Commercial Development Department, permit approval, zoning relief, etc.

Mr. Kates indicated that it appeared that the Village Council is leaning towards backing off on the moratorium on older buildings and requiring them have sprinklers in the commercial units and giving them a five year period to implement. He also stated that the effect on historic buildings is being addressed. Mr. Kates stated that the matter would have to go through two sessions of the Village Council and that it would be appropriate if there is concern on the Commission for them to weigh in. He stated that they are concentrating on commercial units and residents who do not have sprinklers. Mr. Kates then stated that there is a change of space

from an apartment to an office, sprinklers are a considerable expense. He added that no decision had been made yet and that the fire department is strongly urging more as opposed to less sprinklers. Mr. Kates then stated that the contents of apartments tend to be more flammable.

Mr. Kates stated that another way is looking at other communities and provide the question of increased risk versus the necessity of sprinklers. He stated that several communities use the increased risk as the standard for installation. Mr. Kates then stated that to the extent communities say there is a change of risk versus Winnetka which says change of use. He described the price as hefty and that the costs relate to bringing it in line in from the street.

Mr. D'Onofrio stated that he would like to add that in 1977, the Village Council passed a commercial sprinkler ordinance which said that if there is a change in the type of use of commercial space which required sprinklers, the goal over time was to get all commercial buildings sprinklered. He stated that as an example, under the current regulations, if a dress shop is replaced by a shoe store, that represented a mercantile to mercantile change and that there would be no sprinkler required. Mr. D'Onofrio then stated that if a dress store is replaced by an architect's office, that would represent a change in the type of use from mercantile use to a business use which triggered that the space be sprinklered. He stated that there was discussion on the Village Council with regard to whether it is important to have the buildings sprinklered and should they sunset it. Mr. D'Onofrio then informed the Commission that 60% of the overall buildings have been sprinklered since the early and mid-1970's.

Chairman Coladarci asked if there is interest in finishing the job and whether they were cognizant of the expense to businesses.

Mr. D'Onofrio responded that they have had discussions on that.

Mr. Kates stated that the bottom line is that it is been corrected and that the majority tended to put concern for safety as paramount to anything. He indicated that it is important that items from that discussion come into play tonight and that one of the recommendations on parking is that if the use is not changed, then parking should not be looked at. Mr. Kates stated that the question may be is that clear what is the same use.

Mr. Dowding referred to perspective risk versus use and which is more appropriate when looking at the situation. He indicated that it may be parallel to what they are attempting to accomplish.

Mr. Kates stated that if it comes within the Commission's purview, they should feel free to chime in.

A woman in the audience stated that it sounded like for property owners, they would need to know what the time frame is for the expenditure in order to plan for it.

Mr. Kates responded that is why they have a sunset date for compliance. He stated that the feeling is that landlords had enough time since the beginning of the ordinance to date to take the necessary steps. Mr. Kates added that is not the only consideration and that there are also

economic concerns which are in the ULI report. He described it as a multifaceted situation.

Ms. Holland referred to the building at the corner of Chestnut and Elm whose use changed from Carson's to a number of different small stores and some restaurants and that its leases reflected that over five years, the lessee had to pay for the sprinklers. She stated that gave the whole time period of five years which had no impact on the landlord. Ms. Holland also stated that if a lessee wanted a restaurant, they had pay for the sprinklers and were given the lifetime of the lease to pay for it.

Mr. Myers stated that there is not enough information to jump into a conversation and that it would be good to have the fire department here to provide background information on the pros and cons and also to weigh in.

Mr. Kates indicated that he wanted the Commission to be aware of what is going on.

Mr. D'Onofrio went on to state that the next item related to the review of commercial parking district requirements. He stated that there is a regulatory review of the current regulations in place in the Village code. Mr. D'Onofrio then stated that the BCDC reviewed the parking district requirements and made recommendations to the Village Council at the February 11, 2014 meeting and that the Village Council recommended that some of those parking requirement items be further reviewed by the Commission and the ZBA.

Mr. D'Onofrio then stated that the next item related to the review of commercial building heights. He stated that the BCDC made recommendations to the Village Council which recommended that those requirements be reviewed by the Commission and not the ZBA. Mr. D'Onofrio stated that the final ULI recommendation related to the review of the retail overlay district requirements. He noted that they are still being reviewed by the BCDC which hoped to make a recommendation to the Village Council in 30 to 60 days. Mr. D'Onofrio then stated that it would be up to the Village Council to decide to submit them to the Commission and/or the ZBA for further review or keep it with the Village Council.

Mr. Kates stated that in his view, it has preliminarily gone to the BCDC and described the retail overlay district as fundamental to planning. He noted that no one needed to refer anything to the Commission relating to the overlay district. Mr. Kates stated that the BCDC may look at the overlay district in one light while the Commission looked at it in a different light. He stated that the Commission caused the ULI study to be made and that when it was originally discussed by the Village Council, the Village Council was open to any committee making input. Mr. Kates stated that if the Commission wanted to be involved in making recommendations to the BCDC, they could go into it at the next session and to be proactive if they desired or wait if they chose.

Mr. D'Onofrio informed the Commission that the BCDC is looking at some of these issues from their perspective which is from an economic and business development perspective whereas the Commission looks as things through a different perspective. He stated that if the Commission were to look at the matter and come to a different conclusion, that would be fine. Mr. D'Onofrio then asked the Commission if they have any questions.

Mr. Norkus stated that in getting to some more of the detailed aspects of the ULI recommendations, the Commission and the BCDC's activities, the ULI study spent a considerable amount of time looking at the regulatory environment in the downtown area and that the concern of ULI and the Village staff also was the possibility that their zoning regulations may not have necessarily stayed as current as they would like them to be or if they were serving as an impediment to the revitalization of the downtown area. He stated that the BCDC did a fair amount of data collection which included a study of how much commercial space and office space they have in the Village as well as the amount of vacancies. Mr. Norkus stated that there were several results which were obvious of the study. He then referred to the East and West Elm business districts and the amount of vacancies in East Elm, particularly the Fell property as well as the vacancies on Lincoln Avenue. Mr. Norkus stated that Hubbard Woods was noted as having significant as well as structural vacancies which are attributable to large tenants moving out.

Mr. Norkus stated that the issues are somewhat different between the East and West Elm business districts but that they both share a commonality in that there are significant properties which have vacancies and which represent a bit of a challenge to market and challenges in terms of solutions. He stated that what ULI looked at in its evaluation and study of the Village is that there some real possibilities that the zoning regulations could be putting a damper on the likelihood of those properties potentially being developed.

Mr. Norkus then stated that the parking standards were looked at and referred the Commission to page 2, item 1(a) relating to the current residential parking requirements. He informed the Commission that the Village currently required 2¼ parking spaces per dwelling unit. Mr. Norkus stated that what the BCDC looked at with the Village staff's assistance is to do a comparison of Winnetka's downtown residential unit parking requirements to other North Shore communities to see where they stood relative to their neighbors. He stated that what they determined was that Winnetka's requirement was rather rich and that they are requiring a rather large number of spaces compared to their neighbors.

Mr. Myers stated that the question he asked which came back as item no. 9-5 is if the number of parking spaces per residential unit the same as the current parking requirement of 2¼ parking spaces for that same resident.

Mr. Norkus confirmed that is correct. He then stated that when the Village amended the zoning code in 1996, the Village like many of their neighbors had a similar parking requirement for years if not decades of 1½ parking spaces per dwelling unit which applied in the downtown area. Mr. Norkus then stated that in the mid 1990's, one of the trends that the Village was looking at is an increase in the number of high end, luxury or multi-family units typically identified as the condominium units at Green Bay Road and Willow Road ranging from 1,800 to 3,000 square feet per unit. He stated that the concern which led the Village to increasing the parking requirements across all zoning districts was largely due to those high end condominiums containing 2 to 3 bedroom units and that it was conceivable that the 1.5 parking spaces per dwelling in that area would not be sufficient. Mr. Norkus stated that what the Village Council did was amended to

parking requirements to 2¼ across the board. He then referred to the Galleria building on Lincoln and stated that the trend facing the Village at that point is that rather large apartment and condominium units of high end finish are seen as less likely to be larger units and would be limited to one vehicle per unit. Mr. Norkus then stated that the Village adopted the increased parking requirements at 2¼ which is where they sit today. He stated that ULI recommended revisiting that followed by the BCDC who recommended a tiered parking ratio which is explained in the report in detail ranging from 1 parking space per unit to 1½ to 2 parking spaces per unit depending on the number of bedrooms. He indicated that standard is more precisely calibrated to the actual number of vehicles anticipated for a particular building. Mr. Norkus added that the Village Council accepted ULI's recommendation as a positive step in the right direction.

Mr. Norkus then stated that the BCDC also changed the related parking requirements in addition to the residential parking standards and that the BCDC looked at parking for commercial uses. He stated that the Village code required that parking be provided for those uses above the ground floor and that the ground floor uses did not have required parking. Mr. Norkus informed the Commission that ULI recommended that the Village look at those requirements. He described it as being similar to the residential standard review where they compared the requirements to neighboring communities and found them to be consistent at 2 parking spaces per 1,000 square feet of commercial space. Mr. Norkus then stated that the BCDC found related parking items which are clean up items as opposed to being rather significant improvements with regard to the way in which parking requirements are calculated.

Mr. Norkus then stated that while the BCDC noted that 2 parking spaces per 1,000 square feet is consistent with neighboring communities, the way that it is calculated is not consistent. He informed the Commission that Winnetka calculated the gross area of commercial space and that neighboring communities look at the commercial entity and that the calculations are based on the square footage of the actual leasable space. Mr. Norkus stated that with regard to a 4 story office building on Green Bay Road, the calculation of a building of that caliber if it were developed, the calculation would not only be on the individual office suites, but would include elevators, hallways, stairways, etc. when those spaces do not generate parking demand. He stated that the BCDC recommended that they modify that requirement to make it more consistent with the neighboring communities. Mr. Norkus added that it did not change the ratio per se, but that it would amount to a significant modification in terms of being consistent with neighboring communities, along with being beneficial to developers.

Chairman Coladarci asked why did the Village have that difference.

Mr. Norkus responded that in his and Mr. D'Onofrio's combined 30+ years of experience, he referred to Winnetka's standards being behind other communities and that Winnetka spent the lion share in the effort with regard to zoning review in dealing with residential and making sure that construction is in character with the neighborhoods. He also stated that they spent a comparatively small amount of time dealing with commercial zoning. Mr. Norkus described it atypical to take the gross building area into consideration.

Mr. Myers asked if the Village Council is looking for the Commission to make a motion and vote on their desires or if the Village Council is looking for a sense of what the Commission is thinking.

Mr. D'Onofrio stated that the Village Council specifically wanted the Commission to look at certain items that Mr. Norkus is going through. He indicated that it would be beneficial if a motion is made on each item so that it is clear.

Mr. Kates stated that it also related to anything that the Commission felt that the Village Council should know.

Mr. Thomas suggested that the Commission limit themselves to this material for now.

Mr. Norkus stated that the issues before the Commission are specific items for review, such as the parking requirement on net lease area versus gross lease area, which is one of the three items that the BCDC reviewed and the Village Council outlined as seeking the Commission's input.

Mr. Kates referred to the Village Council's acceptance on 2 parking spaces per 1,000 square feet.

Chairman Coladarci referred the Commission to item no. 5 on page 3.

Mr. Myers moved to recommend to the Village Council that the parking ordinance be changed so that the calculation of parking requirements is based on the net leasable space as opposed to the gross floor area.

Mr. Thomas seconded the motion.

Mr. Myers stated that the only argument against that change is a large number of businesses drawing employees and clients such as a service business.

Mr. D'Onofrio indicated that the only plausible situation like that would be a real estate office on the second floor. He added that the nature of those businesses is very different now.

Chairman Coladarci stated that a 15% change in the amount of floor space would not be an enormous change for anything they would be facing in Winnetka.

Mr. Myers stated that some businesses have more requirements so there would be some buffer.

Chairman Coladarci stated that with regard to a business in a building in Indian Hill on the first floor, if it moved to the second floor, it would be required to have 2 parking spaces per 1,000 square feet. He then stated that if they took that space, how would they satisfy the requirement to provide parking.

Mr. Norkus stated that segued into item no. 3 on page 3 which dealt with the parking requirements currently applied in those situations where the use would change.

Chairman Coladarci referred back to the motion.

A vote was taken and the motion was unanimously passed.

AYES: Bawden, Coladarci, Dowding, Holland, McCarthy, Myers, Thomas
NAYS: None
NON-VOTING: Kates

Mr. Norkus then stated that with regard to item no. 3, he informed the Commission that the zoning requirements for the parking example situation he referred to happened recently. He then stated that in the parking requirements handout, it would be applicable only to uses established after February 3, 1998 and that in addition to there being no parking requirements for ground floor commercial tenants, the requirements did not exist for existing tenants, either residential or office space, above the first floor. Mr. Norkus noted that the Village code says the reverse statement and that if a change of use occurred, such as changing an apartment to an office, since it would be after February 1998, parking would be triggered to be provided. He also stated that there were three times where people had to request zoning relief from the standards since they could not provide 2 parking spaces per 1,000 square feet and referred to the Bliss Salon on Elm and Chestnut. Mr. Norkus stated that a zoning variation request was requested and then went to the Village Council for approval.

Mr. D'Onofrio added that the parking requirement for that office use was less than what would be required for two apartments.

Chairman Coladarci stated that the sense of the ordinance as written was for new construction only.

