

From: [Sally Hoit](#)
To: [OneWinnetka](#)
Subject: OneWinnetka
Date: Wednesday, April 15, 2015 4:06:01 PM

I live a short distance away from the proposed project and I think it would destroy the environment and atmosphere of our beautiful downtown. People move to Winnetka because it is attractive, relatively quiet, and has a warm, friendly atmosphere. This gigantic development would be totally out of place. Also, we do not need another "gym" or grocery store. We have two of the finest grocery stores on the North Shore and the pharmacy has been serving the community well for years. We don't need congestion or a plaza in this part of town. This is not Evanston or Highland Park. The noise of constructing such an enormous structure would be very disruptive to those of us who frequent or live in the area. I don't know why this is even being considered. The four-story limit has worked well in the Village and following the Tudor Style of architecture has also been a plus. Do we need some rental apartments? Maybe...(although rental complexes generally become condos shortly after they are occupied!) Do we need an overpowering structure? No! This does not add to the charm of the village-It totally would detract from it. This is not the place for such a building project.

Sally Hoit

 [l.com](#)

From: [James Marran](#)
To: [OneWinnetka](#)
Subject: Parking
Date: Wednesday, April 15, 2015 2:24:39 PM

Question; How will commuters using the underground garage access the station?

Thank you.

James F. Marran
[REDACTED] Oak Street
Winnetka, IL 60093
847-[REDACTED]

"Life isn't about finding yourself. Life is about creating yourself" ~ George Bernard Shaw

From: [Kristine Schriesheim](#)
To: [OneWinnetka](#)
Subject: Conney's Pharmacy
Date: Wednesday, April 15, 2015 8:59:49 PM

Conney's Pharmacy is a gem in the Village of Winnetka. It's a place where the pharmacists are smart, excellent, give top-notch service, and make the town a nicer place to live. There is no type of development that could match Conney's as a place where residents go to meet their health needs and make their lives better. I strongly oppose any development that jeopardizes Conney's Pharmacy's ability to stay in business and operate in the same high quality, personal manner that it does currently.
Kristine and Robert Schriesheim

LAW OFFICES
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April 13, 2015



TO: Members of the Plan Commission
Zoning Administrator
Village Attorney
Village of Winnetka, Illinois

[Copy: Attorneys for Applicant]

Re: Application of One Winnetka
OBJECTIONS OF CONNEY'S PHARMACY

The undersigned attorney represents Conney's Pharmacy, 736 E. Elm Street, Winnetka, Illinois in presenting to the Winnetka Plan Commission objections to the application for a Planned Development known as One Winnetka, at the SE corner of Elm St. and Lincoln Ave.

This memorandum consists of four parts:

PART I: Proposal is illegal as it relates to Conney's.

PART II: Comparison of aspects of One Winnetka with prior New Trier Partners approval.

PART III: Additional considerations.

PART IV: Conclusion

PART I

Proposal is Illegal as it Relates to Conney's

Exhibit A is a survey of Conney's property evidencing that Conney's property abuts Lincoln Avenue at its SW corner, affording access from Conney's rear yard to Lincoln. Exhibit B is an enlargement of the site to more clearly reflect Conney's border upon and access to and from Lincoln Avenue. Applicant's proposal requires Winnetka to vacate that portion of Lincoln Avenue (including the sidewalk, which is part of the right-of-way) abutting Conney's property and to permit Applicant to build thereon, which would entirely block Conney's access to and from Lincoln Avenue. Exhibit C is a plat from Applicant's Conceptual Proposal which shows the SW corner of Conney's property as abutting Lincoln Avenue; and Exhibit D is also from Applicant's Conceptual Proposal showing that its proposed building would occupy a large portion of Lincoln Avenue and completely surround and block off Conney's access thereto.

A. Illegality of Use of Lincoln Avenue for a Private Development. For Winnetka to comply with Applicant's requirement would be improper and illegal. A municipality has discretion to vacate streets and alleys, but such powers may be exercised only for a public, and not a private purpose. As stated by the Illinois Supreme Court:

"While the courts are limited in their authority under this statute they nevertheless retain the power to examine the record to see if any public use or interest is subserved in vacating a street or alley, and if it appears as a fact that the purported vacation is for a purely private purpose the ordinance will be declared void" [Emphasis added.] *Ray v. City of Chicago*, 169 NE 2d 73, 76 (IL S. Ct., 1960).

In another case, the Illinois Supreme Court has stated as follows:

"The streets and sidewalks of a city are held in trust by the municipality for the use of the public, for purposes of travel and as a means of access to and egress from property abutting thereon." [Emphasis added.] *City of Elmhurst v. Buettgen*, 68 NE 2d 278, 281 (IL S. Ct., 1946).

In the case of this application, it is an undeniable fact that the Applicant seeks to have Winnetka abandon a portion of Lincoln Avenue for the sole purpose of facilitating Applicant's private development, thereby depriving access to an abutting landowner. Accordingly, it is urging that the Village of Winnetka undertake an improper action, one which the Illinois Supreme Court has declared to be void.

Abandonment or other termination of a public easement in a street is a vacation thereof. See *People ex rel. Alexander* case cited below in PART I Section C2. This applies whether it's the entire street or a portion thereof. See statute cited below in PART I Section C1.

B. Conney's Right of Access to Lincoln Avenue. The right of access and use by a property owner to the abutting street and sidewalk is a well-established and valuable property right.

1. "The right of access of a property owner to the public streets adjoining his property is a valuable property right...." *Salem National Bank v. City of Salem*, 198 NE 2d 137, 140 (5th Dist., 1964).

2. "An abutting landowner has a right to make reasonable use of sidewalks and driveways for the ingress and egress from his property." *Repinski v. Jubilee Oil Co.*, 405 NE 2d 1383, 1389 (1st Dist., 1980).

3. "An abutting property owner has the right, for the convenience of his property, to make all proper and reasonable use of the sidewalk and street not inconsistent with the paramount right of the public." *City of Elmhurst v. Buettgen*, 68 NE 2d 278, 281 (IL S. Ct., 1946) [also cited above for another quote, same page].

