



Village of Winnetka

Plan Commission Special Meeting

July 13, 2023 at 7:00 PM
Winnetka Village Hall Council Chambers
510 Green Bay Road

AGENDA

1. **Call to Order & Roll Call**
2. **Approval of Minutes**
 - a. April 26, 2023, Regular Meeting Minutes
3. **Public Comments**
4. **Community Development Report**
5. **New Applications**
 - a. **Case No. 23-07-SU: 564 Lincoln Avenue - Compass Real Estate Office:** An application seeking approval of a Special Use Permit submitted by Compass Illinois, Inc., as the prospective lessee of the property located at 564 Lincoln Avenue to allow a real estate office in the C-2 General Retail Commercial Overlay District. The property is currently owned by 562-72 Lincoln Avenue, LLC. The Village Council has final jurisdiction on this request.
6. **New Business**
 - a. July 26, 2023, Regular Meeting - Quorum Check
7. **Adjournment**

NOTICE

Public comment is permitted on all agenda items at the meeting. If you wish to provide testimony or comments prior to the meeting, you may provide them one of two ways: (1) by sending an email to planning@winnetka.org; or by sending a letter to Community Development, Village of Winnetka, 510 Green Bay Road, Winnetka, IL 60093. All agenda materials are available at www.villageofwinnetka.org/agendacenter.

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that 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 at 510 Green Bay Road, Winnetka, Illinois 60093, (Telephone (847) 716-3543; T.D.D. (847) 501-6041).

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WINNETKA PLAN COMMISSION MEETING MINUTES
APRIL 26, 2023

- Members Present:** Bridget Orsic, Chairperson
Jonathan Alt
Mamie Case
Layla Danley
John Golan
Chris Foley
Liz Kunkle
- Members Absent:** Matthew Bradley
- Non-Voting Members Present:** Tina Trustee Dalman
- Village Staff:** David Schoon, Director of Community Development
Ann Klaassen, Assistant Director of Community Development

Call to Order & Roll Call:

The meeting was called to order by Chairperson Orsic at 7:00 p.m. Ms. Klaassen took roll call of the Commission Members present.

Approval of Minutes:

- a. March 22, 2023, Regular Meeting Minutes

Chairperson Orsic asked for a motion to approve the March 22, 2023, meeting minutes. A motion was made by Ms. Case by to approve the March 22, 2023, meeting minutes. Mr. Golan seconded the motion.

A vote was taken and the motion unanimously passed, 7 to 0:

AYES: Alt, Case, Danley, Foley, Golan, Kunkle, Orsic

NAYS: None

NON-VOTING: Dalman

Public Comments:

No comments were made at this time.

Community Development Report:

Mr. Schoon stated the Village Council approved the special use requests for North Shore Country Day School and for Hubbard Woods School. He also stated the Village Council adopted the new Comprehensive Plan with a copy being made available on the website, and he can provide hard copies upon request. Mr. Schoon provided an update with regard to the One Winnetka proposal that was presented to the Design Review Board (DRB) which provided architectural comments noting consideration was deferred until their May meeting. He stated once the DRB makes a recommendation they will determine when the request will be presented to the Planned Development Commission.

New Applications:

- a. **Case No. 23-04-SU: 564 Green Bay Road: An application seeking approval of a Special Use Permit to allow off-street parking at street-level along the alley for a new four-story mixed-use building at 564 Green Bay Road. The Village Council has final jurisdiction on this request.**

1 Ms. Klaassen stated in 2022, the applicant submitted an application to allow a three-story mixed-use
2 building, with a roof top deck, with the Village Council approving the request. She stated the applicant is
3 now asking for approval for a fourth story for an additional residential unit. Ms. Klaassen identified the
4 property's location and zoning classification stating the proposed development of the site is consistent
5 with the newly adopted land use map in the Comprehensive Plan and the zoning designation.

6
7 Ms. Klaassen then identified photos of the site noting the existing building would be demolished. She also
8 referred to the proposed site plan with a rear yard setback of 3 feet which required approval of a zoning
9 variation. Ms. Klaassen described the commercial and residential units occupying the space noting Engel
10 & Völkers would occupy the commercial space on the first floor and lower level.

11
12 Ms. Klaassen identified the proposed first floor plan and two rear off-street parking spaces accessed from
13 the alley which required special use approval because the parking spaces are on the ground level. She
14 described the residential units, their sizes and the minimum parking space requirements noting on-site
15 parking is not required for the commercial use since it measured less than 2,500 square feet for parking
16 requirement perspectives. She also identified the 4th floor plan which changed as a result of the DRB
17 comments and eliminated the setback variation previously requested.

18
19 Ms. Klaassen also identified the proposed front and rear elevations, as well as a rendering provided by the
20 applicant. She explained the DRB comments regarding the project to the Commission and noted the DRB
21 voted to recommend approval of the request. She also noted that no public comment was received and
22 the Commission is to consider whether the special request to allow parking at-street level met the
23 standards for granting a special use. Ms. Klaassen then stated after the presentation by the applicant,
24 and public comment, the Commission is to consider recommending approval or denial of the request with
25 a draft motion provided on page nos. 21-22. She then asked if there were any questions.

26
27 Chairperson Orsic asked for clarification with regard to the number of parking spaces the Commission is
28 to consider for approval which Ms. Klaassen clarified for the Commission. Ms. Case asked if parking for
29 the 4th floor unit is to be considered. Ms. Klaassen responded the Zoning Ordinance did not recognize off-
30 site parking for residential uses with the variation being for three parking spaces when the applicant is
31 providing two parking spaces, whereas a minimum of 5 is required for the residential units. She noted the
32 Zoning Board of Appeals (ZBA) recommended approval with a vote of 4 to 1. Ms. Kunkle asked if the two
33 parking spaces would be for residential use only. Ms. Klaassen stated the applicant can respond to that
34 question. No additional questions were raised at this time.

35
36 Chairperson Orsic swore in those speaking to this matter. Cal Bernstein, the applicant's attorney,
37 confirmed the approvals requested in the application are the same as were approved in 2022 with the
38 only change being one additional residential unit versus the roof top deck and explained the reasoning for
39 the change which related to economic considerations. He described the lot's conditions which only
40 allowed for two parking spaces. Mr. Bernstein referred to the ZBA discussion relating to the number of
41 parking spaces and alternatives for the project and its proximity to surrounding parking uses. He then
42 stated the standards have been addressed in the application and asked if there were any questions.

43
44 Chairperson Orsic asked if the units would be apartments and Mr. Bernstein confirmed that is correct. Ms.
45 Danley questioned whether two spaces would be able to fit on the lot.

46
47 Chairperson Orsic then swore in Nate Kipnis, the project architect. Mr. Kipnis confirmed two parking
48 spaces would fit on the site. Mr. Golan referred to the narrow alley size. Mr. Kipnis responded a larger

1 vehicle may require a three-point turn. Mr. Bernstein then referred to the previous discussion that it
2 would be detrimental to have parking off of Green Bay Road. Mr. Golan asked if residential access would
3 be in the front and Mr. Kipnis identified the residential access points with the main entrance being on
4 Green Bay Road. Mr. Alt asked if underground parking was explored and Mr. Kipnis responded it would
5 not be feasible on a lot this size. Ms. Kunkle asked if the larger vehicle shown in the illustration is accurate
6 to size. Mr. Kipnis stated a large and small vehicle would fit in the garage.
7

8 Ms. Danley asked if financial feasibility studies were done to confirm they could finance the project.
9 Chairperson Orsic swore in Paul Lazarre, manager of 564 Green Bay LLC, who stated the previous proposal
10 would have only contained two residential units and was when interest rates were much lower. He went
11 on to explain how the interest rates have affected construction of the building and they need the fourth
12 story to make the project feasible.
13

14 Chairperson Orsic then asked if there were any public comments. No comments were made at this time.
15 She then called the matter in for discussion.
16

17 Chairperson Orsic informed the Commission she spoke with Mr. Bradley who provided a summary of the
18 ZBA's discussion in that the location is unique and there would be no precedent and there is a desire for
19 this type of housing being needed with the market determining if apartments can be rented without
20 parking being provided. She then stated she was initially concerned and stated the request would not take
21 up street parking or overnight parking and described the request as an interesting experiment.
22 Chairperson Orsic stated underground parking is not an option and concluded the additional residential
23 unit would not impact surrounding uses.
24

25 Ms. Kunkle stated she was initially concerned as well because of the changes made although she
26 appreciated the project's thoughtfulness being altered to make it fit. She stated an additional Pillar
27 relating to parking from the Comprehensive Plan should be addressed and referred to Goal 8.5 which this
28 application specifically related to. Ms. Kunkle stated they are asking for fewer spaces than are required.
29 Ms. Danley stated knowing the two parking spaces would be the Village standard and the request is
30 exactly the same as previously approved, she agreed with the project being a good experiment and stated
31 she is in favor of the request.
32

33 Mr. Foley agreed with the comments made and stated he would be in favor of the request in light of the
34 extensive Comprehensive Plan discussions and that the request met the standards. Mr. Golan stated the
35 Commission is not to address the setback issue which would be between the applicant and tenants. He
36 also stated the request met the criteria with regard to Pillar Nos. 1, 2 and 8 and the criteria for granting
37 special use permits, concluding he would be in favor of the request. Ms. Case agreed with the comments
38 made and stated she is in favor of the request. Mr. Alt stated while he also agreed with the comments
39 made, he referred to the challenge of going to the Village Council with a request for a four-story building
40 with two parking spaces and concluded he is in favor of the request.
41

42 Trustee Dalman stated they have consistently heard the need for more housing for empty nesters and
43 young professionals which the project would provide. She agreed the request would be a great
44 opportunity to see if a project like this would work and she would be in support of the request when it is
45 presented to the Village Council.
46

47 Chairperson Orsic then asked for a motion. Mr. Golan moved to recommend approval of the special use
48 to allow off-street parking on the street level accessed from the alley as outlined on page nos. 21 and 22

1 of the agenda packet and referred to the findings. Ms. Kunkle seconded the motion. A vote was taken and
2 the motion unanimously passed, 7 to 0:

3 AYES: Alt, Case, Danley, Foley, Golan, Kunkle, Orsic

4 NAYS: None

5 NON-VOTING: Dalman

6

7 **New Business.**

8 a. May 24, 2023, Meeting – Quorum check.

9 The Commission Members discussed their availability. Chairperson Orsic stated she would no longer be
10 the Commission’s Chair. Mr. Schoon indicated there may not be a May meeting. Ms. Kunkle informed the
11 Commission of the recently passed resolution relating to recognizing compost awareness week and
12 distributed information to the Commission. The Commission Members thanked Chairperson Orsic for her
13 service.

14

15 **Adjournment:**

16 Chairperson Orsic asked for a motion to adjourn. A motion to adjourn was made and seconded by multiple
17 Commissioners. A vote was taken and the motion unanimously passed, 7 to 0:

18 AYES: Alt, Case, Danley, Foley, Golan, Kunkle, Orsic

19 NAYS: None

20 NON-VOTING: Dalman

21 The meeting was adjourned at 7:40 p.m.

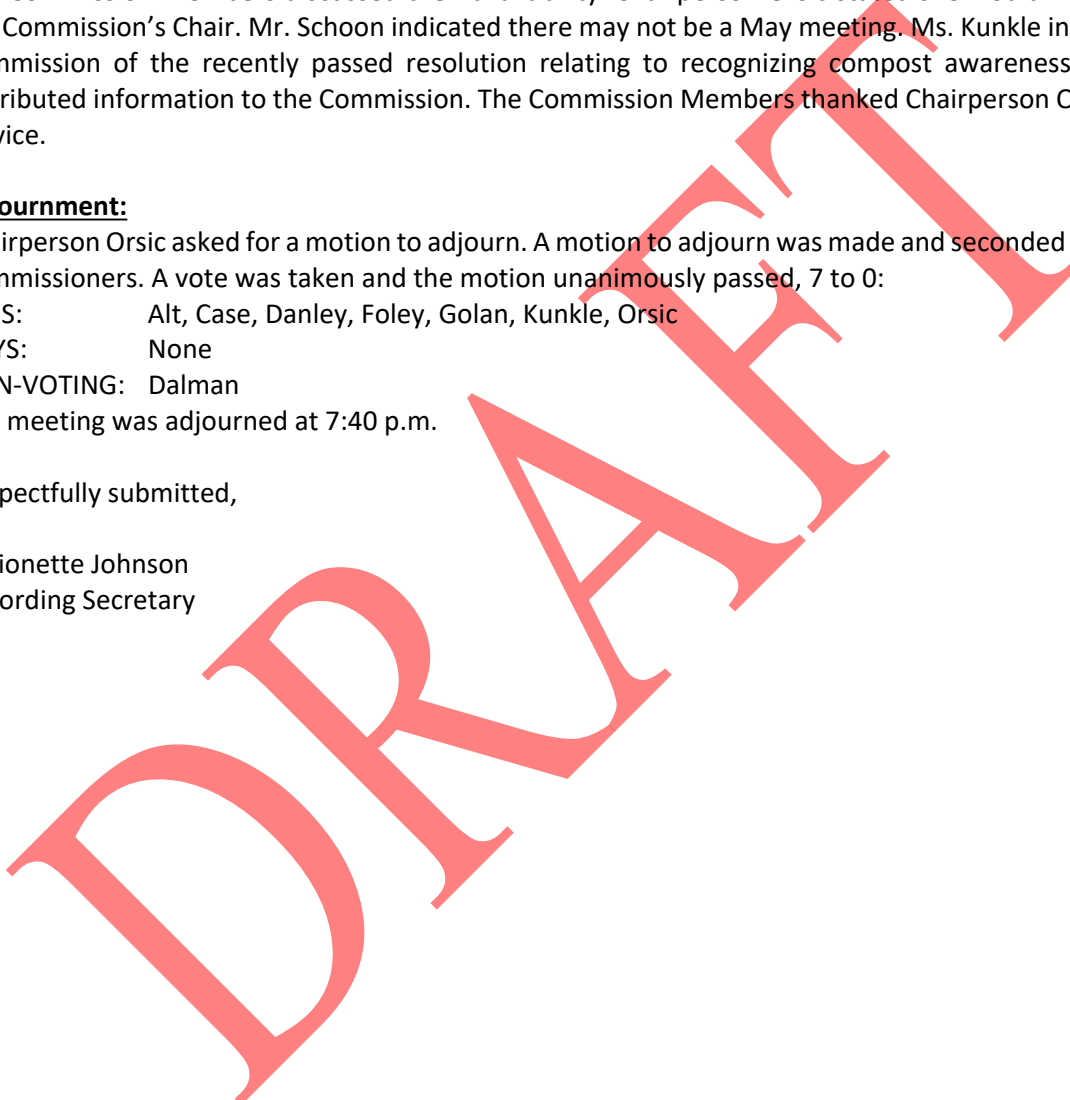
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23 Respectfully submitted,

24

25 Antionette Johnson

26 Recording Secretary





MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: PLAN COMMISSION
FROM: ANN KLAASSEN, ASSISTANT DIRECTOR
DATE: JULY 7, 2023
SUBJECT: 564 LINCOLN AVENUE - COMPASS REAL ESTATE OFFICE
SPECIAL USE PERMIT (CASE NO. 23-07-SU)

INTRODUCTION

On July 13, 2023, the Plan Commission is scheduled to hold a public hearing to consider an application submitted by Compass Illinois, Inc. (the "Applicant"), as the prospective lessee of the property located at 564 Lincoln Avenue (the "Subject Property"), **to allow a real estate office to occupy the Subject Property**. The property is currently owned by 562-72 Lincoln Avenue, LLC.

The Applicant has filed an application seeking approval of a Special Use Permit in accordance with Chapter 17.56 [Special Uses] of the Winnetka Zoning Ordinance to permit a real estate office in the C-2 General Retail Commercial Overlay District at the Subject Property. The Applicant would be relocating its current real estate office at 851 Spruce Street to the Subject Property.

In compliance with the Zoning Ordinance, a sign was posted on the Subject Property and a website notice was posted on the Village website indicating the time and date of the Plan Commission (PC) public hearing on June 28, 2023. A mailed notice was also sent to property owners within 500 feet of the Subject Property informing them of the public hearing on June 28. Subsequent to the notice being mailed and posted on site and on the Village website, Village staff learned that the Commission would not have a quorum on June 28, therefore a special meeting of the PC was scheduled for July 13, 2023, to consider the case. A notice informing the public that the June meeting was cancelled and the PC's consideration of this case would be held on July 13 was posted on the Subject Property, the Village website, and on the doors of Village Hall, where the June meeting was to be held. In addition, a mail notice was sent to property owners within 500 feet of the Subject Property informing them of the July 13 meeting. As of the date of this memo, staff has not received any written comments from the public regarding this application.

PROPERTY DESCRIPTION

The Subject Property is one of the commercial spaces located in the mixed-use building at 564-572 Lincoln Avenue, often referred to as *The Winnetka Galleria* ("The Galleria"), located on the west side of Lincoln Avenue between Elm and Pine Streets. The approximately 4,500 square foot space at 564 Lincoln Avenue is currently unoccupied and is a portion of the 9,300 square foot space that was most recently occupied by *Coldwell Banker Residential Real Estate* ("Coldwell Banker"). The commercial space located immediately south of the space the Applicant is proposing to occupy is currently vacant and was most recently occupied by *T. J. Cullen Jewelers*. On the north side of the courtyard is *The Beauty Lash*. Other neighboring businesses to the south of the Subject Property include *Beat Street*, a gift and toy store, and

a new restaurant *Deep Purple/Fons Empanadas*. There are residential condominiums on the second and third floors of The Galleria.

Figures 2 through 4 below and on the following page identify the Subject Property and neighboring businesses.

The Subject Property is located within the Village's **Commercial Overlay District**, which allows non-retail uses, such as real estate offices and professional uses; however, the Zoning Ordinance requires that they be evaluated by the Plan Commission and Village Council as a special use.



Figure 1 – Subject Property – 564 Lincoln Avenue

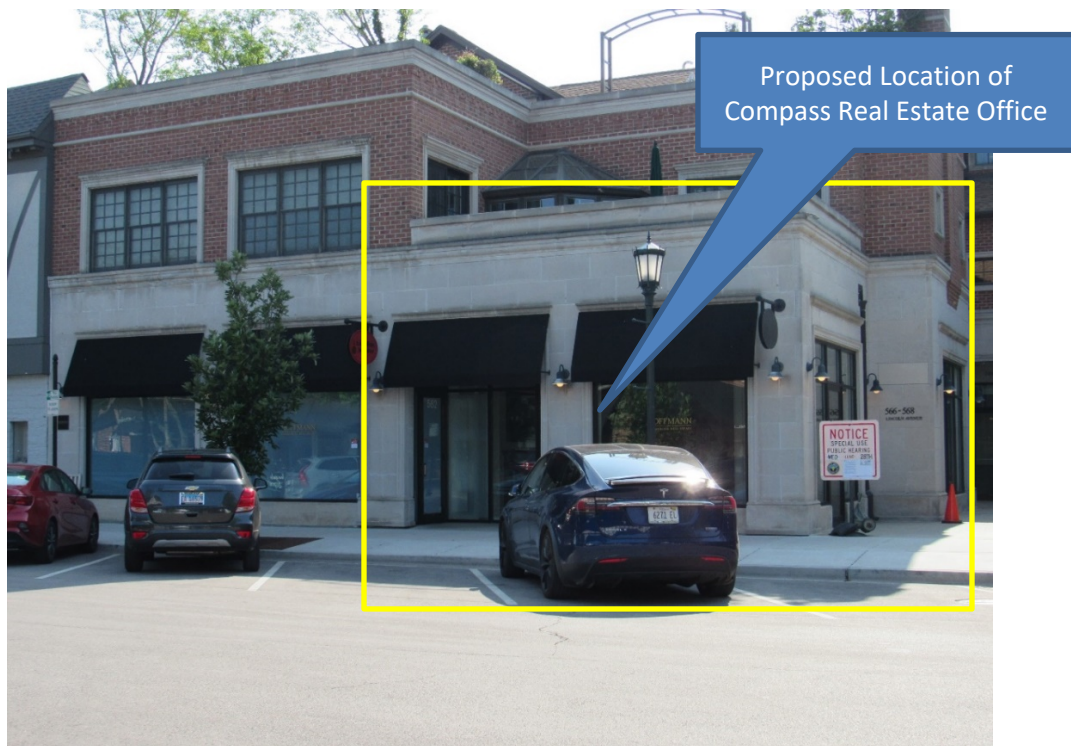


Figure 2 – Subject Property – 564 Lincoln Avenue



Figure 3 – Neighboring Businesses to South – Vacant Space and Beat Street



Figure 4 – Neighboring Business to North – The Beauty Lash

COMMERCIAL OVERLAY DISTRICT BACKGROUND

The Overlay District was established in 1987 out of concern about the viability of the business districts as a whole if non-retail occupancies were allowed to proliferate and occupy significant areas within retail shopping districts. At the time of adoption there was a concern about the possible proliferation of real estate offices and financial institutions.

The Village Zoning Ordinance describes the purpose of the Overlay District and its restrictions on non-retail uses as being:

“to encourage retailing of comparison shopping goods and personal services compatible with such retailing on ground floor in order to encourage a clustering of such uses, to provide for a wide variety of retail shops and expose such shops to maximum foot traffic, while keeping such traffic in concentrated (yet well distinguished) channels throughout the district.”

Since its adoption in 1987, the Overlay District has been revised on more than one occasion to alter district boundaries, or to modify the types of uses which are permitted within each district. The most recent amendment occurred on April 4, 2019 when the Village Council adopted MC-01-2019, amending the Zoning Ordinance regarding uses and regulations in the three commercial districts, including amendments to the Overlay District and the standards used to evaluate a special use.

ELM STREET BUSINESS DISTRICTS OVERLAY BOUNDARIES

A map depicting the zoning classifications of the Elm Street Business Districts is included below as Figure 5. The Subject Property is highlighted yellow.

Gray areas indicate the underlying C-2 General Retail Commercial zoning, which permits by right a relatively broad array of uses, including various retail uses, along with a number of non-retail uses such as professional offices, financial service firms, medical offices and the like.

Red crosshatch areas represent those areas subject to the restrictions of the Commercial Overlay District. The boundaries of the Overlay District are established along certain public streets and extend for a depth of 50 feet from the front property line.

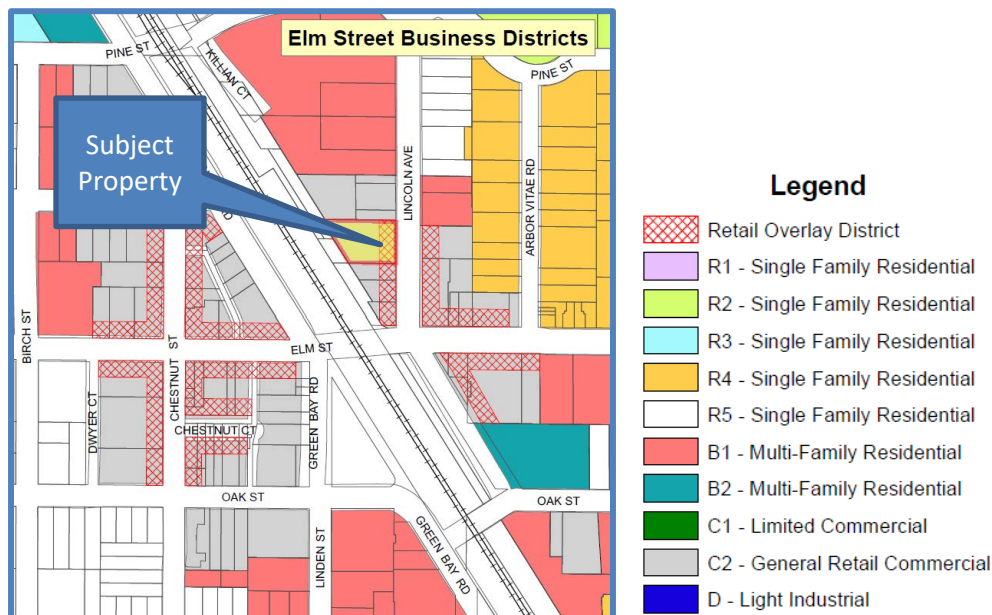


Figure 5 – Elm Street Business Districts

PREVIOUS APPROVAL

As noted earlier in this report, Coldwell Banker was the previous tenant of the Subject Property. Initially, Coldwell Banker occupied 8,000 square feet of The Galleria building, which was located at the rear of the building, more than 50 feet from the front street line. Given that the space was located in the C2 District, but outside of the Overlay District, the real estate office was allowed to occupy the space by right as a permitted use. In August 2017, Coldwell Banker submitted a special use permit application to expand into the additional 1,339 square feet of commercial space that is located within the Overlay District. On October 11, 2017, the Plan Commission considered the request and by a vote of 6-4 recommended approval of the request. Members who spoke in favor of the application noted that Coldwell Banker was an existing use and the proposed 1,339 square foot expansion would not significantly increase employee count or parking demand. Other members expressed concern regarding the difficulty with parking on Lincoln Avenue and that real estate offices do not promote pedestrian activity that benefits nearby businesses.

In November 2017, the Village Council reviewed an amended proposal by Coldwell Banker to incorporate a “pop-up” retail sales area within its expanded space along the street frontage. Ultimately, on December 5, 2017, the Village Council adopted Ordinance M-10-2017, granting a special use permit to allow Coldwell Banker to occupy the additional 1,339 square feet, which would include a pop-up retail area. For reference, Ordinance M-10-2017 is included in this report as Attachment B.

