



Village of Winnetka

Village Council Regular Meeting

July 6, 2023 at 7:00 PM
Village Hall
510 Green Bay Road

AGENDA

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Quorum**
 - a. July 11, 2023 Study Session
 - b. July 18, 2023 Regular Meeting
 - c. August 1, 2023 Regular Meeting
4. **Public Comments**
5. **Reports**
6. **Establishment of Consent Agenda**
7. **Approval of Consent Agenda**
 - a. Approval of Village Council Minutes
 - i. June 6, 2023 Regular Meeting
 - b. Approval of Warrant List Dated June 2, 2023 - June 15, 2023
 - c. Resolution No. R-65-2023: Approving a First Amendment to a Lease Agreement Between the Village of Winnetka and the United States Postal Service (Adoption)
 - d. Resolution No. R-66-2023: Granting a Certificate of Appropriateness for Exterior Site Improvements at 80 Green Bay Road (Adoption)
8. **Ordinances and Resolutions**
 - a. Ordinance No. MC-07-2023: Amending the Text of the Winnetka Zoning Ordinance to Establish a Lakefront Preservation Overlay District (Public Hearing and Introduction/Adoption)
 - b. Ordinance No. M-09-2023: Amending the Official Zoning Map of the Village of Winnetka to Place Certain Property Along Lake Michigan in the Lakefront Preservation Overlay District (Public Hearing and Introduction/Adoption)

NOTICE

All agenda materials are available at [villageofwinnetka.org](https://www.villageofwinnetka.org) (Governance > Agendas & Minutes); the Reference Desk at the Winnetka Library; or in the Manager's Office at Village Hall (2nd floor).

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator, 510 Green Bay Road, Winnetka, Illinois 60093, 847-716-3543; T.D.D. 847-501-6041.

- c. Ordinance No. MC-08-2023: Amending the Text of the Winnetka Zoning Ordinance to Establish a Study and Permit Abeyance Period for Construction in the Steep Slope Area Along Lake Michigan (Public Hearing and Introduction/Adoption)
- d. Ordinance No. MC-09-2023: Amending the Text of the Winnetka Zoning Ordinance Regarding Amendments to Special Uses (Public Hearing and Introduction/Adoption)

9. Old Business

10. New Business

11. Appointments

12. Closed Session

13. Adjournment

**MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
June 6, 2023**

(Approved: xx)

A record of a legally convened regular meeting of the Council of the Village of Winnetka, which was held at the Council Chambers on Tuesday, June 6, 2023, at 7:00 PM.

- 1) Call to Order. President Rintz called the meeting to order at 7:00 PM. Village Manager Rob Bahan called the roll. Present: Trustees Kirk Albinson, Rob Apatoff, Tina Dalman, Robert Dearborn, and Kim Handler. Absent: Trustee Bridget Orsic. Also present: Deputy Village Clerk Berina Gradjan, Village Attorney Peter Friedman, Police Chief Brian O'Connell, Community Development Director David Schoon and approximately 8 persons in the audience.
- 2) Pledge of Allegiance. Trustee Dearborn led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) June 13, 2023 Study Session - Cancelled
 - b) June 20, 2023 Regular Meeting All of the Council members present said they expect to attend.
 - c) Thursday, July 6 Regular Meeting All of the Council members present said they expect to attend with the exception of Trustee Kirk Albinson
- 4) Public Comment.
 - i. Ted Wynnynchenko addresses Council regarding concerns pertaining to the Bertling-Hill-Woodland pathway vacation.
- 5) Reports:
 - a) Trustees.
 - i. Trustee Apatoff commends volunteers and Suzie Schriber for their contributions to the Memorial Day Parade.
 - ii. Trustee Handler commends the opening day of the Farmer's Market.
 - b) Attorney. None.
 - c) Manager. None.
 - d) Village President. None.
- 6) Establishment of the Consent Agenda.

Trustee Handler, seconded by Trustee Apatoff, moved to approve the Establishment of the Consent Agenda. By voice vote, the motion carried.
- 7) Approval of the Consent Agenda
 - a) Approval of Village Council Minutes.

- i) May 9, 2023 Study Session
- b) Approval of Warrant List dated May 5, 2023 – May 18, 2023 in the amount of \$2,971,461.41.
- c) Resolution No. R-58-2023: Approving an Intergovernmental Agreement with the Winnetka Park District for Staffing at the Cherry Street Beach (Adoption)
- d) Resolution No. R-59-2023: Waiving Bidding, Approving the Disposal of a Public Works Vehicle and the Purchase of a New Public Works Vehicle from Currie Motors Commercial Center (Adoption)
- e) Resolution No. No. R-60-2023: Approving an Agreement with Global Infrastructure, LLC for Maintenance of the Water Plant's Raw Water Intake (Adoption)
- f) Resolution No. No. R-61-2023: Rejecting all Bids, Waiving Bidding Requirements, and Awarding a Contract to Weg Transformers USA, LLC for 75 kVA Pad Mount Transformers (Adoption)

Trustee Handler, seconded by Trustee Dalman, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Albinson, Apatoff, Dalman, Dearborn, and Handler. Nays: None. Absent: Trustee Orsic.

8) Ordinances and Resolutions.

- a) Ordinance No. M-08-2023: Granting a Special Use Permit, Variations from the Winnetka Zoning Ordinance, and a Certificate of Appropriateness for the Construction of a New Mixed-Use Building Within the C-2 General Retail Commercial District – 564 Green Bay Road (Adoption)

After introduction of the Ordinance at the May 16th Council meeting, Council will grant approval of the special use permit, variations, and certificate of appropriateness for the construction of the new mixed-use building.

Trustee Dearborn commends the mixed-use building and advises staff to be sensitive to parking concerns.

Trustee Albinson, seconded by Trustee Dalman, moved to adopt Ordinance No. M-08-2023. By roll call vote, the motion carried. Ayes: Trustee Albinson, Apatoff, Dalman, Dearborn, and Handler. Nays: None. Absent: Trustee Orsic. Abstain: None.

- b) Ordinance No. MC-06-2023: Amending the Winnetka Village Code Concerning the Use and Licensing of Leaf Blowers (Introduction)

Police Chief Brian O'Connell advises Council on the current Village Code regulations regarding gasoline powered leaf blowers. Based on previous Council direction regarding this matter, the Village Attorney drafted an Ordinance amending the gasoline powered leaf blower regulations. The amendments consisted of a 9-month restriction only allowing usage during April, October, and November, elimination of exemptions for all publicly-owned properties, and the implementation of annual licensing requirements for landscaping companies.

The Winnetka Park District expressed concerns regarding the amendments and requested that Council consider a phased-in approach as they transition their gasoline powered leaf blowers to electric leaf blowers. In addition, the Park District is requesting two additional months of gasoline powered leaf blower usage in May and September for Park District maintained properties with a full exemption for the golf course and Skokie Playfield site.

King Poor addresses Council on matters related to the 9-month ban as well as the Park District concerns and requests for accommodations and exceptions.

John Peterson, Park District Executive Director, informs Council of the Park District maintained properties and seeks Council consideration for the Park District requests.

Costa Kutulas, Park District Director of Parks and Maintenance, addresses Council on the process and maintenance of the Park District properties and current equipment used.

Council discusses the Park District requests for additional time regarding gasoline powered leaf blowers, requested exceptions, equipment used, and concerns related to the Village Code amendments. Mr. Kutulas advises Council that while the Park District will commit to the transition to electric powered leaf blowers, the maintenance of the properties requires the usage of gasoline powered leaf blowers given the size of the properties.

Police Chief Brian O'Connell confirms that there has been a dramatic decrease in violations and an increase in compliance due to the collaboration of landscapers and Police working to transition to electric powered leaf blowers and restriction of gasoline powered leaf blower usage.

President Rintz confirms that Council will grant an extension to 2027 for the golf course and Skokie Playfield and will grant an extension for the months of May and September.

Public Comment

Louis and Louisa Hernandez address Council regarding concerns related to the gasoline powered leaf blower ban and suggest that Council consider a complete ban.

President Rintz confirms that Council will continue working collaboratively to ban gasoline powered leaf blowers.

Trustee Dalman, seconded by Trustee Apatoff, moved to introduce Ordinance No. MC-06- 2023 subject to the modifications to be made between introduction and adoption. By voice vote, the motion carried.

c) Resolution No. R-57-2023: Waiving Bidding and Approving the Purchase of Police Body Worn Cameras, Tasers, and Software from Axon Enterprises, Inc. (Adoption)

Police Chief Brian O'Connell advises Council that in order to comply with the forthcoming mandates of the SAFE-T Act, the Police Department plans to purchase body worn cameras in 2023. In addition, the Police Department will also purchase tasers, compatible with the Axon body worn cameras, which are due for replacement.

Chief O'Connell elaborates on the functionality of the body worn cameras such as activation features, collaboration of the cameras with NORTAF partners and with the Wilmette and Glencoe Police Departments, compatibility of video storage in conjunction with the Cook County State's Attorney's Office, and budgeting within the capital plan.

Council discusses technological features and the comparison with other vendors.

Trustee Dearborn, seconded by Trustee Apatoff, moved to adopt Resolution No. R-57-2023. By roll call vote, the motion carried. Ayes: Trustee Albinson, Apatoff, Dalman, Dearborn, and Handler. Nays: None. Absent: Trustee Orsic.

9) Old Business. None.

10) New Business. None.

11) Appointments:

- a) Appoint Brendan Andrew to a full term on the Environmental & Forestry Commission – his term will expire on June 6, 2026.

Trustee Dalman seconded by Trustee Apatoff, moved to appoint Brendan Andrew to a full term on the Environmental & Forestry Commission. His term will expire on 6/6/2026. By voice vote, the motion carried.

12) Closed Session: None.

- 13) Adjournment. President Rintz asks for call to adjourn. Trustee Dearborn, seconded by Trustee Apatoff, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 8:45 PM.

Recording Secretary



Agenda Item Executive Summary

TITLE: Approval of Warrant List Dated June 2, 2023 - June 15, 2023

PRESENTER: Robert M. Bahan

AGENDA DATE: July 6, 2023

CONSENT: Yes

ITEM TYPE: Consent Agenda

ITEM HISTORY:

None.

EXECUTIVE SUMMARY:

The Warrant List Dated June 2, 2023 - June 15, 2023

RECOMMENDATION:

Consider Approving the Warrant List Dated June 2, 2023 - June 15, 2023

ATTACHMENTS:

None



Agenda Item Executive Summary

TITLE: Resolution No. R-65-2023: Approving a First Amendment to a Lease Agreement Between the Village of Winnetka and the United States Postal Service (Adoption)

PRESENTER: Kristin Kazenas

AGENDA DATE: July 6, 2023

CONSENT: Yes

ITEM TYPE: Consent Agenda

ITEM HISTORY:

The Village of Winnetka has had a lease agreement with the United States Postal Service (USPS) for the facility located at 512 Chestnut Street for many years. The current lease was approved by the Council on April 1, 2014 for a month to month period, with a 12 month termination notice requirement. In the summer of 2022, USPS contacted the Village staff and expressed interest in re-locating the post office to another location in Winnetka. The Village provided the USPS with the required 12 month termination notice on July 20, 2022; therefore, the lease agreement terminates on July 21, 2023.

EXECUTIVE SUMMARY:

Given the importance of having the USPS located in downtown Winnetka for the benefit of residents and activity in the commercial district, the Village assisted the USPS in finding a new location for the Winnetka post office. The USPS has selected a new location in downtown Winnetka. However, lease negotiations are ongoing with the property owner, and additional time is needed to finalize the new lease agreement. Therefore, the Village negotiated a short-term extension to the existing lease agreement with the USPS. The terms of the lease are unchanged with the exception of the termination date; the lease now expires January 31, 2024, rather than July 21, 2023.

RECOMMENDATION:

Consider approval of Resolution No. R-65-2023: Approving a First Amendment to a Lease Agreement Between the Village of Winnetka and the United States Postal Service.

ATTACHMENTS:

1. Resolution No. R-65-2023: Approving a First Amendment to a Lease Agreement Between the Village of Winnetka and the United States Postal Service

**A RESOLUTION APPROVING A FIRST AMENDMENT TO A LEASE AGREEMENT
BETWEEN THE VILLAGE OF WINNETKA AND
THE UNITED STATES POSTAL SERVICE**

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution authorizes the Village of Winnetka (“**Village**”) to contract with individuals, associations, and corporations in any manner not prohibited by law or ordinance; and

WHEREAS, the Village previously entered into a Lease Agreement (“**Lease**”), pursuant to which the Village leased to the United States Postal Service (“**Tenant**”) a portion of the property commonly known as 512 Chestnut Street, Winnetka, Illinois to provide Tenant the use for a post office; and

WHEREAS, the Lease is a month-to-month lease, provided that, according to Section 6 of the Lease, the Lease may be terminated by either party with 365 days’ written notice; and

WHEREAS, due to the Village’s development plans, the Village provided notice to the Tenant (“**Termination Notice**”) under Section 6 of the Lease that the Village would be terminating the Lease effective on July 21, 2023 (“**Termination Date**”), which Termination Notice was received by Tenant in a timely manner; and

WHEREAS, the Village and the Tenant desire to amend the Lease to extend the term of the Lease to January 31, 2024 (“**Extended Termination Date**”) pursuant to a First Amendment to Lease Agreement (“**First Amendment**”); and

WHEREAS, pursuant to the Village’s home rule authority, the Village Council has determined that it is in the best interests of the Village and its residents to enter into the First Amendment with the Tenant pursuant to this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: RECITALS. The Village Council hereby adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: APPROVAL OF AMENDMENT. The Village Council hereby approves the First Amendment in substantially the form attached to this Resolution as **Exhibit A** and in a final form approved by the Village Attorney.

SECTION 3: AUTHORIZATION TO EXECUTE AMENDMENT. The Village Council hereby authorizes and directs the Village President and the Village Clerk to execute and attest, respectively, on behalf of the Village, the final Amendment.

SECTION 4: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

July 6, 2023

R-65-2023

ADOPTED this 6th day of July, 2023, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk

EXHIBIT A

FIRST AMENDMENT TO LEASE AGREEMENT

FIRST AMENDMENT TO LEASE AGREEMENT

This **FIRST AMENDMENT TO LEASE AGREEMENT** (“***Amendment***”) made this 6th day of July, 2023 (“***Execution Date***”), by and between **VILLAGE OF WINNETKA**, an Illinois home rule municipal corporation (“***VILLAGE***”), and the **UNITED STATES POSTAL SERVICE** (“***Tenant***”).

WHEREAS, the Village owns the property commonly known as 512 Chestnut Street, Winnetka, Illinois (“***Property***”); and

WHEREAS, the Village and Tenant entered into that certain lease known as Lease J00000406397 (“***Lease***”) for the Tenant to lease a portion of the Property to use for a post office (“***Premises***”); and

WHEREAS, the Lease is a month-to-month lease, provided that, according to Section 6 of the Lease, the Lease may be terminated by either party with 365 days’ written notice; and

WHEREAS, the Village has plans to develop the Property; and

WHEREAS, due to the Village’s development plans, the Village provided notice to the Tenant (“***Termination Notice***”) under Section 6 of the Lease that the Village would be terminating the Lease effective on July 21, 2023 (“***Termination Date***”), which Termination Notice was received by Tenant in a timely manner; and

WHEREAS, Tenant has been negotiating a lease for use of another property in the Village to you that property as a post office; and

WHEREAS, because Tenant has not yet entered into a lease for use of another property in the Village, Tenant has requested that the Village extend the Lease as set forth in this Amendment; and

WHEREAS, the Village and Tenant desire to provide for an extension of the Lease as more particularly set forth in this Amendment.

NOW, THEREFORE, in consideration of the mutual agreements herein set forth, the mutual agreements set forth in the Lease, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Village and Tenant have agreed, and hereby agree that the Lease is amended as follows:

1. Recitals Incorporated. The Recitals set forth above are hereby incorporated by this reference and shall be deemed terms and provisions hereof with the same force and effect as if fully set forth in this Section 1.

2. Extension of Lease. The term of the Lease is hereby extended to January 31, 2024 (“***Extended Termination Date***”). Tenant agrees: (i) it will vacate the Premises by no later than 11:59 p.m. on January 31, 2024 unless the Village and Tenant extend the Lease; and (ii) no further notices or other actions are needed to be taken by the Village for the Lease to terminate on the Extended Termination Date.

3. **Condition of Premises.** Tenant is in possession of the Premises and accepts the same “as is” without any representations or warranties of any kind. No agreement of the Village to alter, remodel, decorate, repair or improve the Premises (or to provide Tenant with any credit or allowance for the same), and no representation regarding the condition of the Premises have been made by or on behalf of the Village or relied upon by Tenant in connection with this Amendment.

4. **Brokers.** The Village and Tenant represent and warrant to each other that they have had no dealings with any real estate broker, finder, commissions or other person entitled to compensation for services rendered in connection with the negotiation or execution of this Amendment, and the Village and Tenant each agree to defend, indemnify and hold harmless the other from and against any claim for broker’s or finder’s fees or commissions made by any entity, asserting such claim by, through or under it.

5. **Time is of the Essence.** Time is of the essence of this Amendment and the Lease and each provision hereof and thereof.

6. **Submission of Amendment.** Submission of this instrument for examination shall not bind Landlord and no duty or obligation on Landlord shall arise under this instrument until this instrument is approved by and signed and delivered by the Village and Tenant.

7. **Entire Agreement.** This Amendment and the Lease contain the entire agreement between the Village and Tenant with respect to Tenant’s leasing of the Premises.

8. **Severability.** If any provision of this Amendment or the application thereof to any person or circumstance is or shall be deemed illegal, invalid or unenforceable, the remaining provisions hereof shall remain in full force and effect and this Amendment shall be interpreted as if such illegal, invalid or unenforceable provision did not exist herein.

9. **Lease In Full Force and Effect.** Except as modified by this Amendment, all of the terms, conditions, agreements, covenants, representations, warranties and indemnities contained in the Lease remain in full force and effect.

10. **Integration of the Amendment and the Lease.** This Amendment and the Lease shall be deemed to be, for all purposes, one instrument. In the event of any conflict between the terms and provisions of this Amendment and the terms and provisions of the Lease, the terms and provisions of this Amendment shall, in all instances, control and prevail.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Landlord and Tenant have executed this Amendment as of the day and year first above written.

LANDLORD:

VILLAGE OF WINNETKA

an Illinois home rule municipal corporation

By: _____

Name: Robert M. Bahan

Title: Village Manager

TENANT:

UNITED STATES POSTAL SERVICE

By: _____

Its: _____



Agenda Item Executive Summary

TITLE: Resolution No. R-66-2023: Granting a Certificate of Appropriateness for Exterior Site Improvements at 80 Green Bay Road (Adoption)

PRESENTER: David Schoon

AGENDA DATE: July 6, 2023

CONSENT: Yes

ITEM TYPE: Consent Agenda

ITEM HISTORY:

None.

EXECUTIVE SUMMARY:

INTRODUCTION

On July 6, 2023, the Village Council is scheduled to consider Resolution No. R-66-2023, granting a Certificate of Appropriateness for exterior site improvements at 80 Green Bay Road (**Attachment 1**). The resolution is in response to an application submitted by John Plunkett Interiors (the "Applicant"), lessee of the property located at 80 Green Bay Road (the "Subject Property"). The Applicant is seeking approval of a Certificate of Appropriateness to allow the replacement of existing windows, installation of new exterior building lighting, and painting of the exterior of the building on the Subject Property.

ADVISORY BOARD/COMMISSION REVIEW

The Design Review Board (DRB) considered the Certificate of Appropriateness for the proposed improvements on June 15, 2023. After hearing from the Applicant and receiving no public comment at the meeting or written correspondence from the public, by a vote of 5-0, the DRB recommended approval of the request. **Attachment 2** includes the staff report to the DRB and the meeting minutes of the June 15 DRB meeting. Given the property is located in the C-1 Neighborhood Commercial District, the Village Council has the final authority on the Certificate of Appropriateness. The DRB is only a recommending body in this instance.

RECOMMENDATION:

Given the unanimous recommendation of approval by the DRB, the Council may wish to consider adopting Resolution No. R-66-2023.

ATTACHMENTS:

1. Resolution No. R-66-2023: Granting a Certificate of Appropriateness for Exterior Site Improvements - 80 Green Bay Road
2. DRB Staff Report and Attachments for June 15, 2023, Meeting, and June 15, 2023, DRB Meeting Minutes

R-66-2023

**A RESOLUTION GRANTING A CERTIFICATE OF APPROPRIATENESS
FOR EXTERIOR SITE IMPROVEMENTS AT 80 GREEN BAY ROAD**

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

WHEREAS, the Applicant, John Plunkett Interiors ("***Applicant***") is the lessee of the property commonly known as 80 Green Bay Road, Winnetka, Illinois ("***Subject Property***"); and

WHEREAS, the Subject Property is improved with an existing, single-story commercial building ("***Building***"); and

WHEREAS, the Applicant desires to make certain exterior site improvements, including replacing existing windows, installing new exterior lighting and painting the exterior of the Building (collectively "***Proposed Site Improvements***"); and

WHEREAS, pursuant to Section 15.40.010(A) of the Winnetka Village Code ("***Village Code***"), the Applicant must obtain a certificate of appropriateness for the Proposed Site Improvements; and

WHEREAS, on June 15, 2023, after due notice thereof, the Design Review Board of the Village met to consider a certificate of appropriateness for the Proposed Site Improvements ("***Certificate of Appropriateness***"), and by a vote of five in favor and none opposed, recommended the issuance of the Certificate of Appropriateness; and

WHEREAS, the Village Council has determined that approval of the Certificate of Appropriateness for the construction of the Proposed Site Improvements on the Subject Property is in the best interest of the Village and its residents;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1. RECITALS. The Village Council adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: APPROVAL OF CERTIFICATE OF APPROPRIATENESS. Subject to, and contingent upon, the terms, conditions, restrictions, and provisions set forth in Section 3 of this Resolution, the Certificate of Appropriateness is granted for the Proposed Site Improvements at the Subject Property, pursuant to Section 15.40.010 of the Village Code and the home rule powers of the Village.

SECTION 3: CONDITIONS. The approval granted by Section 2 of this Resolution is subject to, and contingent upon, compliance by the Applicant with the following conditions:

- A. Commencement of Construction. The Applicant must commence the construction of the Proposed Site Improvements no later than 12 months after the effective date of this Resolution.
- B. Compliance with Regulations. Except to the extent specifically provided otherwise in this Resolution, the development, use, and maintenance of the Proposed Site Improvements and the Subject Property must comply at all times with all applicable Village codes and resolutions, as they have been or may be amended over time.
- C. Compliance with Plans. The development, use, and maintenance of the Proposed Site Improvements on the Subject Property must be in general accordance with the plans which are attached to, and by this reference, made part of this Resolution as **Exhibit A (“Plans”)**, except for minor changes and site work approved by the Director of Community Development or the Director of Engineering (within their respective permitting authority) in accordance with all applicable Village codes, resolutions, and standards.

SECTION 4: AMENDMENTS. Any amendment to this Resolution may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Village Code.

SECTION 5: SEVERABILITY. If any provision of this Resolution or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Resolution shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Resolution to the greatest extent permitted by applicable law.

SECTION 6: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval in accordance with law.