Applicant's proposal requires the Village to cede to Applicant for its private use and construction a large portion of Lincoln Avenue which would thereby entirely remove Conney's access to Lincoln Avenue, which is its "valuable property right." Access by Conney's to Lincoln Avenue is vital to the conduct of its business for purposes, among others, of (a) receiving deliveries; (b) waste removal; and (c) fire and casualty safety for the owners, their employees and their customers. Applicant already owns a large tract for development without denying others their property rights by building upon Lincoln Avenue, which is held by Winnetka "in trust" for the public and adjacent property owners.

C. Residuary Title to Vacated Lincoln Avenue would belong to Conney's. Were any portion of Lincoln Avenue (including its sidewalk right-of-way) abandoned as a public way or otherwise vacated, title to that portion fronting Conney's lot line, to at least the center of Lincoln Avenue, would inure to Conney's, not to Applicant. Applicant would have no right to use or build upon it.

1. The applicable Illinois statute provides, in relevant part, as follows:

"Whenever any street or alley, or any part thereof, is vacated under or by virtue of any ordinance of any municipality, the title to the land included within the street or alley, or part thereof, so vacated vests in the then owners of the land abutting thereon, in the same proportions and to the same extent...as though the fee of the street or alley had been acquired by the owners as part of the land abutting on the street or alley." [Emphasis added.] 65 ILCS 5/11-91-2.

2. The Illinois Supreme Court, citing and construing the foregoing statute, stated as follows:

"In construing this statute we have held that where a public easement in a street is abandoned or otherwise terminated, title to the land on which the street was located, with all the incidents of ownership becomes absolute in adjacent lot owners." [Emphasis added.] *People ex rel. Alexander v. City of Mt. Vernon*, 88 NE 2d 45, 49 (IL S. Ct., 1949).

D. Summary of PART I. It has been clearly demonstrated that:

1. Conney's property abuts Lincoln Avenue.
2. Access by Conney's to Lincoln Avenue is a valuable property right which would be completely blocked under Applicant's proposal.
3. The Village of Winnetka cannot properly or lawfully approve the request of Applicant to devote a portion of Lincoln Avenue to facilitate a private development.

4. Should any part of Lincoln Avenue be abandoned, terminated or otherwise vacated, the portion thereof abutting Conney's lot line, through at least the center of the street, would vest in Conney's by law.

PART II
Comparison of Aspects of One Winnetka
with Prior New Trier Partners Approval

Six years ago, after lengthy hearings and many modifications, Winnetka granted Preliminary Approval to New Trier Partners (NTP) for a Planned Development on essentially the same site now owned by One Winnetka (OW), pursuant to Ordinance No. M-6-2009 dated April 21, 2009. It is illuminating to compare significant aspects of OW's proposal with what was then approved for NTP after careful deliberations, particularly as they relate to height and density.

	<u>NTP</u>	<u>OW</u>
1. Residential Units	31	120 (387% increase)
2. Commercial Space	35,300 sf	46,400 sf (31% increase)
3. Height in stories	4	7
4. Height in feet	48.5	83
5. "Big-Box" limitation *Additional details in PART III	9,500 sf*	Limitation exceeded
6. Vacation of a Village Street	None	Large swath of Lincoln Avenue

NTP was allowed some moderate increases over Village zoning standards in several respects. OW is seeking radical increases over Village zoning standards and an enormously more dense and massive project than in the case of the finally modified and approved NTP project.

PART III
Additional Considerations

A. On-Site Parking. Grossly inadequate on-site parking is provided for the 120 planned residential units, only 159 or 1.33 per unit (as compared to 2.25 per unit required). The remainder of the on-site parking (45) is reserved for commercial employees, which also is patently inadequate. None is provided for customers of 46,400 sf of retail. Additional parking is planned for two levels under Lincoln Avenue (a Village right-of-way), called "commuter and retail parking." Existing public street parking will be reduced due to the relocation and use of Lincoln Avenue.

An analysis of the parking proposal reveals that Applicant seeks to count existing street parking and the existing Village parking lot to the east to help bolster its inadequacies. But those parking places already serve the existing business community.

All of the above will have a severe adverse impact on the existing businesses on Elm and on Lincoln north of Elm, as well as the nearby residential community beyond. Street parking for existing businesses will be inadequate and/or parking will be pushed over onto residential streets. Parking on commercial and residential streets will be impacted by inadequate on-site parking for One Winnetka residents, its commercial customers and its commercial employees. Fees for commuter parking will deter customers and overflow employees so as to quickly fill available street parking otherwise serving existing businesses. Safety is also a serious concern for off-site, underground, multi-level parking lots, and many people are deterred from using such remote facilities.

Applicant's report contends that because the development is near a train station, residents are less likely to own cars (so-called Transit-Oriented Development). Is work the only reason people own and use cars? 72 residential units out of the 120 proposed (60%) will be 2- or 3-bedroom units. It is not likely that they will be restricted to no cars at all, or even one car. Even if one resident works in downtown Chicago and takes the train on week-days, the other resident (and/or their children) will have uses for a car. And even the worker will have use for a car on week-ends and holidays. And if he/she does not work near the train line, he/she will have to drive to work or to other transportation. Should the existing business and residential communities be asked to risk their businesses and the quiet enjoyment of their homes based on such far-fetched speculation? Applicant's own parking report (conducted a year ago) shows (P-29) a parking survey covering several blocks from the development site in all directions. It is an unintended but dramatic confirmation of the serious and wide-spread impact which the proposed development will foist upon a large surrounding area, both commercial and residential. Winnetka should not consider a development which so obviously will wreak havoc upon its existing business community, and adversely impact a large residential community.

B. "Big-Box" Limitation. So-called "big-box" stores place additional strains and burdens on traffic and parking. The Village of Winnetka recognized this when it placed a limitation on the size of any individual store as part of the NTP Preliminary Approval Ordinance. The maximum size of any single store was set at 9,500 sq. ft. for at least two years. Thereafter, should NTP have desired to create any larger store, it would be deemed an amendment to the planned development and would require new zoning hearings and discretionary Village approval, and then only if certain conditions were met. A copy of the relevant Condition of that Ordinance (Sec. 6H) is attached as Exhibit E.

