

ORDINANCE NO. M-11-2018

AN ORDINANCE REZONING THE PROPERTY LOCATED AT 710 ELM STREET TO THE C2 GENERAL RETAIL COMMERCIAL DISTRICT AND INCLUDING PORTIONS OF THE PROPERTY WITHIN THE C2 COMMERCIAL OVERLAY DISTRICT, THE TRANSITIONAL HEIGHT SUB-DISTRICT, AND THE STANDARD HEIGHT SUB-DISTRICT OF THE C2 GENERAL RETAIL COMMERCIAL DISTRICT

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, SB One Winnetka, LLC, a Delaware limited liability company ("**SB One**") is the record owner of the property commonly known as 511-515 Lincoln Avenue and 714-732 Elm Street, Winnetka, Illinois (collectively, "**SB One Property**"); and

WHEREAS, SB Winnetka, LLC, a Delaware limited liability company ("**SB Winnetka**") (SB One and SB Winnetka are, collectively, the "**Developer**") is the record title owner of the property commonly known as 740 Elm Street, Winnetka, Illinois ("**740 Elm Street Property**"); and

WHEREAS, SB Winnetka is the contract purchaser of the property commonly known as 736 Elm Street, Winnetka, Illinois ("**736 Elm Street Property**") (the 740 Elm Street Property and the 736 Elm Street Property are collectively, "**SB Winnetka Property**"); and

WHEREAS, the Village is the record owner of the property commonly known as 710 Elm Street, which is legally described in *Exhibit A* ("**Pre-Development Parking Lot Parcel**"), which Pre-Development Parking Lot Parcel is currently improved with a Village-owned, public parking lot with ingress and egress on Elm Street; and

WHEREAS, the Developer (i) desires to acquire from the Village a portion of the Pre-Development Parking Lot Parcel located to the east of the Developer's Pre-Development Property ("**Post-Development Transfer Parcel**") (the Post-Development Transfer Parcel, SB Winnetka Property, and SB One Property are, collectively, the "**Subject Property**"), (ii) develop on the Subject Property three new mixed-use buildings for retail and residential uses and related on-site improvements ("**Development**"), and (iii) convey to the Village a vertical portion of the Subject Property; and

WHEREAS, as part of the exchange for the conveyance of the Post-Development Transfer Parcel to the Developer, the Developer has agreed to reconstruct a public parking lot on the portion of the Pre-Development Parking Lot Parcel that the Village will retain ("**Post-Development Parking Lot Parcel**"), which Post-Development Parking Lot Parcel legally described in *Exhibit B*; and

WHEREAS, Pre-Development Parking Lot Parcel is located in the B1 Multi-Family Residential District; and

WHEREAS, in order for the Developer to construct a portion of the Development on the Post-Development Parking Lot Parcel and a new public parking lot on the Post-Development

Parking Lot Parcel, (i) the Pre-Development Parking Lot Parcel must be rezoned to the C2 General Retail Commercial District; (ii) the 40 westerly feet of the Pre-Development Parking Lot Parcel must be included within the C2 Commercial Overlay District and the Standard Height Sub-District of the C2 General Retail Commercial District; and (iii) the Post-Development Parking Lot Parcel must be included within the Transitional Height Sub-District of the C2 General Retail Commercial District (collectively, the ***“Proposed Zoning Map Amendments”***); and

WHEREAS, pursuant to proper notice and in accordance with the Village Zoning Ordinance, the Winnetka Plan Commission held a public hearing on the Proposed Zoning Map Amendments, which public hearing commenced on June 27, 2018, and continued on July 25, 2018; and

WHEREAS, on July 25, 2018, the Plan Commission adopted a resolution with specific findings and conclusions, recommending that the Village Council approve the Proposed Zoning Map Amendments; and

WHEREAS, the Village Council has determined that it is in the best interests of the Village to approve the Proposed Zoning Map Amendments as set forth in this Ordinance;

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

SECTION 1. RECITALS. The foregoing recitals are hereby incorporated into this Ordinance as findings of the Village Council.

SECTION 2. APPROVAL OF PROPOSED ZONING MAP AMENDMENTS. Pursuant to the Village’s home rule power and Section 17.72.040 of the Village Code, the Official Village of Winnetka Zoning Map and Figures 17-1(A) through 17-(D) shall be, and are hereby amended to:

- A. Rezone the Pre-Development Parking Lot Parcel from the B1 Multi-Family Residential District to the C2 General Retail Commercial District;
- B. Include the 40 westerly feet of the Pre-Development Parking Lot Parcel within the Standard Height Sub-District of the C2 General Retail Commercial District; and
- C. Include the Post-Development Parking Lot Parcel within the Transitional Height Sub-District of the C2 General Retail Commercial District.

