

**MINUTES  
WINNETKA VILLAGE COUNCIL  
REGULAR MEETING  
December 19, 2017**

(Approved: January 16, 2018)

A record of a legally convened regular meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, December 19, 2017, at 7:00 p.m.

- 1) Call to Order. President Rintz called the meeting to order at 7:00 p.m. Present: Trustees Andrew Cripe, Robert Dearborn, Penfield Lanphier, Scott Myers, and John Swierk. Absent: Trustee Kristin Ziv. Also present: Village Manager Robert Bahan, Assistant Village Manager Megan Pierce, Village Attorney Peter M. Friedman, Community Development Director David Schoon, and approximately 40 persons in the audience.
- 2) Pledge of Allegiance. Trustee Cripe led the group in the Pledge of Allegiance.
- 3) Quorum.
  - a) January 2, 2018 Regular Meeting. All of the Council members present except President Rintz said they expect to attend.
  - b) January 9, 2018 Study Session. All of the Council members present said they expect to attend.
  - c) January 16, 2018 Regular Meeting. All of the Council members present said they expect to attend.
- 4) Public Comment. None.
- 5) Reports:
  - a) Trustees. None.
  - b) Attorney. None.
  - c) Manager. None.
  - d) Village President. President Rintz said he had recently met with the Board Presidents of the Winnetka Park District, School District 213, and a representative from School District 36 for a quarterly informational meeting.
- 6) Approval of the Agenda. Trustee Lanphier asked that item 7(g) be removed from the Consent Agenda for discussion under New Business. Trustee Myers, seconded by Trustee Cripe, moved to approve the Agenda. By voice vote, the motion carried.
- 7) Consent Agenda
  - a) Village Council Minutes.
    - i) December 5, 2017 Regular Meeting.
  - b) Approval of Warrant List dated December 1-14, 2017 in the amount of \$1,367,589.31.

- c) Ordinance No. M-15-2017: Authorizing the Disposition of Surplus Personal Property Owned by the Village of Winnetka (Adoption). An authorization to dispose of surplus personal property owned by the Village of Winnetka.
- d) Resolution No. R-79-2017: Appointing the Village Treasurer (Adoption). Appointing Timothy J. Sloth as Village Treasurer.
- e) Resolution No. R-80-2017: Multi-Year Material Testing Services Contract (Adoption). Approval of a multi-year contract with Rubino Engineering Inc. to perform material testing services for an annual budgeted amount of \$24,000, with a maximum term of five years, for a total amount not to exceed \$120,000.
- f) Resolution No. R-81-2017: Purchase of Refuse Scooters (Adoption). Awarding a purchase order to Russo Power Equipment in the amount of \$81,560.70, for the purchase of three new 2017 Kubota RTX-X1100CWL-H scooters, refuse dump bodies, and three sets of replacement tires per scooter.
- g) Resolution No. R-82-2017: Commercial District Floral Program (Adoption). This item was removed from the Consent Agenda for discussion under New Business.
- h) Resolutions No. R-83-2017 and R-84-2017 Establishing Department Head & Manager Salaries (Adoption). Resolutions approving and establishing salaries of the Department Heads and Village Manager.

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

8) Ordinances and Resolutions.

- a) Resolution No. R-85-2017: Acknowledging a Successor Owner and Operator For The Special Use Permit For 549 Lincoln Avenue (Adoption). President Rintz explained that in 2015, a Special Use Permit was approved at 549 Lincoln Avenue to allow a yoga studio, Yogi Barre, in the Overlay District. He noted that the owner of Yogi Barre had retired, and another potential operator expressed interest in taking over the space and providing identical services. The original intent had been to have the new owner go through the Special Use Permit approval process, which would take several months; however, upon reflection, President Rintz felt that making the new business wait 60-90 days before being able to open was contrary to the Village's intent to welcome new businesses. Since the Village Code allows the Council to appoint a successor permit holder, the matter was scheduled for Council consideration.