OW's proposal contains two "big-box" spaces, 13,980 sf on the first floor, and 13,650 sf on the second floor. These are each almost 150% above the maximum size which the Village deemed acceptable in the previous Ordinance for the same location. Such "big-box" spaces would further exacerbate the adverse parking and traffic conditions mentioned above.

C. Reliability of Applicant's Reports. It should be noted that the traffic and parking reports submitted by Applicant are almost a year old. Some assumptions clearly strain credibility. The Parking Report not only relies on a "no-car" assumption for residential units near a commuter train station (as noted above). It also suggests possible "car-sharing" as a factor to ameliorate the dearth of adequate parking (another admission). It further assumes that the goals and features of Transit-Oriented Development, which may be appropriate for some neighborhoods and communities, really fit the needs and circumstances and character of the Village of Winnetka. Those are not tenable assumptions.

The Village should obtain a current and independent parking and traffic report at Applicant's cost in order to verify and bring up to date the data and conclusions and assumptions made by Applicant's consultants. The same is true with respect to verifying the financial assumptions submitted by Applicant. Unbiased data and evaluations are called for.

D. Tenants. Applicant undoubtedly has procured prospective commercial tenants, either by Leases or by Letters of Intent. The Village authorities should require Applicant to submit and make public a list of such prospective tenants and what spaces they will occupy. That should help to assist in the verification of financial assumptions, and disclose vital information about the viability and desirability of the project.

PART IV Conclusion

PARTS II AND III of this Memorandum have raised issues in opposition to the One Winnetka Plan on behalf of Conney's as a member of the general business community in the vicinity of the proposed development. Its business will be severely impacted by the density and massiveness of the development and the traffic and parking problems it brings. So will the business community in general (of which Conney's is a part). Its surrounding residential neighbors for some distance will also be adversely impacted.

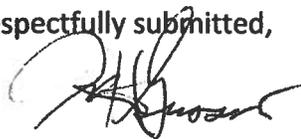
PART I of this Memorandum raises legal issues concerning the individual rights of Conney's as an abutting landowner on Lincoln Avenue having access thereto as a valuable and useful property right. It also maintains that Applicant is urging the Village to do an improper and unlawful act by devoting a portion of Lincoln Avenue for a private development, and has cited an Illinois Supreme Court case to that effect. Finally, it shows that were any portion of

ZAVE H. GUSSIN

Lincoln Avenue to be abandoned or otherwise vacated, title to the part thereof fronting on Conney's property, to at least the middle of the street, would vest absolutely in Conney's. This Memorandum cites the relevant Illinois statute on that subject, together with an Illinois Supreme Court decision construing same in accordance with this Memorandum.

Since Applicant's proposal cannot be sustained as a matter of law, it will save Village resources if the Application is denied out of hand. Applicant would have the right, if it so desired, to submit an alternate plan which does not violate the rights of adjacent landowners, and does not violate the law by seeking to use a Village right-of-way for its private use and development.

Respectfully submitted,



Zave H. Gussin
Attorney for Conney's Pharmacy
E-Mail: zgussinattorney@sbcglobal.net

1425 Brummel St.
Elk Grove Village, IL 60007

TOPOGRAPHICAL-ALTA/CMS-BOUNDARY-SUBDIVISIONS-MORTGAGE-CONDOMINIUM

Phone: (847) 734-0530
Fax: (847) 734-0533



Scale - 1 inch = 20 feet

Jens K. Doe
Professional Land Surveyors, P.C.