Subsequently, on May 21, 2019, the Village Council reviewed the use of the space at 564 Lincoln Avenue by Coldwell Banker, in particular the use of the “Pop-Up Retail Area”. Coldwell Banker was invited to the Village Council meeting to explain how the use of the Pop-Up Retail Area complied with Ordinance M-10-2017. Council members found that the Pop-Up Retail Area was not being operated in compliance with the Ordinance and in the spirit of what was discussed when the Council approved the special use. The Council discussed that it was key for Coldwell Banker to communicate with the Village. It was suggested that Coldwell Banker work with one or two Trustees to brainstorm ideas on how to fill the space. Coldwell Banker did follow-up with a meeting to explore ideas for the Pop-Up Retail Area with a former Village Trustee and the Village’s Economic Development Coordinator. Eventually, the space was utilized by various retailers over the last few years, at least one of which has permanently located elsewhere in the Village.

DESCRIPTION OF CURRENT REQUEST

The Applicant is proposing to relocate from its current location at 851 Spruce Street into the Subject Property. As explained by the Applicant in the attached application materials provided in Attachment A, Compass previously occupied approximately 1,500 square feet of commercial space at 565 Lincoln Avenue, in addition to its 3,000 square foot space at 851 Spruce Street. It has since combined the offices at the Spruce Street location. The Applicant is now proposing to occupy the Subject Property, an approximately 4,500 square foot space with approximately 23 feet of street frontage.

The proposed real estate office would be staffed with a receptionist and an office sales manager, Monday through Friday, 9:00am to 5:00pm. In terms of the number of agents, Compass currently has 50 agents who associate the Winnetka location as their “home office”. The Applicant anticipates 5-10 people working in the office throughout day, with most agents coming to the office one or two times a week for 1-2 hours a day. The office tends to be busiest on Monday mornings between 9-10:00am as they have bi-weekly sales meetings on Monday mornings.

According to the Applicant, clients rarely visit the office. On a typical day, there may be 1-2 clients in the office, but rarely at the same time.

In regard to parking, the Applicant has provided information in terms of its operations and what they see is their demand for parking. The Applicant has indicated that its lease agreement with the property owner includes 8 parking spaces in the lower-level parking on the Subject Property. With 5-10 people working in the office on a typical day and 8 parking spaces available in the parking garage on-site, the Applicant has indicated that its typical employee/agent demand for parking would generally be met by these spaces. When the Applicant’s employee/agent parking demand exceeds its 8 on-site spaces, it will use the public parking lot north of the Subject Property on Lincoln Avenue. (Staff note: That lots does contain “A” permit parking spaces for employees.) As noted previously, the Applicant intends to have a bi-weekly sales meeting on Monday mornings at 9:00am, although the number of agents expected to attend the meeting is not provided. The 1-2 clients that visit the office on a typical day are generally in the office for no more than 1 hour and will be directed to utilize public parking.

The Applicant has indicated that it will seek pop-up retailers, similar to what Coldwell Banker did when it occupied the Subject Property. When not being utilized by a pop-up retailer, the Applicant intends to operate a “Compass Boutique” to sell Compass branded clothing and accessories (<https://boutique.compass.com>).

The Applicant has provided a floor plan representing the layout of the space. The area highlighted yellow below in Figure 6 would be the location of the pop-up area. The red line represents the general location of the boundary of the Overlay District for the Subject Property, 50 feet back from the front property line.

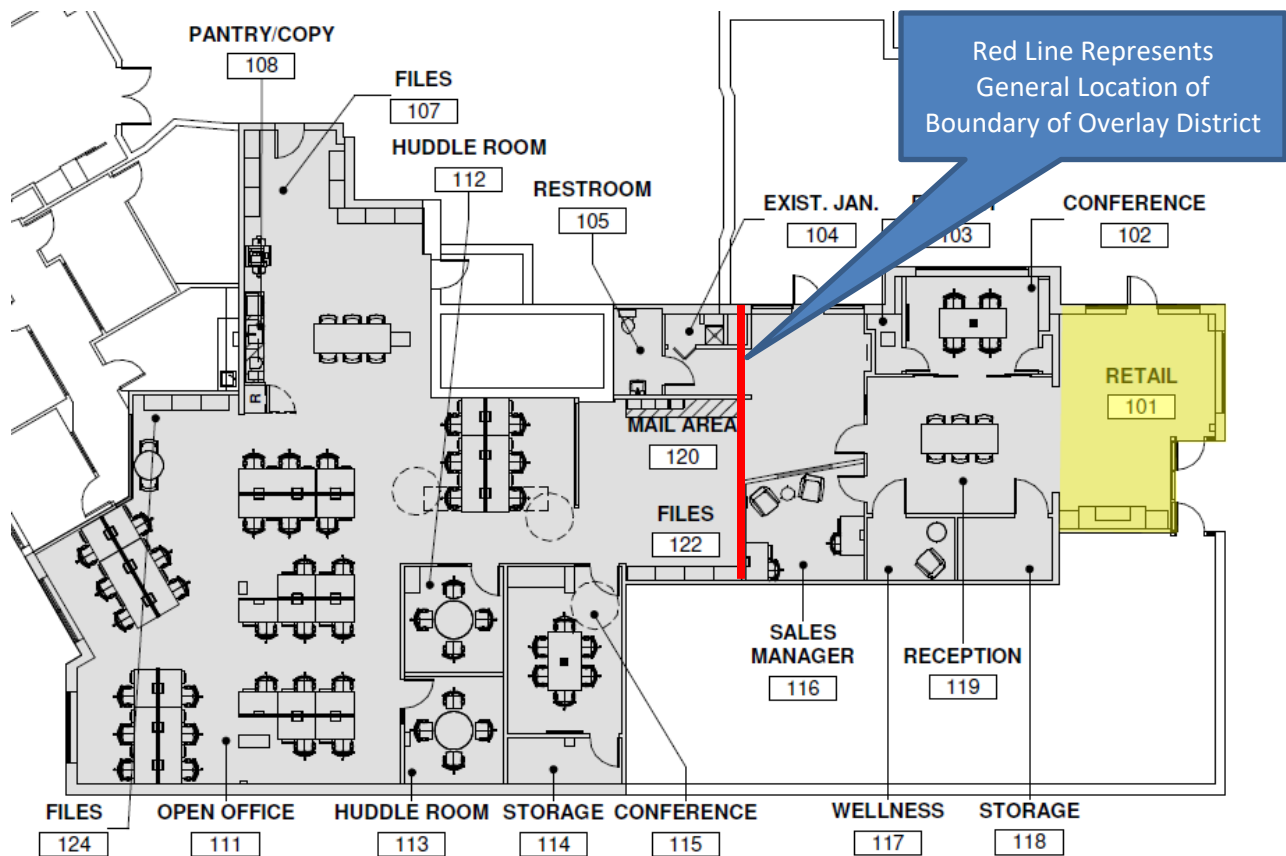


Figure 6 – Excerpt of Proposed Floor Plan

DESIGN REVIEW BOARD REVIEW

Any future changes to the exterior of the commercial space or the addition of signs or awnings to the front of the space will require approval of a certificate of appropriateness by the Design Review Board.

STANDARDS FOR REVIEW / FINDINGS

The "Purpose" section of Chapter 17.56, Special Uses, states the following regarding special uses:

It is recognized that there are special types of uses which because of their specific characteristics in relationship to uses permitted by right in a particular district, or the services which they provide, cannot be properly permitted by right in a particular district without consideration, in each case, of the impact of such uses upon neighboring land, or of the public need for such uses at a particular location.

A land use classified as a special use is an allowed land use as long as the Applicant can demonstrate that the proposed use in its proposed specific location meets the applicable standards for granting special use approval.

Section 17.44 of the Zoning Ordinance provides a series of twelve (12) standards for the evaluation of Special Use applications within the Commercial Overlay District, which provides a framework for evaluation by the Plan Commission. The Applicant has supplied as part of their application materials a narrative addressing how this proposal complies with the twelve (12) standards.

Following conclusion of public comment and Commission discussion, a Commission member may choose to make the following motion:

I make the motion that:

The Plan Commission recommends **approval [denial]** of the requested special use to allow the Applicant, Compass Illinois, Inc., to operate a real estate office at 564 Lincoln Avenue within the C-2 Commercial Overlay District, based on the following findings of fact:

"The real estate office (the "Special Use") is [is not] consistent with the Standards for granting of Special Use Permits in the Commercial Overlay District, which are as follows:

1. The establishment, maintenance, and operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare;
2. The Special Use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;
3. The establishment of Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;
4. Adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways;
5. Adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the Special Use exists or are to be provided;
6. The Special Use in all other respects conforms to the applicable regulations of this and other village ordinances and codes;

7. The proposed special use at the proposed location will encourage, facilitate and enhance the continuity, concentration, and pedestrian nature of the area in a manner similar to that of retail uses;
8. The location of the proposed special use along a block frontage shall provide for a minimum interruption in the existing and potential continuity and concentration of the retail uses along the block's frontage;
9. The proposed special use at the proposed location will provide for display windows, facades, signage and lighting similar in nature and compatible with that provided by retail uses;
10. If the proposed special use provides multi-use areas, such as retail merchandise areas, restaurant dining areas, general office space, private offices, reception areas, or employee work areas, any proposed retail merchandise area or restaurant dining area shall be concentrated and located immediately adjacent to the sidewalk and clearly visible from the street in such a fashion as to invite customers to browse or dine;
11. If a proposed new building contemplates a mix of retail, office and service type uses, the minimum frontage for each retail use adjacent to the sidewalk shall be 20 feet with a minimum gross floor area of 400 square feet. In addition, such retail space shall be devoted to active retail merchandising which maintain typical and customary hours of operation; and
12. The proposed location and operation of the proposed special use shall not significantly diminish the availability of parking for district clientele wishing to patronize existing retail businesses."

The Commission's recommendation is subject to **no conditions [the following conditions]:**

1. [Insert conditions...]

As noted above, the Commission may also wish to consider if there are any additional conditions it may want to place on the facility's operation.

This request is subject to final approval by the Village Council.

ATTACHMENTS

Attachment A: Application Materials

Attachment B: Ordinance M-10-2017, adopted on December 5, 2017

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL USE PERMIT APPLICATION

Case No. 23-07-SU

Property Information

Site Address: 564 Lincoln Avenue, Winnetka, IL 60093

SU 2023-482

Applicant Information

Name: COMPASS ILLINOIS, INC.
Jonathan Satz
Primary Contact:
838 Indian Road
Address:
Glenview, IL 60025
City, State, ZIP:
415-416-8451
Phone No.
jonathan.satz@compass.com
Email:

Owner Information

Name: 562-72 LINCOLN AVENUE, LLC,
Jenn Epstein
Primary Contact:
568 Lincoln Avenue
Address:
Winnetka, IL 60093
City, State, ZIP:
847-512-3191
Phone No.
jepstein@hoffmanncre.com
Email:

Architect Information

Name: Ware Malcomb
Maj Zaheda
Primary Contact:
1315 22nd St #410
Address:
Oak Brook, IL 60523
City, State, ZIP:
646.876.2013
Phone No.
mzaheda@waremalcomb.com
Email:

Attorney Information

Name: Samuels & Bernstein
Calvin A. Bernstein
Primary Contact:
484 Central Avenue, Suite 202
Address:
Highland Park, Illinois 60035
City, State, Zip:
(847) 433-1980
Phone No.
cbernstein@sambornlaw.com
Email:

DocuSigned by:
Applicant Signature Jonathan Satz
Property Owner Signature Jenn Epstein
Printed Name of Owner: Jenn Epstein

Date: 05/24/2023
Date: 05/24/2023



COMPASS

May 24, 2023

Ann Klaassen & David Schoon
510 Green Bay Rd
Winnetka, IL 60093

RE: 564 Lincoln Avenue, Winnetka, IL 60093, – Special Use Permit Application

Summary

Compass is a real estate brokerage that has historically operated out of two buildings in Winnetka - **851 Spruce Street** (3,006 sq ft) and **565 Lincoln** (1,513 sq ft). In 2022, due to market conditions and the desire to relocate into a single, consolidated office, Compass temporarily combined these two offices at the Spruce Street location. Now, Compass has leased ~4,500 sq ft of office at **564-568 Lincoln** to permanently combine these two offices (subject to contingencies related to a special use permit).

