Emails regarding any agenda item are welcomed. Please email LRosenthal@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.

Regular Meeting
WINNETKA VILLAGE COUNCIL
Police Department
410 Green Bay Road
Winnetka, Illinois 60093
July 5, 2011
7:30 p.m.

AGENDA

1) Call to Order
2) Pledge of Allegiance to the Flag
3) Quorum
   a) July 12, 2011, Study Session
   b) July 19, 2011, Regular Meeting
4) Approval of Agenda
5) Consent Agenda
   a) Village Council Minutes.
      i) May 24, 2011, Rescheduled Study Session 3
      ii) June 3, 2011, Special Study Session 4
   b) Warrant Lists Nos. 1707 and 1708 5
   c) Ordinance No. M-8-2011 – Zoning Variation: 933 Tower Road – Adoption 6
   d) Resolution No. R-25-2011 - Final Approval - McGregor Consolidation of 627 & 633 Sheridan Road into Single Lot – Adoption 29
   e) Certificate of Appropriateness – 64 Green Bay Road (Michael) 56
   f) Certificate of Appropriateness – 80 Green Bay Road (Land Rover) 83
   g) Bid 11-021: 2011 Dutch Elm Disease Control Program 94
6) Ordinances and Resolutions.
7) Public Comment and Questions
8) Old Business
   a) Policy Direction: Liquor Code Amendment 95
9) New Business
10) Reports
11) Appointments

12) Executive Session

13) Adjournment

NOTICE

All agenda materials are available at www.villageofwinnetka.org *(click Council and then Current Agenda)*, the Reference Desk at the Winnetka Library, or in the Manager's Office at Village Hall (2nd floor)**.**

Videos of the Regular Village Council meetings are televised on Channel 10, Mondays, Wednesdays, and Fridays at 7:00 p.m. Videos of the meeting may also be viewed on the Internet via a link on the Village's web site: www.villageofwinnetka.org.

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 – Liz Rosenthal, at 510 Green Bay Road, Winnetka, Illinois 60093, (Telephone (847) 716-3540; T.D.D. (847) 501-6041).

MINUTES
WINNETKA VILLAGE COUNCIL
RESCHEDULED STUDY SESSION

May 24, 2011

(Approved:)

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, May 24, 2011, at 7:30 p.m.

1) Call to Order. President Tucker called the meeting to order at 7:35 p.m. Present: Trustees Arthur Braun, Gene Greable, Bill Johnson, Richard Kates, Chris Rintz and Jennifer Spinney. Absent: None. Also in attendance: Village Manager Robert Bahan, Village Attorney Katherine Janega, and approximately four persons in the audience.

2) Village Council Orientation. Attorney Janega gave a PowerPoint presentation highlighting the general information contained in the 2011 edition of the Council Handbook. She discussed the Village's form of government, its sources of power, and its policy making process. She also commented on ethics considerations and conflicts of interests. Ms. Janega then reviewed the Open Meetings Act and the Freedom of Information Act and their implications and impact on Council behavior and communications.

3) Executive Session. Trustee Johnson moved to adjourn into Executive Session to discuss Personnel and Collective Bargaining, pursuant to Sections 2(c)(1) and 2(c)(2) of the Illinois Open Meetings Act. Trustee Spinney seconded the motion. By roll call vote, the motion carried. Ayes: Trustees Braun, Greable, Kates, Johnson, Rintz and Spinney. Nays: None. Absent: None. The Council adjourned into Executive Session at 8:40 p.m.

   The Council reconvened into Regular Session at 8:40 p.m. Present: President Tucker, Trustees Braun, Greable, Johnson, Kates, Rintz and Spinney. Absent: None. Also present: Village Manager Robert Bahan and Assistant to the Village Manager Liz Rosenthal.

4) Adjournment. Trustee Rintz, seconded by Trustee Spinney, moved to adjourn the meeting. By roll call vote, the motion carried. Ayes: Trustees Braun, Greable, Kates, Johnson, Rintz and Spinney. Nays: None. Absent: None. The meeting adjourned at 10:02 p.m.

_____
Recording Secretary

MINUTES
WINNETKA VILLAGE COUNCIL SPECIAL STUDY SESSION

June 3, 2011

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Winnetka Community House on Friday, June 3, 2011 at 830 a.m.

1) Call to Order. President Tucker called the meeting to order at 8:35 a.m. Present: Trustees Arthur Braun, Gene Greable, Bill Johnson, Richard Kates, Chris Rintz and Jennifer Spinney. Absent: None. Also in attendance: Village Manager Robert Bahan, Village Attorney Katherine Janega, Director of Public Works Steve Saunders, Director of Water & Electric Brian Keys, Interim Police Chief Pat Kreis, Fire Chief Alan Berkowsky, Director of Community Development Mike D'Onofrio, Finance Director Ed McKee, Assistant to the Village Manager Liz Rosenthal and approximately two persons in the audience.

2) Facilitated Strategic Planning discussions with Village Manager and Administrative Staff. The Village Council, Manager and Department Heads held a day-long session at the Winnetka Community House where various issues were discussed and prioritized. John Fontana from the Fontana Leadership Development, Inc. led the participants through a series of exercises, including a discussion of strengths, weaknesses, opportunities and threats and identification and prioritization of critical issues. The participants broke into smaller groups to develop goals and objectives and later reported back to the whole group.

   At the conclusion of the day, the Council identified downtown revitalization, updating Village technology, enhancing communication and education with residents, implementing stormwater drainage improvements, refining the Village's financial plan and human resource planning as the top priorities. Goals and objectives will be developed for each of these priorities and will be presented to the Council during July for their consideration and approval.

3) Adjournment. Trustee Johnson, seconded by Trustee Spinney, moved to adjourn the meeting. By roll call vote, the motion carried. Ayes: Trustees Greable, Kates, Johnson, Braun, Rintz and Spinney. Nays: None. Absent: None. The meeting adjourned at approximately 2:45 p.m.

Recording Secretary

AGENDA REPORT

SUBJECT: **Warrant Lists Nos. 1707 and 1708**

PREPARED BY: Robert Bahan, Village Manager

DATE: June 30, 2011

Warrants Lists Nos. 1707 and 1708 are enclosed in each Council member's packet.

Recommendation: Consider approving Warrants Lists Nos. 1707 and 1708.

AGENDA REPORT

TO: Village Council

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

DATE: June 28, 2011

SUBJECT: 933 Tower Rd. Ord. M-8-2011
(1) Front Yard Setback

REF: June 21, 2011 Council Meeting, pp. 53-87

Ordinance M-8-2011 grants a variation by Ordinance from Section 17.30.050 [Front and Corner Yard Setbacks] of the Winnetka Zoning Ordinance to permit the construction of a pergola that will result in a front yard setback of 21.34 ft., whereas a minimum of 50 ft. is required, a variation of 28.66 ft. (57.32%).

The petitioner, James Blum, is requesting the variation in order to construct a pergola on the west side of the existing attached one-car garage. The pergola would measure 9 ft. in width and 15 ft. in length; be at least 50% open to the passage of light and air, and therefore not contribute to the roofed lot coverage. The proposed pergola would provide a front yard setback, as measured from the private road easement, of 21.34 ft., whereas a minimum of 50 ft. is required. The existing residence is nonconforming with respect to the front yard setback; it is providing a front yard setback of 15.29 ft. The proposed setback of the pergola was determined based on the site plan that was approved by Ordinance M-18-2009 (attached p. 15-18) by the Village Council in Nov. 2009 (with a recommendation for approval by the ZBA in Sept. 2009, p. 19-26) for an attached garage addition that would have been located in the same location where the pergola is now proposed. As made obvious with this request to construct the pergola, the attached garage addition approved by the ZBA and Village Council was never brought to fruition.

The property is located in the R-2 Single Family Residential District. The home was built in 1922. Subsequent building permits were issued in 1925 to construct a room and bath addition, in 1929 to construct a porch addition, in 1972 to alter and repair the residence, and in 1986 to construct a room addition and general remodeling to the residence. The petitioners purchased the property in 1997.

There are two previous zoning cases for this property besides Case No. 09-01-V2 referenced above for a front yard setback variation. In 1986, Case No. 1339 was approved by the ZBA for the rear and front yard setbacks to permit the construction of a one-story addition on the north side of the residence (permit referenced above). In 1991, Case No. 1508 was approved by the Village Council to permit a front yard setback of 30.42 ft., as measured from the property line, to construct a two-story garage addition to the residence. This project was never pursued after the approval of the variation either.

An attached zoning matrix summarizes the work proposed under this variation request.

At its May 9, 2011 meeting the Zoning Board of Appeals voted 7-0 to recommend approval of the variation (p. 27-31).

Introduction of the ordinance requires the concurrence of the majority of the Village Council members present.

Recommendation

Consider adoption of Ordinance M-8-2011, granting a variation from the front yard setback requirement to permit the construction of a pergola within the required front yard.

ZONING MATRIX

ADDRESS: 933 Tower Rd.
CASE NO: 11-10-V2
ZONING: R-2

ITEM	REQUIREMENT	EXISTING	PROPOSED	TOTAL	STATUS
Min. Lot Size	24,000 SF	7,928.93 SF (1)	N/A	N/A	EXISTING NONCONFORMING
Min. Average Lot Width	100 FT	114.91 FT	N/A	N/A	OK
Max. Roofed Lot Coverage	1,982.23 SF (2)	1,865.38 SF	N/A	N/A	OK
Max. Gross Floor Area	3,171.57 SF (2)	2,947.1 SF	N/A	N/A	OK
Max. Impermeable Lot Coverage	3,964.46 SF (2)	2,839.2 SF	N/A (3)	N/A	OK
Min. Front Yard (South)	50 FT	15.29 FT	21.34 FT	N/A	**28.66 SF (57.32%) VARIATION**
Min. Side Yard (East)	12 FT	14.57 FT	N/A	N/A	OK
Min. Total Side Yards	34.47 FT	59.57 FT	50.57 FT	N/A	OK
Min. Rear Yard (North)	10.35 FT	5.51 FT	22.66 FT	N/A	EXISTING NONCONFORMING

NOTES:

(1) Excludes area of private road easement (374.97 s.f.).

(2) Based on lot area of 7,928.93 SF

(3) Parking pad under the pergola is gravel, which is not included in the impermeable lot coverage.

ORDINANCE NO. M-8-2011

AN ORDINANCE GRANTING A VARIATION IN THE APPLICATION OF THE ZONING ORDINANCE OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS (933 Tower)

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

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

WHEREAS, the property commonly known as 933 Tower Road, Winnetka, Illinois (the "Subject Property"), is legally described as follows:

> Lot 1 in Jackson's Subdivision of Lot 6 (except that part of said Lot 6 lying West of a line extending Northerly from a point in the South line of said Lot 6, 89 feet 9 inches East of the Southwest corner thereof, to a point in the Northerly line of said Lot 6, 95 feet 3 inches Easterly from the Northwest corner thereof) in the subdivision of Lot 2 in the subdivision of Block 13 Hubbard Estate Subdivision in the Northeast ¼ of the Fractional Section 17, Township 42 North, Range 13 East of the Third Principal Meridian, in Winnetka, Cook County, Illinois; and

WHEREAS, the Subject Property is located in the R-2 Zoning District provided in Chapter 17.24 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code; and

WHEREAS, on April 4, 2011, the owner of the Subject Property filed an application for a variation from the 50-foot minimum Front Yard Setback requirement of Section 17.30.050 of the Lot, Space, Bulk and Yard Regulations for Single Family Residential Districts established by Chapter 17.30 of the Zoning Ordinance, to allow a south front yard setback of 21.34 feet, resulting in a variation of 28.66 feet (57.32%), in order to permit the construction of a 9-foot by 15-foot parking pergola on the west side of the existing attached one-car garage; and

WHEREAS, the owner seeks the same front setback variation as was approved by the Village Council on November 3, 2009, when it passed Ordinance M-18-2009, granting variations

from the roofed lot coverage and front yard setback requirements to allow the expansion of the front-facing attached one-car garage on the Subject Property; and

WHEREAS, the garage addition permitted by Ordinance M-18-2009 was not constructed; and

WHEREAS, unlike the previously proposed garage, the proposed pergola will not increase the roofed lot coverage, as the pergola will be more than 50% open to the passage of light and air, and the pergola will be set over a permeable gravel parking area; and

WHEREAS, on May 9, 2011, on due notice thereof, the Zoning Board of Appeals conducted a public hearing on the requested variations and, by the unanimous vote of the seven members then present, has reported to the Council recommending that the requested variation be granted; and

WHEREAS, there are practical difficulties and particular hardships associated with carrying out the strict application of the Zoning Ordinance with respect to the Subject Property in that: (a) the Subject Property is a nonconforming, irregularly shaped lot that has an average lot width of more than 125 feet wide and an average lot depth of less than 70 feet; (b) the Subject Property also has a nonconforming lot area of 7,928.93 square feet, which is 16,071 square feet less than the requirement for the R-2 Zoning District; (c) the Subject Property is improved with a single family residence, constructed in 1922, before the enactment of the Winnetka Zoning ordinance; (d) although the Subject Property has a Tower Road address, it is part of a cluster of homes located to the north of two parcels that front on Tower Road and is accessed via an easement that serves several of the other properties in the cluster and is therefore considered a street for zoning purposes; (e) because of the private street easement, the Subject Property is required by the Zoning Ordinance to observe a 50-foot front yard setback from the northern edge of the easement; and (f) the Subject Property currently has a legal, nonconforming front yard setback of 15.29 feet; and

WHEREAS, the Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the Zoning Ordinance, in that the location of the Subject Property necessitates providing on-site parking, while the combined effect of the size and location of the easement, the legally nonconforming lot size and depth, and the location of the legally conforming existing home and the easement, leaves minimal space for off-street parking; and

WHEREAS, the requested variation will not alter the essential character of the neighborhood in that the pergola will provide a decorative covered parking area that will help screen parked cars from view while providing an architectural enhancement to the existing home; and

WHEREAS, the requested variation will not impair an adequate supply of light and air because the proposed pergola will be at least 50% open to the passage of light and air and the proposed pergola will be set back further then the existing structures on the Subject Property; and

WHEREAS, the requested variation will not increase the hazard from fire and other dangers to the Subject Property, as the proposed construction will comply with all applicable building and fire protection codes; and

WHEREAS, there is no evidence that the requested variation will diminish the taxable value of land and buildings throughout the Village, and the taxable value of the Subject Property may be increased because of the proposed improvements; and

WHEREAS, the proposed construction will not contribute to congestion on the public streets, as the property will continue to be used for single family residential purposes; and

WHEREAS, there is no evidence that the requested variation will otherwise impair the public health, safety, comfort, morals, and welfare of the inhabitants of the Village; and

WHEREAS, the requested variation is in harmony with the general purpose and intent of the Winnetka Zoning Ordinance, in that it allows the renovation, restoration and rehabilitation of a structurally sound existing building while maintaining the existing scale and appearance of the community and protecting established trees and landscaping, particularly because of the openness of the pergola design and because the parking area will have a permeable gravel surface.

NOW, THEREFORE, the Council of the Village of Winnetka do ordain 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: The Subject Property, commonly known as 933 Tower Road, and located in the R-2 Single-Family Residential District provided in Chapter 17.24 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code is hereby granted a variation from the 50-foot minimum Front Yard Setback requirement of Section 17.30.050 of the Lot, Space, Bulk and Yard Regulations for Single Family Residential Districts established by Chapter 17.30 of the Zoning Ordinance, to allow a south front yard setback of 21.34 feet, resulting in a variation of 28.66 feet (57.32%), in order to permit the construction of a 9-foot by 15-foot pergola covering for a

gravel parking area on the west side of the existing attached one-car garage, in accordance with the plans and elevations submitted with the application for variations.

SECTION 3: The variation granted herein is subject to the following conditions: (i) the parking surface under the pergola shall be permeable gravel and (ii) the proposed construction shall commence within 12 months after the effective date of this Ordinance.

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

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

PASSED this 5th day of July, 2011, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this 5th day of July, 2011.

Signed:

_____
Village President

Countersigned:

_____
Village Clerk

Introduced: June 21, 2011

Posted: June 22, 2011

Passed and Approved:

Posted:

CASE NO. 11-10-V2

APPLICATION FOR VARIATION
WINNETKA ZONING BOARD OF APPEALS

Owner Information:

Name: James J Blum

Property Address: 933 Tower Rd, Winn

Home and Work Telephone Number: (H) 847-441-6171 (Cell) 847-791-1694

Fax and E-mail: blum1094@aol.com / abc jblum@gmail.com

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

Slavi Milucher Ph 847-514-9299
Builder = SLA Construction fax " 715-9678
1727 Chapel Court N Brook 60062

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

Date Property Acquired by Owner: 1996

Nature of Any Restrictions on Property: easements, per survey

Explanation of Variation Requested:
(Attach separate sheet if necessary)

addition of pergola to west side of garage, perhaps too close to easement (driveway)

RECEIVED
APR - 4 2011
BY:

OFFICE USE ONLY

Variation Requested Under Ordinance Section(s): _____

Staff Contact: _____ Date: _____

STANDARDS FOR GRANTING OF ZONING VARIATIONS

Applications must provide evidence and explain in detail the manner wherein the strict application of the provisions of the zoning regulations would result in a clearly demonstrated practical difficulty or particular hardship. In demonstrating the existence of a particular difficulty or a particular hardship, please direct your comments and evidence to **each** of the following items:

1. The property in question can not yield a reasonable return if permitted to be used only under the conditions allowed by regulations in that zone. attached
2. The plight of the owner is due to unique circumstance. Such circumstances must be associated with the characteristics of the property in question, rather than being related to the occupants. attached
3. The variation, if granted, will not alter the essential character of the locality.
4. An adequate supply of light and air to the adjacent property will not be impaired.
5. The hazard from fire and other damages to the property will not be increased. Will be built per permit
6. The taxable value of the land and buildings throughout the Village will not diminish. plus may rise
7. The congestion in the public street will not increase. not affected
8. The public health, safety, comfort, morals, and welfare of the inhabitants of the Village will not otherwise be impaired. not affected

For your convenience, you will find attached examples of general findings, for and against the granting of a variation, which have been made by the Zoning Board of Appeals and Village Council in prior cases.

NOTE: The Zoning Board of Appeals or the Village Council, depending on which body has final jurisdiction, must make a finding that a practical difficulty or a particular hardship exists in order to grant a variation request.

Property Owner's Signature: _____ Date: 04/04/01

(Proof of Ownership is required)

Variations, if granted, require initiation of construction activity within 12 months of final approval. Consider your ability to commence construction within this 12 month time period to avoid lapse of approvals.

RECEIVED
APR - 4 2011
BY:

To: Ann Klassen

From: James J. Blum
Betsy Brace Blum

Subject: Zoning Variance Q &A for Pergola at 933 Tower Road

Date: April 4, 2011

As you know, we are requesting a variance from the setback requirements for the construction of a pergola attached to the current one-car garage at 933 Tower Road. Here then are my responses to the standards for this variance.

Re ' Standards for granting of Zoning Variations':

Standard 1, 'The property in question cannot yield . . . conditions allowed by regulation . . . .'
The request is to add a pergola of 9' by 15' over the current parking pad which is surrounded by decorative fencing on the north and new arbor vitae and decorative grasses and a rose arbor to the west and southwest. The intent is to beautify an area of our property in keeping with the historic English nature of the house and the surrounding homes. The pergola will be over 200' from the street. Regrettably, given the tumbled and intimate nature of the easements in this architecturally classic cul de sac, it will be less than 20' from the driveway easement, an easement which is totally on my property at that point.

Standard 2, 'The plight of the owner is due to unique circumstances . . .
See above. Were the easement upon which the proposed pergola encroaches to begin at the edge of my property, rather than being the south 16' of my property, no variance would be necessary. May I suggest that this circumstance quite easily falls under this standard's intention of uniqueness?

Standard 3, 'The variation will not alter the essential character of this locality . . .'
A pergola, which will be painted to match and extend the color of the house's current trim, to be planted on the west pillars with climbing roses extending the current rose garden, could not be more English on a Cotswold village house in a Cotswold village neighborhood, all built by the famous 'Builder of Fine English Cottages," J. Willis Jackson in 1920-1924.

Standard 4, 'An adequate supply of light . . .'
Jackson and J. Fred Keck built the two homes on the north end of the cul de sac, including 933 Tower, to receive light, not to block it. The Meyers house on Private Road, behind me, cannot conceivably be affected, and certainly not by a structure only half as high as the current house to which the pergola is to be attached. The concept of a pergola is to deflect light only, not to block it.

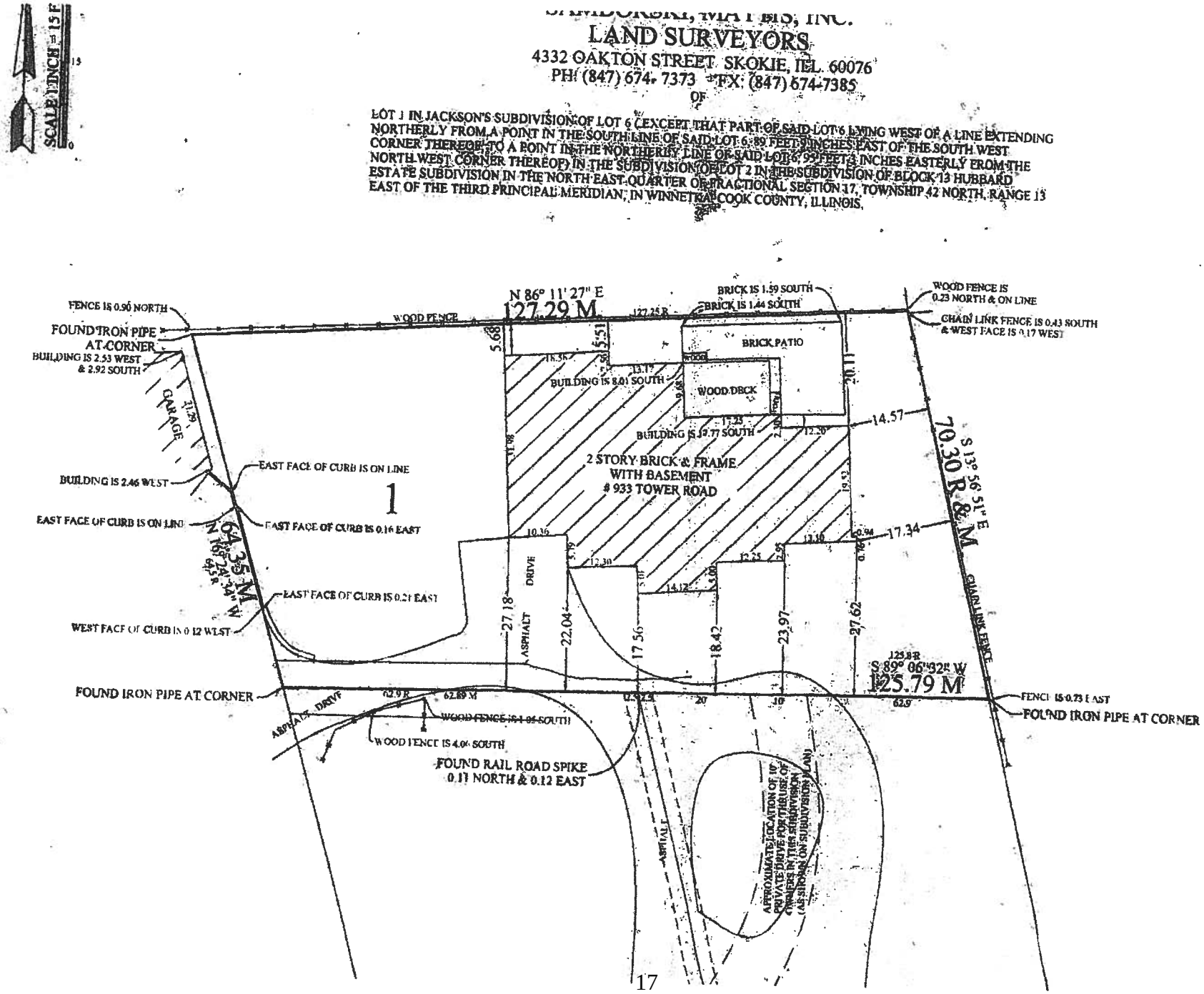
Standard 5, 'The hazard from fire . . .'
Since the pergola will be built to code, I cannot imagine a circumstance where this standard would be of concern.

Standard 6, 'The taxable value of the . . . will not diminish.'
In point of fact the value of this property may rise. Should it be built as I have proposed, it will be an elegant enhancement to the house, and the neighborhood.

Standard 7, 'The congestion of the public street . . .'
Not affected.

Standard 8, 'The public health . . .morals . . '
Not affected.