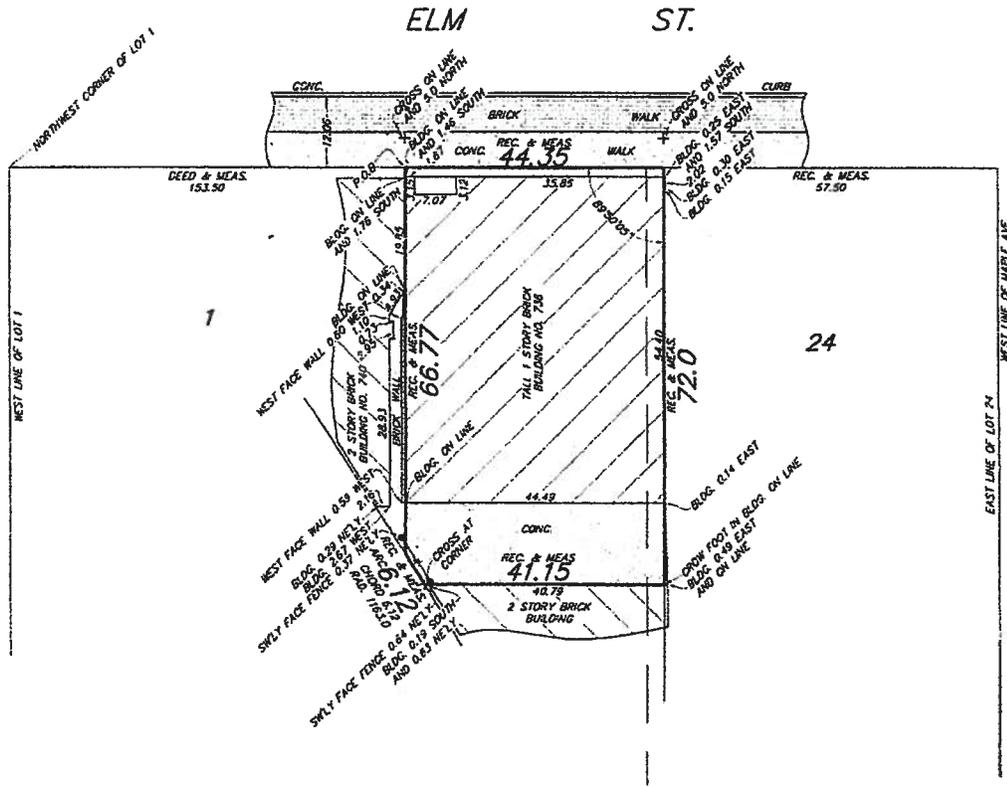
ORDER NO.
07-0812

PLAT OF SURVEY

of
THAT PART OF LOT 1 IN PROUTY HOMESTEAD SUBDIVISION OF ALL OF BLOCKS 24 AND 25 LYING NORTHEASTERLY OF THE RIGHT OF WAY OF THE CHICAGO AND MILWAUKEE ELECTRIC RAILROAD (EXCEPT THE NORTH 211 FEET OF SAID BLOCK 24) ALSO THE WEST 3 FEET OF THE NORTH 211 FEET OF SAID LOT 24, ALL IN WINNETKA, A SUBDIVISION BY CHARLES E. PECK OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF SAID LOT 1 153.50 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 1, THENCE EAST ALONG THE NORTH LINE OF SAID LOT 1 44.35 FEET, THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID LOT 1 72 FEET, THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID LOT 1 41.15 FEET TO THE INTERSECTION OF A CURVED LINE CONVEX NORTHEASTERLY WITH A RADIUS OF 1.163 FEET, THENCE NORTHWESTERLY ALONG SAID CURVED LINE 6.12 FEET AS MEASURED ALONG THE CHORD TO ITS INTERSECTION WITH A LINE DRAWN PARALLEL WITH THE EAST LINE OF SAID LOT FROM A POINT IN THE NORTH LINE OF SAID LOT 153.50 FEET EAST OF NORTHWEST CORNER THEREOF, THENCE NORTH ALONG SAID PARALLEL LINE TO THE PLACE OF BEGINNING IN COOK COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 736 ELM ST., WINNETKA, IL



NOTE:
The legal description noted on this plat is a copy of the Land survey order
faced by the client and for accuracy MUST be compared with the Deed
For building restrictions refer to your Abstract, Deed or Contract.
Compare distances between points before building and
report any discrepancy to this office immediately.
Distances shown herein are not to be assumed or tested
Dimensions shown herein are in feet and decimal parts thereof.

Field work completion date : August 23, 2007.
ORDERED BY:
BERLIN & BRAUDE

State of Illinois)
County of Cook)

JENS K. DOE PROFESSIONAL LAND SURVEYORS, P.C., does hereby certify that a survey has been made under its
direction, by an Illinois Professional Land Surveyor of the property described hereon and that the plat hereon drawn is a
correct representation of said survey.

Chicago, Illinois, Dated this 30th Day of August, 2007.

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

JENS K. DOE PROFESSIONAL
LAND SURVEYORS, P.C.

Dominick M. Blaznick
DOMINICK M. BLAZNICK
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3390
LICENSE EXPIRATION : 11 - 30 - 08

EXHIBIT A - CONNEY'S PROPERTY

ELM

ST.