Operating Information

- **What are the typical hours of operation each day of the week?**
Monday through Friday 9:00-5:00 is when the office is typically staffed with a receptionist and an office Sales Manager. These are the only full-time W-2 employees assigned to the office. Agents, who are 1099 contractors, come in and out of the office on an ad-hoc basis as the majority of their working hours are spent out with clients, networking, etc. For most agents, they come to the office 1-2x/week for 1-2 hours a day. On average, we anticipate 5-10 people working at the office throughout the day.
- **Where will agents park on a typical day?** Compass's lease agreement provides for 8 underground parking spaces. The majority of the time, this will satisfy the agent count in the office. If there are more than 8 agents on-site, we will use the public lot adjacent to the office. Clients will be directed to park in available public parking. Clients typically are at the office for no more than 1-hour at a time.
- **Which day is the busiest day of the week? And what is the busiest 2-hour period on that day?**
Mondays between 9-10am. is likely to be the busiest time as there will be a Sales Meeting at the office on a bi-weekly basis. 'Sales Meetings' are times when agents get together to share what is going on in the market. Compass will work with the Village and neighboring tenants on the best time to schedule Sales Meetings at this new location.
- **How many agents will be “stationed” at this location?**
Currently, Compass has ~50 agents that associate with Winnetka as their home office.
- **How many clients would actually be in the office at any time?**
Clients rarely frequent the office now that closings can take place virtually. But, on a typical day, there may be 1-2 clients in the office, and rarely at the same time. More than 90% of clients never come to the office as agents meet with them at their homes, on tours, or virtually.
- **How will Compass use the Retail Space?**
Compass will seek 'pop up' retailers in the same manner as Coldwell Banker, specifically targeting local/community organizations that would benefit from a storefront. When 'pop ups' are not operating, Compass will set up a '[Compass Boutique](#)' in the retail area replicating a point of sale operation with Compass branded clothing and accessories.

Comparison to previous Real Estate Operation

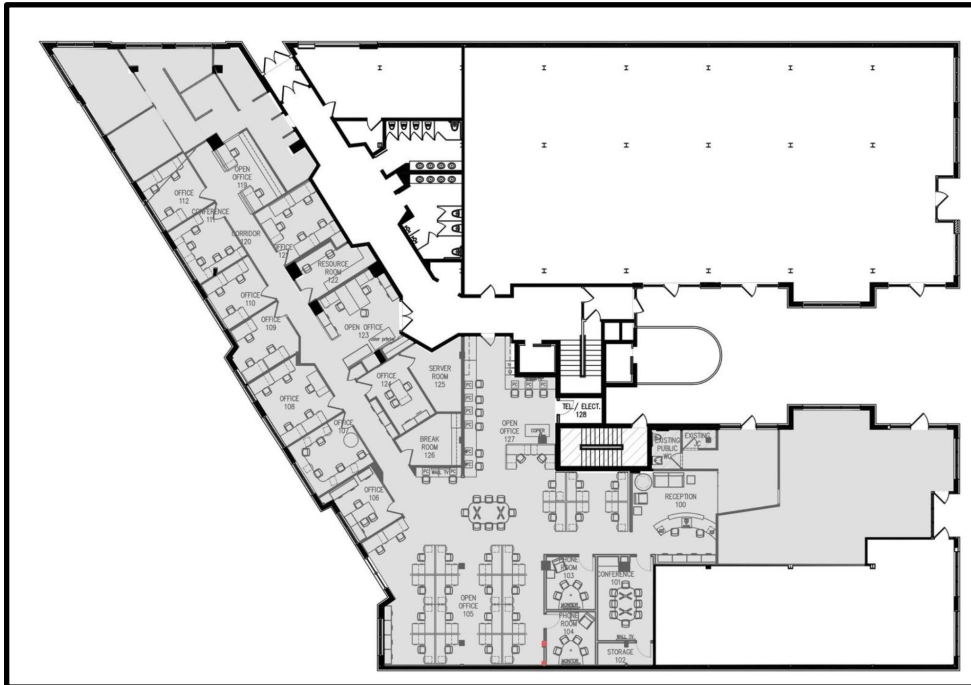
Coldwell Banker Operation: After approval of their SUP in 2017, Coldwell Banker occupied ~9,339 square feet of space at the Galleria (note, square footage is gathered from original SUP application Case No. 17-22-SU). Their operation had over 100 agents associated with the office.

Compass Operation: Compass is proposing to occupy ~4,500 square feet in total, inclusive of the 1,339 square feet of retail space and 3,161 square feet of office space. Currently, Compass has ~50 agents that associate with Winnetka as their home office. Therefore, both in square footage and agent count, the Compass operation is less than half of the previous Coldwell Banker tenancy.

Floor Plans of the Coldwell Banker/ proposed Compass tenancies are below. Given that Compass's proposed total tenancy is materially smaller than Coldwell Banker's we are working under the assumption a traffic study is not required. Additionally, the proposed use of the retail space requiring the SUP is the exact same as the previous use, which was a conference room area and 'pop up' retail for community business. Therefore, the retail space should not generate any incremental parking demand to the previous use and likely less than other retail on Lincoln such as restaurants or larger point of sale retail. Signage will be the same as the previous use as shown below.

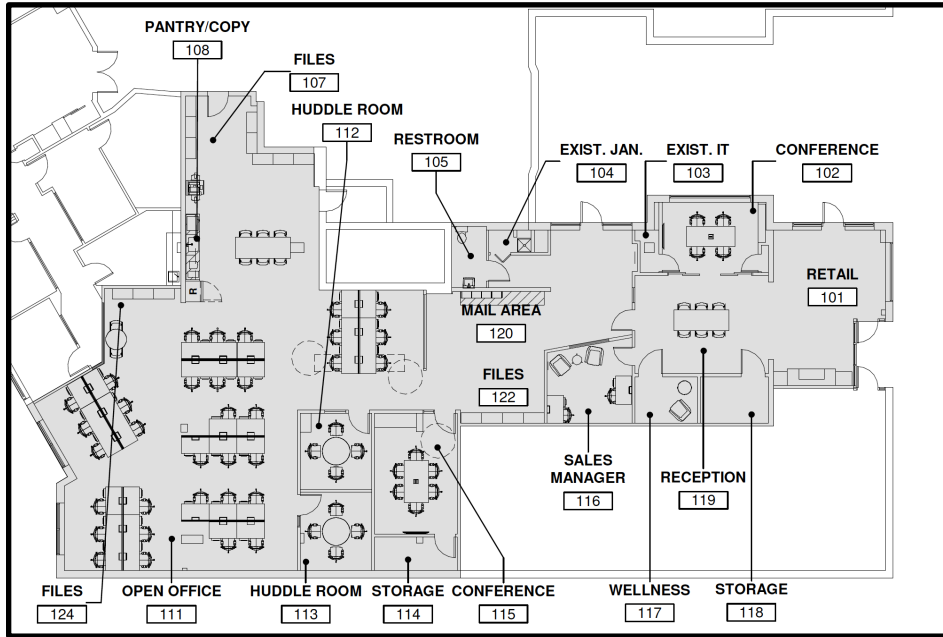
Coldwell Banker

- ~9,339 Sq ft
- Desk Count: ~64

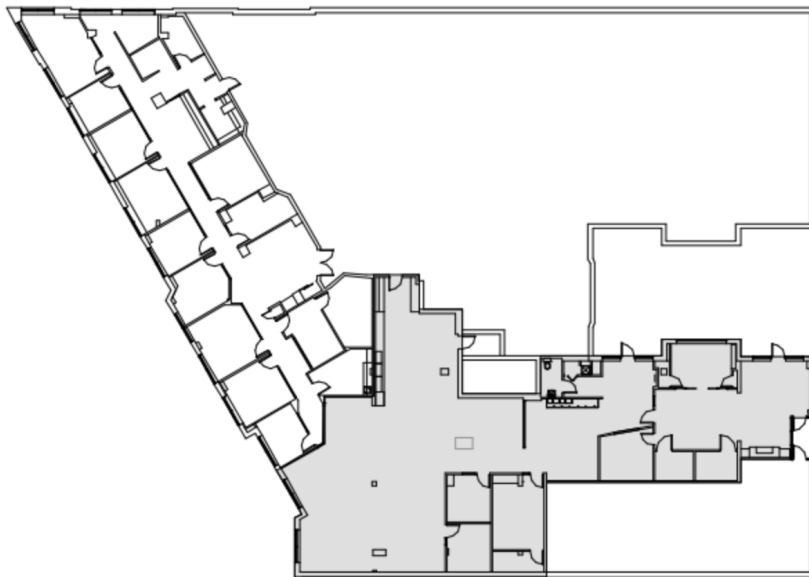


Compass

- ~4,500 Sq ft
- Desk Count: ~36



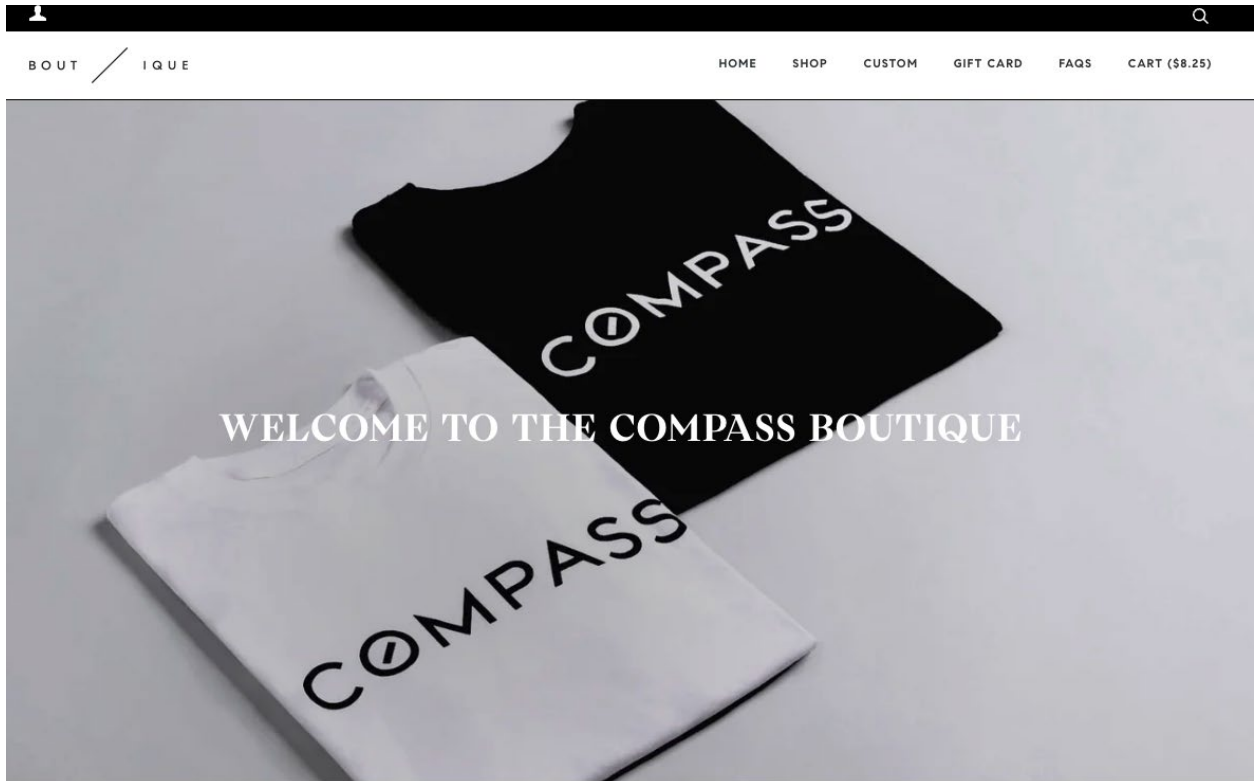
Portion of former Coldwell Space Occupied by Compass Shown in Grey



Proposed Signage



Image of Compass Boutique



VILLAGE OF WINNETKA, ILLINOIS

DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL USE PERMIT STANDARDS

Explain in detail how the proposed special use meets the following standards. Under the terms of the Zoning Ordinance, no Special Use Permit shall be granted unless it is found:

1. That the establishment, maintenance, and operation of the special use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare;

A Compass office will not be detrimental or endanger the public health, safety, comfort, morals or general welfare of the Lincoln retail corridor as it is consistent with the previous use of Coldwell Banker on site as well as the previous Compass office at 565 Lincoln that closed in December 2022.

2. That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;

A Compass office will not be detrimental to the use and enjoyment of neighboring properties as it is less intensive than the previous Coldwell Banker use on site and is consistent with the previous Compass office located across the street at 565 Lincoln. To the best of applicants' knowledge, there were no ongoing complaints from retailers/residents regarding either Compass or Coldwell Bankers' previous uses on Lincoln. Thus, providing for a less intensive but consistent use will not impact property values in the immediate vicinity.

3. That the establishment of the special use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;

A Compass office will not impede normal and orderly development as it is consistent with the previous use, there is no change to the footprint of the premises or the building, and the use is less intensive than the previous operation.

4. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways;

Compass will take care to minimize the impact on ingress/egress and the surrounding parking areas by using both on-site and public lot areas. For the majority of the time, on-site private parking will satisfy Compass's parking requirements. Additionally, compared to the previous use of Coldwell Banker, the parking requirement will be less impactful as Compass is operating out of less than half of the square footage and agent count. Thus, the proposed use will have less impact on the surrounding areas than the existing use.