Existing Site Plan



933 Tower Rd. private road easement

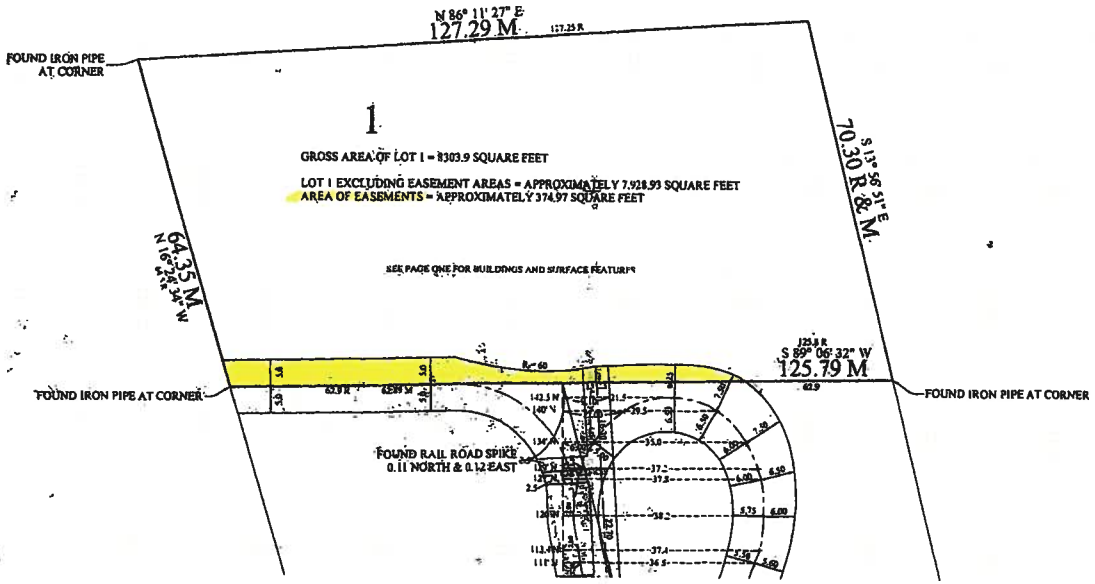
PLAT OF SURVEY

SAMBORSKI MATTIS, INC.
LAND SURVEYORS
4332 OAKTON STREET SKOKIE, ILL. 60076
PH. (847) 674-7372 FX: (847) 674-7385

RECEIVED OCT 10 2008

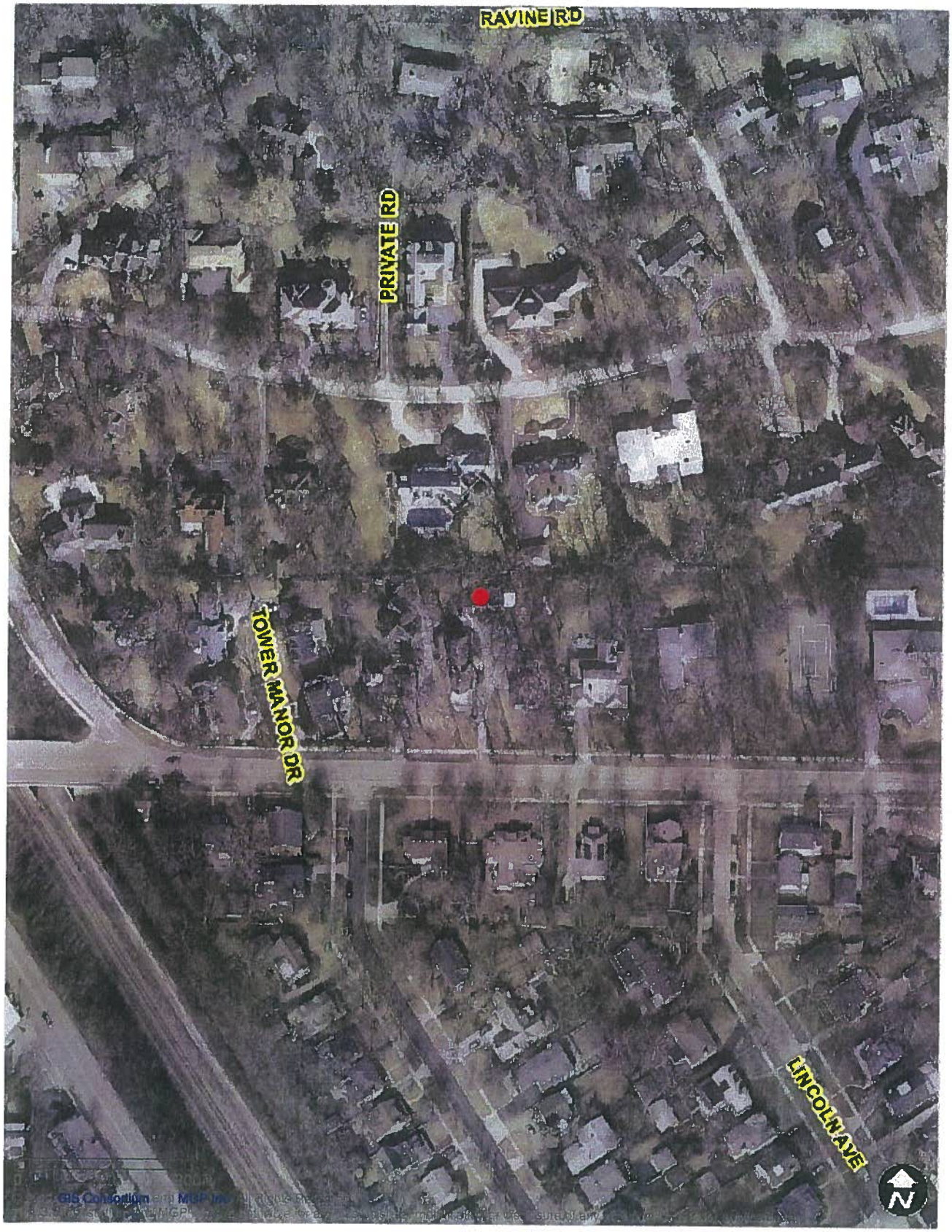
SCALE: INCH = 10 FEET

SHOWING EASEMENTS PER DOC 6121175 RECORDED SEPTEMBER 28, 1923 OVER LOTS 1, 2 & 3 IN JACKSON'S SUBDIVISION OF LOT 6 (EXCEPT THAT PART OF SAID LOT 6 LYING WEST OF A LINE EXTENDING NORTHERLY FROM A POINT IN THE SOUTH LINE OF SAID LOT 6, 49 FEET 8 INCHES EAST OF THE SOUTH WEST CORNER THEREOF, TO A POINT IN THE NORTHERLY LINE OF SAID LOT 6, 95 FEET 3 INCHES EASTERLY FROM THE NORTH WEST CORNER THEREOF) IN THE SUBDIVISION OF LOT 2 IN THE SUBDIVISION OF BLOCK 13 HUBBARD ESTATE SUBDIVISION IN THE NORTH EAST QUARTER OF FRACTIONAL SECTION 17, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WINNETKA, COOK COUNTY, ILLINOIS.



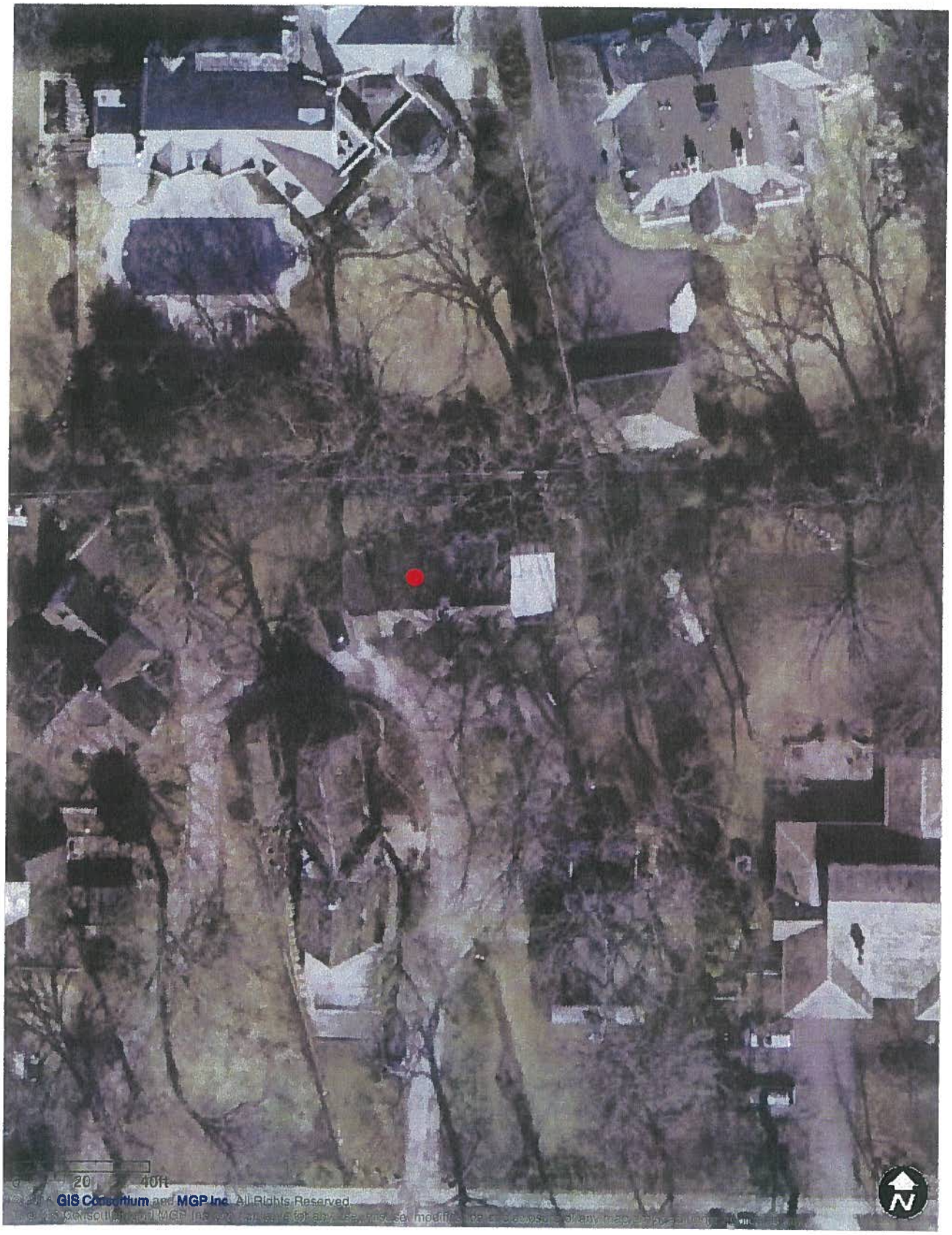
GIS consortium MapOffice™ *933 Tower Rd.*

Created By mgp inc



GIS consortium MapOffice™ *933 Tower Rd.*

Created By mgp inc

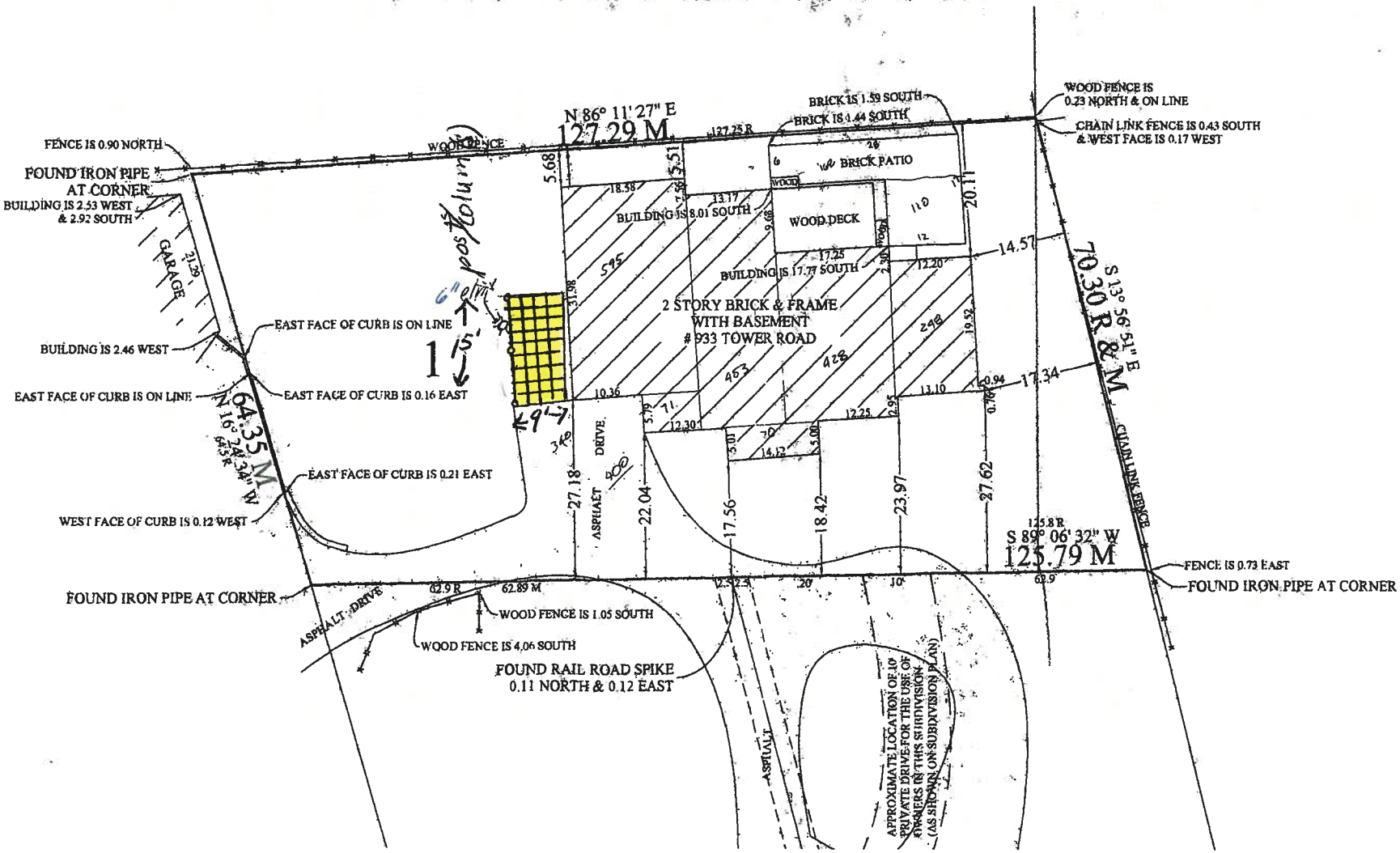


LAND SURVEYORS
4332 OAKTON STREET SKOKIE, ILL. 60076
PH: (847) 674-7373 FX: (847) 674-7385

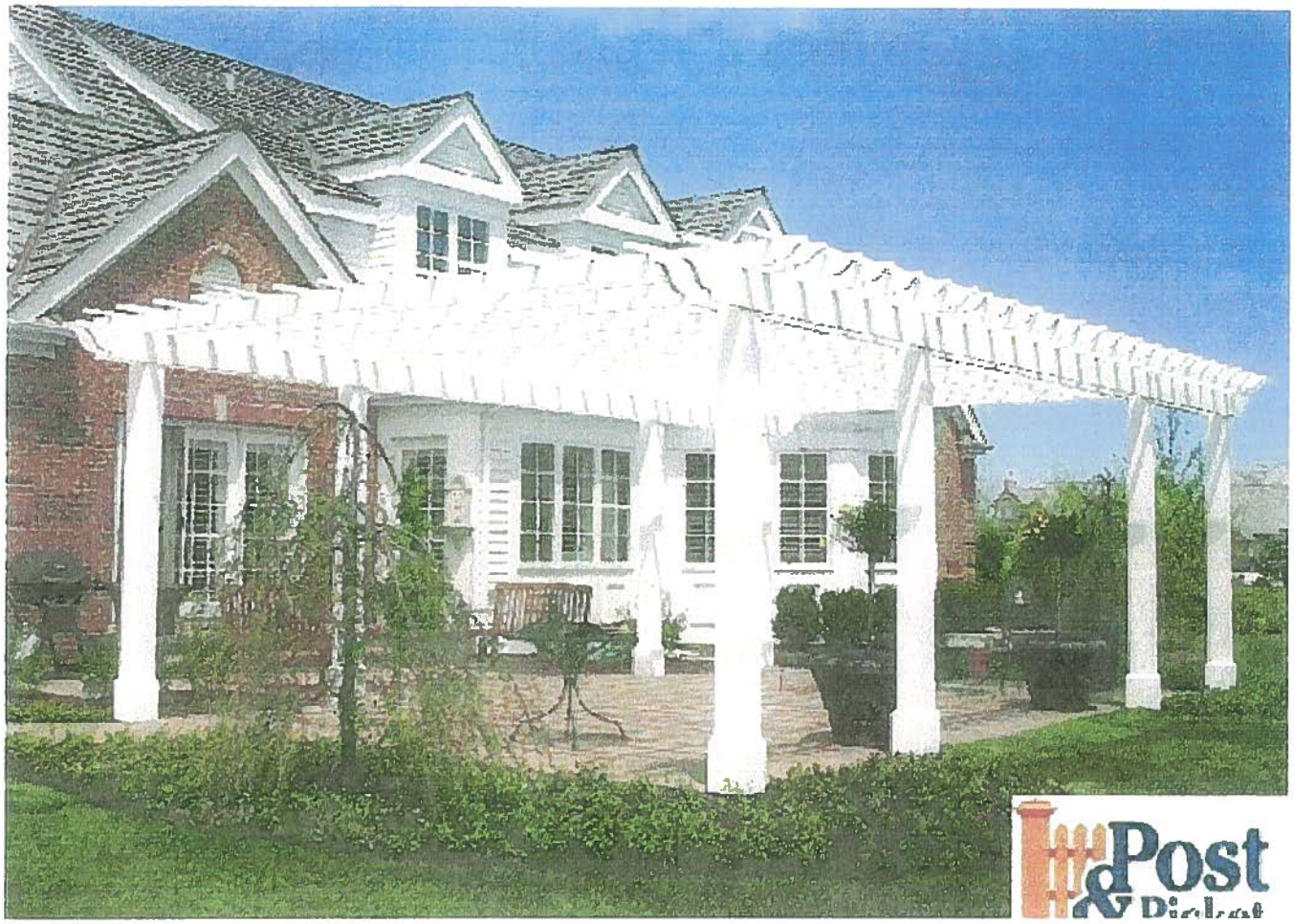
OF

LOT 1 IN JACKSON'S SUBDIVISION OF LOT 6 (EXCEPT THAT PART OF SAID LOT 6 LYING WEST OR A LINE EXTENDING NORTHERLY FROM A POINT IN THE SOUTH LINE OF SAID LOT 6, 89 FEET 9 INCHES EAST OF THE SOUTH WEST CORNER THEREOF, TO A POINT IN THE NORTHERLY LINE OF SAID LOT 6, 95 FEET 3 INCHES EASTERLY FROM THE NORTH WEST CORNER THEREOF) IN THE SUBDIVISION OF LOT 2 IN THE SUBDIVISION OF BLOCK 13 HUBBARD ESTATE SUBDIVISION IN THE NORTH EAST QUARTER OF FRACTIONAL SECTION 17, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WINNETKA, COOK COUNTY, ILLINOIS.

RECEIVED
OCT 26 2010
BY:



933 Tower Rd. proposed site plan



East side attached to house - 4"x10"x15'
- no verticals

Vertical #1

Vertical #2

Vertical #3

- 10" x 10" square

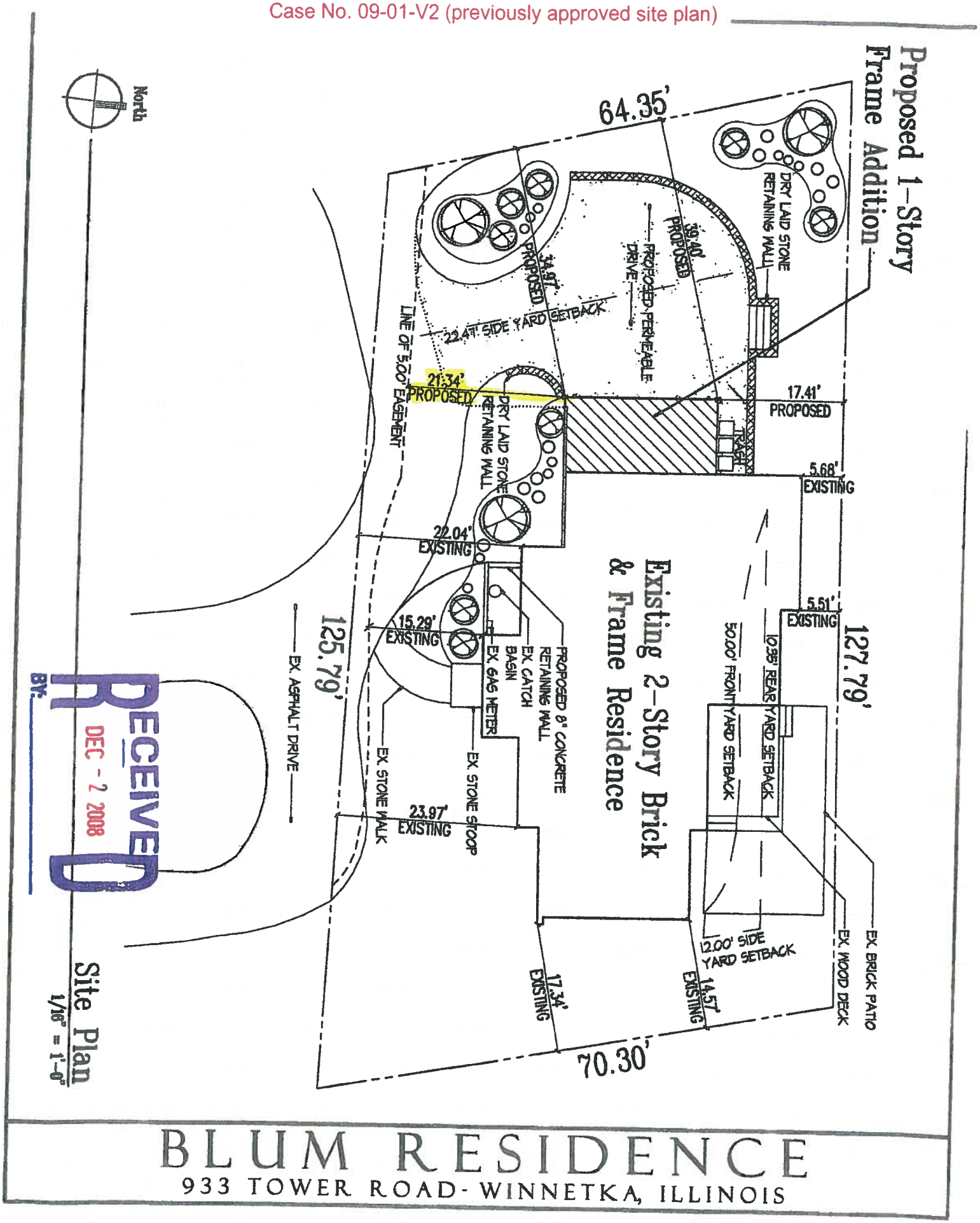
9 East/West horizontals 2"x6" on 12" centers - 9'-10' long

2 2"x10" 15' joists attached to verticals

3' concrete pier under ground
42" DEPTH

RECEIVED
OCT 26 2010
BY:

Case No. 09-01-V2 (previously approved site plan)



BLUM RESIDENCE

933 TOWER ROAD - WINNETKA, ILLINOIS

Minutes adopted 06.13.2011

WINNETKA ZONING BOARD OF APPEALS
MAY 9, 2011

Zoning Board Members Present:	Joe Adams, Chairman Mary Hickey Joni Johnson Bill Krucks Carl Lane Jim McCoy Scott Myers
Zoning Board Members Absent:	None
Village Staff:	Michael D'Onofrio, Director of Community Development Ann Klaassen, Planning Assistant
Agenda Items:	
Case No. 11-10-V2:	933 Tower Rd. Variation by Ordinance 1. Front Yard Setback

Minutes of the Zoning Board of Appeals
May 9, 2011

Call to Order:

Chairman Adams called the meeting to order at 7:32 p.m.

933 Tower Road, Case No. 11-10-V2; Variation by Ordinance - Front Yard Setback

Mr. D'Onofrio read the public notice. The purpose of this hearing is to hear testimony and receive public comment regarding a request by James Blum concerning a variation by Ordinance from Section 17.30.050 [Front and Corner Yard Setbacks] of the Winnetka Zoning Ordinance to permit the construction of a pergola that will result in a front yard setback of 21.34 ft., whereas a minimum of 50 ft. is required, a variation of 28.66 ft. (57.32%).

Chairman Adams swore in those that would be speaking on this case.

James Blum introduced himself to the Board. He stated that the request is to permit the construction of a pergola on the side of the home. Mr. Blum informed the Board that the pergola would be less than 50 feet from the front setback and referred to the famous cul-de-sac which ran through the property and neighboring properties. He stated that the pergola would measure

approximately 9 feet x 15 feet and that its primary intent is decorative.

Mr. Blum stated that they previously planned to build a garage but that entailed the creation of more grading to the street and that they did not want to do that until they came to a resolution in connection with another issue. He described the proposed request as a resolution which has been reached. Mr. Blum stated that due to that, the cost and the decrease in the value of the property, the total cost of the addition plus the cost of the drainage which was part of the variance made the entire project cost prohibitive.

Chairman Adams asked the Board if they had any questions.

Ms. Johnson asked Mr. Blum if they planned to do anything with this new plan to address the drainage issues.

Mr. Blum responded that hopefully they will and that there will be a plan submitted to be discussed by the five owners which has not come before the Board yet. He also stated that alternative may require an entire re-plat. Mr. Blum stated that he would like to proceed with the pergola in any event.

Mr. Lane asked why the property needs a pergola.

Mr. Blum stated that the property did not need a pergola and that he would like to have one. He informed the Board that it would be installed over the current parking pad and would unify some pieces of work they have installed in terms of fencing and new Arbor Vitae.

Mr. Lane stated that one issue that the Board needed to address is that the property cannot yield a reasonable return without the variation. He stated that he is attempting to understand how the home cannot yield a reasonable return without the pergola.

Mr. Blum indicated that he did not know if the reasonable return issue is a matter for the Board to address and that the addition of a 9 foot x 15 foot pergola would markedly increase the value of the property. He also stated that the allowance of the variance would not markedly decrease the value of the property.

Ms. Johnson asked if he intended to use the pergola for a vehicle.

Mr. Blum reiterated that the parking pad is already there and that the pergola would provide light coverage.