[SIGNATURE PAGE FOLLOWS]

ADOPTED this 6th day of July, 2023, pursuant to the following roll call vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Signed

Village President

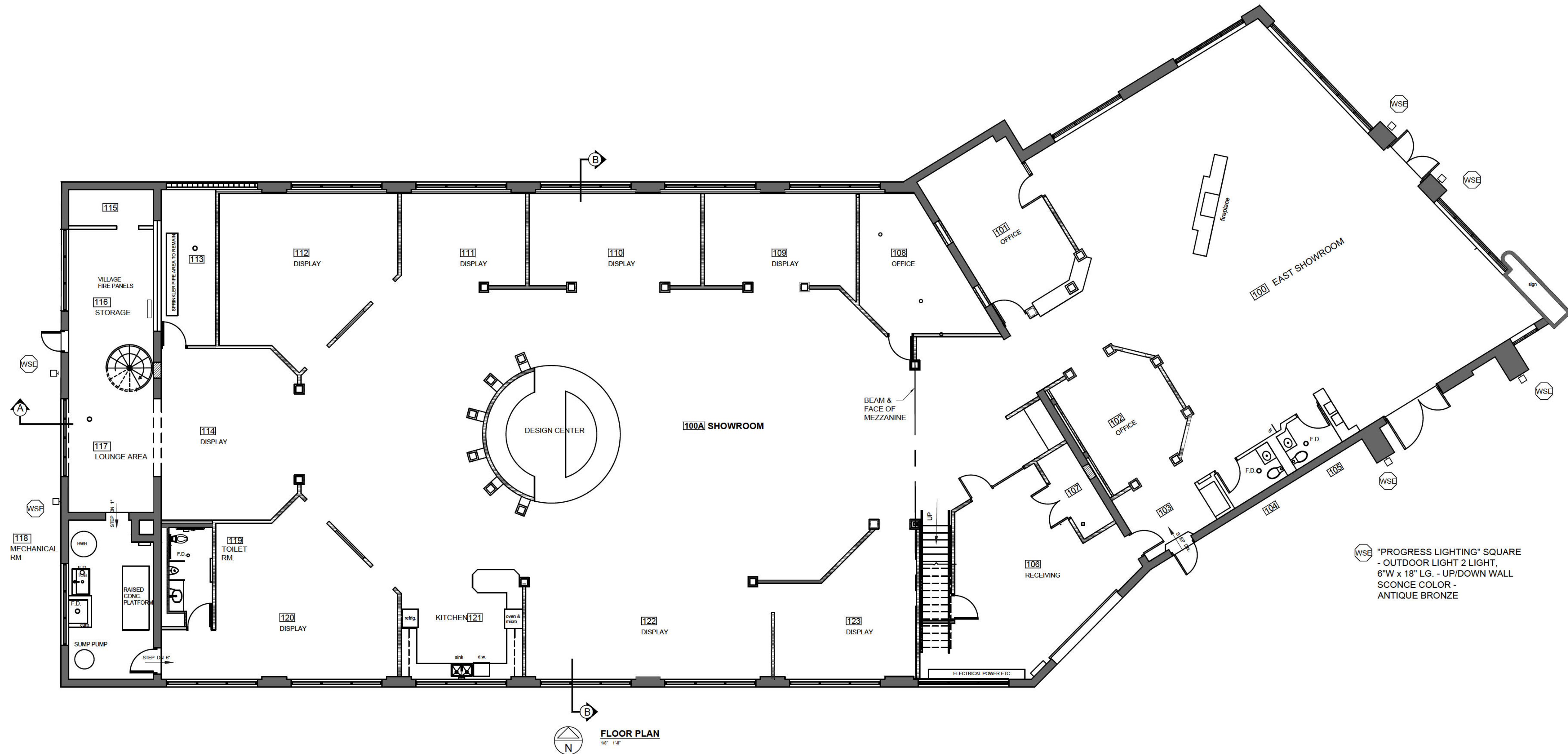
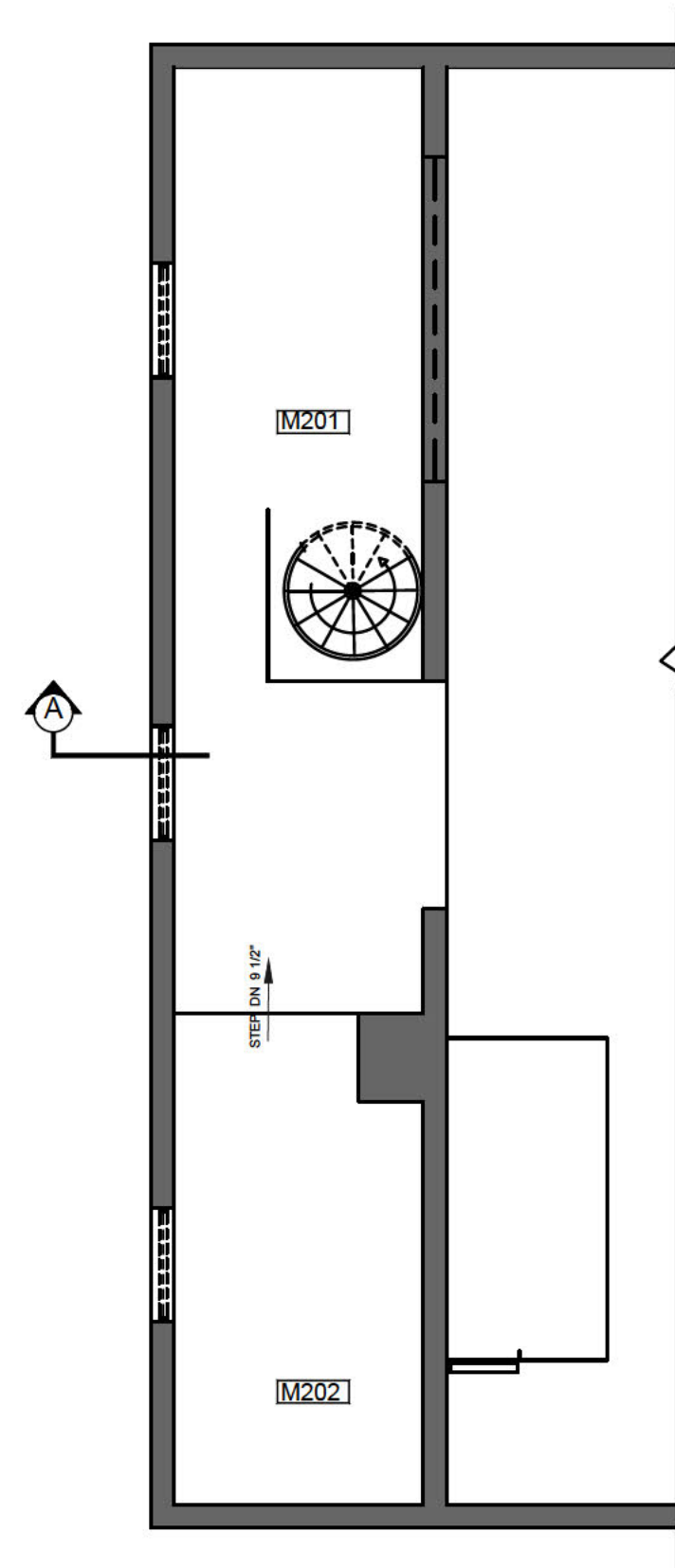
Countersigned:

Village Clerk

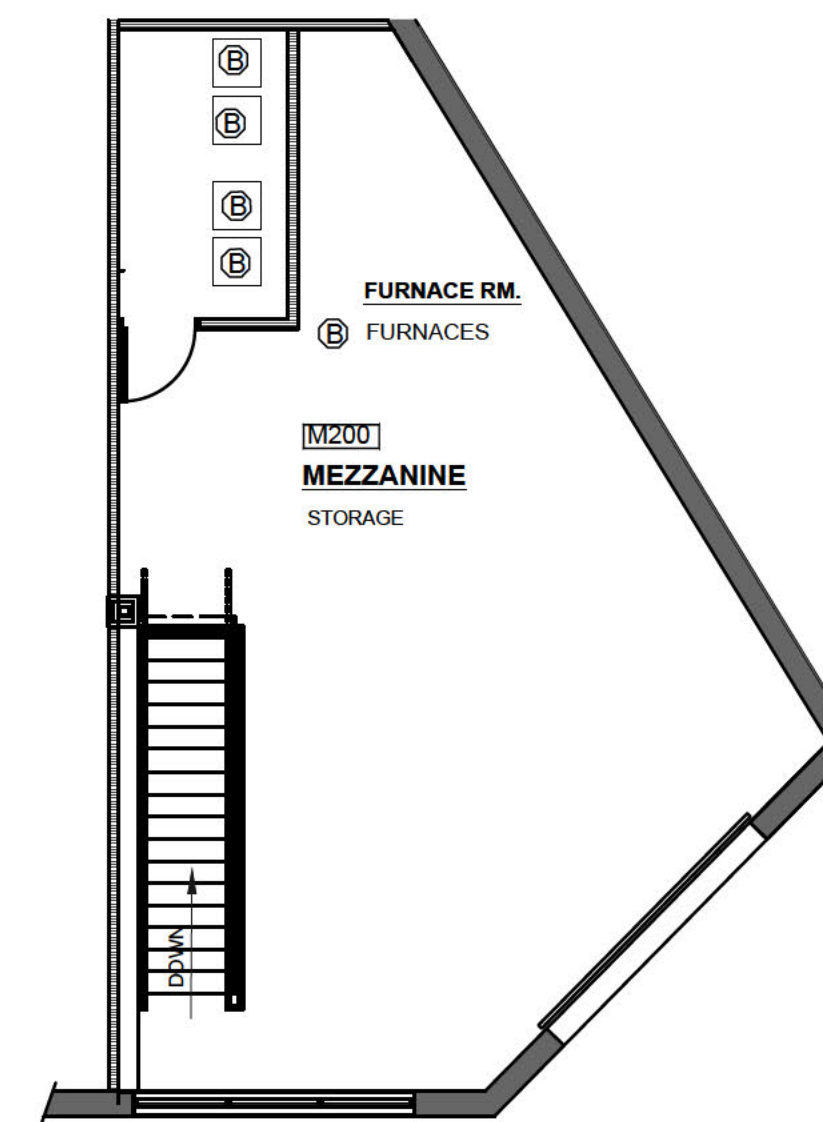
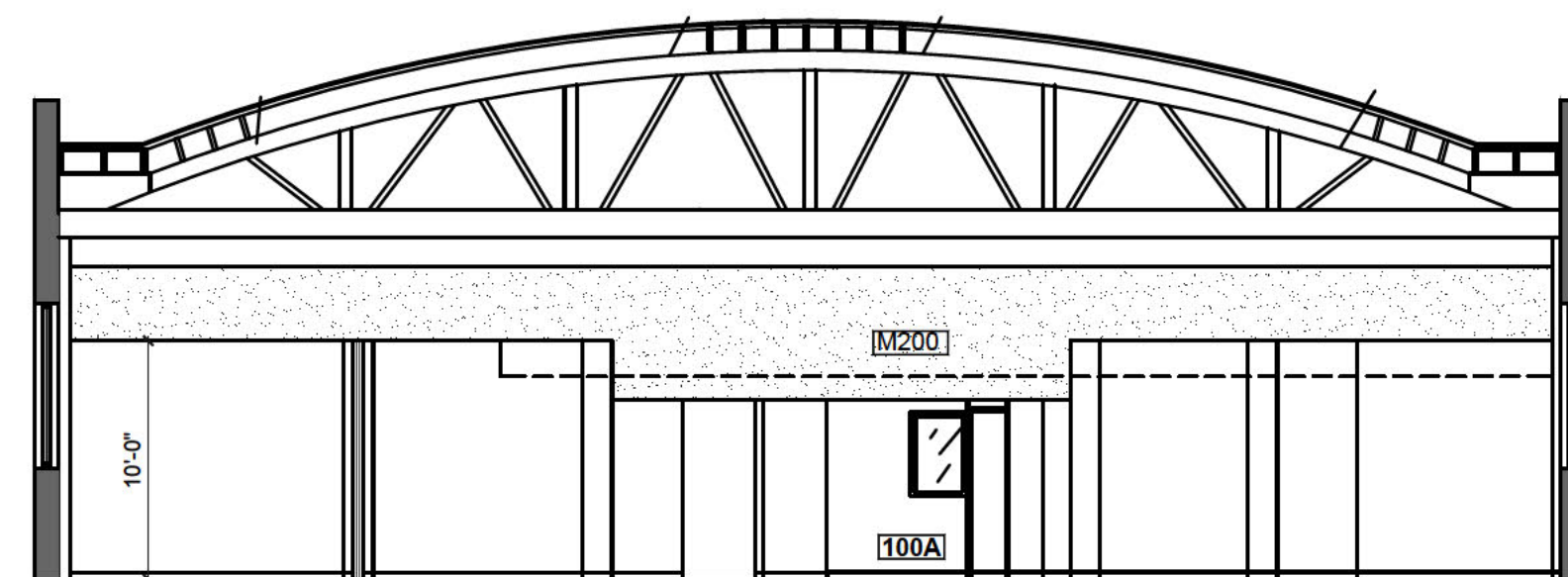
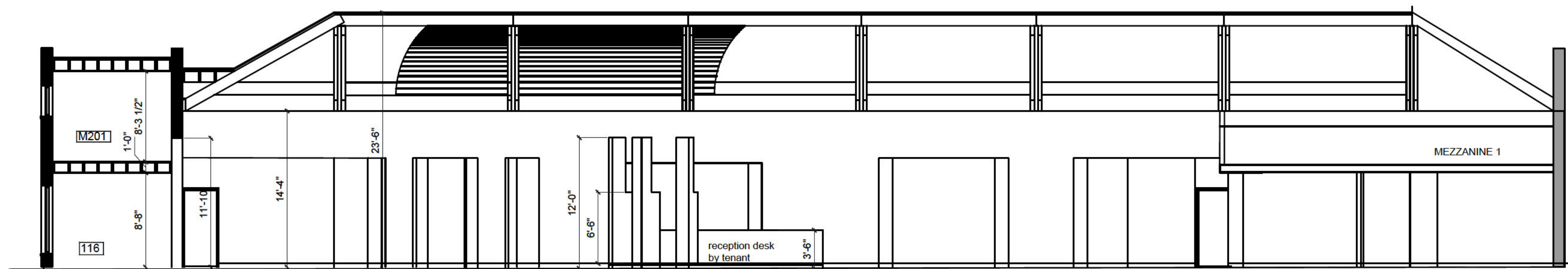
EXHIBIT A

PLANS

(SEE ATTACHED EXHIBIT A)



WSE "PROGRESS LIGHTING" SQUARE
- OUTDOOR LIGHT 2 LIGHT,
6"W x 18" LG. - UP/DOWN WALL
SCONCE COLOR -
ANTIQUE BRONZE



INTERNATIONAL DESIGN ASSOC., LTD. p.c.
ARCHITECTS LIC. NO. 184.0064134
Chicago Illinois, 60610
70 W. Burton S-1502
cell 312 944 0860
email -idal.architects@outlook.com



JOHN PLUNKETT INTERIORS
80 GREEN BAY RD. WINNETKA, IL 60093

FLOOR PLANS

SUBMITTED
06/02/2023
REVISIONS

A-2

INTERNATIONAL DESIGN ASSOC., LTD.

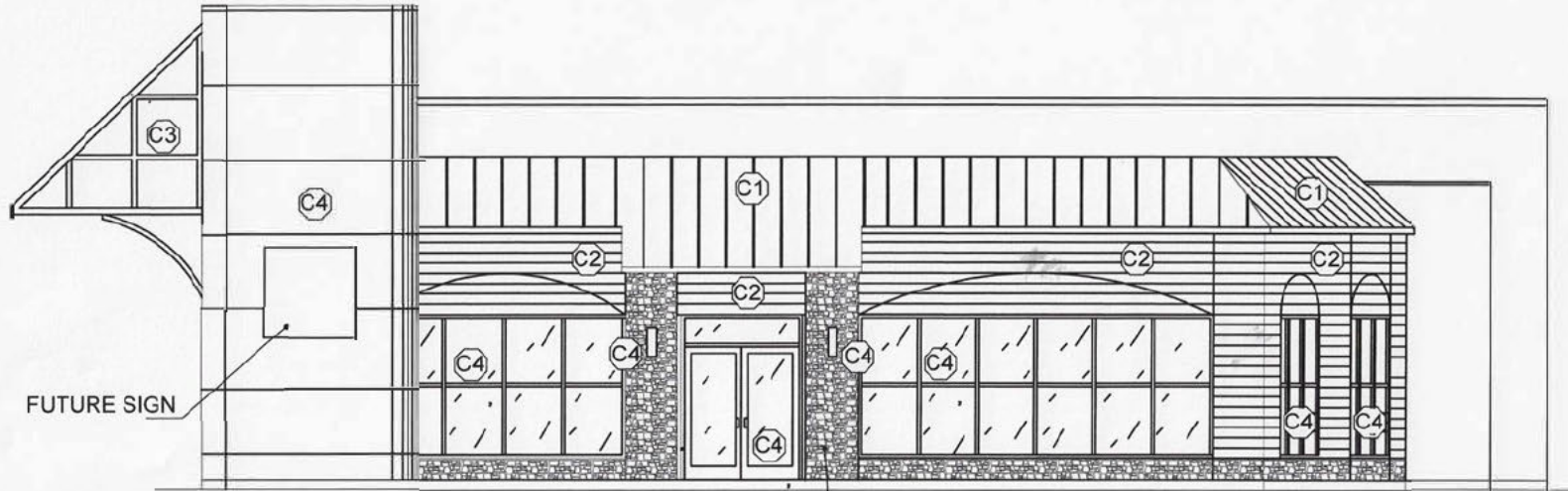
ARCHITECTS

70 W BURTON PL STE 1502 CHICAGO, IL 60610

JOHN PLUNKETT INTERIORS

80 GREEN BAY ROAD

WINNETKA, ILLINOIS



**PROPOSED PARTIAL EAST
ELEVATION COLORS**

EXISTING STONE
TO REMAIN



C1 COLOR - BENJAMINE MOORE
"KITTY GREY" NO.1589



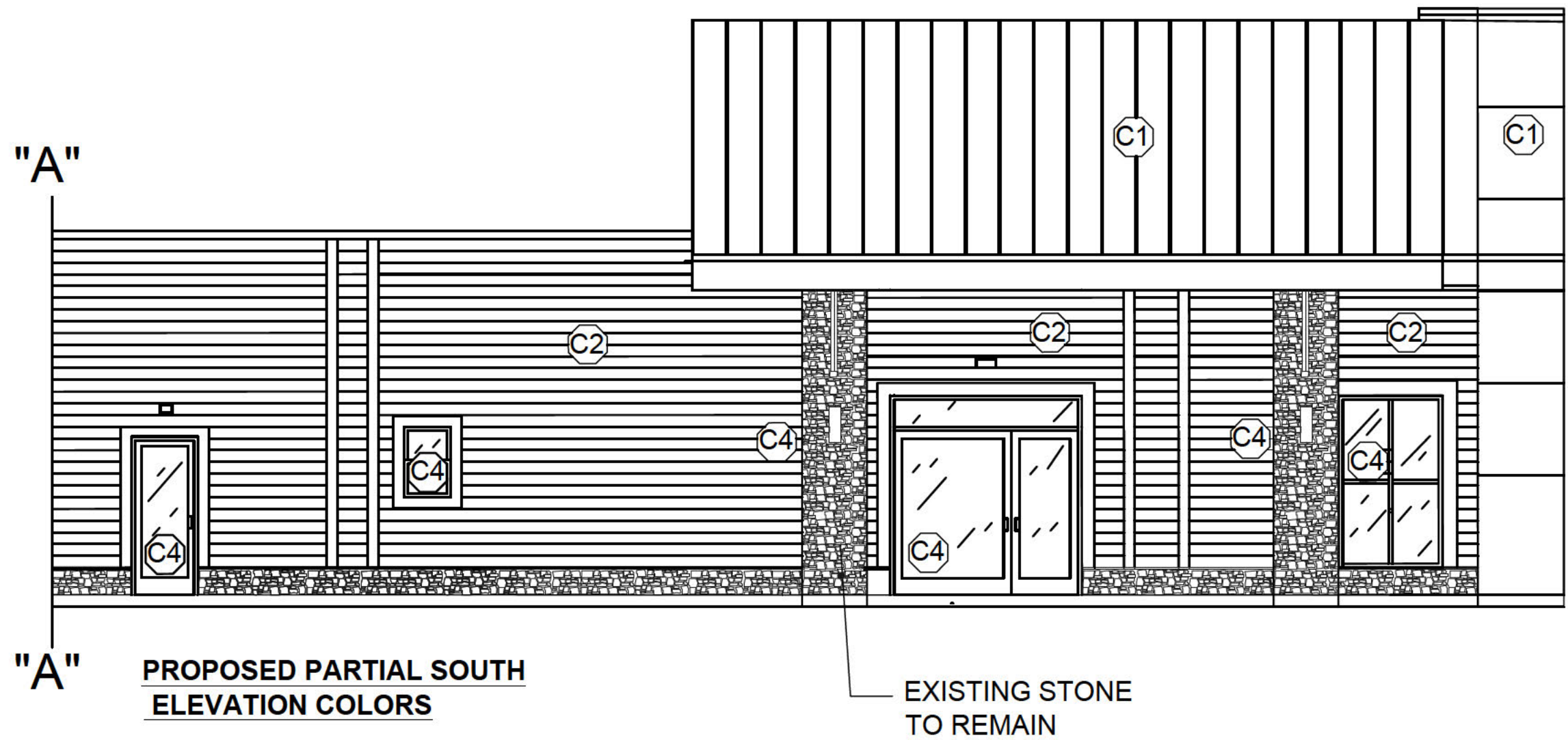
C2 COLOR - BENJAMINE MOORE
"NATURES ESSENTIALS" NO.1521



C3 COLOR - BENJAMINE MOORE
"SEDONA BROWN" NO.1127

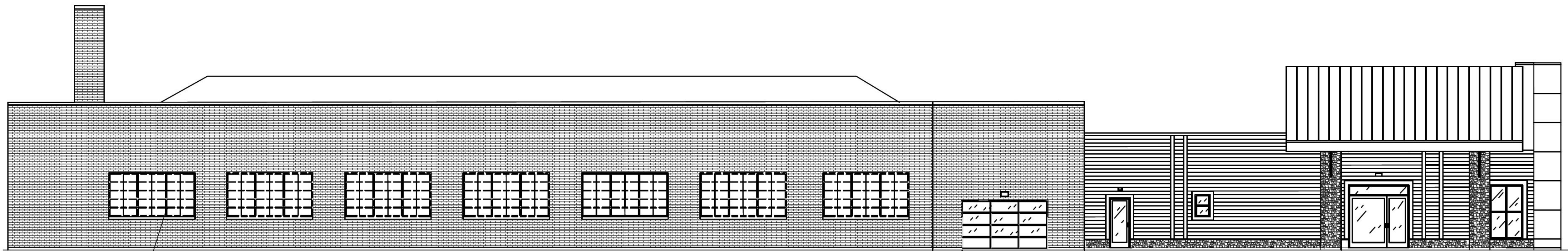


C4 COLOR - BENJAMINE MOORE
"CAFE DOPPIO" CSP-210



INTERNATIONAL DESIGN ASSOC., LTD.
 ARCHITECTS
 70 W BURTON PL STE 1502 CHICAGO, IL 60610

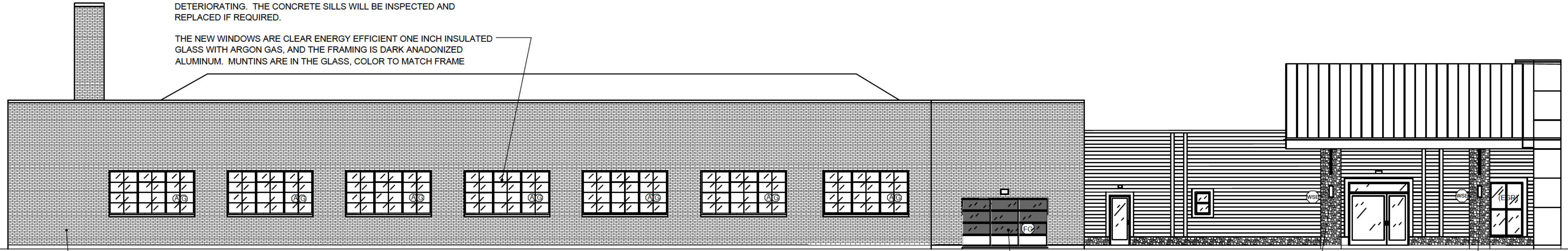
JOHN PLUNKETT INTERIORS
 80 GREEN BAY ROAD WINNETKA, ILLINOIS



EXISTING SOUTH ELEVATION

THE DASHED EXISTING WINDOWS IN THE SOUTH ELEVATION ARE BEING REPLACED. THE EXISTING WINDOWS ARE SINGLE PANE GLASS, WHICH ARE NOT ENERGY EFFICIENT, AND STEEL FRAMING, WHICH IS DETERIORATING. THE CONCRETE SILLS WILL BE INSPECTED AND REPLACED IF REQUIRED.

THE NEW WINDOWS ARE CLEAR ENERGY EFFICIENT ONE INCH INSULATED GLASS WITH ARGON GAS, AND THE FRAMING IS DARK ANODIZED ALUMINUM. MUNTINS ARE IN THE GLASS, COLOR TO MATCH FRAME



EXISTING MASONRY

PROPOSED SOUTH ELEVATION

- (A) FRAMING / "VITRO" STOREFRONT, OR EQUAL
"451UT" / 2"x4" - COLOR: DARK ANODIZED BRONZE
- (G) GLASS - 1" INSULATED GLASS, LOW "E"
SOLARBAN 72 ON SURFACE / ARGON GAS
- (G1) GLASS - 1" INSULATED / TEMPERED GLASS "PPG",
LOW "E" SOLARBAN 72 ON SURFACE / ARGON GAS

- (EG) EXIST. GLASS IN GARAGE DOOR
- (NC) NOT IN CONTRACT - FRAMING AND GLASS
BY BUILDING OWNER

THE EXISTING GARAGE DOOR IS TO REMAIN. THE WINDOWS WILL BE COVERED WITH AN OPAQUE WHITE FILM SCREENING THE GLASS FOR SECURITY PURPOSES

(EDR)

EXISTING DOORS TO REMAIN

"PROGRESS LIGHTING" SQUARE -
OUTDOOR LIGHT 2 LIGHT,
6"W x 18" LG. - UP/DOWN WALL
SCENCE COLOR -
ANTIQU BRONZE

(EDR)

(EGR) EXISTING GLASS
TO REMAIN
(EDR) EXISTING DOORS
TO REMAIN



EXISTING EAST ELEVATION

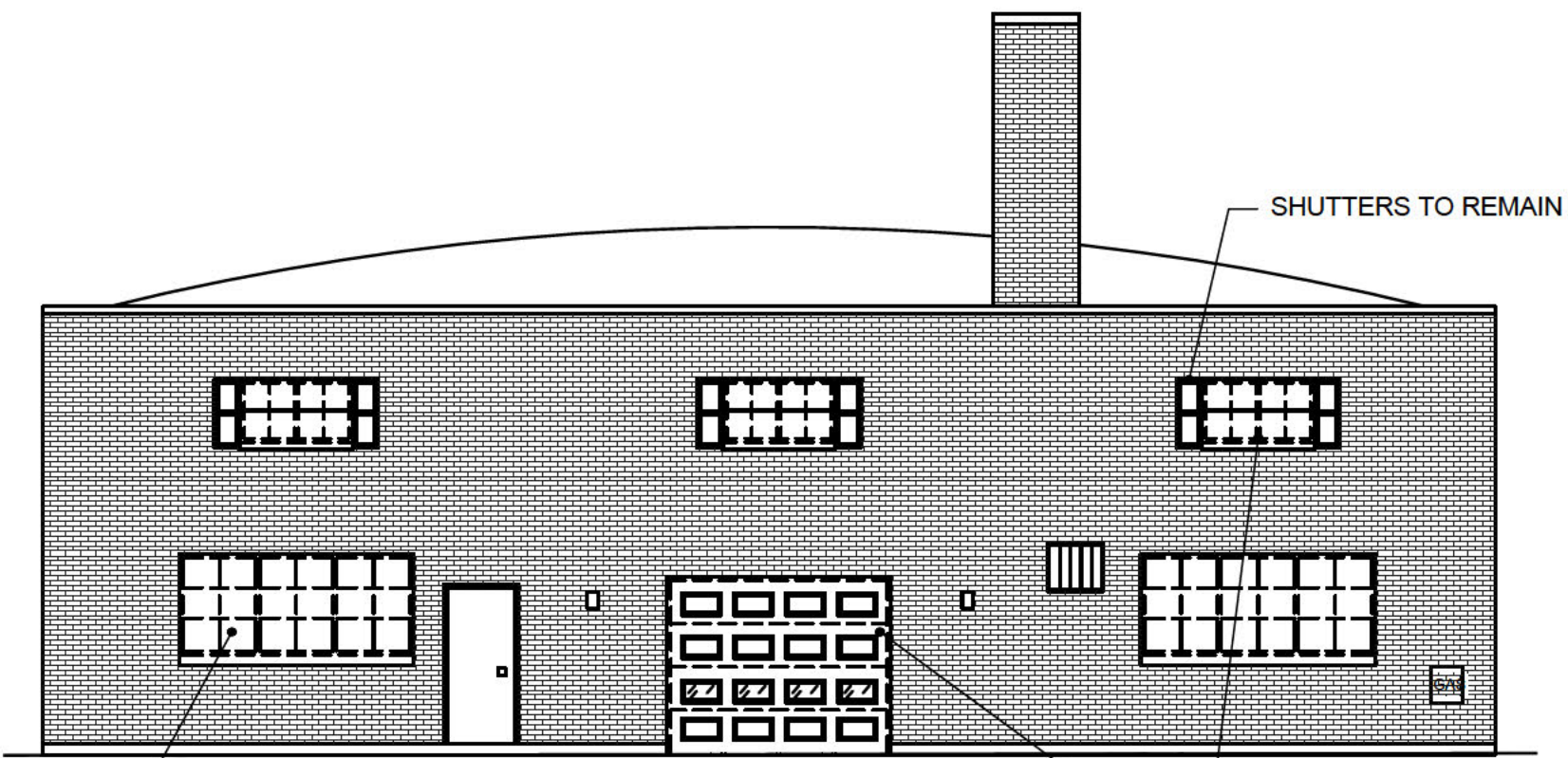


PROPOSED SIGN
SEE SIGN DRAWINGS
FOR DETAILS

PROPOSED EAST ELEVATION

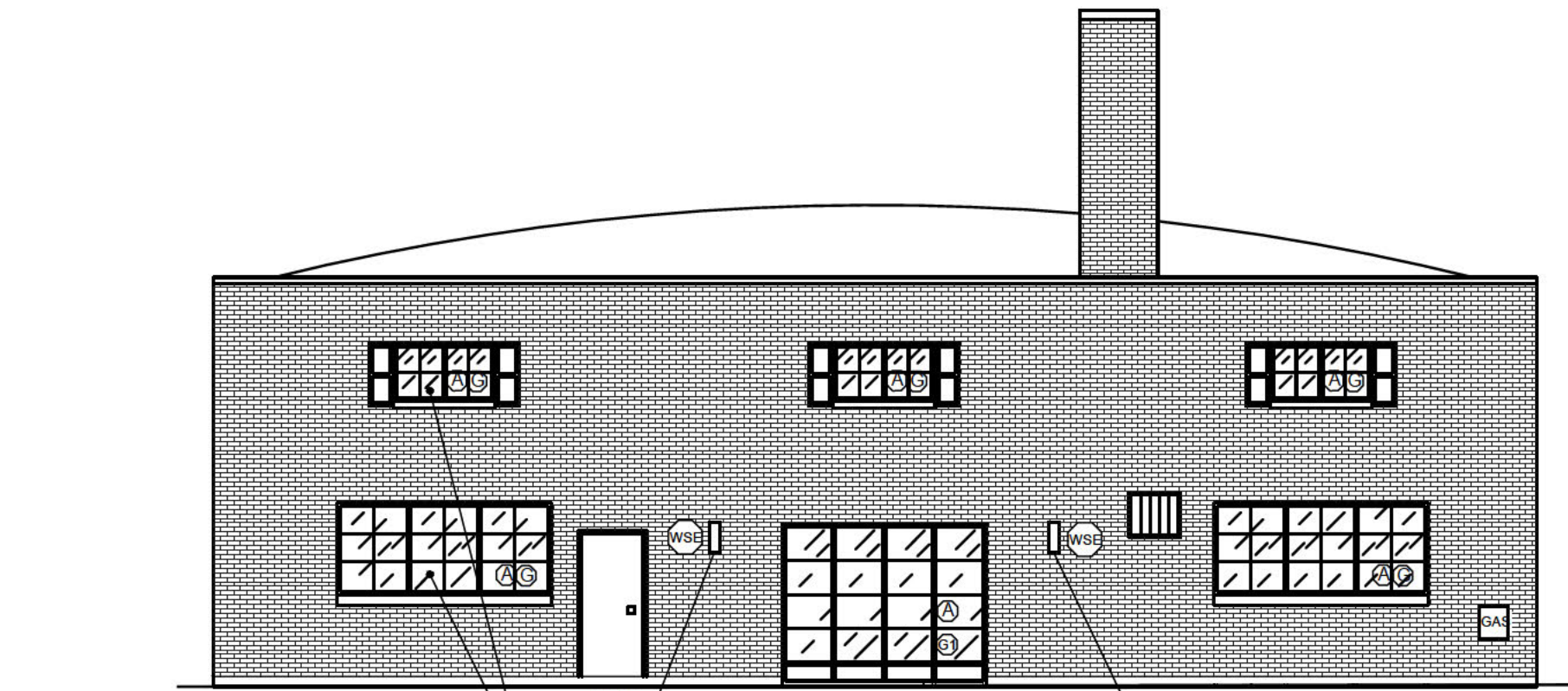
"PROGRESS LIGHTING" SQUARE -
OUTDOOR LIGHT 2 LIGHT,
6"W x 18" LG. - UP/DOWN WALL
SCENCE COLOR -
ANTIQU BRONZE