Mr. Norkus agreed that is correct. He stated that what the BCDC recommended is very consistent with neighboring communities. Mr. Norkus then stated that change would allow that situation where the parking requirements are either decreasing or would not be increasing. He also stated that a change of use would be permitted without zoning relief. Mr. Norkus also stated, however, that since it applied to existing and new construction, it is important because there may be some potential scenario where a change of use would result in an increased parking demand, such as a second story office measuring 2,000 square feet being divided into five apartment units.

Mr. Kates informed the Commission that while they did not look at this particular provision of the code, there was not a lot of discussion. He identified it as the only one that he was concerned with. Mr. Kates then stated that where there is a change of use and the parking requirements for the new use are not greater than those of the previous use, he questioned what is meant by the word "use" and whether it meant retail to retail, service to service or residential to residential. He indicated that it not clear and that for some retail use, there would be more of a need for parking than another retail use. Mr. Kates also stated that he is concerned when they

pass variations which impose parking requirements so that they maintain the overall parking usability in the area. He then referred to two real estate offices located across the street from each other and the requirement on the new real estate office placed restrictions on parking so as to not aggravate the current problem. Mr. Kates added that they also consider variations which required use as a balancing factor. He stated that if they were to follow this recommendation, they would be taking away that tool.

Mr. D'Onofrio stated that there are two issues, one of which is when there is a change in use strictly from a zoning perspective from residential to commercial not within commercial. He then stated that to Mr. Kates' point, if they did not go with this recommendation and required a variation, the variation can get into that discussion of one retail use to being changed to another. Mr. D'Onofrio added that an office is an office from a zoning perspective.

Mr. Kates stated that the wording of the ordinance can be revised and the concerns addressed. He stated that the zoning ordinance compared certain things such as Mr. D'Onofrio described and do not prevent the concerns raised here which call additional factors into play.

Mr. D'Onofrio then referred to the Bliss Salon landlord request as a "paper change" since the request reduced the amount of parking required.

Mr. Kates stated that it could apply to new buildings.

Ms. Bawden asked how other communities handled the wording.

Mr. Norkus responded that it is very similar to the BCDC recommendations. He stated that there is a trigger when a change of use resulted in a calculated change in parking and described 2 parking spaces per 1,000 square feet as pretty much the standard. Mr. Norkus informed the Commission that in the comparisons to Glencoe and Wilmette, they all used the same ratio.

Mr. Myers asked if in Evanston, its complexity warranted more granularity.

Mr. Norkus confirmed that is correct and stated that with regard to the density of Evanston, part of it related to the need for that closer oversight there where Winnetka has less density and that the success and charm of downtown Winnetka is that there is no surface parking. He added that for 100 years, the Village has been discouraging surface parking lots.

Chairman Coladarci stated that the reason for the BCDC recommendation is that if a request reduced the amount of parking spaces by a change of use, there would be no need for zoning review and asked if the reason to memorialize that change in an administrative or regulatory manner is in order to keep track of the uses and changes if it becomes an issue later on.

Mr. Norkus confirmed that is correct and that there is a need to review and document it. He described it as part of the normal process of the Community Development Department and noted that any change of use in a building needed to either apply for a building permit for the modifications or that a change from an apartment to an office would still be required under the

building code and that plans would need to be submitted for Village approval to change the use. Mr. Norkus noted that it would serve to keep records of the changes.

Mr. Kates stated that this is not to say that this is generic. He then referred to a tax office which would have seasonal parking and the problems that would result. Mr. Kates stated that Mr. Myers can make a motion based on Chairman Coladarci's comments.

Mr. Myers stated that based on the administrative review, if the Village staff felt that the volume of traffic would increase, it would come up. He also stated that it is not just a commercial to commercial type [of conversion] and that it would put the onus on the Village staff as to whether this type of use would not drive change.

Mr. Norkus stated that while it would not be entirely subjective as far as the determination goes, unless it is in the Village code, it leaves the average applicant to guess at the likelihood of their chances of their request being approved.

Mr. Myers questioned whether they needed the exact wording now of what the ordinance would say or if the Commission should say that they just want to simplify the process.

Mr. Norkus informed the Commission that they can come back with something more precise to address the loose language.

Mr. Dowding asked if there are other codes and traffic demands on the books to define the amount of traffic demand created by various uses of space. He also asked do they granulize more.

Mr. Norkus confirmed that is correct.

Mr. Downing asked if they could refer to those and eliminate the arbitrary subjective nature.

Mr. D'Onofrio confirmed that they could and that they would come up with something that anyone can read and understand.

Chairman Coladarci stated that there should be a definition in the ordinance so that it did not change based on a third source and that they should use a standard that can always be applied.

Mr. Kates stated that it is done by the codes which are adopted by reference. He stated that first, the fire requirements have the best of three different codes.

Mr. Norkus stated that he and Mr. D'Onofrio can come back to the Commission with different alternatives. He also stated that they can make reference to the existing standards such as the ITE parking standards.

Mr. Norkus went on to state that the parking standards were reviewed by the BCDC and that there is no specific language on item no. 4 which addresses the existing parking lots under the

current zoning which are subject to a special use permit if there is a request to create new surface parking or expand an existing surface lot. He indicated that the most extreme example of a special use permit requirement and appropriateness of special use review was the owner of the vacant former Gap building which wanted a parking lot next to the building to lure another major retailer.

Mr. Norkus stated that in nearly everyone's opinion, the dramatic nature of that change would strongly need the oversight of the special use process which takes into account the review of the Village engineering staff and various components of the plan. He then stated that with regard to other minor parking lot expansions, an example would be the addition on a second story of a one story building which would have to provide under the Village code the required number of parking spaces. Mr. Norkus noted that they would only have two current parking spaces and would have to expand the asphalt to provide additional parking spaces. He then stated that under the zoning code, they would be telling them that they would be required to provide the parking spaces and make them go through the special use permit process to justify a logical expansion for the parking lot. Mr. Norkus stated that as part of that review, the DRB would also have oversight in determining the appropriateness of the parking lot expansions. He noted that the Village adopted commercial design guidelines relating to the appropriateness of changes to the exterior of buildings to site improvements like parking lots.

Mr. D'Onofrio informed the Commission that if they agree with this change, there would still be oversight on the expansion of the parking lot and how it would look.

Mr. Norkus stated that they would come back to the Commission with more specific language where a special use permit would be needed and where it would not. He added that for any expansion toward the front of the property, the Commission would want to look at curb cuts, etc.

Ms. Holland described it as dangerous as the elimination of the retail over district and commented that the expansion of a parking lot should require a special use. She also commented that a sentence like this is dangerous. Ms. Holland then referred to the Gap which wanted to block pedestrian retail on the street as well and referred to how people like to shop. She suggested that item no. 4 should be eliminated and that they should leave the special use permit in place for any expansion of any parking lot.

Mr. Norkus stated that an example would be adding a second floor to a Hubbard Woods building which was formerly one story and that the addition on the second floor would be required to provide six parking spaces. He stated that the owner was happy to oblige, but that there would be a 2½ month process to provide the required parking spaces off of the back alley. Mr. Norkus stated that in those situations, he described the process of getting parking approved as time consuming and expensive.

Mr. Myers stated that he agreed with Ms. Holland's comments and that there should be a small number of situations where there is a request to add two or three parking spaces off of an alley. He suggested that it should be written narrowly.

Ms. Bawden stated that if they are creating parking, they are laying asphalt. She then stated that it is permeable surface which should trigger some sort of review process.

Chairman Coladarci then referred to the New Trier parking lot expansion years when he was young and that the neighbors stopped it. He stated that going before the Commission would provide the community protection and that he cannot see how item no. 4 would be a good idea. Chairman Coladarci added that it would be fine in the instances where there are requests for smaller parking spaces in the back of a building.

Mr. Norkus informed the Commission that they will help define what small is and that they have work to do. He noted that they would return to the Commission with draft language.

Mr. Norkus stated that the next item related to building height.

Chairman Coladarci asked for a motion.

Mr. D'Onofrio stated that the Commission could state that they concur with the BCDC's recommendation nos. 1, 2 and 5 and that further language is needed in connection with item nos. 3 and 4.

Mr. Thomas confirmed that the Commission voted on item no. 5. He then moved that the Commission is in agreement with the BCDC's recommendations on item no. 1 with regard to the minimum requirement for non-residential parking usage remaining at 2 parking spaces per 1,000 square feet and that the requirement minimum for residential units be reduced from the current minimum of 2¼ parking spaces per dwelling unit to 1¼ spaces per dwelling unit for 1 bedroom or less, 1½ parking spaces per dwelling unit for 2 bedrooms and 2 parking spaces for 3 bedrooms or more.

Mr. Myers seconded the motion. A vote was taken and the motion was unanimously passed.

AYES:	Bawden, Coladarci, Dowding, Holland, McCarthy, Myers, Thomas
NAYS:	None
NON-VOTING:	Kates

Mr. Kates informed the Commission that there was practically no discussion with regard to building heights. He noted that the Fell property height was permitted to be 48 feet.

Mr. Norkus confirmed that it was between 49 and 51 feet.

Mr. Kates then stated that people are not interested in pursuing this recommendation and referred to the amount which was granted for Fell. He indicated that the Commission may have other views.

Mr. Thomas stated that if the building height is 45 feet and someone asked for 50 or 51 feet,

would that require a zoning variation.

Mr. D'Onofrio stated that an applicant can always request relief from the maximum allowable height. He then stated that if the height limit was raised to 45 feet, it would be the same as what is allowed in planned development and that otherwise, an applicant can make a case as to why they need relief.

Ms. Holland informed the Commission that there were two projects which requested heights of more than 2½ stories. She then stated 3 stories was allowed and referred to the setback involved for the Winnetka Galleria and the Belvedere so that they did not loom over the street. Ms. Holland stated that the appearance of what they wanted was critical. She then stated that the Village was willing to give a third story as long as the applicant made accommodations for looming.

Mr. Myers noted that the original plan did have a straight up façade at the sidewalk of 45 feet and that through the design review process, it was shifted back. He stated that the concern from the Arbor Vitae neighbors and the Village Green people was that there would be a 45 foot building looming. Mr. Myers then stated that if they were to take that size everywhere, he could foresee a situation where there would be 45 foot tall buildings straight up at the sidewalk abutting against residential areas.

Chairman Coladarci added that raising the building height to 45 feet would lead to a teardown phenomenon and that everyone would want bigger buildings. He stated that there should be some hesitation in agreeing to do that. Chairman Coladarci noted that the first four story building was The Mews. He also referred to 711 Oak Street and stated that after the four story building, there was a huge outcry and that initially people were mad.

Mr. Myers stated that if the objective is to have more people downtown, he questioned whether residential buildings have to go up and to allow higher buildings. He then stated they should not allow a height of 45 foot height everywhere with no restrictions.

Mr. Dowding asked if there could be five stories in the middle of a building.

Mr. Norkus responded that it is not uncommon.

Chairman Coladarci then referred to Roscoe Village which has new tall buildings which change the character of the neighborhood.

Mr. Myers indicated that with regard to setback, there would be a transition.

Mr. Thomas stated that a 45 foot building would be fine and that in some ways, they can ban looming.

Ms. McCarthy stated that should be in any commercial area.

Chairman Coladarci stated that his concern related to a potential teardown problem in the commercial district.

Mr. Myers questioned whether teardowns would be bad or if the concern related to what would replace the buildings to keep the character of Winnetka.

Chairman Coladarci stated that it would significantly change the nature of the feel of the Village if they lost a block.

Ms. Holland stated that in the 2020 Comprehensive Plan, it addressed that and that the look of commercial buildings should be perpetuated and maintained.

Mr. Myers stated that the new buildings would have to maintain the look and feel of the Village.

Mr. D'Onofrio stated that height has a lot to do with design. He suggested that the Commission look at the buildings in the packet of materials first and then height next.

Mr. Dowding stated that he would be in favor of a 45 foot height and commented that they need to be careful how 45 feet would be realized in construction.

Ms. Bawden stated that they are trying to avoid the flat roof issue and referred to an attachment which found that in Hinsdale, the height was increased 20% to accommodate architectural features and that can be used as disclaimers. She then asked how much teeth did the DRB have.

Ms. McCarthy referred to the attachment and stated that there are other communities with no four story buildings which are not planning on it.

Mr. Norkus stated that four stories would be setting a curve. He then stated that there have been a few issues raised, such as the proximity to residences in some areas and that the concern was addressed. Mr. Norkus also stated that when the Comprehensive Plan was revised, focus was given on building height and that part of the memo is in the packet of materials. He identified building height as a decent amount when considered by the Commission in response to buildings like 812 Oak because of the height relative to single family homes. Mr. Norkus stated that they can give the Commission more 3-D graphics of buildings to nearby residences.

Mr. Dowding stated that they also need to control the language.

Mr. D'Onofrio stated that you have to see the context in the neighborhoods.

Mr. Dowding then stated that while transition is important, it would be helpful to keep in mind that they start off the down path of trying to enhance development downtown. He then stated that hopefully, it would give people incentive to refurbish buildings and that they may build higher.

Mr. Norkus stated that when the areas are near the train station and core downtown, a higher

height would be beneficial and appropriate and that near residences, it would be a different matter. He also stated that they could give additional information on what the boundaries and proximity issues are and draft language.

Public Comment

No public comment was made at this time.

The meeting was adjourned at 9:36 p.m.