Chairman Adams stated that a request had previously been presented to the Board and that three of the Board's members were not in attendance at that time. He stated that Mr. Lane raised a good point in that it is a requirement that the Board has to find that the applicant's burden is to show that the property cannot yield a reasonable return if permitted to be used under the current zoning regulations. Chairman Adams stated that it is not so much a dollar issue, but related to things which a home would have, such as a kitchen, family room, etc.

Mr. Blum stated that the pergola would provide coverage in a stylish fashion that is conducive to that particular cul-de-sac.

Ms. Johnson stated that obviously the proposed dimensions are based on a vehicle's dimensions and asked Mr. Blum how those dimensions were chosen.

Mr. Blum stated that 15 feet is the length and that 9 feet is the width and that there is a stone walkway on one side which he did not want to interrupt. He stated that the length would be longer than a car would be.

Ms. Johnson stated that when she read the application, the pergola would be a substitution for a two car garage which is what the applicant was originally approved for by the Village Council. She stated that having the pergola would serve as a second parking space which would not be enclosed and is the intent of his application.

Mr. Blum agreed that the pergola would provide light coverage for a vehicle.

Chairman Adams asked if there were any other questions for the applicant.

Melissa Mizel of 939 Tower Road introduced herself to the Board as Mr. Blum's next door neighbor. She stated that in light of the other standards that the Board considered with regard to the character of the neighborhood, it would be better to establish protocol to somewhat shield vehicles as opposed to them being parked on a lawn. Ms. Mizel stated that in terms of advancing and preserving the intent and character of the neighborhood, the request would be in line with that.

Chairman Adams stated that for those Board members who are new to the Board, Ms. Mizel lives in the home directly to the west of the applicant and would be the most affected by the request.

Ms. Mizel then stated that under any circumstance, a neighbor would rather see a vehicle somewhat concealed and that with the use of something as decorative as a pergola, they would have a better view of it.

Chairman Adams asked the Board if they had any questions for Ms. Mizel. No questions were raised by the Board at this time.

Ms. Johnson then asked Mr. Blum if with regard to the pergola, there would be any room left on the parking pad for a vehicle, such as a third vehicle.

Mr. Blum stated that it would not and that it would also cover a bit of the patio.

Chairman Adams then called the matter in for discussion.

Mr. Myers stated that in the past, the question has been brought forward on this property with regard to building a garage and that while the applicant has forgone that, there is a value in obviously providing some coverage for a vehicle, which he described as the norm and that the request would be a decorative way to do it.

Chairman Adams asked if there was a contrary opinion. No contrary opinions were raised by the Board at this time. He noted that the Board already approved the request for a garage and that the request would be a similar way to get to the same result. Chairman Adams also stated that the Board did not usually consider decorative reasons, but that since the request for a garage had already been granted, the proposal would be a decorative way in which to do it. He then referred to the testimony from the neighbors that it would be more attractive to them and that the vehicle would be in a dedicated location.

Mr. Myers asked Mr. D'Onofrio why the Board did not have final jurisdiction with regard to the request.

Mr. D'Onofrio stated that is because the setback request is greater than 50%. He stated that for the new Board members, if the variation request is for a yard setback of more than 50%, the request would go to the Village Council and that if the request is between 25% and 50%, it remained with the Board. Mr. D'Onofrio added that if the request is less than 25%, he would, as the zoning administrator, hear those cases.

Mr. Myers then moved to recommend approval of the variance. He stated that given that the property cannot yield a reasonable return, providing the space for the protection of two vehicles is normal in the Village and without the pergola, the property would not have that coverage. Mr. Myers also stated that the plight of the applicant is unique with regard to the design of the property with the easement running through the middle of it which provided a configuration such that while it would not meet the zoning requirement, it is considered some distance from Tower Road. He then stated that the variance would not alter the character of the locality and that the design of the pergola would continue to provide an adequate supply of light and air to neighboring properties. Mr. Myers stated that there would be no hazard from fire and that the taxable value of the land would not diminish. Mr. Myers concluded by stating that congestion would not increase and that the public health, safety, comfort, morals and welfare of the Village would not be otherwise impaired.

Mr. McCoy seconded the motion. A vote was taken and the motion was unanimously passed, 7 to 0.

AYES: Adams, Hickey, Johnson, Krucks, Lane, McCoy, Myers
NAYS: None

FINDINGS OF THE ZONING BOARD OF APPEALS

1. The requested variation is within the final jurisdiction of the Village Council.

2. The requested variation is in harmony with the general purpose and intent of the Winnetka Zoning Ordinance. The proposal is compatible, in general, with the character of existing development within the immediate neighborhood with respect to architectural scale and other site improvements.

3. There are practical difficulties or a particular hardship which prevents strict application of Section 17.30.050 [Front and Corner Yard Setbacks] of the Winnetka Zoning Ordinance which is related to the use or the construction or alteration of buildings or structures.

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

1. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the zoning regulations. Providing protected parking for two vehicles is normal throughout the Village and without the proposed pergola this property only has enclosed parking for one vehicle.

2. The plight of the applicant is due to unique circumstances which are related to the property and not the applicant. The subject property is an irregularly shaped lot that is part of a cluster of homes and is accessed via an easement that serves several of the other homes in the cluster and is therefore considered a street for zoning purposes.

3. The variation, if granted, will not alter the essential character of the locality. In fact, providing the decorative covered parking will enhance the character of the neighborhood rather than simply having a car parked on the existing parking pad.

4. An adequate supply of light and air to adjacent property will not be impaired by the proposed variation, as there are no proximate structures to the proposed pergola and the pergola will be at least 50% open to the passage of light and air.

5. The hazard from fire or other damages to the property will not be increased as the proposed improvement shall comply with building code standards, including fire and life safety requirements.

6. The taxable value of land and buildings throughout the Village will not diminish. The proposed construction is generally an improvement to the property.

7. Congestion in the public streets will not increase. The structure will continue to be used as a single-family residence and no additional bedrooms are proposed.

8. The public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be otherwise impaired.

Respectfully submitted,
Antionette Johnson

AGENDA REPORT

SUBJECT: **R-25-2011** **Final Approval of a Plat of Consolidation (627 and 633 Sheridan Road – McGregor Consolidation)**

PREPARED BY: Brian Norkus, Assistant Director of Community Development

DATE: June 21, 2011

Subdivision Application

The owners of the properties at 627 and 633 Sheridan Road (collectively, the "Subject Property") have filed an application to consolidate the two parcels into a single lot. The two parcels are depicted in the Area Map attached to this Agenda Report as Exhibit A. Parcel 2, 627 Sheridan Road, is a flag lot that has its body along the shore of Lake Michigan and has driveway access from Sheridan Road. Parcel 1, 633 Sheridan Road, which fronts on Sheridan Road, is an irregularly shaped lot that abuts the north edge of the Parcel 1 "flagpole" access lane and the west edge of the body of Parcel 2. Parcel 2 has a lot area of 69,696 square feet (1.6 acres), while Parcel 1 has a lot area 21,765-square foot (.5 acre).

The applicants acquired 627 Sheridan (Parcel 2) in August 2010 and have proceeded with plans to construct a new residence on it. The applicants then purchased the adjacent lot at 633 Sheridan (Parcel 1) in January 2011. On February 3, 2011, the owners filed the attached application to consolidate the two lots, with a resulting lot area of 91,461 square feet (2.1 acres). If the consolidation is approved, the western boundary of the new lot will be formed by Sheridan Road, and the eastern boundary will adjoin Lake Michigan, thereby providing a larger front yard area and a more spacious driveway entry and wider frontage at Sheridan Road.

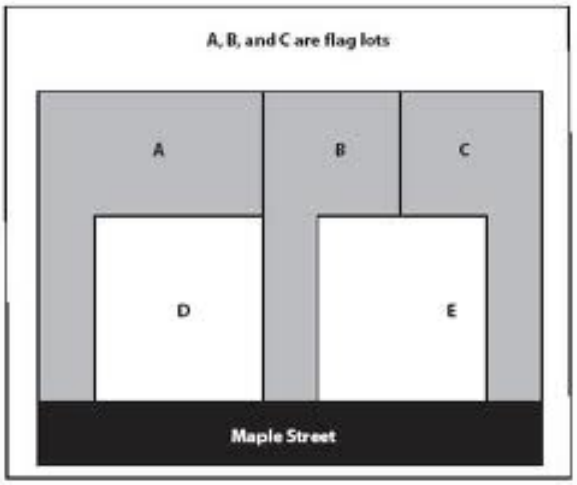
The applicants have proceeded with their initial plans, as depicted in their "Phase 1 Site Plan," which is attached as Exhibit B. The new construction does not require any zoning relief, as the proposed new residence depicted in Exhibit B was designed to fully comply with the zoning requirements of the existing Parcel 2. Therefore, the applicants have proceeded with securing demolition and construction permits for Parcel 2.

If the Village Council approves the resubdivision, the site plan will be modified to reflect the new, larger lot area, and site work will expand to include 633 Sheridan (Parcel 1) as depicted in the "Phase 2 Site Plan," which is attached as Exhibit C.

Description and Development Pattern of Surrounding Area

Lakefront properties in the surrounding area were first platted and developed in the late 1800's and early 1900's as what was primarily a series of expansive estate lots that typically extended the full distance from Sheridan Road to the lakefront. The Exhibit A Area Map depicts several such lots in the immediate vicinity of the Subject Property.

In the mid-1950's, many large lakefront properties were subdivided, typically into a larger lakefront estate parcel located behind a smaller lot that occupied the majority of the street frontage. These subdivisions were often known as "flag lot" subdivisions, because of the narrow lanes or driveways that provided access to the lakefront lot. as illustrated in the following example:



The Subject Property's two parcels were created by such a subdivision, circa 1955, when 633 Sheridan (Parcel 1) was carved from the original lakefront parcel, leaving a flag lot that kept the 627 Sheridan address (Parcel 2). Exhibit A also shows other nearby flag lot configurations.

Zoning

The Subject Property is located in the R-2 zoning district, which requires a minimum lot area of 24,000 square feet and a minimum lot width of 100 feet. The proposed consolidated lot will fully comply with lot area and lot width requirements. In addition, as noted above, the proposed new residence was designed to comply with the zoning standards of Parcel 1 alone, so that construction could proceed. The following table summarizes the zoning requirements for the proposed new lot.

Zoning Compliance Table

LOT AREA REQUIREMENTS	Zoning Ordinance requirement	Existing Parcel 1 (west)	Existing Parcel 2 (lakefront)	Proposed consolidated lot
Minimum Lot area	24,000 sq. ft. minimum for interior lot	21,765 s.f.	64,469 s.f.	91,461 s.f.
Minimum Average Lot Width	100 feet	102.18 ft.	118.95 ft.	168.69 ft.
Minimum Lot depth	200 feet	213 feet	542 feet	542 feet
Allowable Gross Floor Area		6,795 s.f.	16,649 s.f.	22,851 s.f.
Total side yards	30% of lot width	30.65 ft.	35.69 ft.	50.61 ft.

Landmark Preservation Commission Proceedings

Because the proposed redevelopment includes construction of a new residence, the applicants have applied for permits to demolish the two existing homes. Both demolition permit applications have been reviewed by the Landmark Preservation Commission (LPC). At its July 19, 2010 meeting, the LPC found that the residence on Parcel 2 (627 Sheridan) warranted further study, and deferred action on that demolition permit, pending completion of an Historic Architectural Impact Study (HAIS).

Section 15.52.070 of the Village Code authorizes the LPC to delay demolition up to a maximum of 60 days if it finds that the building has historic or architectural significance. After reviewing the HAIS for the residence on Parcel 2, the LPC approved the issuance of the demolition permit without a delay, by a vote of three to two. The LPC did not find cause for an HAIS for the residence on Parcel 1 (633 Sheridan) and allowed demolition without further review. Minutes to the Landmark Preservation Commission meetings are attached.

Plan Commission Proceedings

The Plan Commission reviewed the proposed consolidation and voted unanimously to recommend approval of the proposed McGregor's Consolidation, subject to making the following conditions:

1. That the plat provide a 10-foot utility easement for public utilities along the north property line, and a 5-foot utility easement along the west property line, adjacent to Sheridan Road, as required by the Water and Electric Department;
2. That the setback lines depicted on the plat be removed;
3. That the plat include a signature block for execution by the Illinois Department of Natural Resources;
4. That the plat include a signature block for execution by the Illinois Department of Transportation;
5. That the plat be executed by the owners in the appropriate signature block.

The updated plat, dated June 1, 2011, satisfies all five conditions. A copy of the plat is attached to Resolution R-25-2011 as Exhibit A.

Recommendation:

Consider adoption of Resolution R-25-2011, granting final approval of McGregor's Consolidation of 627 and 633 Sheridan Road.

EXHIBIT A – Area Map

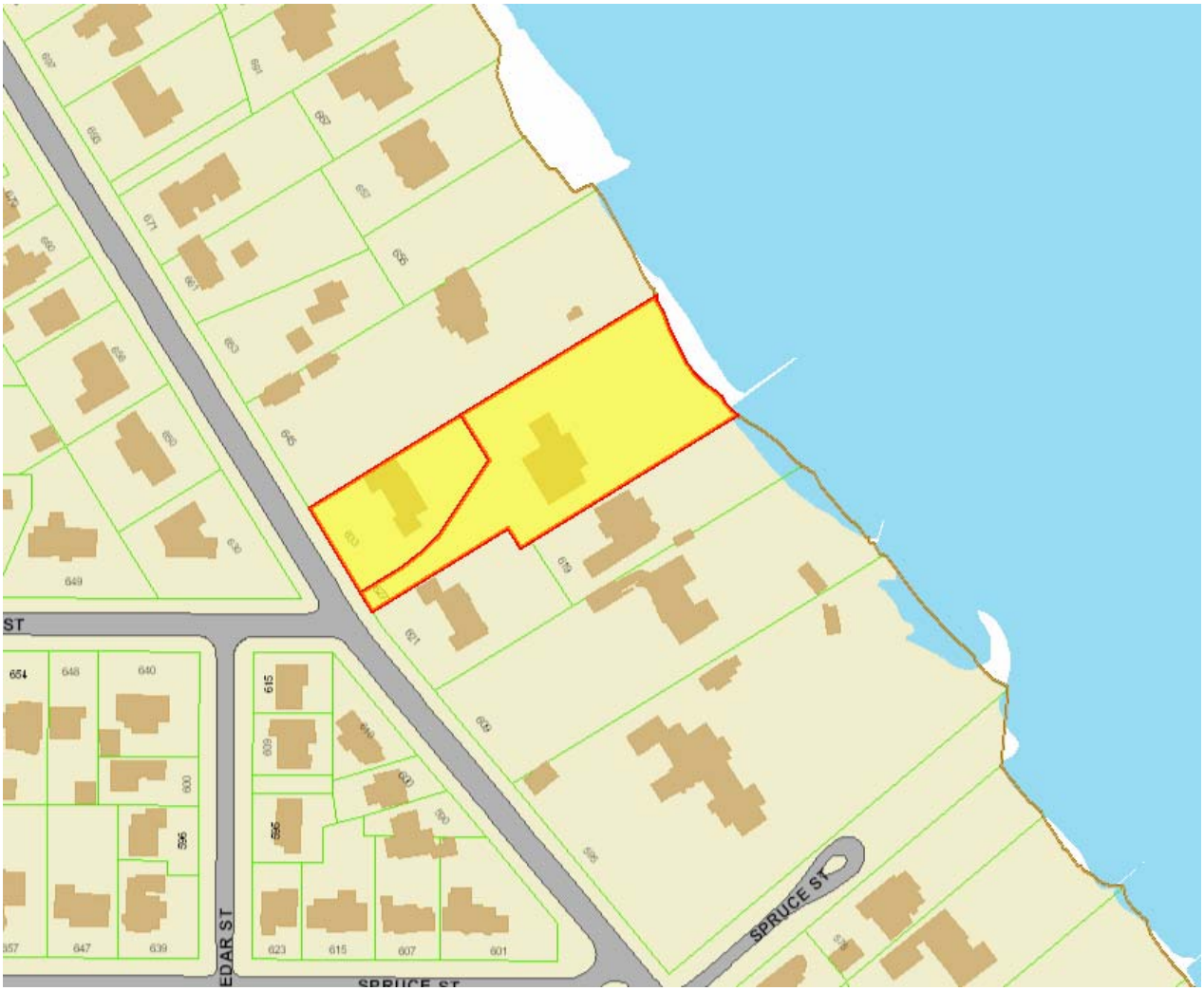
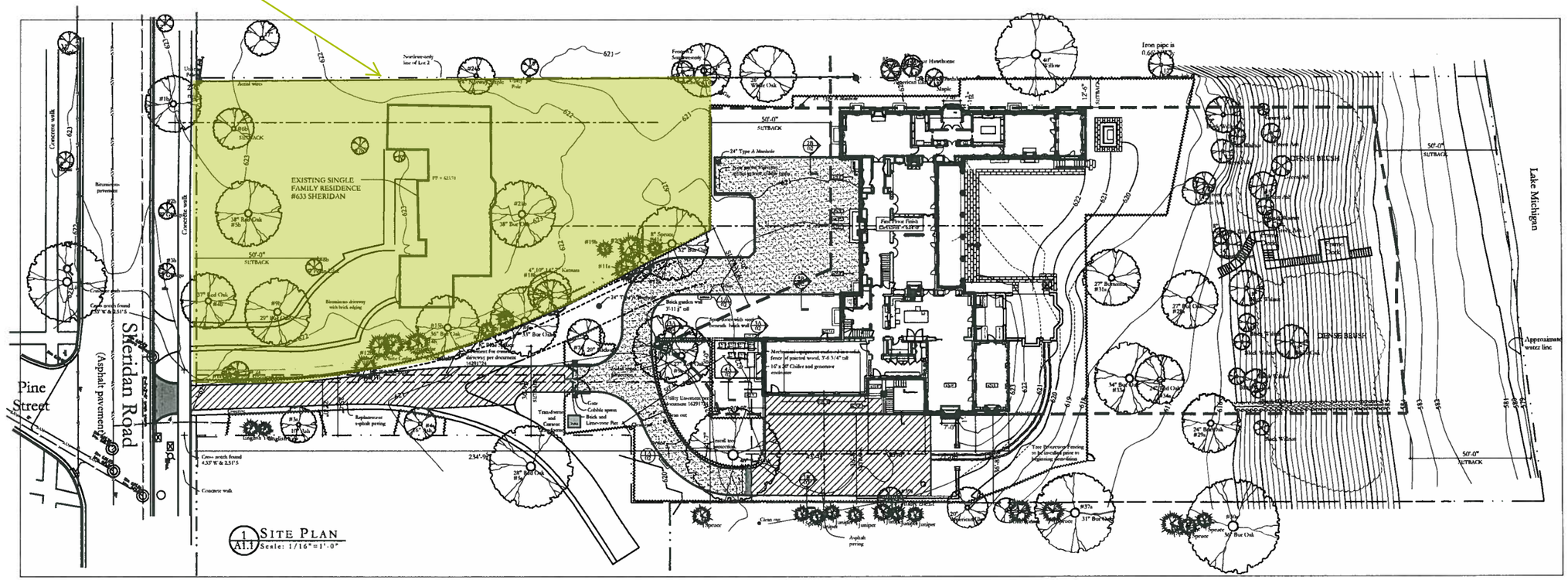


EXHIBIT B

633 Sheridan Road
(no work Phase One)



LEGEND :

--------- Drive to be Removed

Asphalt Paving

Gravel in granite curb

PHASE 1 SITE PLAN

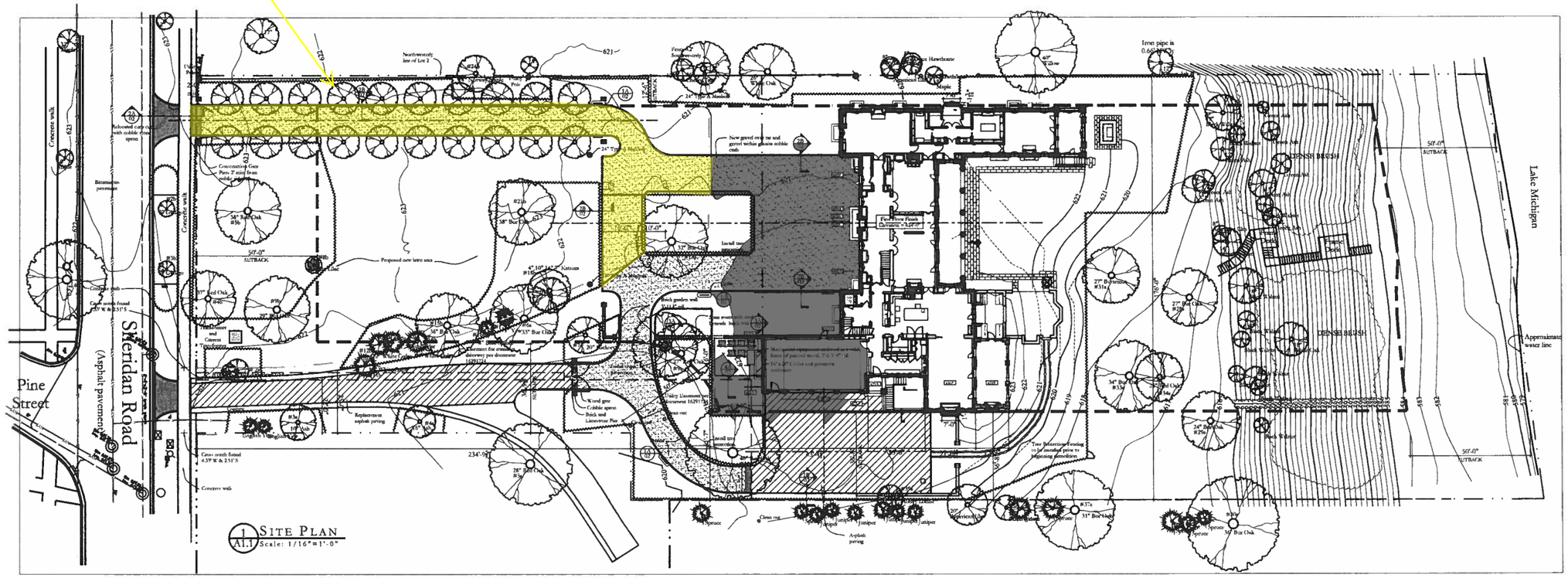
McGREGOR RESIDENCE
627 SHERIDAN ROAD
WINNETKA, ILLINOIS

LIEDERBACH & GRAHAM
ARCHITECTS

8 JUNE 2011

EXHIBIT C

Demolition of 633 Sheridan and driveway reconfiguration pending subdivision approval



LEGEND :

- Drive to be Removed
- Asphalt Paving
- Gravel in granite curb

PHASE 2 SITE PLAN

McGREGOR RESIDENCE
627 SHERIDAN ROAD
WINNETKA, ILLINOIS

LIEDERBACH & GRAHAM
ARCHITECTS

8 JUNE 2011

RESOLUTION NO. R-25-2011

A RESOLUTION GRANTING FINAL APPROVAL OF A PLAT OF SUBDIVISION
(627 and 633 Sheridan Road – *McGregor Consolidation*)

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, pursuant to which it has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the government and affairs of the Village; and

WHEREAS, the Council of the Village of Winnetka ("Village Council") find that establishing standards for the use, development and subdivision of land within the Village is a matter pertaining to the affairs of the Village; and

WHEREAS, on February 3, 2011, the Owners of the following parcels of property (collectively, the "Subject Property") submitted an application for approval of a proposed subdivision, pursuant to a plat of subdivision titled "McGregor Consolidation" (the "Plat of Consolidation"), pursuant to which the Subject Property would be consolidated into a single lot of record; and

WHEREAS, the Subject Property comprises two separate parcels, which are legally described as follows:

Parcel 1:

That part of Lot 2 in Owner's Homestead Subdivision in Section 16 and Section 21, Township 42 North, Range 13 East of the Third Principal Meridian, described as follows: Beginning at the Northwesterly corner of said Lot 2, thence Southeasterly along the Southwesterly line of said Lot 2, 121 Feet, thence Northeasterly at Right Angles to said Southwesterly line, a distance of 24 feet to a point of curve, thence Northeasterly along a curved line, having a radius of 280 feet convex southeasterly, 116.67 feet as measured along the chord of said curve to a point of tangency, thence Northeasterly 82.02 feet, thence Northwesterly parallel with the Southwesterly line of said Lot 2, 63.27 feet to the Northwesterly line thereof, and thence Southwesterly along the Northwesterly line of said Lot 2,213 feet to the Point of Beginning, in Section 16 and Section 21, Township 42 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois,

which is commonly known as 633 Sheridan Road, in Winnetka, Illinois, and

Parcel 2:

All that Part of Lot 2 in Owners Homestead Subdivision in Sections 16 and 21, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois, according to the Plat thereof recorded July 30, 1902 in Book 82 of Plats, Page 37 as Document No. 3276299 lying Northwesterly of a line beginning at a point in the Southwesterly line of said Lot 2, 148 feet Southeasterly of the most Westerly corner of said Lot 2 and running thence Northeasterly parallel with the Northwesterly line of said Lot 2, 180 feet; thence Southeasterly at right angles to the last described line 28 feet; thence Northeasterly parallel with the Northwesterly line of said Lot 2, 340 feet, more or less, to the waters edge of Lake Michigan and Northeasterly line of said Lot 2 (excepting therefrom the following: Beginning at the Northwesterly corner of said Lot 2; thence Southeasterly along the Southwesterly line of said Lot 2, 121 feet; thence Northeasterly at right angles to said Southwesterly line 24 feet to a point of curve; thence Northeasterly along a curved line having a radius of 280 feet, convex Southeasterly, 116.67 feet as measured along the chord of said curve to a point of tangency; thence Northeasterly 82.02 feet; thence Northwesterly parallel with the Southwesterly line of said Lot 2, 63.27 feet to the Northwesterly line thereof and thence Southwesterly along the Northwesterly line thereof and thence Southwesterly along the Northwesterly line of said Lot 2, 213 feet to the Place of Beginning; also known as Lot 1 in Corley-Cutler Subdivision of Part of Lot 2 in Owners Homestead Subdivision in Sections 16 and 21, Township 42 North, Range 13, East of the Third Principal Meridian, in the Village of Winnetka, in Cook County, Illinois,

which is commonly known as 627 Sheridan Road, in Winnetka, Illinois; and

WHEREAS, the two parcels that form the Subject Property were created around 1955 by a division of a larger estate that had been platted and developed in the late 1800's and early 1900's and that extended from Sheridan Road to the water's edge of Lake Michigan; and

WHEREAS, pursuant to the proposed Plat of Consolidation, Parcels 1 and 2 will be consolidated into a single lot of record, which will thereafter be commonly known as 227 Sheridan Road, and will be legally described as follows:

Lot 1 in McGregor Consolidation, being a resubdivision of part of the Southwest Quarter of Section 16, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois; and

WHEREAS, both parcels of the Subject Property are located in the R-2 Single-Family Residential Zoning District provided in Chapter 17.24 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code; and

WHEREAS, the new lot to be created by the proposed McGregor Consolidation will comply with the basic quantitative standards established by the Zoning Ordinance, including minimum lot area, lot depth and lot width; and

WHEREAS, the new lot to be created by the proposed McGregor Consolidation will eliminate the Parcel 2 flag lot, will eliminate the curved, irregular shape of Parcel 1 and will partially restore the dimensions and lot configuration that existed before the subdivisions that created the Subject Property; and

WHEREAS, the proposed McGregor Consolidation does not create any new non-conformities; and

WHEREAS, the home that the owners propose to construct on the consolidated lot was designed to be constructed on Parcel 2, before they acquired Parcel 1, so that the redevelopment of the new lot to be created by the proposed McGregor Consolidation will increase the amount of open space on the Subject Property; and

WHEREAS, on June 1, 2011, on due notice thereof, the Plan Commission considered the proposed Plat of Consolidation and, by the unanimous vote of those in attendance, recommended that the proposed McGregor Consolidation be approved; and

WHEREAS, Village staff has recommended that the proposed McGregor Consolidation be subject to the following conditions: (i) that the plat provide a 10-foot utility easement for public utilities along the north property line, and a 5-foot utility easement along the west property line, adjacent to Sheridan Road, as required by the Water and Electric Department and in accordance with Section 16.12.010 (E) of the Village Code; (ii) that the setback lines depicted on the plat be removed; (iii) that the plat include a signature block for execution by the Illinois Department of Natural Resources; (iv) that the plat include a signature block for execution by the Illinois Department of Transportation; and (v) that the plat be executed by the owners in the appropriate signature block; and

WHEREAS, the revised Plat of Subdivision, dated June 1, 2011, and attached hereto as Exhibit A, contains all of the changes recommended by Village staff; and

WHEREAS, the proposed Plat of Consolidation in all other respects meets the requirements of Title 16 of the Winnetka Village Code and all other applicable ordinances.

