

**WINNETKA PLAN COMMISSION  
MEETING MINUTES  
APRIL 22, 2015**

**Members Present:** Tina Dalman, Chairperson  
Caryn Rosen Adelman  
Jan Bawden  
Jack Coladarci  
Paul Dunn  
John Golan  
Louise Holland  
Keta McCarthy  
Scott Myers  
John Thomas

**Non-voting Members Present:** Richard Kates

**Members Absent:** Matt Hulsizer  
Jeanne Morette

**Village Attorney:** Peter Friedman

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

**Call to Order:**

The meeting was called to order by Chairperson Dalman at 7:30 p.m.

Chairperson Dalman took a roll call of the Commission members present.

Chairperson Dalman stated that the first agenda item is the consideration and adoption of the March 25, 2015 meeting minutes. She indicated that the edited version of the minutes was made available and thanked Mr. Norkus for listening to the recording of the meeting who created a redlined version showing the proposed additions, deletions and corrections to the minutes.

A motion was made and seconded to approve the Plan Commission meeting minutes from March 25, 2015, as amended. The meeting minutes were unanimously approved.

**Continuation - Case Number 15-10-PD: Preliminary Review of Planned Development Application by Stonestreet Partners and Winnetka Station LLC, for the Properties at (a) 511 Lincoln Avenue, (b) 513-515 Lincoln Avenue, (c) 710-732 Elm Street, (d) 740 Elm Street and (e) a Portion of the Adjacent Lincoln Avenue Right-of-Way**

Chairperson Dalman informed the audience that they are continuing the public hearing and for those audience members who are considering making public testimony to stand and be sworn in. She then swore in those that planned to speak to this matter.

Chairperson Dalman then stated that to refresh the memory of those who may not have been here before, she stated that the applicant completed their presentation of the proposed development. She stated that they had a small amount of time for the Commission to review and ask questions of the applicant and that they would begin this portion of the meeting with a presentation by the Village staff to orient them for the Commission's benefit as to what the scope of review is as well as the standards for reviewing the application. Chairperson Dalman then stated that those registered, interested parties that want to cross-examine the applicant and the consultants will have the opportunity to do that. She stated that before the meeting began, she indicated that it would be helpful to know how many interested parties are interested in making a formal presentation and/or to question the applicant and how much time they would need. Chairperson Dalman stated that they want to reserve time for those people who planned to make formal presentations and/or wanted to have the ability to question the applicant and the consultants on the project, this was intended to be for more intensive discussion and not just general public comment. She also stated that for those who have had the opportunity to make public comment before previously at the other two meetings, this is not the time to do that. Chairperson Dalman stated that if there is time tonight, they would make sure that there is an opportunity for those people to speak.

Mr. Thomas asked if it is appropriate or not appropriate for those people who want 45 minutes to make a presentation what the general tenure is going to be.

Chairperson Dalman responded that it did not matter in terms of their allocation time and that she is trying to figure out timing so that the Commission can decide how much they can get to. She stated that it sounded like after the interested parties made their presentations, the Commission will have an opportunity to further deliberate, question and discuss. Chairperson Dalman stated that hopefully, they will reserve some time at the very end of the meeting for those members of the public who would like to say something that they have not said previously.

A woman in the audience asked what if they want to ask questions of the developer outside of the presentation.

Chairperson Dalman stated that perhaps that could be done later.

Mr. Norkus stated that Mr. D'Onofrio made a thorough presentation at the initial presentation of the case on March 25, 2015. He informed the Commission that he would go through and pick up on and re-emphasize the points where Mr. D'Onofrio ended the presentation with regard to the description of the Commission's role in the process and the standards which the Commission is to review in connection with planned development requests. Mr. Norkus reminded the Commission that there would be three bodies reviewing the application with the Commission reviewing the application first and that the request would then go onto the DRB and the ZBA. He noted that ultimately, all three bodies represented an advisory to the Village Council which would have the final say.

Mr. Norkus stated that with regard to the Commission's review, the original March 17, 2015 agenda report contained nine specific standards in the ordinance for the Commission to evaluate for all planned developments, which are largely from the 2020 Comprehensive Plan which served as the foundation the consideration of requests by the Commission. Mr. Norkus stated that the planned development process allowed the applicant to request the exceptions to the underlying regulations, with additional standards applying to projects which are requesting exceptions.

Mr. identified five specific zoning exceptions that the applicant also explained in detail. He stated that the first exception related to the proposed height of 7 stories and 83 feet in height which exceeded the maximum permitted height of 4 stories and 45 feet. Mr. Norkus stated that the next exception related to the required upper story step back at the fourth floor and that a 10 foot upper story step back is required. He described the standard as a relatively new requirement and that it was adopted by the Village Council in an ordinance dated February 2015. Mr. Norkus then referred the Commission to an illustration which depicted generally the 4<sup>th</sup> story step back requirement and the intended result.

Mr. Norkus then stated that the next exception related to a rear yard setback of 0 feet where 10 feet is required. He referred the Commission to an illustration which showed the easterly property line which abutted the parking lot on Elm Street. Mr. Norkus stated that the proposed building would abut directly on the parking lot parcel. He stated that the next exception related to the requirement of 159 residential parking spaces being provided where 174 parking spaces are required. Mr. Norkus then stated that the next exception related to 45 commercial parking spaces being provided with 92 parking spaces being required.

Mr. Norkus informed the Commission that there are two sets of standards for the Commission to review and that it would be helpful for him discuss the standards that the Commission is to consider with regard to the five previously noted exceptions. He referred the Commission to the PowerPoint presentation and stated that the ordinance provides specific standards for the consideration of exceptions and that the Commission may recommend the granting of exceptions if they are solely for the purpose of promoting a unified site plan and in order to meet the objectives of the zoning ordinance and the Comprehensive Plan. Mr. Norkus stated that it stated that the exceptions shall be necessary to achieve the objectives of the planned development ordinance and lastly, the exceptions must meet the specific standards defined for that specific type of exception. He noted that there are specific standards for several of those exceptions being requested.

Mr. Norkus stated that with regard to the requested building height exception, he stated that the Commission may grant an exception to the building height requirement and modify those requirements by taking into consideration other buildings in the vicinity, consistency with goals in the Comprehensive Plan, accommodation of parking, open space requirements and compatibility with adjoining properties.

Mr. Norkus then stated that with regard to the rear yard setback requirement of 10 feet, it allowed the Commission to modify the requirements by taking into consideration similar standards within existing buildings in the vicinity, consistency with goals of the Comprehensive Plan, the

accommodation of parking, open space requirements and compatibility with adjoining properties.

Mr. Norkus stated that the third specific standard for the granting of exceptions dealt with the two required parking exceptions and the Commission may modify the parking requirements based on the specific uses of the proposed projects as well as its compatibility with the adjoining neighborhood.

Mr. Norkus then stated that in addition to the exceptions, there are nine general standards that are applicable to all planned development applications even those which are requesting no exceptions whatsoever. He stated that with regard to standard no. 1, the Commission needed to find that the project is consistent with the Comprehensive Plan's goals to ensure that commercial, institutional, residential development is appropriate to the character of and minimizes the adverse impact on its surrounding neighborhood.

Mr. Norkus stated that standard no. 2 required that the project limit commercial, institutional and residential development within the Village to minimize potentially adverse impact on adjacent residential neighborhoods while also preventing the need for significant increases in infrastructure such as streets, parking, utilities and sewers and in other community resources such as schools, parks and recreational facilities.

Mr. Norkus stated that standard no. 3 is to ensure that development proposals minimize the potential adverse impact it might have on residential neighborhoods, including the impact on pedestrian character, onsite parking, traffic patterns, congestion, open space, storm water management and Village infrastructure.

Mr. Norkus stated that the fourth standard is to provide for a wide range of office/service and retail commercial land uses and development within the existing business districts in the corridor. He stated that the fifth standard is to promote a strong community identity and opportunities to interact while building a healthy commercial tax base. Mr. Norkus stated that the sixth standard is to provide a broad range of goods and services so that Winnetka residents can satisfy most of their ordinary shopping requirements in the Village and so that non-residents will come to the Village for specialty goods and services. He stated that the seventh standard is to maintain the essential quality, viability and attractiveness of Winnetka's business districts while encouraging new economic development consistent with the character of the Village and the individual business districts.

Mr. Norkus stated that the eighth standard is to encourage the provision of onsite parking at the rear of buildings with access via alleys or private driveways to reduce the demand for on-street parking. He stated that the last standard is to ensure that new development does not decrease the public parking supply, particularly on-street parking that supports retail use.

Mr. Norkus stated that he would like to point out that the Commission has the ability to look at the Comprehensive Plan and case by case basis to consider the additional standards which are considered relevant to the project. He then stated that in the case of the previous application for this particular site, there were an additional 27 findings that the Commission made in that request.

Chairperson Dalman stated that Mr. Norkus' review was helpful and noted that this application contained exceptions that have to satisfy certain standards in addition to at least nine standards for all planned development requests.

Mr. Norkus confirmed that is correct.

Mr. Myers asked if the request would automatically go forward to the DRB if the Commission did not grant approval.

Chairperson Dalman stated that they are not approving the request, but would only be a recommending body and that the application would go forward. She added that the applicant can make the decision to withdraw the application or to proceed and that is their right.