5. That adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the special use exists or are to be provided.

Compass's lease agreement provides for 8 underground parking spaces. The majority of the time, this will satisfy the agent count in the office. If there are more than 8 agents on-site, we will use the public lot adjacent to the office. Clients will be directed to park in available public parking. Clients typically are at the office for no more than 1-hour at a time. No incremental utility or other special accommodation is required for the use as it is consistent with the previous Coldwell Banker operation on site.

6. That the special use in all other respects conforms to the applicable regulations of this and other village ordinances and codes.

Compass recognizes that the Village recently adopted the Winnetka Futures 2040 Master Plan and we believe that the proposed use incorporates many of the goals set forth in Pillar 2 – Vibrant Business Districts. Clearly, the Goals stated in Pillar 2, 2.2, 2.3, and 2.4 are met with this proposal. Compass operates a successful service oriented business in Winnetka, and granting the special use will provide the resident services that are both desired and needed. Granting the special use will achieve the goal of retaining a successful existing business while helping attract new residents and businesses to the Village.

In sum, the proposal includes a high quality designs and signage. The real estate brokerage business serves at the gateway to the Village and allowing such businesses to thrive in the Village's commercial district promotes vibrancy and provides economic benefit to the local businesses. Thus, this application conforms with the applicable regulation of this and other village ordinances and codes.

ADDITIONAL STANDARDS PER SECTION 17.44

- 1. The proposed special use at the proposed location will encourage, facilitate and enhance the continuity, concentration, and pedestrian nature of the area in a manner similar to that of retail uses**

Based upon the existing use as a brokerage office, the proposed use creates continuity. The activity generated by the special use will encourage and enhance the pedestrian nature of the district and will complement the neighboring retail uses. The site will operate very similarly to the previously approved special use and similar to their former offices located in 565 Lincoln. Thus, will facility and enhance the continuity of the area.

- 2. The location of the proposed special use along a block frontage shall provide for a minimum interruption in the existing and potential continuity and concentration of the retail uses along the block's frontage.**

Again, based upon the existing use as a brokerage office but with a smaller footprint, there will not be interruption in the existing and the potential concentration of retail uses along the block's frontage. The proposed use will work seamlessly with the existing conditions and will enhance the overall nature of the block.

- 3. The proposed special use at the proposed location will provide for active display windows, facades, signage and lighting similar in nature and compatible with that provided by retail uses.**

As set forth in the above narrative, Compass will seek 'pop up' retailers in the same manner as Coldwell Banker, specifically targeting local/community organizations that would benefit from a storefront. When 'pop ups' are not operating, Compass will set up a '[Compass Boutique](#)' in the retail area replicating a point of sale operation with Compass branded clothing and accessories.

- 4. If the proposed special use provides multi-use areas, such as retail merchandise areas, restaurant dining areas, general office space, private offices, reception areas, or employee work areas, any proposed retail merchandise area or restaurant dining area shall be concentrated and located immediately adjacent to the sidewalk and clearly visible from street in such a fashion as to invite customers to browse or dine.**

See 3 above. Compass has committed to locate their "pop up" or merchandise uses in the storefront. Thus, the retail element will be immediately adjacent to

the sidewalk and will clearly be visible to pedestrian traffic, thereby creating a retail environment similar to other stores on the block.

- 5. If a proposed new building contemplates a mix of retail, office and service type uses, the minimum frontage for each retail use adjacent to the sidewalk shall be twenty (20) feet with a minimum gross floor area of four hundred (400) square feet. In addition, such retail space shall be devoted to active retail merchandising which maintains typical and customary hours of operation.**

The proposal does not include a new building.

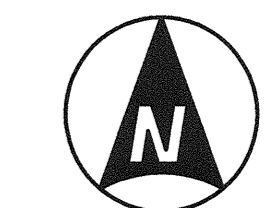
- 6. The proposed location and operation of the proposed special use shall not significantly diminish the availability of parking for district clientele wishing to patronize existing retail businesses**

Per the discussion above, Compass's lease agreement provides for 8 underground parking spaces. The majority of the time, this will satisfy the agent count in the office. If there are more than 8 agents on-site, we will use the public lot adjacent to the office. Clients will be directed to park in available public parking. Clients typically are at the office for no more than 1-hour at a time. Thus, the proposed use will not significantly diminish the availability of parking in the district.

ALTA/ACSM LAND TITLE SURVEY

PROPERTY DESCRIPTION:

LOT 1 IN CUMMINS WINNETKA GALLERIA CONSOLIDATION, BEING A SUBDIVISION IN SECTION 20, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 27, 1999 AS DOCUMENT NUMBER 99087636, IN COOK COUNTY, ILLINOIS.



P.L.N.:
LOT 1
05-20-203-043

P.L.N.'S:
CONDOMINIUM UNITS
05-20-203-043-1009
05-20-203-043-1010
05-20-203-043-1011
05-20-203-043-1012

AREA:
23,407 SQ. FT. OR 0.537 ACRES

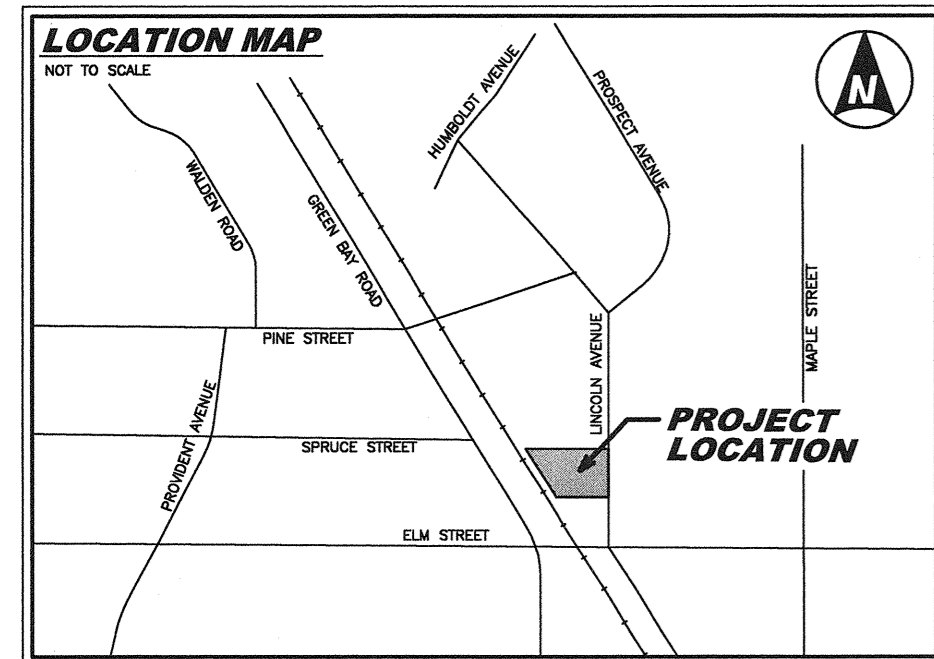


TABLE A OPTIONS

- (CHECKED IF INCLUDED)
1. MONUMENTATION
 2. ✓ ADDRESS(ES)
 3. ✓ FLOOD ZONE
 4. ✓ LAND AREAS
 5. ELEVATIONS
 6. (a) CURRENT ZONING CLASSIFICATION
 7. (b) CURRENT ZONING CLASSIFICATION AND RESTRICTIONS
 8. (c) BUILDING DIMENSIONS
 9. (d) BUILDING AREAS (EXTERIOR FOOTPRINTS)
 10. (e) OTHER BUILDING AREAS
 11. (a) BUILDING HEIGHT
 12. ✓ VISIBLE IMPROVEMENTS
 13. ✓ PARKING STRIPING
 14. (a) DETERMINATION OF PARTY WALLS
 15. (b) DETERMINATION OF PARTY WALLS (PLUMB)
 16. (c) UTILITIES OBSERVED EVIDENCE
 17. (d) UTILITIES OBSERVED EVIDENCE W/PLANS & MARKINGS
 18. (e) GOVERNMENTAL AGENCY REQUIREMENTS
 19. NAMES OF ADJOINING OWNERS
 20. DISTANCE TO NEAREST INTERSECTING STREET
 21. RECTIFIED ORTHOPHOTOGRAPHY
 22. EVIDENCE OF EARTH MOVING/BUILDING CONSTRUCTION
 23. CHANGES IN RIGHT OF WAY
 24. EVIDENCE OF WASTE DUMP
 25. LOCATION OF WETLANDS (DELINEATED BY OTHERS)
 26. (a) LOCATE IMPROVEMENTS WITHIN OFFSITE EASEMENT
 27. (b) MONUMENTS PLACED AT CORNERS WITHIN OFFSITE EASEMENT
 28. PROFESSIONAL LIABILITY INSURANCE

GENERAL NOTES:

1. ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.
2. ONLY THOSE BUILDING LINE SETBACKS AND EASEMENTS WHICH ARE SHOWN ON THE RECORDED PLAT OF SUBDIVISIONS ARE SHOWN HERE ON. REFER TO THE DEED, TITLE INSURANCE POLICY AND LOCAL ORDINANCES FOR OTHER RESTRICTIONS.
3. COMPARE DEED DESCRIPTION AND SITE CONDITIONS WITH THE DATA GIVEN ON THIS PLAT AND REPORT AND DISCREPANCIES TO THE SURVEYOR AT ONCE.
4. NO DIMENSIONS SHALL BE DERIVED FROM SCALE MEASUREMENTS.
5. CERTIFIED COPIES OF THIS SURVEY BEAR AN IMPRESSED SEAL.

SURVEYOR'S NOTES:

1. THIS ALTA SURVEY IS BASED IN PART ON INFORMATION CONTAINED IN COMMITMENT FOR TITLE INSURANCE ISSUED BY PRISM TITLE SERVICES COMMITMENT NO. 15081189 WITH AN EFFECTIVE DATE OF AUGUST 5, 2015, AND HAS BEEN USED FOR APPLICABLE EXCEPTIONS TO TITLE. THE LEGAL DESCRIPTION IS BASED UPON THE ACTUAL SURVEYED LOT. FOR INDIVIDUAL CONDOMINIUM UNITS, SEE EXHIBIT A TO THE DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS FOR WINNETKA GALLERIA CONDOMINIUM ASSOCIATION PLAT OF SURVEY RECORDED SEPTEMBER 14, 2000 AS DOCUMENT NUMBER 00717633.
- 1A. TITLE EXCEPTION 16 (PROPERTY SUBJECT TO TERMS, PROVISIONS, COVENANTS, CONDITIONS AND OPTIONS CONTAINED IN AND RIGHTS AND EASEMENTS ESTABLISHED BY THE DECLARATION OF CONDOMINIUM OWNERSHIP RECORDED SEPTEMBER 14, 2000 AS DOCUMENT 00717633, AS AMENDED BY DOCUMENT 0010964912 AND AS AMENDED FROM TIME TO TIME SET. UNPLOTTABLE - SEE DOCUMENT FOR PARTICULARS).
- 1B. TITLE EXCEPTION 18 (PROPERTY SUBJECT TO EASEMENT IN FAVOR OF VILLAGE OF WINNETKA BY RESOLUTION NUMBER R-133-98, RESOLUTION NOT SUPPLIED OR REVIEWED FOR SURVEY - SEE RESOLUTION FOR PARTICULARS).
- 1C. TITLE EXCEPTION 19 (PROPERTY SUBJECT TO EASEMENT IN FAVOR OF THE VILLAGE OF WINNETKA SHOWN OF THE PLAT RECORDED JANUARY 27, 1999 AS DOCUMENT 99087636, SHOWN HEREON - SEE DOCUMENT FOR PARTICULARS).
- 1D. TITLE EXCEPTION 20 (PROPERTY SUBJECT TO ACCESS EASEMENT AGREEMENT MADE BY AND BETWEEN THE VILLAGE OF WINNETKA AND CUMMINS WINNETKA GALLERIA, L.L.C. RECORDED OCTOBER 6, 2000 AS DOCUMENT 00784960. UNPLOTTABLE - SEE DOCUMENT FOR PARTICULARS).
- 1E. TITLE EXCEPTION 21 (PROPERTY SUBJECT TO COVENANTS AND RESTRICTIONS CONTAINED IN THE DEED RECORDED OCTOBER 16, 1998 AS DOCUMENT 98920413, WHICH DOES NOT CONTAIN A REVERSIONARY OR FORFEITURE CLAUSE. UNPLOTTABLE - SEE DOCUMENT FOR PARTICULARS).
- 1F. TITLE EXCEPTION 24 (PROPERTY SUBJECT TO TERMS, PROVISIONS, AND CONDITIONS CONTAINED IN THE NO FURTHER REMEDIATION LETTER ISSUED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY AND RECORDED MARCH 11, 1999 AS DOCUMENT 99236836. UNPLOTTABLE - SEE DOCUMENT FOR PARTICULARS).
2. SURVEY BASED ON FIELD WORK COMPLETED ON 10/21/2015.
3. CONTACT J.U.L.L.I.E. AT 1-800-892-0123 FOR EXACT LOCATION OF BURIED UTILITIES PRIOR TO DIGGING.
4. OBSERVABLE ABOVE GROUND UTILITIES AND ABOVE GROUND EVIDENCE OF UNDERGROUND UTILITIES LOCATED AND SHOWN HEREON.
5. BEARINGS BASED ON ILLINOIS EAST STATE PLANE COORDINATE SYSTEM AND ARE IN THE SAME ANGULAR RELATIONSHIP AS THE RECORDED PLAT OF SUBDIVISION.
6. ACCORDING TO OUR INTERPOLATION OF THE FLOOD INSURANCE RATE MAPS THAT COVER THE AREA, THE HEREON DESCRIBED PROPERTY FALLS WITHIN ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS IDENTIFIED BY THE FLOOD INSURANCE RATE MAP, MAP NUMBER 17031C0281J WITH A MAP REVISED DATE OF AUGUST 19, 2008. SUBJECT TO MAP INTERPRETATION AND SCALING.
7. PROPERTY NOT MONUMENTED AT THIS TIME AT CLIENT'S REQUEST.
8. THERE ARE NO EXTERIOR PARKING SPACES ON THE SURVEYED LOT. THERE ARE 13 UNDERGROUND PARKING SPACES BASED ON THE EXHIBIT A TO THE DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS FOR WINNETKA GALLERIA CONDOMINIUM ASSOCIATION PLAT OF SURVEY RECORDED SEPTEMBER 14, 2000 AS DOCUMENT NUMBER 00717633.