Attorney Friedman explained that all of the terms and conditions of the original Special Use Permit would apply to the new owner, so nothing in the original permit is being modified.

Dan Burns, Hoffman Real Estate. Mr. Burns read a letter from the applicant, who was not able to attend the meeting, which described AIR Aerial Fitness as a boutique fitness studio that also houses a retail component. The new business is virtually identical to the former Yogi Barre.

Trustee Cripe commented that since the use is not changing, he saw no reason to deny the new owner's application to assume the current Special Use Permit.

There being no public or further Council comment, Trustee Swierk, seconded by Trustee Myers, moved to approve Resolution No. R-85-2017. By roll call vote, the motion carried. Ayes: Trustees Cripe, Dearborn, Lanphier, Myers, and Swierk. Nays: None. Absent: Trustee Ziv.

9) Old Business. None.

10) New Business.

- a) Consideration of One Winnetka Planned Development Revisions. President Rintz explained that the issue before the Council is to determine a process for the consideration of modifications to the One Winnetka planned development. He noted that the Council is not here to reopen the approval process in total – unless it deems doing so is necessary. The Village Attorney and Community Development Director will lay out the available options, and the Council will deliberate and formulate its policy. He explained that public comment should stick to the topic at hand, which is the deliberation of a process concept for the considering the proposed revisions to the One Winnetka development.

Mr. Schoon gave a presentation of the proposed revisions to One Winnetka, noting that the developer proposes moving the structure 40 feet to the east. Under the preliminary plan, a portion of the Lincoln Avenue right-of-way was to be used for placement of the structure; under the revised final plan, that would no longer be required. Instead, a portion of the Village parking lot to the east of the building is being requested in order to move the building to the east.

President Rintz expressed surprise that the building is being moved 40 feet, as he had thought the amount was much lower.

Mr. Schoon explained the developer and staff need the Council's direction on how to proceed with a review of the revised application. He outlined three potential courses of action for the Council to consider: (i) keep the review of the revisions and public discussion could remain at the Council level; (ii) send the proposal back through the preliminary approval process again, and then on to the final approval stage; or (iii) refer the proposed final plan revisions to the advisory bodies for their recommendations and findings.

Attorney Friedman explained that Village Code provision 17.58.100(f) gives the Council authority to grant, deny or modify the proposed final plan; or to return the matter to the advisory bodies for their consideration and recommendations. He noted that since the Code does not specify what the advisory board findings should be, the Council has discretion to define the scope of any advisory body's consideration and findings.

The Council asked a few questions, and it was pointed out that the plans lacked clarity. President Rintz asked the developer to present the requested changes.

The developer, David Trandel, Managing Partner, SB One Winnetka, LLC, explained that he is seeking a process to answer the community's questions and gain support of the Village. He said the proposed changes would move the building 40 feet to the east, which would free up space on Lincoln Avenue for a sidewalk restaurant and special

events. He noted that the expense of the original plan's three garages had been underestimated and in order to get financing, he must trim costs. He confirmed that if the requested changes are approved he would be able to get a construction loan.

President Rintz called for audience comments, asking those in attendance to keep their remarks pertaining to what they wish to see in terms of an approval process for the proposed plan changes.

Joann Jayhant, Winnetka. Ms. Jayhant said she would like the project to come to fruition as soon as possible.

Tom Kehoe, Zoning Board member. Mr. Kehoe said he would like to know what constitutes a substantial change.

Katie Stevens, Winnetka. Ms. Stevens said the revisions need to go back to the advisory bodies for review.

Susie Lyman, Winnetka. Ms. Lyman said she has faith in the Village's advisory boards.

Vickie Apatoff, 730 Ardsley. Ms. Apatoff said it would be beneficial to have a thorough process, which means sending the revisions to the advisory boards.

Frank Petrek, 711 Oak Street. Mr. Petrek said the changes are substantive and seem to require more information.

Mark Madigan, 1250 Lindenwood Drive. Mr. Madigan said public hearings take too long, and action needs to be taken quickly.