Mr. Thomas stated that people are saying given all of the exceptions that the applicant is for, why is the application allowed to go ahead. He stated that it is because that is the way they do business and that it is allowed in the planned development ordinance.

Chairperson Dalman stated that they do not have the threshold for applications other than the fact that it needed to be a complete application. She then stated that it is the due process right to submit applications for consideration.

Mr. D'Onofrio stated that when the planned development ordinance was originally drafted and adopted, there were underlying assumptions with the planned development which was the whole reason for having it was for developments which did not nicely fit in the underlying zoning district. He stated that the planned development legislation was adopted and that they normally hear the word variation where in this instance, they hear that it is exceptions which are created and standards set with the understanding that the planned development is not going to fit nicely in the underlying zoning district. Mr. D'Onofrio reiterated that is the understanding that there will be exceptions with planned development. He added that if there is not a need for exceptions, it still related to anything over 10,000 which would be subject to the planned development process.

Mr. Kates stated that with regard to the handout, it would help the Commission if they got it now in order to keep those additional items in mind.

Mr. D'Onofrio stated that he would distribute the handout to the Commission.

Ms. Adelman stated that the final say so is the Village Council and that each one of the boards is to make recommendations. She then asked are those recommendations passed directly to the Village Council or if they would go to other boards as well.

Chairperson Dalman stated that they are each independent, recommending bodies. She indicated that it is her understanding that the recommendations would go directly to the Village Council and that the DRB would be made aware of the recommendations and that she is not sure if it would be reviewed and made into the public record. Chairperson Dalman stated that they would have the benefit of recommending a formal recommendation to the Village Council. She then stated that the question is because the Commission is being tasked and have heard consistently as to what they

like and do not like, it would be relevant to the consideration of the compatibility of uses and surrounding uses with the Comprehensive Plan. Chairperson Dalman stated that there would be some duplication of effort in the consideration. She suggested that they think broadly within the context of how the project design and scale fits in without being tasked looking solely at the design criteria.

Mr. D'Onofrio stated that to elaborate, each one of the boards is advisory in the planned development ordinance which laid out what each body is to look at. He stated that Mr. Norkus provided a nice explanation of what the Commission would be looking at, what the DRB would be looking at, etc. Mr. D'Onofrio noted that the ZBA has 7 or 8 standards to review and indicated that some overlap which would not be a bad thing. He stated that the Commission would be looking at a different set of standards than the other boards and that although they may be dealing with the same issues, the Commission is to comment on them with a different set of standards.

Mr. Coladarci stated that at the first meeting, in the packet of materials, it was mentioned in Section 11 a list of nine standards for planned development. He stated that it also said that the Commission is to consider the goals and objectives of the plan in addition to planned development. Mr. Coladarci referred to the separate set of factors that the Commission is to look at in the plan as well.

Mr. Norkus distributed the information to the Commission for their review.

Chairperson Dalman referred to the limit of the review of standards for exceptions as well as the standards for all planned development and also beyond that, to look broader at the Comprehensive Plan. She described the nine standards as pretty broad.

Mr. Norkus indicated that he has extra copies for the public's review.

Chairperson Dalman asked if there were any other questions. No additional questions were raised by the Commission at this time. Chairperson Dalman then stated that they are now ready for the interested parties to speak. She indicated that they can expect to have more presentation, questioning and cross-examination and that if they have time at the end of the meeting, for general public comment. Chairperson Dalman also stated that it included the ability to ask questions of the developer as well.

Glen Udell asked when someone puts on a presentation or testimony, would the applicant be given the opportunity to cross-examine and if so, when.

Chairperson Dalman responded that they anticipated doing it later. She added that once the interested parties make their presentations, they would play by it by ear to make sure they were given the opportunity to question them and that hopefully, it would be tonight.

Chairperson Dalman then asked for the first interested party to make their presentation.

Zave Gussin introduced himself to the Commission as an attorney representing Conney's. He noted that he submitted a letter on behalf of Conney's on April 13, 2015 which the Commission

received. Mr. Gussin stated that there are a lot of people waiting to talk and that he would not prolong his comments.

Mr. Gussin then stated that he would briefly summarize the first portion of the letter which dealt with the legal issues which pertain specifically to Conney's as opposed to the zoning issues. He noted that Conney's lot bordered on Elm Street and that it also fronted on Lincoln. Mr. Gussin stated that the proposed plan would require that the Village seek a part of Lincoln for construction by the applicant for part of the building and that the result would completely surround and block off Conney's in terms of its access to Lincoln. He referred to that access and Conney's safety factor, as well as their deliveries and garbage pickup. Mr. Gussin then cited cases for which access to a lot to the public way is a valuable property right and that in this case, it is a valuable legal and practical standpoint. He also cited a case indicating while the Village has broad discretion with regard to vacating a street or alley, that they must do so for public purpose and not private development. Mr. Gussin stated that the purpose of vacating 8,000 square feet of Lincoln on the right-of-way to allow for the construction of private development which the Illinois Supreme Court cited is not appropriate.

Mr. Gussin stated that the final legal point he would like to mention cited a statute from an Illinois Supreme Court case confirming the statute that were Lincoln vacated or its public use terminated or abandoned, the ownership of Lincoln to the owner of the other side of it would inure to the abutting property owners and that in this case, it would switch in front of Conney's and that the Lincoln exposure belonged to Conney's and that the applicant cannot build on it without Conney's permission. He asked that the Commission review the cases. Mr. Gussin also noted that in reviewing the submission and correspondence that the Village has received from many of its residents, there are a number of them who felt it would not be proper for the Village to devote any part of the property for private development.

Mr. Gussin then stated that as far as the general zoning issue, Conney's is also a part of the business community in the immediate vicinity and is affected by this development and that he would mention a few points made in the letter. He stated that first, he set forth a comparison of the salient factors between this development and the one approved by the Village for New Trier Partners six years ago showing that there would be a radically increased amount of density and height. Mr. Gussin stated that second, in that ordinance which is attached as an exhibit to his letter, it provided for a big box limitation and details which were set forth in the ordinance. He stated that in this plan, there are two spaces which violate or exceed what the Village thought was a big box limitation last time by 150%.

Mr. Gussin stated that he would also point out the significant argument with regard to the need for the project which is related to what is called transit-oriented development. He suggested that they carefully scrutinize that and that it did not represent a magic formula, but a sales pitch. Mr. Gussin stated that the Commission is to determine whether it is appropriate for Winnetka and that he did not believe it is a significant factor for Winnetka.

Mr. Gussin stated that finally, he would briefly comment on the letter submitted by the developer today to the Commission and that the 7 pages do not deal in any way with any zoning concerns before the Commission but are devoted entirely to be an intemperate diatribe against his client.

He then stated that it would not be an appropriate matter for the Commission to consider. Mr. Gussin stated that they believed the account to be bias and spun and described it as irrelevant. He then stated that the Commission should consider the zoning elements in general and the legal elements in particular which he cited. Mr. Gussin stated that in closing, he indicated that he was very impressed and read all of the posted comments by the Village's citizens, lawyers, architects, etc. and that he found them to be very intelligent and persuasive.

Chairperson Dalman stated that she is concerned that what Mr. Gussin may have presented is misleading as to case law. She stated that it would depend on the developer's attorney and the Village staff to clarify and that some of the cases cited were 50 years old and that there is more recent case law with regard to the vacation of streets. Chairperson Dalman commented that she was disappointed to see that.

Mr. Gussin acknowledged that the Village has the broad discretion to vacate streets and alleys. He stated that he would like to comment on one case, the Ray case, which is a much stronger case than that one in two respects. Mr. Gussin stated that the first case was for the vacation of land for a hospital which he described as a slam dunk as being for public purpose and not for profit and that the Supreme Court held in summary judgment it did not hold. He then stated that in the second case, none of the objectors bordered on the street and were located further down. Mr. Gussin stated that they felt very strong with regard to that case since it actually abutted the street. He added that those objectors did not abut [the street] and that the Supreme Court objected.

Chairperson Dalman responded that those cases were treated differently and that she appreciated his comments. She referred to the Commission being asked to understand the relationship between them and his client and that Mr. Gussin made serious errors in that account. Chairperson Dalman also asked if the attorney for the developer wished to rebut the cases cited and legal conclusions and that the Commission would appreciate receiving a copy of that.

Ms. McCarthy stated that she previously asked if the Village Engineer would be coming to the meeting today to speak with regard to Lincoln.

Mr. D'Onofrio responded that he was asked to attend and that he had a previous conflict and would come to another meeting next month.

Chairperson Dalman asked for the next interested party.

Carmen Fosco, 711 Oak and Jerry Brown, 711 Oak, introduced themselves to the Commission.

Mr. Brown stated that he had one preliminary comment. He referred to the statement submitted by the applicant with regard to the owner of Conney's and two members of the board of 711 Oak by the applicant and the fact that they got a copy of the letter at 6:29 p.m. this evening. Mr. Brown stated that the two people at the meeting they refer to are not present. He then stated that whether the statements are true or not, he did not know but that they reserve the right to have their people answer.

Mr. Fosco stated that he would like to address a couple of the issues as an interested party. He

informed the Commission that his unit would look at the development and that he is on the east wing of his building which would have 12 units looking at the property. Mr. Fosco stated that there is nothing about the project which was done to minimize the impact on him or his neighbors. He also stated that the building would be twice the height of their building and commented that it would look monolithic although the developer said it would not cast shadows. Mr. Fosco stated that it would block his light on the second floor which definitely would impact him.

