

**Winnetka Village Council
REGULAR MEETING
Village Hall
510 Green Bay Road
Tuesday, October 4, 2016
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) **Thursday**, October 13, 2016 Rescheduled Study Session
 - b) October 18, 2016 Regular Meeting
 - c) October 20, 2016 Budget Meeting
 - d) October 25, 2016 Budget Meeting
- 4) Approval of Agenda
- 5) Consent Agenda
 - a) Approval of Village Council Minutes
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 - b) Approval of Warrant List dated September 16 - 29, 2016.....10
 - c) Resolution R-50-2016: Approving a Master IGA to Borrow Emergency Vehicles (Adoption).....11
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- 6) Stormwater Report: None.
- 7) Ordinances and Resolutions
 - a) Resolution R-51-2016: 850 Green Bay Road, Core Power Yoga Special Use Permit Extension (Adoption)26
- 8) Public Comment

- 9) Old Business: None.
- 10) New Business
 - a) 2016 Preservation Awards Presentation42
- 11) Appointments
- 12) Reports
- 13) Closed Session
- 14) Adjournment

MINUTES
WINNETKA VILLAGE COUNCIL STUDY SESSION

September 13, 2016

(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, September 13, 2016, 2016 at 7:00 p.m.

- 1) Call to Order. President Greable called the meeting to order at 7:00 p.m. Present: Trustees Andrew Cripe, William Krucks, Penny Lanphier, Scott Myers, Christopher Rintz and Kristin Ziv. Absent: None. Also in attendance: Village Manager Robert Bahan, Community Development Director Mike D’Onofrio, Assistant Community Development Director Brian Norkus, and approximately 5 persons in the audience.
- 2) Downtown Master Plan. Mr. D’Onofrio reviewed the process for developing Winnetka’s first Downtown Master Plan (DMP), which began in October of 2015. He introduced Michael Blue, Teska Associates Project Principal and Meg Benson, Chair of the DMP Steering Committee.

Ms. Benson noted the DMP process moved at a very good pace and resulted in a plan that the Steering Committee unanimously approved. She explained the community engagement exercises and the Working Groups provided valuable information from all corners of the Village. She said the DMP will be used to guide the Village for the next 20 years or more. She added that the DMP envisions everyone in the Village working together – retailers, building owners, businesses, the Village and residents.

Mr. Blue explained the timeline for developing a DMP in a year’s time was very aggressive, and Winnetka meeting its deadline is an extraordinary feat. He commended the Steering Committee and Chair Benson, Teska Planner Erin Cigliano, and Village staff for their focus and hard work. He reviewed the process, including extensive public and stakeholder outreach, development of vision statements, market assessment, study of urban design, examination of land use and zoning, and parking. A key learning from the public engagement process is that Winnetka needs to attract visitors from outside its boundaries in order for its downtowns to thrive.

Mr. Blue next reviewed opportunities and ideas for each of Winnetka’s three business districts: Indian Hill, Elm Street and Hubbard Woods. Finally, he explained that the action plan summary recommends steps to facilitate the invigoration of the business districts.

President Greable thanked the DMP Steering Committee, Working Groups and residents for providing insights and contributing to the development of the Plan.

The Council discussed how the DMP fits into Winnetka’s Comprehensive Plan.

Mr. D’Onofrio explained once the Council adopts the DMP, it becomes part of the Comprehensive Plan, and the Council sets a schedule for reviewing objectives and accomplishments.

Trustee Lanphier asked for specifics about what the community would like to see developed, and why certain things, like brew pubs, are appealing. Ms. Benson explained the community’s desire for businesses like brew pubs reveals an underlying wish for more casual, multi-generational food businesses and gathering places.

Trustee Myers noted it is not the purview of the Village to choose actual businesses in the downtowns; the DMP's mission is to recommend feasible concepts for Winnetka. He added that the concepts could change over the years as public taste changes.

After the Council finished with their questions and comments, President Greable called for public comment.

Jon Talty, Steering Committee member and Chair of the Business Community Development Commission. Mr. Talty complimented the dedication and expertise of Village staff, and posited that Winnetka is losing relevance on the North Shore. He felt the desire of the community for a brew pub is a metaphor for a wish to have gathering spaces that are relevant in today's culture. Finally, he noted that the DMP is a legitimate tool to revitalize the Village.

Mr. D'Onofrio thanked the Council for supporting the development of the Plan and said he enjoyed the opportunity to work with Teska, the Steering Committee, and the community.

- 3) Public Comment. None.
- 4) Closed Session. None.
- 5) Adjournment. Trustee Rintz, seconded by Trustee Ziv, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 8:36 p.m.

Deputy Clerk

**MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
September 20, 2016**

(Approved: xx)

A record of a legally convened regular meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, September 20, 2016, at 7:00 p.m.

- 1) Call to Order. President Greable called the meeting to order at 7:00 p.m. Present: Trustees Andrew Cripe, William Krucks, Penfield Lanphier, Scott Myers, Christopher Rintz and Kristin Ziv. Absent: None. Also present: Village Manager Robert Bahan, Assistant Village Manager Megan Pierce, Village Attorney Peter M. Friedman, Community Development Director Mike D'Onofrio, and approximately 90 persons in the audience.
- 2) Pledge of Allegiance. President Greable led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) October 4, 2016 Regular Meeting. All of the Council members present indicated that they expect to attend.
 - b) October 13, 2016 Rescheduled Study Session. All of the Council members present indicated that they expect to attend.
 - c) October 18, 2016 Regular Meeting. All of the Council members present indicated that they expect to attend.
 - d) October 20, 2016 Budget Meeting. All of the Council members present indicated that they expect to attend.
- 4) Approval of the Agenda. Trustee Myers, seconded by Trustee Ziv, moved to approve the Agenda. By voice vote, the motion carried.
- 5) Consent Agenda
 - a) Village Council Minutes.
 - i) September 6, 2016 Regular Meeting.
 - b) Warrant List. Approving the Warrant List dated September 2 – 15, 2016 in the amount of \$1,172,425.34.
 - c) Resolution R-47-2016; Authorizing the Purchase of Cable Under a Contract with Wesco (Adoption). A resolution authorizing the purchase of 600 volt secondary cable in an amount not to exceed \$103,777 under a contract with Wesco.
 - d) Resolution R-48-2016: Approving Purchase of Replacement Submersible Pumps (Adoption). A resolution approving the purchase of three replacement sanitary sewer lift pumps from Xylem Water Solutions USA, Inc. for a price not to exceed \$48,729.
 - e) Door Access Control System Replacement at the Public Safety Building and Village Hall. Authorizes the Village Manager to enter into an agreement with Tyco Integrated Security for a replacement door access system for the Public Safety Building and Village Hall.

Trustee Ziv, seconded by Trustee Myers, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Cripe, Krucks, Lanphier, Myers, Rintz and Ziv. Nays: None. Absent: None.

6) Stormwater Report. None.

7) Ordinances and Resolutions.

a) Ordinance No. M-11-2016: 715 Elm Street, Dental Office Special Use Permit (Introduction / Adoption). Mr. D'Onofrio reviewed this request for a special use permit for a dentist office that is relocating from a second floor location across the street. He explained the Plan Commission found the application consistent with standards for the C-2 Overlay District, and he added the applicant has requested a waiver of introduction.

A brief discussion followed, and several Trustees noted more articulation of the Plan Commission's standards would be helpful going forward. The Council was in favor of retaining the existing business and approving the request and the waiver of introduction.

Trustee Cripe, seconded by Trustee Krucks, moved to waive introduction of Ordinance No. M-11-2016. By roll call vote, the motion carried. Ayes: Trustees Cripe, Krucks, Lanphier, Myers, Rintz and Ziv. Nays: None. Absent: None.