(EGR) EXISTING GLASS
TO REMAIN
(EDR) EXISTING DOORS
TO REMAIN



EXISTING WEST ELEVATION

THE DASHED EXISTING WINDOWS AND THE GARAGE DOOR IN THE WEST ELEVATION ARE BEING REPLACED. THE EXISTING WINDOWS ARE SINGLE PANE GLASS, WHICH ARE NOT ENERGY EFFICIENT, AND STEEL FRAMING, WHICH IS DETERIORATING. THE CONCRETE SILLS WILL BE INSPECTED AND REPLACED IF REQUIRED. THE GARAGE DOOR IS NOT LONGER REQUIRED. EXISTING WALLSCENE LIGHTS TO BE REMOVED

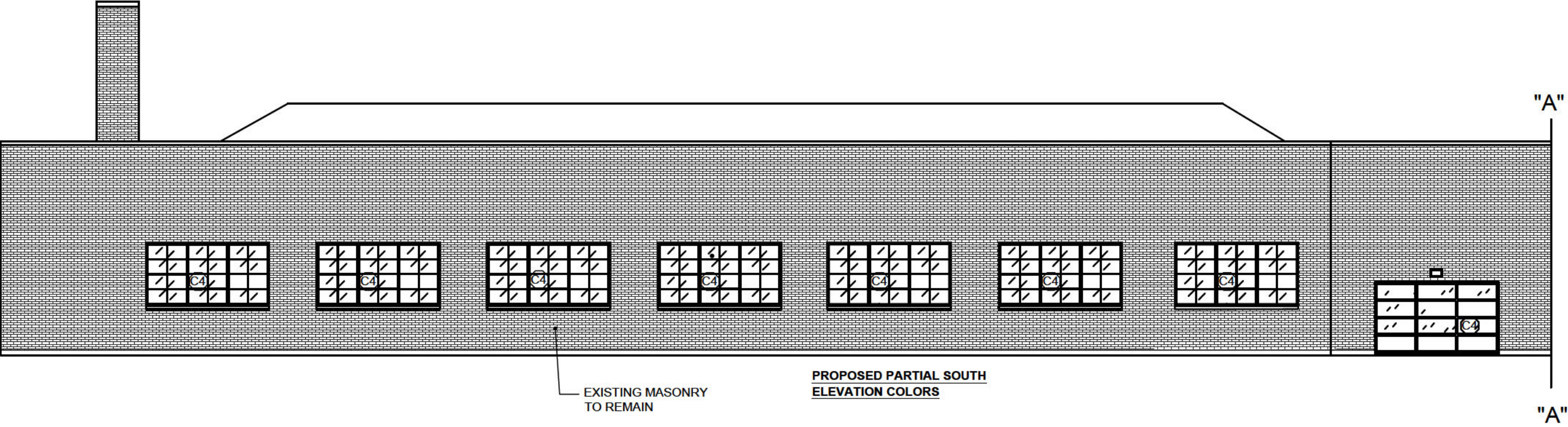


PROPOSED WEST ELEVATION

THE NEW WINDOWS ARE CLEAR, ENERGY EFFICIENT ONE INCH INSULATED GLASS WITH ARGON GAS AND THE FRAMING AND MUNTINS ARE DARK ANODIZED ALUMINUM.

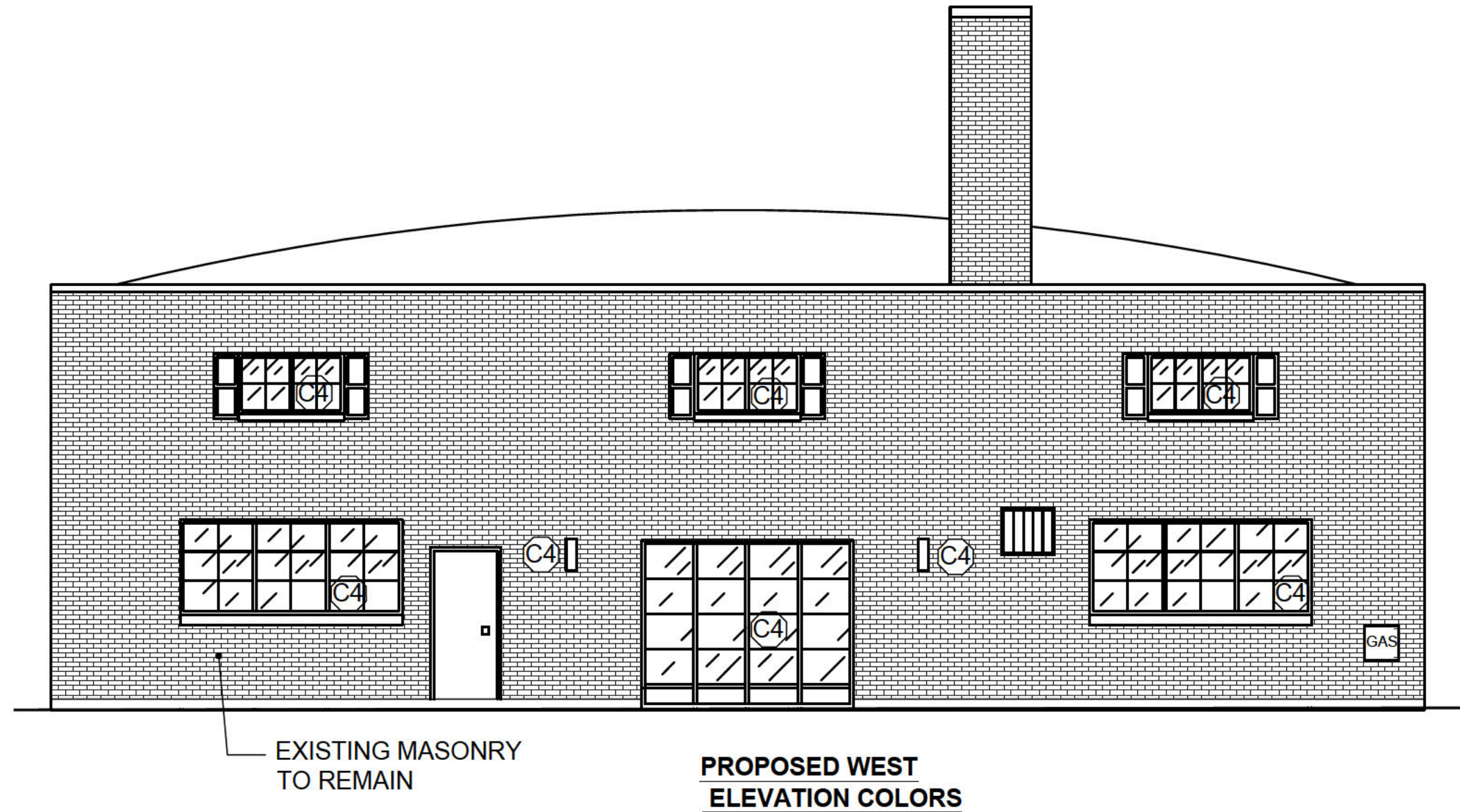
"PROGRESS LIGHTING" SQUARE -
OUTDOOR LIGHT 2 LIGHT,
6"W x 18" LG. - UP/DOWN WALL
SCENCE COLOR -
ANTIQU BRONZE

- (A) FRAMING / "VITRO" STOREFRONT, OR EQUAL
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SOLARBAN 72 ON SURFACE / ARGON GAS
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JOHN PLUNKETT INTERIORS
80 GREEN BAY ROAD WINNETKA, ILLINOIS



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80 GREEN BAY ROAD

WINNETKA, ILLINOIS



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: DESIGN REVIEW BOARD

FROM: DAVORKA KIRINCIC, AICP
BUILDING AND CODE ENFORCEMENT MANAGER

DATE: JUNE 6, 2023

SUBJECT: 80 GREEN BAY ROAD – JOHN PLUNKETT INTERIORS – CERTIFICATE OF APPROPRIATENESS
(CASE NO. 23-14-DR)

INTRODUCTION

On June 15, 2023, the Design Review Board (DRB) is scheduled to consider a Certificate of Appropriateness application submitted by *John Plunkett Interiors* (the “Applicant”) as lessee of the property located at 80 Green Bay Road (the “Subject Property”). The Applicant is seeking approval of a Certificate of Appropriateness to allow the replacement of existing windows, installation of new exterior building lighting, and painting of the exterior of the building on the Subject Property. Given the property is in the C-1 Limited Retail Commercial District, the Village Council has the final authority on the Certificate of Appropriateness. *In this instance, the DRB is only a recommending body.*

PROPERTY DESCRIPTION

The Subject Property is located on the west side of Green Bay Road between Winnetka Avenue and the Village of Kenilworth and contains a one-story commercial building that *Fields Maserati* formerly occupied. The Subject Property is located in the C-1 Neighborhood Commercial zoning district and is not in the Commercial Overlay District.

Figure 1 and Figure 2 below identify the Subject Property.

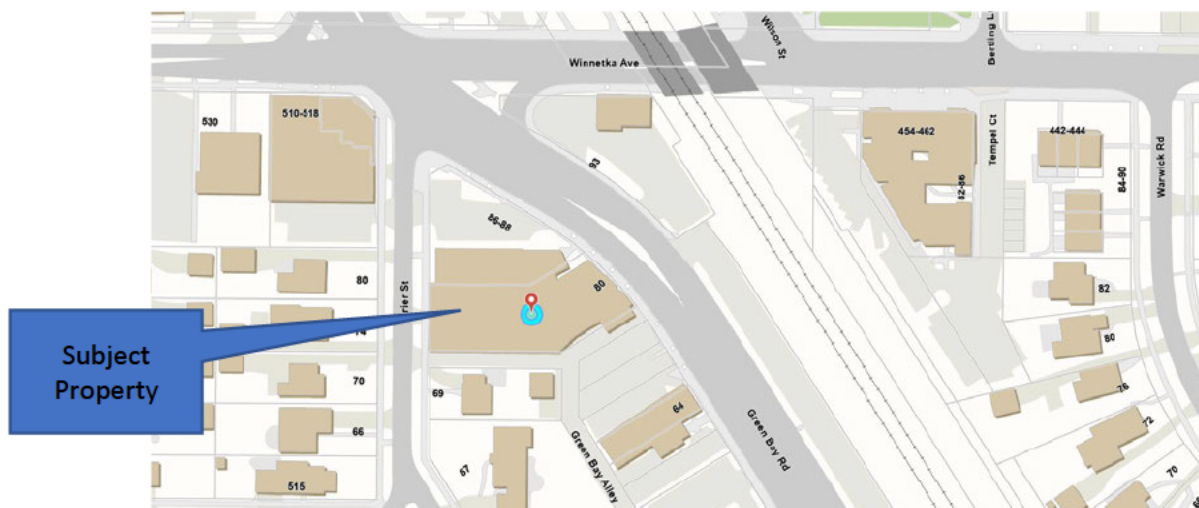


Figure 1 – Location Map -Subject Property – 80 Green Bay Road



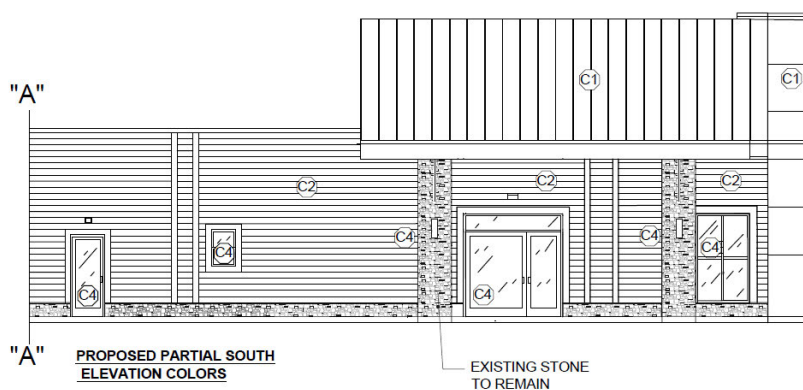
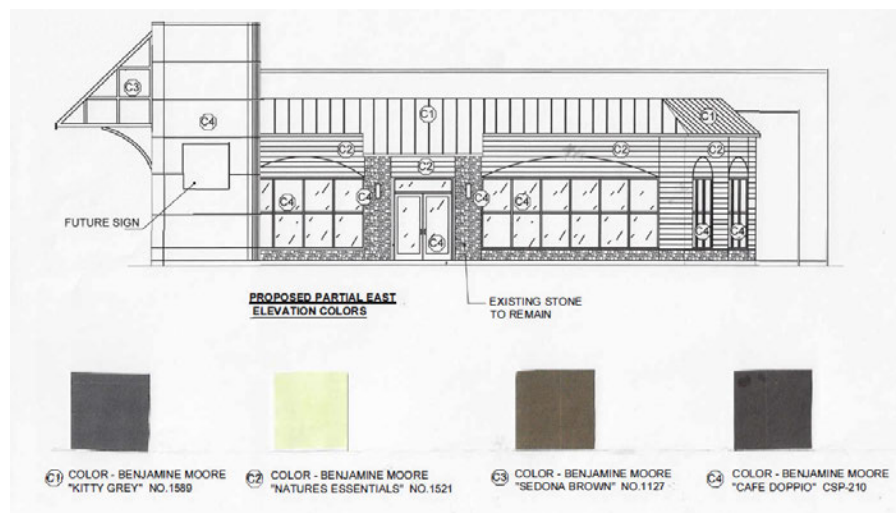
Figure 2 – Subject Property – Building View Along Green Bay Road Driving Northwest

CURRENT REQUEST

As previously stated, the Applicant is seeking the replacement of existing windows, installation of new exterior building lighting, and painting of the exterior of the building.

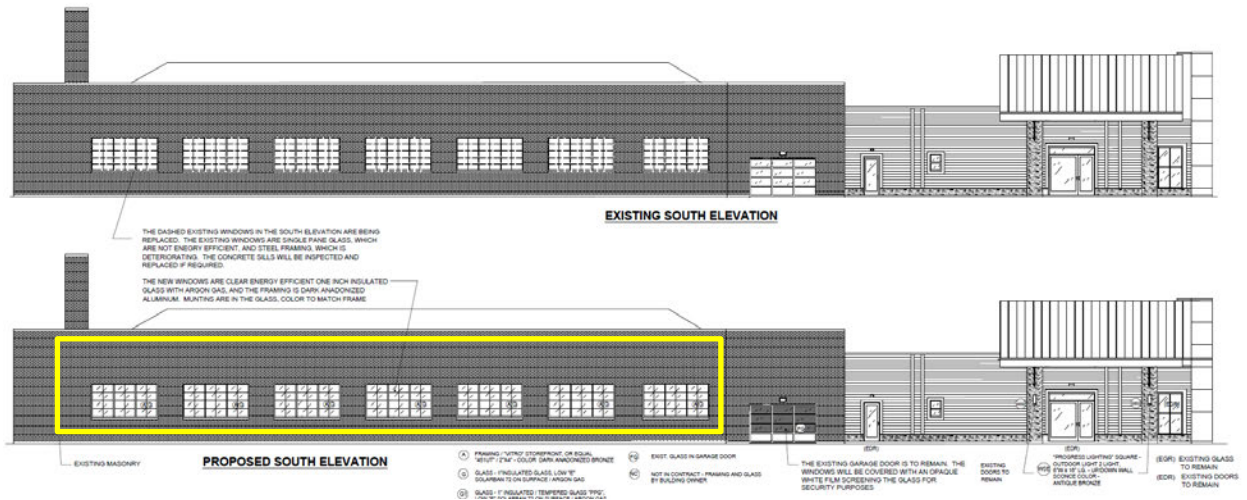
Building Façade Paint Changes

- The Applicant is seeking approval to make minor revisions to the façade design, changing a shade of existing paint color on the east and south building façades with specifically Benjamin Moore semi-gloss paint (Notty Gray, Natures Essentials, Bedona Brown, and Café Doppio) as illustrated below.

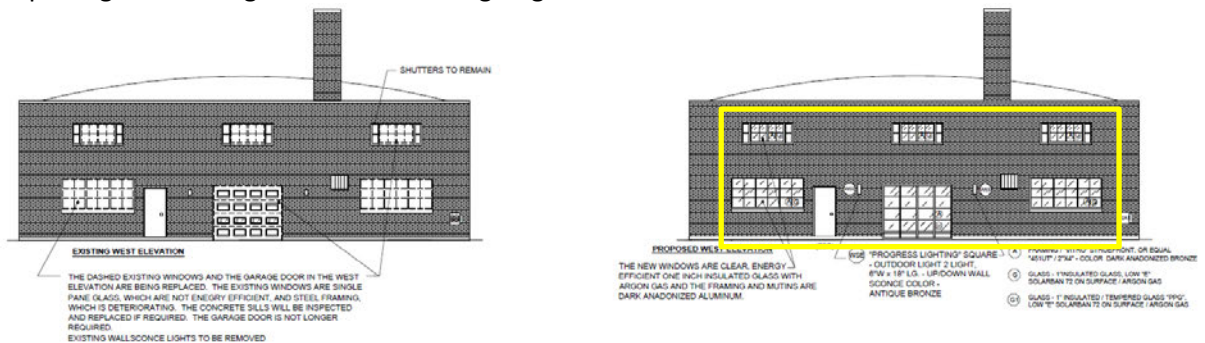


Windows changes

- Repainting existing window frames with Benjamin Moore Café Doppio on the East elevation
- Replacing seven existing windows on the South elevation



- Replacing the existing five windows and garage door on the West elevation.

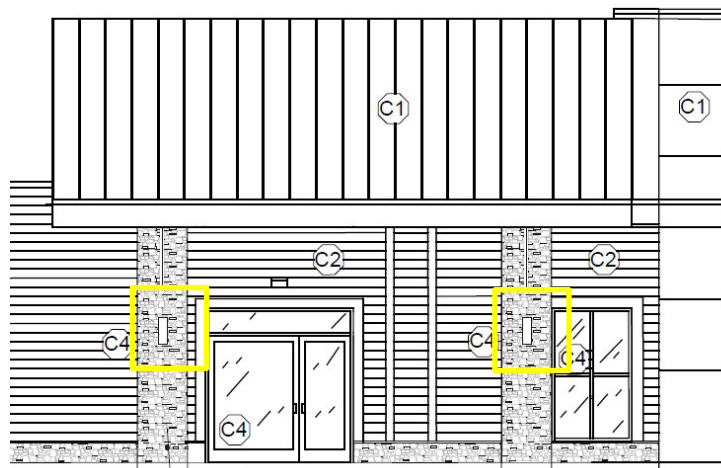


- All proposed new windows to be clear energy efficient one-inch insulated glass with argon gas, and the framing anodized aluminum. Muntins are in the glass, color to match the frame, which will be Benjamin Moore Café Doppio.

The Exterior Building Lighting

Installing six new light fixtures (two by each entrance door) on the South, East, and West elevations. Each fixture is to have the following specifications:

- Progress Lighting – P-5644-20-30K-Square*
- 6" outdoor LED two-light up/down square, modern style
- aluminum construction
- Dimensions: 18" high and 6" wide
- Antique Bronze finish



Sample of Lighting - South Elevation

A copy of the Applicant's application materials is included in Attachment A.

DESIGN GUIDELINES ANALYSIS

The Village's Design Guidelines provide guidance on the materials and color of exterior facades and exterior lighting for commercial buildings.

- 1) *The brick color palette of a building should be "restricted to those present in the district but can vary in color from reds to yellows and have varying levels of iron spotting."*
- 2) *The number of façade colors should be minimized, and the use of white and cream stucco with reds and browns should be considered to emphasize earth tones and eliminate saturated colors.*
- 3) *Incandescent and low-voltage lighting may be allowed.*
- 4) *Fixtures should be contextual with the building and adjacent building design.*
- 5) *Building lighting should focus on providing light on building signs and enhancing architectural details on the facade.*
- 6) *All lighting shall be located and shielded from direct visibility from any dwelling or public street per the Winnetka Village Code.*
- 7) *Wall lanterns and architectural highlighting should be considered. Sodium and fluorescent lighting is not allowed." (See Attachment B).*

The Board will need to determine if the proposed building improvements comply with the above standards. Excerpts of the Village Design Guidelines related to commercial buildings are included in Attachment B.

RECOMMENDATION

At the June 15, 2023, Design Review Board meeting, the Board is scheduled to consider the design of the Applicants' proposed **exterior building improvements**. After hearing from the Applicants and the public, the Board may decide to act on one of two options:

- 1) Continue further review of the application to a date specific to provide the Applicant and/or staff additional time to address questions and comments from the Board.
- 2) Adopt a motion recommending approval or a motion recommending denial of a certificate of appropriateness for design of the proposed mixed-use building.

If the Board wishes to adopt a motion recommending approval or denial, a Board member may want to make a motion such as the following:

*Move to recommend **approval [denial]** of a certificate of appropriateness for the **design of the proposed exterior building improvements and site improvements on the Subject Property**, subject to the following conditions:*

- A. [If the Board chooses to place conditions as part of its recommendation, it will want to include the conditions here.]***

The Board's recommendation is based on evidence in the record, or a public document, and upon the following findings of fact:

- (1) the proposed external architectural features and site improvements are appropriate to and compatible with the character of the immediate neighborhood;*
- (2) the proposed external architectural features and site improvements are appropriate to and compatible with adopted Village plans for and improvements in the immediate neighborhood, and including both urban design and site arrangement considerations;*
- (3) the proposed external architectural features and site improvements are consistent with applicable Village design guidelines and such standards and criteria as may be adopted by the Board; and*
- (4) the probable effect of the proposed external architectural features on the integrity of the immediate vicinity.*

ATTACHMENTS

Attachment A: Application Materials

Attachment B: Design Guidelines Excerpt

ATTACHMENT A

Village of Winnetka
CERTIFICATE OF APPROPRIATENESS APPLICATION

VILLAGE OF WINNETKA, ILLINOIS DEPARTMENT OF COMMUNITY DEVELOPMENT

CERTIFICATE OF APPROPRIATENESS APPLICATION

Project Address: 80 GREEN BAY RD. COA 2023-489

Name of Business(es): JOHN PLUNKETT INTERIORS

Application is hereby made for the following work (please check all that apply):

- ☐ Sign Sign Permit Application attached? ☐
☐ Awning Awning Permit Application attached? ☐
☐ Other (general description) MINOR CHANGES TO EXISTING BUILDING EXTERIOR

Please provide a detailed description of the proposed work (attach additional information such as material specifications, photographs, etc.): CHANGE SOUTH SIDE WINDOWS (UPGRADE) AND WEST WINDOWS - ADD UP-DOWN LIGHTS - PAINT AREAS OF EXTERIOR - OWNER TO PROVIDE SAMPLES

I/We hereby certify that as LESSEE (Lessee/Owner) of the property located at 80 GREEN BAY RD (address), I am/we are authorized to submit plans for alterations of the subject property. I/We agree to perform the subject work in accordance with the conditions of approval by the Winnetka Design Review Board as well as all other applicable codes, rules and regulations of the Village of Winnetka.

SIGNED

PRINTED NAME(S)

ADDRESS

PHONE NO.