Mr. Fosco described a lot of the comments as well spoken with regard to the height and density being out of proportion. He then stated that while he did not oppose development, the height and density would have a negative impact on their building. Mr. Fosco stated that in the second place, every garage entrance would create negative light pollution on them and that there is one entry located directly on his unit. He informed the Commission that every exit would have light shining directly at their building which would affect all of the owners. Mr. Fosco noted that the only other garage is on the other side of Lincoln and which would come out with an exit which would turn and point toward their building resulting in more light pollution from the public garage.

Mr. Fosco then stated that with regard to the staging area during construction, he asked why would it be placed right in front of their building and not on their own property. He informed the Commission that it would allow them small access to their driveway for a two year period. Mr. Fosco then stated that blocking that access and severely restricting their access along with dust, noise and dirt would directly impact their property. He stated that he found that they enjoy being located downtown and that their building is the target audience for empty nesters. Mr. Fosco commented that he is happy being there and that it is because he liked the charm and pastoral effect of downtown and the effect it has had on his convenience and comfort. He stated that with that density added, that would have a negative impact and the request to build on 8,000 square feet of Lincoln would change what everyone sees as they get off the train.

Mr. Brown stated that he also agreed that the Village should not vacate property. He then stated that as far as the proposed commuter garage being located underground and stated that if that were built, he stated that he looked at their report in connection with the project's revenue to the Village and that although he did not have the details necessary, he noted two things. Mr. Brown stated the best case scenarios are not the midpoint or worst case scenarios. He stated that second, he referred to the sales tax revenue, etc. and described it as not additive and that it would only be additive if everyone who does business comes from outside of Winnetka to eat in the development. Mr. Brown also stated that the proposed garage on Lincoln would create a public safety hazard. He informed the Commission that his balcony faced Lincoln and that now, Lincoln is open, well lit and visible. Mr. Brown added that the underground garage with the proposed passageway to the train station would create a public safety hazard and that people with ulterior motives can hide there.

Mr. Fosco then stated that with regard to the demolition and the building, he is concerned about damage to their building from construction and asked what can be done to monitor and protect their building if that occurred. He commented that it would be an even bigger problem for Conney's. Mr. Fosco also stated that he is concerned with whatever is approved for the site be taken in account.

Mr. Brown asked if the Village has the authority to give permission to tunnel through the embankment to the railroad.

Mr. Fosco then asked Mr. Udell if they have drafted alternative plans for the proposed site for other than 7 stories and 83 feet.

Mr. Udell responded that the applicant has subjectively considered alternate plans and that now, the plan which was submitted is the plan they are moving forward with. He then stated that whether the Commission or other boards have the ability to give them comment to change or modify the plan, that is not yet clear as to whether they would start the application over or proceed with modifications. Mr. Udell then stated that all they have is public comment so far and that they have had no meeting specifically with the Commission.

Mr. Fosco stated that no one was sworn in.

Chairperson Dalman stated that Mr. Udell is representing his client.

Mr. Friedman stated that they have the professional obligation to tell the truth and that they were sworn in before.

Mr. Fosco then asked if before the submitted plan was submitted, were other plans considered.

Mr. Udell responded that there were wide plans which were considered, some of which were less tall and some of which were more.

Mr. Fosco asked David Trandel if he met with Frank Petrek on December 11, 2014.

Mr. Trandel responded that was a follow-up to their first meeting with the homeowners' association. He stated that in December, they were given a number of constructive comments such as the ramp. Mr. Trandel informed the Commission that they measured the angle and that the experts have stated that there would be no light pollution to the neighboring building. He then stated that in reference to massing, they tried to push the height out to the edges to better provide a view of light and air for the neighbors. Mr. Trandel also stated that they attempted to take in some of the concerns and that all of the neighbors know they would be clearly affected and that they are sensitive to that.

Mr. Fosco asked if in that meeting, did they make the statement with Mr. Petrek that the minimum number of units for the development to be profitable would be 80.

Mr. Trandel stated that they said that there would be a certain amount of square feet that they would have to develop to. He also stated that they said it would depend on the size of the units and that in the feasibility studies passed out to the passed to the Commission, the number of units was 80 and 120 and that Mr. Petrek twisted that fact and took only part of their answer. Mr. Trandel noted that was a confidential meeting.

Mr. Fosco asked if it is his testimony that he did not mention 80 units.

Mr. Trandel responded that they said 80 to 120.

Mr. Fosco then asked where would the garbage and delivery for the project occur.

Mr. Trandel indicated that it would come off of the easternmost portion of the property through the garage and up near the Village parking lot.

Mr. Fosco asked if deliveries to the business would be next to their property.

Mr. Trandel responded that it would not and that the businesses would have access off of the parking lot. He referred to the ground floor plan and informed the Commission that the original plan had many iterations. Mr. Trandel also stated that when they first met with the homeowner's association in August, there was a port cochere on the eastern part of the property. He then stated that as a result of the meeting, it was moved to the southern portion. Mr. Trandel also stated that they offered to eliminate a curb cut with regard to safety and that they offered to combine it into one curb cut and pay for driveway repaving and the long term contract to maintain it.

Mr. Trandel then stated that what they see is in response to the feedback they were given in August. He informed the Commission that there were seven people on their team in front of the homeowners' association and that they fielded comments to get input and come up with something which would be less invasive to their building. Mr. Trandel stated that with regard to creating a lot less bulking to the property, there would be two stories at the closest point and that it would be significantly set back from the previous plan which resulted in much better light and air now. He stated that they also responded to the light pollution question and engaged a traffic expert to opine on traffic and safety.

Mr. Fosco asked where on the drawing do they show having delivery trucks.

Mr. Trandel identified the location on the illustration for the Commission and indicated that it would be located at the northeast corner as far away from 711 Oak as possible. He then stated that there would be a common corridor for deliveries which he identified for the Commission.

Mr. Fosco asked where would the garage ramp come out of the basement.

Mr. Trandel identified the location and noted that it would come out toward 711 Oak on an angle.

Mr. Brown asked with regard to restaurants, where would the location be for pickup for their garbage and deliveries.

Mr. Trandel referred the Commission to a better diagram which he identified as A06 in the application. He identified the location and the fact that they created a middle corridor.

Mr. Brown then asked where would the exhaust vents for the restaurants be located.

Mr. Trandel responded that there are no tenants now and referred to the retail space and stated that

they would fill the restaurants and have amenities for the residents. He indicated that he cannot point out where the grease trap will be located and stated that it would not face them to the south.

Mr. Fosco stated that in connection with the other side of Lincoln and driving out of the underground garage, there is only angled parking now which is less than 18 feet which he commented is not enough room to turn. He asked the applicant if they planned to build into the embankment.

Mr. Trandel responded that they would not and that there was no contemplation of any railroad owned land. He informed the Commission that they met with the railroad and stated that they are not part of the proposal.

Mr. Fosco asked if there would be enough room and stated that the drawings do not match reality.

Mr. Trandel stated that there is 92 feet of asphalt from Lincoln. He noted that Lincoln would not be closed or become a one way street and added that it would look nicer than it did now. Mr. Trandel then stated that the whole idea is to create a more park-like setting and get all of the vehicles which suffocate the retail shops [off of the street] where they now sit all day and that there is no money to be made by retailers. He reiterated that the vehicles would be going underground.

Mr. Fosco asked if free parking would be eliminated.

Mr. Trandel responded that is not his call. He then stated that the intent is for commuters to pay for parking but that the retailers would not. Mr. Trandel also stated that another benefit is in the evening, Little Ricky's would not be harmed by having more restaurants. He then referred to a food court and stated that people go where the food is. Mr. Trandel identified the sales numbers for restaurants in town as being down significantly over 20% and stated that more choices would be better for people and make it a destination.

Mr. Fosco stated that the financial projections assume that for parking, there would be free parking for the businesses.

Mr. Trandel confirmed that is correct and reiterated not for commuters.

Mr. Fosco then stated that the applicant called underground parking secure.

Mr. Trandel informed the Commission that it would be open on the west side and identified that area for the Commission. He also stated that they would not eliminate the bike trail and referred to a rendering and the fact that they propose to have kiosks there on the bike trail. Mr. Trandel described it as hard to get to now. He also stated that parking would be open as late as the trains run until midnight and whether it would be locked is the Village's call. Mr. Trandel added that there is plenty of law enforcement and that it would be safe and they are not worried.

Mr. Fosco asked how long would Lincoln be closed during construction.

Gary Stratton of W.E O'Neil Construction stated that he would talk about the preliminary logistics

of the plan and as they get more into it, to add more detail. He stated that the primary goal for logistics is that they were concerned about the safety of the public, residents and their construction workers. Mr. Stratton stated that you notice that in the project, the building would be built all the way to the property line on all sides and that there would not be room for staging materials and activity. He then stated that along Elm, they would shut off the sidewalk and curb lane and would have a barricade fence which they need to access the project with construction trucks, etc. Mr. Stratton stated that they did not include in the plan how to maintain Conney's entrance. He also stated that they would have a pedestrian canopy from the entrance which he identified for the Commission up to the fence line to the crosswalk. Mr. Stratton then identified the construction encompass area for the Commission and stated that Lincoln would be shut down during the construction process until the project is completed which he estimated to be 17 months.