Trustee Ziv, seconded by Trustee Cripe, moved to adopt Ordinance No. M-11-2016. By roll call vote, the motion carried. Ayes: Trustees Cripe, Krucks, Lanphier, Myers, Rintz and Ziv. Nays: None. Absent: None.

b) Resolution No. R-49-2016: Approving a Class B Liquor License for A1.Koh Enterprise Global LLC d/b/a Lakeside Foods (Adoption). Attorney Friedman explained Lakeside Foods was undergoing a change of ownership, and a new liquor license is required for the new owner. He noted approval of the new license is conditioned upon the issuance of a new Food Dealer permit and successful completion of background checks.

Marc Hecht, Spruce Street. Mr. Hecht asked who the new owners are and what their plans for the store are.

Attorney Friedman said the Village has no way of knowing future plans of the new owners. He also confirmed if the nature of the business should change, a new liquor license classification must be approved by the Council.

Trustee Myers, seconded by Trustee Ziv, moved to adopt Resolution No. R-49-2016. By roll call vote, the motion carried. Ayes: Trustees Cripe, Krucks, Lanphier, Myers, Rintz and Ziv. Nays: None. Absent: None.

8) Public Comment. None.

9) Old Business.

a) One Winnetka Preliminary Planned Development (continued). President Greable reviewed the Council's One Winnetka preliminary planned development application process to-date. He requested the members of the audience refrain from repeating a comment or question that is already a part of the public record, in order to give the Council ample time to deliberate.

Mr. D'Onofrio explained that, in response to the Council's requests at the July 27 Special Meeting, the developer has submitted renderings of the Lincoln Avenue elevation, an updated traffic study, and a survey of peak traffic times.

David Trandel, Stonestreet Partners. Mr. Trandel thanked the Council for its time and consideration and asked if there were any further questions.

The Trustees asked questions relating to the height changes in the July plan revisions, economic viability, design elements, landscaping around the parking garage, and when the project might be started. Special concern was raised about the safety of the Hadley School's employees, and confirmation was received that the Village is not being asked to provide any funding for the proposal.

Attorney Friedman was requested to draft a development agreement along with any potential approval Ordinance, in light of the many concerns expressed by the community and Council.

Next, President Greable called for public comment.

John McLinden, former Design Review Board Chair and Winnetka resident; Steve Fallick, Chicago; Sherry Molitor, Scott Street; Vickie Hofstetter, Oui Madame; Rob Neumann, 610 Sheridan Road; Mark Madigan, Winnetka; Jim Radler, 57 Warwick; Maria Kurt, French Institute; Debbie Guillod, 1301 Forest Glen; Kate Shapiro, Kid Motion; Terry Franke, 566 Lincoln Avenue. The foregoing audience members spoke in favor of approving the preliminary application.

Louise Holland, 545 Oak Street; Nan Greenough, 500 Maple Street; Juanita Nicholson, 554 Arbor Vitae; David Humphrey, Willow Road; Bob Humphrey, Winnetka; Rhonda Miller, 460 Green Bay Road; Mary Hickey, 740 Sheridan Road; Michael Levitin, 507 Cedar Street; Richard Sobol; Carmen Fosco, 711 Oak. The foregoing audience members spoke against approval of the preliminary application.

Colleen Wunderlich, Director of Foresight at Hadley School. Ms. Wunderlich expressed concerns about the safety for visually impaired people traversing Elm Street in front of the proposed development. The Council requested that the Village, developer and Hadley School work together to devise a safety plan for pedestrians, especially the visually impaired and children.

Mead Montgomery, Old Green Bay Road. Mr. Montgomery asked if the Village knows what the economic impact would be if the project ran into financial trouble in the event of another economic recession.

Louise Holland 545 Oak. Ms. Holland asked if the Fell site demolition request would come before the Landmark Preservation Commission if the project is approved; Attorney Freidman replied in the affirmative.

Jane Dearborn, Arbor Vitae. Ms. Dearborn asked for clarification about commercial traffic ingress and egress. Mr. Trandel said both the Elm Street and Lincoln Avenue exits will have two-way traffic. The 25-foot setback between One Winnetka and 711 Oak was developed with the intent to allow trucks to turn around instead of backing up and creating noise issues.

Next, President Greable asked for Trustee comments and their position on the preliminary application.

Trustee Rintz congratulated President Greable on a thorough preliminary application process, which included over eight hours of public comment, and gave the community most of the summer to examine the project on the Village website and to discuss it. He said the size and location of the project have potential to create a catalytic change in downtown Winnetka. What started out as a horrible deal for the Village was revised so that no public money will be contributed to a private development. The Village's financial consultant, CBRE, brought

a high level of expertise to the process and quantified the benefits to the community. He noted a lot of the concerns expressed, such as performance security, safety, service vehicles, seismic monitoring, etc., can be dealt with in the development agreement. Other issues of concern deal primarily in subjective issues such as design and mass. He pointed out that the Council must necessarily focus on benefits to the community, in the form of \$6.7 million in estimated improvements, including streetscape enhancements on both sides of Elm Street and a public parking garage under Lincoln Avenue. Finally, he said he was in favor of approving the preliminary application.

Trustee Ziv said the proposal has evolved substantially during the preliminary approval process, and the Village got everything it asked for: less height, less underground parking, and streetscape improvements on both sides of Elm Street. In addition, the Village's financial consultant for the project, CBRE, has reported that the benefits are worth \$6.7 million, which does not include intangibles like the revitalization of the Elm Street business district. She explained the Council must weigh costs and benefits to reach a decision in the best interests of the community, adding that she would vote in favor of the preliminary application.

Trustee Krucks, explained that he took direction from the recently completed Downtown Master Plan, which revealed strong community support for vibrant retail, restaurants, and diverse venues, as well as housing alternatives – especially condominiums and townhomes. He noted that all of these things will require new development, and One Winnetka will provide these public benefits: housing choices, retail activity and restaurants. He concluded that bricks and mortar do not make Winnetka great – its people, institutions and schools do, and the Village needs to stay attractive to young people and families. Therefore, he would be in favor of approving the preliminary application.

Trustee Cripe said the question boils down to whether Winnetka is better off with or without approval of the project. He explained that a developer could easily design a bulkier project with less visual appeal without requesting any zoning exceptions. He noted that the Comprehensive Plan embraces the concept of increased density in the downtowns next to the train stations, adding that the revised proposal offers great benefits to Winnetka.

Trustee Lanphier said she has heard support from the community about improving Winnetka's retail base, but she also wanted to think about the project in terms of the advisory board recommendations. She expressed disappointment with the revised plan, since mass was shifted to the east building from the west elevation, and she voiced concern over pedestrian safety issues. She urged the Council to revisit the proposal and do more deliberation, as she felt there is more work to be done. She said if she were to vote on the plan tonight, she would vote no.

Trustee Myers said the Village needs to recognize that the economic world has changed and Winnetka is competing in a very different environment. He explained that while the Comprehensive Plan voices a desire for English Tudor and Georgian Revival architecture, Winnetka does not have a design ordinance and as such cannot dictate architecture. This gave him pause to turn down the application based on design, and he added that variety is encouraged in the Village. He noted that a vote against the preliminary application will result in a significant delay and the site sitting empty for years to come. Taking into account the benefits the Village will accrue, he said he would vote in favor of the proposal.

Trustee Ziv moved to direct the Village Attorney to draft a preliminary planned development ordinance and development agreement. Trustee Krucks proposed an amendment to the motion to include the words: “incorporate the changes suggested by the Trustees tonight.”

Trustee Rintz, seconded by Trustee Krucks, moved to amend the original motion. The Council voted to direct the Village Attorney to draft a preliminary planned development ordinance and development agreement, and to incorporate the conditions and changes suggested by the Trustees. By roll call vote, the motion carried. Ayes: Trustees Cripe, Krucks, Myers, Rintz and Ziv. Nays: Trustee Lanphier. Absent: None.

10) New Business. None.

11) Appointments. None.

12) Reports.

a) Village President. None.

b) Trustees.

i) Trustee Ziv reported on her planned outreach efforts as Outreach & Engagement Program Liaison. Trustee Myers requested that the plan be put on hold until the Council can discuss the matter further. Trustee Lanphier suggested a written description of the proposal be developed for the Council’s review.

c) Attorney. None.

d) Manager. None.