Respectfully submitted,

Antionette Johnson

**WINNETKA PLAN COMMISSION
APRIL 23, 2014 MEETING MINUTES**

Members Present:

Bill Krucks, Chairman
Jan Bawden
Jack Coladarci
Chuck Dowding
Paul Dunn
Louise Holland
Matt Hulsizer
Keta McCarthy
Scott Myers
Jeanne Morette
John Thomas

Non-voting Members Present:

Richard Kates

Members Absent:

John Golan

Village Staff:

Michael D'Onofrio, Director of Community
Development
Brian Norkus, Assistant Director of Community
Development

Call to Order:

The meeting was called to order by Chairman Krucks at 7:40 p.m.

Chairman Krucks stated that the Commission would now review the February 26, 2014 meeting minutes. He asked if there were any changes or edits to be submitted.

Ms. Bawden referred the Commission to page 13 and clarified her statement.

Chairman Krucks then asked Mr. Norkus if any other changes had been submitted.

Mr. Norkus confirmed that he had not received any changes via email.

Chairman Krucks asked if there was any discussion. No discussion was made by the Commission at this time. He then asked for a motion.

A motion was made by Mr. Thomas and seconded by Mr. Myers to approve the Plan Commission meeting minutes from February 26, 2014, as amended. The meeting minutes were unanimously approved.

Final Plat Approval – Larkin Subdivision (Consolidation) of 988 and 992 Oak Street

Mr. Norkus stated that he would provide the Commission with a brief staff report. He stated that most of the Commission members were on the Commission when the request first appeared in November 2013. Mr. Norkus stated that at that time, the Commission granted preliminary approval for the lots to be consolidated into a single lot. He stated that on the agenda is a request for final approval with the 2013 approval being preliminary only. Mr. Norkus then stated that the agenda report gives an explanation on the two step approval process.

Mr. Norkus stated that he would like to remind the Commission of their concerns during the preliminary review of the request and that the concern attached to the consolidation request is that the consolidation would result in a lot which would measure roughly twice the size of others in the neighborhood. He then referred to the proposed addition to the existing residence which was included in the application materials from November 2013. Mr. Norkus informed the Commission that the Commission and Village Council's reaction to those plans is that while those plans were not objectionable, there was concern with regard to the possible future additions being constructed to the home later or possibly that the home could be demolished and reconstructed as a significantly larger home due to the oversized lot size. He then stated that the Commission recommended that restrictive covenants be placed on the consolidation.

Mr. Norkus stated that the request went to the Village Council which agreed with the restrictive covenants in the agenda materials which were drafted to address two concerns. He stated that the first related mainly to put a limit on future additions to the existing residence and second, that there be a reversion clause upon the demolition of the existing residence and that the property owners be bound to revert the property from a 100 foot wide lot into two 50 foot lot configurations. Mr. Norkus also stated that there were other minor technical amendments to the plat provided by the applicant and the surveyor such as utility easements by the water and electric departments. He then asked the Commission if they had any questions.

Chairman Krucks asked Mr. Norkus for his and the Village staff's recommendation.

Mr. Norkus stated that they recommend approval of the plat as amended.

Chairman Krucks then stated that in reviewing the submission against the previous submission before the Commission, he asked if all the covenants have been met which were recommended by the Village Council.

Mr. Norkus confirmed that the covenants are being addressed by the Village attorney and that restrictions were placed by the Village Council in the resolution granting preliminary approval.

Chairman Krucks then asked Mr. Norkus if the submission complied in all respects.

Mr. Norkus confirmed that is correct.

Mr. Myers asked if the request would have to be presented to zoning.

Mr. Norkus responded that it would not and that the zoning variation was requested and granted by the ZBA. He confirmed that the request would not have to go back to the ZBA.

Ms. Holland stated that the home was not considered new construction since not more than 50% of it would be changed.

Chairman Krucks asked if there was any further discussion and if the petitioner is present. No further discussion was made by the Commission at this time. He then asked for a motion.

Mr. Thomas made a motion to recommend and grant final approval of the subdivision for 988 and 992 Oak Street. The motion was seconded.

Chairman Krucks asked if there was any further discussion. No further discussion was made by the Commission at this time. A vote was taken and the motion was unanimously passed.

AYES:	Bawden, Dunn, Holland, Hulsizer, Krucks, McCarthy, Myers, Morette, Thomas
NAYS:	None
NON-VOTING:	Kates

Discussion of BCDC/ULI Recommendations on Parking and Building Height (Continued From Previous Meeting)

Chairman Krucks informed the Commission that the request was continued from the February 2014 meeting.

Mr. Norkus stated that he would provide the Commission with a recap on the previous discussion. He stated that the Commission would recall that a detailed presentation of the BCDC's recommendations were given relative to the ULI study and the various recommendations which were directed at revitalizing the business districts. Mr. Norkus stated that the Village Council asked the Commission to also review several of those recommendations. He noted that the ZBA also made specific recommendations and that there was further discussion on the ZBA with regard to a couple of those recommendations that the BCDC made.

Mr. Norkus then referred the Commission to page 2 of the agenda report and the six items on the list for the Commission's review. He stated that the first item dealt with the recommendation by the BCDC of the parking ratio for non-residential uses. Mr. Norkus stated that the BCDC review found that the Village parking standards of 2 parking spaces per 1,000 square feet and on GFA were on the liberal side. He noted that while the BCDC did not recommend changing that standard, leaving the commercial parking requirements at 2 parking spaces per 1,000 square feet and that the Commission agreed with the recommendation of the BCDC.

Mr. Norkus then stated that with regard to issue no. 2, the BCDC recommended a modification to

the residential parking requirements in the downtown district. He noted that the current ratio of 2¼ parking spaces per unit was reviewed by the BCDC and found to be high when compared to that in neighboring communities. Mr. Norkus stated that the Commission agreed with the BCDC.

Mr. Norkus stated that with regard to item no. 3 on page 3, he highlighted the recommendations in yellow which relate to the recommendation on the parking standards. He informed the Commission that the BCDC and the Village staff came up with the recommendation. Mr. Norkus then stated that while the standards are somewhat complex, with regard to the current parking requirement, when there is a change in use in a commercial building when a second story office is converted to a residential apartment or vice versa, there is a requirement under the current ordinance that the change in use require that the change provide the required amount of parking for that use. He stated that the BCDC recommended that in order to streamline and allow a few more of those conversions to occur without the need for a zoning variation, to recommend to allow those changes to occur without the need for zoning relief. Mr. Norkus referred to the parking standards when there is no increased load or demand on parking.

Mr. Norkus then stated that the Commission was concerned at the previous meeting, not about the concept of giving flexibility in that sense, but that if the parking ratio under the ordinance is very finely tuned and/or too broad, there is no granularity or difference in the parking ratio for different uses and that if a use changed from one type of office to another, the request is to look at whether there would be more finely detailed parking standards. He also stated that in the agenda report, there is an example of recently revised code in Wilmette which reflected the current practice and the real world expectation of what different types uses might generate in terms of parking.

Mr. Norkus stated that in connection with item no. 4, the BCDC recommended certain parking improvements be permitted without a special use permit. He stated that for different types of uses, there would be different scales of parking concerns throughout the commercial districts. Mr. Norkus then stated that with regard to a larger magnitude project, a new parking lot was developed in the Hubbard Woods business district. He stated that the BCDC recommended that some of the smaller parking expansions and referred to the example of buildings which were converted from single to two story and that the conversion required the developer to require parking in the back of the building. Mr. Norkus then stated that at the same time, they are telling the applicant to apply for and receive a special use. He stated that the notion behind the BCDC recommendation is that if they tell people to provide the required amount of parking, certain provisions should be available so that they did not need a special use. Mr. Norkus also stated that in the agenda report, the potential thresholds at which parking in a surface lot in the business districts is permitted by right or at thresholds at which the special use process is triggered are identified. He noted that the triggering standards are shown as bullet points on page 5.

Mr. Norkus then stated that with regard to item no. 6, the Commission agreed to recommend to modify an administrative item in the ordinance with regard to how to calculate parking requirements in terms of GFA versus net floor area. He confirmed that the issue was agreed

upon by the Commission.

Mr. Norkus stated that with regard to item no. 6, the BCDC recommended to increase the maximum building height in the business districts from 2½ stories and 35 feet to 4 stories and 45 feet. He stated that the Commission wanted more information in terms of the impacts of that height on the various areas of the Village. Mr. Norkus stated that there was some discussion at the previous meeting with regard to the genesis of the 1998 change to reduce the height to 2½ stories. Mr. Norkus indicated that there was concern in connection with what led to that reduction in height. He then stated that importantly, the Commission was provided with 3 dimensional models of the East and West Elm and Hubbard Woods business districts and color coded building stock. Mr. Norkus also stated that they plotted out the adjoining residential uses. He stated that the Commission was initially concerned that while the additional height would be acceptable in some areas, when the areas are near residential uses, there was concern with regard to 4 stories and its applicability in those areas. Mr. Norkus stated that now, the Commission is to discuss how they would like to proceed.

Chairman Krucks referred to item nos. 3 and 4 and suggested that the Commission pick up where they left off. He then referred to the change in use issue.

Mr. Myers referred the Commission to Table 14-2 with regard to Wilmette and indicated that the table may not be all inclusive. He questioned how Wilmette dealt with that and asked if there was a catch-all idea when doing something which is not on the table.

Mr. Norkus stated that it was left general. He then referred the Commission to the highlighted sections of Table 14-2 and the "office" category which he described as a catch-all. Mr. Norkus then stated that the Village staff's process in that they, as the Community Development Department, have a role to define what is an office and what is not. He noted that the major category of uses are retail office and personal service establishments. Mr. Norkus indicated that there was some concern in connection with a new use which is not contemplated coming to the Village. He then stated that in connection with the process, there are a lot of different offices under this scenario that can prove whether they are a professional or attorney office or anything which is not defined elsewhere. Mr. Norkus also stated that if someone comes in and wants to open a pawn shop, since that use is not defined here, they cannot classify that use as an office and that it has to be a permitted use on the table.

Mr. Kates asked first why the table was confined to Wilmette and second, if there are general planning standards besides those in Wilmette that would be a guide.

Mr. Norkus responded that other towns are adopting similar standards. He then stated that while a lot of this comes from Wilmette, most of the numbers would be modified for local concerns. Mr. Norkus noted that the Institute of Transportation ("ITE") provided the information. He then stated that they can come back to the Commission with that level of detail.

Mr. Kates stated that they do not know where the Wilmette figures came from and that the Commission should be interested in the underlying recommendations and see them before going

forward.

Mr. Norkus reiterated that they would come back with that level of detail.

Mr. Thomas questioned whether they needed that level of detail.

Mr. Myers stated that he agreed with Mr. Thomas. He stated that he would be comfortable if the Village staff looked at the detailed standards of the Institute of Transportation information to see if it is comparable. Mr. Myers then stated that there are all kinds of ranges and that he did not feel that they are qualified to pick the right range. He also stated that if Wilmette deviated [from the table], they can ask why.

Mr. Kates asked if they even know if there is that much more detail in the Institute of Transportation study.

Mr. Norkus informed the Commission that they go into a very detailed analysis of the many sub-types of different businesses such as 12 different parking standards for fast food operations. He then stated that the ITE standards tend to get into more finely granulated standards there for communities to adopt the ones they feel are the most appropriate for the circumstances.

Mr. Kates asked do they know if Wilmette went to that source.

Mr. Norkus responded that he can have a conversation with them and see how they came to their standards.

Ms. Bawden referred to the inventory of the type of business that they have in Winnetka categorically. She indicated that it could be read as if Wilmette went to ITE and picked out the relevant categories and created a chart. Ms. Bawden then stated that if that is the case, she questioned if Winnetka wanted to do that too and also if they have an inventory of what types of business they have here.

Mr. Norkus indicated that he suspected that for some of these uses that Wilmette listed, they may not necessarily have them in the business district. He referred to the idea to have a standard for what businesses they have, but to have a standard for those which they expect to come.

Ms. Morette asked with regard to the BCDC, where is the change in parking less fine. She also asked do they want to have regulations on regulations and a definition for every type of office.

Mr. Norkus informed the Commission that what Wilmette did with the standards they have listed here, they have a relief valve and for a space which measured 2,500 square feet or less, the table would go out the window. He then stated that if they were to change an office to Group Hub 2000, if it is under the threshold, there would be no parking requirements. Mr. Norkus stated that the concern is that if they have parking standards which become new and are more difficult and pose a burden to lease spaces, he referred to the Commission's concern in connection with Conlon Real Estate moving in and what to do when an office being an architect's office which

generated no parking changes to a medical office having a larger footprint and parking standard. He then stated that the Commission wanted granularity to address issues as they come before them.

Mr. Coladarci arrived at the meeting at this time.

Mr. Kates stated that the BCDC stated that if there is a change and it is retail, they would not look at anything and that [the parking requirement] would automatically be the same. He then stated that if the change in retail resulted in a much more of a need for parking, they can just say the change is from retail to retail and there would be no need to apply for anything or do they need to have something more so that certain types of businesses would be required to need more parking addressed than what they are doing. Mr. Kates stated that the Village staff was to come up with categories like that and that in this recommendation, the safety valve is not there.

Mr. Myers stated that they only have two kinds of uses which are commercial and retail. He stated that at the last meeting, the concern related to the word "use" which has a very broad definition in the Village. Mr. Myers then stated that if retail remained retail, that is a use. He indicated that the concern is having an office with two lawyers turn into a medical office which would still be office, but would have a different parking requirement. Mr. Myers stated that the question is whether having two uses is adequate or is having 25 uses too many.