Mr. Brown asked if that meant that during the 17 month time period, fire equipment would be going down Lincoln heading northeast and that they cannot do that.

Mr. Trandel stated that there would be access to protect 711 Oak.

Mr. Brown stated that they do not go to Green Bay Road now.

Mr. Fosco then asked if for all of the parking spaces which would be missing during construction, if there is no plan to make parking.

Mr. Stratton responded that there is.

Mr. Trandel noted that parking would be displaced and that there would be a nominal amount of commuter parking and retail for Conney's. He indicated that the direct impact would not be that much and that they would make sure to provide Conney's customers access. Mr. Trandel then stated that with regard to the brilliance as to what do with construction parking, the workers would need to park somewhere and that O'Neal Construction would make sure that they park their vehicles offsite.

Mr. Fosco asked if there would be construction staging in front of 711 Oak the whole time.

Mr. Stratton responded that there are two reasons, the first is that they are first asking to have a staging area in an area he identified for the Commission. He stated that the delivery truck main gate occupied sitting in the street would not be safe and that they are asking for the staging area to accommodate that.

Mr. Fosco questioned the control of hazardous materials in connection with the demolition.

Mr. Stratton responded that it would be properly abated.

Mr. Brown referred to the staging area which would be located below his balcony and stated that it would be a nuisance.

Mr. Stratton stated that they would work it out.

Mr. Fosco asked if there would be a plan to monitor the damage to adjacent buildings.

Mr. Stratton responded that they would be going down 20 feet deep and putting in sheeting around the perimeter which would be raised as they excavate. He also stated that there would be monitoring points placed and on 711 Oak and that they would do a preconstruction survey of the whole area. Mr. Stratton then stated that they have to take those precautions.

Mr. Fosco asked what is the remedy if there is damage.

Mr. Stratton agreed that there would be a remedy if they are responsible for it.

Mr. Fosco then asked if there would be a bond to cover it.

Mr. Stratton responded that they are insured.

Mr. Fosco referred to the parking spaces in the plan and asked if they would be standard size.

Mr. Trandel stated that they would be 8, 8½ or 9 feet and that they contemplated that they did not need 9 feet for residential spaces. He stated that if there is a lot of in and out traffic, you would want wide spaces and stated that the spaces would be 8½ feet on average.

Mr. Fosco asked if they would be smaller than the existing parking spaces on Lincoln.

Mr. Trandel noted that those parking spaces are 9 feet. He then stated that if the Village wanted them to do 9 feet, they would do 9 feet.

Mr. Fosco stated that when they first discussed the proposal with the Village, was the proposal to place part of the building on Lincoln.

Mr. Trandel stated that this plan is an amalgamation of input from everyone. He then stated that there were other plans for sure and that this plan morphed.

Mr. Fosco asked why the building would be 83 feet and not 4 or 4½ stories.

Mr. Trandel stated that they all have different opinions with regard to beauty, style and preferences. He stated that part of the idea eliminated right-of-way bulking. Mr. Trandel stated that they realize that people are affected by height and that would be no one in an area which he identified for the Commission. He then stated that with regard to the Village, he referred to the least evasive place to put height to get the amount of square feet to make it pencil. Mr. Trandel then stated that they could add more square feet and go higher on Elm. He stated that the point is what type of square feet is needed for retail and residential use.

Mr. Fosco asked if there is a dollar square foot figure minimum.

Mr. Trandel responded that on average, there are certain projections they shared and that they are

hoping through market studies to charge \$2.90 (?) per foot for rental. He noted that it is not cheap and that they would strive to get to a certain return on capital and yield cost. Mr. Trandel also stated that it is expensive to go to 7 stories and that it would be cheaper to go to 5½ stories. He stated that they are trying to make an accommodation to the neighbors by going taller and thinner. Mr. Trandel noted that there would be no shadow impact by the plan and that there would be no bulking or blocking of air unless the first floor experts opine to that. He then stated that they are not saying take it or leave it and that there was a show of respect to all of the neighbors.

Mr. Fosco asked if they consulted with the fire department.

Mr. Trandel noted that a ladder can go to 86 feet and that consultation was done before the plan was submitted.

Mr. Fosco stated that with regard to ownership in the group, he asked if Michael Klein is an owner.

Mr. Trandel stated that he still has a carried interest. He indicated that there are handful of investors, most of whom are Winnetka residents.

Mr. Fosco asked if they planned to make the list public.

Mr. Trandel stated that they would not and that it would not be fair and to let each person decide.

Chairperson Dalman asked Mr. Fosco and Mr. Brown how much more time would they need. She also asked if they are representing the homeowners' association.

Mr. Fosco stated that he is representing himself as an owner.

Chairperson Dalman indicated that it sounded like there were prior meetings with the homeowners' association. She then asked if there was anyone here speaking for the 711 Oak homeowners' association.

Mr. Fosco stated that he is an individual owner.

Chairperson Dalman stated that she wanted to make it clear that no one is speaking for the homeowners' association as a group.

Mr. Fosco responded that is correct.

Chairperson Dalman then asked if Frank Petrek is the homeowner's association's designee.

Mr. Brown stated that Mr. Trandel met with Mr. Petrek and Peter Tyor of the condominium board twice. He informed the Commission that last summer, a presentation was made to the whole association. Mr. Brown informed the Commission that three of them filed appearances.

Chairperson Dalman asked what position did the board take.

Mr. Fosco responded that most were not in favor.

Chairperson Dalman stated that she thought that they were speaking on behalf of the homeowners' association.

Mr. Fosco stated that with regard to the presentation of the building and Mr. Lagrange's testimony that the building showed the perspective from the second floor, he asked did they instruct the architect.

Mr. Trandel stated that with respect to the watercolor rendering, the building did not show balconies and intricacies of the design and that it is purely a placeholder. He then stated that there was no trickery and that they have done a number of street level scapes to show the angles from 711 Oak looking at different angles, etc. and that they are all at eye level on the website. Mr. Trandel also stated that they welcomed the opportunity to have a one-on-one meeting if it is more productive with the whole team and that they would have a secretary take notes.

Mr. Brown asked if the plans were completely done or partially done before they submitted this plan with less than 7 stories.

Mr. Udell stated that is not relevant and that it would have been appropriate during the public comment portion of the hearing. He stated that they should be cut off and others allowed to speak.

Chairperson Dalman stated that for the purpose of more time, she referred to asking questions about the project and the presentations made. She then stated that they want a limit to that and that there are other people who have similar questions. Chairperson Dalman then asked those making presentations to make sure to limit the discussion and questioning to the project and the presentations previously made.

Mr. Trandel informed the Commission that to keep in context as to what was proposed years earlier by New Trier Partners and now, the site is almost twice as big. He then stated that 38 units were approved last time and that there was similar square footage. Mr. Trandel stated that they have more land to work with.

Chairperson Dalman indicated that it would be a good idea to have an organized meeting with the homeowners' association since the plans have developed since the last meeting. She then stated that a summary of the discussion should be submitted to the Commission to make sure everything is in the record and that they would welcome that. Chairperson Dalman then asked if there were other interested parties.

Rebecca Petrek, 711 Oak, stated that her husband Frank could not be here since he is out at a trial. She stated that it was their understanding that if everyone within 250 feet of the project wanted to file an appearance, they would have the right to ask question of the developers. Mrs. Petrek then stated that she did not understand why 38 homeowners have to ask questions together.

Chairperson Dalman stated that it is hard for the Commission when those people are speaking as individuals.

Mrs. Petrek identified herself as an individual who lives 40 feet from the building and that she filed an appearance.

Chairperson Dalman stated that they are reserving time for more directed comments to the developers versus general comments about the development. She then stated that at the previous two hearings, there was an enormous amount of public comment and that people have the ability to submit written comment.

Mrs. Petrek stated that she would like to ask some very specific questions. She stated that the applicant talked about the water color rendering and referred to photographs which were entitled "Light and Air, Configuration of Building Volume, Established Building Heights, Buildings in the Vicinity, Parking and Open Space" which exhibit drawings that show their 42 foot high 711 Oak building being equal or taller than the proposed building. Mrs. Petrek asked why would they create a PowerPoint where the 711 Oak building at 42 feet looked exactly as tall as 83 feet.

Mr. Udell stated that he would object to the question and that it was asked and answered and is irrelevant.

Mrs. Petrek then provided an illustration to the Commission.

Chairperson Dalman stated that she did not understand what Mrs. Petrek is handing out to the Commission members and added that there is no measurement on that.

Mrs. Petrek then asked for an explanation of the parking structure to the east of the building and asked what is the height of that above ground.

Mr. Trandel responded that it is at grade.

Mrs. Petrek stated that at 711 Oak, there are 38 individually owned units which range in size from 1,500 square feet to 2,400 square feet and referred to 85% of them being in excess of 1,900 square feet. She stated that the applicant indicated that they are targeting mostly affluent empty nesters on page 18 of the materials and are proposing 48 800 square foot units, 60 1,300 square foot units and 12 1,900 square foot units. Mrs. Petrek asked if it is realistic to think that North Shore residents would want to downsize their belongings to that extent.

Mr. Trandel responded that is correct.