13) Closed Session. None.

14) Adjournment. Trustee Cripe, seconded by Trustee Ziv, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 11:34 p.m.

Deputy Clerk



Agenda Item Executive Summary

Title: Approval of Warrant List

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 10/04/2016

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 dated September 16 - 29, 2016 was emailed to each Village Council member.

Recommendation:

Consider approving the Warrant List dated September 16 - 29, 2016.

Attachments:

None.



Agenda Item Executive Summary

Title: Resolution R-50-2016: Approving a Master IGA to Borrow Emergency Vehicles

Presenter: Alan Berkowsky, Fire Chief

Agenda Date: 10/04/2016

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

Consent: YES NO

Item History:

For many decades, Winnetka, Northfield and Glencoe has shared reserve apparatus; mostly the use of a reserve ambulance. The borrowing of apparatus was typically for short periods of time, usually not more than a day or two. However, the borrowing of this equipment was done without any documentation as to liability if an accident were to occur. There was a verbal understanding that the borrower would be responsible for any damage, but it was never reduced to writing. In recent MABAS Division 3 meetings, the topic of borrowing equipment was discussed and it was recommended that there should be an agreement in place to cover any liability issues.

Executive Summary:

The sharing of reserve equipment is beneficial to both parties. The issue of liability was always presumed but never documented. The purpose of this Resolution and Intergovernmental Agreement (IGA) is to allow the municipalities to continue to share reserve apparatus but with a documented understanding of the liability associated with borrowing equipment. This Resolution will better protect the Village of Winnetka when we loan equipment to our neighboring communities.

Once the Resolution is approved. Each municipality that would like to borrow our reserve ambulance or engine would need to sign the IGA. The Agreement would stay in effect until canceled at any time by either party. Therefore, the IGA would not need to be signed each time creating a more seamless borrowing process.

Recommendation:

Staff recommends adoption of Resolution R-50-2016.

Attachments:

Resolution R-50-2016
Attachment A: Master IGA Borrowing Agreement

**A RESOLUTION APPROVING A MASTER INTERGOVERNMENTAL AGREEMENT
BETWEEN A MABAS DIVISION 3 DEPARTMENT AND THE VILLAGE OF
WINNETKA TO BORROW EMERGENCY VEHICLES**

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, Article VII, Section 10 of the 1970 Illinois Constitution and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1, *et seq.*, authorize and encourage intergovernmental cooperation; and

WHEREAS, the Village owns fire suppression vehicles and emergency medical service vehicles; and

WHEREAS, the Village is a member of MABAS Division 3; and

WHEREAS, MABAS Division 3 Departments (collectively, “*Borrowers*”), from time to time, desire to borrow from the Village fire suppression vehicles and/or an emergency medical services vehicles (collectively “*Emergency Vehicles*”) in order to serve the needs of its citizens when Borrowers’ own vehicles are insufficient in number or unavailable for use; and

WHEREAS, in the spirit of intergovernmental cooperation, the Village desires to grant Borrowers permission to borrow the Emergency Vehicles when the Village itself does not require their use; and

WHEREAS, the Parties desire to enter into this Intergovernmental Agreement (“*Agreement*”) to set forth the rights, responsibilities, and obligations of the Village and the Borrower with respect to the Emergency Vehicles;

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

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

SECTION 2: APPROVAL OF INTERGOVERNMENTAL AGREEMENT. The Village Council hereby approves, pursuant to the Village’s home rule power, the Agreement in substantially the form attached to this Resolution as **Exhibit A**, and in a final form to be approved by the Village Attorney to be used by the Village with all MABAS Division 3 members.

SECTION 3: AUTHORIZATION TO EXECUTE AGREEMENT. The Village Council hereby authorizes and directs, pursuant to the Village’s home rule power, the Village President and the Village Clerk to execute and seal, on behalf of the Village, the final Intergovernmental Agreement between the Village and any MABAS District 3 member.

SECTION 4: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

ADOPTED this ____ day of _____, 20__, pursuant to the following roll call vote:

AYES: _____
NAYS: _____
ABSENT: _____
ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk

EXHIBIT A
INTERGOVERNMENTAL AGREEMENT

**MASTER INTERGOVERNMENTAL BORROWING AGREEMENT BY AND BETWEEN
_____ AND THE VILLAGE OF WINNETKA
TO BORROW EMERGENCY VEHICLES**

THIS MASTER INTERGOVERNMENTAL BORROWING AGREEMENT (“AGREEMENT”) is made and entered into as of the _____ day of _____, 20____ (“*Effective Date*”), and is by and between _____ (“*Borrower*”), an Illinois municipal corporation, and the **VILLAGE OF WINNETKA (“Village”)** (collectively “*Parties*”).

IN CONSIDERATION OF, and in reliance upon, the recitals and the mutual covenants set forth in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties mutually agree as follows:

SECTION 1. RECITALS.

A. The Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance. In addition, the provision of the Intergovernmental Cooperation Act, (5 ILCS 220/1 et seq.), authorize and encourage intergovernmental cooperation.

B. Borrower, from time to time, desires to borrow from the Village fire suppression vehicles and/or an emergency medical services vehicle and the equipment thereon (the vehicles and the equipment thereon are, collectively “*Emergency Vehicles*”) in order to serve the needs of its citizens when Borrower’s own Emergency Vehicles are insufficient in number or unavailable for use.

D. In the spirit of intergovernmental cooperation, the Village desires to grant Borrower permission to borrow the Emergency Vehicles when the Village itself does not require their use.

E. The Parties desire to enter into this Agreement to set forth the rights and obligations of the Village and Borrower with respect to the Emergency Vehicles.

SECTION 2. USE AND CARE OF THE EMERGENCY VEHICLES.

A. Terms of This Agreement. The Parties acknowledge and agree that this Agreement and the terms and conditions contained herein shall govern any time Borrower borrows or is in possession of an Emergency Vehicle.

B. Damage to Emergency Vehicles. Borrower agrees to pay for any damage to, or repairs necessary for, the Emergency Vehicles or to the property of the Village that occurs while Borrower is using the Emergency Vehicles, including all damage caused by Borrower’s employees, agents, contractors or volunteers. Borrower shall pay for all damage within 30 days upon receiving notice from the Village.

C. Modifications to Emergency Vehicles. Borrower shall not make any modifications or repairs to the Emergency Vehicles without the prior written approval of the Village.

D. Return of Emergency Vehicles. Borrower agrees to return to the Village each Emergency Vehicle on a date agreed upon by the Parties. Notwithstanding the foregoing, Borrower agrees to immediately return any Emergency Vehicles upon request of the Village. Borrower agrees that it has no holdover rights in any Emergency Vehicle. An Emergency Vehicle must be returned to the Village in the

same condition that it was in when it was received by Borrower from the Village, except for such normal wear and tear as is to be expected from customary use of the Emergency Vehicle.

E. Assumption of Risk. Borrower acknowledges and agrees that it is Borrower's responsibility to inspect each Emergency Vehicle before borrowing it, and in accepting receipt of an Emergency Vehicle, Borrower acknowledges that the Emergency Vehicle is in good repair, working condition, and fully operational, and that there are no defects to the Emergency Vehicle. Borrower assumes all risks of damages to property or injuries, including, without limitation, any illnesses, serious bodily injury, or death caused by Borrower's use of an Emergency Vehicle. Borrower covenants and agrees that in entering into this Agreement and by borrowing and using the Emergency Vehicles, the Emergency Vehicles are provided "AS-IS, Where-IS" and Village is not representing, guaranteeing, or in any way being held responsible for the condition of the Emergency Vehicles, nor is the Village making any representations as to the suitability of the Emergency Vehicles for any intended purpose.