EMAIL


ROBERT JAYDOS
AUTHORIZED REPRESENTATIVE
FOR OWNER
70 W. BURTON PL. CH.
312 944 0860
IDA.L.ARCHITECTS@
OUTLOOK.COM

FOR OFFICE USE ONLY

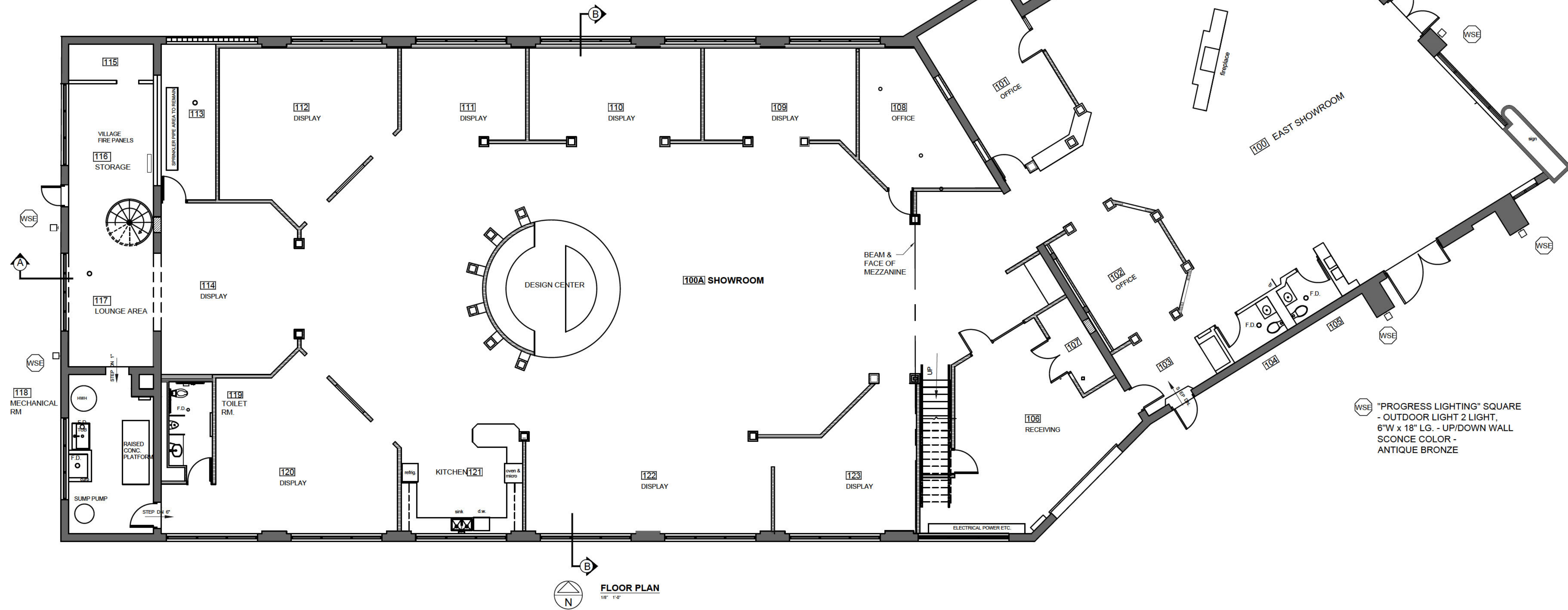
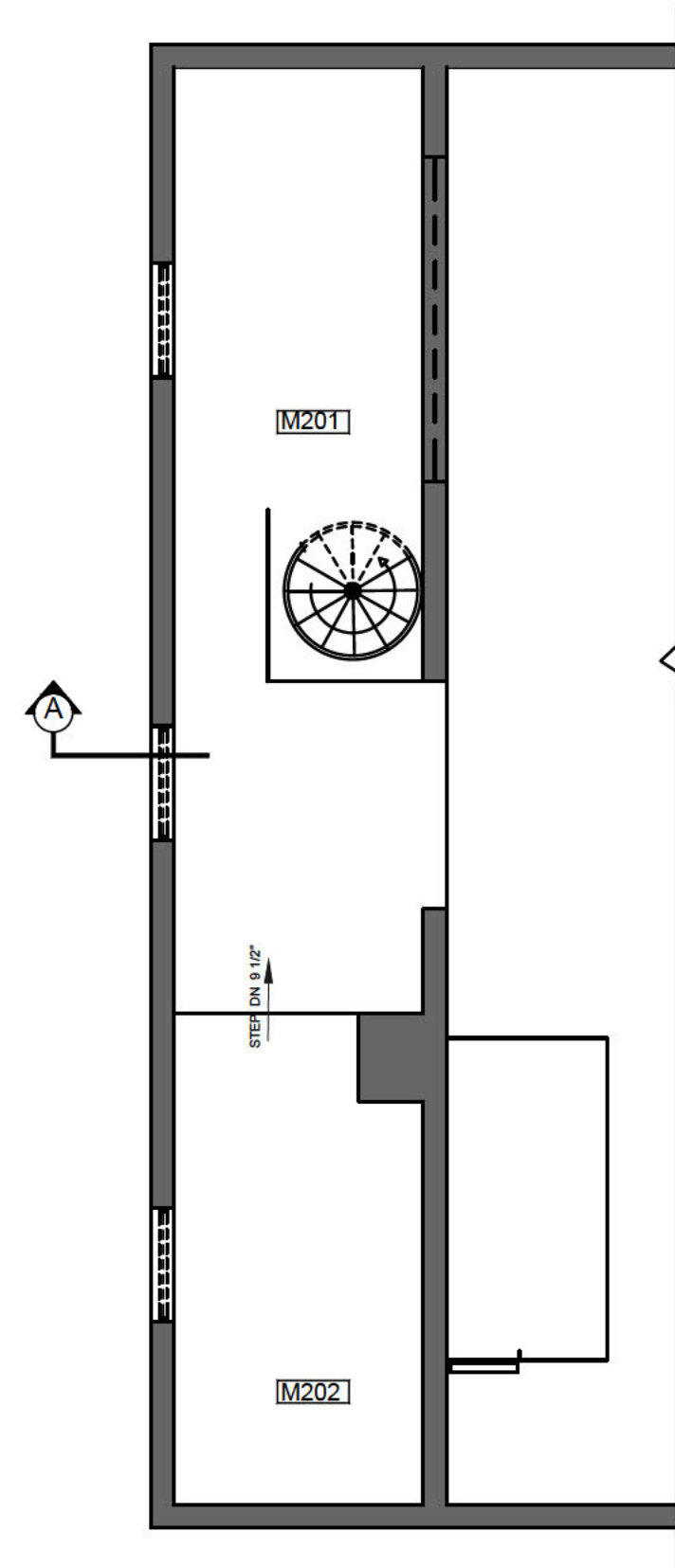
COA applied for (date): _____

COA Case Number: _____

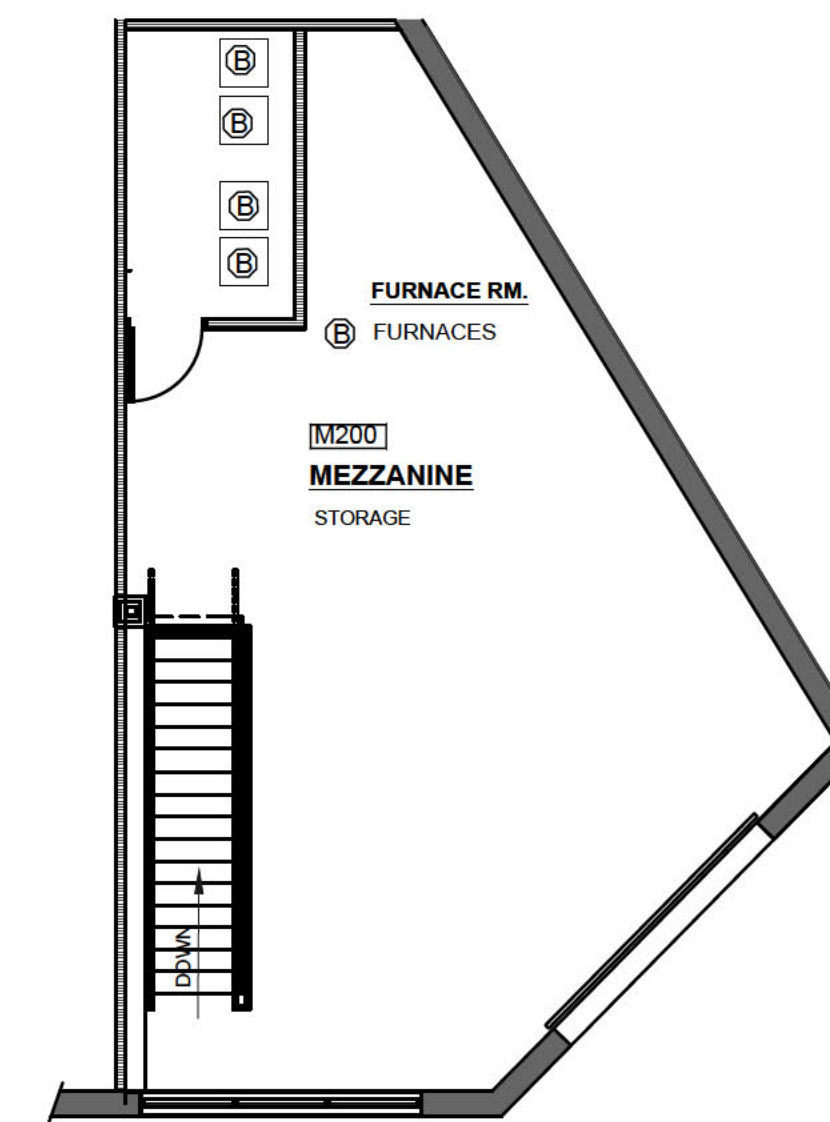
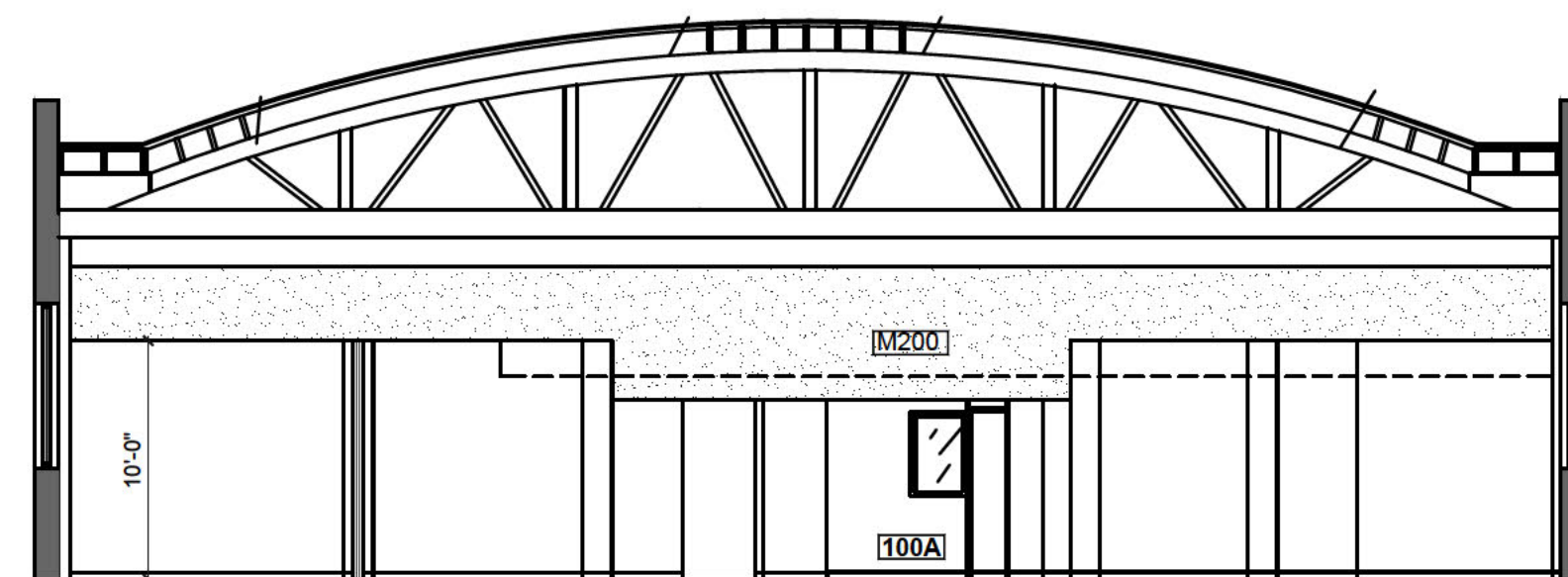
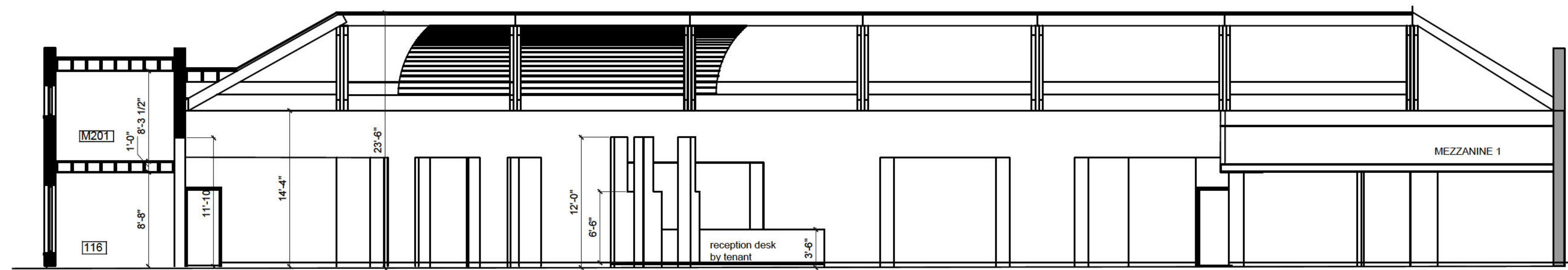
COA Issued (date): _____

PRIMARY DESIGN FIRM	<u>INTERNATIONAL DESIGN</u>
CONTACT NAME	<u>ASSOC. LTD.</u>
ADDRESS	<u>ROBERT JAYDOS</u>
PHONE NO.	<u>70 W. BURTON PL</u>
EMAIL	<u>S-1502</u>
	<u>CHICAGO, IL 60610</u>
	<u>312 944 0860</u>
	<u>IDA.L.ARCHITECTS@</u>
	<u>OUTLOOK.COM</u>





WSE "PROGRESS LIGHTING" SQUARE
- OUTDOOR LIGHT 2 LIGHT,
6"W x 18" LG. - UP/DOWN WALL
SCONCE COLOR -
ANTIQUE BRONZE



INTERNATIONAL DESIGN ASSOC., LTD.

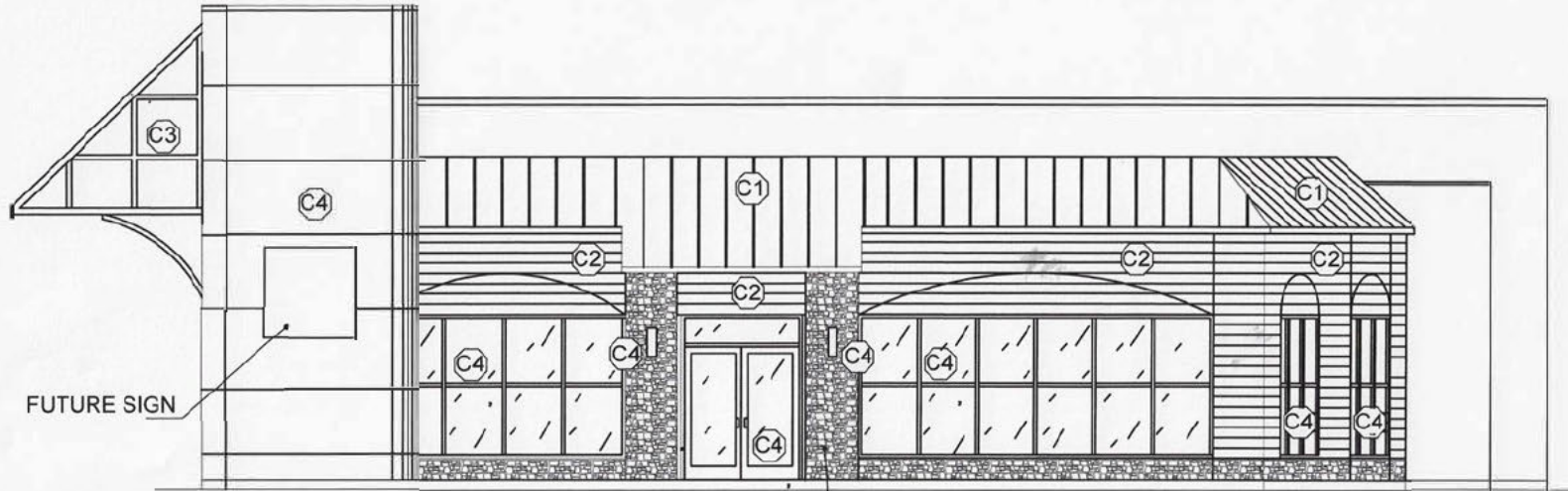
ARCHITECTS

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JOHN PLUNKETT INTERIORS

80 GREEN BAY ROAD

WINNETKA, ILLINOIS



**PROPOSED PARTIAL EAST
ELEVATION COLORS**

EXISTING STONE
TO REMAIN



C1 COLOR - BENJAMINE MOORE
"KITTY GREY" NO.1589



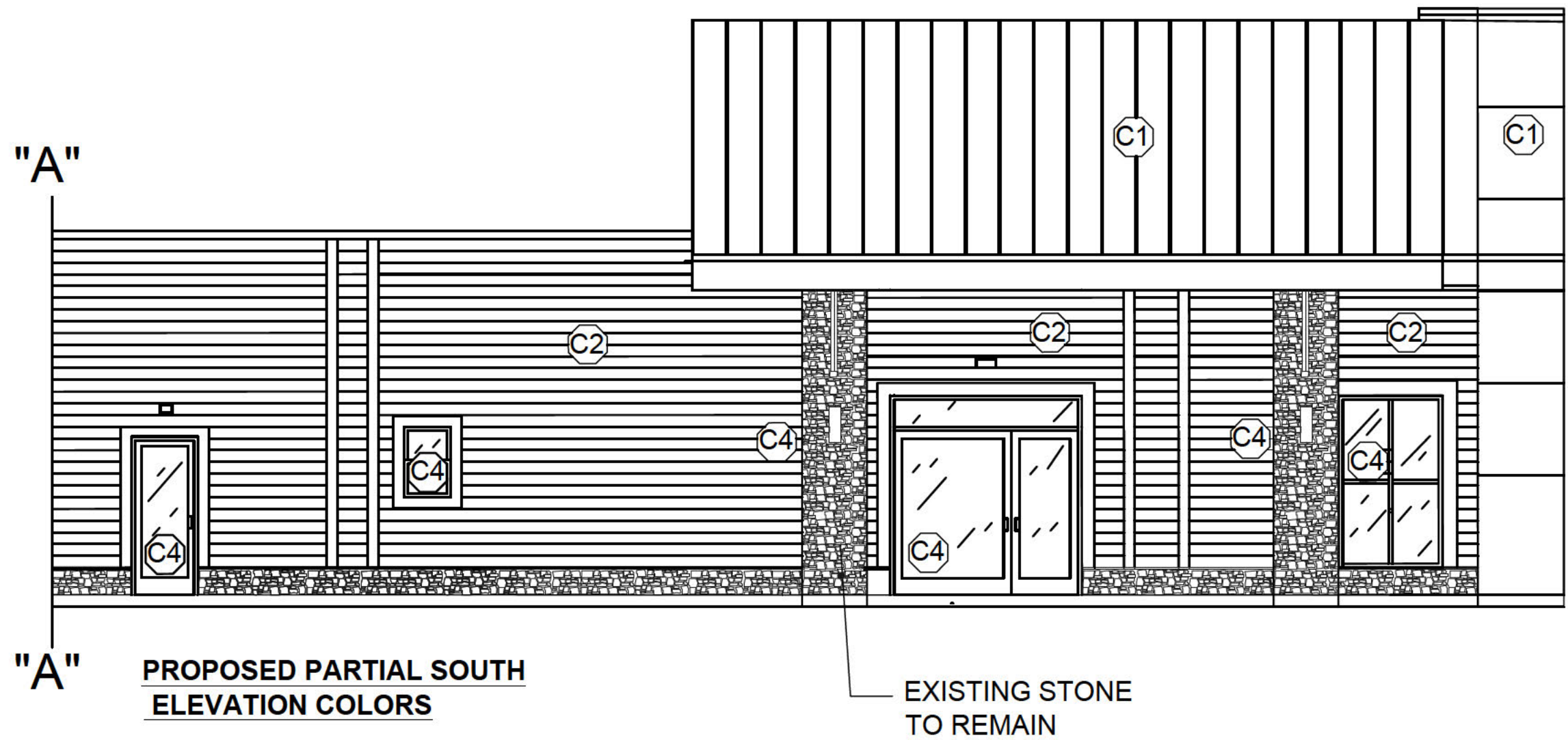
C2 COLOR - BENJAMINE MOORE
"NATURES ESSENTIALS" NO.1521



C3 COLOR - BENJAMINE MOORE
"SEDONA BROWN" NO.1127



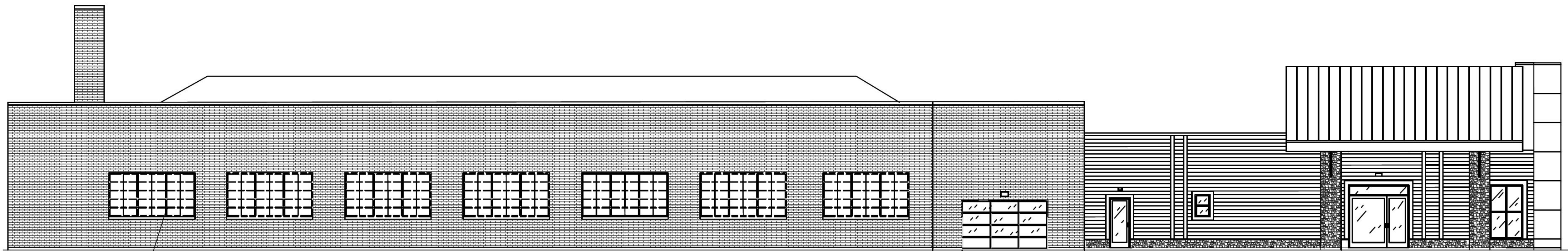
C4 COLOR - BENJAMINE MOORE
"CAFE DOPPIO" CSP-210



"A" **PROPOSED PARTIAL SOUTH
ELEVATION COLORS**

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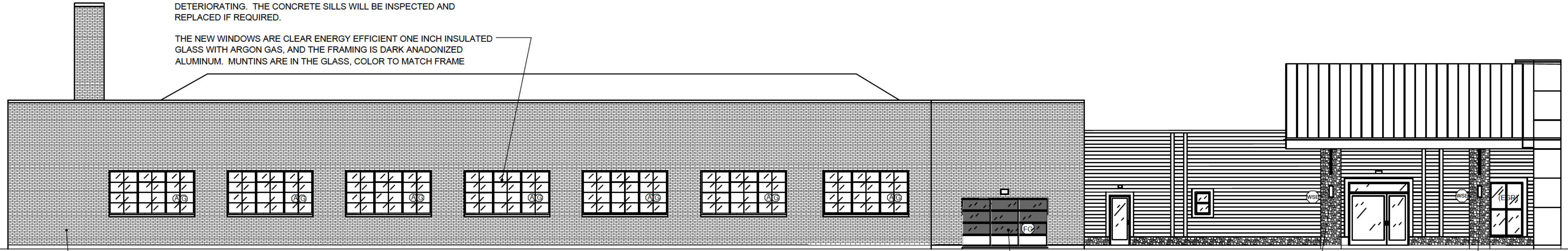
JOHN PLUNKETT INTERIORS
80 GREEN BAY ROAD WINNETKA, ILLINOIS



EXISTING SOUTH ELEVATION

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SOLARBAN 72 ON SURFACE / ARGON GAS
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BY BUILDING OWNER

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(EDR)

EXISTING DOORS TO REMAIN

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SCONCE COLOR -
ANTIQUE BRONZE