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

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

SECTION 2: The Village Council hereby accepts and approves the Plat of Consolidation prepared by Bleck Engineering Company, Inc., titled "McGregor Consolidation," as revised on June 1, 2011, and signed by the surveyor on June 9, 2011, a copy of which plat is attached hereto as Exhibit A.

SECTION 3: The Village President is hereby authorized to sign, and the Village Clerk to attest, the approval of the Village of Winnetka set forth on said Plat of Consolidation, and they shall thereafter be authorized to take such other and further steps as may be necessary to execute and record said plat.

SECTION 4: 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 5: This Resolution shall be in full force and effect immediately upon its adoption.

ADOPTED this 5th day of July, 2011, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

_____
Village President

Countersigned:

_____
Village Clerk

Exhibit A

Plat of McGregor's Consolidation, prepared by Bleck Engineering Company, Inc., as revised on June 1, 2011, and signed by the surveyor on June 9, 2011.

McGREGOR CONSOLIDATION

BEING A RESUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

STATE OF ILLINOIS)
COUNTY OF COOK) S.S.

Clyde McGregor and LeAnn Pedersen Pope, (husband and wife), as Tenants by the Entirety, do hereby certify that we are the owner(s) of the property described in the caption to the plat hereon drawn and as such owner(s), we have caused said property to be surveyed and consolidated as hereon shown, as our own free and voluntary act and deed.

Dated this__day of _____, 20__, A.D.

Owner(s): _____
Clyde McGregor

Owner(s): _____
LeAnn Pedersen Pope

STATE OF ILLINOIS)
COUNTY OF COOK) S.S.
I, _____, a Notary Public in and for said County in the State aforesaid, do hereby certify that _____, personally known to me to be the same person(s) whose names are subscribed to the foregoing instrument as such owners, appeared before me this day in person and acknowledged that they signed the said instrument as their own free and voluntary act for the uses and purposes therein set forth.

Given under my hand and Notarial Seal:

This____day of_____, 20____.

By: _____

STATE OF ILLINOIS)
COUNTY OF LAKE) SS.

I, Jack R. Bleck, a Registered Illinois Land Surveyor, do hereby certify that I have surveyed, subdivided and staked the following described property;

PARCEL 1:
THAT PART OF LOT 2 IN OWNER'S HOMESTEAD SUBDIVISION IN SECTION 16 AND SECTION 21, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 2, THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 2, 121 FEET, THENCE NORTHEASTERLY AT RIGHT ANGLES TO SAID SOUTHWESTERLY LINE, A DISTANCE OF 24 FEET TO A POINT OF CURVE, THENCE NORTHEASTERLY ALONG A CURVED LINE, HAVING A RADIUS OF 280 FEET CONVEX SOUTHEASTERLY, 116.67 FEET AS MEASURED ALONG CHORD OF SAID CURVE TO A POINT OF TANGENCY, THENCE NORTHEASTERLY 82.02 FEET, THENCE NORTHWESTERLY PARALLEL WITH THE SOUTHWESTERLY LINE OF SAID LOT 2, 63.27 FEET TO THE NORTHWESTERLY LINE THEREOF, AND THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID LOT 2, 213 FEET TO THE POINT OF BEGINNING, IN SECTION 16 AND SECTION 21, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:
ALL THAT PART OF LOT 2 IN OWNERS HOMESTEAD SUBDIVISION IN SECTIONS 16 AND 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED JULY 30, 1902 IN BOOK 82 OF PLATS, PAGE 37 AS DOCUMENT NO. 3276299 LYING NORTHWESTERLY OF A LINE BEGINNING AT A POINT IN THE SOUTHWESTERLY LINE OF SAID LOT 2, 148 FEET SOUTHEASTERLY OF THE MOST WESTERLY CORNER OF SAID LOT 2 AND RUNNING THENCE NORTHEASTERLY PARALLEL WITH THE NORTHWESTERLY LINE OF SAID LOT 2, 180 FEET; THENCE SOUTHEASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED LINE 28 FEET; THENCE NORTHEASTERLY PARALLEL WITH THE NORTHWESTERLY LINE OF SAID LOT 2, 340 FEET, MORE OR LESS, TO THE WATERS EDGE OF LAKE MICHIGAN AND NORTHEASTERLY LINE OF SAID LOT 2 (EXCEPTING THEREFROM THE FOLLOWING: BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 2; THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 2, 121 FEET; THENCE NORTHEASTERLY AT RIGHT ANGLES TO SAID SOUTHWESTERLY LINE 24 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG A CURVED LINE HAVING A RADIUS OF 280 FEET, CONVEX SOUTHEASTERLY, 116.67 FEET AS MEASURED ALONG THE CHORD OF SAID CURVE TO A POINT OF TANGENCY; THENCE NORTHEASTERLY 82.02 FEET; THENCE NORTHWESTERLY PARALLEL WITH THE SOUTHWESTERLY LINE OF SAID LOT 2, 63.27 FEET TO THE NORTHWESTERLY LINE THEREOF AND THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE THEREOF AND THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID LOT 2, 213 FEET TO THE PLACE OF BEGINNING; ALSO KNOWN AS LOT 1 IN CORLEY-CUTLER SUBDIVISION OF PART OF LOT 2 IN OWNERS HOMESTEAD SUBDIVISION IN SECTIONS 16 AND 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF WINNETKA, IN COOK COUNTY, ILLINOIS.

I have monumented the corners of the lot shown hereon with iron rods, (unless shown otherwise) and that the plat hereon drawn is a true and correct representation of the survey and staking. All dimensions shown hereon are in feet and decimals thereof.

I further certify that the property herein shown and described is within the corporate limits of the Village of Winnetka, Cook County, Illinois, which has adopted a Village Plan and is exercising the Special Powers authorized be division 12 of article 11 of the municipal code, as heretofore and hereafter amended.

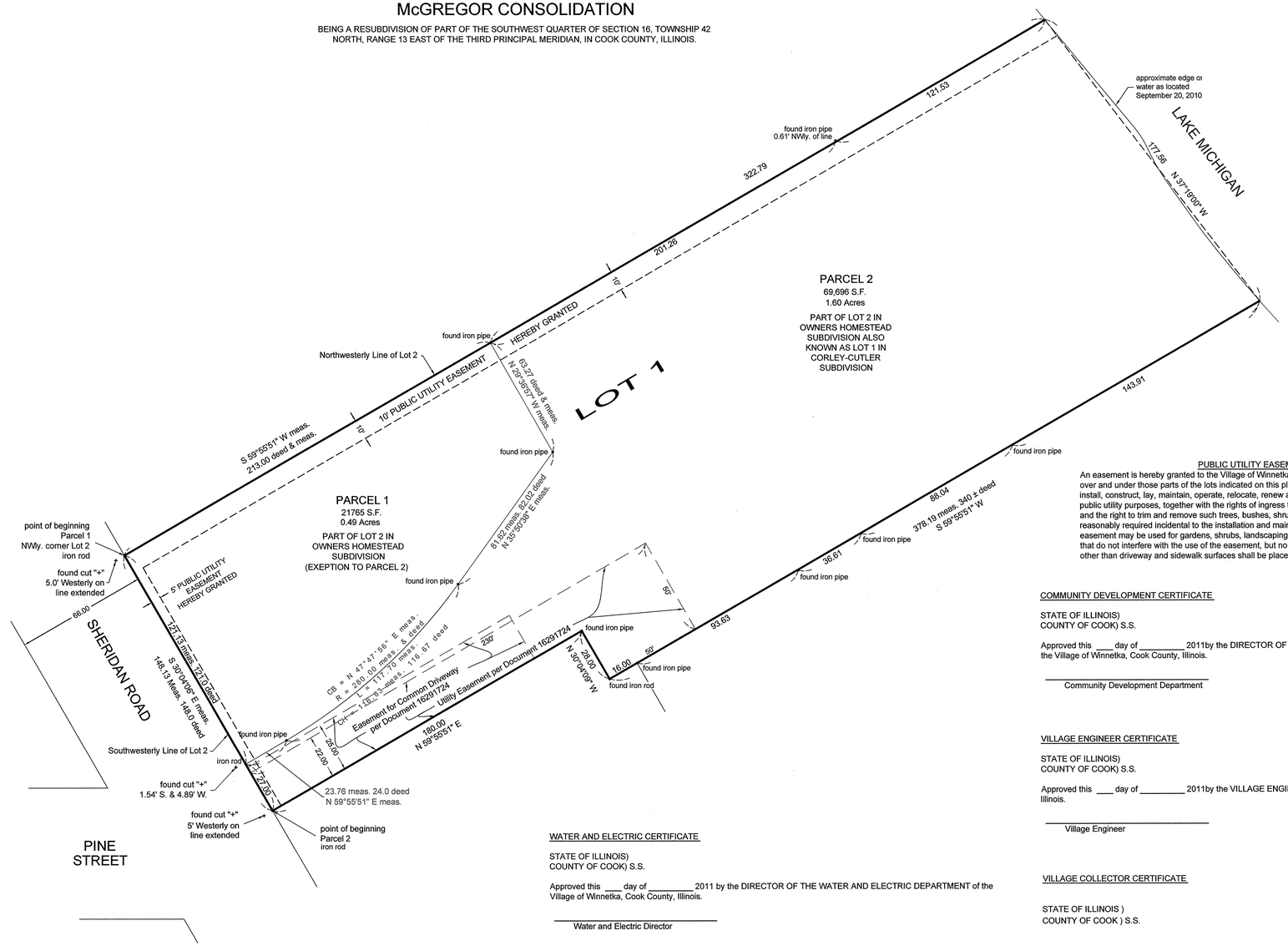
I further certify that said property is designated as Zone "X" defined as areas to be outside 500-year floodplain as shown in the flood insurance rate map Community Panel No. 17031C0251 J, effective date: August 19, 2008.

Additionally, in accordance with PA87-0705 (The Plat Act) I, do hereby grant permission to the duly authorized individual employed by the Village of Winnetka, Cook County, Illinois, to submit this plat for recording purposes to the Office of the Recorder of Deeds in the County aforesaid, (a true copy of which has been retained by me to assure no changes have been made to said plat), provided a copy of this plat is sent to this office after recording.

This professional service conforms to the current Illinois Minimum Standards for a "Boundary Survey."

Dated at Lake Forest, Illinois, this ____th day of _____, 2011.

_____
Registered Illinois Land Surveyor #3591



DEPARTMENT OF NATURAL RESOURCES

Certificate of State of Illinois

Approved by the Department of Natural Resources of the State of Illinois insofar as this subdivision plat, showing lands bordering upon or including public waters of the State of Illinois, relates to the provision of Section 7 of "an Act in relation to the regulation of river, lakes and streams, of the State of Illinois" approved June 10, 1911 as amended, requiring review and approval by said department as to the boundary line between private interest and public interests.

Dated at Springfield, Illinois, this _____ day of _____, 20__.

Approval Recommended: _____
Director, Division of Water Resources

ILLINOIS DEPARTMENT OF TRANSPORTATION

STATE OF ILLINOIS)
COUNTY OF LAKE) S.S.

This plat has been approved by the Illinois Department of Transportation with respect to roadway access pursuant to § 2 of "An Act to revise the law in relation to plats", as amended. A plan that meets the requirements contained in the Department's "Policy on Permits for Access Driveways to State Highways", will be required by the Department.

_____ _____
Print Name District Engineer

WATER AND ELECTRIC CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) S.S.

Approved this ___ day of _____ 2011 by the DIRECTOR OF THE WATER AND ELECTRIC DEPARTMENT of the Village of Winnetka, Cook County, Illinois.

_____
Water and Electric Director

VILLAGE PRESIDENT CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) S.S.

Approved by the President and Board of Trustees of the Village of Winnetka, Illinois this __ day of _____ 2011, A.D.

By: _____
Village President, Winnetka, IL.

Attest: _____
Village Clerk

PLAN COMMISSION CERTIFIACTE

STATE OF ILLINOIS)
COUNTY OF COOK) S.S.

Approved by the Plan Commission of the Village of Winnetka, Illinois this ___ day of, _____20____, A.D.

By: _____
Chairmen of Plan Commission

Attest: _____
Secretary

PUBLIC UTILITY EASEMENT

An easement is hereby granted to the Village of Winnetka for public utilities, in, upon, along, over and under those parts of the lots indicated on this plat and marked "utility easement," to install, construct, lay, maintain, operate, relocate, renew and remove necessary equipment for public utility purposes, together with the rights of ingress to and egress from the easement, and the right to trim and remove such trees, bushes, shrubs and landscaping, as may be reasonably required incidental to the installation and maintenance of utility facilities. The easement may be used for gardens, shrubs, landscaping, wooden fences, and other purposes that do not interfere with the use of the easement, but no permanent buildings or structures other than driveway and sidewalk surfaces shall be placed on the easement.

COMMUNITY DEVELOPMENT CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) S.S.

Approved this ___ day of _____ 2011by the DIRECTOR OF COMMUNITY DEVELOPMENT DEPARTMENT of the Village of Winnetka, Cook County, Illinois.

_____
Community Development Department

VILLAGE ENGINEER CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) S.S.

Approved this ___ day of _____ 2011by the VILLAGE ENGINEER of the Village of Winnetka, Cook County, Illinois.

_____
Village Engineer

VILLAGE COLLECTOR CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) S.S.

I, _____ , Village Collector of the Village of Winnetka, Illinois, do hereby certify that there are no delinquent or unpaid current or forfeited special assessments, or any deffered installments thereon that have been apportioned against the tract of land included in this plat of consolidation.

Dated this_____day of _____, 2011.

_____
Village Collector

MAIL TAX BILL TO:

Clyde S. McGregor
32 Indian Hill Road
Winnetka, Illinois 60093

SUBMITTED BY AND RETURN PLAT TO:

VILLAGE OF WINNETKA
DEPARTMENT OF COMMUNITY DEVELOPMENT
510 GREEN BAY ROAD
WINNETKA, ILLINOIS 60093

30 0 30 60
Scale: 1" = 30'

Job # 250-181

Professional Design Firm # 184-000911

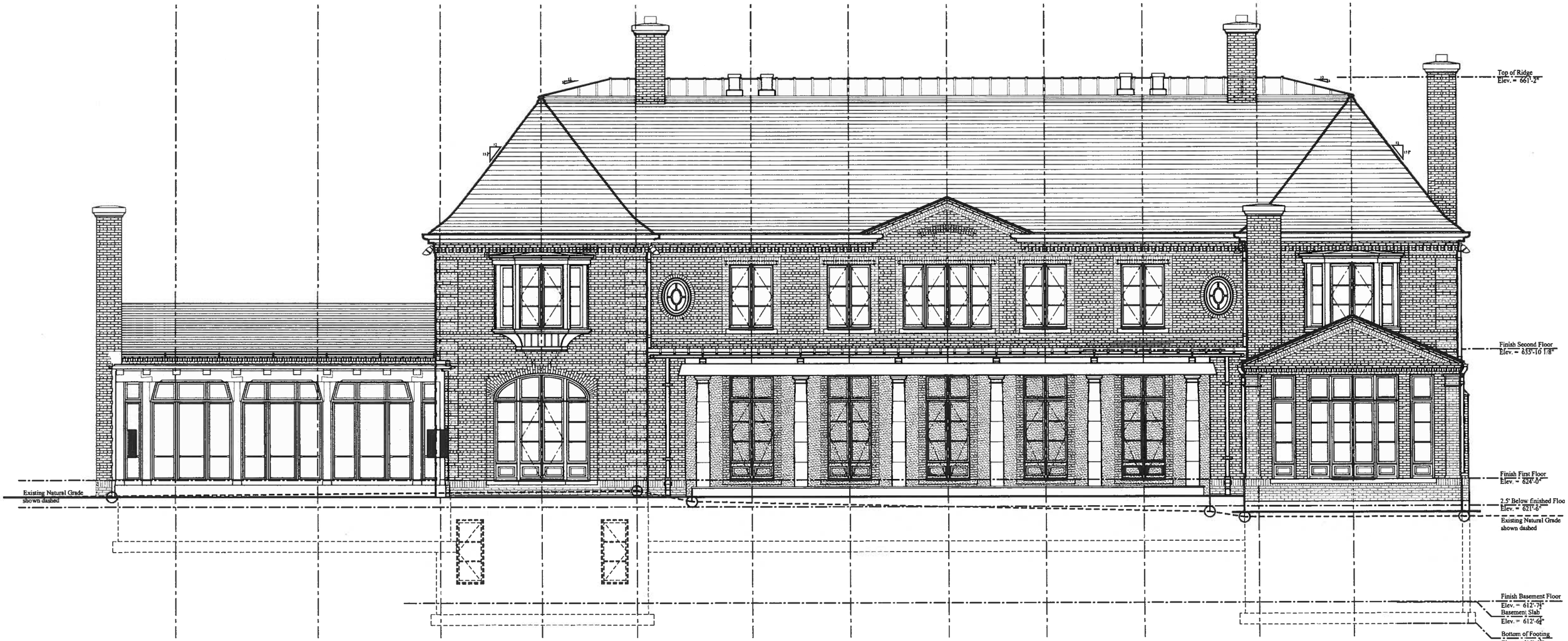
BLECK
Civil Engineers - Land Surveyors

Bleck Engineering Company, Inc.
1375 North Western Avenue-Lake Forest, Illinois 60045
Phone 847·295·5200 Fax 847·295·7081

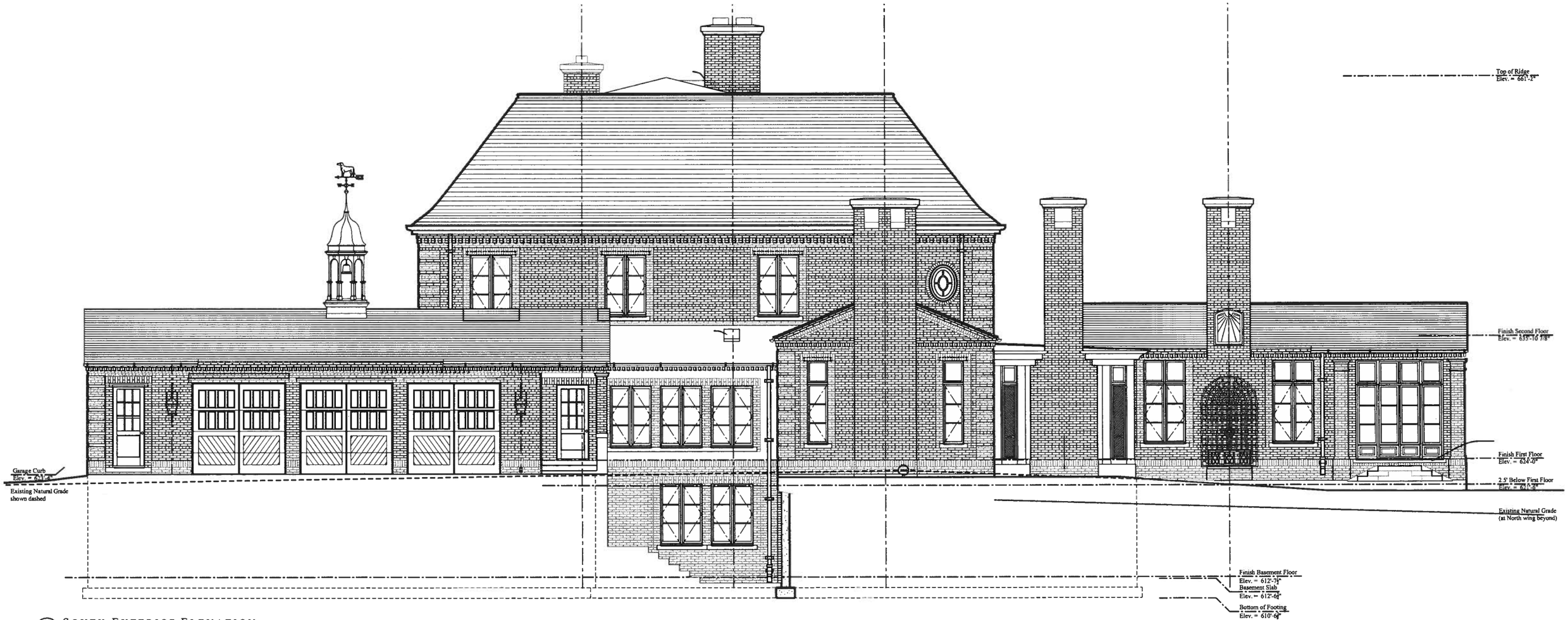
Revised June 1, 2011 per Village comments dated May 24, 2011

1 WEST EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"

2 NORTH EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



1 EAST EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



2 SOUTH EXTERIOR ELEVATION
SCALE

CASE NO. _____

APPLICATION FOR LAND SUBDIVISION
WINNETKA PLAN COMMISSION

Owner Information: Name, Address, Telephone, Fax & Email
LeAnn & Clyde McGregor, 595 Park Ave. Glencoe, IL 60022, 312 840-7013t. 312 840-7900f. L Pope @ burkelaw.com cmcgregor@harrisassoc.com

Surveyor Information: Name, Address, Telephone, Fax & Email
Jack R. Bleck, 1375 N. Western Avenue, Lake Forest, IL 60045, tel. 847 295-5200 fax. 847 295-7081
jbleck@bleckeng.com

Architect Information: Name, Address, Telephone, Fax & Email
Phillip Liederbach, Liederbach & Graham, Architects, 500 N. Wells Chicago, IL 60654, tel 312 828-0900 fax. 312 828-0901
pliederbach@liederbachandgraham.com

Attorney Information: Name, Address, Telephone, Fax & Email
Doug Wambach, Burke, Warren, MacKay & Serritella, P.C. 330 N. Wabash 2nd Floor, Chicago, IL 60611 312 840-7019 t. 312 840-7900 f. dwambach@burkelaw.com

Date Property Acquired by Owner 23 August 2010 (627 Sheridan) 14 January 2011 (633 Sheridan)

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

Signature: Clyde McGregor Date: February 3, 2011

reported in the press. He explained that the discussion focused on the process for initiating such a change, and noted that such a change was considered under the Council Ordinance granting preliminary approval to be a major change requiring the applicant to re-start the Planned Development process.

A motion was made by Mr. Iberle, seconded by Ms. Whitcomb to grant a continuance to allow the applicant to submit a status report and update to Village staff within 90 days (August 1, 2011). Mr. Iberle explained that following the 90 days, the applicants could return and ask for consideration of the current Planned Development proposal, or that they could return with a status update

On a voice vote, the motion carried unanimously.