Chairperson Dalman informed the audience that there is a feasibility or fiscal study looking at apartment rents for the newest developments which would be helpful in supporting that data.

Mrs. Petrek then stated that with regard to the light and air study, it stated that the project is adjacent to that of residential properties. She identified themselves as a totally residential building located next door with no commercial development. Mrs. Petrek asked the applicant to explain that statement that they are adjacent to commercial instead of residential properties. She then referred the Commission to page 18 of the materials.

Mr. Trandel stated that the development would be more adjacent to commercial property as opposed to residential property.

Mrs. Petrek stated that it does state that it is adjacent to commercial instead of residential properties in the applicant's light and air study. She then referred the Commission to page 6 of the parking study and that Lincoln would contain Zone C permit parking from 8:00 a.m. to 10:30 p.m. for commuters. Mrs. Petrek stated that this is for 8:00 a.m. to 10:30 a.m. and not p.m. She then stated that the 711 Oak residents lived there for six years and they downsized from their home where they have lived for 30 years and that the building has parking for residents under their building as well as a parking lot behind the building. Mrs. Petrek also stated that their building owners enjoy walking to locations and that they often park on Lincoln and Oak with going in and out of their building. She noted that they do not always park in the building just as someone would leave their vehicle in their driveway as they come and go during the day and on the weekends. Mrs. Petrek stated that the density of the project meant that there would be 120 additional families which would probably be parking on Village streets rather than underground much of the time and asked if that was taken into consideration in the traffic and parking study.

Mr. Trandel confirmed that is correct and that they have had noted experts opine on that. He referred to the port cochere drop-off which would be manned for someone going in and out.

Mrs. Petrek thanked the applicant for their answers.

Rhonda Miller introduced herself to the Commission as a third generation Winnetkan. She then asked Mr. Trandel if they had a legal right to a complete list of all of the individuals involved in both partnerships.

Mr. Udell stated that the municipality has the option in the ordinance to require the disclosure of any member in the applicant LLC holding a certain percentage interest of 5% or more. He noted that it is not part of the ordinance and that the list would not be disclosed and is not required as part of the application. Mr. Udell then referred to the privacy concerns of the investors.

Ms. Miller asked if the applicant made available contacts for previous projects so that the Village understands the level of dedication and professionalism.

Mr. Trandel responded that is correct.

Ms. Miller then asked if all of the apartments are not rented, if they had the right to Section 8 applicants.

Mr. Udell stated that there is no low income housing ordinance in the Village. He then stated that the applicant would not discriminate against applicants for housing as long as they are willing to pay the rent being charged.

Chairperson Dalman stated that being in compliance with the Fair Housing Act is clear.

Ms. Miller asked if doctors would be allowed to use shops for own use.

Mr. Trandel stated that they contemplated the demand and that there are a lot of interested physicians. He stated that there is a demand for that.

Ms. Miller then asked if physicians with offices would not be charged or have to have sales tax. She stated that the Village required \$1 million on sales tax and that they would not be getting that a doctor's office.

Mr. Trandel stated that would be the second floor for them. He then stated that the additive \$400,000 in sales tax from the project was annually and that there would be a total tax impact of \$1 million to the Village as long as everything is occupied.

Ms. Miller asked how did they plan to accommodate blind individuals at the school with regard to walking and transportation.

Mr. Trandel noted that they met with the team from the Hadley School and that there are lot of issues beyond that which they trying to solve.

Ms. Miller then stated that with regard to the landscaping in the middle on Lincoln between Oak and Elm, with the landscaping, if there would not be enough room left on either side for a two way street.

Mr. Trandel stated that the planters would move and it will be a two way street. He then stated that they certainly planned to comply with the code.

Chairperson Dalman noted that the application did not ask for an exception from the street standard width.

Ms. Miller thanked everyone and asked them to remember that Winnetka is a treasure.

Chairperson Dalman stated that they are to be mindful to make sure that there is an opportunity for the developer to respond and for the Commission to discuss.

Tim McCabe introduced himself to the Commission as the Executive Director of the Winnetka Community House. He indicated that he could not discern from the plans how big the fitness center is planning to be.

Mr. Trandel stated that they have not picked out the fitness center and that it would be private facilities.

Mr. McCabe asked if it is proposed to be for the residents.

Mr. Trandel confirmed that is correct.

Mr. McCabe then stated that the Community House has a fitness center and that he wanted to make

sure it is on the record the situation considering the amount of income it generated.

Mr. Trandel stated that it would be consistent and that first, they want to make sure that they are not selling out to national retailers to drive them out.

Mr. McCabe stated that if it is private for the residents, that would be fine.

Jane Dearborn, 585 Arbor Vitae, stated that she is very concerned in connection with egress and ingress and commercial trucks off of Elm. She indicated that she is wondering if there were other considerations or other alternatives.

Mr. Trandel stated that they could also come in off Lincoln as well. He noted that there are two points of ingress and egress to loading. Mr. Trandel then identified the back hallway which would be wide enough for garbage and deliveries off of the parking area.

Ms. Dearborn then asked what is more likely.

Mr. Trandel responded that most towns do not allow unloading at the front door. He added that it would not be on Elm.

Ms. Dearborn stated that she is concerned with traffic and that she assumed that they took that into consideration. She then stated that delivery trucks coming and going out of the parking lot on Elm would cause congestion.

Mr. Trandel stated that they would work to make sure that they are on the same page.

Chairperson Dalman stated that they would wrap up the interested party presentations in order to give the applicant time to respond and time for the Commission's discussion and to ask questions.

Mr. Udell stated that they did not intend to call anyone in response. He then asked for the Commission to give him leave to file a written response and that he would provide a copy to Mr. Gussin in the form of a legal memorandum with regard to the analyses of the cases as Chairperson Dalman noted that the case which was referred to is for imminent domain and was not on point. Mr. Udell then stated that for all cases with regard to case law, in connection with any public benefit to be derived from the development overall, it is considered public use. He indicated that would be submitted it in writing.

Chairperson Dalman stated that the Commission would defer to Mr. D'Onofrio and Mr. Norkus and referred to the normal time for submissions before the next meeting.

It was determined that a submission must be done two weeks before the next meeting.

Mr. Udell agreed that would be fine.

Chairperson Dalman stated that she wanted to confirm the next meeting date.

Mr. Thomas asked with regard to the Commission, if they were to wait another four weeks, they would stretching the timetable and that the Village Council wanted to shorten the timeline for applications. He suggested scheduling a meeting in two weeks.

Chairperson Dalman indicated that having another special meeting is taxing on the Village staff and on the Village. She stated that there would be some deliberations and discussion now. Chairperson Dalman then stated that they have gotten through the applicant's case and interested parties' questions and if there is time for public comment, they would be in a good position to come out of the next meeting with recommendations. She described the Herculean effort by the Village staff to accommodate a special meeting and that they did it when it was appropriate in order to keep the momentum going. Chairperson Dalman added that she is not rejecting the idea and that she would consult with the Village staff. She stated that the matter is now open for the Commission's discussion.

Mr. Gussin stated that after receiving Mr. Udell's memorandum, he asked if he would have the opportunity to reply.

Chairperson Dalman confirmed that is correct and noted that the response must be timely. She then confirmed that the next meeting date would be May 27, 2015 unless they decide otherwise.

Mr. Kates stated that he has never seen a special use application where the entity requesting the application is not self-sustaining on the application they are proposing and that rather, they are basing part of the plan on a contribution from the Village as to the parking garage. He indicated that he is not sure whether there is a complete plan for consideration if the applicant did not participate fully.

Mr. Friedman stated that planned development and special uses with regard to planned development do not seek a contribution or Village contribution normally and that sometimes they do which is at the developer's risk. He stated that whatever the Village Council decided with regard to the property, any financial contribution and the garage would be up to the Village Council and that the lower bodies do not make that decision. Mr. Friedman stated that the developer is at risk regardless of the determinations and recommendations of the lower bodies and/or the Village Council on the zoning issues and that if the development agreement that would provide for all of that cannot be agreed to with the Village Council, they would not approve it because that would all be part of the final plan development and approval.

Mr. Kates stated that they would have to start over again.

Mr. Thomas stated that with regard to the process the last time, a negative recommendation went to the Village Council which went forward to approve New Trier Partners. He then stated that whatever recommendation they made was full of provisos and asked if the Commission can recommend or not approval of the request with provisos which say that the Village Council contribution of money is a bad thing.

Mr. Friedman stated that is a difficult question. He then stated that from a pure jurisdictional issue, the Commission, the ZBA and the DRB has jurisdiction which is not the Village property

and not economic incentive agreements or the like. Mr. Friedman stated that they have seen in the past if there is a recommendation and situation like that, that it be conditioned upon the Village Council reaching a reasonable agreement on the issues to the benefit of the Village or that there is language which made it clear that the Commission is not opining on or agreeing on the elements for the Village Council to opine on. He indicated that the Commission cannot carve that out and to make it clear that they expect that to be fairly negotiated.

Mr. Kates stated that feasibility has to be considered in the context of what the Commission is doing.

Mr. Friedman indicated that could be a raised condition to recommend.

Chairperson Dalman stated that with regard to the handout, anything that gets into the viability they can address, but not to weigh in on financial attributes.