WEST CORNER OF LOT 1

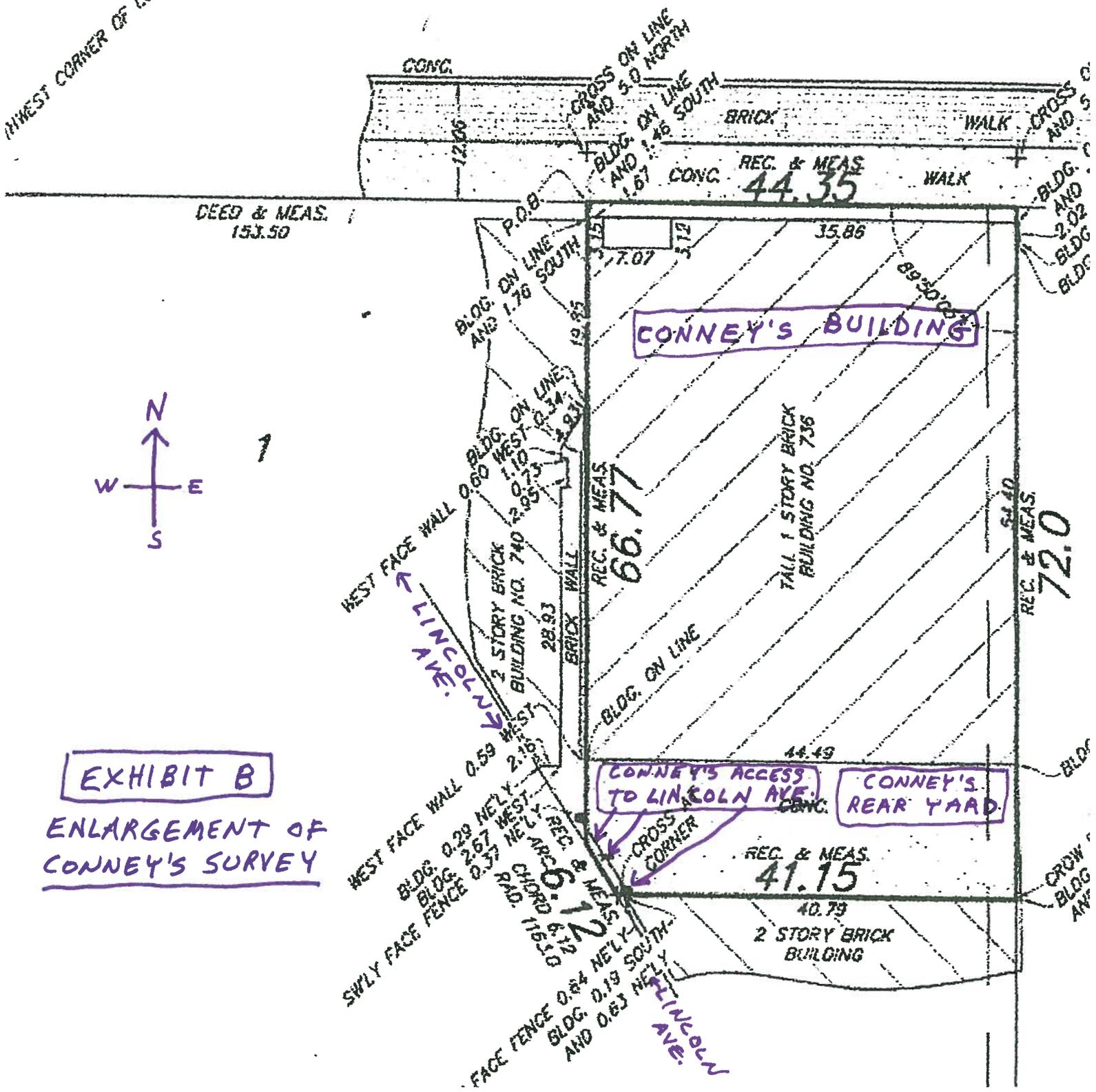
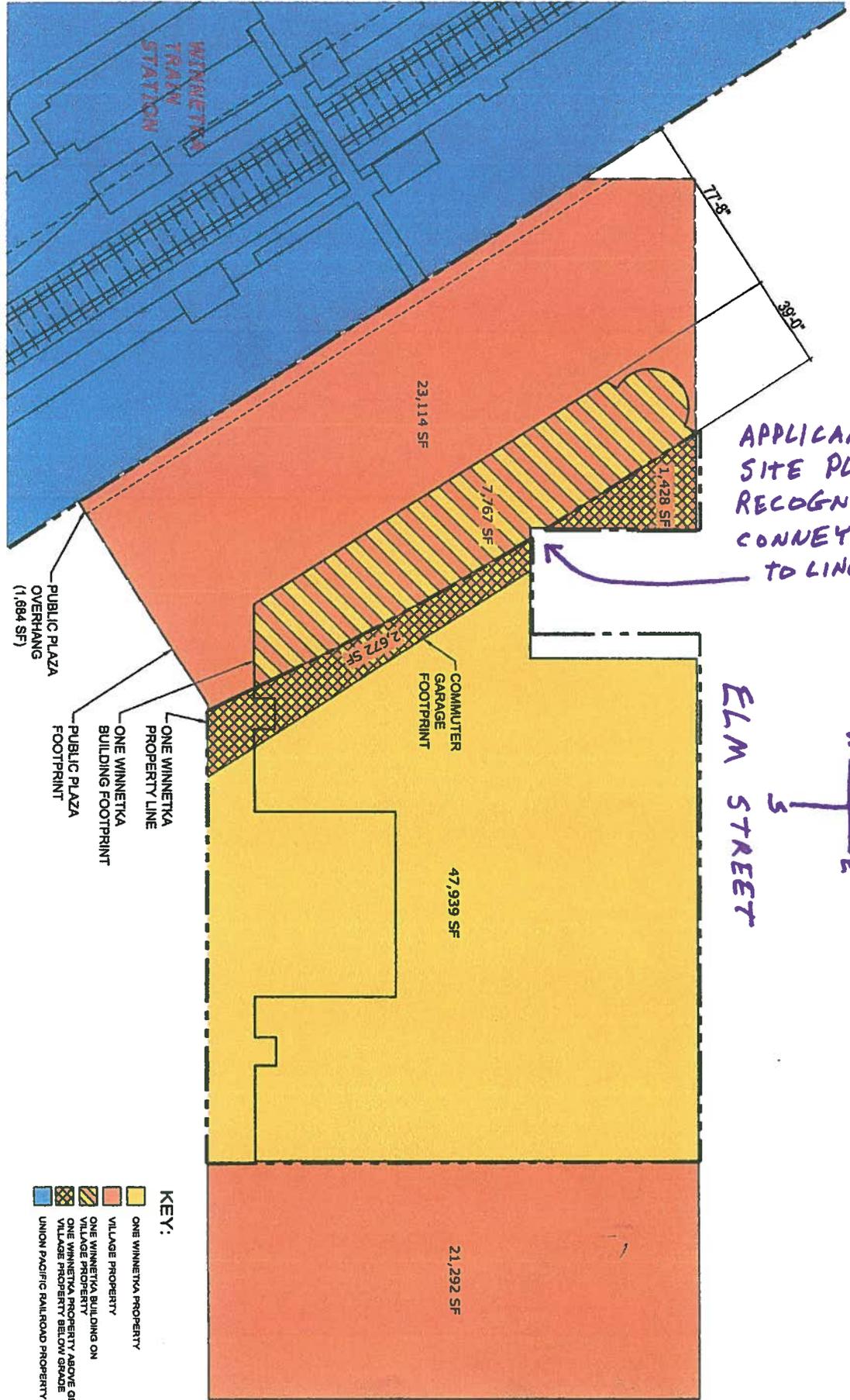


EXHIBIT B

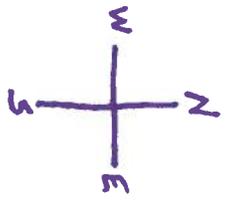
ENLARGEMENT OF CONNEY'S SURVEY

PROPERTY OWNERSHIP DIAGRAM
CONCEPTUAL



APPLICANT'S SITE PLAN RECOGNIZING CONNEY'S ACCESS TO LINCOLN AVE.