F. Knowledge of Use and Safety Procedures. Borrower warrants that whomever uses the Emergency Vehicles, including but not limited to Borrower's employees, agents, contractors and volunteers: (i) shall use and operate the Emergency Vehicles with due care; (ii) are properly trained and in possession of any required licenses to operate the Emergency Vehicles; (iii) has read any applicable instruction manuals and safety instructions; (iv) and is aware of any and all safety equipment and procedures that should be worn or used for safe use of the Emergency Vehicles.

G. Compliance With Laws Borrower and Borrower's employees, agents, and volunteers shall use the Emergency Vehicles strictly in accordance with all federal, state, and local laws, rules, regulations, and policies. Borrower acknowledges and agrees that it is responsible for ensuring that its employees, agents, contractors and volunteers abide by the terms of this Agreement.

H. No Operation by Contractors. Notwithstanding anything to the contrary contained in this Agreement, Borrower shall not permit any contractor to operate or use an Emergency Vehicle.

SECTION 3. HOLD HARMLESS

A. Insurance. Borrower shall secure and maintain at all times during its possession of the Emergency Vehicles general liability and vehicle insurance of a type that covers the applicable class of Emergency Vehicle in types and amounts sufficient to protect Borrower against any and all claims for injury or loss arising out of or related to the provision and use or possession of the Emergency Vehicles by Borrower. All such Borrower insurance policies shall name the Village, its boards, committees, agents, and employees as additional insureds and this coverage shall be the primary insurance for such parties with respect to claims arising out of or related to the provision and use by the Borrower of the Emergency Vehicles. Borrower further agrees that any damage or claims arising during or as a result of Borrower's possession of the Emergency Vehicles shall, in the sole discretion of the Village, be filed with Borrower's insurance carriers, and not the insurance carriers of the Village.

B. Risk of Loss. Borrower assumes and bear the entire risk of partial or complete loss, theft, damage, destruction, condemnation, requisition, or other interruption or termination of use of the Emergency Vehicles from any cause whatsoever, whether or not insured against, from the date of possession until the Emergency Equipment is returned to and received by the Village. In the event that an Emergency Vehicle is lost, stolen, destroyed, or damaged while in possession of Borrower, Borrower shall immediately notify the Village.

C. Indemnification. Borrower agrees to indemnify and hold harmless the Village against all damages, liability, claims, losses, and expenses (including attorneys' fee) that may arise, or be alleged to have arisen, out of or in connection with Borrower's possession or use of the Emergency Vehicles, or use of the any other property owned by the Village during the pick-up, use, and return of the Emergency Vehicles, by Borrower's employees, agents, contractors and volunteers, or the failure of the Borrower to abide by the terms or representations of this Agreement.

D. Limitation of Liability. The Parties covenant and agree that: (i) the Village shall not be liable for any consequential, special, incidental or indirect damages under this Agreement; and (ii) no elected or appointed official, or employee of the Village shall be personally liable, in law or in contract, to Borrower as the result of this Agreement.

E. Release. Borrower hereby fully and forever releases, waives, discharges, and covenants not to sue the Village or its officials, officers, employees, agents, or representatives regarding any and all claims, demands, damages, rights, or actions or causes of action, present or future, whether the claims are known, anticipated, or unanticipated, resulting from or arising out of the use of the Emergency Vehicles, for any property damage, injury, illness, loss, liability, damages, or costs (each a "Claim" and collectively "Claims").

SECTION 4. GENERAL TERMS AND CONDITIONS

A. Assignment. Borrower shall not assign its rights or responsibilities under this Agreement except upon the express prior written consent of the Village.

B. No Property Interest. It is specifically agreed and understood that this Agreement is for permissive, temporary use only and that the exercise of the rights and privileges granted in this Agreement shall not operate to create or vest any property right in and to the Emergency Vehicles or any part thereof in Borrower.

C. Termination. Either Party may terminate this agreement at any time by providing the other Party written notice; provided, that Borrower shall not be permitted to terminate this Agreement while in possession of any Emergency Equipment and that Sections 2.E, 3.B, 3.C, 3.D, and 3.E shall survive termination.

D. Amendments and Modifications. No amendment or modification to this Agreement shall be effective unless and until it is reduced to writing and approved and executed by the Parties to this Agreement in accordance with all applicable statutory procedures.

E. No Third-Party Beneficiaries. This Agreement is for the sole benefit of Borrower and the Village, and no other party shall be deemed a third-party beneficiary hereof, and accordingly, no third-party shall have the right to enforce the provisions of this Agreement. No claim as a third-party beneficiary under this Agreement by any person, firm, or corporation shall be made or be valid against the Village and its employees, officers, members, officials, agents, attorneys, and representatives.

The person signing this Agreement on behalf of the Borrower is properly authorized by the Borrower to sign this Agreement and bind the Borrower to all provisions of this Agreement.

Dated this _____ day of _____, 20____.

VILLAGE OF WINNETKA _____ (***Borrower***)

By: _____ By: _____

Its: _____ Its: _____



Agenda Item Executive Summary

Title: Resolution R-52-2016; Public Works LED Lighting Improvements

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

Agenda Date: 10/04/16

Consent: YES NO

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

Item History:

General maintenance project to reduce electrical costs and improve lighting conditions at the Village Maintenance Yard - 1390 Willow Road.

Executive Summary:

The village is seeking to take advantage of the grant funding opportunities through the IEMA to improve the lighting and reduce electrical costs for the public works facility. The Illinois Municipal Electric Agency (IMEA) offers rebates to member municipal utilities (those who purchase wholesale electric service from IMEA) and retail customers for energy efficiency upgrades. The incentive program provides up to 75% of the project cost in rebates or grants for qualified efficiency projects although all incentives are subject to funding availability. Rebates are provided for a variety of projects including custom measures. Eligible projects are those which will result in electricity savings, either through equipment upgrades, or building or process improvements. A wide range of efficiency technologies and equipment, such as lighting, HVAC, motors, insulation, vending controls, among others, are eligible.

Public works has evaluated various lighting products and is recommending the purchase of CREE lighting fixtures. These fixtures will replace the existing compact and linear florescent, metal halide, and multi vapor bulbs currently in use at the yard.

This project estimate is for the material cost for the replacement of;

- Exterior flood lights
- Exterior entrance lights
- Interior high bay lights in building A, C, D, and wash bay.
- Interior Fluorescent fixtures in building A

Executive Summary (continued):

The proposed lighting modifications will reduce annual electrical consumption by approximately 17,000 Watts, an approximate annual savings of \$6,960. The useful life and the warranty period for the fixtures is 10 years, while the payback period for the improvements is less than five years, making this a prudent expenditure.

The proposed lighting fixtures were competitively bid through The Cooperative Purchasing Network (TCPN). This organization competitively solicits, evaluates, and awards contracts for a large numbers of government organizations seeking pricing for similar products. The benefit of this cooperative purchasing program is to allow multiple vendors to offer reduced pricing for specific manufacturer products. Based on the bids received WESCO was awarded the contract for representation of CREE lighting products which is the lighting fixtures proposed for this project. Staff utilized the pricing offered by WESCO (see attached WESCO proposal sheet) for the various fixtures needed for the proposed lighting improvements to generate a total purchase price of \$41,922. IMEA's grant program will reimburse the Village an estimated \$8,497, for a net Village expense of \$33,425

This lighting improvement was not included in the FY2016 budget, however staff is proposing to pay for these lighting improvements with funds made available through costs savings obtained from the budgeted Building B Structural Floor Replacement Project, which is now substantially complete.

Recommendation:

Consider adopting Resolution R-52-2016 approving the purchase of LED light fixtures from WESCO Englewood Electric to improve lighting and reduce electrical costs at the Public Works yard for a price not exceed \$41,922.