AYES: (9) Hurley, Bawden, Dowding, Greable, Iberle, Golan, Johnson, Powell, Whitcomb
NAYS: (0) None

McGregor Consolidation of 627 & 633 Sheridan Road

Doug Wambach, of Burke, Warren, MacKay & Serritella, introduced himself as the attorney representing the property owners Clyde McGregor and LeAnn Pedersen Pope. He also introduced Erica Weeder of the architectural firm Liederbach Graham architects.

Mr. Wambach explained that McGregor's have submitted a revised plat of consolidation to comply with the staff requested corrections contained in the agenda report.

Mr. Norkus explained that the proposed consolidation of the two lots is in full conformance with the zoning ordinance, as is typically the case when two lots are consolidated into a single lot. He explained that there was one particular aspect of the zoning regulations which is worth highlighting in that it had prompted a question by one Commission member. He noted that the Village's zoning ordinance dictates that required setbacks be based on a lot's "average width", and noted that current two-lot configuration results in the existing lakefront lot at 627 Sheridan having an "average width" of only 118.95 feet. He stated that, due to the consolidation of 627 parcel with the adjacent parcel at 633 Sheridan, the average width of the consolidated lot increases to 168.69 feet.

Mr. Norkus stated that the increased 'average lot width' of 168 feet moves closer to the lot's absolute width of 176 feet at its widest point, and is one particular benefit in consolidating the two lots and eliminating the existing flag lot condition. He noted that the consolidation returns the 627 Sheridan parcel closer to its original configuration when first platted and developed in the late 1800's.

Mr. Norkus noted that the agenda report includes several recommended conditions of approval, many of which had already been complied with. He noted that requested easements along the

DRAFT

north and west lot line have already been provided on the revised plat, and that other more technical/formatting corrections have already been provided.

Chairperson Hurley suggested that the Plan Commission turn toward evaluating the request for consistency with the "additional points for consideration" included in the Plan Commission's agenda packet.
Mr. Dowding requested clarification whether the area shown as a gravel drive would be a true gravel drive or have a course of asphalt beneath. He noted that Environment and Forestry Commission is addressing ways to minimize storm water runoff created by impervious surfaces to minimize the impact of development.

Ms. Weeder indicated that the driveway would have an asphalt binder course and would not be permeable.

Mr. Dowding asked the architects to clarify the extent to which the scale of the proposed residence is consistent with the surrounding neighborhood.

Mr. Norkus noted that the Plan Commission is charged with evaluating the proposed subdivision for its consistency with the existing patterns of development, and explained that the architectural plans are included in the packet to assist in visualizing the resulting development that is permitted.

Mr. Dowding indicated that the agenda materials suggest that the house is subject to review.

Ms. Bawden asked for clarification of the impact to existing trees.

Ms. Weeder indicated that the plans have been developed with attention to preserving as many trees as possible, but acknowledged that some tree removals are necessary. She indicated that a significant number of new trees are being planted on the site as a condition of Forestry approval, including an allee of trees along the entry drive.

A motion was made by Mrs. Powell, seconded by Mr. Iberle to approve the proposed McGregor's consolidation, subject to the conditions outlined in the agenda report, including provision of utility easements, removal of setback lines, and execution of required signature blocks. On a voice vote, the motion carried.

AYES: (8) Hurley, Bawden, Dowding, Greable, Iberle, Golan, Johnson, Powell, Whitcomb
NAYS: (0) None

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Brian Norkus, Secretary

Minutes Adopted 09.20.2010

LANDMARK PRESERVATION COMMISSION
JULY 19, 2010 MEETING MINUTES

Members Present: Louise Holland, Chairperson
Hugh Brower
Susan Curry
Laura Good
Anne Grubb

Members Absent: Marilyn Garcia
George Pappas

Village Staff: Ann Klaassen, Planning Assistant

Call to Order:

Chairperson Holland called the meeting to order at 7:32 p.m.

APPROVAL OF JUNE 7, 2010 MINUTES

Chairperson Holland asked if there was a motion to approve the June 7, 2010 meeting minutes.

A motion was made by Ms. Grubb and seconded by Mr. Brower to approve the June 7, 2010 meeting minutes. A vote was taken and the motion was unanimously passed.

Chairperson Holland then asked if there were any corrections to be made to the minutes. She then referred the Commission to page 3 of the minutes and corrected the spelling of Kathy Nowacki's name. Chairperson Holland then referred the Commission to the last paragraph on page 12 and deleted her comment with regard to the Mather home which is to be built in Evanston. She then suggested that the following sentence also be deleted.

Chairperson Holland then clarified her comments with regard to the Plan Commission which would also like to see the buildings research project completed as it would help their effort to make recommendations to the Village Council with regard to affordable housing. She asked if there were any other corrections or additions. No additional corrections or additions were made to the minutes at this time. Chairperson Holland then asked for a motion to approve the June 7, 2010 meeting minutes, as amended.

A motion was made and seconded to approve the June 7, 2010 meeting minutes, as amended. A vote was taken and the motion was unanimously passed.

TEARDOWNS

Preliminary Review of the Application for Demolition Permit of the Single Family Residence at 627 Sheridan Rd. Case No. 10-13

Clyde McGregor introduced himself to the Commission as the contract purchaser of the property.

Chairperson Holland stated that she understood that an HAIS had already been started on the property. She stated that while the applicant had the right to ask for an HAIS for his own views, the Commission had not looked at the application to see if an HAIS would be required. Chairperson Holland referred to the fact that a lot of builders will advertise homes without getting a demolition permit and that the homes are advertised before the Commission meeting is even held. She stated that the Commission does not have a lot of power. Chairperson Holland described the application as in the face of the Commission and that before they were able to make a decision; things went ahead without the Commission's direction or okay. She indicated that the fact that the applicant already requested an HAIS would not hurt his chances of getting a demolition permit. Chairperson Holland stated that in the future, as part of the record, these things should not go ahead without the Commission making that recommendation. She then asked the Commission if they had looked at the request for 627 Sheridan. Chairperson Holland asked the applicant if he would be building a new home.

Mr. McGregor responded that is correct.

Chairperson Holland then asked the Commission for their comments.

Mr. Brower stated that it is difficult to knock down the home which is excellent condition externally. He also stated that it has been there a long time.

Chairperson Holland asked Ms. Grubb for her comments.

Ms. Grubb stated that there is a lot of history in the home. She stated that she did not drive back by the home to look at it and that she did not know if it had historical significance.

Ms. Curry referred to a number of names of the people associated with the home.

Chairperson Holland stated that the applicant also included a timetable for demolition to begin in March 2011. Chairperson Holland stated that the demolition would begin on March 30, 2011 and that they planned to commence construction in April and complete the new home by June 30, 2012.

Ms. Good arrived at the meeting at this time.

Chairperson Holland stated that since Mr. McGregor already commissioned an HAIS to be done, a 60 day delay would not impact his plans since the demolition would begin in 2011. She then asked for a motion to proceed.

Mr. Brower asked if an HAIS is in the works.

Mr. McGregor stated that it is in draft form and has not yet been completed.

Mr. Brower stated that the Commission has had the situation once before where they were not going to delay the demolition for 60 days for the Nielsen home. He then moved to request that an HAIS be done on the property.

Ms. Good and Ms. Curry seconded the motion. A vote was taken and the motion was unanimously approved.

AYES: Brower, Curry, Good, Grubb, Holland
NAYS: None

Chairperson Holland stated that when the HAIS comes back to the Commission, the clock would then start on the 60 day delay.

Mr. Brower responded not necessarily. He stated that the Commission can accept the HAIS and that they do not have to delay the demolition.

Chairperson Holland confirmed that a delay is not necessarily up to the Commission at the return of the HAIS and that it would not impact the applicant's plans.

Vicki Granacki informed the Commission that she would return the HAIS to the Commission at the September meeting and that they would then see if there should be a 60 day delay.

Chairperson Holland then asked if there were any neighbors present to speak to this case.

No comments were made from the audience at this time.

Review of the HAIS for the Single Family Residence at 861 Bryant Ave. Case No. 10-10

Victoria Birov and Steve Aisen introduced themselves to the Commission and stated that they would present the request on behalf of the applicant.

Chairperson Holland asked if there were any residents here to speak to the HAIS or the proposed application for demolition.

Several neighbors stated that they were only here to listen.

Chairperson Holland stated that she had questions for Ms. Birov and referred the Commission to the finding on page 13 of the materials, which stated that although the home's owners were respected citizens of Winnetka, the home cannot be determined to be historically significant for

LANDMARK PRESERVATION COMMISSION
SEPTEMBER 20, 2010 MEETING MINUTES

Members Present:	Louise Holland, Chairperson Hugh Brower Susan Curry Marilyn Garcia Laura Good Anne Grubb George Pappas
Members Absent:	None
Village Staff:	Michael D'Onofrio, Director of Community Development Ann Klaassen, Planning Assistant

Call to Order:

Chairperson Holland called the meeting to order at 7:30 p.m.

APPROVAL OF JULY 19, 2010 MINUTES

Chairperson Holland asked if there were any comments or corrections to be made to the July 19, 2010 meeting minutes.

Chairperson Holland stated that on page 4 in the second paragraph, she clarified the comment made with regard to a wedding in the home and that the Leonard's lived in the home for 45 years.

Chairperson Holland asked if there were any other corrections. No additional comments or corrections were made at this time.

A motion was made by member Brower and seconded by member Grubb to approve the meeting minutes of the July 19, 2010 Winnetka Landmark Preservation Commission, as amended. The motion was carried by unanimous voice vote.

Chairperson Holland stated that the order of the agenda would be changed and stated that the Toddle House case would become item no. 3 and 480 Hawthorn would become item no. 4.

TEARDOWNS

Preliminary Review of the Application for Demolition Permit of the former "Toddle House" Restaurant and Multi-family Residence at 966 Green Bay Rd. Case No. 10-16

Mr. Pappas noted that the home had significant residents.

Chairperson Holland agreed with Mr. Pappas' comments. She also stated that there are photographs of the homes in the neighborhood and commented that the architects of those homes are interesting. Chairperson Holland then asked for a motion to approve the HAIS.

A motion was made by Mr. Brower and seconded by Ms. Grubb to approve the HAIS for 200 DeWindt. The motion was carried by unanimous voice vote.

Review of the HAIS for the Single-Family Residence at 627 Sheridan Rd. Case No. 10-13

Chairperson Holland asked the Commission members for their comments.

Mr. Brower described the HAIS as expensive.

Chairperson Holland asked if there were any other comments. No additional comments were made at this time. She then asked for a motion.

A motion was made by Mr. Pappas and seconded by Mr. Brower to approve the HAIS for 627 Sheridan Road without delaying the issuance of the demolition permit. The motion was carried with two Commission members in opposition.

AYES: Brower, Curry, Grubb, Holland, Pappas
NAYS: Garcia, Good

Ms. Garcia described the home as gorgeous and beautiful.

Ms. Grubb agreed with Ms. Garcia's comment and noted that she attended the estate sale.

Ms. Good stated that she would like to change her vote on the HAIS to match Ms. Garcia's.

Chairperson Holland stated that it would not be demolished until March and that a delay would not do anything.

Ms. Good stated that she wanted to change her vote for the record.

Preliminary Review of the Application for Demolition Permit of the former "Toddle House" Restaurant and Multi-family Residence at 966 Green Bay Rd. Case No. 10-16

Chairperson Holland stated that they have finished this discussion already. She stated that the purpose of the HAIS is to have a record of the Toddle Houses in the country and the impact of this one. Chairperson Holland stated that while the home would probably be demolished, at least

Minutes adopted 02.07.2011

LANDMARK PRESERVATION COMMISSION
JANUARY 3, 2011 MEETING MINUTES

Members Present:	Louise Holland, Chairperson Hugh Brower Marilyn Garcia Laura Good
Members Absent:	Susan Curry Anne Grubb George Pappas
Village Staff:	Ann Klaassen, Planning Assistant

Call to Order:

Chairperson Holland called the meeting to order at 7:35 p.m.

APPROVAL OF DECEMBER 6, 2010 MINUTES

Chairperson Holland asked for a motion to adopt the December 6, 2010 meeting minutes.

A motion was made by Mr. Brower and not seconded, to approve the meeting minutes of the December 6, 2010 Winnetka Landmark Preservation Commission. The motion was carried by unanimous voice vote.

Chairperson Holland then asked if there were any corrections to be made to the minutes.

Mr. Brower referred the Commission to page 5 and asked that the paragraph in connection with Dan Searle be stricken from the minutes.

Chairperson Holland asked if there were any other corrections. No additional corrections were made at this time. She then asked for a motion to approve the corrected minutes.

A motion was made and seconded to approve the meeting minutes of the December 6, 2010 Winnetka Landmark Preservation Commission, as amended. The motion was carried by unanimous voice vote.

TEARDOWNS

Preliminary Review of the Application for Demolition Permit of the Single Family Residence at 101 Thorn Tree Lane, Case No. 11-01

Chairperson Holland asked the applicants to come forward.

John Anstadt stated that he would present the request on behalf of the builder (A. Perry Builders) which is a design/build firm.

Chairperson Holland asked Mr. Anstadt what are the plans for the property.

Mr. Anstadt stated that the client came to them with the hopes of remodeling the home. He informed the Commission that there is mold and lead in the home and that the client decided to tear the home down and build a new one.

Chairperson Holland asked the Commission members for their comments.

Mr. Brower stated that the architect is well known and that based on that information, a study should be done on the home.

Chairperson Holland noted that Edwin Clark is the architect of Village Hall and is an esteemed architect. She then asked Patty Van Cleave if she had a recommendation for an HAIS for this home.

Ms. Van Cleave commented that Edwin Clark is remarkable and that he constructed a lot of buildings in the Village. She described the home as lovely.

Chairperson Holland asked for a motion to request that an HAIS be done on the home.

A motion was made by Mr. Brower and seconded by Ms. Good to require an HAIS for 101 Thorn Tree. The motion was passed unanimously.

AYES: Brower, Good, Garcia, Holland
NAYS: None

Chairperson Holland then asked Mr. Anstadt to take a message back to the owners of the Commission's desire to have a study done on the home. She also stated that it is a very beautiful home and that the Commission realized that restoration is a much bigger effort. Chairperson Holland stated that once the HAIS is adopted by the Commission, if the Commission felt that it is necessary for a 60 day delay to be issued, it would begin at that time.

Preliminary Review of the Application for Demolition Permit of the Single Family Residence
at 633 Sheridan Road, Case No. 11-02

Chairperson Holland informed the Commission that the home sat in the front yard of the home for which a demolition permit had already been approved. She stated that the Historical Society did

not find that there was any historic evidence of this home or significant ownership of the home. LeAnn Pedersen Pope, the applicant, was present.

Chairperson Holland then asked for a motion to approve the demolition permit.

A motion was made by Mr. Brower and seconded by Ms. Garcia to approve the demolition permit for 633 Sheridan Road. The motion was passed unanimously.

AYES: Brower, Good, Garcia, Holland
NAYS: None

Preliminary Review of the Application for Demolition Permit of the Single Family Residence
at 389 Elder Lane, Case No. 11-03

Damian Woszczak of North Shore Builders introduced himself to the Commission as the owners of the property.

Chairperson Holland asked the Commission members for their comments. No comments were made at this time. She then asked for a motion to approve the demolition permit for 389 Elder Lane.

A motion was made Ms. Garcia and seconded by Mr. Brower to approve the demolition permit for 389 Elder Lane. The motion was passed unanimously.

AYES: Brower, Good, Garcia, Holland
NAYS: None

Mr. Brower stated that he was under the impression that there was a buyer for the home. He asked Mr. Woszczak if they planned to build a home on the property for sale.

Mr. Woszczak confirmed that is correct.

Review of the Alternation of Designated Landmark 411 Linden Street

Chairperson Holland stated that the home is known as the home of the Winnetka Historical Society.

Ms. Van Cleave stated that it became clear to them approximately 1½ years ago that the roof needed to be replaced. She stated that they began reviewing the matter a year ago and submitted a proposal for a grant and that they received most of the grant to cover the cost of the roof replacement. Ms. Van Cleave stated that they received proposals from two roofing companies and that they are set to move forward pending the approval by the Commission.

AGENDA REPORT

SUBJECT: **Certificate of Appropriateness – 64 Green Bay Road (Restaurant Michael)**

PREPARED BY: Brian Norkus, Assistant Director of Community Development

DATE: June 29, 2011

In March 1999 a series of zoning amendments were adopted for the C-1 (Indian Hill) Commercial zoning district, which included placing final approval of architectural alterations, and issuance of a Certificate of Appropriateness, with the Village Council. As provided for in Section 15.40.010.J, recommendations for Certificate of Appropriateness are issued by the Design Review Board, with final approval by the Village Council.

Attached plans depict a proposed 25' x 19' expansion of the dining area at the restaurant *Michael*, 64 Green Bay Road. The proposed dining room expansion intended to allow the hosting of larger groups. An additional 8' x 16' area will provide a defined entry and waiting area which is currently lacking. Related improvements include new landscaping and an entry court.

The proposed alterations were reviewed at the Design Review Board's April 28 and June 16, 2011 meetings, advertised in a mailing to neighboring property owners within 250 feet. Proposed elevations, site plans and materials are attached, and were commented on favorably by the Design Review Board.

As part of the review process the Design Review Board requested clarification of the modifications to vehicle circulation related to alteration of the existing parking lot. Because the proposed expansion extends into the existing parking area, the number of parking spaces is reduced a current capacity of twelve (12) vehicles to three (3) vehicles, and circulation is modified to a one-way circulation pattern.

On-site parking is not required under the zoning ordinance for this specific use, and is generally not required for most ground floor tenants within the Village's commercial districts as means of encouraging an attractive pedestrian streetscape. A view of the current parking lot is shown in Figure 1 below.

<u>Figure 1</u> – existing site photo

<u>*Exhibit A*</u> depicts the proposed circulation pattern for customer vehicles in response to the Design Review Board's request for clarification. The applicant provides complimentary valet service to its patrons, with vehicles taken from customers within the existing *Michael* parking lot, and parked under an agreement with the adjoining land owner to the south in the parking lot at Northern Trust Bank (50 Green Bay Road).

<u>*Exhibit A*</u> depicts customers turning their vehicles over to a valet employee within the *Michael* parking lot, and the vehicle being driven west to the adjacent public alley, where they will circle to enter the Northern Trust parking lot from Green Bay Road. Customers will retrieve their cars from within the *Michael* lot, where they will exit the site westbound, onto the same Village alley and travel either north *or* south.

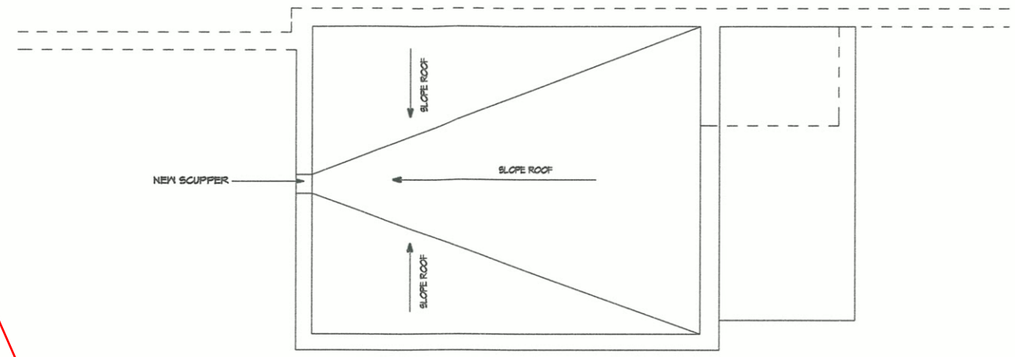
The Design Review Board found the project consistent with the design guidelines, subject to review of the proposed circulation plan by the Village Engineer.

The circulation has been provided to Village Engineer Steve Saunders for review and comment, with his comments attached.

<u>Recommendation:</u>

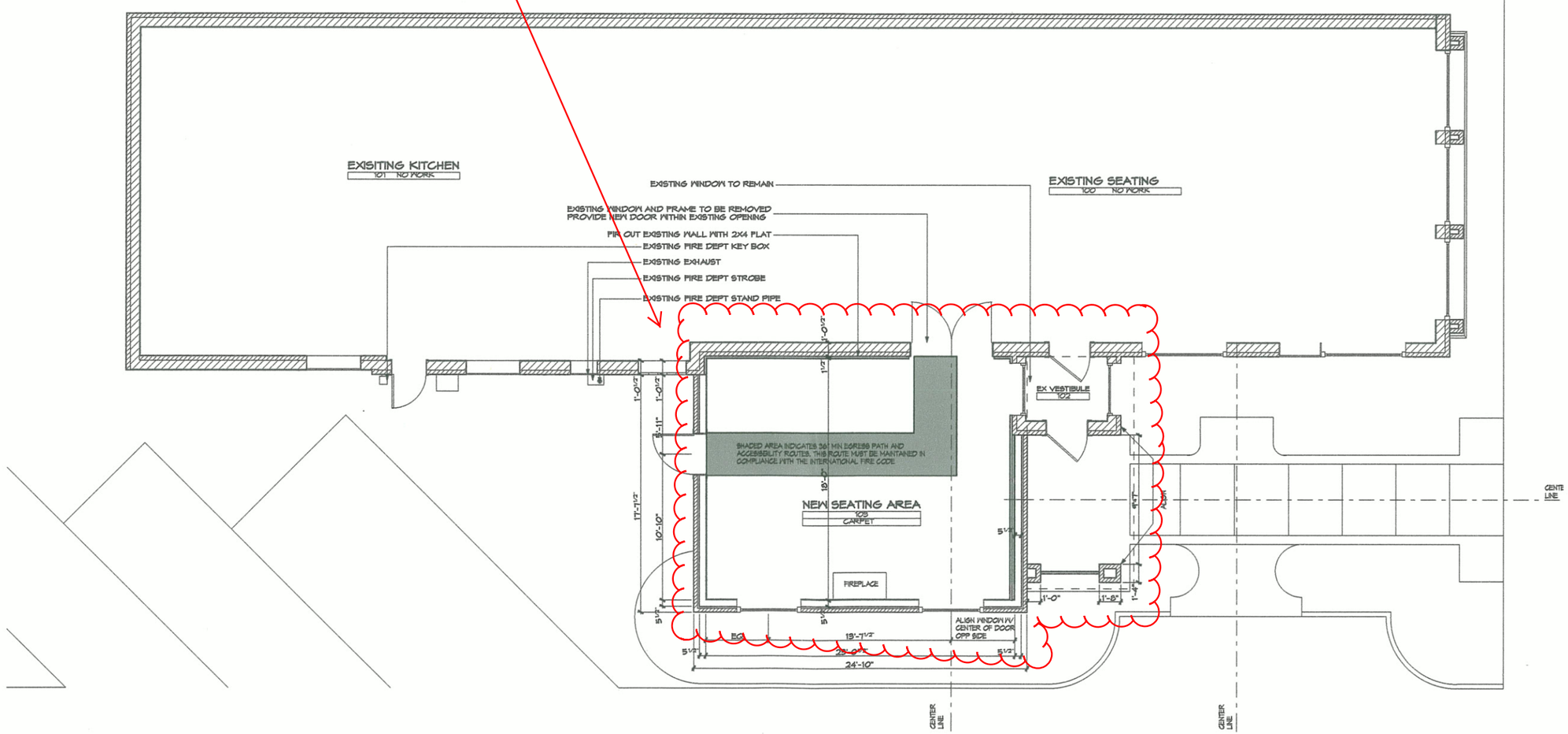
(1) Consider a motion to approve the issuance of a Certificate of Appropriateness for building and site alterations at 64 Green Bay Road, subject to installation of alley directional signage consistent with the Village Engineer Steve Saunders' June 28, 2011 memorandum.