(EGR) EXISTING GLASS
TO REMAIN
(EDR) EXISTING DOORS
TO REMAIN



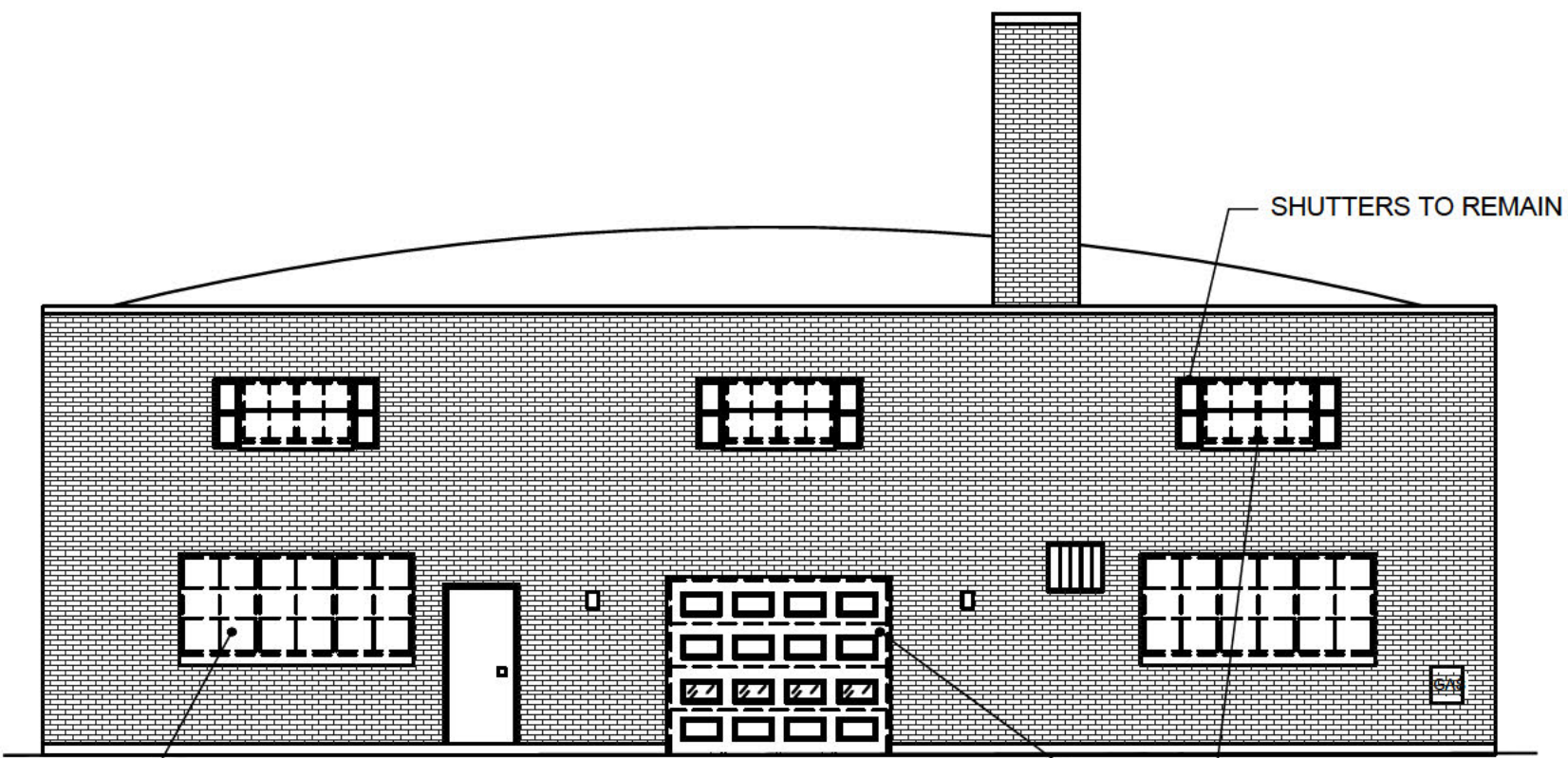
EXISTING EAST ELEVATION



PROPOSED EAST ELEVATION

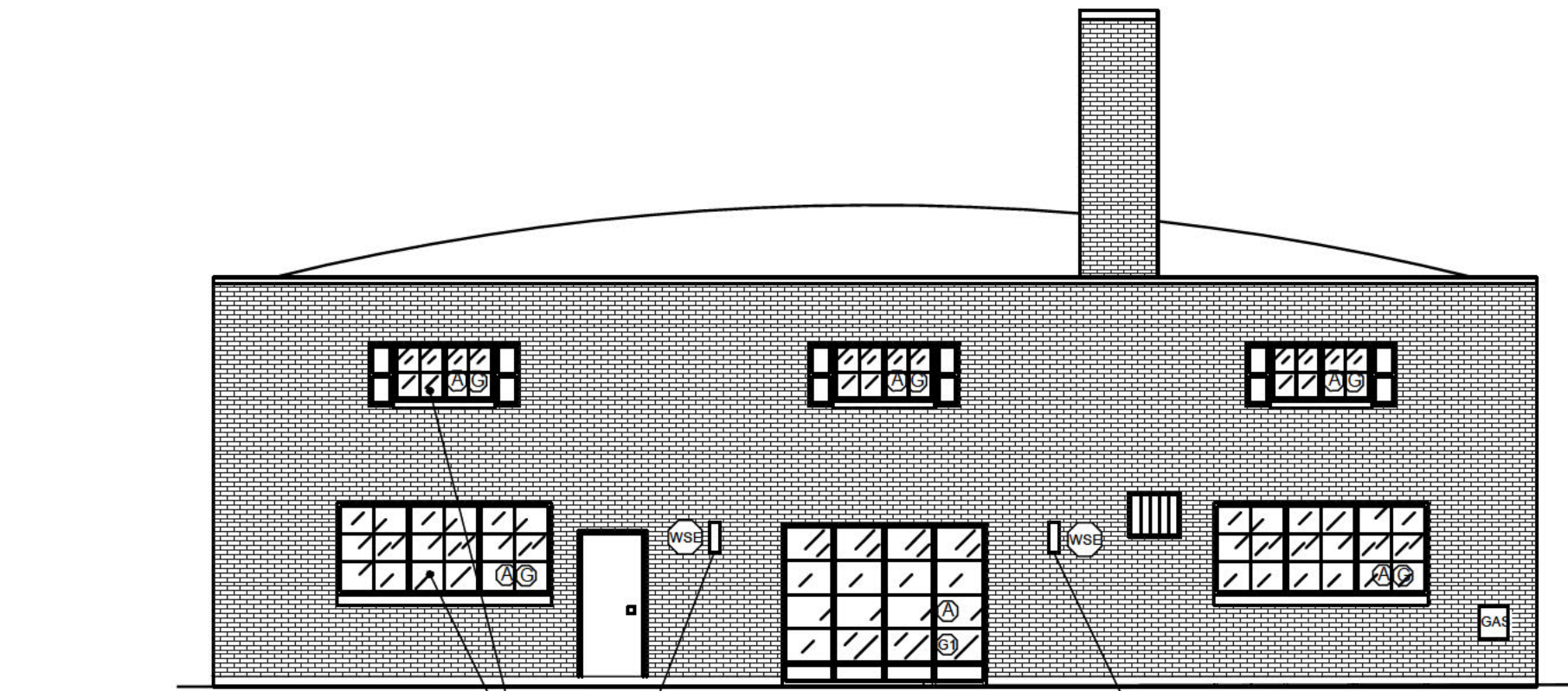
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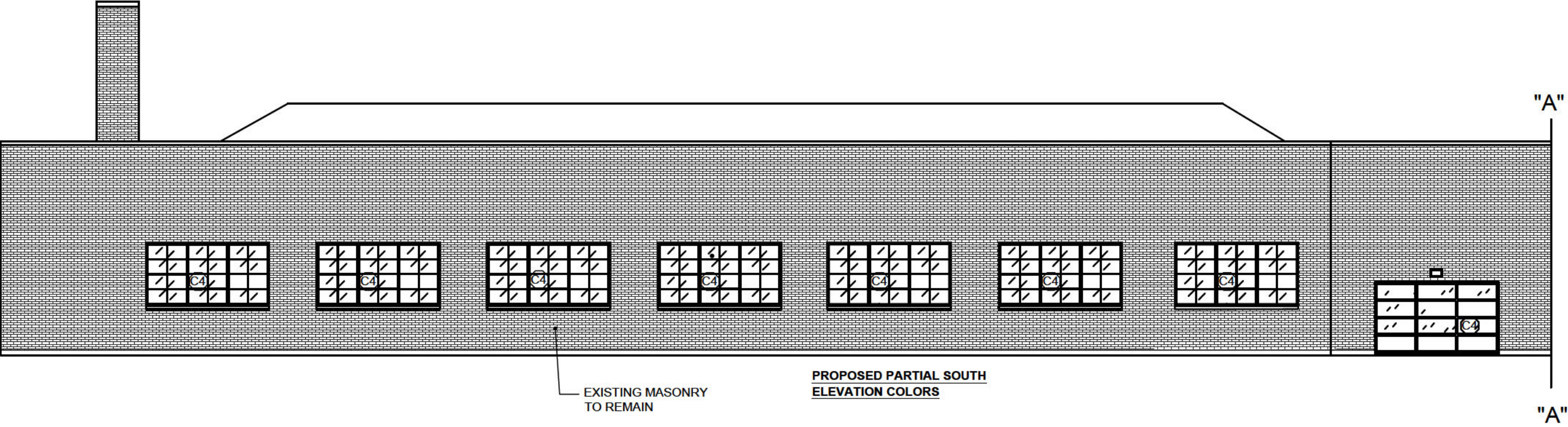


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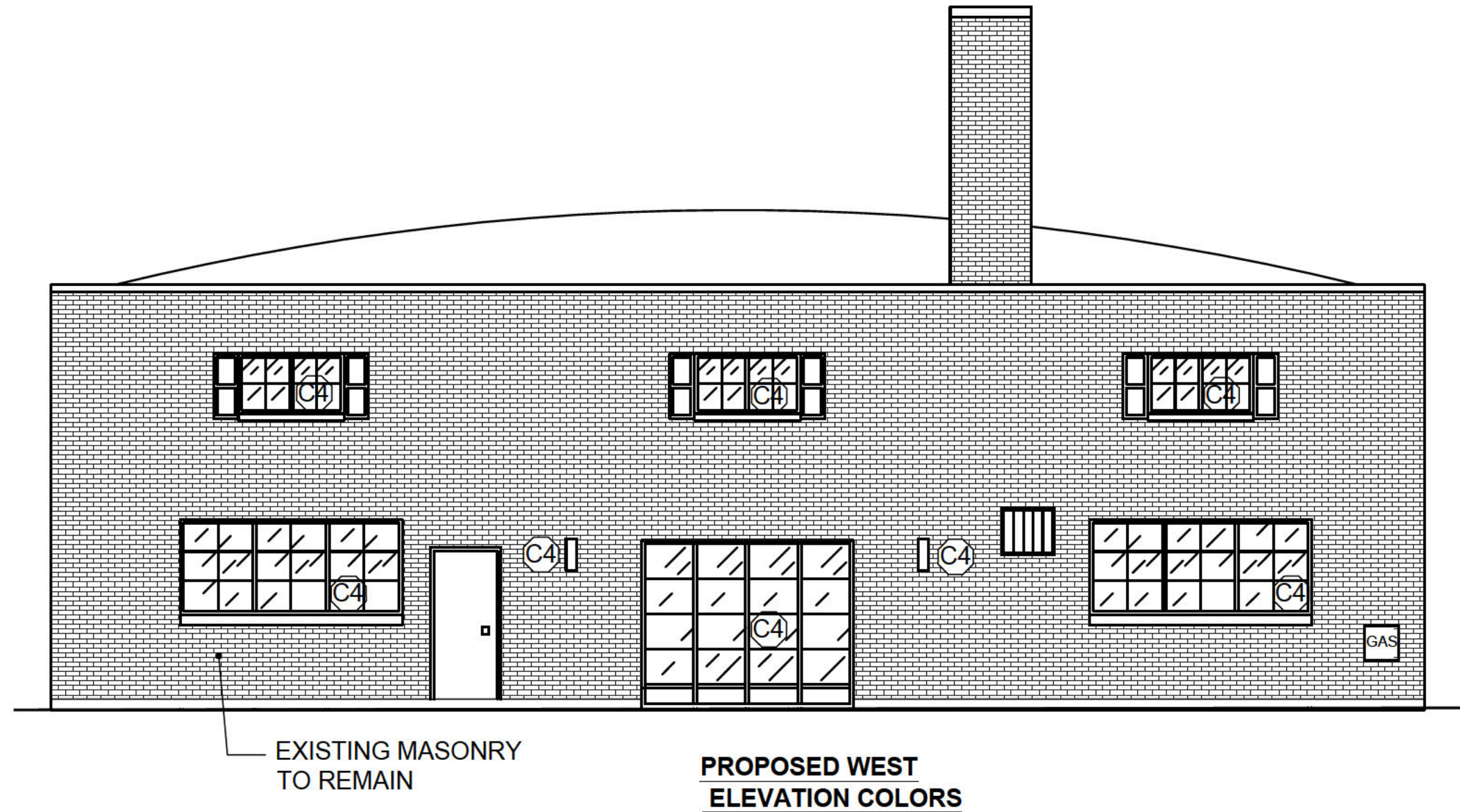
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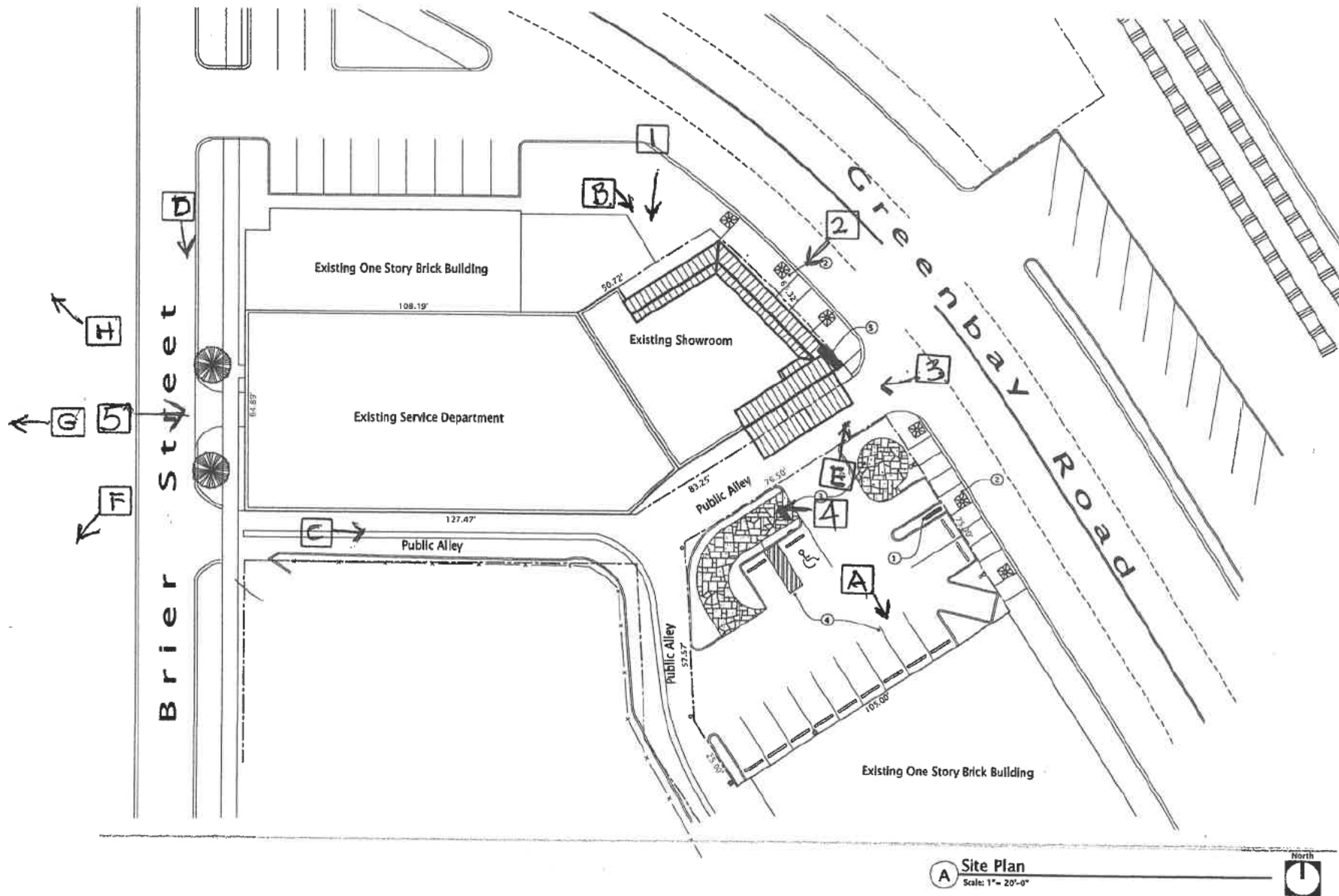
70 W BURTON PL STE 1502 CHICAGO, IL 60610

JOHN PLUNKETT INTERIORS

80 GREEN BAY ROAD

WINNETKA, ILLINOIS

LAY OUT FOR PHOTOGRAPHS SUBMITTED BY APPLICANT





1

From: Robert Jaydos <[REDACTED]>
Sent: Monday, June 5, 2023 6:00 AM
To: Robert Jaydos
Subject: Photos three



2



Sent from my iPhone

3

From: Robert Jaydos <[REDACTED]>
Sent: Monday, June 5, 2023 6:06 AM
To: Robert Jaydos
Subject: Photos four



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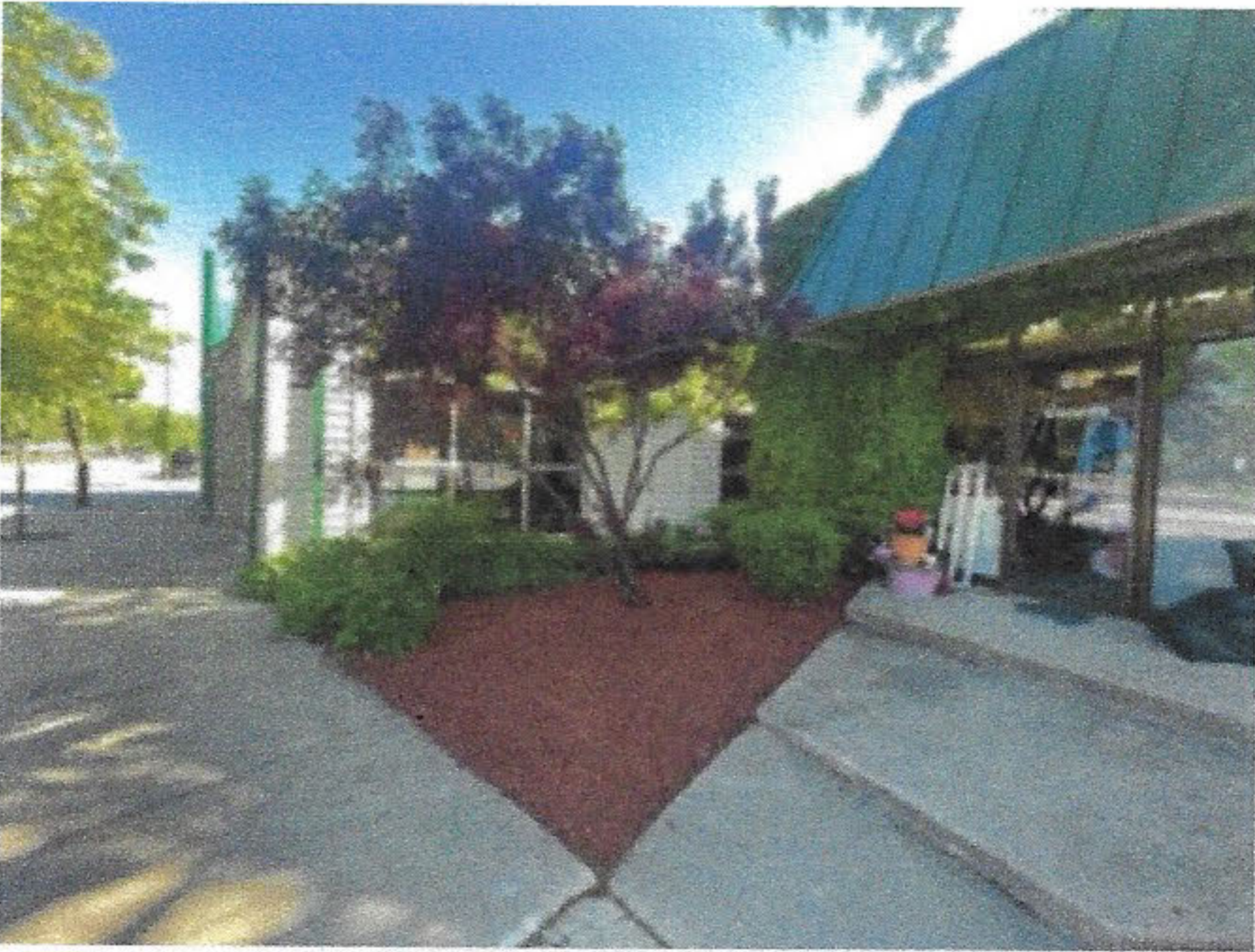


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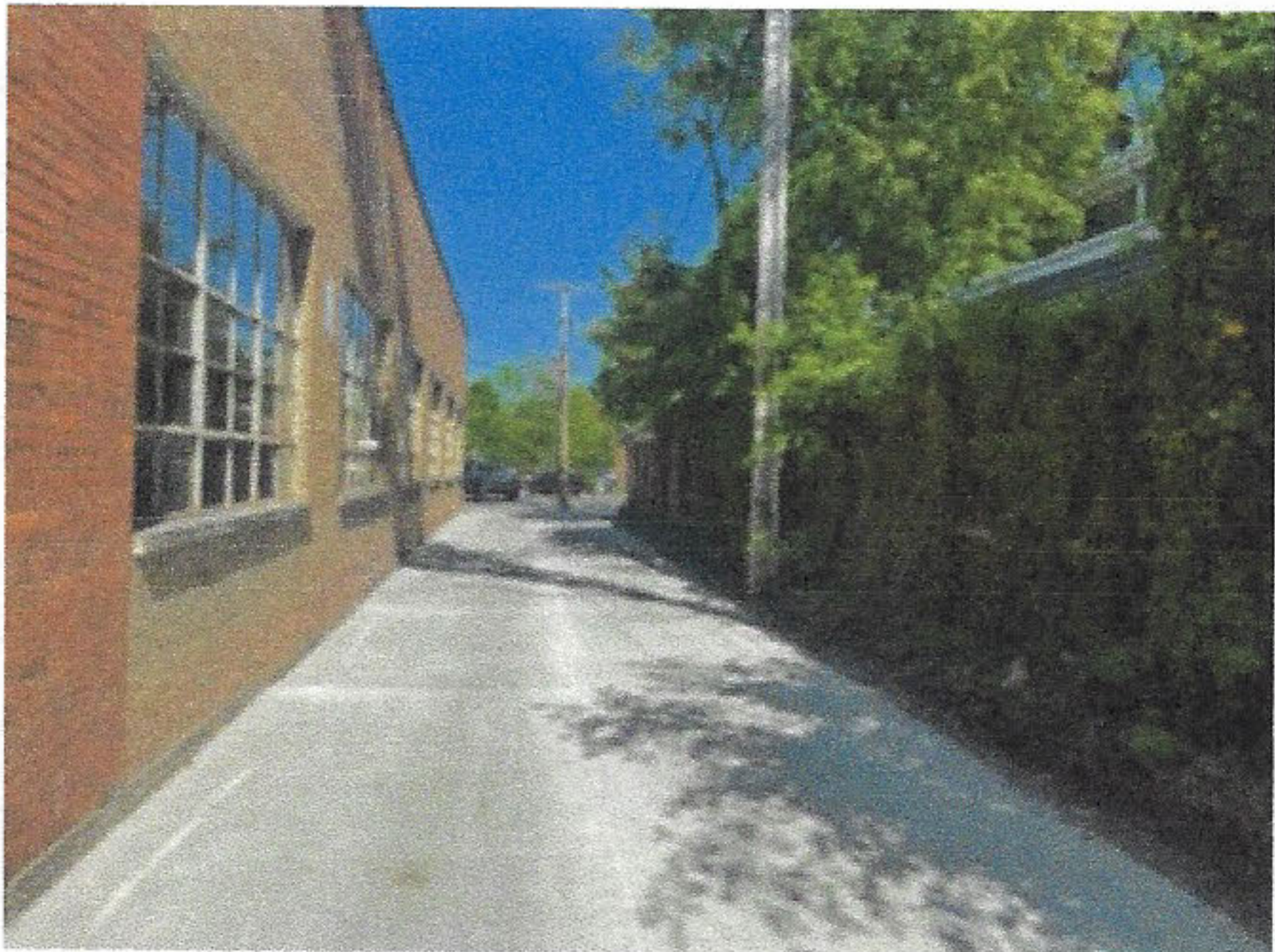
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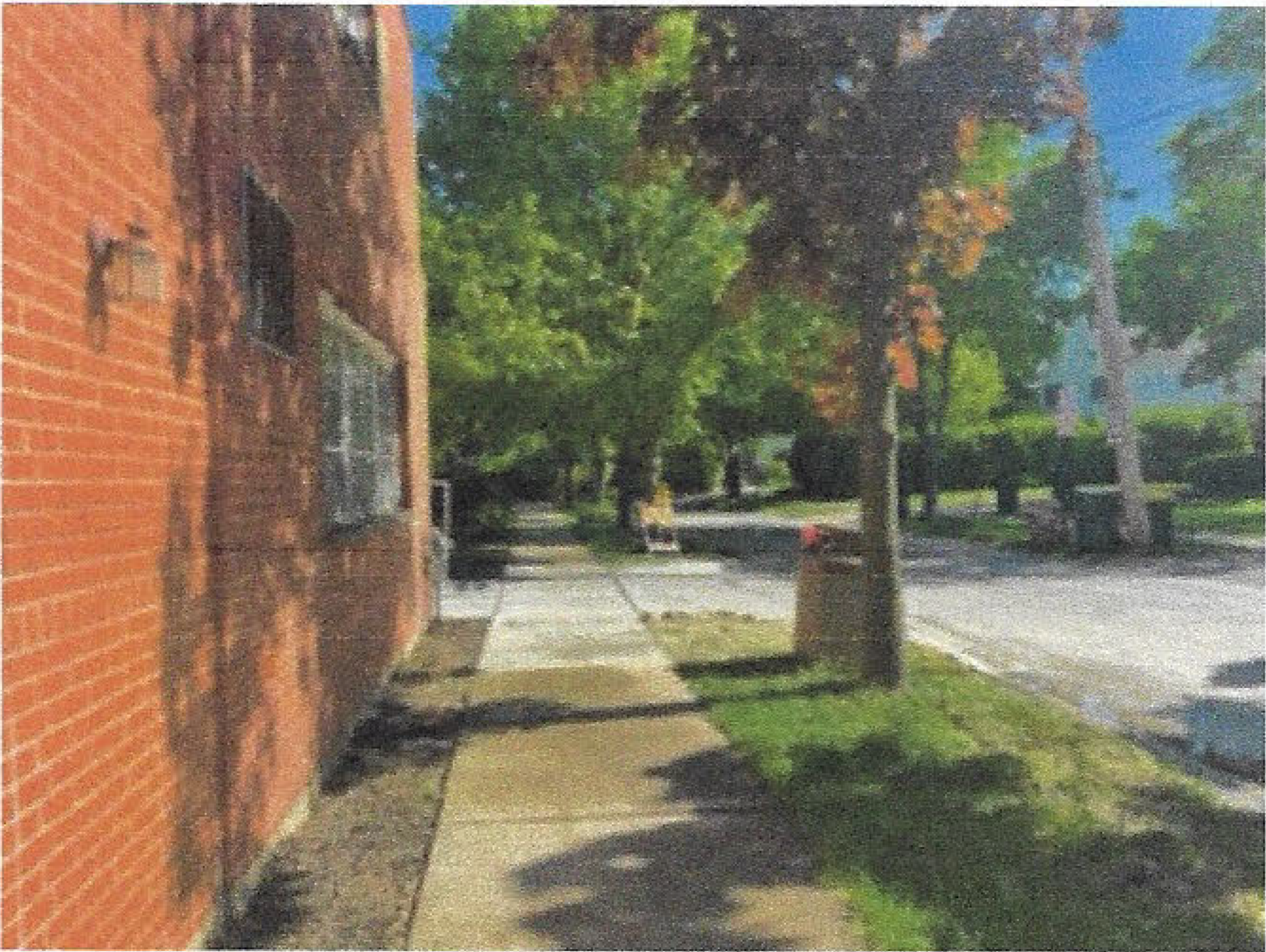
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Sent: Monday, June 5, 2023 5:46 AM
To: Robert Jaydos
Subject: Photos



D



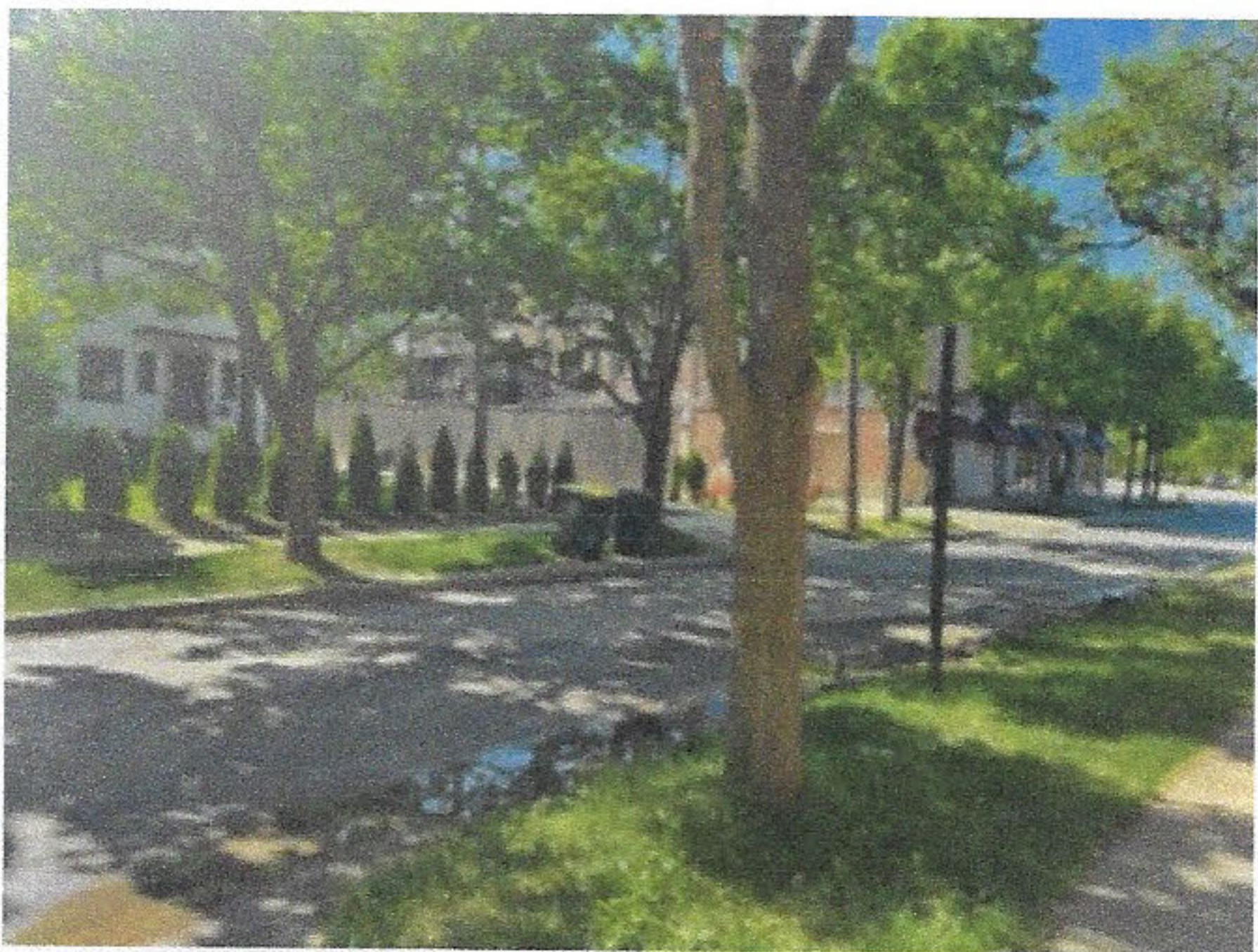
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F



G



H

Indian Hill

The Indian Hill Business District, the southern gateway into the Village, is a predominantly auto-oriented business corridor. South of Winnetka Avenue, the west side of Green Bay Road is composed of predominantly single-story buildings housing a variety of retail uses, while the east side of Green Bay Road abuts the railroad tracks, allowing for parking and buffer landscaping.