Attachments:

Resolution: R-52-2016
Copy of Proposal of prices from Wesco
Project cost worksheet
Energy Savings worksheet

**A RESOLUTION APPROVING THE PURCHASE
OF LED LIGHTING FIXTURES FOR THE PUBLIC WORKS YARD**

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution authorizes the Village of Winnetka ("***Village***") to contract with individuals, associations, and corporations in any manner not prohibited by law or ordinance; and

WHEREAS, the Village has appropriated funds and identified grant funding available through the Illinois Emergency Management Agency for the purchase of energy-efficient LED lighting fixtures ("***LED Lighting Fixtures***") to replace existing lighting fixtures at the Public Works yard in order to improve lighting and reduce electrical costs; and

WHEREAS, suitable LED Lighting Fixtures available for purchase through the Cooperative Purchasing Network Contract Number R142106; and

WHEREAS, pursuant to Chapter 4.12 of the Village Code and the Village's purchasing manual, the Village Council has determined that WESCO Distribution, Inc. ("***Vendor***") is the lowest responsible bidder for the purchase and sale of the LED Lighting Fixtures; and

WHEREAS, the Village Council desires to purchase LED Lighting Fixtures from Vendor in an amount not to exceed \$41,922.00; and

WHEREAS, the Village Council has determined that it is in the best interests of the Village and its residents to purchase the LED Lighting Fixtures from Vendor;

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

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

SECTION 2: AUTHORIZATION TO PURCHASE. The Village Council authorizes and directs the Village President, the Village Manager, and the Village Clerk to execute and attest, respectively, on behalf of the Village, all documents approved by the Village Attorney and necessary to purchase the LED Lighting Fixtures from Vendor in an amount not to exceed \$41,922.00.

SECTION 3: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

[SIGNATURE PAGE FOLLOWS]

ADOPTED this 4th day of October, 2016, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk

**Viillage Yard Building Lighting
Project Cost**

QTY	Exterior Fixtures	Replacement Fixtures	Unit Cost	Total Cost	Watts Reduced
33	LITHONIA - WFL3-400M-FT-208-SCWA-DF (FLOOD)	CREE - OSQANM3MEJ40K-ULBZ (LARGE FLOOD)	\$ 555.95	\$ 18,346.35	9504
16	LITHONIA - TWAC-50M-120-SF-LPI (DOOR FLOOD)	CREE - XSPW-A-0-3-F-G-U-Z (SMALL FLOOD)	\$ 176.95	\$ 2,831.20	752

QTY	Interior High Bay Fixtures	Replacement Fixtures	Unit Cost	Total Cost	Watts Reduced
46	FIXTURE W/ 8 X PLT-42WATT CFL & 4 X SMARTMATE ICF-2S42-90C-M2-LD	CREE - CREE CXB-A-JP-H-40K-8-UL (HIGH BAY)	\$ 346.10	\$ 15,920.60	6072
37	T8 FIXTURE (2 FL TUBE, 34 WATT EACH)	LS4 LED SURFACE AMBIENT - 4 FOOT, 5000 LUMENS, 4000K CCT, 50 WATT	\$ 130.35	\$ 4,822.95	666

Total Material Cost	41,921.10
Total Watts Reduced	16,994.00
IMEA incentive \$	8,497.00

Energy Savings

School & Government kWh \$ 0.1181

Existing Fixtures	Annual Hours	Watts	Wh	kWh	Cost
Interior Fixtures - Hours of operation per year (8 hrs/day, 5 day/wk)	2,080	19,628	40,826,240	40,826	\$4,821.58
Exterior Fixtures - Hours of operation per year (12 hrs/day, 7 day/wk)	4,380	16,200	70,956,000	70,956	\$8,379.90

Replacement Fixtures	Annual Hours	Watts	Wh	kWh	Cost
Interior Fixtures - Hours of operation per year (8 hrs/day, 5 day/wk)	2,080	12,890	26,811,200	26,811	\$3,166.40
Exterior Fixtures - Hours of operation per year (12 hrs/day, 7 day/wk)	4,380	5,944	26,034,720	26,035	\$3,074.70

	Watts	Wh	kWh	Cost
Existing Fixtures	35,828	111,782,240	111,782	\$13,201.48
Replacement Fixtures	18,834	52,845,920	52,846	\$ 6,241.10
Annual Reduction	16,994	58,936,320	58,936	\$ 6,960.38

Material Cost (minus IMEA funding)	33,424.10
Payback no labor savings included (years)	4.80205
Fixtures warranty (years)	10



Agenda Item Executive Summary

Title: Resolution R-51-2016: 850 Green Bay Road, Core Power Yoga Special Use Permit Extension

Presenter: Michael D'Onofrio, Director of Community Development

Agenda Date: 10/04/2016

Consent: YES NO

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

Item History:

On December 15, 2015 the Village Council approved Ordinance M-26-2015 granting a Special Use Permit to Level 4 Yoga LLC, d/b/a Core Power Yoga in accordance with Section 17.56.010 of the Winnetka Zoning Ordinance, to permit a yoga and fitness studio in vacant retail space at 850 Green Bay Rd. (see December 15, 2015 Agenda packet pp. 65-107).

Executive Summary:

The applicant is requesting an extension on the time restriction to commence operation of the yoga and fitness studio. One condition of the approval of Ordinance M-26-2015 is that the applicant must commence operation of the yoga and fitness studio no later than 12 months after the effective date of Ordinance M-26-2015.

Due to unforeseen circumstances described in the applicant's attached letter, the studio has not opened and the applicant is requesting a 90 day extension of the ordinance. The applicant intends to open the first week of January 2017. The building permit to convert the space was submitted on August 19, 2016 and approved September 27, 2016.

Recommendation:

Consider approval of Resolution R-51-2016, granting a 90 day extension to Level 4 Yoga LLC, d/b/a Core Power Yoga, on the commencement of the operation of the yoga and fitness studio at 850 Green Bay Rd. approved by Ordinance M-26-2015.

Attachments:

Agenda Report
Attachment A: Resolution R-51-2016
Attachment B: Ordinance M-26-2015
Attachment C: September 12, 2016 Request for Extension

AGENDA REPORT

TO: Village Council

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

SUBJECT: 850 Green Bay Rd., Core Power Yoga, Resolution R-51-2016
(1) Extension of Special Use Permit (M-26-2015)

REF: December 15, 2015 Council Mtg. pp. 65-107

DATE: September 27, 2016

On December 15, 2015 the Village Council approved Ordinance M-26-2015 granting a Special Use Permit to Level 4 Yoga LLC, d/b/a Core Power Yoga in accordance with Section 17.56.010 of the Winnetka Zoning Ordinance, to permit a yoga and fitness studio in vacant retail space at 850 Green Bay Rd. One condition of approval is that the applicant must commence operation of the yoga and fitness studio no later than 12 months after the effective date of Ordinance M-26-2015 (Attachment B).

Due to unforeseen circumstances described in the applicant's attached letter (Attachment C), the studio has not opened and the applicant is requesting a 90 day extension of the ordinance. The applicant intends to open the first week of January 2017. The building permit to convert the space was submitted on August 19, 2016 and approved September 27, 2016.

Background

The property is located in the C-2 General Retail Commercial District and lies outside of the "Retail Overlay District." The proposed use is permitted as a "Health Club" for its similarity to that permitted use. Pursuant to Section 17.44.020 and the Table of Uses in Section 17.46.010 of the zoning ordinance, health clubs, and by extension the proposed use, are subject to review and approval under the Village's Special Use Permit process.

The facility would occupy 4,300 s.f. of vacant commercial space and consist of two yoga studios measuring in total approximately 2,000 s.f. The facility would also include locker rooms and restrooms, as well as an entry lobby with limited retail products. The facility would be open from 6:00am to 8:45pm on weekdays and between 9:00am and 5:00pm on weekends. It is anticipated that seven classes will be offered on Monday, Wednesday, and Friday, nine classes on Tuesday and Thursday, and four classes on weekends. The average number of people per classroom is 14 students in the large studio and 10 students in the smaller studio.

The subject property is one of four tenant spaces in the McDonald's Mall strip commercial center, which includes its own off-street parking north and east of the retail building (see Figure 1). In addition, a nearby Village parking lot to the north provides public parking, signed for commuter and employee use but available to the general public after 10:30 a.m.