Barbara Aquilino, 546 Elm Street. Ms. Aquilino asked if the Village can get confirmation that there are financial resources to get the project completed.

Rocky Flintermann, President of the Winnetka-Northfield Chamber of Commerce. Mr. Flintermann asked a question about the proposed changes.

Irene Smith, Winnetka. Ms. Smith urged the Council to send the proposed changes back to the advisory boards for their due diligence.

Nan Greenough, 500 Maple Street. Ms. Greenough said the Planned Development Ordinance requires sending the modifications back to the advisory boards.

Wally Greenough, 500 Maple Street. Mr. Greenough urged the Council to use its discretion to deny the requested changes immediately.

Michael Levitan, Cedar Street. Mr. Levitan agreed with Mr. Greenough, as the changes are too significant.

Bob Wisniak, 699-701 Elm Street. Mr. Wisniak said he would be interested in learning more details about the parking lot exit and parking garage.

Mitra Ryndak, owner of Café Aroma. Ms. Ryndak said the process is taking too long and urged the Village to move quickly.

Jeffrey Bird, architect formerly working on One Winnetka. Mr. Bird posited that Winnetka's Planned Development Ordinance is inadequate and that in Chicago this type of change would be approved administratively.

Louise Holland, Board Chair of the Hadley Institute. Ms. Holland pointed out that the requested revisions put a lot of pressure on the Hadley building and urged the Council to follow a full approval process.

Mark Hecht, Winnetka. Mr. Hecht agreed with previous speakers that the revisions should be denied outright, as they are too substantial.

Terry Dason, Director of the Winnetka-Northfield Chamber of Commerce. Ms. Dason recommended streamlining the approval process for the revisions, and she urged the Council to keep in mind what Mr. Trandel is trying to bring to Winnetka.

Jack Ross, 711 Oak Street. Mr. Ross was in favor of having the advisory boards review the changes, as he thought they they were substantial.

Attorney Friedman said he could not recall an instance where a municipality did not publicly review changes to a planned development, and he had never heard of an administrative approval, even in Chicago. He explained that Section 17.58.120(B) of the Village Code defines a substantial change to a planned development as follows: “Changes that alter the concept or intent of the planned development; including changes in density, changes in the height of buildings, changes in use, changes of proposed open space, material changes to architectural design, material changes in the development schedule, changes in road standards, and changes in the final governing agreements, provisions, or covenants shall all be considered major changes to the approved plan.”

President Rintz urged the Trustees to discuss their options.

Trustee Lanphier said she would favor sending the request back to the Zoning Board of Appeals (ZBA), Plan Commission (PC), and Design Review Board (DRB) for each body’s separate deliberation, since they have specific findings to account for.

Trustee Myers felt the revisions were not significant, since no public benefits were going to be deleted and there is no change in density or in the requested zoning variations; therefore, he did not see an argument to reject the request out of hand. He agreed that the changes should be sent to the PC and ZBA for review, but did not see a need for the DRB to weigh in, as no changes are being made in the look of the building. Since there will be more traffic flow near the Hadley Institute, he recommended completion of a traffic study, as well as an engineering report on the impact of digging down another level under the building.

Trustee Swierk also felt the changes are not substantial, and he was in favor of the Council doing the review of the amended plan.

Trustee Cripe said he was interested in doing what is right for the developer and the community, but he cautioned against process for the sake of doing process, since too many meetings can result in public confusion. He suggested a combined presentation of the plan amendments by the developer to the ZBA, PC, and public; afterwards the boards would have their separate meetings to deliberate and hear from the community. Then, they would provide recommendations to the Council on the expected impacts of the changes, both positive and negative, and possible thoughts on mitigation of the negatives. He added that he had no interest in re-litigating the whole application, as it would be pointless and would drown out the relevant conversation.