Mr. Kates stated that the part they are dealing with is whether the request would meet the parking requirements. He then stated that if it is not feasible, there are a whole bunch of parking considerations which would come into play.

Chairperson Dalman stated that she did not disagree with Mr. Kates' comments. She described it as tricky and that they do have to have in mind if they say that they do not like the height, if the Commission can give their view of alternatives to be explored in order to provide guidance to the Village Council.

Ms. Adelman asked when 711 Oak was built, were there exceptions to the standards. She stated that it would relate to any residence in the commercial district.

Chairperson Dalman stated that 711 Oak was not planned development.

Mr. D'Onofrio informed the Commission that they did not have the planned development ordinance when that building was built in the 1970's. He noted that the planned development regulations were not adopted until mid-2000. Mr. D'Onofrio then confirmed that no exceptions were granted.

Mr. Myers stated that to be broad with the comments, they should go back to the first meeting and congratulated the applicant in putting together a strong team which would be investing in the Village. He then stated that he thought about a lot of things and that personally, there are some positive elements in the proposal. Mr. Myers then stated that there are things he was not concerned about, but which were brought up. He stated that Conney's can view it in that they have a right to run their business and referred to safety and emergency egress from the building. Mr. Myers stated that the Commission cannot concern themselves with whether Conney's would be a sustainable business in this model and that the Commission cannot decide what businesses would survive or not. He then stated that when looking at Conney's as a business, the Commission is to be careful with regard to how they look at it in terms of their rights being protected and that beyond that, it is his feeling about Conney's not being part of the Commission's concerns.

Mr. Myers stated that the second issue related to underground parking and commented that he liked the plaza and underground parking. He then stated that is not in agreement with regard to the contribution of \$6 million to parking. Mr. Myers stated that he felt that with lighting and surveillance, there are stipulations which can be made as being surveillance cameras in order to make sure it is safe. He indicated that he recognized that women would be more concerned. Mr. Myers also stated that they should consider in the design how to get people to use it. He added that he is also not concerned in connection with traffic from the 120 units and that the area can handle the traffic. Mr. Myers then stated that in terms of deliveries, setting up times for deliveries should do it. He also stated that with regard to changing parking in the area to limited on-street parking of no more than three hours, the Village can do that.

Mr. Myers stated that with regard to the concerns, he did not believe the applicant's economics on retail and restaurants and that \$9.00 per square foot is too optimistic. He stated that it impacts how the Commission is to look at the economic impact of the project to the Village. Mr. Myers suggested that they spend time making recommendations around surface and underground parking and that the building is too big to fit in the Comprehensive Plan and what the Comprehensive Plan laid out. He indicated that he understood the height shown at the extremes in order to get it away from the neighbors and that the Commission has not heard why the building should be 83 feet and how it fit into the Comprehensive Plan. Mr. Myers then stated that he understood the rationale on the need to step back the height when they came up with the ordinances and that it needed to be brought back into the plan.

Mr. Myers also stated that the Commission is not the DRB with regard to their opinions on the architecture. He stated that to put in a building like this and say it is innovative and would bring vibrancy, that would only be if the architecture around it can change also. Mr. Myers added that there are no other 6 or 5 story developments downtown. He described the building as being very tall and out of character with the rest of downtown and that it would end up sticking out in negative way more than being a positive asset. He reiterated that he liked the public plaza and green space, the idea of bringing more people downtown and filling the need for retirees to live downtown which he described as all positives. Mr. Myers concluded by stating that he had a very difficult time getting beyond the size and look of the building.

Mr. Trandel informed the Commission that they are open and are looking for feedback with regard to the size and height. He also stated that they are not close minded to altering the configuration of the building and referred to the minimum height on the Elm side and abutting the 711 Oak building. Mr. Trandel stated that they are trying to do the development and design the square footage from an economic standpoint.

Mr. Myers stated that he is having difficulty in how the Commission would redesign the building and whether it would be productive for them to do that or whether they should give feedback. He then stated that rather than going to the DRB and the ZBA, for the applicant to go back and make modifications.

Mr. Trandel responded that it would be preferable that way.

Ms. Holland stated that she had questions with regard to the extra cost to the Village. She stated that in addition to the \$6.5 million for parking, it was obvious to Mr. D'Onofrio and Mr. Norkus that they would not be able to act as project managers on behalf of the Village. Ms. Holland then referred to O'Neal Construction and whether there would be more than one project manager. She then stated that as a resident and taxpayer of Winnetka, she wanted the Village to hire its own independent project manager irrespective of what is built. Ms. Holland added that she wanted to make sure that the Village is protected by the construction. She then asked the applicant if they would be amenable to paying the Village for a project manager.

Mr. Trandel confirmed that they would and that there is a whole litany of requests to get through. He described it as a common sense approach. Mr. Trandel then stated that to be clear with regard to the total cost to the Village, they are asking that since they are covering all of the replacement parking and paying for it, he referred to the top line cost of over \$6 million while vacating a couple of million dollars' worth of land to the Village.

Ms. Adelman stated that she felt uncomfortable for the developer paying the Village for an oversight. She then questioned who are they working for.

Chairperson Dalman stated that they are working for the Village. She also stated that the applicant would post a significant bond. Chairperson Dalman indicated that it is not the financial risk they are worried about and that they want oversight.

Ms. Holland stated that a project manager would make sure that the project is built to the specifics that the Village set. She then stated that going underground 20 feet is a very big project.

Chairperson Dalman asked if the Village contracted services to third party entities for inspection and monitoring of construction projects.

Mr. D'Onofrio confirmed that is correct and informed the Commission that there are several disciplines involved in this project. He also stated that there are a number of proposed public improvements which require oversight and that there would be a fee deposited into escrow covered by the developer.

Chairperson Dalman stated that they do that now on different projects.

Ms. Bawden stated that she knew a couple of things and that the Village needed to do something on that block and commented that it is one of the ugliest blocks in Winnetka and that she wanted something done. She then stated that she had two questions and referred to the elephant in the room. Ms. Bawden asked if this is the right time and are they the right people. She stated that they have not awarded a master planning contract yet. Ms. Bawden then stated that the proposal would potentially be tying the hands of the master planning process. She proposed that they let the master planning process begin with the stipulation of considering the project in some form or another.

Ms. Bawden then stated that if they were to lower the building to four stories, etc. like New Trier Partners, she described it as the cart driving the horse. She stated that for the process where each

retail environment is making plans, this project would suck the air out of those individual branding initiatives. Ms. Bawden commented that it would be wonderful if they could and stated that in connection with branding initiatives, the applicant is the fourth player with the potential to be the driving engine.

Ms. Bawden stated that her second question is whether they are they the right people to do this. She referred to the fact that the applicant dug their heels in when they want to know who they are. Ms. Bawden stated that she had no feeling one way or the other but that if the Village is to go into a public/private partnership relationship, they want to know who are you. She then stated referred to their track record and default questions. Ms. Bawden concluded by stating that they do not know how the players relate to one another.

Mr. Trandel stated that they would provide insight or financial information on various entities. He asked that the private investors remain private and for the commission to respect that. Mr. Trandel then stated that when they go to banks, there is full disclosure on all of the partners. He noted that more than 80% of the equity is from the Village and described it as a generational approach to the project. Mr. Trandel also stated that they would be happy to give the Commission examples and references.

Mr. Trandel then stated that there is a chicken and egg issue in terms of the three business districts comment and that this project is about the elimination of the log jam of the lack of parking in all three districts. He then stated that there would be a ripple effect to Hubbard Woods and Indian Hill with regard to the lack of parking. Mr. Trandel commented that while having a master planning plan for each district is a good idea, they are the property owners and are they incurring a significant cost to carry the project and that they do not know how long they would have to wait. He added that there is a benefit now of low interest rates along with other factors. Mr. Trandel also stated that they want to fit in and not land a space ship.

Ms. Bawden then stated that she is concerned with regard to the Tracy Cross study. She stated that the developments cited in the study were not for the North Shore and that they need to be. Ms. Bawden stated that they are looking at Wilmette with 95 units and that there would be 120 units here. She then stated that with regard to Evanston, they do not know what they are doing. Ms. Bawden indicated that the study needed to be much more appropriate to the residents and the community. She also stated that if they are talking about transit-oriented development, they need give them comps from the North Shore.

Mr. Trandel stated that he agreed with Ms. Bawden's comments.

Ms. Bawden also described it as a waste of time since it came in so late.

Mr. Trandel then stated that he did not agree on the unit count and that they would go back to them.

Mr. Thomas stated that he is a representative from the Park District Board and that he took the time to ask his colleagues what their opinions were to reflect that he would be speaking for the Park District Board. He noted that all of the opinions were very consistent. Mr. Thomas then stated that Conney's is concerned over big box pharmacies and that they are here whether they like it or

not. He then stated that with regard to the design, his colleagues stated that it is not Winnetka and that it should be left to the DRB.

Mr. Thomas then stated that with regard to parking underground, for the residents, it would be nice for the condominium to be able to take an elevator down as opposed to it being for retail. He also stated that the retail users do not want it.

Mr. Thomas stated that in connection with empty nesters, he has a lot of friends who are empty nesters. He then stated that if they sold their homes, they would not be looking for a rental but would be looking for a condominium with tax benefits. Mr. Thomas stated that if the applicant believed that they could attract rentals for empty nesters, he suggested that they do more research.