Circulation/traffic problems and safety hazards, especially for New Trier High School students, exist due to fast-moving traffic, winding roadways, and wide streets. As with the Village's northern Green Bay Road gateway at Hubbard Woods, the Village identity needs to be communicated through the development of a gateway feature, appropriate wayfinding signs, gateway architecture and unified repetition of streetscape elements. (See figures 7,8)

Parking for the existing businesses generally occurs on Green Bay Road. Multiple-family residential parking is provided for in defined off-street lots.



Figure 7



Figure 8

General Guidelines Intent

The intent of these General Design Guidelines is to provide a standard that can be used to evaluate proposed commercial, mixed-use, multiple-family and institutional development in the Village of Winnetka. These guidelines require that new designs retain a contextual relationship with the existing character of the three individual commercial districts.

The individual character of the commercial districts should be maintained and enhanced by careful consideration of the architectural styles, materials, scale, massing, setbacks

and articulation and by proper attention to the surrounding landscaping and transitional zones adjacent to residential areas.

Throughout the guidelines the terms primary and secondary facades are used. The definitions of those terms are:

Primary facades face a street or pedestrian open space.

Secondary facades face pedestrian parking areas or alleys.

Design Guidelines

Building and Architecture

I. Contextual Design

Commercial, mixed-use, institutional and multiple-family development projects should reflect an understanding of the immediate site surroundings and the village-wide character. Contextual design reflects existing features including massing, height, setbacks, proportions, scale, roof forms, materials, articulation, lighting, signs and awnings while creating appropriate architectural design.

The prevalence of the English Tudor style throughout the Village dictates smaller structural bays and massing, limited building heights, variety in roof forms, mix of materials and special attention to detailing and fenestration proportions and patterns. It is not the intent of these guidelines to recreate traditional architectural styles that do not allow for contemporary architectural designs or materials, but to provide a framework within which good design can flourish in context and enhance the existing Village character.

II. Uses

The three districts have a mix of uses that includes commercial, mixed-use, institutional and multiple-family facilities.

Exclusively commercial buildings make up a small percentage of the structures within the districts. They are typically single-story buildings that house a single retailer with on street frontage and a large expanse of storefront. These buildings are strongly horizontal with large sign bands and varying stylistic detailing.

Most buildings in the commercial districts are mixed-use. The architectural designs are based on a traditional two-part structure with retail on the ground floor and offices or residences above. The facades clearly separate the two uses through changes in materials and wall plane as well as changes in fenestration, with large glass storefronts on the street level and punched windows above creating a hierarchy of public versus private spaces. In select locations, where large or awkward site geometry suggest, alternatives to the existing mixed-uses may encourage the use of first floor courtyards or pedestrian ways instead of uninterrupted commercial space.

Institutional buildings include a wide variety of building types and uses such as civic buildings (Village Hall), schools, libraries, churches, recreational facilities and utilitarian public works facilities. Most institutional structures located within the Elm Street District are designed in the Classical Revival, Contemporary or Georgian styles. Most schools and churches are located within residential neighborhoods. Typically, institutional structures are freestanding and larger in scale as they represent unique aspects of community life: governmental, religious and educational. The design of institutional buildings, whether new or an alteration to an existing building, should reflect the context of their immediate surroundings and respect the existing neighborhood while identifying their function.

Mixed Use and Multiple-Family Residential: Bay windows are allowed on upper stories of mixed-use buildings if the upper floors are designated residential and on upper stories of multiple-family residential buildings. Bay windows are to project a maximum of 12". (See figure 35)



Figure 35

c. Building Lighting

Commercial, Mixed Use, Institutional, Multiple-Family Residential:

1. Exterior Uses and Types: Exterior building lighting should be carefully designed. Incandescent and low voltage lighting may be allowed. Fixtures should be contextual with the building and adjacent building design. Building lighting should focus on providing light on building signs and enhancing architectural details on the facade. All lighting shall be located and shielded from direct visibility from any dwelling or public street per the Winnetka Village Code. Wall lanterns and architectural highlighting should be considered. Sodium and fluorescent lighting is not allowed. (See figures 36 & 37)
2. Sign Illumination: Signs located within 100 feet of the boundary of any residential zoning district may not be illuminated, per the Village Code.
3. Interior: Fluorescent lighting with exposed fluorescent lamps is discouraged in street-level interiors where visible from the public way.



Figure 36



Figure 37

2. Screening

For at-grade equipment screening, see Sections IX.a (p.26), X.c.9 (p. 33), and XI.d.5 (p.57).

Mechanical equipment located at grade should be screened from view with a fence or wall that is constructed of the same materials as the adjacent building. Rooftop equipment that cannot be located out of view should be screened by walls constructed of materials sympathetic to those of the primary facade.

VIII. Materials

Building materials throughout the districts consist primarily of masonry and stucco. The existing buildings currently have a good palette of colors, textures and material mixes from which new materials should be selected. The masonry palette consists of wirecut, smooth and textured modular brick and rough-face and dressed limestone veneer. Rough-faced limestone should be limited to accent or base pieces only. The brick color palette should be restricted to those present in the district but can vary in color from reds to yellows and have varying levels of iron spotting. Pink or orange brick is not allowed.

English Tudor buildings obtain some of their character from the mix of materials used in the upper floors. Creative use of material combinations is encouraged to break up the massing. The number of facade colors should be minimized to maintain unified districts – white and cream stucco with reds and browns, emphasizing earth tones and eliminating saturated colors.

Commercial and Mixed Use: Acceptable materials include modular brick, rough-faced or dressed limestone and exterior grade stucco with wood trim. Wood, aluminum or vinyl siding, metals, rough/random lannon stone, concrete block (split face or smooth) and glassblock are not acceptable materials. EIFS may be allowed if the location is limited to the second floor facades or higher and the finish and articulation are acceptable. The finish of the EIFS must resemble exterior grade stucco of the historic English Tudor buildings in the Village.

Institutional: Institutional buildings are encouraged to have monochromatic material selection such as modular brick, or rough-faced or dressed stone. Wood, aluminum or vinyl siding, metals, rough/random lannon stone, concrete block (split-face or smooth) and glassblock are not acceptable materials. EIFS may be allowed if the location is limited to the second floor facades or higher on secondary facades only and the finish and articulation are acceptable. The finish of the EIFS must resemble exterior grade stucco of the historic English Tudor buildings in the Village.

Multiple-Family Residential: Acceptable material for multiple-family structures includes modular brick, limited areas of dressed limestone, and exterior grade stucco with wood trim. Wood siding is allowed on secondary facades on upper floors only. Aluminum or vinyl siding, metals, rough/ random lannon stone, concrete block (split face or smooth) and glassblock are not acceptable materials. EIFS may be allowed if the location is limited to the second floor facades or higher and the finish and articulation are acceptable. The finish of

Architectural Series of Asphalt Shingles
(3 ply) (See figure 49)
Wood Shingles (Fire treated)
Slate (See figure 48)
Real Copper (No other metal roofs are
allowed)



Figure 46

Institutional only

Flat roofs must be hidden by parapet
on primary / secondary facades.

Commercial and Multiple- Family

Flat roof must not be visible from
street, pedestrian, or open spaces.

d. Door and Window Materials:

Commercial, Mixed Use, Institutional,
Multiple- Family Residential: Entry
doors should be wood or aluminum
stile and rail with varying degrees of
glass. Public entry doors should be
fully glazed whereas private and semi-
private entries should be primarily
solid panel doors. Storefront window
units should be either paneled
aluminum or brass. Many original
storefronts, some with transom
windows, remain in the districts.
Efforts should be taken to
repair and renovate these systems
where feasible. Window frames should
be wood, steel or aluminum. Vinyl
windows are not acceptable. Muntin
divisions should be real divided glass
or simulated with spacer bars. Snap-in
muntins are not acceptable. Color
selection should be sympathetic with
the overall building color palette and
take into account the adjacent building
materials within the structure,
immediately adjacent structures,
structures within the same block and
structures across the street.

Entry door hardware is to be exterior grade with weather-resistant finish. Hardware
design and finish is to be appropriate with facade articulation, color palette and
district character. Glazing should be clear glass without tint or film.



Figure 47



Figure 48



Figure 49

Garage doors should be designed to replicate stile and rail paneled doors if they are in view of the public or pedestrian way. The doors can be constructed of wood. Overhead rolling doors are allowed.

IX. Service, Secondary Facades and Parking Structures

- a. **Service Areas:** Service areas allow for loading zones and dumpster placement. Commercial, Mixed Use, Institutional, and Multiple-Family Residential: Service areas are to be located off secondary streets or alleys out of public view. If a service area is visible from the public view, the service area is to be treated with screening approximately 6'-8' tall to match adjacent building elevations.
- b. **Secondary Facade(s):** Fenestration of secondary facades should comply with Section VI.d. When a secondary public entrance is located off a parking area or alley, the alley is to be treated as an extension of the public walkway, and the building entrance is to be articulated to differentiate it from private or semi-private entrances.
- c. **Parking Structures:** As new developments occur within the business districts, multiple-family residential and institutional areas, parking structures may be incorporated into their designs in order to meet parking needs. Parking structures should be located remotely from primary streets and should not be visible from the public way. All parking structures should provide a safe and pleasant pedestrian entrance and exit from the structure. Parking structures servicing the commercial districts should integrate into the surrounding architectural fabric. Structures serving residential buildings should relate to the architectural fabric.

Parking structures at a commercial development should be incorporated into the design of the development so that they blend into the building's architecture, scale, and surrounding streetscape context. Integrated parking structures should provide a seamless and non-evident appearance of parking. Their scale and mass should be compatible with the standards set forth in these design guidelines. Building materials, details, and articulation should be consistent with that of the overall development and surrounding context when visible from the public way.

Adequate vehicular and pedestrian access into the structure, ADA compatibility, safety, lighting, and ventilation issues must be addressed.

Please see Vehicular Zone Landscape in Section XI.d for information on parking structure landscape requirements.

1. Massing: The parking structure should comply with the general commercial and mixed-use building massing guidelines (Section V) with the following exceptions. The parking structure should contribute to the continuous "streetwall" along the primary thoroughfares and respect the adjacent setbacks of existing buildings. Heights of the parking structure are delineated in this guideline under Parking Lot Standards. Freestanding residential parking structures should be adequately screened from view.

2. Proportions and Rhythms: Parking structures are to conform to the general commercial and mixed-use proportions and scale guidelines as outlined in Section VI.

1 **Winnetka Design Review Board/Sign Board of Appeals Excerpt of Meeting Minutes**
2 **June 15, 2023**

3
4 **Members Present:**

Katie Moor, Acting Chairperson
Fritz Duda
Maggie Meiners
Heather Niehoff
Michael Ritter

9
10 **Members Absent:**

Paul Konstant

11
12 **Village Trustee Present:**

Kirk Albinson

13
14 **Village Staff:**

David Schoon, Director of Community Development
Davorka Kirincic, Building and Code Enforcement
Manager

17
18 ***

19
20 a. **Case No. 23-14-DR: 80 Green Bay Road – John Plunkett Interiors: Certificate of Appropriateness**
21 **to allow the replacement of existing windows, installation of new exterior building lighting, and**
22 **painting of the exterior of the building. The Village Council has final jurisdiction on this request.**

23 Chairperson Moor asked if there were any questions or if the Board Members needed additional
24 information from the Village staff or the applicant. She then asked for the applicant's presentation.

25
26 John Plunkett introduced himself and Robert Jaydos, the architect. Mr. Jaydos described the existing site
27 which required a lot of interior and exterior work. He also described the windows, roof materials and
28 colors to be used on the project. Mr. Plunkett described the colors as neutral with the current green
29 mansard roof to be changed to a slate gray color and provided samples to the Board for their review. He
30 also referred to the previous sign tower which would be painted a dark bronze color with the proposed
31 sign to be presented at the next Board meeting. Mr. Plunkett then described the request as
32 noncontroversial and an improvement over the existing condition.

33
34 Chairperson Moor asked if there were other questions. No questions were raised at this time. She then
35 asked for a motion to recommend approval of the request as presented. A motion to issue a Certificate of
36 Appropriateness and recommend approval of the request as presented was made by Mr. Duda and
37 seconded by Mr. Ritter. A vote was taken and the motion unanimously passed, 5 to 0:

38 AYES: Duda, Meiners, Moor, Niehoff, Ritter

39 NAYS: None

40
41 ***

42
43 Respectfully submitted,

44
45 Antionette Johnson
46 Recording Secretary



Agenda Item Executive Summary

TITLE: Ordinance No. MC-07-2023: Amending the Text of the Winnetka Zoning Ordinance to Establish a Lakefront Preservation Overlay District (Public Hearing and Introduction/Adoption)

PRESENTER: David Schoon

AGENDA DATE: July 6, 2023

CONSENT: No

ITEM TYPE: Ordinances and Resolutions

ITEM HISTORY:

None

EXECUTIVE SUMMARY:

On Thursday, July 6, 2023, the Village Council is scheduled to hold public hearings on and consider introduction and, if the Village Council desires, adoption, of the following two ordinances:

- MC-07-2023 – An Ordinance Amending the Text of the Winnetka Zoning Ordinance to Establish a Lakefront Preservation Overlay District, and
- M-09-2023 – An Ordinance Amending the Official Zoning Map of the Village of Winnetka to Place Certain Property along Lake Michigan in the Lakefront Preservation Overlay District.

The Village Manager of the Village of Winnetka has applied for the Village Council to consider amending Title 17, Zoning, of the Winnetka Code of Ordinances (“Zoning Ordinance”) concerning regulation of certain land, currently publicly owned, along Lake Michigan in Winnetka.

The general purpose of the proposed text amendments is to establish a Lakefront Preservation Overlay (LPO) District and use regulations for properties located within the new overlay district, which are further summarized in this report. Under consideration are map amendments to the Village Zoning Map to apply the new Overlay District to certain land that is publicly owned as of July 6, 2023, which properties are identified later in this report.

Attached is a separate staff report regarding the proposed amendments.

RECOMMENDATION:

The Council is scheduled to hold a public hearing and consider introduction and, if the Village Council desires, adopt, Ordinance MC-07-2023, An Ordinance Amending the Text of the Winnetka Zoning Ordinance to Establish a Lakefront Preservation Overlay District, and Ordinance M-09-2023, An Ordinance Amending the Official Zoning Map of the Village of Winnetka to Place Certain Property along Lake Michigan in the Lakefront Preservation Overlay District.

ATTACHMENTS:

1. Staff Report - Lakefront Preservation Overlay District
2. Ordinance MC-07-2023, An Ordinance Amending the Text of the Winnetka Zoning Ordinance to establish a Lakefront Preservation Overlay District



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: VILLAGE COUNCIL

FROM: DAVID SCHOON, DIRECTOR OF COMMUNITY DEVELOPMENT
PETER FRIEDMAN, VILLAGE ATTORNEY

DATE: JUNE 29, 2023

SUBJECT: ORDINANCE NO. MC-07-2023 & M-09-2023: ZONING ORDINANCE TEXT & MAP AMENDMENTS TO ESTABLISH A NEW LAKEFRONT PRESERVATION OVERLAY DISTRICT

INTRODUCTION

On Thursday, July 6, 2023, the Village Council is scheduled to hold public hearings on and consider introduction and, if the Village Council desires, adoption, of the following two ordinances:

- MC-07-2023 – An Ordinance Amending the Text of the Winnetka Zoning Ordinance to establish a Lakefront Preservation Overlay District, and
- M-09-2023 – An Ordinance Amending the Official Zoning Map of the Village of Winnetka to Place Certain Property along Lake Michigan in the Lakefront Preservation Overlay District.

The Village Manager of the Village of Winnetka has applied for the Village Council to consider amending Title 17, Zoning, of the Winnetka Code of Ordinances (“Zoning Ordinance”) concerning regulation of certain land, currently publicly owned, along Lake Michigan in Winnetka.

The general purpose of the proposed text amendments is to establish a Lakefront Preservation Overlay (LPO) District and use regulations for properties located within the new overlay district, which are further summarized in this report. Under consideration are map amendments to the Village Zoning Map to apply the new Overlay District to certain land that is publicly owned as of July 6, 2023, which properties are identified later in this report.

The hearings were properly noticed in the *Chicago Tribune* on June 21, 2023. A mail notice was sent to owners of property affected by the proposed map and text amendments. A mailed notice was also sent to property owners within 250 feet of the affected properties, in compliance with the Zoning Ordinance. As of the date of this memo, staff has not received any written comments from the public regarding this application.

PROPOSED TEXT AMENDMENTS & MAP AMENDMENTS

Zoning Ordinance Text Amendment. The text amendments establish a Lakefront Preservation Overlay (“LPO”) District and use regulations for properties located within the new overlay district.

An overlay district is a geographic zoning district layered onto another existing zoning district, or districts, and which implements additional regulations for that geographic area. Overlay districts are frequently used in zoning codes to protect environmental features, preserve historic buildings, prevent development on vulnerable land features, or promote specific types of development.

The Village currently has two overlay districts. One is the C-2 Commercial Overlay District which promotes the location of retail and restaurant uses on portions of the ground floor of properties located within the underlying C-2 General Retail Commercial District. The other overlay district is the Wireless Telecommunications Service Facilities (WTSF) Overlay District, which identifies the preferred location for cell towers and cell antennas in the community and which overlays many different zoning districts in the community.

The purposes of the proposed Lakefront Preservation Overlay District is set forth in the proposed ordinance and can be summarized as intending to preserve and maintain the character of property that is currently **publicly owned along Lake Michigan** in the event that those properties are no longer publicly owned, to promote the preservation of existing open space and existing landscaped areas along Lake Michigan, and to conserve and encourage the use of land adjacent to Lake Michigan for open space preservation and enhancement; to protect natural resources, and to save scenic vistas.

The LPO District would achieve this purpose by identifying a specific set of permitted uses (those allowed by right) in the Overlay District should a property within the Overlay District no longer be publicly owned, which property the proposed ordinance calls a “Regulated Property.” Permitted uses, those allowed by right on a Regulated Property, would be:

- Publicly owned utilities;
- Limited recreational uses (as defined in the proposed ordinance);
- Open space (as defined in the proposed ordinance).

In addition, the proposed ordinance would allow, on a Regulated Property by special use approval, any use allowed in the underlying zoning district. An applicant for a special use would need to demonstrate that the proposed use would comply with the applicable special use standards and be consistent with the purposes of the LPO District. As noted in the following section, the underlying zoning district of the properties proposed to be placed in the LPO District pursuant to the Zoning Map amendment is the R-2 Single Family Residential District, and the uses allowed in the R-2 District are as follows:

1. Permitted Uses

- a. Single-family detached dwelling and permitted accessory buildings and uses.
- b. Essential Public Use (Police, fire, water, electric and emergency services provided by the Village)

2. Special Uses

- a. Church or temple
- b. Public or private elementary or high school
- c. Library
- d. Non-essential public uses (which includes parks and recreational facilities) per Section 17.56.020 of Chapter 17.56, Special Uses, of the Zoning Ordinance.

To be clear, a publicly owned property located within the LPO District would continue to be governed by the zoning regulations of the underlying zoning district. Once such a property is no longer publicly owned, the property would then also be regulated by the zoning regulations of the LPO District. Once that occurs, the Regulated Property would be subject to the following additional regulations:

- 1. No new building, sign, fence, or other structures shall be erected or materially altered.
- 2. New landscaping shall not exceed three feet at mature height, except new landscaping may exceed three feet at mature height with approval by the Village Council as long as it

can be demonstrated that the proposed vegetation at mature height will not materially impact the existing view of the lake from abutting public rights-of-way or abutting publicly owned land.

3. Tree removal and replacement is subject to the provisions of Chapter 15.28 Tree Enhancement and Preservation of the Village Code, which removal and replacement requires the approval of the Village Forester.
4. No portion of a Regulated Property will be considered in determining or calculating any of the applicable bulk regulations for adjacent property, including, without limitation, the applicable lot area, lot width, maximum building height, setbacks, building size, intensity of lot use, maximum impermeable surface, and maximum gross floor area.
5. No portion of any Regulated Property may be considered part of adjacent property for purposes of determining a zoning lot.

Zoning Map Amendment. The proposed Lakefront Preservation Overlay District would overlay publicly owned property along the lakefront. As previously noted, the underlying zoning district for all these properties is the R-2 Single Family Residential District. The map on the following page visually identifies the properties to which the LPO District would apply. They are commonly referred to as: 1) Tower Road Park & Beach; 2) Village of Winnetka Water and Electric Plants; 3) Lloyd Park & Beach; 4) Maple Street Park & Beach; 5) Elder Lane Park & Beach; 6) Centennial Park & Beach; and 7) the following street ends, located east of Sheridan Road (a) Sheridan Road at the ravine; (b) Spruce Street; (c) Elm Street; (d) Oak Street; (e) Cherry Street; and (f) Willow Road.

Zoning Map Amendment – Lakefront Preservation Overlay District Designations



 Subject Parcels



Throughout the Winnetka Futures 2040 Plan, which is the Comprehensive Plan for the Village, the importance of the lakefront is mentioned. The overall vision for the community mentions that the Village is a lakefront community.

*Winnetka, the “Beautiful Land,” is a treasured North Shore **lakefront** Village with easy access to the Chicago metropolitan center. Our community is committed to the stewardship of all its natural resources, its built environment, and to its family-friendly heritage of:*

- *Primary and secondary school educational excellence.*
- *Vibrant and walkable core areas for commerce and community gathering.*
- *Active and engaged multi-generational citizenry.*
- *Housing for all stages of one’s life.*
- *Pedestrian-friendly, safe, and tree-lined street.*

The Plan most directly addresses the lakefront in Pillar 6 Healthy & Engaging Lifestyles. The Vision Statement for Pillar 6 states the following about the Village:

A unique lakefront community that values a variety of carefully-managed and well-connected parks and open spaces and that treasures access to natural resources, recreational opportunities, and cultural pursuits, helping residents achieve a balanced and fulfilled quality of life.

The Healthy & Engaging Lifestyles Pillar includes the following goal that would be applicable to the request at hand:

Goal 6.5 - The Village will support policies that preserve and protect the unique natural resources of and the recreational opportunities provided by the Lake Michigan shoreline and bluffs.

In considering the proposed amendments, the Council should consider the goals set forth in the Comprehensive Plan. A copy of the plan can be found at www.villageofwinnetka.org/planning.

TEXT AMENDMENT & MAP AMENDMENT PUBLIC HEARING PROCESS

The Zoning Ordinance allows the Village Council to designate the commission, board, committee, or itself to hold a public hearing on zoning ordinance text amendments or zoning map amendments. In the recent past, the general practice of the Village Council has been to hold these public hearings itself. For this reason, the public hearings on the proposed zoning ordinance text amendment and the zoning map amendments have been scheduled for the Village Council’s consideration at its July 6 meeting. At that meeting, the Council has at its discretion the ability to refer the matter to one of its advisory bodies to hold the public hearing or to hold the public hearing itself.

RECOMMENDATION

The Council is scheduled to hold a public hearing and consider introduction and, if the Village Council desires, adopt, Ordinance MC-07-2023, An Ordinance Amending the Text of the Winnetka Zoning Ordinance to establish a Lakefront Preservation Overlay District, and Ordinance M-09-2023, An Ordinance Amending the Official Zoning Map of the Village of Winnetka to Place Certain Property along Lake Michigan in the Lakefront Preservation Overlay District.

**AN ORDINANCE AMENDING THE TEXT OF THE WINNETKA ZONING ORDINANCE
TO ESTABLISH A LAKEFRONT PRESERVATION OVERLAY DISTRICT**

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the 1970 Constitution of the State of Illinois and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, as of the effective date of this Ordinance, and within the corporate boundaries of the Village, there exists publicly-owned land located along Lake Michigan ("**Subject Parcels**"); and

WHEREAS, pursuant to Section 17.72.040 of the "Winnetka Zoning Ordinance," as amended ("**Zoning Ordinance**"), the Village Manager submitted applications for a text amendment to the Zoning Ordinance ("**Text Amendment**") to create a Lakefront Preservation Overlay District ("**Lakefront Overlay District**") and a map amendment to the Official Zoning Map of the Village of Winnetka ("**Map Amendment**") to apply the Overlay District to the Subject Parcels; and

WHEREAS, pursuant to Section 17.72.040 of the Zoning Ordinance, the Village gave proper notice of public hearings by the Winnetka Village Council to consider the Text and Map Amendments by publication in the *Chicago Tribune* on June 21, 2023, by mail to the owners of the Subject Parcels, and by mail to owners of real property located within 250 feet of the Subject Parcels; and

WHEREAS, the Village Council has determined that establishment of the Lakefront Overlay District and related regulations and requirements as provided in this Ordinance satisfies all of the findings and other requirements in Section 17.72.040 of the Zoning Ordinance; and

WHEREAS, pursuant to its home rule powers and all other applicable law and authorities, the Village Council finds and determines that it is in the best interests of the Village and its residents to amend the text of the Zoning Ordinance to establish the Lakefront Preservation Overlay District, as set forth in, and subject to, the provisions of this Ordinance;

NOW, THEREFORE, the Council of the Village of Winnetka ordains as follows:

SECTION 1: RECITALS. The recitals above are incorporated into this Section as the findings of the Village Council, as if fully set forth in this Section.