The applicant commissioned a parking study by transportation engineering firm KLOA in order to evaluate availability of parking to serve the proposed yoga studio, as required under the Special Use Permit process. KLOA's study concluded that the future parking needs of Core Power's employees and patrons can be satisfied by the retail center's existing off-street parking lot, as well as the available public parking in the adjacent Village lot. Village Engineer Steve Saunders has reviewed the parking study and agrees with its conclusions.

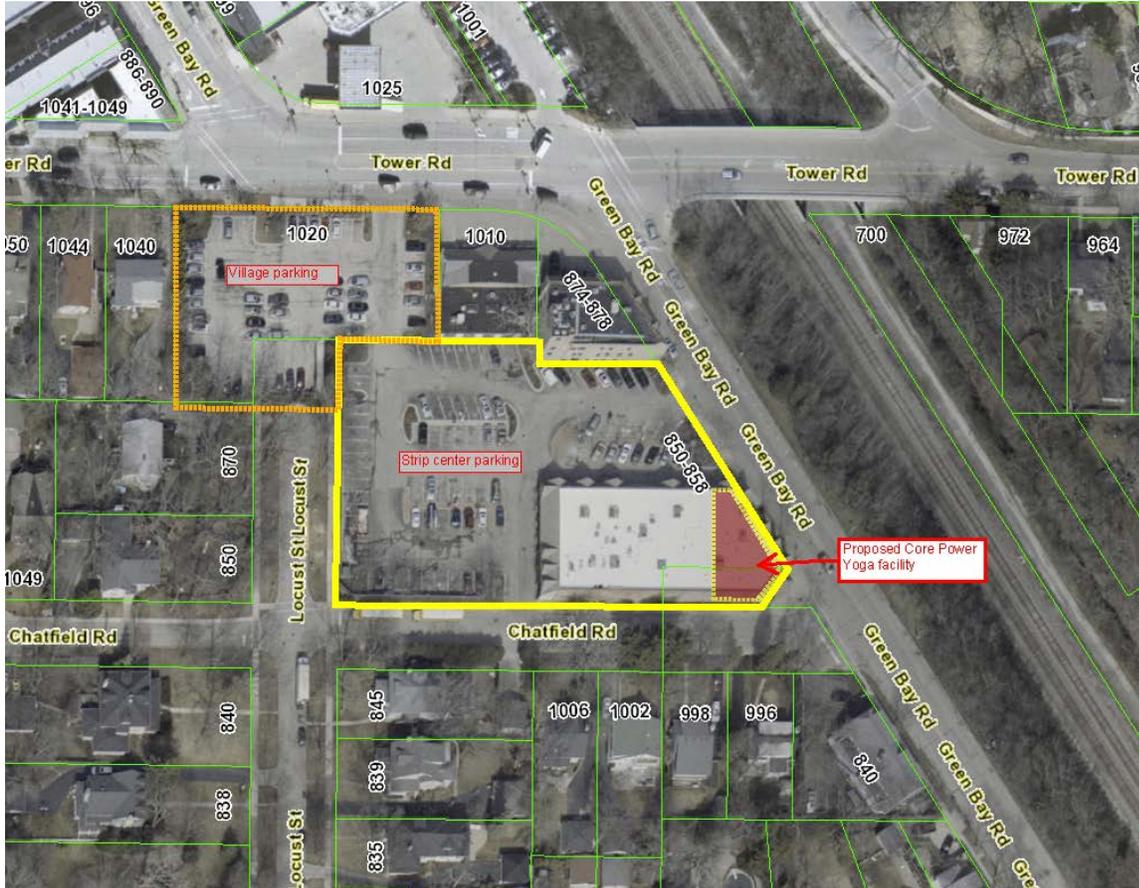


Figure 1. Aerial View of the subject property

Recommendation

Consider approval of Resolution R-51-2016, granting a 90 day extension to Level 4 Yoga LLC, d/b/a Core Power Yoga, on the commencement of the operation of the yoga and fitness studio at 850 Green Bay Rd. approved by Ordinance M-26-2015.

Attachments

- Attachment A: Resolution R-51-2016
- Attachment B: Ordinance M-26-2015
- Attachment C: September 12, 2016 Request for Extension

**A RESOLUTION GRANTING AN EXTENSION TO THE TIME IN WHICH LEVEL 4
YOGA, LLC HAS TO CONSTRUCT AND OCCUPY A YOGA AND FITNESS
STUDIO WITHIN THE C-2 GENERAL RETAIL COMMERCIAL DISTRICT OF THE
VILLAGE
(850 Green Bay Road)**

WHEREAS, Level 4 Yoga, LLC ("*Applicant*"), is the lessee of the property commonly known as 850 Green Bay Road, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance ("*Subject Property*"); and

WHEREAS, McDonald's Corporation ("*Owner*"), is the record title owner of the Subject Property; and

WHEREAS, the Subject Property is located within the C-2 General Retail Commercial District of the Village ("*C-2 District*"); and

WHEREAS, pursuant to Section 17.44.020 and the table of uses set forth in Section 17.46.010 of the Winnetka Zoning Ordinance ("*Zoning Ordinance*"), the operation of a yoga and fitness studio is not permitted within the C-2 District without a special use permit; and

WHEREAS, on December 15, 2015, the Village Council adopted Ordinance No. M-26-2015 ("*Special Use Ordinance*") granting the Applicant a special use permit to allow the Applicant to use the Subject Property for a yoga and fitness studio ("*Special Use Permit*"); and

WHEREAS, Section 17.56.100.A of the Zoning Ordinance provides that a special use permit shall become null and void if the construction and occupancy for which the permit was granted or occupancy for which the permit was granted has not been actively pursued within one year and completed and occupied within 18 months following the date of Village Council approval, except that such time limits may be extended by the Village Council, at its discretion, following a written request to do so ("*Time Restriction*"); and

WHEREAS, the Time Restriction is also set forth in Section 3.A of the Special Use Ordinance, which Section 3.A provides that the Applicant must commence operation of the proposed yoga and fitness studio no later than December 15, 2016; and

WHEREAS, the Applicant has made a written request to extend the Time Restriction by an additional 90 days to permit it to complete its build-out of the Subject Property and begin operations ("*Extension*"); and

WHEREAS, the Village Council has determined that approval of the Extension is in the best interests of the Village and its residents;

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

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

SECTION 2: APPROVALS. Pursuant to Section 17.56.100.A of the Zoning Ordinance, the Village Council hereby approves a 90-day extension, to March 15, 2017, for the Applicant to complete its construction and begin operation of the proposed yoga and fitness studio on the Subject Property.

SECTION 3: EFFECTIVE DATE. This Resolution will be effective upon its passage and approval according to law;

ADOPTED this 4th day of October, 2016, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk

VILLAGE OF WINNETKA
COOK COUNTY, ILLINOIS

ORDINANCE NO. M-26-2015

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT
FOR THE OPERATION OF A YOGA AND FITNESS STUDIO
WITHIN THE C-2 GENERAL RETAIL COMMERCIAL DISTRICT OF
THE VILLAGE (850 Green Bay Road)**

PASSED AND APPROVED by the
President and Board of Trustees
of the Village of Winnetka,
Cook County, Illinois, this
15th day of December, 2015.

PUBLISHED IN PAMPHLET FORM
by authority of the President
and Board of Trustees of the
Village of Winnetka, Cook
County, Illinois, this 16th day of
December, 2015.