Mr. Thomas then stated that with regard to the parking issue, the Village Engineer would say whether the study is appropriate or not. He also referred to the idea of giving \$6 million and described it as not on. Mr. Thomas indicated that he wished that there was some innovative development which could be done with the property right in the middle of town which he commented looked like a slum with empty stores. He also stated that there are plans for it and nothing is happening. Mr. Thomas then stated that the development as presented was extraordinarily thorough and that it provided a lot of information and he stated that they appreciated that. He also described it as irrelevant when you look at the size and scale. Mr. Thomas then stated that making the building shorter would not do the trick and suggested that the applicant rethink the size and scale of the project. He concluded by stating that there are lot of concepts which he found interesting such as the plaza and that he and his colleagues felt that it is an unacceptable application due to its size and scale.

Ms. Adelman stated that she has lived in the Village for 45 years and was a former Village trustee and has seen slogans thrown around with regard to the Winnetka way. She also stated that she remembered the dime store, the butcher, etc. in the Village and that it was full of service. Ms. Adelman then stated that to her, she commented that it is exciting that something is going to happen. She then stated that they have talked about the post office site and Hubbard Woods. Ms. Adelman also stated that she goes north and south and to Chicago. She stated that while she welcomed the opportunity, she saw a parochialism in how some view the project.

Ms. Adelman then referred to looking out the window and seeing this. She indicated that she is disappointed and that she was waiting for the master plan and referred to waiving a magic wand and for it to be different. Ms. Adelman stated that the request presented an opportunity and people who were willing to invest in the community. She informed the Commission that she is also uncomfortable with the size and scale. Ms. Adelman then stated that she is not sure that they should be waiting to say that they did not like it and for the applicant to come back and for it to be done this way. She also stated that she understood that there would be negotiations and trading. Ms. Adelman stated that the Village has done this many times with regard to with FAR, etc. and would come to the decision as to whether they would want to do this which would help the community and bring in restaurants, doctors and people. She concluded by stating that she would like to see a full service community again.

Mr. Coladarci stated that he is bothered that the applicant is stating that they would not disclose

who the partners are involved in the financing of the project. He stated that when the applicant is asking the Village for all of these concessions, he stated that it struck him as not being the best answer. Mr. Coladarci stated that while the people involved do not want to be identified, they are asking for Village financing in part for parking and that they are asking for land and to dig into the Green Bay trail. He indicated that there should be some accountability for the decisions made on this and added that Chicago required that information.

Mr. Myers asked Mr. Coladarci if he knew who the investors were, would that change how he looked at the project.

Mr. Coladarci responded that he knew that part of this and referred to whether the applicant had other land in the Village. He then questioned whether the Café Roma owners would be interested in this. Mr. Coladarci then stated that the land ownership should be clear and that they are the ones asking for money and land. He indicated that it would be appropriate for the Commission to know that. Mr. Coladarci then stated that if they do not have it in the ordinance, there may be some law which required it. He indicated that transparency is important in this case and that they want to know who is involved and would be making decisions.

Chairperson Dalman noted that the applicant is asking to purchase land and that the contribution associated with it is what will be the parking spaces that they would generate revenue from. She noted that it would not be a donation.

Mr. Coladarci then stated that the giving of land to a private entity represented a higher fiduciary responsibility.

Chairperson Dalman referred to whether they would be paying market rate and that there is no fiduciary requirement. She then referred to clients who do not do projects because of the disclosure requirement.

Mr. Golan stated that he is not sure that it is the criteria of the Commission to know who the owners are and asked what if they are Chinese investors. He indicated that the code did not require that and that he is not sure it is relevant.

Mr. Dunn agreed with the comments made and stated that it would be up to the Village Council to make the call. He then stated that the Commission should not be concerned to that degree of minutia. Mr. Dunn also stated that the primary partners are here and are willing to meet with the citizens and merchants. He added that there is a face to the developer who is a resident of the community. Mr. Dunn concluded by stating that it should be left to the Village Council.

Ms. Bawden suggested that they make that recommendation to the Village Council.

Mr. Golan reiterated that he is not sure how it is relevant.

Ms. Bawden stated that it related to the viability of the project and that it would be nice to know who the business partners are.

Mr. Myers stated that it is important to put stipulations on how they behave as opposed to who they are.

Mr. Coladarci stated that there has to be a higher level of scrutiny.

Chairperson Dalman referred to people's financial statements and informed the Commission that she has gotten 1,000 calls as chairperson of the Commission. She indicated that she understood why the investors did not want anyone to have their names and that she is sensitive to that.

Ms. Bawden then stated that they do not have any references for the developer and that they would need to see projects or anything which was developed by this particular entity.

Mr. Thomas stated that the Village is not giving anything away and that these folks have a planned development application. He then stated that is as far as they have the right to know and that is all. Mr. Thomas added that who the investors are should not be the Commission's concern.

Mr. Coladarci then stated that he also wondered with regard to the access to the underground on the west side, if there is one entrance in and out, during rush hour, there would be a line up of traffic down Oak. He then referred to a line of traffic by the Willow Wood School and down Maple. Mr. Coladarci referred to the idea of filling spaces in for a short period of time during heavy traffic and that it is common sense that a lot of the traffic would be increased.

Chairperson Dalman referred to Willow Wood around the corner on Oak. She commented that it is a good point and that she wondered with regard to the experience at the Hubbard Woods garage with the same situation.

Mr. Coladarci then stated that in connection with the garage, from the drawing, the elevation will extend into the Green Bay trail and that it looked like the entrance at the Green Bay trail.

Mr. Trandel informed the Commission that it would not be going into the right-of-way. He also stated that they met with Union Pacific and determined that they would not be touching that.

Mr. Coladarci stated that the plans show that Union Pacific owned the area up to the sidewalk and that the Village land is owned after that. He referred to the taking of a significant amount of land into the Green Bay trail. Mr. Coladarci stated that the applicant also spoke about kiosks which would create traffic there. He stated that with regard to each of the Commission members' comments, the applicant represented great people who are willing to develop the property and in a way which would benefit the Village. Mr. Coladarci stated that his concern is more for the Village as a whole and referred to less benefit to the developer or the individuals living in the property. He described it as a project which would be a 100 year or more project and that it would completely alter the Village and the nature of how is Village perceived. Mr. Coladarci then stated that it gets back to height, density and style. He stated that it is based on the standards allowed to consider the style, architecture and whether the project fit in with the general overall look of the Village. Mr. Coladarci added that the Commission was asked to examine and protect those long terms interests of the Village and that those questions are appropriate.

Mr. Kates stated that they are to look at different standpoints and that there are lists to consider which talk about granting exceptions. He stated that the first point with regard to exceptions, no one is entitled to exceed what the code required. Mr. Kates then stated that the Commission did not have the burden to show why they cannot exceed it and that it is the Village Council and Commission's discretion to say if an unacceptable exception is out.

Mr. Kates then stated that there are several exceptions being requested which relate to height, setbacks and parking. He stated that when they dealt with raising the height to four stories and the matter went before the Village Council, people were concerned with regard to the change in the character of the Village. Mr. Kates then stated that there were reasons that four stories did not change since there would have been an economic benefit to raise current building heights to four stories. He also stated that if they were to adopt 7 stories across the street, it would become economically viable for others to increase the height which would change the character of the Village.

Mr. Kates stated that in the consideration of exceptions, there is public opinion which he described as important and that they are dealing with the possible situation to solve something. He stated that science and technology are brought into the equation and that with regard to changing the character of the Village, they did not like that.

Mr. Kates reiterated that public opinion is important. He then referred to the caucus survey and the fact that the resounding result was that people did not want 7 stories or anything which went over four stories. Mr. Kates stated that he believed that they should consider public opinion. He then stated that if they were to raise it, it would invite an overall chain. Mr. Kates stated that it was not the intent that raising height to four stories would change the character of the Village. He then stated that he would not be in favor of the request because of the height and that he is concerned about setbacks and parking as well.

Mr. Kates then stated that with regard to the economics, he read through the standards and stated that the general standard which is applicable to all planned development is that it must meet follow specific goals, such as preventing the need for significant increases in infrastructure such as parking. He then stated that there would be a significant increase in parking and that the burden would be put on the Village in that it came with \$6.5 million to support this parking. Mr. Kates also stated that there would be an increase on the burden of the Village for that infrastructure and the process of putting that money into parking as well as water mains, streetscape and hardscape. He noted that the Village has significant financial obligations such as storm water management which are huge. Mr. Kates then stated that he cannot see a \$6.5 million contribution to the project with a 23 year payback based on the fees, etc. contained in the applicant's papers.

Mr. Kates also stated that there is a question with regard to the need for parking. He stated that particular study citing the study in the Village was not leaked to construct the parking garage and that there are other necessities in the Village. Mr. Kates stated that area envisioned vehicles going round and round to find parking. He then stated that saying that the Village would be getting a deal to get a parking structure did not fly and that for those reasons, he is not in favor of the request.

Ms. McCarthy referred to the fact that they would not be voting at this time and that she

appreciated all of the comments made. She then stated that the audience and the residents spoke and thanked the developers and all the parties who made presentations which the Commission would read. Ms. McCarthy described it as very interesting for the Village. She then stated that while the Village needed revitalization, the plan needed modification. Ms. McCarthy also stated that she would like to see at the next meeting the Village Engineer who could address questions and Lincoln since he had input in the studies.