SECTION 2: LAKEFRONT PRESERVATION OVERLAY DISTRICT. The Zoning Ordinance is hereby amended to add a new Chapter 17.50, titled "Lakefront Preservation Overlay District," as follows:

“Chapter 17.50. Lakefront Preservation Overlay District

Section 17.50.010 Lakefront Preservation Overlay District.

- A. Purpose. Lake Michigan, its coastline and beaches, and the adjacent properties and vistas provide a unique natural resource to the Village and its residents that must be preserved and protected. This Chapter recognizes the current public ownership of certain properties along Lake Michigan and is intended to preserve and maintain the character of those properties in the event they are no longer publicly owned, specifically including, without limitation, the open space and open vistas provided by properties along Lake Michigan in the Lakefront Preservation Overlay District and to otherwise promote the preservation of existing open space and existing landscaped areas along Lake Michigan. This Chapter is further intended to conserve and encourage the use of land adjacent to Lake Michigan for open space preservation and enhancement; to protect natural resources; and to save scenic vistas.
- B. Mapping of Lakefront Preservation Overlay District. The areas shown on the Appendix to the Official Village of Winnetka Zoning Map are zoned in the Lakefront Preservation Overlay District, which Overlay District includes all publicly owned land located along Lake Michigan in the Village as of July 6, 2023. In the event additional land along Lake Michigan becomes publicly owned after July 6, 2023, the Village Manager will initiate a map amendment application to apply the Lakefront Preservation Overlay District to that additional land.
- C. Permitted Uses. Notwithstanding any other regulations in the Village Code or the Zoning Ordinance, including, without limitation, the regulations in the applicable underlying zoning district, the following uses are the only permitted uses for properties in the Lakefront Preservation Overlay District that are no longer publicly owned (“Regulated Property”):
1. Publicly-owned utilities;
 2. Limited recreational uses, which for purposes of this Section means recreational activities that do not involve or require structures or prepared facilities, such as sports fields, courts, tracks, or pavilions. Limited recreational uses include, without limitation, nature studies, hiking, cross-country skiing, walking, jogging, picnicking, and other similar activities; and
 3. Space that is open and unobstructed from ground to sky except by landscaping designed, arranged, and intended for use in conjunction with limited recreational uses or relaxation.

- D. Special Uses. Any use allowed in the underlying zoning district on any Regulated Property other than a use set forth in Subsection C of this Section requires a special use granted by the Village Council pursuant to the requirements and procedures set forth in Chapter 17.56 of this Title and consistent with the purposes of this Chapter.
- E. Prohibited Activities and Uses. Notwithstanding any other regulations in the Village Code or the Zoning Ordinance, including, without limitation, the regulations in the applicable underlying zoning district, the following regulations shall apply to all Regulated Property in the Lakefront Preservation Overlay District:
1. No new buildings, signs, fences, or other structures shall be erected or materially altered.
 2. New landscaping shall not exceed three feet at mature height, except new landscaping may exceed three feet at mature height with approval by the Village Council as long as it can be demonstrated that the proposed vegetation at mature height will not materially impact the existing view of the lake from abutting public rights-of-way or abutting publicly-owned land.
 3. Tree removal and replacement is subject to the provisions of Chapter 15.28 Tree Enhancement and Preservation of the Village Code, which removal and replacement requires the approval of the Village Forester.
 4. No portion of a Regulated Property will be considered in determining or calculating any of the applicable bulk regulations for adjacent property, including, without limitation, the applicable lot area, lot width, maximum building height, setbacks, building size, intensity of lot use, maximum impermeable surface, and maximum gross floor area.
 5. No portion of any Regulated Property may be considered part of adjacent property for purposes of determining a zoning lot.”

SECTION 3: ZONING MAP. Subsection A, titled “District Boundaries,” of Section 17.08.020, titled “Zoning Map,” of Chapter 17.08, titled “Zoning Districts and Official Map,” of the Zoning Ordinance is hereby amended to add the following new Paragraph 4 to said Subsection A:

“4. The boundaries of the Lakefront Preservation Overlay District are as shown on the Appendix to the Official Village of Winnetka Zoning Map.”

SECTION 4: EFFECTIVE DATE. This Ordinance will be in full force and effect upon its passage, approval, and publication in the manner provided by law.

PASSED this ____ day of _____, 2023, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2023.

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 _____,
2023.

Introduced: _____, 2023

Passed and Approved: _____, 2023

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE VILLAGE OF WINNETKA TO PLACE CERTAIN PROPERTY ALONG LAKE MICHIGAN IN THE LAKEFRONT PRESERVATION OVERLAY DISTRICT

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the 1970 Constitution of the State of Illinois and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, as of the effective date of this Ordinance, the Village of Winnetka contains publicly-owned land located along Lake Michigan ("**Subject Parcels**"), as depicted in **Exhibit A**, attached to this Ordinance; and

WHEREAS, pursuant to Section 17.72.040 of the "Winnetka Zoning Ordinance," as amended ("**Zoning Ordinance**"), the Village Manager submitted applications for a text amendment to the Zoning Ordinance ("**Text Amendment**") to create a Lakefront Preservation Overlay District ("**Lakefront Overlay District**") and a map amendment to the Official Zoning Map of the Village of Winnetka ("**Map Amendment**") to apply the Lakefront Overlay District to the Subject Parcels; and

WHEREAS, pursuant to Section 17.72.040 of the Zoning Ordinance, the Village gave proper notice of public hearings by the Winnetka Village Council to consider the Text and Map Amendments by publication in the *Chicago Tribune* on June 21, 2023, by mail to the owners of the Subject Parcels, and by mail to owners of real property located within 250 feet of the Subject Parcels; and

WHEREAS, the Village Council adopted Ordinance No. MC-07-2023 on _____, 2023, approving the Text Amendment to establish in the Winnetka Zoning Ordinance the Lakefront Overlay District; and

WHEREAS, the Village Council has determined that application of the Lakefront Overlay District to the Subject Parcels as provided in this Ordinance satisfies all of the findings and other requirements in Section 17.72.040 of the Zoning Ordinance; and

WHEREAS, pursuant to its home rule powers and all other applicable law and authorities, the Village Council finds and determines that it is in the best interests of the Village and its residents to amend the Zoning Map to apply the Lakefront Overlay District to the Subject Parcels as set forth in, and subject to the provisions of, this Ordinance;

NOW, THEREFORE, the Council of the Village of Winnetka ordains as follows:

SECTION 1. RECITALS. The recitals above are incorporated into this Section as the findings of the Village Council, as if fully set forth in this Section.

SECTION 2. MAP AMENDMENT FOR LAKEFRONT PRESERVATION OVERLAY DISTRICT. Pursuant to the Village's home rule powers and Section 17.72.040 of the Zoning Ordinance, the Zoning Map of the Village is amended to illustrate the establishment of the Lakefront Preservation Overlay District and to apply the Lakefront Preservation Overlay District to the Subject Parcels.

SECTION 3. EFFECTIVE DATE. This Ordinance will be in full force and effect upon its passage, approval, and publication in the manner provided by law.

PASSED this ____ day of _____, 2023, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2023.

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 _____, 2023.

Introduced: _____, 2023

Passed and Approved: _____, 2023

EXHIBIT A

SUBJECT PARCELS – IMAGE 1 OF 3

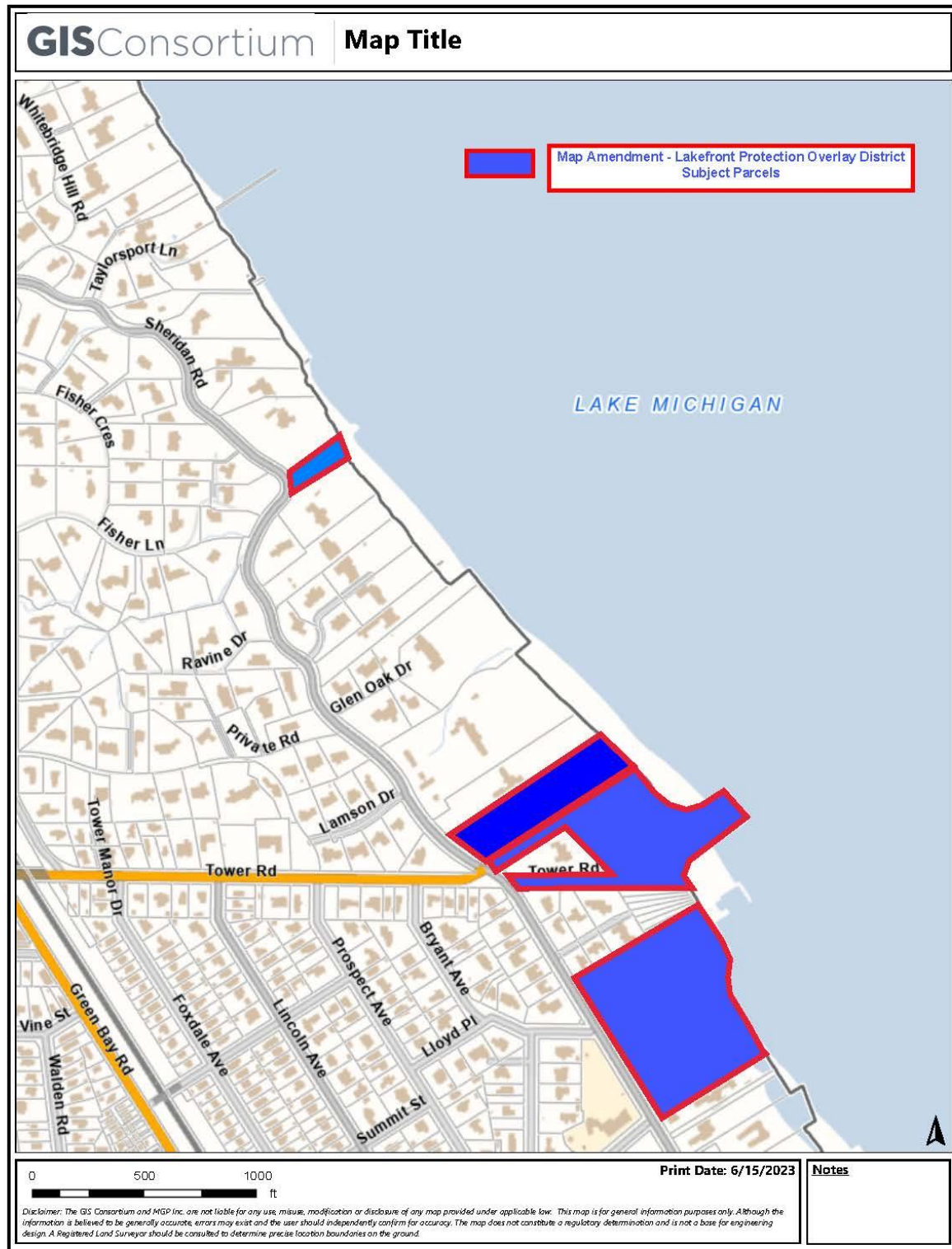
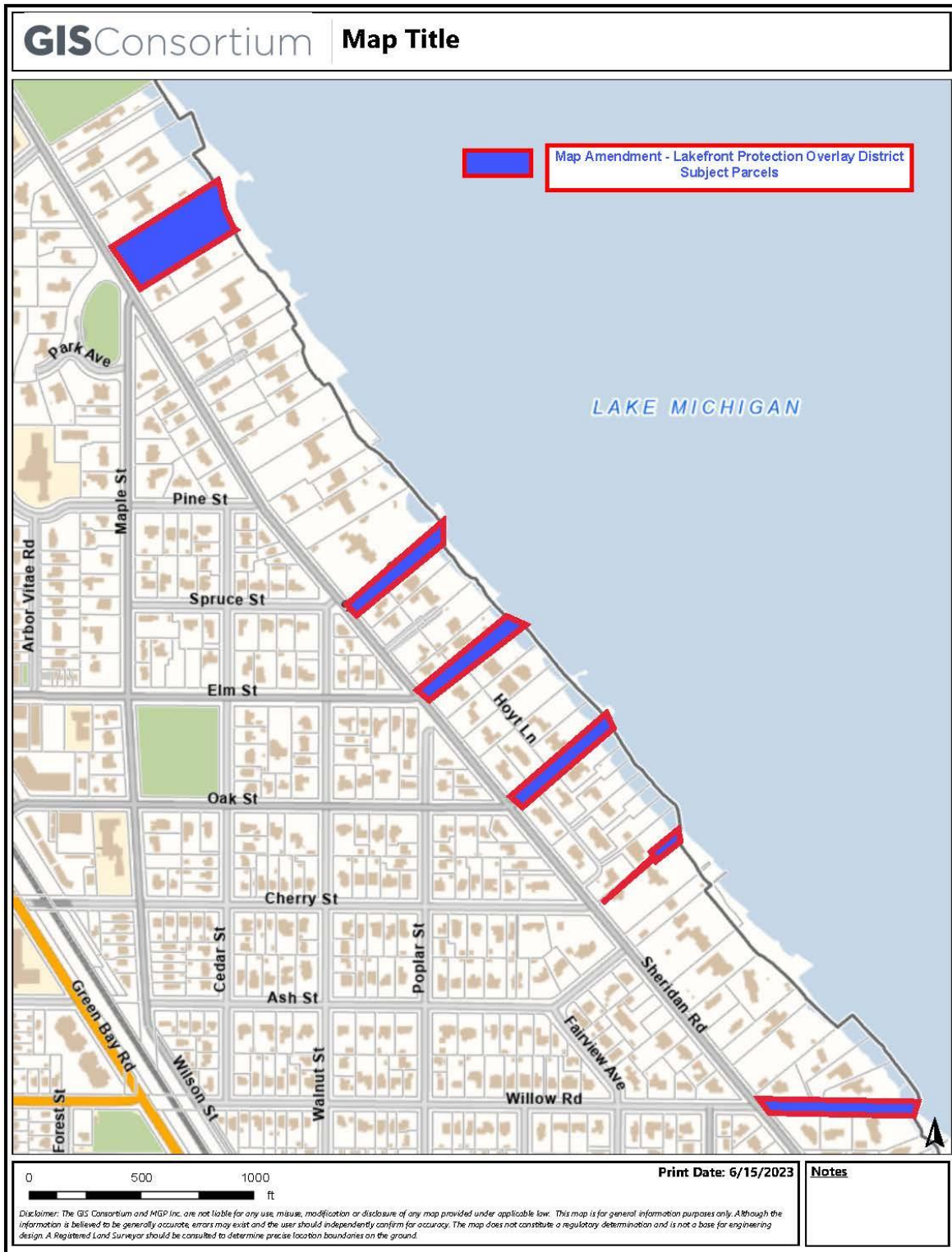


EXHIBIT A

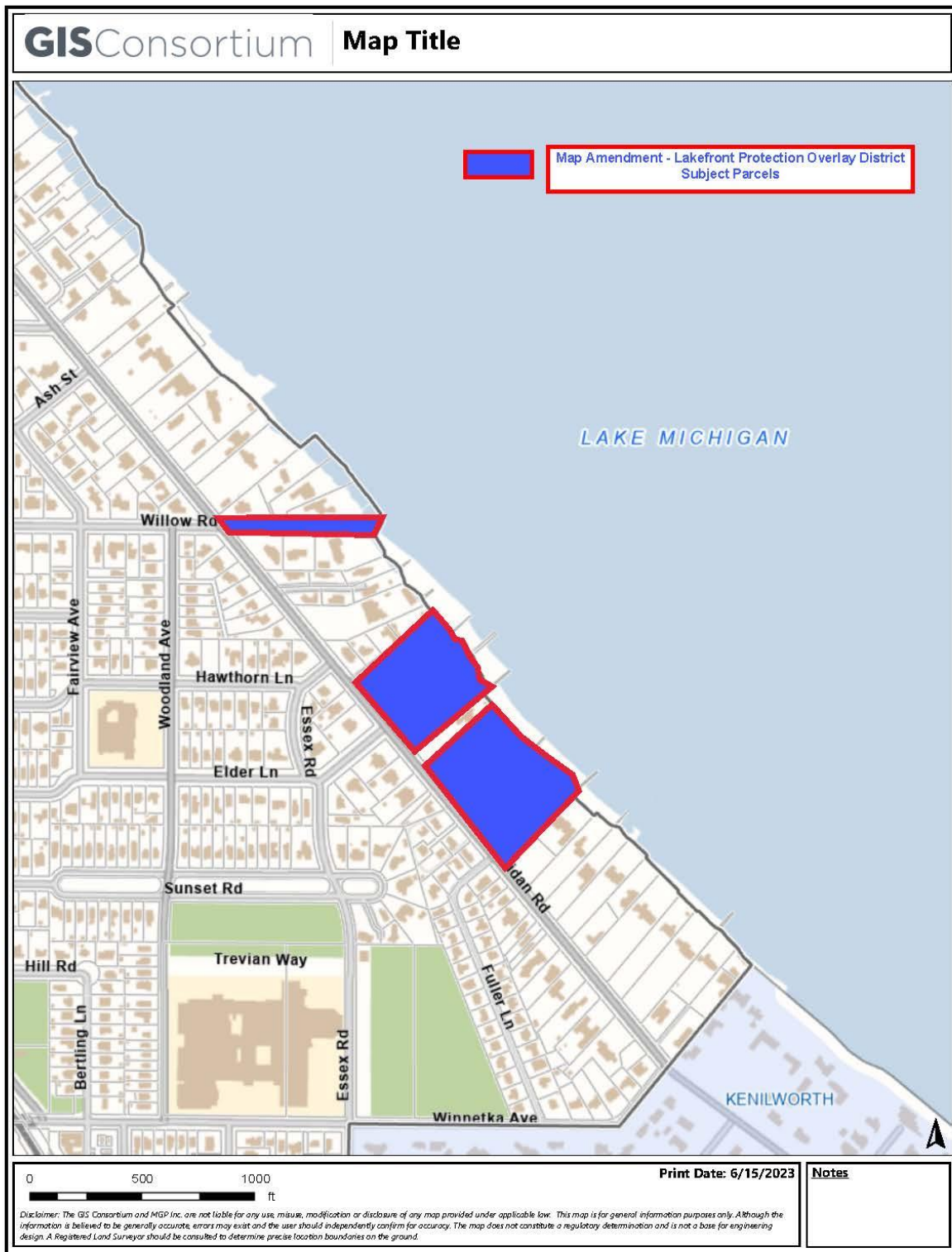
SUBJECT PARCELS – IMAGE 2 OF 3



{00132912.9}

EXHIBIT A

SUBJECT PARCELS – IMAGE 3 of 3





Agenda Item Executive Summary

TITLE: Ordinance No. MC-08-2023: Amending the Text of the Winnetka Zoning Ordinance to Establish a Study and Permit Abeyance Period for Construction in the Steep Slope Area Along Lake Michigan (Public Hearing and Introduction/Adoption)

PRESENTER: David Schoon

AGENDA DATE: July 6, 2023

CONSENT: No

ITEM TYPE: Ordinances and Resolutions

ITEM HISTORY:

1/10/2023 - Village Council held a study session regarding lakefront development regulations.

1/31/2023 - Village Council held a study session regarding lakefront development regulations.

3/7/2023 - Village Council introduced Ordinance MC-05-2023, an ordinance that establishes more clearly the nature and extent of Village permit requirements for construction of structures in and adjacent to Lake Michigan.

3/21/2023 - Village Council adopted Ordinance MC-05-2023.

EXECUTIVE SUMMARY:

On Thursday, July 6, 2023, the Village Council is scheduled to hold a public hearing on and consider introduction and, if the Village Council desires, adoption, of Ordinance MC-08-2023, An Ordinance Amending the Text of the Village Zoning Ordinance to Establish a Study and Permit Abeyance Period for Construction in the Steep Slope Area Along Lake Michigan.

The Village Manager of the Village of Winnetka has applied for the Village Council to consider amending Title 17, Zoning, of the Winnetka Code of Ordinances ("Zoning Ordinance") establishing a study period for construction in the steep slope zone along Lake Michigan bluffs in the Village and suspending the issuance of building permits during that study period. The general purpose of the proposed amendments is to establish a study period from July 6, 2023, to April 6, 2024, to pause construction activity in the steep slope zone to ensure the Village has time to adequately analyze and adopt any necessary regulations and examine the effects of construction on the Winnetka bluffs along Lake Michigan (the "Permit Abeyance Period"). During the Permit Abeyance Period, the Village will not accept applications for, and will not issue, any permits for any construction within the steep slope zone that requires a permit.

Attached is a separate staff report regarding this item.

RECOMMENDATION:

The Council is scheduled to hold a public hearing and consider introduction, and, if the Council desires, adoption, of Ordinance MC-08-2023 - An Ordinance Amending the Village Zoning Ordinance

to Establish a Study and Permit Abeyance Period for Construction in the Steep Slope Area Along Lake Michigan.

ATTACHMENTS:

1. Staff Report - Bluff Steep Slope Permit Abeyance Period
2. Ordinance MC-08-2023 - Amending Zoning Ordinance to Establish a Study & Permit Abeyance Period for Construction in the Steep Slope Area along Lake
3. Public Comments



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: VILLAGE COUNCIL

FROM: DAVID SCHOON, DIRECTOR OF COMMUNITY DEVELOPMENT
PETER FRIEDMAN, VILLAGE ATTORNEY

DATE: JUNE 29, 2023

SUBJECT: ORDINANCE NO. MC-08-2023: ZONING ORDINANCE TEXT
AMENDMENTS TO ESTABLISH A STUDY AND PERMIT ABEYANCE
PERIOD FOR CONSTRUCTION IN THE STEEP SLOPE AREA ALONG LAKE
MICHIGAN

INTRODUCTION

On Thursday, July 6, 2023, the Village Council is scheduled to hold a public hearing on and consider introduction and, if the Village Council desires, adoption, of Ordinance MC-08-2023, An Ordinance Amending the Text of the Village Zoning Ordinance to Establish a Study and Permit Abeyance Period for Construction in the Steep Slope Area Along Lake Michigan. (Attachment 1)

The Village Manager of the Village of Winnetka has applied for the Village Council to consider amending Title 17, Zoning, of the Winnetka Code of Ordinances ("Zoning Ordinance") establishing a study period for construction in the steep slope zone along Lake Michigan bluffs in the Village and suspending the issuance of building permits during that study period. The general purpose of the proposed amendments is to establish a study period from July 6, 2023, to April 6, 2024, to pause construction activity in the steep slope zone to ensure the Village has time to adequately analyze and adopt any necessary regulations and examine the effects of construction on the Winnetka bluffs along Lake Michigan (the "Permit Abeyance Period"). During the Permit Abeyance Period, the Village will not accept applications for, and will not issue, any permits for any construction within the steep slope zone that requires a permit.

The hearing was properly noticed in the *Chicago Tribune* on June 21, 2023, in compliance with the Zoning Ordinance. A courtesy mail notice was sent to affected property owners and property owners within 250 feet of the affected properties. As of the date of this memo, the Village has received a couple of written comments from the public regarding this application. (Attachment 2)

SUMMARY OF PROPOSED ORDINANCE AMENDMENT

The purpose of the proposed ordinance amendment is to establish a study and permit abeyance period to ensure the Village has time to adequately analyze and adopt any necessary code amendments, regulations, and related procedures, and to examine the effects of construction on the bluffs located along Lake Michigan that are in the Village.

The proposed ordinance defines what is a "steep slope zone," which will be the area in which the Village will suspend the issuance of building permits during the Permit Abeyance Period. A "steep slope" is defined as land comprising or adjacent to a Bluff where the slope in ascent or descent exceeds ten percent from the horizontal. Figure 1 illustrates a steep slope.

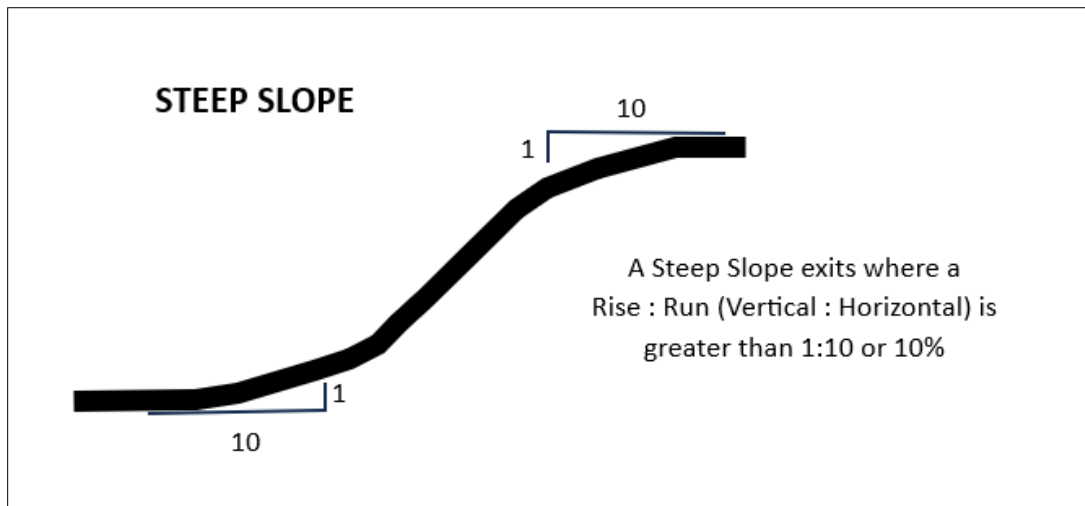


Figure 1 – Steep Slope

“Steep Slope Zone” is defined as “all land between the bottom of a Steep Slope and the top of the Steep Slope, and also the land that is 40 feet landward from the top of a Steep Slope.” Figure 2 illustrates the Steep Slope Zone.

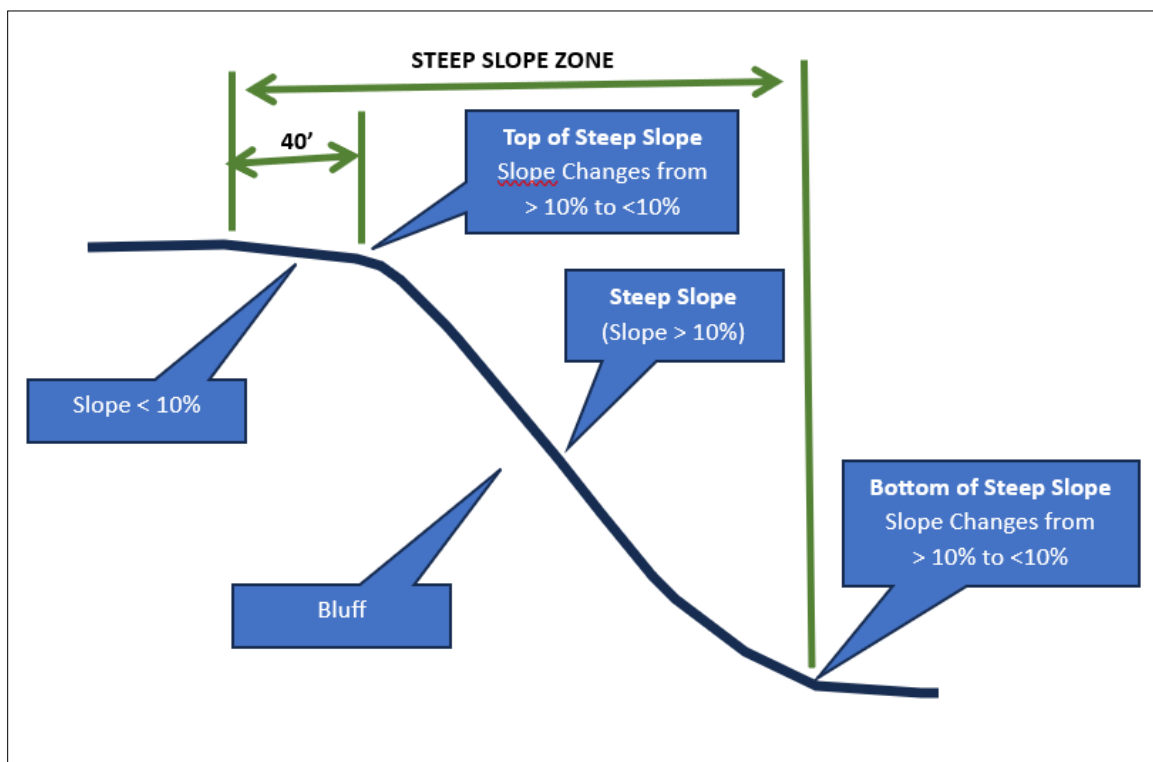


Figure 2 – Steep Slope Zone

During the Permit Abeyance Period, “Construction Activity” would be prohibited within the Steep Slope Zone, which is the area that is comprised of Steep Slopes in the Village. “Construction Activity” is defined as:

“any act or process involving (i) the construction, alteration, modification, demolition, or removal of any new or existing structure or (ii) the adding, dumping, grading, or removing of soil, dirt, sand, rocks, fill, or vegetation.”