Aerial photo – 64 Green Bay Road (Restaurant Michael)



1 FINISH PLAN -SECOND FLOOR
SCALE: 1/4" = 1'-0"

Area of proposed expansion



1 1ST FLOOR PLAN
SCALE: 1/4" = 1'-0"

RESTAURANT MICHAEL
64 GREENBAY ROAD WINNETKA, ILLINOIS

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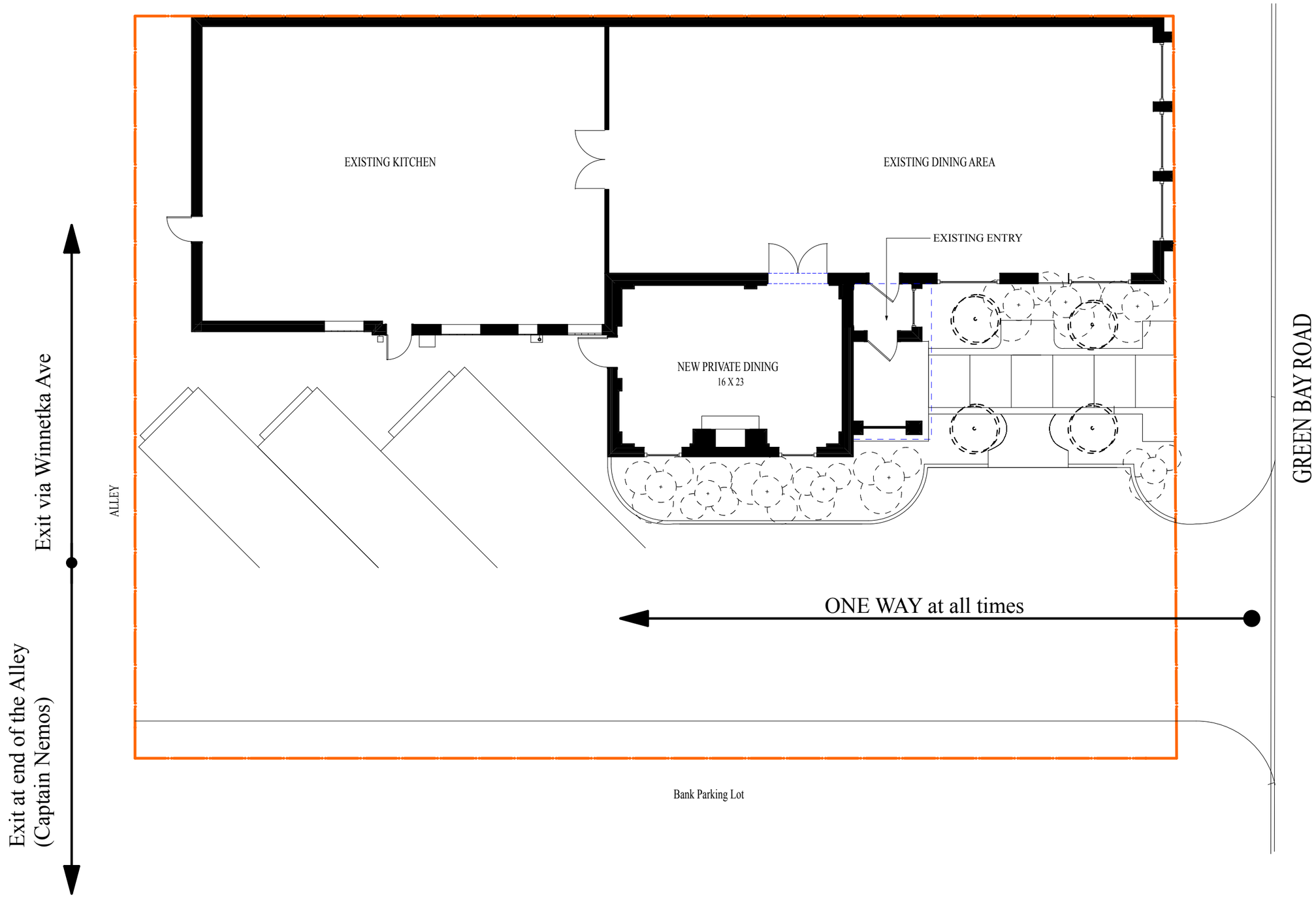

Exhibit A - Circulation Plan (page 1)

RESTAURANT MICHAEL
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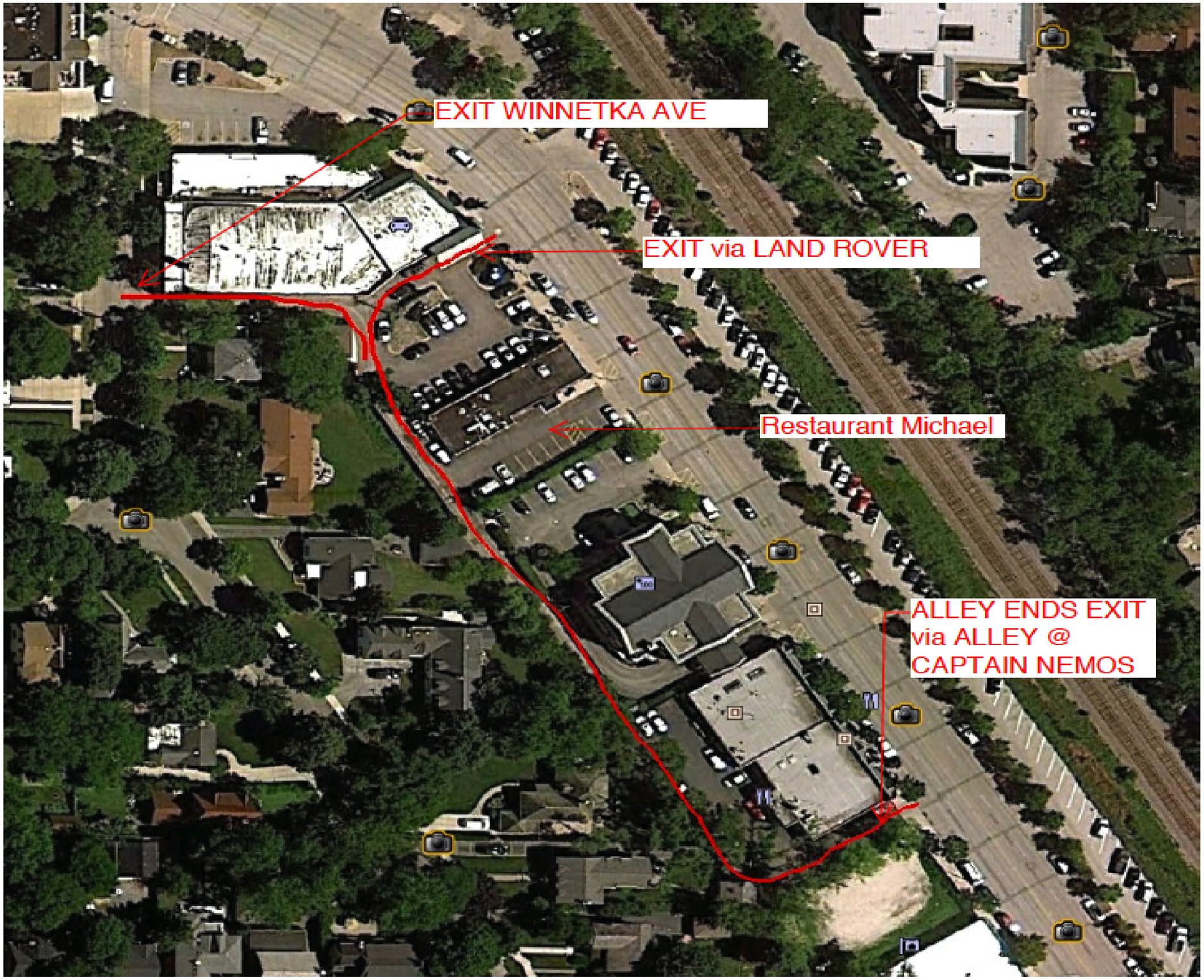

Exhibit A - Circulation Plan (page 2)

RESTAURANT MICHAEL
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Memorandum

To: Brian Norkus, Assistant Director of Community Development

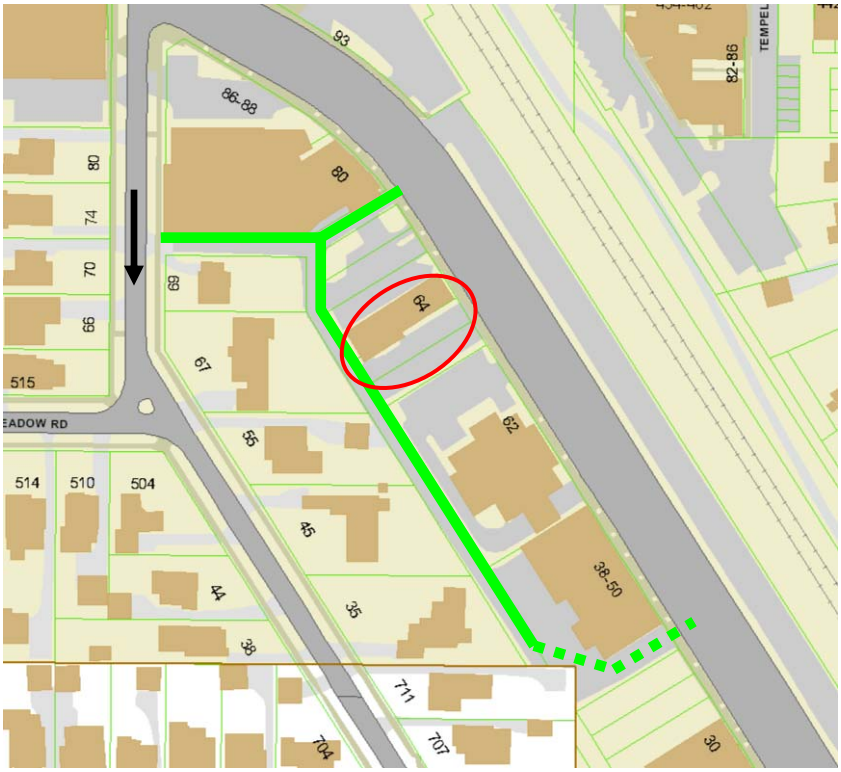
From: Steven M. Saunders, Director of Public Works/Village Engineer

Date: June 28, 2011

Re: Traffic Circulation – 64 Green Bay Road

At your request I have evaluated the proposed traffic circulation plan for 64 Green Bay Road – Restaurant Michael – particularly in light of proposed valet parking in the parking lot to the south of the building. The applicant has proposed maintaining one-way westerly flow of traffic in the parking lot at all times, which is appropriate and necessary given the width of the proposed parking area and drive aisle.

The applicant has proposed that patrons retrieve their vehicles facing westbound and then egress the parking lot via the public alley behind the property. This alley is illustrated below.



The public alley, shown in solid green, exits at the north end both to the west via Brier Street, which is one-way south, and to the east via Green Bay Road. To the south, the public alley dead-ends behind 38-50 Green Bay Road, however by a long-standing oral agreement, ingress and egress to the alley are available through the parking lot behind and south of 38-50 Green Bay (shown in dashed green).

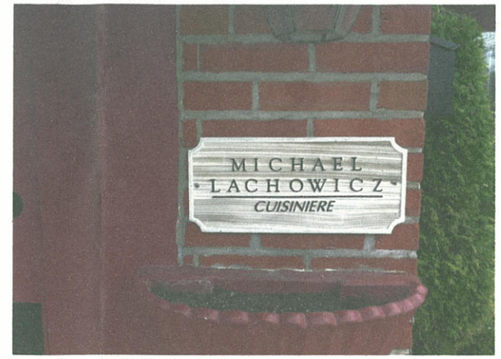
Because it is not entirely clear how to exit the alley at the south end, it appears that the valet arrangement would work best if drivers are directed to exit the alley going northbound towards Land Rover, and then eastbound to Green Bay Road. Signage should be provided behind Restaurant Michael, and also where the alley splits behind Land Rover, directing drivers out to Green Bay Road. I believe that this would be the least confusing route for drivers unfamiliar with the Village to quickly and safely reach Green Bay Road.

It should be noted that due to the nature of Land Rover's business, it is not uncommon for the alley to be blocked with customers dropping off or picking up vehicles for service, particularly in the morning and evening rush-hour. This may inconvenience drivers at some periods of time, but is unlikely to significantly coincide with valet operations, particularly for the dinner period.

While this is not an ideal situation, it does appear to be workable. Restaurant Michael should be financially responsible for any signage needed to make the operation workable.

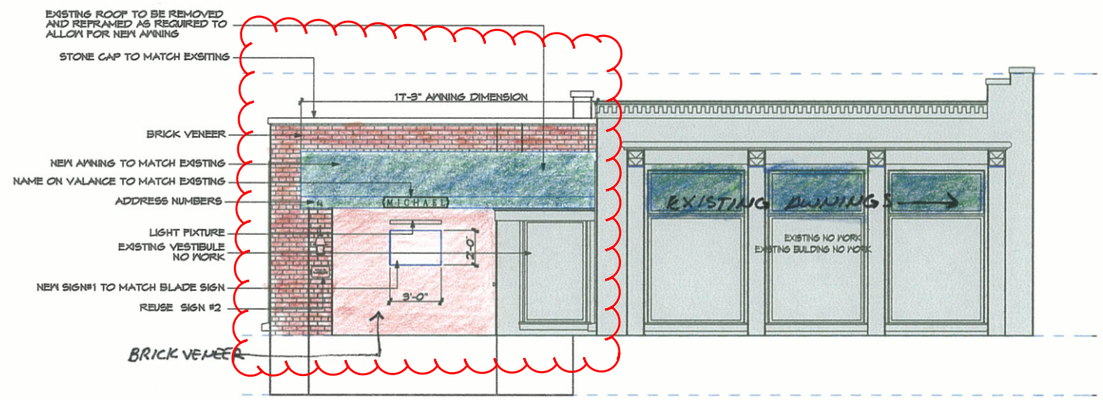
Existing entrance - south elevation

EXISTING AWNING WITH GRAHIC ON VALANCE

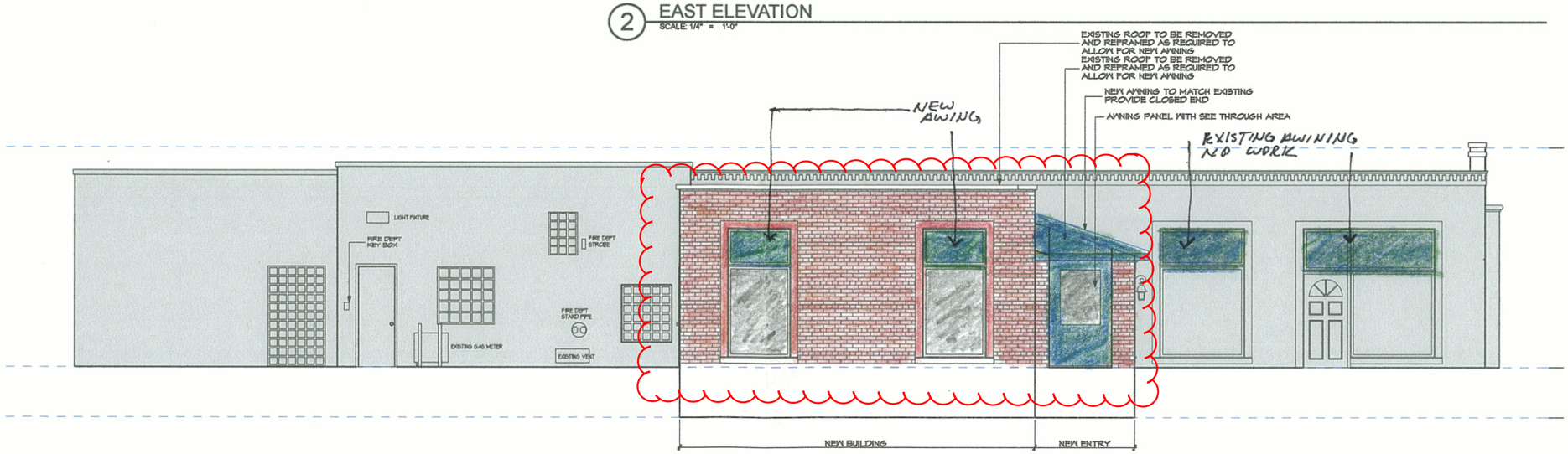


REUSE SIGN 2

NEW SIGN 1 TO MATCH EXISTING BLADE SIGN



2 EAST ELEVATION
SCALE: 1/4" = 1'-0"



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

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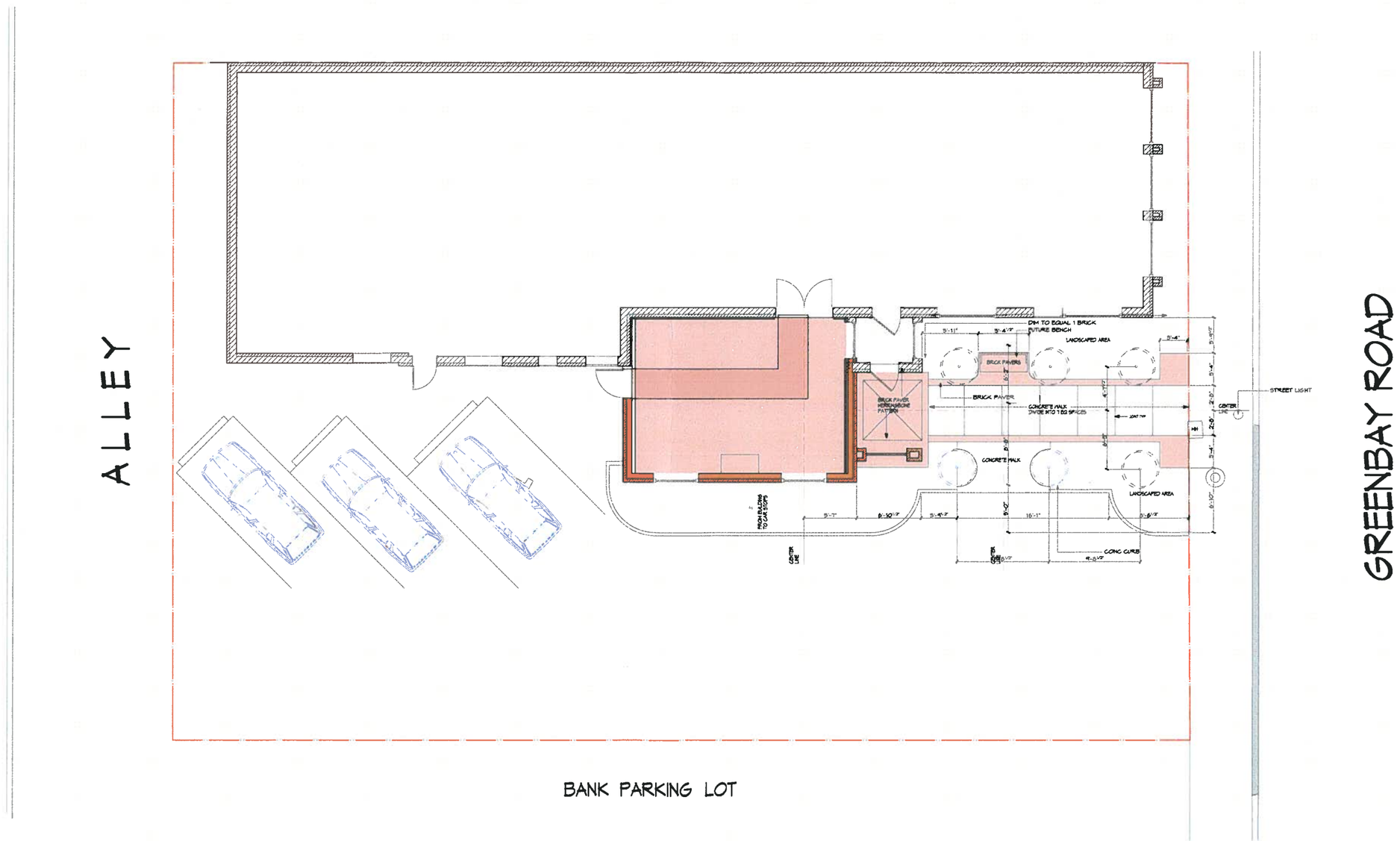

1 SITE PLAN
SCALE: 3/16" = 1'-0"

RESTAURANT MICHAEL
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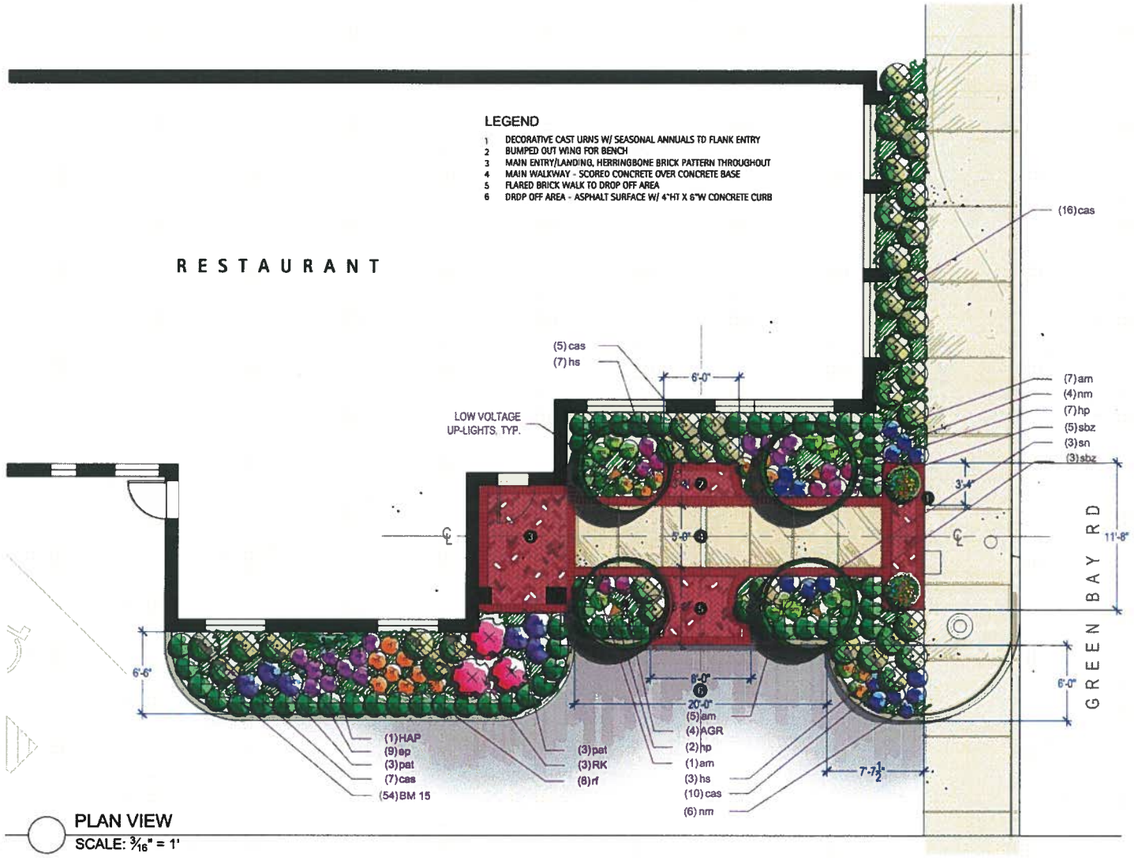
SP



PLAN VIEW
SCALE: 3/16" = 1'

FRENCH VASE

CONCRETE BRICK PAVERS

CAST ALUMINUM/WOOD BENCH

COPPER UP-LIGHTS (trees)

SITE ELEMENTS
SCALE: N/A

PLANT SCHEDULE

ORNAMENTAL TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
AGR	4	Amelanchier x grandiflora 'Robin Hill'	Robin Hill Serviceberry	8' Ht.	B&B
DECIDUOUS SHRUBS	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**	**REMARKS**
RK	3	Rosa x 'Knockout'	Knockout Rose	3 gal	CG
EVERGREEN SHRUBS	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**	**REMARKS**
BM 15	54	Buxus microphylla 'Wintergreen'	Wintergreen Boxwood	15" spr.	CG - Transplant 15 Existing
PERENNIALS/ORNAMENTAL GRASSES	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**	**REMARKS**
aj	4	Astilbe japonica 'Rhineland'	Rhineland Astible	1 gal.	CG
am	13	Alchemilla mollis	Lady's Mantle	1 gal.	CG
cas	38	Calamagrostis x acutiflora 'Karl Foerster'	Feather Reed Grass	1 gal.	CG
ep	9	Echinacea purpurea	Purple Coneflower	1 gal.	CG
hp	9	Heuchera micrantha 'Palace Purple'	Palace Purple Coral Bells	1 gal.	CG
hs	10	Hemerocallis x 'Stella de Oro'	Stella de Oro Daylily	1 gal.	CG - Transplant Existing
nm	10	Nepeta mussinii 'Walker's Low'	Walker's Low Catmint	1 gal.	CG
pat	6	Perovskia atriplicifolia 'Little Spire'	Little Spire Russian Sage	1 gal.	CG
rf	8	Rudbeckia fulgida 'Goldsturm'	Goldsturm Black-Eyed Susan	1 gal.	CG
sbz	8	Stachys byzantina 'Big Ears'	Big Ears Lamb's Ear	1 gal.	CG
sn	6	Salvia nemorosa 'East Friesland'	East Friesland Sage	1 gal.	CG
VINES	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**	**REMARKS**
HAP	1	Hydrangea anomala petiolaris	Climbing Hydrangea	5 gal	CG

Robin Hill Serviceberry

Knockout Rose

Wintergreen Boxwood

Rhineland Astilbe

Lady's Mantle

Feather Reed Grass

Stella De Oro Daylily

Walkers Low Catmint

Russian Sage

Lamb's Ear

East Friesland Sage

Climbing Hydrangea (Close Up)

PLANT PALETTE
SCALE: N/A

ROMANI LANDSCAPE ARCHITECTURE

RESTAURANT MICHAEL

64 GREEN BAY RD, WINNETKA, ILLINOIS 60093

LANDSCAPE PLAN

SCALE: AS NOTED

APRIL 27, 2011

06/09/2011

Proposed new brick in foreground

Proposed new brick

Winnetka Design Review Board/Sign Board of Appeals
April 28, 2011

Members Present: Gary Frank, Chairman
Bob Dearborn
Brooke Kelly
Janet Shen
John Swierk

Members Absent: Joan Evanich
Cindy Gavin

Village Staff: Brian Norkus, Assistant Director of Community Development

Call to Order:

Chairman Frank called the meeting to order at 7:35 p.m.

Public Comment

Chairman Frank asked if there was any public comment. No comments were made by the audience at this time.

Approval of Previous Minutes

Chairman Frank asked if there were any comments or corrections to be made to the March 24, 2011 meeting minutes. No comments were made by the Board at this time.

A motion was made by Ms. Kelly and seconded to approve the March 24, 2011 meeting minutes. On a voice vote, the motion was unanimously passed.

Consideration of Certificate of Appropriateness for Signs at Prudential Rubloff, 850 Green Bay Road (Continued from Prior Meeting)

Karoline Eigel introduced herself to the Board. She informed the Board that she was unable to attend the last meeting since it was rescheduled and she was out of town. Ms. Eigel stated that Mr. Norkus sent her the Board's notes and drawings which were done indicating exactly what the Board wanted to have which is what they planned to do.

Ms. Eigel stated that their sign production company provided Mr. Norkus several weeks ago very detailed information on the fabrication of the sign itself and the materials. She stated that the

Ms. Eigel confirmed that is correct and that it would be centered within the gable.

Chairman Frank stated that on the north side, there would be the same thing. He stated that with regard to the shop drawing, he would like to see a submission of the real fabrication drawing.