Mr. Dunn stated that he would like to applaud the developer and the extraordinary effort they put forth. He stated that it is clear to him that extraordinary efforts were made and that he bought into the notion of a world class team that was put together. Mr. Dunn stated that he is also of the belief that Winnetka needs change for the good and that there needed to be quality change. He indicated that he saw a lot of good, quality change incorporated in the plan.

Mr. Dunn then stated that he thought that with regard to the overall parking situation, the net is improved based on the plans before them. He also stated that he did not have a problem with a zero lot line setback. Mr. Dunn agreed that he would like to hear Mr. Saunders' comments on parking and the studies and to see if there is a gap and that the exceptions the applicant is asking for are reasonable enough for the Commission to get comfortable in the sense that they are.

Mr. Dunn also stated that with regard to the design, he commented that he liked Beaux-Art and also liked variety and that he loved downtown Chicago because of its variety. He indicated that Winnetka can use variety and that if the developer wanted to come in with something different, they should consider that too. Mr. Dunn then stated that the notion of 120 apartments did not bother him and that he thought that the community needed more housing for people of an older age and who are selling their homes. He indicated that there are not a lot of alternatives that are good quality home replacement places to go.

Mr. Dunn stated that with regard to suggestions, he referred to his real estate background and commented that 83 feet is excessive. He then stated that he understood the need to have that much square footage in order to make the numbers work. Mr. Dunn suggested that they take the second floor for retail or office and make it residential. He also suggested that they take some of the frontage on Elm and increase it a story or two there and take down some of the stories on the ends. Mr. Dunn indicated that they would end up with a little squatter building which would not be so distinctive but that they would end up with the square footage they need and which could be something they could get their arms around instead of having opposition.

Mr. Dunn stated that they all want to like it 100% and want something of quality to be done on the lot. He commented that there are a lot of great ideas here and that underground parking did not bother him. Mr. Dunn noted that he is a supporter of the project with reservation and encouraged working in collaboration with the neighbors. He stated that they have gone overboard in terms of what is needed to get something like this done. Mr. Dunn stated that it is his hope that with the participation of the Village staff that they would continue to help and cooperate with the Village Council and that as a citizen, he did not mind spending \$6.5 million if they would get something good in return and that parking might be it.

Mr. Dunn then stated that with regard to the reference to the feasibility study on the post office site,

he referred to its timing because of the timing because of recession and indicated that the timing is excellent for a project like this. He then stated that if they miss the window of opportunity, there would be an ugly block which would sit for years until the window opened again. Mr. Dunn referred to the fact that the post office block issue was hot and heavy for a while and that then, nothing happened. He stated that the feasibility study was done there to preserve parking there and which would have required a subsidy from the Village and stated that the applicant's request is not out of line in terms of discussion. Mr. Dunn concluded by stating that it needed further work and reiterated that he applauded the applicant's efforts and suggested that they keep working toward a good solution.

Mr. Golan stated that he would like to echo Mr. Dunn's and Mr. Myers' comments and that he is excited to see someone who wanted to invest \$90 million in the community. He stated that he respected that but that he agreed that the building is too tall. Mr. Golan referred to the fact that Chicago is known for its museum style of architecture and that Winnetka is not. He also agreed the Tudor should not be here. Mr. Golan indicated that red brick is the dominant theme in Winnetka. Mr. Golan stated that 7 stories would take away a lot of the 711 Oak view and suggested that a compromise be reached between 7 and 4 stories to make it work. He concluded by stating that he is excited about the project and that it would not be appropriate to ask the applicant to wait for the Village to come up with a Village plan.

Chairperson Dalman stated that she would echo the comments made and that she is appreciative of the investment into the process as well as the studies and reports which were provided. She then stated that when she first saw the building, she referred to the height up and down and the accommodation of 711 Oak as well as to preserve their view of the corridor. Chairperson Dalman noted that no one in 711 Oak is happy and stated that demonstrated the willingness to work with the community. She indicated that it would be helpful to demonstrate how much they would work with the neighbors to get across the finish line.

Chairperson Dalman then stated that she is concerned on the one hand in that they have heard from the community resoundingly that the building is too high but that there is a neighbor stating that they do not want any impact at all. She stated that they would be tasked to work that out. Chairperson Dalman also stated that with regard to the Commission, when they next meet, to take a specific amount of time to go through the criteria for the findings, exceptions and other things. She indicated that if the applicant wanted to come back with revisions and if not, it would be fine and that the Commission would make a determination on the application as proposed.

Mr. Myers referred to the sense that the Commission got and suggested that they wait until the next meeting and take a vote so that the applicant would know what the vote will be. He stated that otherwise, for the applicant to take a month and come up with another plan and come back before the Commission and that the Commission can table the request.

Chairperson Dalman stated that first, they have findings and review and two meetings before a determination on the findings. She indicated that the benefit of that is for the applicant.

Mr. Kates stated that is presuming that there is \$6.5 million available in the Village's budget. He suggested that the applicant consider alternatives.

Mr. Thomas stated that as attractive as the thought that the master plan might be appropriate to wait for, as a Park District guy on their fourth master plan, in order to do it right, it would take 2½ to 4 years and informed the Commission that it took them all that time to do it. He stated that for the developers, if they had to wait four or five years, they could cash in and run.

Ms. Bawden stated that the idea of a master plan was the Commission's idea and commented that it needed to be respected.

Chairperson Dalman stated that it is a good point to do it right. She noted that the first Comprehensive Plan is about to expire and referred to most of the plans which have been on the shelves for at least 50 years. Chairperson Dalman stated that they should have an updated master plan and a plan for the downtown area and that this represented an opportunity to move forward and seize the moment. She also stated that Ms. Holland had a wonderful plan in connection with the post office site.

Chairperson Dalman then stated that they are not alone in stopping activity and that the whole country stopped. She stated that second, the Comprehensive Plan has five more years to go. Chairperson Dalman note that the 2020 Plan has an unusual aspect to it which included Appendix 6 which is when the Commission goes through the Comprehensive Plan yearly in connection with projects that the Village needed. She referred to the statement that people say that they are not doing anything. Chairperson Dalman then stated that people did not want to live in Winnetka and look at an elevator building. She commented that it would be nice for downtown Chicago, but that it would not look wonderful to her at the corner of Elm and Lincoln. Chairperson Dalman also stated that there is no articulation in the proposed building and that for the 1.6 acre site, it cannot be accommodated.

Mr. Golan stated that with regard to protocol, they have spent 10 hours hearing testimony. He stated that he is concerned that would be two new people on the Commission and suggested that they move up the meeting so that they do not lose the two departing Commission members' participation.

Mr. Myers suggested that they go through the findings and have a vote so that they have a sense of where things are. He stated that he would rather take the time to say to the applicant to re-envision the project and address the issues.

Mr. Trandel stated that they would appreciate that and described it as a logical approach. He stated that there is a lot of detail in the building and that time is important. Mr. Trandel then stated that they all felt as though 7 stories is not going to happen and that they should talk about what can happen and move the Legos around in order to get the square footage to make it happen sooner than later. He also stated that they would not need a lot of time and would present something different.

Chairperson Dalman indicated that there is no way to avoid losing two Commission members. She then stated that if the new Commission members are timely appointed, they can review the minutes and get up to speed.

Mr. Myers stated that the point is whether the applicant wanted to come back with revisions rather than the Commission spending time going through the findings and voting.

Chairperson Dalman then stated that if they go through the findings and exceptions, they would have in mind what would change so that they can be prepared at the next meeting.

Mr. Myers stated that he would rather have the developers come up with a proposal and for the Commission to respond.

Ms. Bawden asked if they would need community input again.

Chairperson Dalman confirmed that is correct. She added that it would not be full blown.

Mr. Udell informed the Commission that they would be willing to do that. He stated that the question is pinning down the timetable so that they would not have to go back to a new application.

Chairperson Dalman stated that they have kept the public hearing portion of the meeting open. She then stated that the applicant can amend their submittal for the next meeting for the Commission to review.

Ms. Adelman stated that they still have to go through exceptions.

Mr. Myers stated that they do not know what the issues are since the applicant would come back with a different idea.

Ms. Adelman then stated that the Commission would not have the final say.

Chairperson Dalman stated that they understood the concerns and that it is realistic that they are going to have to have a parking variation as well as a setback variation.

Mr. Myers stated that he would rather have the Commission make comments in front of the Village Council.

Mr. Dunn suggested that they Commission plan on meeting on May 27, 2015 and that in the interim, if the developer chose to revise their proposal and request more time to do that, the Village staff can say if it would be on the agenda for that meeting or a future meeting.

Chairperson Dalman referred to the point of order to keep the public hearing open and continue with notification on the Village's website. She also stated that they would still receive written comments and noted for the record, that there have been over 99 comments.

Mr. Coladarci suggested that they limit public comment to changes in the plan.

Chairperson Dalman indicated that is a reasonable limitation. She then asked if there were any other questions. Chairperson Dalman noted that the public hearing would be continued to May

27, 2015. She then thanked Mr. Kates and Mr. Myers for their service to the Commission.

**Public Comment**

No additional public comments were made at this time.

The meeting was adjourned at 10:55 p.m.

Respectfully submitted,

Antionette Johnson