The Zoning Ordinance currently defines “structure” as:

“anything constructed or erected which, or the use of which, requires permanent or temporary location on or in the ground, or attached to something having permanent or temporary location on the ground, including but not limited to, buildings, pavements, signs, backstops, tennis courts, swimming pools, trampolines, wireless telecommunication service facilities, and radio and television antennas (including supporting structures), and the like.”

The temporary prohibition on permit issuance would not apply to Construction Activity that already received all applicable Village permits prior to July 6, 2023, provided that those permits do not expire or are terminated in accordance with the Village Code.

Also, during the Permit Abeyance Period, the Village would not accept and would not grant any permits for Construction Activity within the Steep Slope Zone. However, the Village will continue to accept permit applications and issue permits for Construction Activity that is proposed on a portion of a lot that is located outside of the Steep Slope Zone.

The proposed ordinance amendment provides exceptions for Construction Activity during the Permit Abeyance Period. Those exceptions would allow emergency repairs or general maintenance for structures and utility facilities existing as of July 6, 2023.

It should be noted that the “steep slope zone” definition is for the Permit Abeyance Period. If, during that period, the Village Council determines that the Village should adopt steep slope regulations, the definition of what constitutes a “steep slope zone” may be similar to or different from what would be used during the Permit Abeyance Period.

The proposed ordinance amendment would support the following goal and initiative identified in the Winnetka Futures 2040 Plan, which is the Comprehensive Plan for the Village.

Goal 6.5 - The Village will support policies that preserve and protect the unique natural resources of and the recreational opportunities provided by the Lake Michigan shoreline and bluffs.

Initiative 6.5.2 - Study and consider establishing development regulations that requires construction on and adjacent to the bluffs along the Lake Michigan shoreline that protects, restores, and manages the stability of the bluffs and natural shoreline and that are contextually sensitive to the natural features of the bluffs.

In considering the proposed amendments, the Council will want to consider goals from the Comprehensive Plan. A copy of the plan can be found at www.villageofwinnetka.org/planning.

TEXT AMENDMENT & MAP AMENDMENT PUBLIC HEARING PROCESS

The Zoning Ordinance also allows the Village Council to designate the commission, board, committee, or itself to hold a public hearing on zoning ordinance text amendments or zoning map amendments. In the recent past, the general practice of the Village Council has been to hold these public hearings itself. For this reason, the public hearing on the proposed zoning ordinance text amendment has been scheduled for the Village Council’s consideration at its July 6 meeting. At that meeting, the Council has at its

discretion the ability to refer the matter to one of its advisory bodies to hold the public hearing or it may hold the public hearing itself.

RECOMMENDATION

The Council is scheduled to hold a public hearing and consider introduction and, if the Village Council desires, adoption, of Ordinance MC-08-2023 - An Ordinance Amending the Village Zoning Ordinance to Establish a Study and Permit Abeyance Period for Construction in the Steep Slope Area Along Lake Michigan.

ATTACHMENTS

- Attachment 1: Ordinance MC-08-2023 - An Ordinance Amending the Village Zoning Ordinance to Establish a Study and Permit Abeyance Period for Construction in the Steep Slope Area along Lake Michigan.
- Attachment 2: Public Comments

**AN ORDINANCE AMENDING THE TEXT OF THE WINNETKA ZONING
ORDINANCE TO ESTABLISH A STUDY AND PERMIT ABEYANCE PERIOD FOR
CONSTRUCTION IN THE STEEP SLOPE AREA ALONG LAKE MICHIGAN**

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the 1970 Constitution of the State of Illinois and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Lake Michigan and the lakefront of the Village have special environmental, recreational, cultural, historical, community, and aesthetic interests and values; and

WHEREAS, the preservation and protection of Lake Michigan and its Winnetka lakefront and adjoining lands and bluffs is critically important to the Village and its residents; and

WHEREAS, as set forth in Chapter 15.78, Lakefront Construction, of the “Winnetka Village Code,” as amended (“*Village Code*”), the Village adopted on March 21, 2023, building and other Village Code amendments and enforcement measures to ensure appropriate and necessary protections to preserve and protect Lake Michigan and its shoreline; and

WHEREAS, the Village now desires to ensure that construction on properties along Lake Michigan and the bluffs does not cause environmental or ecological damage to Lake Michigan or the surrounding areas of the Village or otherwise create harm to the public health, safety, or welfare of the Village, its residents, or visitors to the Village; and

WHEREAS, the further purposes of this Ordinance are as follows:

- To protect the natural environment and the integrity of the Lake Michigan coastal area that is a distinctive and valuable natural feature of the Lake Michigan shoreline;
- To recognize the potential for hazards that could affect health and safety to persons and property from bluff and shoreline development;
- To maintain the stability of the coastal bluffs and shorelines and to reduce the risks of coastal erosion, undermining, slumping, or collapse of the bluffs, and to protect the waters of Lake Michigan from unnatural sedimentation;
- To promote the recommendations of the Village of Winnetka’s Comprehensive Plan relative to the constraints that should be considered in developments that impact coastal areas and environments; and

WHEREAS, the Village plans to retain the services of a coastal engineer, hold public meetings and hearings, and develop more comprehensive amendments to the Village Code and provide related procedures to ensure that construction on the bluffs and the steep slope areas of the bluffs are consistent with the Village’s goals and policies; and

WHEREAS, the Village has determined a study and permit abeyance period is necessary to analyze the designated bluff areas that need to be protected (***“Permit Abeyance Period”***); and

WHEREAS, the study and development of more comprehensive amendments and related procedures will take a significant amount of time and effort on the part of Village staff; and

WHEREAS, construction on new or existing structures in or around the bluffs and the steep slope areas during the Permit Abeyance Period may irreversibly impair or otherwise damage the Village’s shoreline, bluff, and adjacent properties to the detriment of the Village and its residents; and

WHEREAS, to prevent that impairment and damage, and to ensure that the Village is able to undertake a thorough examination of this complex issue during the Permit Abeyance Period, this Ordinance amends the “Winnetka Zoning Ordinance,” as amended (***“Zoning Ordinance”***), to confirm and further promulgate the Village’s regulatory authority of the Winnetka bluffs along Lake Michigan and adjacent property, and to impose a temporary pause on the issuance of building permits for construction on new or existing structures in and around the bluffs during the Permit Abeyance Period; and

WHEREAS, pursuant to Section 17.72.040 of the Zoning Ordinance, the Village Manager submitted an application for a text amendment to the Zoning Ordinance to impose the Permit Abeyance Period and provide the Village time to study bluff and steep slope regulations; and

WHEREAS, pursuant to Section 17.72.040 of the Zoning Ordinance, the Village gave proper notice of a public hearing by the Winnetka Village Council to consider the Permit Abeyance Period and related amendments to the Zoning Ordinance by publication in the *Chicago Tribune* on June 21, 2023, and by mail to lakefront property owners as well as property owners within 250 feet of lakefront properties; and

WHEREAS, the Village Council conducted a public hearing on July 6, 2023, regarding the imposition of a temporary pause on construction during the Village’s Permit Abeyance Period; and

WHEREAS, Section 11-48.2-2 of the Illinois Municipal Code, 65 ILCS 5/11-48.2-2, provides that the Village is empowered to adopt ordinances identifying areas of special historical, community, or aesthetic interest or value and to impose regulations within these areas on construction, alteration, demolition and use, and designed to preserve, protect, and enhance the unique and important aspects of the identified areas; and

WHEREAS, pursuant to these and other applicable authorities and the Village’s home rule powers, the Village Council has determined that it is necessary and in the best interests of the Village and its residents to adopt amendments to the Zoning Ordinance as set forth in this Ordinance and to impose a temporary pause on the issuance of building permits for construction on or around the bluffs along Lake Michigan in Winnetka during the Permit Abeyance Period;

NOW, THEREFORE, the Council of the Village of Winnetka ordains as follows:

SECTION 1. RECITALS. The recitals above are incorporated into this Section as the findings of the Village Council, as if fully set forth in this Section.

SECTION 2. NEW CHAPTER 17.80 OF THE ZONING ORDINANCE. Title 17, titled “Zoning,” of the Village Zoning Ordinance is amended to add a new Chapter 17.80, titled “Bluff Construction Permit Abeyance Period,” which new Chapter 17.80 will read as follows:

“Chapter 17.80
BLUFF CONSTRUCTION PERMIT ABEYANCE PERIOD

Section 17.80.010 Purpose.

The purpose of this Chapter is to establish a study and permit abeyance period to ensure the Village has time to adequately analyze and adopt any necessary code amendments, regulations, and related procedures, and to examine the effects of construction on the bluffs in the Village located along Lake Michigan. Lake Michigan, its coastline and beaches, and its bluffs, provide a unique natural resource to the Village and to its residents that must be preserved and protected. This Chapter is intended to protect the bluffs and ensure that construction on the bluffs of Lake Michigan in the Village do not cause environmental or ecological damage to Lake Michigan or the surrounding areas of the Village, or otherwise create harm or risk to the public health, safety, and welfare of the Village, its residents, or visitors to the Village.

Section 17.80.020 Definitions.

For purposes of this Chapter, the following terms are defined as follows:

“Bluff” means an elevated segment of the Lake Michigan shoreline above the beach (or in the absence of the beach, the waterline) that normally has a precipitous front that is inclining steeply on the lakeward side.

“Construction Activity” means any act or process involving (i) the construction, alteration, modification, demolition, or removal of any new or existing structure or (ii) the adding, dumping, grading, or removing of soil, dirt, sand, rocks, fill, or vegetation.

“Lake Michigan” means that portion of Lake Michigan that borders the Village, to the extent of three miles beyond the corporate limits, but not beyond the limits of the State.

“Permit Abeyance Period” means the period of nine months commencing on July 6, 2023, and ending on April 6, 2024, during which time the Village will be analyzing Bluff and other areas that require protection.

“Steep Slope” means land comprising or adjacent to a Bluff where the slope in ascent or descent exceeds ten percent from the horizontal.

“Steep Slope Zone” means all land between the bottom of a Steep Slope and the top of the Steep Slope, and also the land that is 40 feet landward from the top of a Steep Slope.

Section 17.80.030 Permit Abeyance Period.

- A. Notwithstanding any other provision to the contrary in the Village Code (but subject to Section 17.80.040 of this Chapter), all Construction Activity is prohibited in the Steep Slope Zone during the Permit Abeyance Period. This prohibition does not apply to Construction Activity that received all applicable Village permits prior to July 6, 2023, provided those permits do not expire or are terminated in accordance with the Village Code.
- B. Notwithstanding any other provision to the contrary in the Village Code (but subject to Section 17.80.040 of this Chapter), the Village will not accept any application, and will not grant any permits, for any Construction Activity within the Steep Slope Zone during the Permit Abeyance Period.

Section 17.80.040 Exceptions

The provisions of Section 17.80.030 of this Chapter will not apply to the following Construction Activities:

- A. Emergency repairs or general maintenance for structures existing as of July 6, 2023.
- B. Emergency repairs or general maintenance of utility facilities, including, without limitation, stormwater outfalls, existing as of July 6, 2023.

Section 17.80.050 Severability.

If any provision of this Chapter or any part of this Chapter is held invalid by a court of competent jurisdiction, the remaining provisions of this Chapter shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be possible, the purpose and intent of this Chapter to the greatest extent permitted by law.”

SECTION 3. EFFECTIVE DATE. This Ordinance will be in full force and effect upon passage, approval, and publication of this Ordinance in pamphlet form in the manner provided by law.

PASSED this ____ day of _____, 2023, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2023.

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 _____,
2023.

Introduced: _____, 2023

Passed and Approved: _____, 2023

David Schoon

From: Jason Hanold <jason@hanoldassociates.com>
Sent: Wednesday, June 28, 2023 3:37 PM
To: Planning
Subject: FW: Proposed Bluff permit halt - Request to Postpone agenda item

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I'm writing to request that the proposed agenda item involving the steep slope bluff, during the meeting on July 6, 2023, be postponed for another week or until the next planned meeting. I own the property at 151 Sheridan Road, with is affected by this proposed ordinance, and did not receive notice at the property nor to our mailing address. I just learned about this from a neighbor! This seems like very short notice, and on a holiday week.

Please advise who I can discuss the possibility of postpone this conversation? Thank you for your guidance.

Jason

Jason Hanold
Managing Partner
Hanold Associates Executive Search & Leadership Advisory
One Rotary International Center—13th Floor
Evanston, Illinois 60201
Mobile: 312.316.3066
Direct Office: 847.332.1334
jason@hanoldassociates.com
www.Hanold-Associates.com



From: Jason Hanold
Sent: Wednesday, June 28, 2023 2:55 PM
To: Anita Lichterman <alichterman@Winnetka.org>
Cc: David Schoon <DSchoon@winnetka.org>
Subject: RE: Proposed Bluff permit halt?

Thank you Anita.

Hello David, It's good to meet you. Our home is located at 151 Sheridan, and I was just by there yesterday as demo is beginning. Our neighbor asked if we received the notice about the bluff meeting, but I think that the post office stopped delivering mail to the residence. When you have a chance, could you share more, or send a link (if online) to the contents of the mailing? This may not apply to us, I'm not building any boat houses or sheds on the bluff, but just wanted to make sure. Thank you for your guidance. Jason

Jason Hanold
Managing Partner
Hanold Associates Executive Search & Leadership Advisory
One Rotary International Center—13th Floor

David Schoon

From: Jason Hanold <jason@hanoldassociates.com>
Sent: Thursday, June 29, 2023 11:59 AM
To: David Schoon
Cc: Anita Lichterman; Charles Cook (ccook@cookarchitectural.com); Rich Bondarowicz
Subject: RE: Proposed Bluff permit halt?

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning David,

Here are some additional questions, and will look for information when posted on June 30, and details to access meeting on July 6 via zoom. I realize that some of these can't be answered until the meeting and through discussions, but wanted to share them in case any can help shape the meeting discussion and outcome:

Procedural questions:

How many members have to vote in favor for it to pass and what is the minimum quorum?

Was this truly ample notice given the holiday? (Is the building department open on Monday 7/3?)

What triggered this proposed amendment at this point in time? Has there been prior discussion and concerns raised to warrant this or is this specific reaction to specific submittals? Does this issue show up in past meeting minutes?

Will they take into consideration that existing homes, especially our landmark home, has unique constraints for site development due to locations of existing structures versus a new construction with more latitude in house placement and available rear yard? Our home is on the National Register of Historic Places, and we have been diligent in process to honor the history, and elongated process, and do have limitations not present on other properties.

If they impose new restrictions, will there be the ability to seek a variance?

Is the Village prepared to accept/consider the potential financial impact and liability this can have on owners of projects that are underway by causing construction delays, forcing issues of site access and requiring work to be performed out of intended sequence, fees for potential redesign and re-engineering of the site, etc.? This certainly applies to permits that have already been submitted.

Thank you for sharing these comments/considerations. Jason

Jason Hanold
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One Rotary International Center—13th Floor
Evanston, Illinois 60201
Mobile: 312.316.3066
Direct Office: 847.332.1334
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Agenda Item Executive Summary

TITLE: Ordinance No. MC-09-2023: Amending the Text of the Winnetka Zoning Ordinance Regarding Amendments to Special Uses (Public Hearing and Introduction/Adoption)

PRESENTER: David Schoon

AGENDA DATE: July 6, 2023

CONSENT: No

ITEM TYPE: Ordinances and Resolutions

ITEM HISTORY:

None

EXECUTIVE SUMMARY:

On Thursday, July 6, 2023, the Village Council is scheduled to hold a public hearing on and consider introduction and, if the Village Council desires, adoption, of Ordinance MC-09-2023 - An Ordinance Amending the Text of the Winnetka Zoning Ordinance Regarding Amendments to Special Uses.

The Village Manager of the Village of Winnetka has applied for the Village Council to consider amending Title 17, Zoning, of the Winnetka Code of Ordinances ("Zoning Ordinance") regarding adjustments, modifications, and amendments to special use permits within the Village of Winnetka and related procedures. The general purpose of the proposed text amendments is to more clearly define the process and procedures for adjustments, modifications, and amendments to special use permits.

Attached is a separate staff report regarding this item.

RECOMMENDATION:

The Council is scheduled to hold a public hearing and consider the introduction and, if the Village Council desires, adoption, of Ordinance MC-09-2023 - An Ordinance Amending the Text of the Winnetka Zoning Ordinance Regarding Amendments to Special Uses.

ATTACHMENTS:

1. Staff Report - Special Use Amendments Clarifications
2. Ordinance MC-09-2023 - An Ordinance Amending the Text of the Winnetka Zoning Ordinance Regarding Amendments to Special Uses.



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: VILLAGE COUNCIL

FROM: DAVID SCHOON, DIRECTOR OF COMMUNITY DEVELOPMENT
PETER FRIEDMAN, VILLAGE ATTORNEY

DATE: JUNE 29, 2023

SUBJECT: ORDINANCE NO. MC-09-2023: ZONING ORDINANCE TEXT
AMENDMENTS REGARDING SPECIAL USE AMENDMENTS

INTRODUCTION

On Thursday, July 6, 2023, the Village Council is scheduled to hold a public hearing on and consider introduction and, if the Village Council desires, adoption, of Ordinance MC-09-2023 - An Ordinance Amending the Text of the Winnetka Zoning Ordinance Regarding Amendments to Special Uses.

The Village Manager of the Village of Winnetka has applied for the Village Council to consider amending Title 17, Zoning, of the Winnetka Code of Ordinances ("Zoning Ordinance") regarding adjustments, modifications, and amendments to special use permits within the Village of Winnetka and related procedures. The general purpose of the proposed text amendments is to more clearly define the process and procedures for adjustments, modifications, and amendments to special use permits.

The hearing was properly noticed in the *Chicago Tribune* on June 21, 2023. As of the date of this memo, staff has not received any written comment from the public regarding this application.

SUMMARY OF PROPOSED ORDINANCE AMENDMENT

Currently, the Village's Zoning Ordinance does not define when a change to a special use is considered minor and can be administratively approved by staff, and when a change is considered major and an applicant must seek an amendment to the special use by submitting the same application materials to the Village as required to initially obtain a special use. The Village's practice has been for the Zoning Administrator to make a determination (interpretation) as to when a change to a special use is considered minor or major and when it would need to go through the Village's full special use permit process as an amendment. The Zoning Ordinance gives the authority to make determinations regarding the text of the Zoning Ordinance to the Zoning Administrator, and allows any "person aggrieved" by such a determination to file an appeal with the Zoning Board of Appeals.

The proposed ordinance amendment would define what would be considered a minor change and a major change to a special use. A minor change could be approved by the Village Manager following receipt of a report or recommendation of the Community Development Director, while a major change would require an amendment to the special use through the applicable special use process.

As the Council considers clarifications to minor and major changes to special uses, staff thought it would be appropriate to remind the Council regarding the Village bodies that are involved with the special use amendment process.

Village Bodies Involved with Various Village Special Uses – Original Requests & Amendment Requests

Special Uses within the C-2 Overlay District	Special Uses Outside of the C-2 Overlay District ⁽²⁾	Planned Development Special Uses ⁽³⁾
• Plan Commission • Design Review Board ⁽¹⁾ • Village Council	• Plan Commission • Zoning Board of Appeals • Design Review Board⁽¹⁾ • Village Council	• Planned Development Commission • Design Review Board • Village Council

1) Design Review Board is involved if request includes exterior building, landscaping, or signage changes.

2) Special uses outside of the C-2 Overlay District include commercial land uses located outside of the Overlay District that require special use approval as well as institutional uses (such as schools, parks, libraries, etc.), all of which require special use approval.

As noted in the above table, a planned development is approved as a special use. The new planned development regulations that were adopted in 2019, include definitions for major and minor changes. The proposed amendments reference those code sections.

The proposed ordinance amendment defines a minor change and a major change as follows:

“Minor Change” means any change in the uses, site plan, design details, or operations of an approved special use which is (i) consistent with the standards and conditions applicable to the special use, (ii) does not alter the concept or intent of the special use, and (iii) does not materially:

1. increase the special use’s density;
2. increase the special use’s operational intensity;
3. change programming in a way that alters the fundamental character of the existing special use;
4. change the use or add new uses;
5. increase the extent of the measurement of any applicable bulk regulation;
6. reduce open space;
7. expand, relocate, or add new parking areas;
8. relocate pedestrian walkways or access points;
9. alter alignment of roads, utilities, or drainage; or
10. change or conflict with any standard or condition imposed by the Village Council in approving the special use.

“Major Change” means any change in the uses, site plan, design details, or operations of an approved special use which is not a Minor Change.

As previously mentioned, a minor change could be approved administratively by staff, while a major change would require an amendment to the special use through the applicable special use process.

TEXT AMENDMENT PROCESS

The Zoning Ordinance also allows the Village Council to designate the commission, board, committee, or itself to hold a public hearing on zoning ordinance text amendments or zoning map amendments. In the recent past, the general practice of the Village Council has been to hold these public hearings themselves. For this reason, the public hearing on the proposed text amendment has been scheduled for the Village

Council's consideration at its July 6 meeting. At that meeting, the Council has at its discretion the ability to refer the matter to one of its advisory bodies to hold the public hearing or it may hold the public hearing itself.

RECOMMENDATION

The Council is scheduled to hold a public hearing and consider the introduction and, if the Village Council desires, adoption, of Ordinance MC-09-2023 - An Ordinance Amending the Text of the Winnetka Zoning Ordinance Regarding Amendments to Special Uses.

ATTACHMENTS

Attachment: Ordinance MC-09-2023 - An Ordinance Amending the Text of the Winnetka Zoning Ordinance Regarding Amendments to Special Uses.

**AN ORDINANCE AMENDING THE TEXT OF THE WINNETKA ZONING
ORDINANCE REGARDING AMENDMENTS TO SPECIAL USES**

WHEREAS, the Village of Winnetka is an Illinois home rule municipality in accordance with Article VII, Section 6 of the 1970 Constitution of the State of Illinois and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Village's procedures and standards for special uses are contained in Chapter 17.56 of the "Winnetka Zoning Ordinance," as amended ("**Zoning Ordinance**"); and

WHEREAS, pursuant to Section 17.72.040 of the Zoning Ordinance, the Village Manager submitted an application for a text amendment to the Zoning Ordinance to amend Chapter 17.56 of the Zoning Ordinance to update the standards and procedures regarding amendments to special uses ("**Proposed Text Amendments**"); and

WHEREAS, pursuant to Section 17.72.040 of the Zoning Ordinance, the Village gave proper notice of a public hearing by the Winnetka Village Council to consider the Proposed Text Amendments by publication in the *Chicago Tribune* on June 21, 2023; and

WHEREAS, pursuant to Section 17.72.040 of the Zoning Ordinance, on July 6, 2023, after due notice thereof, the Village Council held a public hearing to consider the Proposed Text Amendments; and

WHEREAS, pursuant to its home rule powers and all other applicable law and authorities, the Village Council finds and determines that it is in the best interests of the Village and its residents to adopt the Proposed Text Amendments, as set forth in this Ordinance;

NOW, THEREFORE, the Council of the Village of Winnetka ordains as follows:

SECTION 1. RECITALS. The recitals above are incorporated into this Section as the findings of the Village Council, as if fully set forth in this Section.

SECTION 2. AMENDMENT TO CHAPTER 17.56 OF THE ZONING ORDINANCE. Chapter 17.56, titled "Special Uses," of the Village Zoning Ordinance is amended to add a new Section 17.56.130, titled "Amendments to Special Use Permits," which new Section 17.56.130 will read as follows:

"Section 17.56.130 Amendments to Special Use Permits.

A. Definitions. For purposes of this Section, the following terms are defined as follows:

"Minor Change" means any change in the uses, site plan, design details, or operations of an approved special use which is (i) consistent with the

standards and conditions applicable to the special use, (ii) does not alter the concept or intent of the special use, and (iii) does not materially:

1. increase the special use's density;
2. increase the special use's operational intensity;
3. change programming in a way that alters the fundamental character of the existing special use;
4. change the use or add new uses;
5. increase the extent of the measurement of any applicable bulk regulation;
6. reduce open space;
7. expand, relocate, or add new parking areas;
8. relocate pedestrian walkways or access points;
9. alter alignment of roads, utilities, or drainage; or
10. change or conflict with any standard or condition imposed by the Village Council in approving the special use.

“Major Change” means any change in the uses, site plan, design details, or operations of an approved special use which is not a Minor Change.

B. Procedures for Granting Amendments to Special Use Permits.

1. Major Change. An applicant seeking a Major Change to an approved special use must seek an amendment to the special use by submitting the same application materials as required to initially obtain a special use, as established in Section 17.56.030 of this Code, and by following the same procedures required to obtain the initial special use set forth in Sections 17.56.040 through 17.56.070 of this Code. A Major Change to a special use must meet the standards in Section 17.56.120 of this Code and be approved by the Village Council by Ordinance. A Major Change to a special use for a planned development is also subject to the application requirements and procedures set forth in Sections 17.58.070, 17.58.090, and 17.58.130 of this Code.
2. Minor Change. An applicant seeking a Minor Change to an approved special use must apply to the Director of Community Development by providing any items set forth in Section 17.56.030 of this Code deemed necessary by the Director. A Minor Change in a special use may be approved by the Village Manager, following receipt of a report and recommendation from the Director of Community Development. A Minor Change does not require separate approval by the Village Council, provided that the Minor Change meets the standards in Section 17.56.120 of this Code. A Minor Change to a special use for a planned development is also subject to the application

requirements and procedures set forth in Sections 17.58.070, 17.58.090, and 17.58.130 of this Code.”

SECTION 3. EFFECTIVE DATE. This Ordinance will be in full force and effect upon its passage, approval, and publication in the manner provided by law.

PASSED this ____ day of _____, 2023, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2023.

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 _____,
2023.

Introduced: _____, 2023

Passed and Approved: _____, 2023