Chairman Krucks stated that Mr. Myers' example of a lawyer's office converting to a medical office requirement called for a certain number of parking spaces. He then asked what is the end game.

Mr. Norkus stated that with regard to Winnetka's current requirements, in the contemplated amendment, an applicant would be required to seek zoning relief for increased parking requirements being imposed by a new medical office. He noted that there would be no free pass to make that change. Mr. Norkus then stated that request would have to go to the ZBA to make that change. He added that there is Village Council oversight over those types of changes.

Mr. Thomas stated that the example does not cover that.

Mr. Myers stated that they can say that a personal service business required 3 parking spaces per 1,000 square feet.

Ms. McCarthy referred to the square footage impact of the use.

Mr. Myers responded that it is not necessary.

Ms. Holland referred to real estate offices which do business online.

Mr. Kates stated that a tax office would be an example of a different type of use than that of a regular office.

Mr. Myers stated that he is struggling and that they do not need to make it so burdensome for a business where there are 25 different categories and have two which are two few. He stated that the question is how do they narrow it down.

Mr. Norkus informed the Commission that they have seen the codes and that they are not as precise as this and that they are moving in the direction of more intense uses such as item nos. 5, 7 and 9. He then stated that they are trying to balance the desire to act expeditiously on this and that they would be happy to come back with alternatives which are less finely grained.

Mr. D'Onofrio stated that he would like to provide the Commission with the context of where the recommendation came about from the BCDC. He stated that the matter came about from cases where applicants were required to seek zoning variations for conversions of second floor apartments to offices. Mr. D'Onofrio noted that for first floor spaces, there is no parking requirement. He also stated that it would relate to buildings where there is no onsite parking to begin with. Mr. D'Onofrio stated that what happened was that there is a requirement for apartments which required 2¼ parking spaces unit with 3 units and which is legal nonconforming. When the apartments were converted to office space, the requirement went to 2 parking spaces per 1,000 square feet which required 4 parking spaces. He indicated that there is no way to provide that when the area is built out from lot line to lot line. Mr. D'Onofrio stated that the applicant was required to get a variation to say that it would be okay to have an office space with no parking spaces required. He informed the Commission that the BCDC recommendation was specific to that kind of situation where there would be no zoning variation required if there would be no increase in the amount of the nonconformity which is where the whole discussion came about. Mr. D'Onofrio stated that it was meant to provide simplification in connection with converting a building which would not be adding to the demand already not being accommodated.

Mr. Kates stated that the recommendation did not take into account the different type of uses.

Mr. Dowding stated that it would only apply to second floors since there is no requirement for the first floor.

Chairman Krucks asked if the intent of the recommendation is to specifically limit it to existing buildings.

Mr. D'Onofrio confirmed that is correct where the use is a conversion. He added that a new building would be required to meet the standards.

Chairman Krucks then asked if there is any data with regard to the frequency of these instances.

Mr. D'Onofrio stated that he has been with the Village for 12 years and that there may have been 3 cases.

Mr. Dowding asked if there are ADA requirements for the second floor. He also stated that there are things that they cannot do with an elevator.

Mr. D'Onofrio confirmed that there are ADA requirements, but that he cannot comment on how they would be applied.

Mr. Myers asked if they were to say that a residential use became a retail use and a professional service use became a restaurant use, would that be enough categories and then allow the Village staff to use their judgment.

Mr. Coladarci asked why not use the 25 categories. He then stated that with regard to the ITE standards, the granularity they use and their ability to say what they have to do for a business would answer an applicant's question as to what they can do. Mr. Coladarci stated that having more categories would not increase the difficulty or ability for an applicant to comply. He then stated that would leave no open space to wonder.

Mr. Myers stated that it would be easier to predict and that in connection with Mr. D'Onofrio's point, there have not been not many situations like this even when people are forced to ask for a variation for something for which there is no way to comply. He also stated that they want to avoid those circumstances with more macro grouping.

Mr. Kates stated that if there have only been 3 or 4 instances, why make a change. He then stated that a change may result in unintended consequences.

Mr. D'Onofrio asked that the Commission keep in mind that the Village policy is saying that there is no parking requirement for the first floor and that the Village will provide that parking. He then stated that individual parking standards are based on trip generations that businesses need to provide that amount of parking. Mr. D'Onofrio also stated that this decision was made before any of them were here. He then stated that if you look at individual uses to think about how it plays out, if the Village is providing 80% parking for an existing business, it would make sense if the new business was to provide 100% of the trip generation.

Ms. McCarthy asked if the Village staff was to come back [with more information] or if they were to finish tonight, with regard to the several options like the Wilmette option, she referred to a more general option such as Mr. Myers' suggestion of several categories as well as the ITE standards rather than continuing the discussion tonight.

Mr. Myers informed the Commission that beauty salons and real estate offices are not listed on the Wilmette chart.

Mr. Norkus stated that they can come back with some alternatives.

Mr. Norkus then referred the Commission to page 5 of the materials in connection with the discussion on parking lot improvements. He stated that it related to the elimination of the requirement for a special use for accessory parking. Mr. Norkus stated that with regard to the origin for the BCDC recommendation, applicants were required to provide parking in the back of a building since the added second story or a trigger for the parking requirement for that addition,

2 parking spaces per 1,000 square feet is the requirement and an applicant would be required to have a special use to provide parking in the back of a building accessed off of an alley. Mr. Norkus stated that the intent of the recommendation is to make the process less cumbersome. He informed the Commission that they would still have oversight in the review process such as the standard where the Village engineer is involved with plans for parking lots. Mr. Norkus then identified the three bullet points defined to trigger a special use permit. He also stated that a new parking lot, curb cut or a parking lot within 25 feet of the property line would also require a special use.

Chairman Krucks asked Mr. Norkus for other examples.

Mr. Norkus informed the Commission that in Hubbard Woods, there is a one story building where Mig & Tig was located which had a second story addition with 4,000 square feet of office space. He stated that they were required to provide 6 parking spaces which were done in the back of the building. Mr. Norkus stated that the applicant had to go through the special use process because the code required that surface parking be subject to a special use. He indicated that it is an attempt to catch the big ones and that they have a clear, defined standard without requiring all asphalt to go through the special use process.

Chairman Krucks questioned whether they are asking that the zoning issues be handled directly by the Village staff as opposed to the ZBA.

Mr. Norkus responded that is one way to look at it. He stated that it represented a lower threshold or a lower series of concerns.

Chairman Krucks asked if there would be an amendment to the code and the ordinance.

Mr. Norkus confirmed that is correct. He also stated that he would like to point out that notwithstanding what is written here, there is an appearance review process by the DRB with regard to compliance with the design guidelines.

Ms. Holland commented that they should not delineate between parking lots which are open to the public or parking lots for the use of one particular building. She stated that the Hubbard Woods' Gap space is one situation where this recommendation could lead to trouble. Ms. Holland stated that the building could be torn down and a parking lot created which was approved already. She then stated that there is one curb cut off of Green Bay Road and an exit out through the rear. Ms. Holland stated what would prevent a property owner making an offer to Killian Plumbing to buy it and expand parking since there is a curb cut already. She described it as a very dangerous threshold to enter into if they were to allow the expansion of private lots without a special use. Ms. Holland stated that a special use is meant to take a lot into consideration and referred to small streets and sidewalks. She indicated that it is the duty of the municipality to provide parking and that when you allow a private owner to expand without or with a special use, the special use process provided a stop gap measure and allowed the community to look at what they are attempting to achieve. Ms. Holland then stated that there could be something which is unanticipated and that they would taking away retail which she

commented is not good.

Mr. Thomas stated that in connection with to Ms. Holland's example, with regard to the way it is worded here, it would preclude an applicant from not requiring a special use and that they are talking about new and expanded parking lots or lots within 25 feet of the property line.

Mr. Norkus confirmed that is correct unless the parking lot is held 25 feet back from the property line.

Mr. Thomas stated that the 25 feet would help avoid the scenario raised by Ms. Holland.

Ms. Holland stated that they can continue to increase the parking lot, but not to the detriment of retail structures. She also stated that they want to keep the Hubbard Woods retail curtain wall.

Chairman Krucks stated that the problem related to the term "expansion" and what it meant. He then referred to expanding parking lots into existing square footage or expanding the surface of a parking lot next door.

Ms. Holland stated that the removal of the special use requirement would be a major change and described it as very important.

Ms. McCarthy stated that they should delineate between Ms. Holland's example versus Mr. Norkus' example. She stated that there should be clarity so that second floor tenants would be given relief which is the general intent of the recommendation.

Mr. Norkus agreed that they can tighten up the language and put in more specificity.

Mr. Myers stated that he agreed with Ms. Holland in that they do not want to lead to the breakup of the retail overlay district. He also stated that none of them want a big, new lot by a private owner.

Mr. Norkus stated that they would come back before the Commission with a combination of changing the 25 foot figure to something greater and to tighten the language as to where parking would be accessed exclusively from and located directly abutting an alley to get to where a second floor addition would be permitted without opening the barn door to everything.

Mr. Coladarci asked how many requests this change would affect over the past 5 years.

Mr. Norkus responded maybe one.

Mr. Coladarci then asked if any development did not go through because of the fear of the special use process.

Mr. Norkus stated that there were none tied to a specific project. He then stated that overall, the special use process was referred to by ULI and others as an impediment to development and the

occupancies of commercial buildings. Mr. Norkus stated that it is a common refrain when they are competing in the commercial real estate market and that an applicant can select Kenilworth or Wilmette in terms of the impact on where leases are signed. He also stated that is not to say that it is an insignificant issue, but that it may make people look elsewhere.

Mr. Coladarci stated that the BCDC provided no specific examples they are relying on of a business trying to modify parking and getting a special use. He then stated that he wondered if the recommendations were based on the authors of the report. Mr. Coladarci then stated that Ms. Holland has a good point and that if allowing a special use created no problem, then they should go right through the process and that it served to protect the community interest. He stated that if there is a problem, the special use process would pick up on it. Mr. Coladarci then stated that given the rarity of instances which come up and the likelihood of the recommendation that part of the process is driven by the board's attitude as opposed to it being an actual problem, he commented that it should be left alone and that they keep the ability to have oversight. He added that there is no damage to them having power.

Chairman Krucks stated that he looked at the matter differently and that the first example made sense and that it presumes that if the Village is telling a landlord or tenant to provide a certain amount of parking spaces and the parking spaces are provided, as opposed to telling an applicant to provide parking spaces where there are none existing and which cannot be constructed. He also stated that there is the presumption of compliance. Chairman Krucks stated that there is a big difference between that and the case where an applicant purchased a lot and created a parking lot. He stated that it is overbroad to him and that they should focus to remedy the perceived problem.

Ms. Holland asked Mr. Dunn with regard to the all of the recommendations of the BCDC, were they specifically from the ULI report.

Mr. Dunn responded that he did not know if ULI had a line item on each one. He then stated that in all cases, the position is that they were asked to streamline things that could be streamlined in order to make the Village more business friendly. Mr. Dunn stated that if they did nothing on the parking lot question, it would not be the end of the world and that they came at it from the position of making incremental improvements over time which would end up being big improvements overall. He then stated that baby steps would get them to a better overall experience for the merchants and owners. Mr. Dunn also stated that the move from 25 feet to 35 feet or 50 feet or if there are more than 8 parking stalls, then that would require a special use. He reiterated that if they make the process easier, in time, they would see a better experience downtown. Mr. Dunn informed the Commission that the BCDC committee is made up of different people with very thoughtful and diverse backgrounds who care about the community. He then stated that if they adopt it, fine and if not, to move on. Mr. Dunn added that a lot of time and effort was spent in coming up with the recommendations.

Mr. Kates stated that the second recommendation as presented represented an unlimited fear and that they need limitations.

Ms. Holland stated that is the Commission's job. She also stated that they want to make the landlords and the tenants happy, but do not want to allow situations which make everyone unhappy. Ms. Holland then stated that the ULI panel came from a climate where every space is very important. She stated that the panel went to all shopping center developers and focused on spaces. Ms. Holland reiterated that it would be dangerous to not have the special use process.

Chairman Krucks stated that Mr. Norkus can come back to the Commission with more precise alternative language.

Mr. D'Onofrio distributed information to the Commission for their review and to update their contact information.

Mr. Norkus then stated that with regard to the slide presentation, the BCDC recommended a height change from 2½ stories to 4 stories. He stated that the Commission discussed the height change at the February meeting but that it was not discussed at length. Mr. Norkus stated that the concerns the Commission found were that in certain areas, 4 stories would be conceivable whereas in others in the business district abutting the residential districts, 4 stories presented a concern. He referred to the additional detailed information on heights and boundaries identified in the 3D illustration.

Mr. Norkus informed the Commission that the first page represented an overview of the Hubbard Woods business district. He also stated that it showed a broad 30,000 foot view with the yellow boundaries outlining the commercial zoning districts. Mr. Norkus then referred to the abutting yellow areas and smaller blue boxes which represent the single family homes abutting the business district. He identified the light green areas as institutional uses. Mr. Norkus noted that the use limitations are important in zoning and were written with the goal to limit the externalities and negatives of being near the business district. He also stated that the single family homes would be sensitive to the increased density and height. Mr. Norkus added that the light green areas are important institutional uses which are a buffer existing between the business districts and the single family home districts.