LEGEND:

- >—>—> SANITARY SEWER
- >—>—> STORM SEWER
- >—>—> COMBINED SEWER
- WM— WATER MAIN
- FM— FORCE MAIN
- UD— UNDERDRAIN
- CATV— CABLE TV LINE
- E— ELECTRIC LINE
- FO— FIBER OPTIC LINE
- G— GAS LINE
- T— TELEPHONE LINE
- OH— OVERHEAD WIRE
- X— FENCE
- GUARDRAIL
- BUSH LINE
- TREE LINE
- RAILROAD
- EDGE OF WATER
- MANHOLE (STMH/SAMH)
- CATCH BASIN (CB)
- INLET (INL)
- ◁ FLARED END SECTION (FES)
- VALVE VAULT (VV)
- VALVE BOX (VB)
- BUFFALO BOX (BB)
- FIRE HYDRANT (FH)
- AUXILIARY VALVE (AV)
- CLEANOUT (CO)
- BOLLARD (BOL)
- GAS VALVE (GV)
- ELECTRIC MANHOLE (EMH)
- TELEPHONE MANHOLE (TMH)
- HANDHOLE (HH)
- TRAFFIC SIGNAL BOX (TSB)
- TRAFFIC SIGNAL (TS)
- LIGHT (LHT)
- GROUND LIGHT (GLHT)
- POWER POLE (PP)
- GUY WIRE (GW)
- CABLE PEDESTAL (PEDC)
- ELECTRIC PEDESTAL (PEDE)
- AIR CONDITIONING UNIT
- TRANSFORMER
- SIGN
- MAILBOX (MB)
- CHAIN LINK FENCE
- ACU AIR CONDITIONER UNIT
- BOTTOM OF WALL
- DEED
- DUCTILE IRON PIPE
- ELECTRIC METER
- FINISHED FLOOR
- GARAGE FLOOR
- GRADE AT FOUNDATION
- GAS METER
- HOT MIX ASPHALT
- INVERT
- MEASURED
- POLYVINYL CHLORIDE PIPE
- RECORD
- REINFORCED CONCRETE PIPE
- SANITARY
- SITE BENCHMARK
- STORM
- STRUCTURE
- T/F TOP OF FOUNDATION
- T/P TOP OF PIPE
- T/WALL TOP OF WALL
- TRANSFORMER
- CONCRETE (CONC)
- GRAVEL
- HOT MIX ASPHALT (HMA)
- BUILDING
- BARRIER CURB
- B 6.12 CURB & GUTTER
- DEPRESSED CURB

SURVEYOR'S CERTIFICATE:

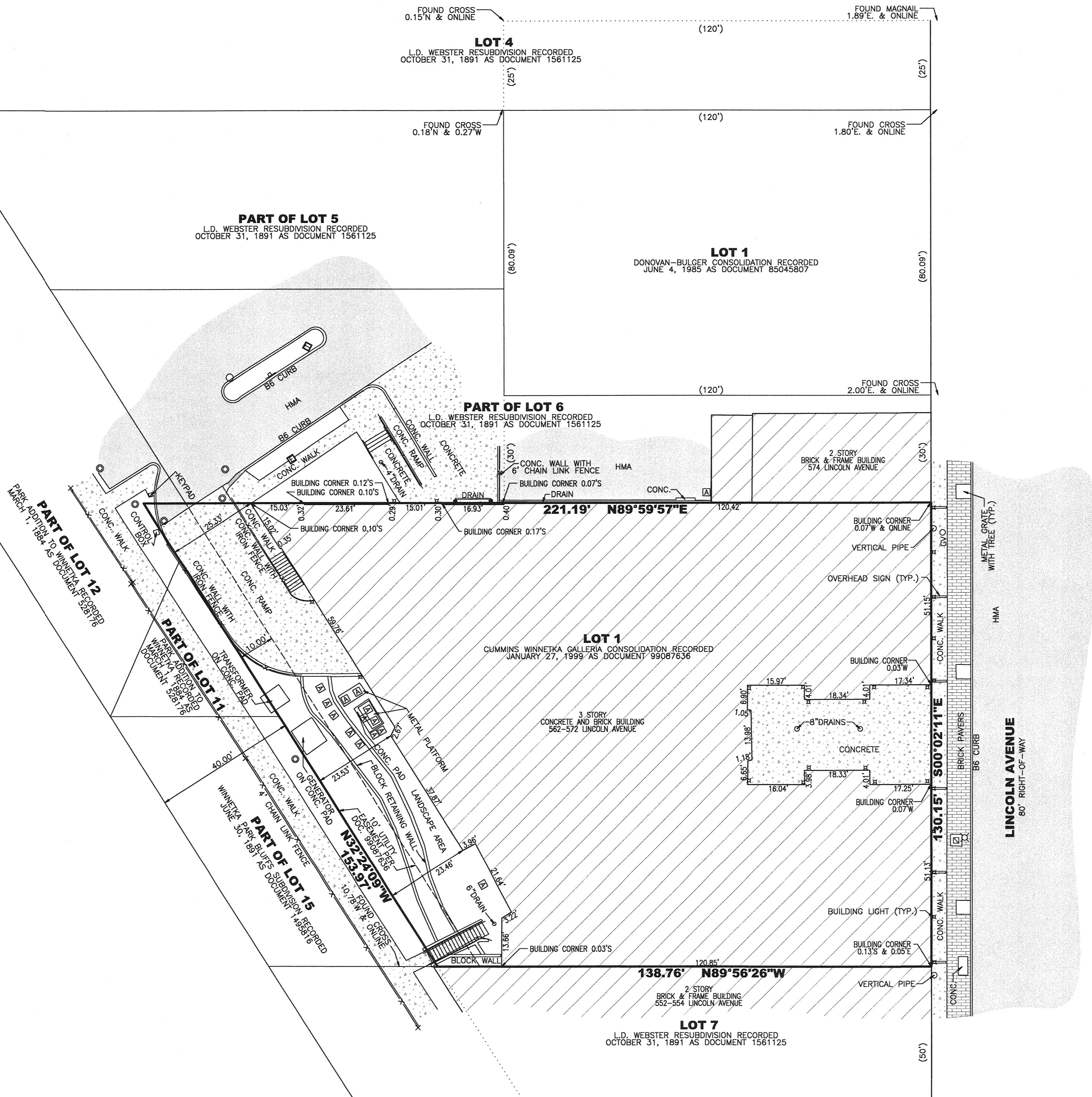
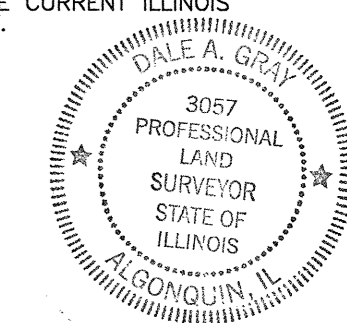
STATE OF ILLINOIS) S.S.
COUNTY OF COOK))
— ELMDALE PARTNERS, LLC
— PRISM TITLE SERVICES

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 7(c), 8, 9 AND 11(c) OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON 10/21/2015.
DATE OF PLAT OR MAP: 10/26/2015

DALE A. GRAY
ENR 0359
EMAIL: dgray@prismtitle.com
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-003057
LICENSE EXPIRES: JULY 31, 2016

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.



10/26/2015 09:40:07 AM N:\2799\Survey\Exhibits\2799-ALTA.plt

Mackie Consultants, LLC
9575 W. Higgins Road, Suite 500
Rosemont, IL 60018
(847)696-1400
www.mackieconsult.com

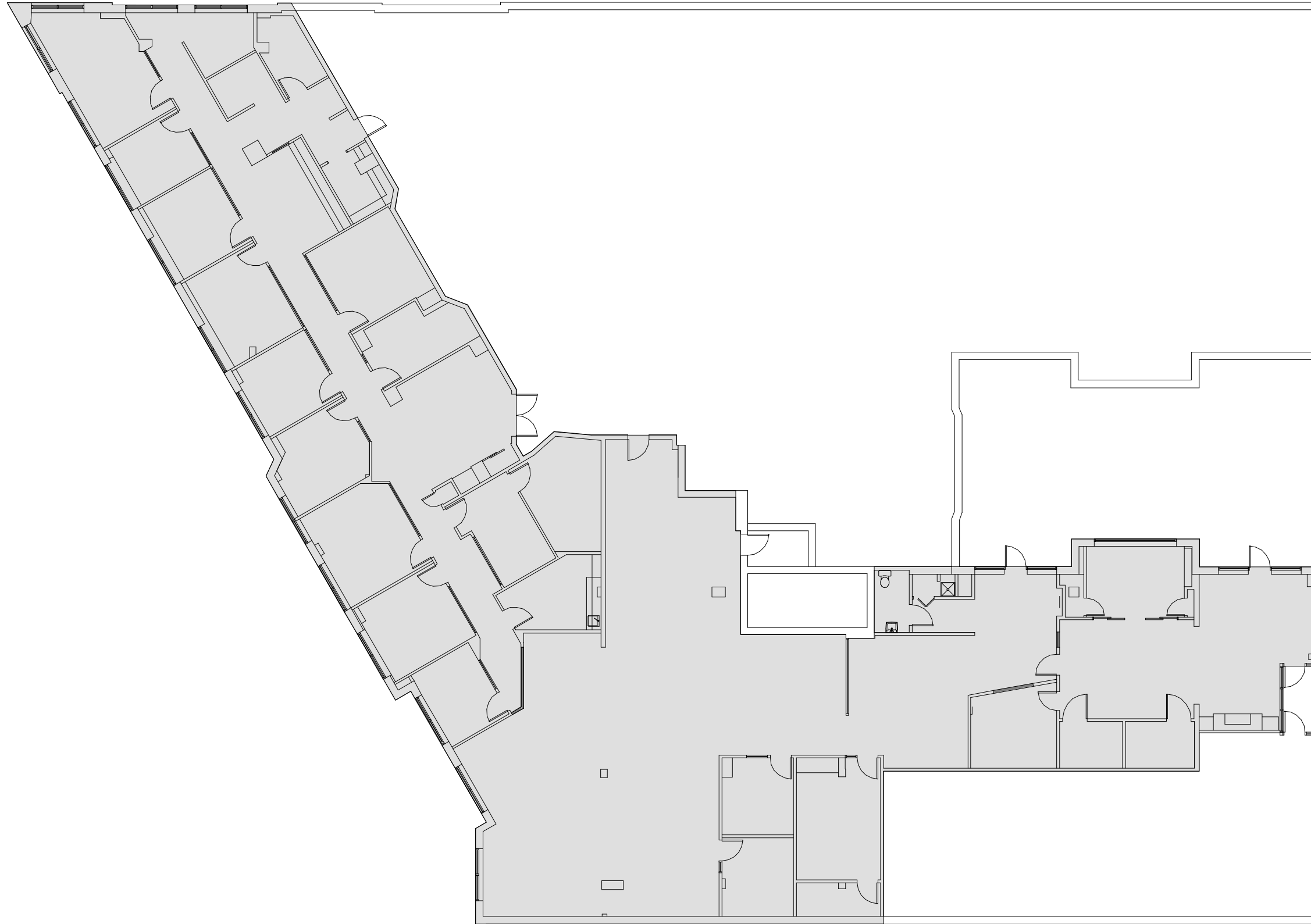
CLIENT: **ELMDALE PARTNERS, LLC**
303 W. ERIE STREET, SUITE 220
CHICAGO, ILLINOIS 60654
PH: 312-644-2121