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT
FOR THE OPERATION OF A YOGA AND FITNESS STUDIO
WITHIN THE C-2 GENERAL RETAIL COMMERCIAL DISTRICT OF THE VILLAGE
(850 Green Bay Road)**

WHEREAS, Level 4 Yoga, LLC ("*Applicant*"), is the lessee of the property commonly known as 850 Green Bay Road, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance ("*Subject Property*"); and

WHEREAS, McDonald's Corporation ("*Owner*"), is the record title owner of the Subject Property; and

WHEREAS, the Subject Property is located within the C-2 General Retail Commercial District of the Village ("*C-2 District*"); and

WHEREAS, the Applicant desires to operate a yoga and fitness studio at the Subject Property; and

WHEREAS, pursuant to Section 17.44.020 and the table of uses set forth in Section 17.46.010 of the Winnetka Zoning Ordinance ("*Zoning Ordinance*"), the operation of a yoga and fitness studio is not permitted within the C-2 District without a special use permit; and

WHEREAS, the Applicant filed an application for a special use permit pursuant to Section 17.44.020.B and Chapter 17.56 of the of the Zoning Ordinance to allow the operation of a yoga and fitness studio at the Subject Property ("*Special Use Permit*"); and

WHEREAS, the Owner of the Subject Property has consented to the application for the Special Use Permit filed by the Applicant; and

WHEREAS, on September 30, 2015, after due notice thereof, the Plan Commission conducted a public hearing on the proposed Special Use Permit and, by the unanimous vote of the ten members then present, recommended that the Village Council approve the Special Use Permit; and

WHEREAS, on October 28, 2015, after due notice thereof, the Zoning Board of Appeals conducted a public hearing on the proposed Special Use Permit and, by the unanimous vote of the four members then present, recommended that the Village Council approve the Special Use Permit; and

WHEREAS, the Village Council has determined that approval of the proposed Special Use Permit for the operation of a yoga and fitness studio at the Subject Property satisfies the standards for the approval of special use permits within the C-2 District set forth in Chapter 17.56 of the Zoning Ordinance and is in the best interest of the Village and its residents;

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

SECTION 1: RECITALS. 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: SPECIAL USE PERMIT. Subject to, and contingent upon, the terms and conditions set forth in Section 3 of this Ordinance, the Special Use Permit is hereby granted, pursuant to Chapter 17.56 and Section 17.44.020.B of the Zoning Ordinance and the home rule powers of the Village, to allow the establishment and operation of a yoga and fitness studio by the Applicant at the Subject Property within the C-2 District.

SECTION 3: CONDITIONS. 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. **Commencement of Operation.** The Applicant must commence operation of the proposed yoga and fitness studio no later than 12 months after the effective date of this Ordinance.
- B. **Compliance with Regulations.** The development, use, and maintenance of the Subject Property must comply at all times with all applicable Village codes and ordinances, as they have been or may be amended over time.
- C. **Reimbursement of Village Costs.** In addition to any other costs, payments, fees, charges, contributions, or dedications required under applicable Village codes, ordinances, resolutions, rules, or regulations, the Applicant must pay to the Village, promptly upon presentation of a written demand or demands therefor, of all fees, costs, and expenses incurred or accrued in connection with the review, negotiation, preparation, consideration, and review of this Ordinance. Payment of all such fees, costs, and expenses for which demand has been made shall be made by a certified or cashier's check. Further, the Applicant must pay upon demand all costs incurred by the Village for publications and recordings required in connection with the aforesaid matters.
- D. **Compliance with Plans.** The development, use, and maintenance of the yoga and fitness studio at the Subject Property must be in strict accordance with the Floor Plan prepared by DXU Studio Architects + Planners, consisting of one sheet, and with a latest revision date of July 21, 2015, a copy of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit B**, 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.

SECTION 4: RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded with the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon, the Applicant, the Owner, and each of their heirs, representatives, successors, and assigns.

SECTION 5: FAILURE TO COMPLY. Upon the failure or refusal of the Applicant or the Owner 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 be amended from time to time. 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: AMENDMENT OF SPECIAL USE PERMIT. Any amendments to the Special Use Permit granted in Section 2 of this Ordinance that may be requested by the Applicant after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance.

SECTION 7: EFFECTIVE DATE.

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

1. Its passage by the Village Council in the manner required by law;
2. Its publication in pamphlet form in the manner required by law; and
3. The filing by the Applicant and the Owner 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.

[SIGNATURE PAGE FOLLOWS]

PASSED this 15th day of December, 2015, pursuant to the following roll call vote:

AYES: Trustees Cripe, Fessler, Krucks, McCrary Myers, Prodromos

NAYS: None

ABSENT: None

APPROVED this 15th day of December, 2015.

Signed:



Village President

Countersigned:



Village Clerk

Published by authority of the President
and Board of Trustees of the Village of
Winnetka, Illinois, this 16th day of
December, 2015.

Introduced: Waived

Passed and Approved: December 15, 2015

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

Lot 1 of McDonald's Green Bay Plat of Consolidation of part of the South Half 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 850 Green Bay Road, Winnetka, Illinois.

EXHIBIT B

FLOOR PLAN

(SEE ATTACHED EXHIBIT B)



THESE DRAWINGS AND SPECIFICATIONS ARE THE CONFIDENTIAL AND PROPRIETARY PROPERTY OF DXU, LLC AND SHALL NOT BE COPIED OR REPRODUCED WITHOUT WRITTEN AUTHORIZATION. THE CONTRACT DOCUMENTS WERE PREPARED FOR USE ON THIS SPECIFIC SITE. IN CONJUNCTION WITH ITS ISSUE DATE AND ARE NOT SUITABLE FOR USE ON A DIFFERENT SITE OR AT A LATER TIME. USE OF THESE DRAWINGS FOR REFERENCE OR EXAMPLE ON ANOTHER PROJECT REQUIRES THE SERVICES OF DXU, LLC. REPRODUCTION OF THE CONTRACT DOCUMENTS FOR REUSE ON ANOTHER PROJECT IS NOT AUTHORIZED.