Mr. Norkus then stated that in the yellow areas, the individual buildings are color coded. He identified the white or gray areas as single story buildings, the tan areas as two story and the darker brown areas as three story buildings. Mr. Norkus indicated that it would help the Commission understand the building stock in the business district and how a 4 story height would fit in with the existing character. He indicated that he can touch on all three districts and let the Commission members either sleep on it or address their concerns.

Mr. Norkus informed the Commission that the next page contained the same map on a larger scale and the aerial imagery underneath the buildings in the zoning district's boundaries. He identified the yellow area near the right side as the Tower Road and Green Bay Road building. Mr. Norkus described it as a textbook example of a block which typifies the concern of the Commission of what 4 stories would do to a neighborhood. He then identified the single family home district immediately to the south and that 4 stories there would present a concern.

Mr. Norkus stated that the next page represented a different vantage point. He identified in the foreground the railroad and that the middle page is Green Bay Road. Mr. Norkus informed the Commission that Hubbard Woods contained a mix of one, two and three story buildings and that 4 stories in this block would not necessarily have an impact to the abutting single family homes not as much as the block to the south.

Mr. Norkus then stated that in connection with the specifics of the blocks, he can change the level of detail on the slide such as building heights and vantage points. He stated that he can model the slide to show what 4 stories on a particular parcel would look like.

Ms. Bawden asked Mr. Norkus if he had the ability to show sunrise and sunset.

Mr. Norkus responded that he has not mastered that yet. He then identified the sites with the most redevelopment potential as the light color or white one story buildings which are the easiest to envision being replaced with a taller building. Mr. Norkus then indicated that a 3 story building would remain as a 3 story building.

Mr. Dunn referred to photographs of some of the buildings in the Village with a height from the sidewalk which were showed to the Commission. He indicated that there are quite a few buildings downtown which are over 35 feet in height.

Mr. Dowding asked if there would be a provision which would allow a more specific description of where certain heights might be achieved. He also referred to a 60 foot building not casting shade on adjacent properties.

Mr. Norkus confirmed that is correct.

Mr. Dowding stated that he would like to see that. He also questioned why stop at 45 feet in terms of height and asked where the 45 feet figure came from.

Mr. Norkus informed the Commission that Wilmette took the height regulations and looked at blocks and that they have 2 to 5 story buildings depending on what they were attempting to achieve. He then stated that the closer to the center of town, the higher the building can be.

Mr. Dowding stated that he would like for the Commission to consider that as opposed to a haircut across town at 45 feet. He then stated that they would want varying heights and not for all of the wall heights to be the same.

Mr. Kates stated that he had two major concerns, the first of which is having taller height adjacent to homes. He stated that his second issue is having the height being straight up and down as opposed to moving the stories back.

Mr. Dowding stated that if they made granularity on the block, there will be varying heights. He then referred to the corner of Green Bay Road and the tall structure there which automatically stepped back since were no homes around.

Mr. Kates stated that a 6 story height would affect the neighborhood. He stated that people are comfortable with 45 feet and that they could expand it. Mr. Kates then stated that they should consider the height as being next to single family homes going straight up and down. He then stated that the question is what do they put in it.

Ms. Morette commented that this has been a great discussion. She stated that now, tenants want space on the ground floor and that if they change the height regulations, a property owner could tear down a building and build a taller structure.

Mr. Dunn stated that they have done an excellent study of the neighboring communities and commented that the graphic is great. He suggested that they look at the white space and think about the fact that there has been no new development in any of downtown in 10 years. Mr. Dunn noted that there have been major rehabs on current structures. He also suggested that they look ahead and determine how to attract good, quality new development. Mr. Dunn stated that in order to do that, they have on the books reasonably user friendly regulations and laws. He then stated that if a developer has a good plan and looks at different communities and there is a 2½ story or 35 feet height restriction, they would go elsewhere. Mr. Dunn stated that they at least need to be competitive in the marketplace and that over time, they have lost their competitive edge. He suggested that they keep in mind competitive forces and reiterated that little steps would lead to bigger overall improvement. Mr. Dunn added that the Fell property still needed to be addressed as well as the post office site.

Mr. Kates asked what was the height on the proposed Fell plan.

Mr. D'Onofrio responded that it was more than 4 stories. He also stated that it was a different developer.

Chairman Krucks stated that in order to get in the direction that Mr. Dunn is proposing, they would be going back to the way it was prior to 1988.

Mr. Norkus stated that the limit was 4 stories and 42 feet.

Chairman Krucks stated that they had been assuming for decades [with regard to the height limitation of 2½ stories and 35 feet] and the fact that there have not been many new construction developments in the 1980's and 1990's up to the allowable height. He also stated that there may be something else going on other than height.

Mr. Dunn stated that new development on the existing stock is tied to parking. He then stated that when you put the numbers together for tenant use or development, you could have the right to go to 10 stories, but that there is no parking available for that. Mr. Dunn also stated that when you talk about suggested parking changes, it would help spur new development because the parking requirement would be less restrictive and burdensome. He added that it is all tied together.

Ms. Holland referred to 711 Oak Street and the building on Green Bay Road and what the demand at the time was. She stated that there was a money downturn in the economic climate and that people cannot sell their homes.

Mr. Dunn stated that is not the case today and that they should take advantage of the window which is open.

Mr. Coladarci stated that they have to find out what causes them to close or find other opportunities and referred to the cost of rent which is based on how much the cost of living is in the Village. He then referred to the amount of real estate taxes. Mr. Coladarci stated that it may be the height related issue which is stopping people. He then suggested that what is killing business is what landlords are charging for rent and that they hear repeatedly comments in connection with the cost of being here.

Mr. Dunn referred to the amount of retail dollars which are spent and that households only have a certain amount of money to spend which is being spent in a wider area. He then stated that with regard to the landlord comment, they do not know if that is valid or not. Mr. Dunn questioned whether there are other steps which can be taken to offset tax bills.

Mr. Myers stated that if one or two situations are solved by changes, then all of a sudden 10 situations are addressed and result in a number of small changes. He stated that the question is whether they should accept big changes which would have a big impact on the look and feel of the community or if they should make smaller changes which would add up over time. Mr. Myers then stated that small changes knock down barriers.

Ms. McCarthy stated that Mr. Myers' comments made sense. She commented that some new buildings look suited to the Village. Ms. McCarthy then stated that they should move forward to the point of studies being done and that she had no problem with the recommendation.

Mr. Coladarci referred to the canyon effect of increasing the height of buildings and that a 4 story building would have been a drastic change to the Fell property.

Ms. Holland stated that a 2½ story height limit allowed the Village to negotiate on the Fell property for a setback. She also stated that with regard to the Fell property, planned development allowed the Village to let the height go up and commented that this what they have to do. Ms. Holland then stated that the Belvedere was allowed to go up in height, but that the stories had to be stepped back, as well as at the Galleria.

Mr. Myers referred to the DRB review process for buildings of a certain height.

Ms. Holland stated that for properties over 10,000 square feet, it would become planned development which is a very involved process.

Mr. Kates stated that in considering the comments made, they are not hearing anyone saying they are against the 45 foot height recommendation of the BCDC. He stated that he is hearing that

there should be some shearing to take into account the residential areas and the canyon effect. Mr. Kates asked if there was any opposition to the recommendation.

Chairman Krucks stated that as long as the 2020 Comprehensive Plan is maintained whose goal is to maintain the look and feel of the Village. He indicated that there are mechanisms for the Village do that. Chairman Krucks stated that they should also negotiate setbacks so that they do not have the looming building effect. He then stated that with regard to the west side of Elm Street and Green Bay Road, in his opinion, a 5 or 6 story building would not have an impact on anybody. Chairman Krucks stated that they do not know if the economics would support that. He referred to the part of the ULI study and the maximum height recommended for the areas by train stations and that if they do all of that, there would be no problem.

Mr. Norkus stated that he agreed with Chairman Krucks' comments and that they can refine and come back with recommendations where they step down the height for residential areas abutting the business districts and how to address the canyon effect with upper story step backs.

Mr. Coladarci asked if there is any way to predict putting it into place. He also asked with regard to one story buildings, if there is a way to poll the property owners and ask them if they were to put in a 45 feet height limitation, how that would affect their use of the land in order to find out if it would result in a teardown effect. Mr. Coladarci commented that it would be helpful to say that the property owners would demolish their buildings and put in taller buildings to get an idea of the effect the Village if they determine it is okay to do this.

Mr. Norkus stated that there are a lot of factors as to whether individual owners would do that. He then stated that to extent the height is increased to 3 or 4 stories, he referred to the guaranty that it will make overall in the long term for redevelopment to be much more likely. Mr. Norkus also stated that it should be considered on a block by block basis to consider whether it would be good or bad. He commented that there are not many architect-worthy one story buildings in the Village and reiterated that they would come back with more information.

Chairman Krucks asked the Commission if they would like to discuss the next agenda item or save it until the next meeting.

Mr. Kates stated that the Village Council sent this request to the Commission and put a 4 month limitation on it. He stated that the Commission has to come back with a response in connection with the overlay district and that with regard to the time commitment, he is concerned that if the matter is spaced out, they would lose the opportunity to comment. Mr. Kates also stated that the Commission can be creative such as the BCDC and to have input on the retail community or the residential effect of the overlay district and the types of businesses which are coming in. He then suggested that the Commission have an open meeting for businesses to express themselves in order to provide a true feeling as to what the businesses think. Mr. Kates also stated that it would be an opportunity in that if a particular area is looked at and to see the effect, to take a tour of that area or have a speaker with expertise or refer to the studies of the overlay district for retail versus service industries. He informed the Commission that the BCDC did not have a vote on what should be in the business district and that they should talk about what they want to do and

get direction so as not to lose the opportunity.

Mr. Thomas suggested that they start the next meeting with the subject and come back with fresh ideas since they still have time.

Mr. Dowding suggested that they hold a special meeting.

Chairman Krucks stated that they could have two special use requests on the next agenda.

Mr. Norkus informed the Commission that he would check the schedules for a special meeting.

Mr. Myers commented that he liked Mr. Kates' idea of inviting retailers to the meeting. He then asked what the villages which do not have an overlay district and the impact.

Mr. Kates stated that the BCDC had several special additional meetings which is what this may take.

Chairman Krucks stated that they need retailer and residential input as well as that from any other identifiable stakeholders.

Mr. Norkus questioned whether it could possibly be done in a couple of weeks.

Mr. Kates stated that they could publicize it.

Mr. Norkus informed the Commission that the Chamber of Commerce would help get the word out.

Mr. D'Onofrio suggested that they meet first and then have the public attend.

A woman in the audience from the Chamber of Commerce stated that they been discussing the matter at board meetings and that they are aware of what is going on.

Discussion of BCDC/ULI Recommendations on C-2 Retail Overlay District

The Commission deferred the discussion of this agenda item and plan to schedule a special meeting.

Public Comment

No public commented was made at this time.

The meeting was adjourned at 9:53 p.m.

Respectfully submitted,
Antionette Johnson

WINNETKA PLAN COMMISSION
MAY 28, 2014 MEETING MINUTES

Members Present:

Bill Krucks, Chairman
Jan Bawden
Chuck Dowding
Paul Dunn
Louise Holland
Matt Hulsizer
Keta McCarthy
Scott Myers
Jeanne Morette
John Thomas

Non-voting Members Present:

Richard Kates

Members Absent:

Jack Coladarci
Patrick Corrigan
John Golan

Village Staff:

Michael D'Onofrio, Director of Community
Development
Brian Norkus, Assistant Director of Community
Development

Call to Order:

The meeting was called to order by Chairman Krucks at 7:30 p.m.

Chairman Krucks stated that the Commission would now review the meeting minutes from the April 23, 2014 meeting. He asked Mr. Norkus if any changes were submitted.

Mr. Norkus confirmed that he had received no changes via email.

Ms. Morette referred to a comment she made in the minutes and asked that her comment be stricken. She also referred the Commission to page 15 of the minutes and clarified her statement.

Mr. Kates then referred the Commission to page nos. 12 and 17 of the minutes and clarified several of his comments.

Chairman Krucks asked if there were any other comments.

Ms. McCarthy stated that on the last page of the minutes, she identified the woman in the

audience who spoke as Terry Dason who is the Executive Director of the Chamber of Commerce.

Chairman Krucks asked if there were any other comments. No additional comments were made at this time. He then asked for a motion.

A motion was made and seconded to approve the Plan Commission meeting minutes from April 23, 2014, as amended. The meeting minutes were unanimously approved.

Discussion of BCDC / ULI Recommendations on C-2 Retail Overlay District

Chairman Krucks stated that the Commission would recall that at the last meeting, they suggested that there was the consensus of the Commission and Mr. Norkus to appoint a second date for a meeting this month, as well as to take steps to reach out to the public to inform them of the issues with regard to the retail overlay district and that the Commission would invite them to make comments to the Commission. He confirmed that the meeting is scheduled for June 4, 2014 in the Village Hall. Chairman Krucks then stated that it is his understanding that invitations to the meeting have gone out.

Mr. Norkus stated that they took a two pronged approach as far as notifying members of the general public which was done through the Village's regular weekly email blast to anyone who has signed up to receive weekly emails from the Village. He then stated that in recognizing that not all merchants necessarily tied into the communication practices of the Village, they sent an email out to the approximately 86 merchants identified on the second page of the handout. Mr. Norkus stated that it was their take from the last meeting that the population groups that the Commission wanted to hear from were both the merchant community and residents of the general Village which is why they focused on the merchants themselves as opposed to the broader general commercial property owner listing. He informed the Commission that they have received approximately 12 responses and that the email invitation sent was a general explanation of what precipitated the study of the overlay district, the Commission's involvement and soliciting comments from the business community on the overlay district in order to get any questions answered that they may have.