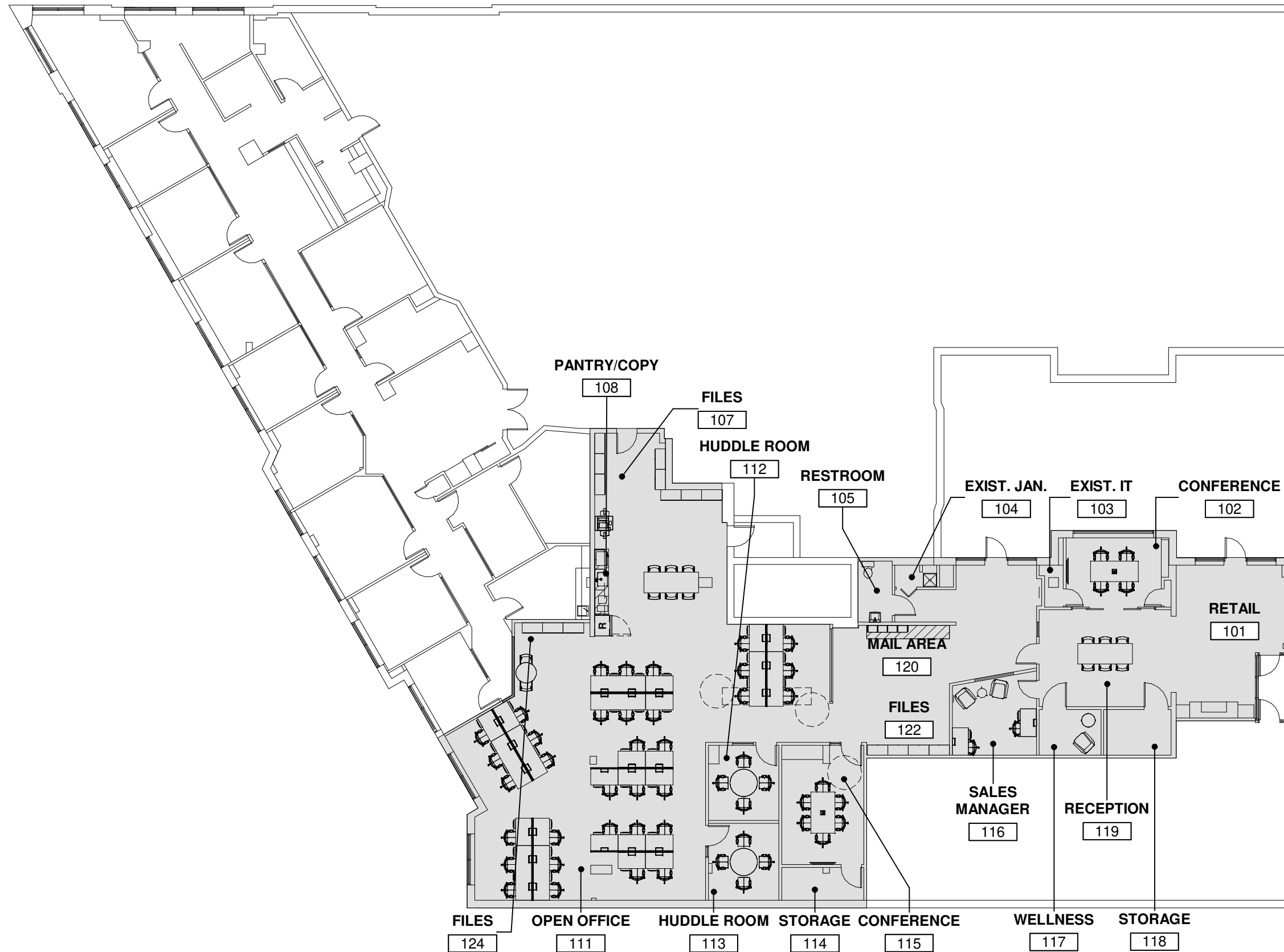
DESIGNED	
DRAWN	GKF
APPROVED	DAG
DATE	10/26/15
SCALE	1" = 20'
DATE	DESCRIPTION OF REVISION
BY	

ALTA/ACSM LAND TITLE SURVEY
562 LINCOLN AVENUE
WINNETKA, ILLINOIS

SHEET **1** OF **1**

PROJECT NUMBER: 2799
© MACKIE CONSULTANTS LLC, 2015
ILLINOIS FIRM LICENSE 184-002894





4,500 SF

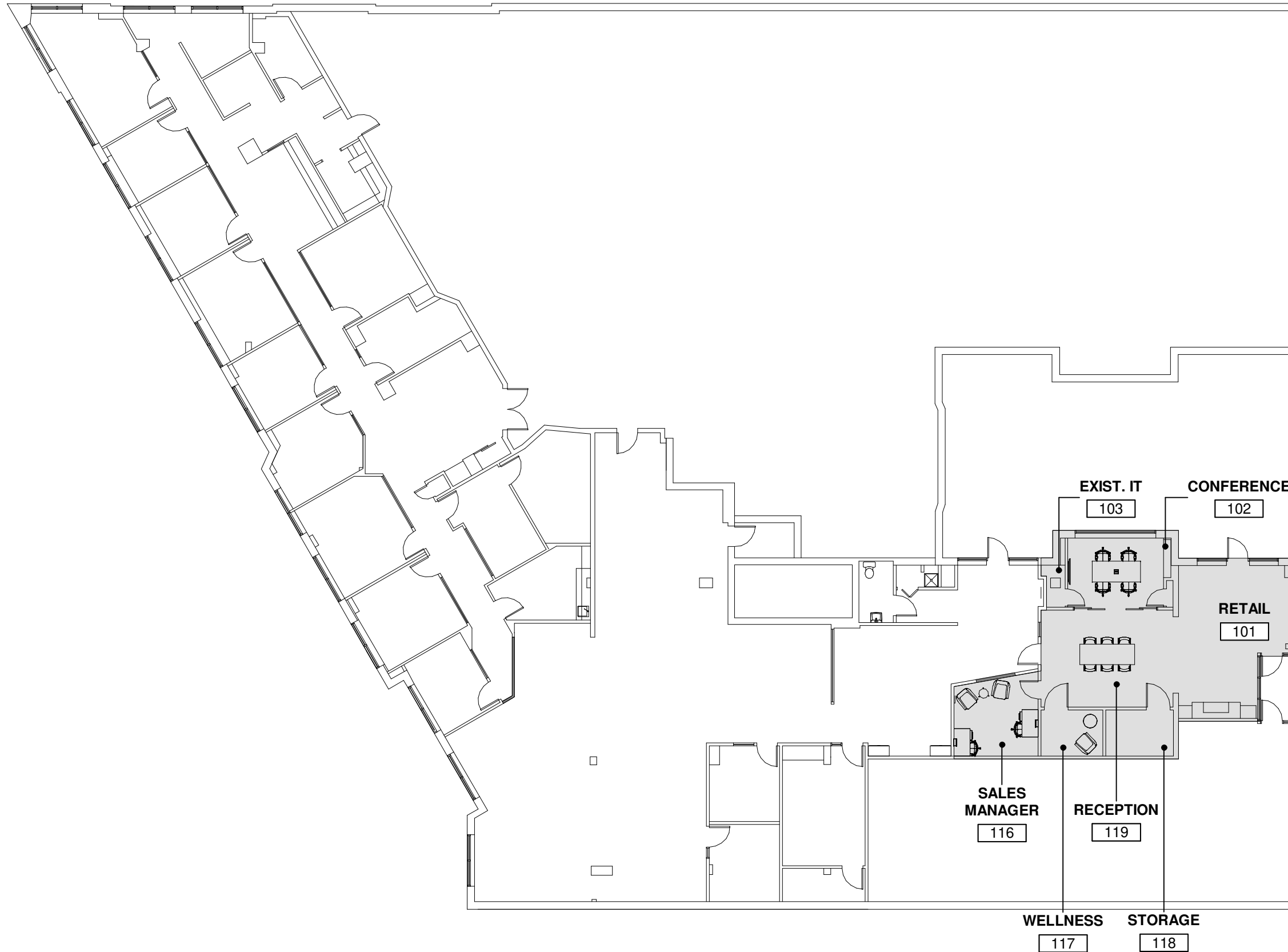
COMPASS

COMPASS
568 LINCOLN AVE.,
WINNETKA, IL 60093

WARE MALCOMB

NJY22-6025-00
05/16/23

PAGE
SP9



AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR THE EXPANSION AND OPERATION OF A REAL ESTATE OFFICE WITHIN THE C-2 RETAIL OVERLAY DISTRICT OF THE VILLAGE

(564 Lincoln Avenue)

WHEREAS, Coldwell Banker Residential Real Estate, LLC, d/b/a Coldwell Banker Residential Brokerage ("*Applicant*"), is the lessee of: (i) the property commonly known as 566 – 568 Lincoln Avenue, at which it currently operates a real estate office ("*Existing Property*"); and (ii) the property commonly known as 564 Lincoln Ave, Winnetka, Illinois, and legally described in **Exhibit A** ("*Subject Property*") attached to and, by this reference, made a part of this Ordinance; and

WHEREAS, the Applicant desires to expand the existing real estate office located in Existing Property into the Subject Property ("*Expanded Office Area*"); and

WHEREAS, 562-72 Lincoln Avenue, LLC ("*Owner*"), is the record title owner of the Existing Property and the Subject Property, and Owner consents to the expansion by the Applicant of the real estate office currently operated at the Existing Property into the Subject Property and the operation by the Applicant of a real estate office at the Subject Property along with other retail operations as set forth in this Ordinance; and

WHEREAS, the Subject Property is located within the C-2 General Retail Commercial District and the C-2 Commercial Overlay District of the Village (collectively, "*C-2 Retail Overlay District*"); and

WHEREAS, pursuant to Section 17.44.020 and the table of uses set forth in Section 17.46.010 of the Winnetka Zoning Ordinance ("*Zoning Ordinance*"), the operation of a real estate office, is not permitted within the C-2 Retail Overlay District without a special use permit; and

WHEREAS, on August 28, 2017, the Applicant filed an application for a special use permit pursuant to Section 17.44.020.B and Chapter 17.56 of the of the Zoning Ordinance to allow the operation of a real estate office at the Subject Property ("*Special Use Permit*"); and

WHEREAS, the Owner of the Subject Property has consented to the application for the Special Use Permit filed by the Applicant; and

WHEREAS, on October 11, 2017, after due notice thereof, the Plan Commission conducted a public hearing on the proposed Special Use Permit and, by a vote of six in favor and four opposed, recommended that the Village Council approve the Special Use Permit; and

WHEREAS, the Applicant appeared before the Village Council on November 21, 2017, and amended its Special Use Permit request to incorporate and provide for a portion of the Expanded Office Area to be used as a retail “pop-up” shop in the space at the front of the building on the Subject Property ("*Pop-Up Retail Area*"); and

WHEREAS, the Village Council has determined that approval of the proposed Special Use Permit for the operation of a real estate at the Subject Property, including the Pop-Up Retail Area, satisfies the standards for the approval of special use permits within the C-2 Retail Overlay District set forth in Chapter 17.56 and Section 17.44.020.B of the Zoning Ordinance and is in the best interest of the Village and its residents;

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

SECTION 1: RECITALS. The foregoing recitals are hereby incorporated into this Section 1 as the findings of the Council of the Village of Winnetka, as if fully set forth herein.

SECTION 2: SPECIAL USE PERMIT. Subject to, and contingent upon, the terms and conditions set forth in Section 3 of this Ordinance, the Special Use Permit is hereby granted, pursuant to Chapter 17.56 and Section 17.44.020.B of the Zoning Ordinance and the home rule powers of the Village, to allow the expansion and operation of a real estate office by the Applicant at the Subject Property within the C-2 Retail Overlay District.

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

A. Commencement of Operation. The Applicant must commence operation of the proposed additional real estate office uses in the Expanded Office Area no later than 12 months after the effective date of this Ordinance.

B. Pop-Up Retail Area.

Beginning on March 1, 2018, the Applicant shall provide a Pop-Up Retail Area, which shall be made available to third-parties retail users ("*Vendors*") to display goods for sale to the general public.

The Pop-Up Retail Area shall at a minimum consist of the northeast corner of the Subject Property and include display windows along Lincoln Avenue as well as along the courtyard of the Galleria Building, identified as “Proposed Permanent Pop Up Space” on the floor plan submitted by the Applicant, consisting of one sheet, a copy of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit B** ("*Floor Plan*"). The Pop-Up Retail Area shall be allowed, but is not obligated, to extend into the remainder of the Subject Property identified as “Proposed Flex Space” on Floor Plan.

The Pop-Up Retail Area shall be used only for the display of retail goods which a customer can view and directly purchase while in the Pop-Up Retail Area or view and order for delivery to their home or business. The Pop-Up Retail Area shall be occupied with goods available for purchase at all times, except for periods of one week or less for the sole purpose of allowing one Vendor to remove its display and another Vendor to set up its display. For those periods during which a Vendor is not occupying the Pop-Up Retail Area, the Applicant shall maintain a display of smart home technology products or other luxury home related products available for purchase by the general public.