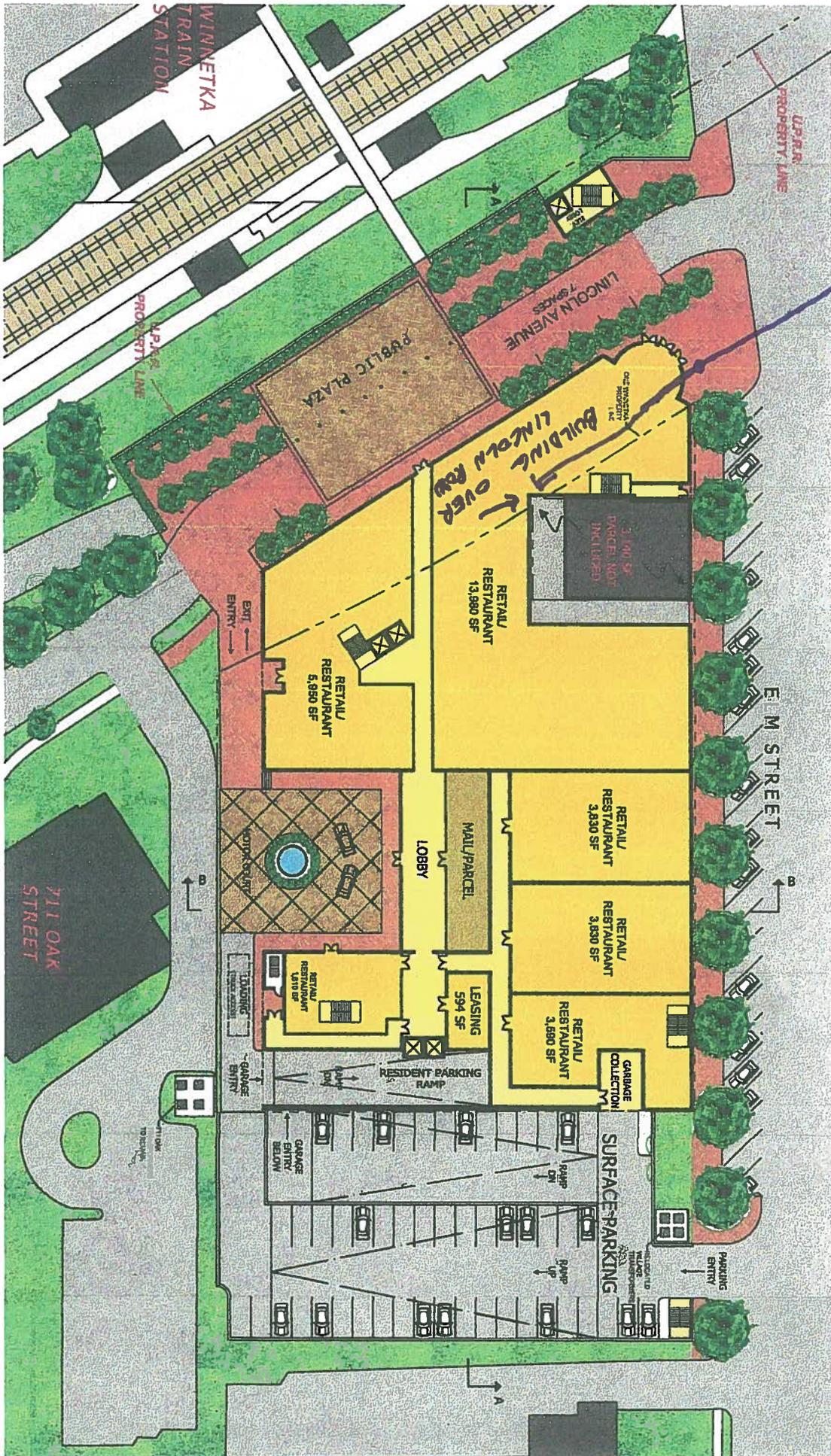
ELM STREET



- KEY:**
- ONE WINNETKA PROPERTY
 - VILLAGE PROPERTY
 - ONE WINNETKA BUILDING ON VILLAGE PROPERTY
 - ONE WINNETKA PROPERTY ABOVE GRADE
 - VILLAGE PROPERTY BELOW GRADE
 - UNION PACIFIC RAILROAD PROPERTY

EXHIBIT C

GROUND FLOOR PLAN
CONCEPTUAL



APPLICANT'S SITE PLAN SHOWING ACCESS TO LINCOLN AVE. BLOCKED AND SURROUNDED BY BUILDING



EXHIBIT D

H. First Floor Commercial Space. The first floor shall be developed in substantial conformity with the first floor site plan depicted in the Approved Preliminary Plans, subject to the following conditions:

1. Any reconfiguration of space that is made at any time prior to two years from the date of the issuance of the first certificate of occupancy for commercial space and that results in a retail space in excess of 9,500 square feet shall be considered an amendment to the planned development and shall be subject to approval by the Village Council pursuant to Section 17.58.120 (C) of the Zoning Ordinance. The Developer shall be entitled to approval of the change if the Village Council, in the sole and exclusive exercise of its discretion, finds and determines that all of the following conditions have been met:
 - a. that the proposed use of the reconfigured space meets a demonstrated community need in the East and West Elm Commercial Districts; and
 - b. that the Developer has exercised due diligence in attempting to lease the space in a conforming configuration, but has been unable to obtain a tenant that will agree to occupy the approved space within two years after the issuance of any certificate of occupancy for the first floor space.
 2. Except as provided in the foregoing paragraph 1, changes in the locations of internal demising walls and partitions shall not be considered an amendment or change to the to the Approved Preliminary Plans or to final plans that are otherwise in substantial conformity with the Approved Preliminary Plans under Section 17.58.120 of the Zoning Ordinance.
 3. Except as provided in this Section 6.H, all amendments to the final, approved plans shall be subject to Section 17.58.120 of the Zoning Ordinance.
-

April 21, 2009

- 38 -

M-6-2009

EXHIBIT E

"BIG BOX" LIMITATION IN WINNETKA
PRELIMINARY APPROVAL ORDINANCE
FOR NEW TRIER PARTNERS

From: [Gwen Trindl](#)
To: [Brian Norkus](#)
Subject: Exhausted?
Date: Thursday, April 09, 2015 11:15:28 AM

Am I still correct that a PUD must demonstrate a particular good or unique benefit (without cost?) to the Village before it can be approved? (That was the question I wanted to ask last night)

It does not appear that this project offers one, with the possible exception of a part of the cost of constructing the village portion of the below level parking? The recommended changes and costs to the east village parking lot are ours.

Building the plaza? Gratuitously providing us with their plan for the west side of the village bus. dist. including the PO (Which we didn't ask for) ?

I must have missed something.. ?

Thank you for setting me straight.... Gwen

Planning Commission



My name is Tom McClayton and with my wife and son I have lived in Winnetka for 21 years, and in New Trier Township since 1989. I have been in the commercial real estate business for over 35 years. With that background I am here to speak in support of the proposed development plan at the corner of Elm and Lincoln. Having grown up in Park Ridge, I have seen how high end, mixed-use properties in the downtown district can transform a village into vibrant hub. Currently there are very few high end options for empty-nesters plus future empty-nesters in Winnetka. A luxury apartment building is what Winnetka needs to retain its residents who want to downsize.