Mr. Norkus then stated that they are prepared to give a brief PowerPoint presentation explaining the purpose of the overlay district as well as some of the changes being considered. He stated that the Commission is mostly interested in hearing from members of the community on the overlay district and that they will keep their comments as brief as they can.

Mr. Thomas informed Mr. Norkus that the Park District has an email list that can also be used.

A Commission member asked how many people were on the email lists.

Mr. D'Onofrio responded approximately 1,000.

Mr. Kates stated that the emphasis in one sentence is that if they want input from merchants,

business owners and the general public regarding possible changes to the boundaries of permitted uses within the retail overlay district, he commented that if something went out, it should have that emphasized and that otherwise it would get swallowed up with questions in connection with zoning regulations for example. Mr. Kates stated that the email which is sent out should emphasize only this topic to landlords and business owners and that hopefully, they will get a nice mix of people who respond.

Mr. Myers stated that with regard to considerations of changes to maximum allowable building height, when you talk about the retail overlay district, they will not necessarily understand and that they want to be transparent.

Ms. Bawden, in response to a discussion that ensued regarding the wording of the email, stated that she had a problem with using the term "revitalizing" at this time because the Commission has not gone that far yet. She also stated that she had a problem with the statement "update merchants on possible changes" which is in her opinion an overpromise. Ms. Bawden stated that they should not go into any changes which may or may not be in the works.

Mr. Norkus responded that at last month's meeting, there was some concern the Village staff had about necessarily moving forward with the special meeting to solicit input before the Commission commenced its discussion on the overlay district. He then stated that this is the third meeting of the Commission discussing the ULI recommendations and that they have still not discussed the overlay district.

Mr. Kates reiterated that the Commission wanted input from the public in its consideration of these proposed changes. He stated that the question is what do you do first and what do you do last. Mr. Kates stated that the Commission wanted the public's comments so that when the Commission did consider these items, they have an understanding of what the public wanted in order to enrich their discussion.

Mr. Myers suggested that Mr. Norkus take the memo and use his judgment.

Mr. Kates also suggested sending a second email emphasizing what they discussed.

Mr. Norkus stated that in the Winnetka email blast, they can shorten it and focus on the subject at hand.

Mr. Dowding commented that he would prefer to leave height out of the discussion which could take up two hours of the public discussion and that they should limit public input to the overlay district.

Mr. Dunn stated that would be a better use of this meeting. He then stated that the height issue would go to the Village Council.

Mr. Myers commented that height is an issue that a lot of people have strong opinions on and that they should take the opportunity to get that out. He then stated that he would be fine stating that

the meeting would only be with regard to the retail overlay district.

Mr. Thomas stated that everyone has an opinion on height and informed the Commission that he sat on the Commission for the Fell development. He then stated that most people do not know what the overlay district is and that if they are going to have a public meeting on the overlay district, he would rather get peoples' views on height while recognizing that they need input on the overlay district.

Ms. McCarthy asked what was the original purpose the last time they met and whether it was for the overlay district. She stated that they discussed before the Commission began its discussions with regard to changing the overlay district, they should get the retailers to talk about it.

Mr. Thomas stated that the general public cared about height and that the retailers cared about the overlay district.

Mr. Kates stated that the Village Council has given the Commission a time period in which to address principally the overlay district. He then stated that from the comments he is hearing, after they state what the meeting is about telling the public and the retailers what the overlay district is so that they understand and if they have a concern, they can attend the meeting.

Chairman Krucks then asked the Commission members if there is a consensus that next week's meeting would be limited to the discussion of the overlay district. He stated that they are interested in what the residents and merchants have to say on this subject and that as it stood today, he did not believe that they have gotten any of that information. Chairman Krucks also stated that the Commission could encourage friends and neighbors to come.

Mr. Kates stated that if the Park District and the schools have email lists to contribute to the email blast, that would also help.

Mr. Hulsizer stated that the problem is that there is no centralized list in order for them to share information.

Ms. Bawden suggested the use of the caucus list.

Chairman Krucks stated that the information would be tweaked before it went out to the merchants.

Mr. Norkus confirmed that is correct and that it would be resent to the merchant group and the general Winnetka email list that the Village has, as well as the availability of the caucus related email list and general flyers put up at key points such as the grocery store, library, etc.

Chairman Krucks asked if there was any further discussion with regard to next week's meeting. No additional comments were made from the Commission at this time.

Discussion of BCDC / ULI Recommendations on Parking and Building Height (Continued From Previous Meeting)

Chairman Krucks stated that the Commission would continue the discussion from last week's meeting.

Mr. Norkus informed the Commission that he would like to apologize for the lateness of the Commission receiving the lengthy document. He indicated that he attempted to explain how the matter came to pass. Mr. Norkus stated that the Commission is to address things like whether the parking standard would be applicable when there is a change of use. He noted that the standards are interrelated between the various elements of the zoning ordinance. Mr. Norkus then referred the Commission to an example in the document and the fact that there was a lot of BCDC and Commission discussion of height and that he largely glossed over some of the related elements in the zoning code that were not addressed by the BCDC. He noted that the BCDC's attention to the building height recommendations did not get into the related issues in the zoning code. Mr. Norkus described it as a rather complex project to get the code to reflect the BCDC's true intention.

Mr. Norkus then stated that at the last discussion with the Commission with regard to the various zoning changes to fulfill the ULI recommendations that the BCDC put together, the Commission reviewed three open items that they are looking for clarity on in order to take final action, he stated that the change of use issue was still lingering with the Commission. He stated that they did not come up with a comfortable way to deal with it currently in the zoning regulations where there is a change of space use such as an office changing to an apartment, which triggered the parking requirement.

Mr. Norkus stated that the Commission would also recall that at the last discussion, the Village staff came up with a cumbersome way of addressing that change. He stated that they had a list of 40 to 50 different types of uses with different parking requirements depending on the use and that the Commission pointed out that it was an unnecessarily complex way of addressing the problem. Mr. Norkus then stated that they revisited the language of the code and what they are proposing now in terms of the way of dealing with that change of use issue is a more simplified way of addressing that particular issue. He stated that through a rewrite of the zoning language, they came up with an entirely different approach of dealing with the change of use issue.

Mr. Norkus also stated that in addition to the change of use triggering the parking standard, another topic that the Commission is to deal with is the discussion with regard to parking lots and surface lots requiring a special use. He indicated that it was suggested in previous meetings that for other surface lots in an attempt to streamline the review processes, parking lots which are located at the rear of buildings and are adjacent to alleys be approved or created without requiring a special use and it was suggested that it was important for the Commission and the Village Council to have oversight in connection with other surface lots such as at the Packard building in Hubbard Woods and parking lots which are closer to the street and which would create new curb cuts off of public streets. Mr. Norkus stated that last month, it was suggested that the Village staff come back more precise language to bifurcate the two issues and draw a line

between minor and major parking lots requiring a special use. He then stated that the language in the packet is more precise in dealing with that issue.

Mr. Norkus stated that the third issue related to the discussion of the BCDC recommendation on building height. He stated that the Commission would recall that the BCDC recommended a 4 story height recommendation which would increase the current height limitation from 2½ stories to 4 stories and that the Commission agreed generally with that recommendation. Mr. Norkus also stated that there was discussion with regard to certain areas of the Village because of proximity issues of commercial areas near single family areas and that the Commission wanted to consider a lower building height. He indicated that it was the Village staff's understanding that the Commission wanted precise recommendations and that they included in the draft ordinance language maps as exhibits which define areas which would be subject to a broader 4 story height limitation and a smaller subset of the commercial district which would be downgraded to a 3 story height limitation.

Mr. Norkus then stated that because of the length and complexity of the 25 page zoning ordinance draft and the amount of red font in the document, he put together a shorter decision matrix which represented his attempt to boil down the various elements contained in that document to give a scorecard to remind the Commission of the broad policies to consider in the redline draft. He then distributed that information to the Commission and referred to 5-26 discussion draft. Mr. Norkus informed the Commission that the underlined red type represented inserted language being stricken and the suggested removal of the existing zoning text. He then stated that the highlighted yellow areas represented various Village staff commentary in order to give the Commission background as to where the redlined language originated. Mr. Norkus asked the Commission if they would like to pause and discuss it among the Commission members or for him to continue on into the document and summarize the recommended changes.

Chairman Krucks asked the Commission members for the preference.

Mr. Kates suggested that they follow what Mr. Norkus has done and raise questions as they go along.

Mr. Myers asked if the document highlighted the key issues.

Mr. Norkus confirmed that is correct.

Ms. Morette asked if any of it has been seen by zoning.

Mr. Norkus responded that the Commission is the first group to see this form. He indicated that it would ultimately be the Village Council's decision as to who needed to be involved in the review of it. Mr. Norkus also stated that the Commission is key to guiding the Village Council with regard to land use and that if the Village Council and the Village President wanted to send to send it to zoning, they can do that.

Mr. Kates stated that his recollection is that the Village Council said the Commission could

review it.

Chairman Krucks asked the Commission members if it is their consensus to follow the discussion points. Everyone agreed that would be fine.

Mr. Norkus then referred the Commission to the first comment on the first page and referred to the scorecard of the discussion points. He stated that item no. 1 in Section 1 is a proposed change to the purpose statement of the C-1 zoning district. Mr. Norkus noted that the purpose statement is not regulatory in nature and that it served a different purpose and played an important role in providing a foundational basis for the zoning regulations. He stated that the reason for providing a revised statement of purpose for the C-1 zoning district is increasing the importance the definition between the two districts since they are treated differently under the zoning changes that follow. Mr. Norkus then referred to an example of the different height recommendations for the different zoning districts whether they are C-1 or C-2. He also stated that for the C-1 zoning district in Indian Hill, it is a very compact zoning district with elbow to elbow single family homes. He noted that the revised C-1 statement of purpose did a better job of articulating the fact that there should be lower height limits and less available density because of the adjoining single family homes.

Chairman Krucks stated that for the benefit of those in the audience, he noted that they are referring to the C-1 zoning district as Indian Hill and that the C-2 zoning district represented everything else. He then asked Mr. Norkus if he is referring to the change in purpose for the preamble in the C-1 district in Indian Hill.

Mr. Norkus confirmed that is correct. He referred the Commission to page 2 of the discussion draft. Mr. Norkus then stated that in Section 2, there is a list of permitted uses and that since they are on the agenda in connection with the overlay district and recommended changes to the types of uses, he glossed over this item for now. Mr. Norkus suggested that the Commission defer the discussion on the table of uses until the next agenda item. He then referred the Commission to page 10 with regard to the permitted building height which represented the core issue left open at the last meeting. Mr. Norkus stated that the first core recommendation is that they are looking for the Commission's decision on whether to accept the recommendation to increase building height from 2½ stories and 35 feet to 4 stories and 45 feet. He indicated that the Commission expressed support of the idea for specific areas to be lower at 3 stories and 35 feet.

Ms. Holland noted that planned development is triggered when there is development over 10,000 square feet. She then stated that in a planned development application, she questioned the possible height changes on the present 2½ story height limit.

Mr. D'Onofrio responded that planned development would be separate and by right would be allowed to be 4 stories and 45 feet.

Ms. Holland asked if the last plan given to them for the Fell development was for more than 45 feet.

Mr. Norkus responded that it was for 48 feet.

Ms. Holland then stated that there is negotiation in the workings of planned development to allow a developer to have more units and to shrink the 5th floor. She also stated that if they start at 45 feet, they would have to negotiate very little to get to 6 stories and that she did not think that the Village should have that. Ms. Holland added that it should not be part of the Commission's agreement to have a height of 45 feet.

Mr. Dunn informed the Commission that the BCDC spent a fair amount of time on height. He stated that the conclusion was that stories and height are connected and that to build a good commercial building today, the first floor would have to be 14 or 15 feet with the floors above needing to be in the range of 10 feet to have a comfortable ceiling height for residential, plumbing, etc. Mr. Dunn stated that 45 feet and 4 stories would definitely be connected and that no one would jam 5 stories in 45 feet.

Ms. Holland stated that a developer would say that 45 feet is not possible and that they need to go to 60 feet. She added that a developer would want as many units in a parcel as they can get and that the only way they can go is up. Ms. Holland reiterated that she did not think that the Village could handle the possibility of 60 feet in height.

Mr. Dunn stated that a request of that type would go to various review boards.

Ms. Holland informed the Commission that in the past, negotiation occurred at 35 feet to allow a development to go higher. She stated that they now have a few buildings which are at 45 feet and referred to architectural integrity.

Mr. Dunn stated that with regard to the downtown area, if there is to be any density at all, it should be downtown.

Chairman Krucks asked if there is a limit for residential construction.

Mr. D'Onofrio responded that the height varied by zoning district.

Mr. Norkus stated that it is between 31 and 35 feet.

Mr. Thomas stated that he understood Ms. Holland's point. He then stated that the point of design is to get what they want and that if there is a request for 45 feet, 60 feet would be part of the negotiation process.

Ms. Bawden asked when there is negotiation, what did the Village get.