Ms. Eigel responded that this is what the sign company does.

Chairman Frank stated that when they go to do the sign, they need the fabrication to be given to the company and a better architectural detail drawing.

Ms. Eigel stated that would be fine.

Mr. Swierk referred to the outside edge material.

Ms. Eigel stated that the Board did not want wood and that would be metal.

Mr. Norkus informed the Board that the fabrication information is in the packet of materials. He stated that the description stated that it would be sandblasted foam graphics and frame. Mr. Norkus stated that the wood sample mockup was given to Ms. Eigel with the color sample which is what they are getting.

Mr. Dearborn then moved to issue a Certificate of Appropriateness to approve the Prudential Rubloff application for signage specifically for the two signs applied on the east wall and the north wall consistent with the materials and dimensions discussed here and subject to Chairman Frank and the Board receiving a fabrication drawing of the sign. He also stated that Prudential Rubloff agreed to remove the black sign on the south east angle corner at the time of sign installation.

Mr. Swierk added to the motion that the material is the metal sample provided to the Board today with white applied metal lettering and that it would non-swinging and located in the middle of the vertical truss of the building.

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

AYES: Dearborn, Frank, Kelly, Shen, Swierk
NAYS: None

Consideration of Certificate of Appropriateness for New Addition to Existing Restaurant Michael, 64 Green Bay Road

Chairman Frank stated that he would be presenting the request to the Board and asked Mr. Swierk to act as chairman for this request. Mr. Frank stated that the request is to provide a

recommendation to the Village Council for a Certificate of Appropriateness for the proposed addition to Restaurant Michael.

Mr. Frank stated that the illustrations are more current that the information contained in the packet of materials. He then identified the current building and the east facade of the restaurant. Mr. Frank stated that restaurant patrons enter the site from the Green Bay road driveway, and identified the area where patrons park. He explained the location of existing parking along the south property line, and noted that Michael provides free valet parking to its customers.

Mr. Frank stated that the proposed addition consists of two parts, consisting of an approximately 25' x 19' expansion of seating area, with an additional 8' x 16' entry area.

Mr. Frank stated that they want the addition for additional seating for diners and to have a party area which would hold between 30 and 40 people and to be used for larger groups which they currently cannot seat. He stated that a primary challenge was to improve the building entryway.

Mr. Frank referred the Board to an illustration of a bigger picture of the floor plan. He stated that they planned to create a new walkway and entrance into the building. Mr. Frank stated that they would also remove the green canopy and awning and reconfigure the new entrance. He then identified the new entrance down the walkway and the new entry canopy and noted that the existing doors would remain. Mr. Frank stated that at the end of the entry, they planned to put a new sign as shown in the illustration over the Green Bay Road facade which will be lit.

Mr. Frank stated that with regard to the side of the building, they planned to match the existing facade. He informed the Board that he forgot to bring the sample brick and awning color. Mr. Frank stated that they planned to match the existing windows and that there would be concrete surround painted with window infill. He described it as a simple facade. Mr. Frank then identified the side of the canopy and stated that they planned to run the canopy material down to create a windbreak and that for valet parking, there would be a window put in. He also stated that over in one area, there is an actual roof behind and that they planned to take that off and rebuild the roof so that it is at a slant.

Mr. Dearborn asked if the addition would be coming out to the front of the awning.

Mr. Frank stated that it would not and that it would be behind. He also stated that the new awning would be in the same front location as the one on the east side.

Mr. Dearborn asked if the side of the addition would protrude out.

Mr. Frank stated that it would come out further.

Mr. Dearborn questioned whether that would make it tight parking-wise.

Mr. Frank responded that it would not and informed the Board that there is no requirement for parking under the zoning ordinance. He described the existing parking as a benefit. Mr. Frank stated that those parking spaces would be eliminated and that they would have three parking spaces on the site, one of which would be handicapped parking. He informed the Board that the applicant has an arrangement with the bank and that since they do not serve until 5:00 p.m. and the bank closed at 5:00 p.m., which would allow the valet to park vehicles in the bank's lot. Mr. Frank added that there is also a lot of off-street parking.

Mr. Norkus referred to the public and employee parking located across the street.

Mr. Frank then stated that the entrance would be shortened to a point which he identified in the illustration and stated that a vehicle would be able to tuck in and pass through. He noted that Landrover used this lot as well.

Mr. Dearborn then asked if there would be no exit at the entrance.

Mr. Frank stated that it could be two-way traffic and that valet would only go one way.

Ms. Shen asked if the parking would be all concrete against the building.

Mr. Frank confirmed that is correct and that there would be no planting. He informed the Board that they have a planting plan.

Ms. Kelly asked if the new addition would be all brick.

Mr. Frank confirmed that is correct and that it would be a brick box with a new entrance.

Mr. Dearborn asked if the building is all brick.

Mr. Frank confirmed that is correct.

Mr. Dearborn then asked if it would match.

Mr. Frank indicated that there are three different bricks on the building and that their goal is to match the front brick.

Ms. Kelly asked if they planned to change the door to an exit door.

Mr. Frank stated that they did not and informed the Board that the applicant signed a 15 year lease for the space.

Chairman Swierk questioned the windows next door.

Mr. Frank stated that they are wood frame windows with insulated glass. He stated that while it would be a big deal to change the door, they can change the glass and that the likelihood of that is small. He stated that once you see the landscaping plan, it goes away. Mr. Frank also stated that he did not bring the awning color, but that it is Coldwell Banker blue which is French blue.

Mr. Dearborn asked with regard to the blade sign out front on Green Bay Road, if there would be one awning and a plaque.

Mr. Frank confirmed that is correct and that the existing plaque would be relocated to facing the location.

Mr. Dearborn asked with regard to the drive through, whether that should that be looked at for safety issues and that it seemed to be a one lane area.

Mr. Frank stated that is more than one lane and that it measured approximately 20 feet.

Mr. Norkus informed the Board that the state controlled Green Bay Road in this location. He also stated that there is a curb cut from the south facing the building to the property line.

Chairman Swierk indicated that all of the vehicles seemed to go toward the alley.

Mr. Dearborn agreed with Chairman Swierk's comment.

Mr. Frank stated that they can request that they only go in one direction.

Mr. Norkus commented that is a good idea and that site circulation falls within the Board's jurisdiction of review.

Mr. Dearborn suggested that they either have a one way sign or a no exit sign.

Chairman Swierk stated that in this case, it would be driven by the valet issues.

Mr. Norkus stated that by the time the request went to the Village Council, there should be clarification on the circulation plan showing both programmatically what the valet would be doing and clarification on signage. He stated that if Landrover is going the other way, they should put a sign in.

Ms. Kelly asked if there are problems there.

Chairman Swierk stated that there are not, but that the area would be narrower.

Mr. Frank stated that they can put a sign there and that whether people obeyed it would be another issue.

Mr. Dearborn stated that Mr. Norkus' point is a good one and that the traffic flow is clearly east to west.

Chairman Swierk questioned the condition of the alley.

Mr. Frank responded that it is in good shape.

Mr. Norkus stated that the Village Council would read the Board's minutes and pick up on the discussion.

Chairman Swierk stated that there is not a lot of activity there.

Ms. Kelly asked how much narrower would it be.

Mr. Frank stated that currently, it is not angled.

Chairman Swierk stated that the difference is that the entrance would be choked down.

Ms. Kelly stated that the real concern is the entrance and exit on Green Bay Road.

Mr. Dearborn agreed with Ms. Kelly's comment.

Mr. Frank stated that there could be a lane drawn and identified the area where a vehicle could be left. He also stated that they could add dashes to the lane to mark it off and that there would be a concrete curb put around the building and that there is nothing there now.

Ms. Kelly stated that the alley would be two-way traffic.

Chairman Swierk asked if there would be a blade sign on Green Bay Road.

Mr. Frank stated that there would be one with a wall mounted sign under the awning.

Mr. Dearborn stated that in connection with the brick color final approval, Mr. Frank can let the Board see it.

Mr. Norkus stated that now and when the Village Council saw it, based on this discussion, there is ample time for the applicant to come back to the next meeting with the brick sample.

Mr. Frank stated that the sample is pretty close and that he asked the brick guy to take another look.

Chairman Swierk suggested that the Board members see the brick next to the building as

opposed to at a meeting and that the mix is very similar to the brick identified in the illustration which is fairly orange-y and red.

Mr. Dearborn asked if there would be a flat top on the addition.

Mr. Frank confirmed that is correct.

Mr. Dearborn then asked if there would be detail.

Mr. Frank stated that the canopy and brick piers projecting would give character.

Mr. Dearborn questioned the roof line of the existing building.

Mr. Frank confirmed that it is all flat and identified it in an illustration. He stated that it would sit just below the roof line similar to a series of boxes interlocked with each other.

Mr. Dearborn commented that the landscape plan is beautiful.

Mr. Frank noted that the newest plan is in the packet of materials. He stated that it was reduced to four trees which he commented made more sense. Mr. Frank stated that they attempted to create an entry from Green Bay Road and to have the entrance consist of brick pavers and concrete which would be bordered. He also stated that there would be a sitting bench in one area. Mr. Frank then stated that the four trees would be service berry trees at 8 feet in height to start and that they wanted have as much verticality as possible. He stated that they would be illuminated with decorative lighting when the leaves are gone.

Mr. Frank stated that a variety of flowers would be used along with green ground cover, feathery grass, Russian Sage and Black-eyed Susans. He stated that they wanted for the entrance to have a different environment as opposed to being a sea of blacktop. Mr. Frank described the request as an immense improvement and that there would also be uplighting in the courtyard. He stated that with regard to the light on the building, he would attempt to get the applicant to change the fixture so that it would be more decorative and to move it down in order to throw light out from the corner. Mr. Frank added that the light would go on after hours to deter children from hanging out there.

Mr. Dearborn referred to the pressure point with patrons crossing the lane to get to a valet parked vehicle.

Mr. Frank stated that there is not a lot of traffic there.

Mr. Dearborn commented that the alley is impractical.

Ms. Shen stated that if an older person is exiting, the valet would be heading toward the alley.

Mr. Dearborn stated that they have to make sure if they are exiting on Green Bay Road, to make sure that there is a safe valet.

Ms. Kelly stated that it represented the same situation as currently existed and that they are only taking 8 feet out of the curb cut.

Chairman Swierk stated that the request gave the Board a chance to look at the situation. He then suggested that there be a path of pavers leading toward the valet pickup.

Mr. Frank stated that there is now the same condition as with the new plan. He described the new configuration as better than the old configuration since they would be able to get two vehicles side by side.

Mr. Norkus stated that perhaps they should put a sign close to the sidewalk showing the valet parking service [within the private lot] and self park [street parking] options.

Mr. Frank indicated that very few people use those spaces and that any patron pulling in gets valet service. He informed the Board that the valet service is free.

Chairman Swierk reiterated his suggested of the use of pavers across the lane.

Mr. Frank indicated that it would be clear from the landscaping plan.

Chairman Swierk stated that they have to make sure that the valet exits on Green Bay Road on the far south side.

Mr. Dearborn stated that they should also mark the lane.

Mr. Frank commented that it would be a good idea to put it in a certain area.

Mr. Norkus stated that the Board's detailed comments and recommendations would be transmitted to the Village Council, and should be put in the form of a motion.

Chairman Swierk asked if there were any other comments. No additional comments were made by the Board at this time. He then asked for a motion.

Mr. Dearborn moved to approve the application for the issuance of a Certificate of Appropriateness as proposed subject to a viewing at the restaurant of the brick and a sample of the awning color to be provided at the next meeting with a provision that the Board would like the parking area marked in some respect for two lane usage and the valet parking to be marked for safety considerations.

Chairman Swierk added that the valet parking exit should be on the south side toward Green Bay Road and that the request would be to include the signage on Green Bay Road.

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

AYES:	Dearborn, Kelly, Shen, Swierk
NAYS:	None
ABSTAINING:	Frank

Consideration of Certificate of Appropriateness for Window Signs at Trueman, 745 Elm Street

John Trueman introduced himself to the Board as the applicant.

Chairman Frank asked if the location is next door to the cleaners and Café Roma.

Mr. Trueman confirmed that is correct.

Chairman Frank asked Mr. Trueman if he is asking for window signage. He then referred to the awning.

Mr. Trueman stated that the awning would be removed and that there would be no awning at all.

Ms. Kelly asked what did the area look like under the awning.

Mr. Trueman responded that there are steel panels.

Mr. Swierk questioned when the awning is removed, what is the condition of the material.

Mr. Norkus stated that there was a bit of contrast of color of the storefront between them and Café Roma.

Mr. Trueman indicated that it would be consistent.

Chairman Frank asked Mr. Trueman if he considered reusing the awning with a new valance.

Mr. Trueman stated that he rejected that idea for aesthetic reasons and cost, etc. He reiterated that he did not want an awning.

Chairman Frank commented that it was a mistake for Café Roma not to have awnings all the way across the windows. He stated that to him, if this awning is removed and the windows are not same, if the area above is aluminum panels, the aesthetics would not be contiguous.

Recommendation to Village Council Regarding Certificate of Appropriateness for Addition to Restaurant Michael, 64 Green Bay Road (Continued from Previous Meeting)

Chairman Frank recused himself from the request and asked Mr. Swierk to chair the meeting.

Mr. Frank stated that since the last meeting, they needed to do two things, the first of which was to bring in a sample of the awning which the Board now has. He confirmed that the awning is depicted as French blue. Mr. Frank stated that the second item related to the proposed brick.

Chairman Swierk asked if the look of the mortar would be the same.

Mr. Frank stated that they have specified the addition of sand to the mortar mix in order to give it an older look to match the existing building. He indicated that you will not see much of it.

Chairman Swierk asked if there were any other questions.

Mr. Dearborn asked Mr. Frank if the applicant had any issues with the Board's suggestions.

Mr. Frank informed the Board that he submitted a site circulation plan to Mr. Norkus, explaining that the traffic will be modified to a one-way traffic pattern heading west. He stated that the valet will take the vehicles west to the appropriate parking area. Mr. Frank stated that there will be two options when leaving the restaurant, the first of which is to head south and that as the alley ended, to exit on Green Bay Road. He stated that the other option is to head north and to exit either through the neighborhood or through Land Rover. He informed the Board that Steve Saunders had not had a chance to review the proposed traffic pattern and that it would be reviewed prior to the upcoming Village Council meeting.

Chairman Swierk then asked for a motion.

Ms. Evanich moved for the issuance of a Certificate of Appropriateness for the request as presented with the condition of the mortar being matched as closely as possible to the addition. The motion was seconded. A vote was taken and the motion was unanimously passed.

AYES: Dearborn, Evanich, Shen, Swierk
NAYS: None

Print

Winnetka, IL Village Code

Chapter 15.40
CERTIFICATES OF APPROPRIATENESS OF DESIGN

Sections:

15.40.010 Certificate of appropriateness of design.

Section 15.40.010 Certificate of appropriateness of design.

A. Certificate Required. Except as provided in this chapter, no construction activity, including ordinary repairs, shall be begun, and no building permit for any construction activity shall be approved for issuance, if the work to be performed affects or involves an external architectural feature of a building or structure, including the style, nature or general arrangement of associated site improvements, unless the Design Review Board of the Village has first issued a certificate of appropriateness of design for the work proposed. Where appropriate, the issuance of such a certificate shall be coordinated with the issuance of a certificate of appropriateness for signage as provided in Chapter 15.60 of this code.

B. Exceptions to Certificate Requirement. No certificate of appropriateness of design shall be required for any single-family dwelling or any accessory structure to such a dwelling. A building permit may be approved for issuance without such certificate of appropriateness if, in the Director's opinion, the work proposed in the construction documents will not alter an external architectural feature. A certificate of appropriateness of design shall not be required for incidental exterior maintenance not requiring a building permit if the Director determines that the scope of such maintenance will not alter any external architectural feature.

C. Application Requirements. No application for a certificate of appropriateness of design shall be accepted for review or scheduled for hearing unless it is complete. In addition to the permit application and construction documents, the application for a certificate of appropriateness of design shall be submitted on a form provided by the Director and shall be accompanied by all applicable fees and deposits and by detailed existing and proposed renderings depicting each elevation upon which external architectural features, including site improvements, will be installed or altered, and such other additional information and documentation as may be required by the Design Review Board or which the applicant deems necessary for the Board's consideration and disposition of the particular request. Such additional information requested by the Design Review Board may include, without limitation, material samples, paint chips, fabric swatches and the like.

D. Notice of Application. Upon receiving a completed application for a certificate of appropriateness of design, the Director shall promptly transmit such application to the Design Review Board. The Director shall also issue written notice of the time and place of the hearing required by subsection F of this section and, where applicable, written notice of the time and place of any proceedings before the Village Council, to the applicant and to all persons to whom the latest general real estate tax bills were sent for all property situated within two hundred fifty (250) feet of the property that is the subject of the application. The notice shall be addressed to such persons in the names and at the addresses to which the latest general real estate taxes were

sent, and shall be so sent by first class mail, postage prepaid, not less than ten (10) days prior to the date of such hearing or Council proceeding.

(MC-6-2001, Amended 07/17/01)

E. Hearing Required. The Design Review Board shall fix a time for a hearing within forty-five (45) days of the date of the filing of the application. The hearing may be adjourned or continued for lack of a quorum. Any meeting or hearing may be postponed at the applicant's request, or with the applicant's consent.

F. Scope of Hearing, Findings of Fact. At the hearing, the Board shall consider the application materials, including construction documents, and any additional evidence including, in the Board's discretion, testimony given under oath, regarding the following issues: (1) whether the proposed external architectural features and site improvements are appropriate to and compatible with the character of the immediate neighborhood; (2) whether the proposed external architectural features and site improvements are appropriate to and compatible with adopted Village plans for and improvements in the immediate neighborhood, and including both urban design and site arrangement considerations; (3) whether the proposed external architectural features and site improvements are consistent with applicable Village design guidelines and such standards and criteria as may be adopted by the Board; and (4) the probable effect of the proposed external architectural features on the integrity of the immediate vicinity.

G. Decision of Design Review Board. The Board shall render its decision, or issue its recommendation to the Village Council, no later than ten (10) days after the completion of the hearing. The Board's decision shall include specific factual findings on each issue considered, and may include recommendations to the applicant or, where applicable, to the Village Council, as to changes in the plans and specifications which, in the judgment of the Board, would tend to further the general purpose of this section.

H. Issuance of Certificate.

1. Time Limitations. If consideration of an application for certificate of appropriateness of design by the Board has not been initiated within forty-five (45) days, or having been initiated, has not been concluded within forty-five (45) days following the owner's submission of additional evidence required by the Board, the Director shall, if the application is in order and the construction documents are in compliance with this code, approve the construction documents and issue the required permits or, where the matter is within the final jurisdiction of the Village Council, shall forward the complete record and supporting documentation to the Village Council for final determination.

2. Vote Required. A certificate of appropriateness of design shall be issued by the Board upon a concurring vote of a majority of its members present. If fewer than two-thirds of the members present vote to grant the certificate of appropriateness, the certificate shall not be issued until the time for the notice of appeal provided in subsection J of this section has lapsed, or if an appeal has been taken, until a final decision on the appeal has been reached by the Village Council. On matters within the final jurisdiction of the Village Council, a recommendation shall be issued by the Board upon the concurring vote of a majority of its members present.

I. Denial of Certificate.

1. Criteria. The Board or, where applicable, the Village Council, may deny a request for a certificate of appropriateness of design only upon findings that external architectural features of the proposal when completed will be: (a) so inconsistent with applicable Village design guidelines and such standards and criteria as may be adopted by the Board for the review of such external architectural features and site improvements as to be inappropriate and incompatible with the character of the immediate neighborhood; or (b) so inappropriate and incompatible with adopted Village plans or public improvements in the immediate

neighborhood as to cause substantial depreciation in the effectiveness and value of such plans or improvements; or (c) so inappropriate and incompatible with the existing character of the immediate neighborhood as to cause substantial depreciation in property values in such neighborhood.

2. Vote Required. The Board shall not deny or recommend denial of a certificate of appropriateness of design except upon the concurring vote of a majority of its members present. Upon a determination or recommendation by the Board that no certificate should be issued, the Board shall so notify the Director of the Board's findings of facts and the Director shall thereupon either deny the permits applied for if the matter is within the final jurisdiction of the Board or shall forward the recommendation to the Village Council.

J. Action by Council.

1. Appeals. The applicant or any other person entitled to notice under subsection D of this section may take an appeal to the Council from any final decision of the Board. The appeal shall be requested in writing and shall be submitted to the Director within seven days of the Board's decision denying or granting the certificate.

2. Properties in C-1 Zoning District. In addition to considering appeals, the Council shall consider all matters pertaining to properties located within the C-1 (Limited Retail) Zoning District established by the Zoning Ordinance, in which case, the Design Review Board’s decision shall be advisory only. The record and final recommendation of the Board shall be forwarded to the Council by the Director within seven days of the Board's recommendation.

3. Any matter appealed or referred to the Council under this subsection shall be placed on the Council’s agenda within thirty (30) days from the date the written appeal is filed or the Board’s recommendation is delivered to the Village Clerk. The Council’s decision in the matter shall be final.

(Ord. MC-219-99 §§ 8--12, 1999: prior code § 23.36)(MC-6-2001, Amended 07/17/01)

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AGENDA REPORT

SUBJECT: **Certificate of Appropriateness – 80 Green Bay Road (Land Rover Winnetka)**

PREPARED BY: Brian Norkus, Assistant Director of Community Development

DATE: June 29, 2011

Attached plans depict minor exterior storefront alterations at Land Rover Winnetka, 80 Green Bay Road as part of a larger interior showroom remodeling. Due to the site's location in the Indian Hill C-1 Commercial zoning district, final issuance of a Certificate of Appropriateness are subject to Village Council approval.

Storefront alterations shown on plans and notes indicate that the storefront is to maintain a majority of the exterior materials with the exception of (a) installation of a new stone veneer applied to the base of the building and storefront columns, and (b) application of a new dark green "Alumabond" wall panel system onto the "Icon tower" currently clad in a dark green glazed tile material. The remainder of exterior work includes repainting and / or staining of exterior walls in beige and tan. Finishes and colors are shown in the attached image.

The Design Review Board reviewed the proposed alterations at its June 16, 2011 meeting, and issued favorable comment on architectural elements and finishes. The Design Review Board recommended approval of the proposed building alterations, with the exception of building signage, which will be reviewed by the Design Review Board at a later date, upon submittal of the required signage details.

The Design Review Board also acknowledged the Village having received a comment from neighbors to the west about light spillage and suggested that the applicants examine options to retrofit parking lot light fixtures to control the spread of light to adjacent properties. Due to the fact that the exterior lighting is not being modified in the proposed alterations, the Design Review Board did not make lighting modification a condition of its positive recommendation.

Recommendation:

(1) Consider a motion to approve the issuance of a Certificate of Appropriateness for building and site alterations at Land Rover Winnetka at 80 Green Bay Road, subject to future Design Review Board approval of sign modifications.

Aerial Photo – 80 Green Bay (Land Rover)

Fields Winnetka

Showroom Remodeling
Design Documents

80 Greenbay Road
Winnetka, Illinois

OWNER	ARCHITECT	INTERIOR ARCHITECT
FIELDS IMPORTS, INC. 2100 FRONTAGE RD. GLENCOE, IL 60022 PHONE: 847.998.5200 FAX: 847.998.8285	THE JRB GROUP ARCHITECTS 3115 N. WILKE ROAD, SUITE F ARLINGTON HEIGHTS, IL 60004 PHONE: 847.506.0123 FAX: 847.506.0145	THE JRB GROUP ARCHITECTS 3115 N. WILKE ROAD, SUITE F ARLINGTON HEIGHTS, IL 60004 PHONE: 847.506.0123 FAX: 847.506.0145

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JRB

The JRB Group Architects
3115 N. Wilke Road Arlington Heights, Illinois 60004
Phone 847.506.0123 Fax 847.506.0145

05.26.11 Design Review Board Submittal

No.	Date	Comments
Revisions		

Commission No.	JRB 11006
Drawn By	DJG
Checked By	JRB
Approved By	JRB
Issued for Review	
Issued for Permits	
Issued for Pricing	
Issued for Construction	

Project Title
Fields Winnetka
Showroom Remodeling

80 Greenbay Road
Winnetka, Illinois

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Scope Document

This preliminary drawing indicates the general scope of the project in terms of the architectural design concept, the dimensions of the building, the type of structural system, and an outline of the major elements of construction. As a "scope" document this drawing does not necessarily indicate or describe all work required for the full performance and completion of the work. These documents shall not be used for construction. They were prepared for the purpose of construction pricing only with the understanding that the Contractor, Subcontractor and material men are to furnish all the work of sound and quality construction and that the Contractor, Subcontractor and materials men shall be solely responsible for the inclusion of adequate amounts to cover the installation of all items indicated, described, or implied.