The Pop-Up Retail Area shall be open to the public, at a minimum, from 11:00 a.m. to 5:00 p.m. Monday through Saturday, except for holidays, and be staffed during business hours by the Vendor, or in the absence of the Vendor's representative, by Applicant's reception staff.

The Applicant shall actively and continuously market the Pop-Up Retail Area to Vendors, and the Applicant must work with commercial brokers, the Winnetka-Northfield and other Chambers of Commerce, and the Village to identify potential Vendors to use the Pop-Up Retail Area.

The Applicant shall prepare a plan for review and approval by the Design Review Board. The plan must provide for window signage on the Subject Property to identify Vendors. All signage must comply with the Village Sign Code. The Applicant will not install or allow to be installed window signage on the Subject Property except in conformance with the plans approved by the Design Review Board.

Prior to the Applicant or first Vendor occupying the Pop-Up Retail Area, the Applicant must schedule an appointment with the Village's Fire Department and Community Development Department to review how the Pop-Up Retail Area will be used by Vendors and the public to ensure that the use of the Pop-Up Retail Area complies with fire code, building egress, and other life safety requirements.

C. Compliance with Regulations. The development, use, and maintenance of the Subject Property, including the Pop-Up Retail Area, must comply at all times with all applicable Village codes and ordinances, as they have been or may be amended over time.

D. Reimbursement of Village Costs. In addition to any other costs, payments, fees, charges, contributions, or dedications required under applicable Village codes, ordinances, resolutions, rules, or regulations, the Applicant must pay to the Village, promptly upon presentation of a written demand or demands therefor, of all fees, costs, and expenses incurred or accrued in connection with the review, negotiation, preparation, consideration, and review of this Ordinance. Payment of all such fees, costs, and expenses for which demand has been made shall be made by a certified or cashier's check. Further, the Applicant must pay upon demand all costs incurred by the Village for publications and recordings required in connection with the aforesaid matters.

E. Compliance with Plans. The development, use, and maintenance of the real estate office at the Subject Property and the Pop-Up Retail Area must be in strict accordance with the Floor Plan submitted by the Applicant, consisting of one sheet, a copy of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit B**, except for minor changes and site work approved by the Director of Community Development (within his permitting authority) in accordance with all applicable Village codes, ordinances, and standards.

SECTION 4: RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded with the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon, the Applicant, the Owner, and each of their heirs, representatives, successors, and assigns.

SECTION 5: FAILURE TO COMPLY. Upon the failure or refusal of the Applicant or the Owner to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, in addition to all other remedies available to the Village, the Special Use Permit granted in Section 2 of this Ordinance will, at the sole discretion of the Village Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Council may not so revoke the Special Use Permit granted in Section 2 of this Ordinance unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village Council. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the applicable zoning district and the applicable provisions of the Zoning Ordinance, as the same may be amended from time to time. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 6: AMENDMENT OF SPECIAL USE PERMIT. Any amendments to the Special Use Permit granted in Section 2 of this Ordinance or the conditions set forth in Section 3 of this Ordinance that may be requested by the Applicant after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance.

SECTION 7: EFFECTIVE DATE.

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

1. Passage by the Village Council in the manner required by law;
2. Publication in pamphlet form in the manner required by law; and
3. The filing by the Applicant and the Owner with the Village Clerk of an Unconditional Agreement and Consent in the form of **Exhibit C** attached to and, by this reference, made a part of this Ordinance, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance.

B. In the event that the Applicant does not file with the Village Clerk a fully executed copy of the unconditional agreement and consent described in Section 7.A.3 of this Ordinance within 60 days after the date of passage of this Ordinance by the Village Council, the Village Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

PASSED this 5th day of December, 2017, pursuant to the following roll call vote:

AYES: Trustees Cripe, Dearborn, Lanphier, Myers, Swierk and Ziv

NAYS: None

ABSENT: None

Signed

s/Chris Rintz

Village President

Countersigned:

s/Robert M. Bahan

Village Clerk

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this 5th day of December, 2017.

Introduced: November 21, 2017

Passed and Approved: December 5, 2017

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

PARCEL 1:

UNITS C-1, C-2, C-3, C-4 AND C-8 IN THE WINNETKA GALLERIA CONDOMINIUM, AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE:

LOT 1 IN CUMMINS WINNETKA GALLERIA CONSOLIDATION PLAT, BEING A SUBDIVISION OF LOT 6 IN LEWIS D. WEBSTER'S RESUBDIVISION OF BLOCK 11 (EXCEPT THE NORTH 75.00 FEET THEREOF); ALSO PART OF LOT 11 AND 12 IN BLOCK 12 IN PARK ADDITION TO WINNETKA SUBDIVISION BY WILLIAM H. CAIRNDUFF; ALSO PART OF LOT 15 IN BLOCK 13 IN WINNETKA PARK BLUFFS, ALL IN SECTION 20, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, FORMERLY KNOWN AS LOT 15 (EXCEPT THAT PART LYING WEST OF A LINE 50.00 FEET NORTHEASTERLY OF AND PARALLEL WITH EASTERLY LINE OF CHICAGO AND NORTHWESTERN RAILROAD COMPANY RIGHT OF WAY) IN BLOCK 13 IN WINNETKA PARK BLUFFS, BEING A SUBDIVISION BY WILLIAM CAIRNDUFF OF PARTS OF SECTIONS 16, 17, AND 20. TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN; AND LOT 11 (EXCEPT WESTERLY 50.00 FEET THEREOF) IN BLOCK 12 IN PARK ADDITION TO WINNETKA SUBDIVISION BY WILLIAM H. CAIRNDUFF OF PART OF SECTIONS 16, 17, AND 20. TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN; AND THE SOUTH 5.00 FEET OF LOT 6 IN LEWIS D. WEBSTER'S RESUBDIVISION OF BLOCK 11 (EXCEPT THE NORTH 75.00 FEET THEREOF) AND OF LOTS 6, 8, 9 AND 10 IN BLOCK 12 IN PARK ADDITION TO WINNETKA AFORESAID, EAST OF THE THIRD PRINCIPAL MERIDIAN AND THAT PART OF LOTS 11 AND 12 IN BLOCK 12 IN PARK ADDITION TO WINNETKA SUBDIVISION BY WILLIAM H. CAIRNDUFF; ALSO PART OF LOT 15 IN BLOCK 13 IN WINNETKA PARK BLUFFS, BEING A STRIP OF LAND 10.00 FEET IN WIDTH MEASURED AT RIGHT ANGLES TO AND LYING SOUTHWESTERLY FROM A LINE 50.00 FEET NORTHEASTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF THE CHICAGO AND NORTHWESTERN RAILROAD COMPANY RIGHT-OF-WAY AND LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 5.00 FEET OF LOT 6 IN LEWIS D. WEBSTER'S SUBDIVISION AND NORTH OF THE SOUTH LINE OF SAID LOT 15 IN BLOCK 13 IN WINNETKA PARK BLUFFS, ALL IN SECTION 20, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM RECORDED SEPTEMBER 14, 2000 AS DOCUMENT 00717633, AS AMENDED BY FIRST AMENDMENT RECORDED OCTOBER 17, 2001 AS DOCUMENT 0010964912 TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2:

THE EXCLUSIVE RIGHT TO THE USE OF PARKING SPACES 3, 4, 16, 17, 18, 19, 27, 28, 29, 30, 31, 32 AND 33, LIMITED COMMON ELEMENTS AS DELINEATED ON THE SURVEY ATTACHED TO DECLARATION AFORESAID RECORDED AS DOCUMENT 00717633.

PARCEL 3:

AN EASEMENT FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGRESS FOR THE BENEFIT OF PARCELS 1 AND 2, AS SET FORTH IN AN ACCESS AGREEMENT MADE BY AND BETWEEN THE VILLAGE OF WINNETKA AND CUMMINS WINNETKA GALLERIA, LLC., RECORDED OCTOBER 06, 2000 AS DOCUMENT 00784960.

Commonly known as: 562-572 Lincoln Ave., Winnetka, Illinois 60093

Pin: 05-20-203-043-1009; 05-20-203-043-1010; 05-20-203-043-1011; 05-20-203-043-1012;

05-20-203-043-1016

EXHIBIT B

FLOOR PLAN

(SEE ATTACHED EXHIBIT B)

Expansion of Existing Real Estate Office

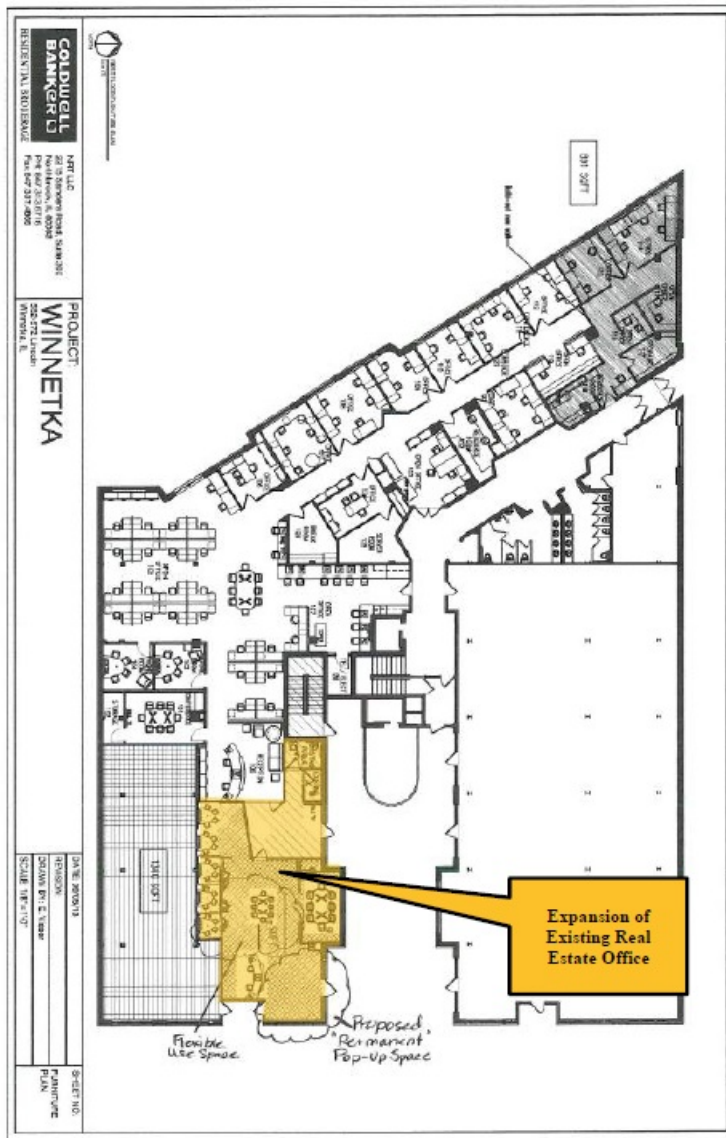


EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Winnetka, Illinois ("**Village**"):

WHEREAS, Coldwell Banker Residential Real Estate, LLC, d/b/a Coldwell Banker Residential Brokerage ("**Applicant**"), desires to operate a real estate office located at 564 Lincoln Avenue in the Village ("**Subject Property**"); and

WHEREAS, 562-72 Lincoln Avenue, LLC ("**Owner**"), is the record title owner of the Subject Property and consents to the operation of a real estate office by Applicant at the Subject Property; and

WHEREAS, Ordinance No. M-10-2017, adopted by the Village Council on _____, 2017 ("**Ordinance**"), grants a special use permit to the Applicant for the operation of a real estate office at the Subject Property within the C-2 General Retail Commercial District and the C-2 Commercial Overlay District of the Village, subject to various terms and conditions; and

WHEREAS, Section 7 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant and the Owner have filed, within 60 days following the passage of the Ordinance, their unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Applicant and the Owner do hereby agree and covenant as follows:

The Applicant and the Owner do hereby unconditionally agree to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.

The Applicant and the Owner acknowledge that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, have considered the possibility of the revocation provided for in the Ordinance, and agree not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.

The Applicant and the Owner acknowledge and agree that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's grant of a special use permit for the Subject Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Applicant or the Owner against damage or injury of any kind and at any time.

The Applicant and the Owner do hereby agree to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Ordinance granting the special use permit for the Subject Property.

The Applicant and the Owner hereby agree to pay all expenses incurred by the Village in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses will include all out-of-pocket expenses, such as attorneys' and experts' fees, and will also include the reasonable value of any services rendered by any employees of the Village.

Dated: __, 2017

ATTEST:

By: __
Its: __

ATTEST:

By: __
Its: __

**COLDWELL BANKER RESIDENTIAL REAL
ESTATE, LLC, D/B/A COLDWELL BANKER
RESIDENTIAL BROKERAGE**

By: __
Its: __

562-72 LINCOLN AVENUE, LLC, an Illinois limited liability company

By: __
Its: __