Mr. D'Onofrio stated that the applicant would have to make a case for public benefit. He referred to the NTP development which applied for planned development. Mr. D'Onofrio informed the Commission that when there is a planned development, in connection with the

purpose statements, the reason the regulations are written is because they are saying projects of these types do not fit in the boundary of the zoning regulations. He stated that a planned development ordinance was created which says that they understand requests for exceptions which are not a variation to the requirements. Mr. D'Onofrio then stated that to be considered for granting an exception, a developer would have to prove there would be a public benefit given to do that. He stated that in the case of NTP's proposal, they included streetscape elements along Elm Street and Lincoln Avenue and that there also may have been a water main involved, which he described as negotiated items.

Ms. McCarthy asked if there were other communities which have 4½ stories such as Glencoe and Wilmette.

Mr. Norkus stated that [in one neighboring community] there are largely 4 stories on one block which he described as a redevelopment area.

Mr. Dunn referred to the Northfield space along the highway.

Mr. Norkus then stated that Glencoe has 3 stories and that Highland Park has 4 stories or more.

Ms. Holland noted that there would be one vote representing concern at starting height at 45 feet.

Mr. Dowding asked Ms. Holland to elaborate on her concern in connection with height and if it is because it would be looming.

Ms. Holland confirmed that is correct.

Mr. Dowding then asked Ms. Holland if a 50 foot building which is setback be preferable.

Ms. Holland indicated that it can only be set back so far. She then stated that ULI looked at height in communities such as Arlington Heights and that the Village is not Arlington Heights or Highland Park. Ms. Holland stated that her comments represent her opinion and that she has seen it work on the corner of Winnetka Avenue. She also stated that the Winnetka Galleria has 3 stories on the top and that it is commercial.

Ms. Bawden asked Mr. Dunn if 45 feet was a deal breaker and that if the BCDC perceived that a developer would not even look at the Village without a 45 foot height these days.

Mr. Dunn informed the Commission that the way in which a developer approached new development whether it is planned development or not is to look at what is on the books to start. He stated that if there is a height requirement of 35 feet, they would run the numbers and that if they determine that they cannot make money, they would go elsewhere. Mr. Dunn then stated that if they saw a 45 foot height requirement and they run the numbers and are able to make it work, they would not go to 60 feet initially. He indicated that there will be some exceptions and that it is not the way it works to propose something outrageous. Mr. Dunn stated that a developer is in the business to make money. He added that the process has a lot of bearing as to

what the community wanted, what is on the books, etc. and that they will test limits.

Mr. Dowding asked Mr. Norkus if any zoning ordinance set a certain percentage on a building given the height.

Mr. Norkus responded that there are not many north shore examples. He then referred the Commission to page 14 which contained a graphic depicting what he inserted as an allowable upper story setback. Mr. Norkus stated that some communities have taken that standard and required it. He also stated that any story above the third story would have to be set back 10 feet.

Mr. Dunn informed the Commission that they looked at the heights of surrounding communities. He noted that Highland Park has 45 feet and 3 stories with a connection between stories and fees. Mr. Dunn then stated that in planned development, it could go up to 50 feet and 4 stories. He noted that Glencoe has 40 feet and 3 stories, Lake Bluff has a specific block which has 35 feet and 3 stories, Northfield has 60 feet and 6 stories and that it can go to 80 feet in certain areas, Hinsdale has 30 feet and gives a 20% bonus for 37 feet, Glenview has 40 feet, LaGrange has 45 feet and that Downers Grove has 70 feet. Mr. Dunn added that there are a variety of buildings now which are over 40 feet with the highest at 45 feet at 976 Green Bay Road.

Mr. Myers stated that the Village is trying to add a greater variety of housing and increase the amount of people in the downtown area. He stated that there are two ways to do that, such as apartments and condominiums downtown and business office space downtown. Mr. Myers stated that with 45 feet, if the top is set back, it would give a balance of both. He added that they would not see a rash of teardowns. Mr. Myers also stated that it would give developers greater flexibility in terms of the mix of business and residential downtown and would open more opportunities for people when they want to move out of their homes. He stated that they have a lack of that.

Ms. Bawden asked if vacancies were studied.

Mr. Dunn responded that they were not.

Mr. Dowding asked if they can get that information.

Mr. Norkus described it as a moving target and that a lot of it is rental apartments. He added that they do have data as to how many units there are.

Mr. Hulsizer asked if there is more demand for higher ceilings. He then stated that the amount of vacancies can be misled on that information and asked what is the demand.

Ms. Bawden referred to the condominium demand versus rental demand.

Chairman Krucks asked if there were any comments from the audience.

Gwen Trindl of Oak Street informed the Commission that she is interested in the subject and that

she was around when they wrote planned development with the Commission. She stated that she knew the whole concept that Ms. Holland is suggesting and the fact that if a developer wanted to stretch, they would. Ms. Trindl then referred to the whole notion of 4 stories which is the only practical thing to do. She stated that she would also be interested in finding out about other communities and whether they can be successful at different heights. Ms. Trindl suggested that they address the matter as firmly as possible and that the reality is that at a height of 45 feet, planned development would ask for more.

Karen Templeton of Willow Road referred to Ms. Holland's comment and that with regard to negotiations, NTP came in at 35 feet and that it almost got to 50 feet with negotiation. She stated that if they start at 45 feet, a developer would want to go higher and that the difference between 45 feet and 60 feet is 15 feet and from 35 feet to 50 feet is also 15 feet. Ms. Templeton then stated that it is a ratio where it could easily jump to 60 feet during the presentation and that if the height is at 45 feet to begin with, there would be no wiggle room. She also stated that there would be no negotiation at that point and no negotiation for 3 to 4 feet with nothing being gained by the Village.

Joe Fell of Willow Road informed the Commission that years ago, he was on several committees and the Village Council. He stated that they looked at a wide range of things similar to what they are doing now. Mr. Fell then stated that his comment is that one of the goals they had was to enable those coming into town wanting an answer as to what they can do to be pretty rapid.

Ms. Templeton informed the Commission that they have heard several comments of people not wanting to deal with Winnetka and that the process is faster in other communities.

Mr. Norkus stated that he would like to submit to the Commission that part of the difference in how people perceive the process here versus that in other communities with regard to the building height is that for a large majority of Winnetka commercially zoned property, the maximum building height is 2½ stories with an asterisk indicating that anything else is a negotiation discussion. He also stated that Winnetka is the only town with a mandatory planned development process.

Mr. Dowding asked for a summary of the negotiation process for Fell and NTP. He indicated that he recalled it being long, arduous and contentious.

Mr. Thomas informed the Commission that it lasted for 4 months and that it took 5 months to get to the Village Council. He noted that the issues did not only relate to height.

Mr. Kates stated that at this point in the discussion, he asked if there is enough to poll the Commission to see if 45 feet in height is acceptable.

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

Mr. Myers referred to the red line on the map.

Mr. Norkus informed the Commission that line represented the transitional zoning district and represented multi-family zoning. He also stated that it is showing what is the Euclidian zoning buffer as to zoning between the commercial and multi-family residences and that outside of the red line is the single family residential district.

Mr. Myers asked for an explanation of the core height for the district where there was talk about going to 50 feet.

Mr. Norkus stated that they left the last meeting with the understanding as to why the Commission is limiting the height to 4 stories. He indicated that it is an important question for the Commission to ask themselves. Mr. Norkus then stated that with regard to the additional density, there are more residents downtown and that there are some places downtown where the Commission may want to identify a possible block as long as they are getting into the granular building height issue. He also stated that they may find areas where they would be willing to accept a 5 story building. Mr. Norkus then referred the Commission to the language in the redlined draft with regard to the open concept as to how that would be done from a language standpoint. He noted that the Village had a 4 story height limitation prior to 1996 and that it was never 5 stories. Mr. Norkus suggested that the Commission preserve the story height areas for a later discussion. He added that is why the language is there in order to respond to the questions from last month's meeting.

Mr. Kates stated that in connection with the 5 story and 1 story limitation, now the issue is the 4 stories and 45 feet issue and whether they can resolve that issue. He suggested that the Commission concentrate on that issue.

Chairman Krucks asked if they are to comment on 4 stories or 45 feet or whichever is less like that in neighboring communities.

Mr. Norkus responded that they are synonymous. He referred the Commission to Mr. Dunn's comment with regard to the 14 to 15 foot first floor standard. Mr. Norkus also stated that 4 stories and 42 feet was the requirement before 1996 and that it had to comply with both standards.

Chairman Krucks then asked for a motion.

Mr. Dowding stated that part of this is the front yard setback and part of it is the 45 foot height limitation and referred the Commission to page nos. 12 and 13.

Mr. Kates stated that setback is a separate issue.

Mr. Dowding commented that he would like to see more variation in terms of the building façade.

Mr. Thomas moved to accept the core recommendation of the BCDC for the recommendation of

4 stories and 45 feet in the particular zoning district. Mr. Hulsizer seconded the motion.

Mr. Myers stated that they should make it clear that they are talking about as maps which indicate the transition zones where they would be capping the height at 35 feet.

Mr. Thomas stated that the motion is point no. 2.

Mr. Dowding asked if they can vote down transitional height.

Mr. Dunn stated that it can be clarified in point nos. 4 and 5 and that they can do away with point no. 2.

Mr. Norkus confirmed that would be fine and that the Commission can vote to strike point no. 2 and that the vote would be on point nos. 4 and 5 as a single motion. He stated that the Commission's recommendation is that the recommendation no. 2 discussion point be stricken and to consolidate point nos. 4 and 5 into a single motion. Mr. Norkus stated that the first half of the motion would be to adopt two tiered height limitations for 4 story and 3 story buildings and 45 feet with a transitional height of 35 feet.

Chairman Krucks asked if the motion to be withdrawn and restated.

Mr. Thomas moved that the Commission modify the approach to commercial building height by creating two height districts, one of which is 45 feet and 4 stories and transitional which is 35 feet and 3 stories.

Mr. Hulsizer seconded the motion.

Chairman Krucks asked if there was any further discussion.

Mr. Dowding stated that in connection with the setbacks on an upper story, there is no section describing that. He then stated that he would not vote for point nos. 4 and 5 together without point no. 8.

Mr. Thomas stated that he would like to amend the motion to include point no. 8.

Chairman Krucks questioned if the language should include the word "allow" or "require."

Mr. Myers stated that to clarify the amendment, he asked if the wording should include that there shall be a setback and how far.

Mr. Dowding suggested that it be at least 12 feet.

Chairman Krucks asked Mr. Norkus if that is the maximum allowable setback.

Mr. Norkus responded that the 12 foot dimension is used on the graphic.

Mr. Myers stated that the setback would vary with every building. He referred to trying to set the standard.

Mr. Dowding stated that the motion should be amended to include a 12 foot setback for the 4th floor.

Mr. Thomas suggested that the language should say that there be a requirement for the 4th floor to be set back.

Mr. Norkus informed the Commission that the point of having a setback is to have a building read like more like a 3 story building. He also stated that it would have to be far enough back to look like a 3 story building and make to make the space usable. Mr. Norkus then stated that 8 feet or more would be adequate.

Mr. D'Onofrio informed the Commission that if they were to make the setback 12 feet, they would be taking out a number of units. He referred to the relationship of the setback driving the number of units which could be built on the top floor. Mr. D'Onofrio then stated that in his opinion, there should be between 8 and 12 feet for a setback.

Chairman Krucks referred the Commission to the Galleria building which is relatively recent and which a lot of people like.

James Sayeg informed the Commission that their solution to the 4th story disappearing required a different architectural roofline. He stated that for the easternmost building on the north side of Elm Street, it was looked at as an example rather than as a setback. Mr. Sayeg then stated that they were more concerned with the roofline. He added that with regard to forcing a developer to use an inverted roof membrane assembly, not all developers would want to do that.

Mr. Dowding stated that his concern related to bulk and the view looming over the sidewalk.

Mr. Hulsizer stated that a 42 foot tall building can be a 3 story building. He also stated that they would still have the problem Mr. Dowding is talking about.

Mr. Norkus stated that the concern with using 35 feet is that it might make it more difficult to do a more traditional Tudor-esc building and with high roof pitches like that at 976 Green Bay Road. He stated that it would also discourage traditional architecture and that they would have flat roofs.

Mr. Myers suggested that rather than trying to pass a regulation, to say they can define what an applicant's intent is and to leave it to Mr. Norkus to craft the wording. He stated that the intent is that they feel there should be a transitional area with a maximum height of 35 feet and that the core area can go as high as 45 feet and that within that 45 feet, they have a requirement of stepping back for the 4th floor to prevent looming over the street. Mr. Myers stated that would give the Village Council and the Village staff a sense of the Commission's intent and interest.

Ms. Bawden stated that they do not want to lose the ability to negotiate. She stated that if they did the setback and someone wanted a more Tudor style roof, they could trade off the setback for the roofline.

Mr. Myers stated that the more they try to set up a situation where they want to negotiate with developers, the fewer developers would come here. He referred to the developer's cost, time and money.

Ms. Bawden stated that developers would negotiate wherever they go. She agreed that while the Village wants to eliminate the amount of deal breakers, they do not want give the store away either.

Mr. Thomas stated that the Village Council will make the final determination.

Mr. Dowding then stated that for above 35 feet, to have a 10 foot setback is his vote on the front yard setback which represented the amendment to the motion.

A vote was taken and the motion passed, 8 to 2.

AYES:	Bawden, Dowding, Dunn, Hulsizer, McCarthy, Myers, Thomas
NAYS:	Holland, Morette
NON-VOTING:	Kates

Ms. Morette informed the Commission that she is opposed to the motion because she did not feel that they have enough information to require a setback like the height recommendation.

Mr. Thomas asked if everyone would be in favor of a basic height recommendation except Ms. Holland.