LEVEL 4 YOGA
 1003 WEST FULTON MARKET
 CHICAGO, IL 60607

Client
COREPOWER YOGA
 850 GREEN BAY RD.
 WINNETKA, IL 60093

Project

Consultant

No.	Issue	Date
	SPECIAL USE SUBMITTAL	07-21-2015
	TEST FIT	03-17-2015
	SURVEY	02-10-2015

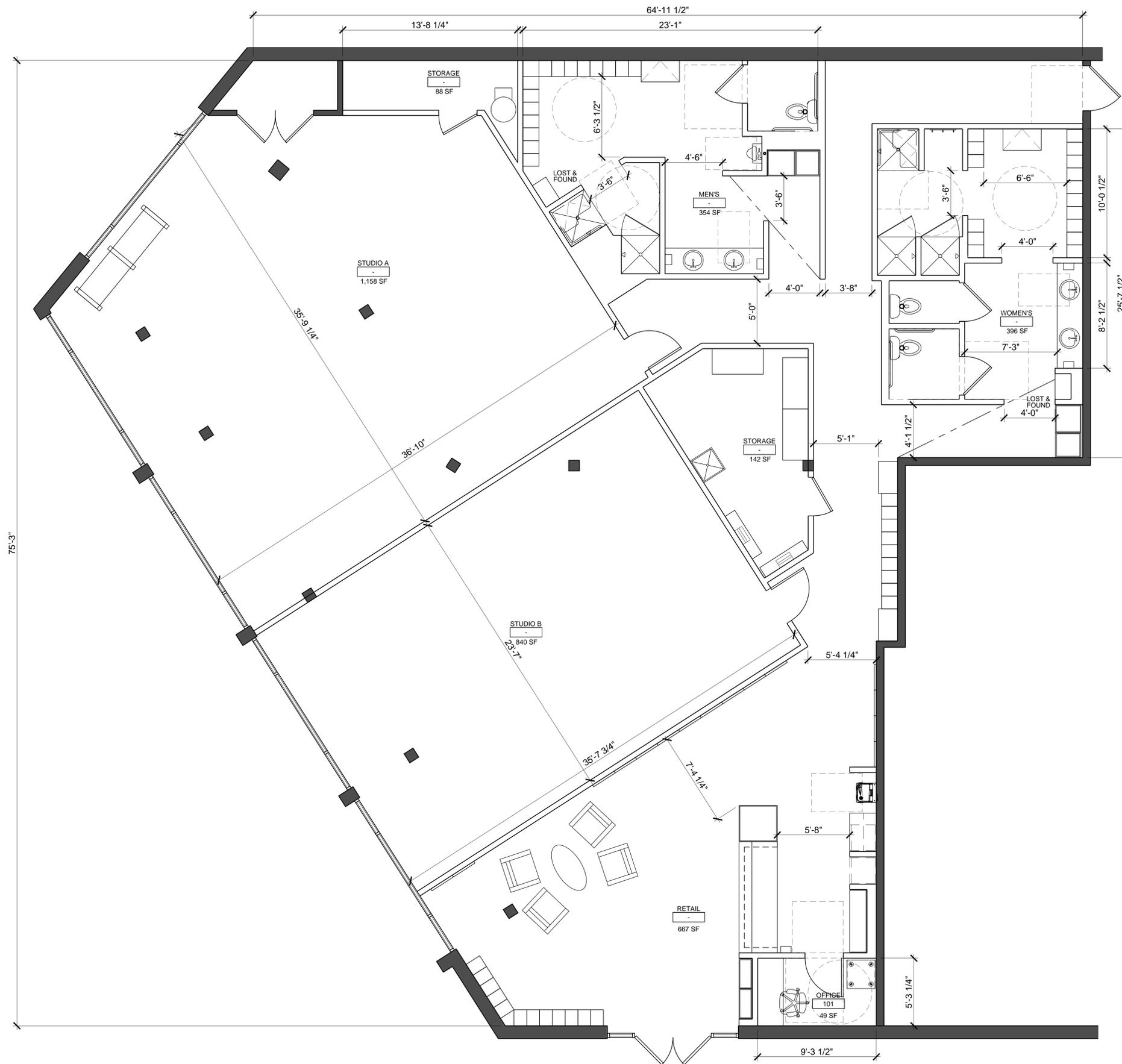
Seal

SPECIAL USE
 Job Number 15-021
 Approved AV
 Title

FLOOR PLAN

Sheet

FP01



1 FLOOR PLAN
 1/4" = 1'-0"

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Level 4 Yoga, LLC ("*Applicant*"), desires to operate a yoga and fitness studio located at 850 Green Bay Road in the Village ("*Subject Property*"); and

WHEREAS, McDonald's Corporation ("*Owner*"), is the record title owner of the Subject Property and consents to the operation of a yoga and fitness studio by Applicant at the Subject Property; and

WHEREAS, Ordinance No. M-26-2015, adopted by the Village Council on December 15, 2015 ("*Ordinance*"), grants a special use permit to the Applicant for the operation of a yoga and fitness studio at the Subject Property within the C-2 General Retail Commercial District of the Village; 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 and the Owner have filed, within 60 days following the passage of the Ordinance, their 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 and the Owner do hereby agree and covenant as follows:

1. The Applicant and the Owner do 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 and the Owner acknowledge that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, have considered the possibility of the revocation provided for in the Ordinance, and agree not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.

3. The Applicant and the Owner acknowledge and agree 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 grant 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 or the Owner against damage or injury of any kind and at any time.

4. The Applicant and the Owner do 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.

5. The Applicant and the Owner hereby agree to pay all expenses incurred by the Village in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses will include all out-of-pocket expenses, such as attorneys' and experts' fees, and will also include the reasonable value of any services rendered by any employees of the Village.

Dated: _____, 2015

ATTEST: **LEVEL 4 YOGA, LLC**

By: _____
Its: _____

By: _____
Its: _____

ATTEST **MCDONALD'S CORPORATION**

By: _____
Its: _____

By: _____
Its: _____

Level 4 Yoga, LLC

September 12, 2016

Michael D'Onofrio
Director of Community Development
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093

Dear Mr. D'Onofrio:

Level 4 Yoga, LLC d/b/a Core Power Yoga ("CPY") is requesting a Ninety (90) day extension of the ordinance approving the Special Use Permit that allows CPY to operate as a yoga and fitness studio at 850 Green Bay Road Winnetka, Illinois.

CPY will be spending approximately \$140 per square foot of rentable space or approximately \$600,000 on the build out.

CPY has submitted for permit on August 19th, 2016 and as of the date of this letter are waiting for comments to the plans from the Village. Anticipating getting comments from the Village shortly, CPY plans to start construction in two to three weeks. The build out of the space is anticipated to take 14 weeks. Barring any unforeseen issues or delays, the opening plan is to have the Certificate of Occupancy prior to December 25th, finish up any punch list items and open for business to the public the 1st week of January 2017.

The events that we can specifically point to that created approximately 4 - 6 months of delays during the lease negotiations were: 1) The individual heading up the negotiation went on a mandatory sabbatical during the lease negotiation and, 2) McDonalds sold off a large portfolio of properties at a nationwide auction. Their legal department was unable to address the CPY lease during these times.

Sincerely,



Michael Chin
Vice President of Real Estate
Level 4 Yoga LLC dba Core Power Yoga



Agenda Item Executive Summary

Title: 2016 Preservation Awards Presentation

Presenter: Louise Holland, Chairperson of Landmark Preservation Commission

Agenda Date: 10/04/2016

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:

Every spring the Landmark Preservation Commission accepts nominations for the annual Preservation Awards program and conducts an award presentation at a Village Council meeting in the fall. The Preservation Awards program seeks to honor those construction projects in the village that have helped preserve the history and character of the village. There are three award categories: restoration, rehabilitation, and new construction. Of the seven (7) award winners this year, six (6) are rehabilitation projects and one is a restoration project. Private, commercial, and public properties are eligible. Nominations may be submitted by anyone, but do require the property owner's consent. To qualify, the project must have been completed within the past five (5) years. Only exterior projects are eligible.

Recommendation:

Informational only. No action to be taken.

Attachments:

1) Agenda Report

AGENDA REPORT

TO: Village Council

PREPARED BY: Ann Klaassen, Planning Assistant

DATE: September 22, 2016

SUBJECT: 2016 Winnetka Preservation Awards

Every spring the Landmark Preservation Commission accepts nominations for the annual Preservation Awards program and conducts an award presentation at a Village Council meeting in the fall. The Preservation Awards program seeks to honor those construction projects in the village that have helped preserve the history and character of the village. There are three award categories: restoration, rehabilitation, and new construction. Of the seven (7) award winners this year, six (6) are rehabilitation projects and one is a restoration project. Private, commercial, and public properties are eligible. Nominations may be submitted by anyone, but do require the property owner's consent. To qualify, the project must have been completed within the past five (5) years. Only exterior projects are eligible.

This year the following seven (7) properties are to be presented with awards:

855 Alles Road (Rehabilitation)
Owners: Mike and Beth Miller
Architect: Chip Hackley, Hackley & Associates Architects, Kenilworth

1065 Elm Street (Rehabilitation)
Owner/Developer: Joe Baldo, Banyan Tree Development, Chicago
Architect: Jim Chambers, FWC Architects, Highwood

1083 Elm Street (Rehabilitation)
Owners: Joel and Francine Richman
Designers: Greg Bednarski and Julie Wallace, Siding & Windows Group,
Glenview
Landscape Architect: Scott Freres, Red Spade Environments, Winnetka

555 Glendale Avenue (Rehabilitation)
Owners: Jeff and Christine Morse
Builder: Chuck Norrman, North Shore Custom Living, Winnetka

901 Private Road (Rehabilitation)
Owners: Stephen and Karen Parker
Architect: Mark Ver Bryck, Ver Bryck Architects, Northbrook

573 Sheridan Road (Rehabilitation)
Owners: Patrick and Lisa McCarthy
Architect: Geno Benvenuti, Benvenuti and Stein, Evanston

777 Burr Avenue (Restoration)

Owners: Hugh and Lesa Rider

Architect: Chip Hackley, Hackley & Associates Architects, Kenilworth

Recommendation:

Informational only. No action to be taken.