I understand that the proposed height of the property has created some discussion. From my point of view, the 6+7 story buildings will afford its occupants with outstanding views of the lake and downtown Chicago. A top of a line complex with excellent views will give our residents an outstanding luxury option.

The proposed design by a renowned architect should complement and enhance the current styles of architecture that make Winnetka so interesting.

As proposed, One Winnetka will add a high-end residential alternative and will significantly improve the charm and vibrancy of our Village. In the real estate business, height, views and quality design are all associated with luxury. I recommend the project as proposed.

Thomas R. McClayton
8 Indian Hill Road
Winnetka, IL

T H O M A S N O R M A N R A J K O V I C H

A R C H I T E C T, L t d.

The One Winnetka Planned Development, as currently designed, would be detrimental to Winnetka property values and would harm the cohesive visual character on which the Village's reputation is based.

I am a practicing architect, educator and resident of Winnetka. Over the past 28 years, I have taught architecture and urban design as a visiting faculty member at a number of universities including the University of Notre Dame, the University of Illinois at Chicago, the School of the Art Institute and the University of Maryland, as well as serving as a design review critic at Yale University. At the same time, I have conducted a practice that has concentrated on projects on Chicago's historic North Shore, as well in Chicago and as far away as northern Minnesota and Virginia horse country.

The village character of Winnetka is well-established – both in its central area plan by Edward Bennett (Daniel Burnham's partner on the Plan of Chicago of 1909 and also the urban design consultant to Howard Van Doren Shaw for Lake Forest's nationally acclaimed Market Square), and in the surrounding residential neighborhood districts.

The scale, density and height of buildings in any given city, town or village should be designed proportionate to the size of the primary commercial district(s) and surrounding residential neighborhoods. Edward Bennett recognized this and created a vastly different urban plan for Winnetka than his Plan of Chicago. The plans' genius, in each case, were how they helped beneficially shape and order future growth, guiding speculative development to avoid profit-driven excess that could mar the beauty and function of place.

The capacity of streets and other infrastructure were designed to meet the demands of the desired long-term density. One cannot "widen" Elm Street to accommodate a dramatically increased traffic pattern. The importance of considering fixed dimension infrastructure when evaluating increased density is evident in Evanston, where gridlock has overtaken the City during morning and evening driving hours as a result of new development projects, which are larger than the historic street pattern and scale could handle.

While towns and cities grow over time, single-family residential districts, especially in well-established historic places, generally are protected. It is rare in a village like Winnetka for a municipality to retake, by eminent domain, residential land for municipal purposes. Consequently, the bounded areas of commercial property remain relatively static as a percentage of overall land use distribution. The scale of the structures that constitute those commercial areas therefore must remain managed by municipal codes to assure appropriate growth rather than unchecked speculation that includes excessive scale or density.

518-526 Davis Street, Suite 206 Evanston Illinois 60201

Telephone 847-332-2782 Email: tnr@tnr-arch.com Website: www.tnr-arch.com

What does this mean relative to the proposed project? The adjoining residential neighborhoods will likely never be rezoned and redeveloped as multi-family residential, mixed use. The existing retail space in Winnetka, with a very affluent consumer base living within walking distance, still has spot vacancies. Adding additional residential population in a transit-oriented development does not assure additional local shopping. In fact, transit-oriented development residents typically shop where they work at their commuter rail destination (Chicago) where the offerings are the most varied. In Evanston, chain retailers moved into the large scale new developments, only to fail to meet sales quotas for location. The retailer turnover level in Evanston should be a powerful warning about empty storefronts beneath large blocks of residential accommodations.

Without hesitation, however, the single greatest problem with the proposed development is the objectively excessive scale and massing of the residential towers. While seven stories might be an average height in River North in Chicago or even Evanston or Oak Park, Winnetka's beautiful business districts (both Elm Street and Hubbard Woods) are marked exclusively by buildings which are two and three stories tall, with a few rare examples of buildings with four floors (the top floor in a dormered roof). Those structures establish the very sense of place which Winnetkans identify as their village.

In a village ensemble of buildings, it is important to assure that those buildings of shared, collective purpose – houses of worship, the Village Hall, the Community Center – are the buildings whose crowning elements shape the skyline. They should be the tallest, most prominent elements. This is precisely because they represent “the common good”, which is the hallmark of great towns and cities. To allow a private residence to dominate the skyline by virtue of its massing and height is inappropriate.

Private structures, including residences – both multi-family and single family – have long been limited in their maximum height by zoning laws for precisely this reason. If left unregulated, there would be a race for the tallest and most dense land usage. To allow this height on this parcel would be to create a clear legal precedent to which anyone could turn to argue for a variance. Beyond the immediate impact of this project, it would pave the way for commercial and residential speculation of similarly inappropriate height and scale. A variance for this project will encourage future zoning variance demands that would be difficult to deny if a petitioner had legal recourse to precedent as remedy.

Further, the height has another particularly negative consequential effect. The value of adjoining commercial properties will diminish, not increase, as their scale is rendered trivial including the structures in the shadow of the proposed buildings. Suddenly, the value will be “in the land” because taller structures yield more revenue per square foot of footprint. The essential character of Winnetka – which character is one of the leading reasons residents choose the community as their home – will be harmfully impacted.

Two and three story buildings look like Disney toys when a towering residential block is suddenly built adjacent to them. The clear proof of this is, again, in Evanston, where taller residential projects (by this I mean those structures at least twice as tall as the existing historic context) have made visual mockery of more modest scale buildings which served the community perfectly well for a century. Those structures, though beautifully built of exceptional materials and craftsmanship, are then often lost to demolition as real estate competition escalates.

Any thinking person can see past the argument that shadow patterns and wind patterns will not be significantly affected by the proposal. Nothing more need be said than that a seven story or five story building casts long shadows and channels wind dramatically differently than a three or four story structure.