Mr. Hulsizer stated that he agreed with Ms. Morette's comment.

Mr. Myers asked if the Commission voted on the amendment to require a setback of at least 10 feet at a height above 35 feet.

Chairman Krucks confirmed that the Commission was to vote on the amendment.

Mr. Dunn commented that they are not smart enough to discuss a 10 foot setback and that he would be comfortable saying that there must be a setback, but not to specify it at 10 feet. He then referred to the two examples in photographs where the rooflines were not setback but due to the treated roofline, the effect is the same. Mr. Dunn then stated that to put it in general terms, there must be recess so that there is no canyon effect on the sidewalk and to leave it up to the Village staff to negotiate. He added that a lousy design could meet the code requirements.

Ms. Bawden stated that the two photographs are of buildings on the corner and read differently than if they were in the middle of the block. She commented that the setback in the middle of the block is an important visual.

Ms. Morette asked if development went to the DRB.

Mr. Norkus confirmed that is correct.

Ms. Morette stated that they would have input with regard to architectural integrity.

Ms. Holland informed the Commission that it took one developer 2 years to get approved.

Ms. Bawden stated that if they want to fast track, the more which is put up front, the faster it would go.

Chairman Krucks referred to criticism with regard to the Village's lack of certainty and transparency.

Mr. Myers stated that there was an amendment and that the Commission should vote on that and then see if any there are any other amendments to the main motion.

Mr. Hulsizer stated that someone suggested that the intent is to not have the canyon effect.

Mr. Norkus stated the proposed alternative language is that stories above the 3rd story shall be articulated and the upper story set back as shown in the illustration in Figure 17-1 or by other means approved by the DRB.

Everyone agreed that language would be fine.

Chairman Krucks then asked for a vote on the amendment to the 10 foot setback unless the motion is withdrawn. He then stated that the motion was made and seconded to add the requirement of a 10 foot setback on stories above the 3rd floor.

A vote was taken and the motion failed, 1 to 9.

AYES:	Dowding
NAYS:	Bawden, Dunn, Holland, Hulsizer, Krucks, McCarthy, Myers, Morette, Thomas
NON-VOTING:	Kates

Chairman Krucks stated that they are back to the original motion.

Mr. Myers stated that the motion should be amended to include Mr. Norkus' language.

Mr. Norkus stated that the language included that with regard to stories above the 3rd story, they shall be articulated with an upper story setback as illustrated in Figure 17-1 with a 10 foot setback, or other means approved by the DRB.

Mr. Dunn seconded the motion.

Chairman Krucks asked if there was any further discussion. No further comments were made by the Commission at this time.

A vote was taken amending the original motion. The motion passed with 9 in favor and 1 opposed.

AYES:	Bawden, Dowding, Dunn, Hulsizer, Krucks, McCarthy, Myers, Morette, Thomas
NAYS:	Holland
NON-VOTING:	Kates

Chairman Krucks confirmed that the motion as amended is to take a modified approach to the commercial building height by creating two height districts, a standard district and a transitional district and to adopt the definitions in the transitional district which should be a maximum of 35 feet and 3 stories and in the other areas which would be the standard district which would be a height of 45 feet and 4 stories as amended by the language that any stories above the 3rd story shall be articulated with an upper setback or by such other means as approved by the DRB as illustrated in Figure 17-1.

A vote was again taken and the motion passed, 9 to 1.

AYES:	Bawden, Dowding, Dunn, Hulsizer, Krucks, McCarthy, Myers, Morette, Thomas
NAYS:	Holland
NON-VOTING:	Kates

Chairman Krucks stated that the Commission would now move on to the next agenda item.

Mr. Norkus questioned the extent to which the Commission wanted to address each of the transitional districts listed as specific items. He then referred the Commission to Figures 17-2(A) and 17-2(D).

Mr. Kates stated that in the Commission’s comments, he wanted to make sure that off the table with regard to the business districts where the area core height is 5 or more stories, as well as the fact that they cannot have a one story building. He stated that the reason is that the car dealership is moving and that if another dealership went in and wanted a 2 story building, it would be counterproductive.

Mr. Norkus agreed that would be fine.

Chairman Krucks asked the Commission members if it is their consensus to agree with Mr. Kates' point.

Everyone agreed that would be fine.

Mr. Dunn referred the Commission to the graph on page 11 which talked about the potential of 5 story buildings.

Mr. Kates informed the Commission that the BCDC recommendation was to not have a 5 story building. He stated that represented a radical departure as to what they have got going and that they have a lot to do now. Mr. Kates stated that the matter should be off the table and that if the Commission felt that a 5 story building in the central core should be on the table, he would not stop it. He then referred to prior discussions where people were content 45 feet and 4 stories and not a 5 story or 1 story building.

Mr. Myers referred to the need to discuss a potential location for a 5 story building.

Chairman Krucks stated that the consensus is that everyone is fine.

Mr. Myers stated that on the individual map, if anyone had a specific exception is his suggestion.

Chairman Krucks stated that the question on Figure 17-2(A) is as it related to 812 Oak Street. He referred to the fact that it went down in height from 42 feet to 35 feet and the understanding the reason why the Village Council chose to do that in 1996 and if it was because there were complaints from the neighboring residences. Chairman Krucks also asked if the homes to the south or west were complaining.

Ms. Holland informed the Commission that at 812 Oak Street, the topography of the street comes down which is why it was allowed to be 4 stories. She added that the neighbors were very concerned.

Chairman Krucks then referred the Commission to the outline of the transitional area as orange.

Mr. Norkus noted that the orange-yellow area is transitional 3 story. He then identified the gray area as multi-family residential zoning. Mr. Norkus informed the Commission that the intent was to indicate to the Commission that in the orange outlined areas, there was heavy concern about height since multi-family allowed its own density and height to be greater than single family residential. He added that only when there is a single family neighborhood abutting the areas articulated in yellow which is the transition district.

Mr. Dowding referred to the area east of Dwyer Park and stated that people enjoy it because of its relationship to downtown and that to build a large structure there will isolate it. He stated that

he is concerned with a 45 foot building there. Mr. Dowding also questioned what to do with the post office site and that it was left undecided and whether the Commission would be making that decision here. He then commented that the Park District was not involved significantly enough in the planning for that area and that he would prefer not to identify it as 4 story.

Mr. Myers also stated that the people on Birch would have a view across the park of a 45 foot wall.

Mr. Thomas stated that there is a group of trees in that part.

Mr. D'Onofrio identified it as the only spot in Winnetka where you can get 100% where there is commercial on all four corners.

Mr. Dowding stated that there should be a more broadly based planning process.

Mr. Dunn stated that will be scrutinized.

Mr. Norkus informed the Commission that it is zoned commercial C-2 and that absent any modification with the transitional boundaries, it will go to 4 stories and 45 feet. He indicated that he did not think that classifying it as such on a map would be setting the tone for what would be built there, particularly given the properties under the Village's ownership. Mr. Norkus added that its own process and evaluation would be far more detailed than that of private ownership.

Mr. Dowding stated that the Commission would be saying that location is the location where they would prefer a 4 story building is a decision too premature to make. He indicated that he would be uncomfortable with that and that he would prefer nothing there.

Mr. Myers stated that has to be zoned as something and that if it is commercial, by default, it would be 45 feet. He noted the fact that there would be a higher bar for that lot is what they should signal. Mr. Myers then suggested that they change that to 3 stories and 35 feet which would highlight that this is an important piece of real estate to consider and that it should be yellow.

Chairman Krucks stated that he assumed that it is yellow now.

Everyone confirmed that is correct.

Mr. Norkus stated that it is 35 feet and 3 stories.

Mr. D'Onofrio informed the Commission that the site measured over 10,000 square feet and that it can by right can be up to 45 feet.

Mr. Myers stated that in his opinion, the Commission should be signaling something here and that he would be comfortable recommending a signal of 35 feet for maximum height.

Mr. Dowding stated that he agreed with Mr. Myers' recommendation.

Ms. McCarthy asked why.

Mr. Myers responded that it is located next to the most used park in the Village and that he would not be comfortable with 45 feet and 4 stories there.

Mr. Thomas commented that a 4 story building would make a good addition and that the park is raised anyway.

Ms. Holland stated that would cast a big shadow on the park every morning.

Mr. Dowding stated that it is used heavily since it is part of downtown.

Mr. Myers moved to change the post office site and that it be modified on the map from 4 stories and 45 feet to 3 stories and 35 feet.

Mr. Dowding seconded the motion.

Chairman Krucks asked if there was any other discussion. No additional discussion was made by the Commission at this time.

A vote was taken and the motion failed, 4 to 6.

AYES:	Dowding, Myers, (Holland), (Bawden)
NAYS:	Dunn, Hulsizer, Krucks, McCarthy, Morette, Thomas
NON-VOTING:	Kates

Ms. Morette stated that the Commission did not have enough information to make that decision now and that it may limit their options.

Mr. Dunn noted that the property is so scrutinized that whatever Winnetka decided to do will be the right decision regardless of what the Commission said tonight. He also stated that the property would have to go through the PUD process.

Chairman Krucks asked the Commission if there were any issues with regard to the other maps Mr. Norkus presented. He then referred to Figure 17-2(B) of Arbor Vitae Park.

Ms. Holland commented that it is a small park.

Mr. Norkus confirmed that there were no additional changes on the maps and that they would now move on to the next item. He confirmed that the maps as drafted are acceptable.

Ms. McCarthy asked with regard to Figure 17-2(D), if it was Hubbard Woods identified with the

red line. She stated that if there is a 4 story building there, she described it as a busy intersection and that she had concerns in terms of vehicular and pedestrian traffic.

Mr. Norkus confirmed that there are already 4 stories there. He then stated that item nos. 7 and 8 should be dispensed as well. Mr. Norkus described item no. 9 as simple and referred the Commission to page 15 and the C-1 and C-2 limitation on the number dwelling units per acre. He indicated that Winnetka is unique in that they had a standard like that. Mr. Norkus stated that an example is 812 Oak Street which was built as a 4 story building with condominiums on the upper 3 stories. He then stated that there is a dwelling unit per acre limitation of 38 units per acre which resulted in the building developed on that site having 4 condominium units per floor for a total of 12 units. Mr. Norkus stated that the suggestion is that communities have gotten away from the dwelling unit per acre method giving the market more room to work efficiently as opposed to setting an arbitrary standard on how large a dwelling unit can be. He added that a development would be no better or worse with 14, 16 or 12 units if it can provide the required amount of parking and that the standard has outlived its usefulness.

Mr. Norkus went on to state that the next item is related and that there is a similar limitation of Winnetka commercial zoning having a tiered lot coverage limitation in the commercial area where they have mixed use with upper story residential being limited to covering no more than 60 or 70% of the lot area at the upper story elevations which result in "wedding cake" density. He stated that they should contrast that with the owner with a redeveloped property having office use on the upper story and the fact that there is no density limitation for office use on the upper story. Mr. Norkus noted that it provided a strong disincentive to residential development.

Mr. Myers asked if page nos. 17 and 18 represent clean up issues.

Mr. Norkus confirmed that is correct and stated that the code determined whether there is an overcrowding situation. He informed the Commission that page 18 defined the dimensions of a courtyard building and that it was taken out of modern practices and building code requirements. Mr. Norkus indicated that it had more to do with fire department fighting fires and that the zoning code is not best suited to address that issue.

Mr. Myers then moved to accept item nos. 5, 6, 7 and 8.

Ms. Holland seconded the motion.

Chairman Krucks asked if there was any further discussion. No additional comments were made by the Commission at this time. He then asked if there were any comments from the audience.

Ms. Trindl stated that when the plans were originally designed for the post office site, they included a great deal of open space and did not necessarily include high buildings all around. She then stated that she agreed with Mr. Dunn's comments and that the Village PUD concept never included blocking. Ms. Trindl stated that it should be very carefully designed to give the public open space, recreational space, apartments and businesses.

Chairman Krucks asked if there were any other comments from the audience. No additional comments were made by the audience at this time.

A vote was taken and the motion was unanimously passed.

AYES: Bawden, Dowding, Dunn, Holland, Hulsizer, Krucks, McCarthy, Myers, Morette, Thomas
NAYS: None
NON-VOTING: Kates

Mr. Norkus then stated that the next item related to parking regulations which is the other key item that the Commission started on with regard to recommending language and that the Village staff came back with more precise language, which he identified as item no. 13 on the cheat sheet.

Chairman Krucks asked if there is a consensus among the Commission members to continue.

Mr. Myers referred to whether they discuss it now or next Wednesday and asked do they have time.

Chairman Krucks confirmed that they have time.

Ms. McCarthy suggested that they do it another time.

Chairman Krucks stated that they will see if they can fit it in on Wednesday. He referred to the point which was made at the last meeting with regard to parking which was when Mr. Norkus said that the parking question coming up before the ZBA represented situations where a change in use was already approved and received permission and the fact that there is no parking anyway and that the applicant still had to get a variation or special use from zoning. Chairman Krucks indicated that he did not see that here.

Mr. Norkus stated that the language says that off-street parking would not be required for uses which exist on any given date and that any new use required compliance with the parking requirements.

Mr. Dunn stated that he would like to complement Mr. Norkus on the work he has done. He also commented that it is excellent work and that it covered an enormous amount of material.

Chairman Krucks stated that the Commission would like to acknowledge the work done by Mr. Norkus.

Public Comment

May 28, 2014

Page 23

No additional public comment was made at this time.

The meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Antionette Johnson