SECTION 3. APPROVAL OF TEXT AMENDMENTS TO ZONING CODE. Pursuant to the Village’s home rule power and Section 17.72.020 of the Zoning Ordinance, titled “Zoning Map,” of Chapter 17.08, titled “Zoning Districts and Official Map,” of the Zoning Ordinance is hereby amended to read as follows:

“Section 17.08.020 Zoning map.

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A. District Boundaries.

1. The boundaries of the districts created by section 17.08.010(A) shall be as shown on the Official Village of Winnetka Zoning Map, which is made a part of the ordinance codified in this title.
2. The C-2 Commercial Overlay shall consist of the first fifty (50) feet of lot depth from the front property line in the following areas:

a. Hubbard Woods:

- i. The east and west sides of Green Bay Road from the center line of Scott Avenue to the center line of Tower Road, except for Hubbard Woods Park.
- ii. The north and south sides of Gage Street from the western boundary of the C-2 General Retail Commercial District to the eastern boundary of said district, except for Hubbard Woods Park.
- iii. The north side of Tower Road from the western boundary of the C-2 General Retail Commercial District to the eastern boundary of said district; provided, that the portion of the property commonly known as 894-896 Green Bay Road that lies more than fifty (50) feet from the Green Bay Road property line shall be excluded.

b. East Elm:

- i. The north side of Elm Street from the east edge of the Union Pacific Railroad right-of-way to the west edge of Arbor Vitae Park.
- ii. The south side of Elm Street from the east edge of the Union Pacific Railroad right-of-way to the east lot line of the property commonly known as ~~714~~ **710** Elm Street.”

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SECTION 4. EFFECTIVE DATE.

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

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1. Passage by the Village Council of the Village of Winnetka in the manner required by law;
2. Publication in pamphlet form in the manner required by law;
3. The recording with the Cook County Recorder of Deeds of the plat of subdivision entitled "One Winnetka Subdivision" that is approved pursuant to Resolution No. _____, prepared by Gremely & Biedermann, and consisting of three sheets, with latest revision date of _____, 2018 ("*Final Plat*"); and

B. At the option of the Village Council by resolution duly adopted, this Ordinance shall be of no force or effect and shall be rendered null and void in the event that the Final Plat is not recorded with the Cook County Recorder of Deeds by December 31, 2018 ("*Recording Deadline*"); provided that the Recording Deadline may be extended by Developer for two 90-day periods by providing written notice to the Village in the event that Developer is unable to close on the 736 Elm Street Property.

PASSED this ____ day of _____, 2018, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2018.

Signed:

Village President

Countersigned:

Village Clerk

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this ____ day of _____, 2018.

Introduced: October 2, 2018

Passed and Approved: _____, 2018

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EXHIBIT A

LEGAL DESCRIPTION OF PRE-DEVELOPMENT PARKING LOT PARCEL

PARCEL 1:

THE WEST 100 FEET OF THE EAST 350 FEET OF THE NORTH 211 FEET OF BLOCK 24 IN WINNETKA, A SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION 20, AND THE NORTH HALF OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, BY CHAS. E. PECK, ANTE-FIRE, RERECORDED AUGUST 8, 1873 AS DOCUMENT 119381, IN COOK COUNTY, ILLINOIS (PIN 05-21-109-020-0000);

PARCEL 2:

THE NORTH 211 FEET OF BLOCK 24 (EXCEPT THE EAST 350 FEET OF SAID BLOCK 24, ALSO EXCEPT THE WEST 218.40 FEET OF SAID BLOCK 24) IN WINNETKA, A SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION 20, AND THE NORTH HALF OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, BY CHAS. E. PECK, ANTE-FIRE, RERECORDED AUGUST 8, 1873 AS DOCUMENT 119381, IN COOK COUNTY, ILLINOIS. (THE GAP PARCEL)

EXHIBIT B

LEGAL DESCRIPTION OF POST-DEVELOPMENT PARKING LOT PARCEL

LOT 2, ONE WINNETKA SUBDIVISION

OR

THE WEST 100 FEET OF THE EAST 350 FEET OF THE NORTH 211 FEET OF BLOCK 24 (EXCEPT THAT PART THEREOF LYING WEST OF THE EAST LINE OF THE WEST 258.40 FEET OF SAID BLOCK 24), IN WINNETKA A SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION 20, AND THE NORTH HALF OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, BY CHAS. E. PECK, ANTE-FIRE, RERECORDED AUGUST 8, 1873 AS DOCUMENT 119381, IN COOK COUNTY, ILLINOIS