Trustee Dearborn thought the changes were profound, and needed to be looked at very carefully. He cautioned against taking community fatigue on the issue of One Winnetka as a proxy for endorsing the changes, and he did not favor a streamlined process. He noted that a 50% increase in the parking capacity is an enormous change for the neighborhood and the Village needs to understand how the new traffic circuit on the east of the building will impact the area. He called for the Council to ensure that the advisory board commissioners understand all aspects of the requested changes, and that any new members be brought up to speed.

President Rintz explained that Trustee Ziv would be in favor of a streamlined and quick approval process, and hers would be a voice leaning in that direction if she were in attendance. He said he heard four opinions that the issue needs to be remanded to the advisory boards; but the question remained of would be sent to them, and whether the Council wants specific or whether it wants them to examine everything that essentially relates to the proposed changes.

President Rintz expressed unwillingness to allow the One Winnetka project to dominate the Council's time to the extent it has in the past. He recommended sending the changes to the ZBA and PC for their review and recommendations. To save time and to ensure that everyone is working from the same set of plans, he advised having the developer give one public presentation to both boards before they separately go through their processes.

The Trustees discussed this option, and there was general agreement that the developer should flesh out his proposal, gather more facts, and give one presentation to the advisory boards and public.

Trustee Cripe, seconded by Trustee Myers, moved to have the ZBA and PC hear a joint presentation of the changes deliberate separately, following their normal meeting procedures, and then report back to the Village Council with their recommendations on the impacts of the changes.

The Council discussed the motion, and it was decided that the DRB would also be included in the process, as its purview would be the look of Lincoln Avenue and other streetscape elements.

Trustee Cripe amended his motion to include the DRB in the consideration of the changes. Trustee Myers concurred.

Next the Council discussed how to ensure the advisory boards are looking at a complete package of implications of the proposed changes. President Rintz advised Mr. Trandel that he has one shot at giving a complete presentation detailing all of the changes, so the community is very clear as to what is different from the preliminary plan that was approved.

Mr. Schoon said Village staff would work with the developer to identify documentation that is needed to illuminate issues that need to be addressed, as well as impacts on the surrounding area. He assured the Council that this process would capture the lion's share of the impacts.

Trustee Myers suggested that any Council members with specific concerns should bring them to Mr. Schoon to facilitate his work with the developer.

There was a brief discussion about the timeline for the advisory board review of the proposed plan amendments, and it was agreed that February is likely the earliest the developer would be ready to give a public presentation.

Trustee Cripe recapped his motion to request the ZBA, PC and DRB to hear a joint presentation of the changes, deliberate separately, and advise the Council on the expected impacts of the changes, applying their related standards. By voice vote, the motion carried.

President Rintz explained that the developer will not be allowed to give the joint presentation until the Village believes there is a sufficiently complete presentation of all the facts for the community to understand the changes. At that point, the boards will meet, the community will have opportunity to share its thoughts, and ultimately, it will come back to the Council for a final conversation. He noted that this process is empathetic to the developer's request and also ensures that public process needs are being served.

- b) Resolution No. R-82-2017: Commercial District Floral Program (Adoption). Trustee Lanphier said she had reservations about the plant selections that have been made in the past, and she asked if the Village had any input in the decision process.

Manager Bahan said the vendor is very cooperative and willing to work with the Village. He noted that the original palette for the Floral Program was developed with input from the Garden Club, a landscape architect, the Chamber of Commerce and businesses. He suggested approving the contract and then letting staff work with the vendor to update the plantings.

Ms. Dason added that the vendor is terrific to work with, and presents a variety of options prior to making the planting decisions.

Trustee Lanphier, seconded by Trustee Myers, moved to approve Resolution No. R-82-2017. By roll call vote, the motion carried. Ayes: Trustees Cripe, Dearborn, Lanphier, Myers, and Swierk. Nays: None. Absent: Trustee Ziv.

11) Appointments: None.

12) Closed Session. None.

13) Adjournment. Trustee Dearborn, seconded by Trustee Myers, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 9:26 p.m.

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Deputy Clerk