Sheet Title
Title Sheet

Sheet No.
dd0.1

JRB
The JRB Group Architects
3115 N. Wilke Road Arlington Heights, Illinois 60004
Phone 847.506.0123 Fax 847.506.0145

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Project Title

Fields Winnetka

LAND-ROVER

Showroom Remodeling

80 Greenbay Road
Winnetka, Illinois

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Sheet Title

Conceptual Rendering

Sheet No.

dd0.2

greenbay road view looking east-south

greenbay road view looking east-north

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Project Title

Fields Winnetka

LAND-ROVER

Showroom Remodeling

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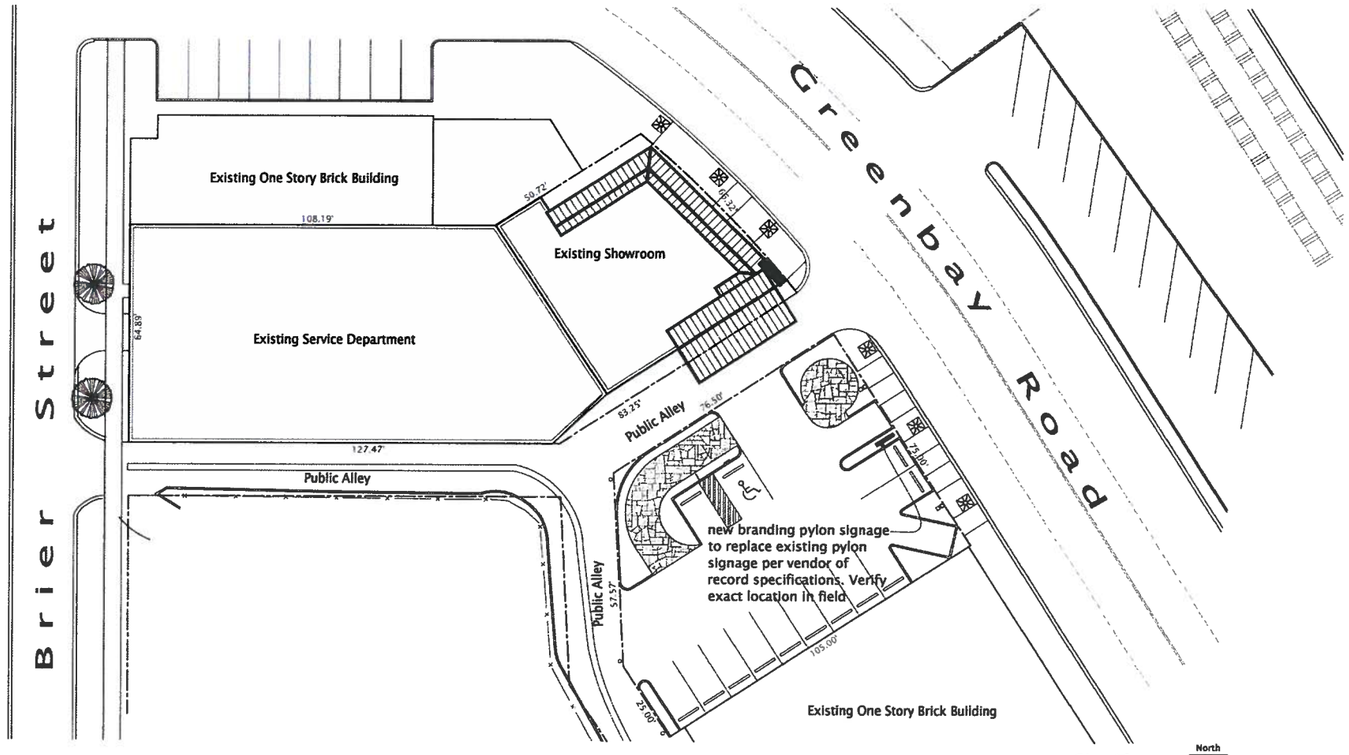
Sheet Title

Existing Photos

Sheet No.

dd0.3



Site Plan

Scale: 1"= 30'-0"

North

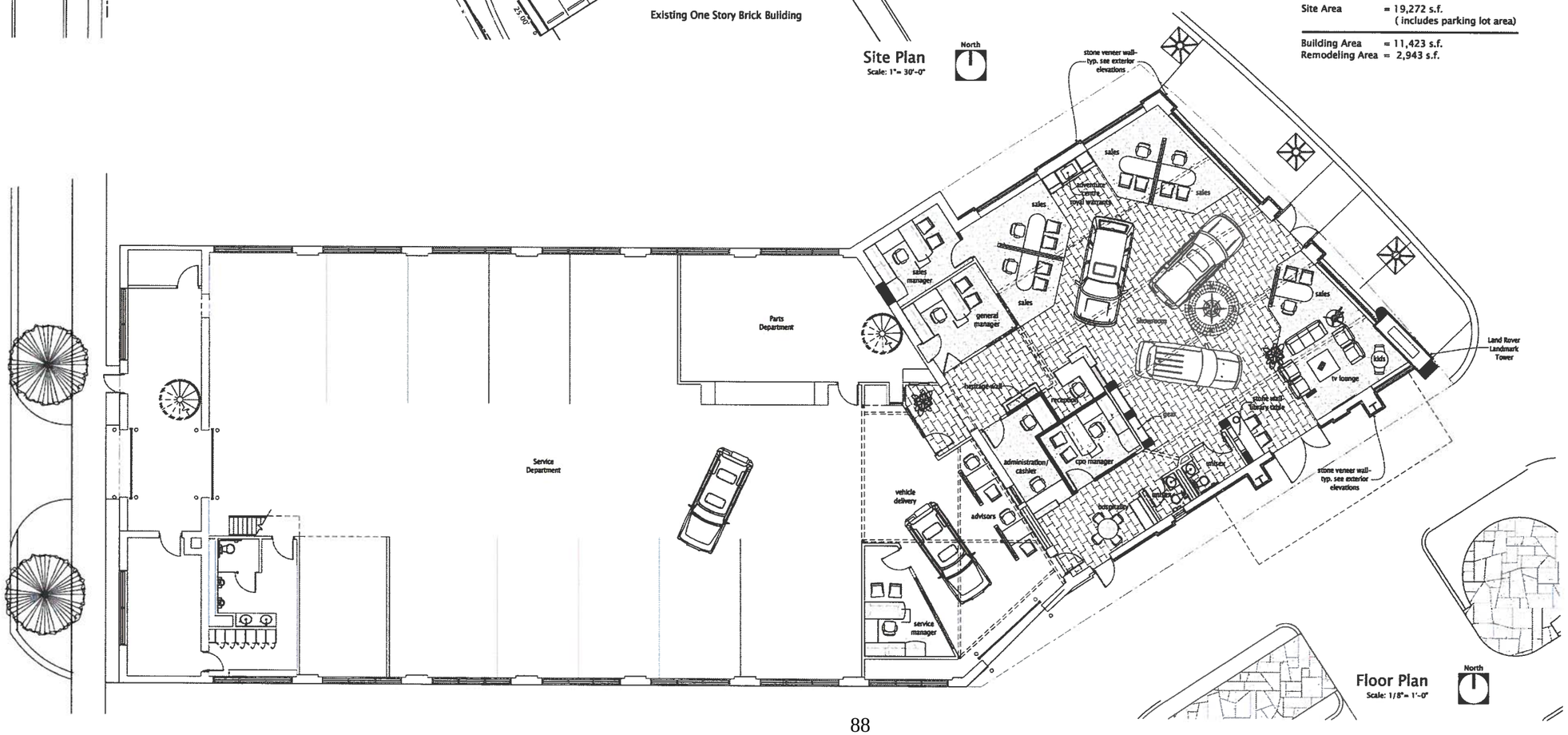
Aerial Map

NTS

North

The JRB Group Architects
3115 N. Wilke Road Arlington Heights, Illinois 60004
Phone 847.506.0123 Fax 847.506.0145

Site Area	= 19,272 s.f. (includes parking lot area)
Building Area	= 11,423 s.f.
Remodeling Area	= 2,943 s.f.



Floor Plan

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

North

05.26.11 Design Review Board Submittal

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Project Title

Fields Winnetka

LAND ROVER

Showroom Remodeling

80 Greenbay Road
Winnetka, Illinois

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Sheet Title

Site & Floor Plan

Sheet No.

dd2.1

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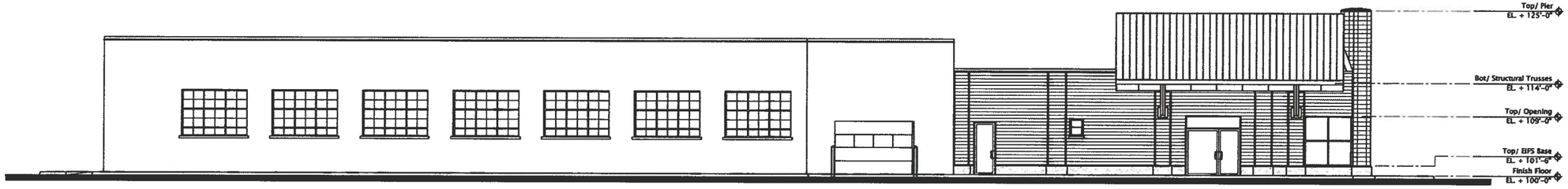
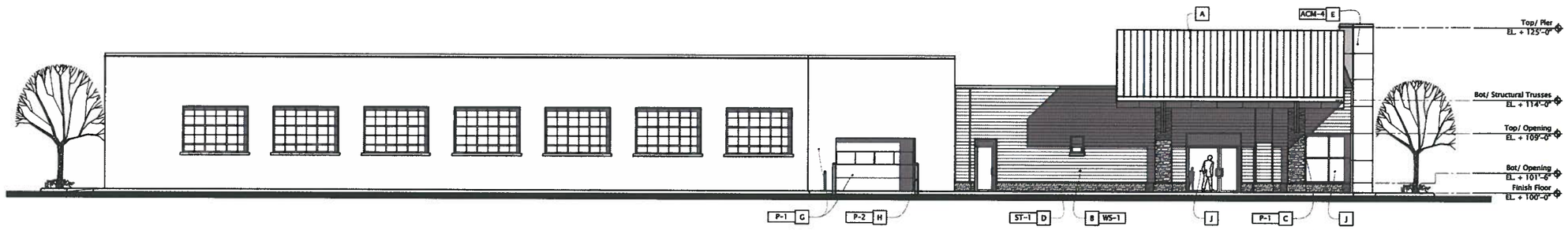


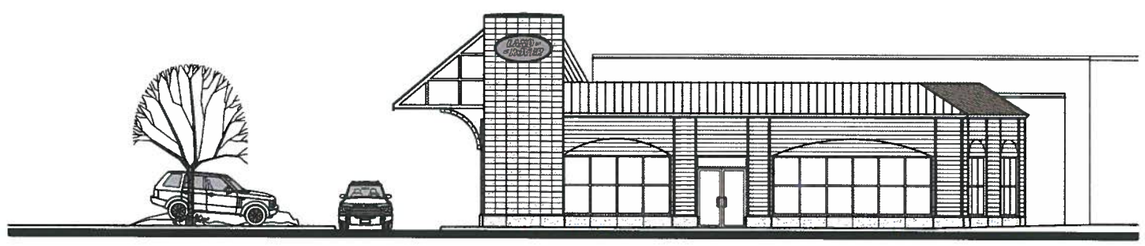
South Exterior Elevation (Existing)

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



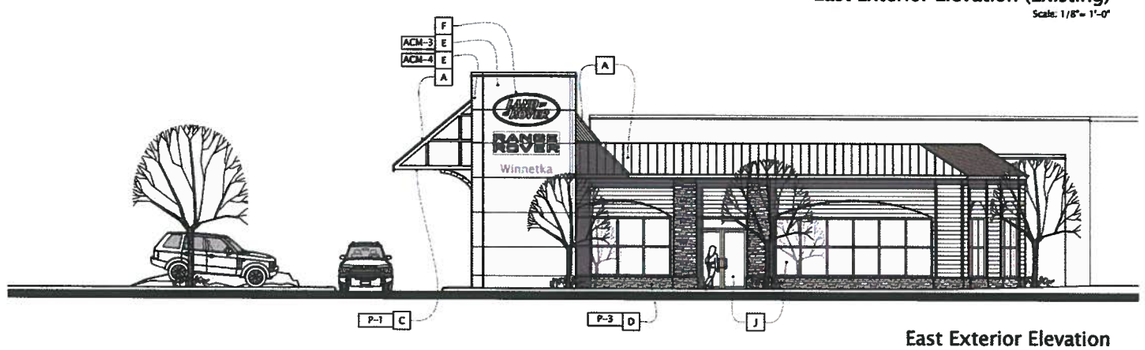
South Exterior Elevation

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



East Exterior Elevation (Existing)

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



East Exterior Elevation

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

Exterior Elevations Notes

A	Existing Standing Seam Metal Canopy Roof to Remain
B	Existing 8" Cedar, plan bevel, horizontal Wood Siding
C	Paint Existing Ornamental Double Angle Bracket Welded to Steel Plate and structural metal canopy frame
D	Provide New Stone Veneer Base
E	Land Rover based Alucobond Wall Panel System Icon Tower
F	New 'Land Rover', 'Range Rover' and 'Winnetka' Signage per Vendor of record specifications– Provide Power as Required
G	Re–paint existing overall building walls, hollow metal door and frames, overhead doors
H	Painted Steel Bollards– ICI "Billiard"
J	Existing curtainwall system to remain–Typical
P-1	Paint– Manuf: ICI (to match Alucobond Oyster A2002-D)
P-2	Paint– Manuf: ICI, Color: #10GG 10/ 208 "Billiard"
WS-1	Wood Stain– Manuf: ICI (to match Benjamin Moore 952) Style: 2402–0100 Gallon Formula Color: BLK 0 P 58 YOK 0 P56 OXR 0 P 6 Finish: 100% Acrylic Satin
ACM-3	Aluminum Composite Material– Color: "Rover Green II" #5MC94260P Manufacturer: Alucobond Alcan Composites USA Inc.
ACM-4	Aluminum Composite Material– Color: "Silver Metallic," Manufacturer: Alucobond Alcan Composites USA Inc.
ST-1	Stone Veneer– Color: "Sidney," Tight fitted joints Manufacturer: Natural Stone Veneers International

JRB

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Phone 847.506.0123 Fax 847.506.0145

05.26.11 Design Review Board Submittal

No.	Date	Comments
	Revisions	

Commission No.	JRB 11006
Drawn By	DJG
Checked By	JRB
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Project Title

Fields Winnetka

LAND ROVER

Showroom Remodeling

80 Greenbay Road
Winnetka, Illinois

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Sheet Title

Exterior Elevation

Sheet No.

dd3.1

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Natural
stone
veneers
INTERNATIONAL INC
nsvi.com
SYDNEY
Fields of Winnetka
LAND ROVER
RANGE ROVER
ICON TOWER
& BOLLARDS
ROVER GREEN II
/ICI BILLIARD
NOTE:ACM-3,P-2
E,H
WOOD SIDING
& BUILDING
ICI match BM 952
NOTE:WS-1,P-1,G
ICON TOWER
SILVER METALLIC
NOTE:ACM-4, E
ORNAMENTAL
CANOPY
ICI match BM 1129
NOTE: C, J

Recommendation to Village Council Regarding Certificate of Appropriateness for Storefront and Signage Modifications to Land Rover Winnetka, 80 Green Bay Road

Jeffrey Brown of JRB Group Architects introduced himself to the Board.

Garry Reddig also introduced himself to the Board as the manager of the Land Rover facility.

Mr. Brown informed the Board that nothing with regard to the look would be changed and that the most substantial element of the work involved cleaning up and staining the existing aged wood siding. He explained that they planned to remove the base of the building and replace it with a stone veneer in order to bring it up to the Land Rover's new image program. Mr. Brown also stated that the green sign pylon would be replaced with a new Alumabond material. He stated that the dark green color would be replaced with a champagne color.

Mr. Brown stated that while the elevation drawings depict new signage, the signage package would be presented to the Board for formal approval later, by the sign company.

Mr. Brown stated that he provided Mr. Norkus with the actual paint samples. He reiterated that is all that is being done to the exterior of the building.

Chairman Frank asked with regard to the overlay pylons if there would be any lighting.

Mr. Brown stated that the signs are backlit and that the lettering portion of the sign lights up. He also stated that the free standing pylon would be changed out to the new design and that it would be going back in the same location. Mr. Brown noted that the only thing which changed in the sign element is that they would now be Land Rover and Range Rover.

Mr. Dearborn asked if there would be no change in the dimension of the building.

Mr. Brown confirmed that is correct and that they would only be bringing it up to the newest standards of the company.

Chairman Frank asked for clarification on the drawings' depiction of a canopy to the south.

Mr. Brown confirmed that it is an existing canopy, which will receive a new paint finish.

Mr. Norkus asked that for clarification regarding the plans' depiction of a freestanding pylon sign in the parking area. He noted that he does not believe such a sign currently exists.

Mr. Brown referred the Board to the front lot area and the island. Mr. Brown stated that when the store was originally built, there was a pylon sign there and that there is no sign now. He confirmed that there will be a sign as part of the later sign proposal.

Mr. Dearborn asked for clarification of the icon sign material.

Mr. Brown stated that the current pylon is clad in and green glazed block, with the proposed new

aluminum skin to be in a similar green color, which he described it as a much cleaner look.

Chairman Frank commented that everything looked fine. He stated that he had one note to pass along to the Board in connection with the lighting fixtures. Chairman Frank referred to the newer lighting fixtures which direct the light downward as opposed to outward. He stated that a couple of the neighbors have brought to the Village's attention the fact that light spills onto their property from the existing fixtures. Chairman Frank requested that the lighting be examined to see if they can be retrofitted to direct light in a more downward fashion onto the lot.

Mr. Brown stated that they are currently in discussions with the lighting company and that they have to come up with something that would direct the light onto the site and which did not spill over onto the homes in the neighborhood.

Chairman Frank asked if there is a way to add another light in the back of the lot.

Mr. Brown confirmed that they would look into it.

Chairman Frank stated that while it is not part of the Board's approval, the Board is making a recommendation to the Village Council and that the lighting issue would be noted.

Mr. Swierk asked when the lighting may have been installed.

Mr. Norkus responded that the lighting likely dated to when the facility was a BMW dealership. He stated that there was likely a design review process at the time the fixtures were originally installed, but that fixture design has come along to allow greater control of light than was likely possible when they were originally installed.

Mr. Norkus commented that the Village code includes language which is intended to prevent the glare of lighting or spillage or trespass of light onto neighboring properties. He stated that the general interpretation of that standard has been to attempt to eliminate a residential property owner's direct view of the *bulb* or lamp of a light fixture, through use of shrouds, hoods or baffles. He stated that it is impractical to prevent one's view of *illumination*.

Mr. Norkus stated that there are a range of options, from the onerous and expensive, to simple and straightforward. He stated that a less onerous condition could be to suggest that the existing lighting be redirected downward and/or equipped with hoods to control the spread of light. Mr. Norkus recommended that if the Design Review Board wished to make comment on lighting, that it allow the applicant to study the matter further rather than to delay consideration of the building alterations. He suggested that the best course for the Board at this time would be to express a preference that the issue be studied further.

Mr. Brown confirmed that they would speak with their lighting company before the Village Council meeting to see what their recommendations would be.

Chairman Frank stated that the Board would recommend to the Village Council the proposal and that it is noted in the meeting minutes that the Village Council look at the lighting. He stated

that the Board did not need to vote on this matter and that they are making a positive recommendation to the Village Council.

Mr. Norkus stated that the Board should make sure that the record reflected that the approval does not include the signage since they do not have the details on it.

Chairman Frank stated that the Board is only going to approve the package which was handed to them.

Mr. Norkus stated that he wished to clarify for the record that signage is not being approved, because to some degree new signage is represented in the plans, albeit in a conceptual, under-detailed fashion.

Chairman Frank stated that the Board would provide a positive recommendation to the Village Council on the package as proposed which does not include the signage and only includes the architectural features.

Chairman Frank then asked for a motion.

Mr. Swierk moved to issue a Certificate of Appropriateness for approval of the package as presented which does include the approval of the re-cladding of the large pylon, but does not include approval of the new sign copy or text, and does not include the new sign in the parking lot.

Mr. Swierk stated that the Board is recommending to the Village Council that a look be taken at the existing parking lot to see if there is a way to improve the lighting to not affect the adjacent neighbors. Mr. Swierk then noted that the positive recommendation to the Village Council on the building alterations is not contingent on the lighting comment.

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

AYES: Dearborn, Evanich, Frank, Shen, Swierk
NAYS: None

Agenda Report

Subject: **Bid 11-021: 2011 Dutch Elm Disease Control Program**

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

Date: June 24, 2011

On June 22, 2011 Village staff opened bids for the 2011 parkway Elm injection contract to prevent Dutch Elm Disease. Four bidders responded to the Village's request for bids. The bids are summarized as follows:

Contractor	Price Per Inch	Total Bid
Sunrise Tree Care	$9.49	$28,470.00
Landscape Concepts	$10.50	$31,500.00
Kinnucan Tree	$11.00	$33,000.00
Nels Johnson	$15.000	$45,000.00

Based on staff experiences, reference checks and bid prices staff recommends the contract be awarded to Sunrise Tree Care.

Budget Information

FY 2011-12 Budget contains $30,000.00 for the Parkway Elm Treatment Program in account 10-30-530-143.

Recommendation:

Consider awarding Bid 11-021: 2011 Dutch Elm Disease Control Program to Sunrise Tree Care for an amount not to exceed $28,470.

AGENDA REPORT

SUBJECT: **Liquor Code Amendments**

PREPARED BY: Katherine S. Janega, Village Attorney

REFERENCE: March 22, 2011 Council Agenda, pp. 201 - 207

DATE: July 1, 2011

At the March 22, 2011, the Village Council considered an issue regarding the Village's enforcement practices for unpaid utility bills and the impact of such unpaid bills on eligibility for a Village liquor license. That discussion led to the suggestion that the Village Code be amended to provide more clarity as to the impact of a loss of underlying eligibility on the status of a license.

This Agenda Report is intended to identify relevant policy issues and to outline possible amendments before preparing an ordinance for formal Council action.

Current Code Provisions

The Village's liquor licensing regulations are found in Chapter 5.09 of the Winnetka Village Code. Section 5.09.080(A) establishes the criteria for eligibility for the issuance of a license, while Section 5.09.160(A) requires that a licensee meet the original eligibility standards as a condition for license renewal.

Having a delinquent account with the Village affects an applicant's eligibility for a liquor license. Paragraph 23 of Section 5.09.080(A) provides: "A person who has any delinquent accounts with the Village, as provided in Section 1.04.140 of this Code, including without limitation unpaid taxes." This provision is a companion to Subsection D of Section 1.04.140, which provides: "The Village may deny the issuance, grant or renewal of any license, permit or privilege to any person who has a delinquent account with the Village."

As defined in Section 1.04.140(A), a delinquent account is "any account that is not current and for which the person owing the account has not entered into an enforceable payment plan pursuant to subsection C of this section." Section 1.04.140(C) authorizes the Finance Director to enter into a payment plan, establishes the criteria for payment plans, includes authorization to require a deposit, and requires payment in full within 12 months.

Like all business licensees, liquor licensees are also subject to the general license and permit provisions in Chapter 5.04 of the Village Code. Section 5.04.030, captioned "Compliance with law," builds compliance with all laws and ordinances into the conditions for all licenses, as follows:

> No license or permit shall be issued unless all legal conditions have been complied with. All licenses must be in compliance with all provisions of this code and must be exercised in conformity with all amendments of this code and other ordinances which may be subsequently passed.

In addition, Section 5.09.300(A) of the liquor regulations provides that any licensee violates "any of the provisions of this chapter" to fines, and adds: "Any fine imposed pursuant to this section may be in addition to or in lieu of the revocation or suspension of any license issued under the provisions of this chapter."

Although all of these Village Code provisions, read as a whole, implicitly require continuing compliance the Village Code and subject the licensee to suspension or revocation, no provision explicitly states that the loss of eligibility for a license during the term of the license is grounds for the termination of the license.

Key Issues and Possible Actions

The foregoing examination of liquor licensing requirements discloses a gap that could complicate enforcement and, in particular, efforts to suspend or terminate a license when a licensee maintains delinquent accounts with the Village or otherwise loses eligibility for a liquor license. While this "gap" can be easily overcome if a licensee has misrepresented facts in a license application, or if a licensee loses statutory eligibility (*e.g.*, a criminal conviction, or service of liquor to minors, or a change in law that expands protected territories near schools and churches and renders a previously eligible location ineligible for a license), what is missing is a clearer statement of the effect of failure to remain in compliance with the Village's specific standards.

While this question has arisen in the context of liquor licenses and delinquent accounts, enacting a provision to address only that circumstance can have unintended consequences. For example:

- A provision that automatically triggers a revocation or suspension procedure could prove ineffective or, worse, expose the Village to liability if the Village does not take action every time any licensee has a delinquent account, because it could require the Village to go after even the smallest delinquency, or a business that has never before been delinquent or failed to be in full compliance with all regulations.
- A provision that is drawn too narrowly could hamper enforcement in other circumstances, by enabling a licensee to escape enforcement under another Code provision on the grounds that the narrow provision is evidence that, by addressing only a single circumstance, the Village chose to exclude all other circumstances from the same treatment. (This argument is based on a common and firmly established rule of statutory construction.)
- A provision that is drawn too narrowly could enable a licensee to claim that the Village has singled the license out for enforcement and sanctions.

With the foregoing in mind, the Village Council has several options on how to address the issue:

1) Amend Section 5.09.300 to include loss of eligibility as grounds for fines, suspension or revocation.
2) Amend Section 5.09.080 by adding a provision requiring eligibility to be maintained at all times during the term of the license.
3) Amend Chapter 5.04 to add a provision requiring maintaining eligibility as continuing condition for all license.
4) Add a new provision to Chapter 5.09 to address loss of eligibility during the term of a license.
5) Limit the amendment to particular circumstances, *e.g.*, to delinquent accounts.
6) Rather than amending the Code, address the circumstances through the Village President's rulemaking authority in her role as Local Liquor Commissioner, by promulgating a rule that fleshes out the implicit meaning of the Code provisions.
7) Use a combination of amendments, enacting a general amendment to Chapter 5.04, adding one or more specific provisions to Chapter 5.09, and adding corresponding provisions to food service/restaurant licensing provisions.

Should the Council decide to proceed with an amendment, it is advisable to consider taking the opportunity to review the phrasing of the various provisions in Chapter 5.09, and to replace arcane phrasing with wording that is more easily understood by an ordinary citizen.

Recommendation:

Provide policy direction.