The fact that the Elm Street site is also on a significant rise above the residential district and Village Green Park to the east will dramatically exacerbate the problem. Seven stories as measured at Lincoln Street will visually appear as nine or ten stories as seen from Maple and east.

What is missing in the petitioner's documentation of this design? There are no true and accurate street level renderings of the structure. The perspective views are taken from a vantage point just above the roof of the buildings to the north (which buildings are also conveniently graphically omitted to avoid an understanding of the comparative visual impact of the height. These drawings are devices to imply a less problematic building by effectively withholding information that hurts the developer's case.

Plain and simple, a seven story building is three and a half times the height of the existing structure on that site and the adjoining sites to the north on Elm. That IS a tall building in that context, regardless of the developer's assertions that a seven story building isn't really all that tall. That assertion willfully ignores the fact that characterizations like "tall" or "short", "thick" or "thin" are comparative and need a baseline to mean anything. In an imaginary civilization in which the average height of a male is 5', someone who was 17'-6" tall would be considered a "freak" worthy of the Guinness Book of World Records. It doesn't matter if somewhere else, far away, the typical height for a male is 17' or 30'. Dressing that 17'-6" tall person in a (French Ecole des Beaux Art style) costume would be woefully insufficient to make him look like "one of the locals" in that community of 5 footers.

The renderings should have included accurate photomontages done in Photoshop and AutoCAD that depict the view across the submerged Metra tracks as seen from the steps of the Village Hall and also as seen looking north along the face of the building toward the Lincoln Street shopping district. Then anyone looking at this project would easily recognize how excessively tall it is. Those images are missing precisely because they would be a powerful visual refutation to the project and the assertion that it would be an acceptable addition to the community. No good salesman ever tells you about the problems of their product, so Winnetka residents must look (and speak) for themselves.

Prince Charles, who has guided new development in the Duchy of Cornwall in England (in villages whose character are the model for the character of Winnetka), and is a proponent of sensible, sensitive growth and economic development said in an address to British architects:

"Scale is also key. Not only should buildings relate to human proportions, they should correspond to the scale of the other buildings and elements around them. Too many of our towns have been spoiled by casually placed, oversized buildings of little distinction that carry no civic meaning."

Scale is perhaps the single most critical factor influencing the ability of any new development to fit seamlessly into a well-designed historic setting. The scale and height of this proposal are profoundly problematic and pose the risk of permanently altering the character of the Village in the wrong way.

(4)

Notwithstanding these criticisms, there is a path forward which could represent a beneficial compromise. The design could be reworked to lower the tallest portions to five stories, fully inclusive of a mansard roof component, and, if necessary for the financial feasibility of the project, an additional multi-floor residential block added within the overall footprint to regain the units lost when the height was lowered.

Make no mistake: a series of five story structures in that location, with the aforementioned grade change along Elm would still be a project that is taller than good urban design practice and respect for the historic context would suggest. The easternmost portion of the structure should be limited to four stories inclusive of the mansard roof, as it will be the first portion encountered for all those approaching from the lower grade east on Elm.

The materials must also be authentic and truly durable, not ersatz. The copper roof must be copper, not copper-colored aluminum and the walls should be constructed of brick masonry and limestone, not cast stone. The Village is marked by a high standard of materials (including true half timbering and masonry bearing wall construction) and thin veneer construction and faux metal roofing would immediately be visually apparent and harm adjacent property values. No one wants to own the home next to a shopping mall or apartment complex built of cheap materials that soon begin to age badly.

The prospect of creating a vibrant new building in that part of the Village is desirable. We hope the developer and his team will work constructively and cooperatively to revise the project into a design solution that works architecturally within this sensitive, beautiful historic setting at a height and scale that will earn the project our collective support. It's possible, but it will take a thoughtful and sincere effort that takes the Village, its residents and its character into account and thereby preserves property values and the quality of life already present in our public spaces.

From: [McGee Charlotte](#)
To: [OneWinnetka](#)
Subject: Elm Street Proposal
Date: Wednesday, April 08, 2015 8:33:34 PM

I have lived in Winnetka for 20 plus wonderful years. It is a very special place. I do believe that it needs some development. However, OneWinnetka is simply WAY TOO BIG for this town. I would vote to support no more than 4 stories. In addition, what we really need are condos for empty nesters to move into, not rental small rental units

Thank you for listening.

Charlotte McGee
[REDACTED] Rosewood Ave.
Winnetka, IL

From: [Frank Petrek](#)
To: [OneWinnetka](#)
Cc: [Frank Petrek](#)
Subject: Objection to Plan Commission Draft Minutes March 25 2015 Meeting
Date: Wednesday, April 08, 2015 6:27:23 PM

To: Village of Winnetka Plan Commission
Re: Objections to Draft Minutes of March 25 2015 Plan Commission Meeting
Case Number 15-10-PD

Plan Commission:

I object to the draft minutes of the March 25, 2015 Plan Commission Meeting for the following reasons:

1. The draft minutes omit a statement by George V. Kisiel AIA, one of the witnesses for the Stonestreet Developer made at the meeting during his testimony under oath. Specifically, Mr. Kisiel stated at approximately 8:15 p.m.: "Recent changes to Zoning ordinances did away with density standards to allow this construction [of 120 units]. This statement should be included in the minutes at page 9 as the first sentence to the second complete paragraph. The statement omitted was made immediately before the witnesses' statement regarding the "current document is the Winnetka 2020 Plan. ."
2. The draft minutes omit from the summary of the second testimony offered by George VI Kisiel, at approximately 9:00 p.m. the word "slightly" before the word "taller" when he referenced the "larger slightly taller portion . . ." referring to the 83 foot hight of the tallest portion of the proposed development which is nearly twice the maximum hight allowed and nearly twice as high as any multi residential building in Winnetka. This omission occurs on page 14, paragraph two, line 1 of the draft minutes.

The first omission, in particular is a significant admission by an agent of the developer who was introduced and offered as an expert on the applicable zoning variances requested. This statement related to the subject of density.

Thank you for your consideration,
Frank R. Petrek, Jr.
Interested Party of Record
711 Oak Street
Winnetka, IL 60093