



Village of Winnetka

Village Council Regular Meeting

August 15, 2023 at 7:00 PM
Village Hall
510 Green Bay Road

AGENDA

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Quorum**
 - a. September 5, 2023 Regular Meeting
 - b. September 12, 2023 Study Session
 - c. September 19, 2023 Regular Meeting
4. **Public Comments**
5. **Reports**
6. **Presentations**
 - a. Environmental & Forestry Commission Green Awards
7. **Establishment of Consent Agenda**
8. **Approval of Consent Agenda**
 - a. Approval of Village Council Minutes
 - i. July 6, 2023 Regular Meeting
 - ii. July 11, 2023 Study Session
 - b. Approval of Warrant List Dated July 17, 2023 - July 31, 2023
 - c. Resolution No. R-76-2023: Approving the Purchase of a New Public Works Kubota Utility Tractor Vehicle (Refuse Scooter) (Adoption)
 - d. Resolution No. R-77-2023: Waiving Competitive Bidding and Awarding a Contract to Leopardo Construction Inc. for Repair of the Village Hall Bell Tower (Adoption)
9. **Ordinances and Resolutions**
 - a. Ordinance No. MC-10-2023: Amending Chapter 3.40 of the Winnetka Village Code Regarding the Landmark Preservation Commission (Introduction/Adoption)

NOTICE

All agenda materials are available at 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.

- b. Ordinance No. M-13-2023: Granting a Special Use Permit for the Operation of a Real Estate Office within the C-2 Commercial Overlay District - Compass Realty - 564 Lincoln Avenue (Introduction)

10. Old Business

11. New Business

12. Appointments

- a. Appointment of Environmental & Forestry Commission Member

13. Closed Session

14. Adjournment



Agenda Item Executive Summary

TITLE: Environmental & Forestry Commission Green Awards

PRESENTER: Mark Janeck

AGENDA DATE: August 15, 2023

CONSENT: No

ITEM TYPE: Presentation

ITEM HISTORY:

As part of the Village's commitment to sustainability, the Environmental and Forestry Commission (EFC) has administered the annual Green Awards program for the past six years. The program recognizes individuals, properties and households within the community that demonstrate exceptional commitment to sustainable and environmentally-friendly practices.

EXECUTIVE SUMMARY:

Green Award recipients are chosen based on the following award categories: Green Buildings, Recycling/Waste Reduction, Land, Air, Water/Stormwater, Energy, and Sustainable Communities. This year, the award will be presented to New Trier Township High School, located in Winnetka.

New Trier Township High School was selected as the recipient for its efforts in climate, energy, leadership, and sustainable communities. New Trier's 2017 Winnetka Campus Facilities Project was awarded a Leadership in Energy and Environmental Design (LEED) Gold certification by the U.S. Green Building Council. The Gold Certification is the second highest potential LEED certification and is a recognized symbol of sustainable achievement and excellence. Some of the sustainable features included in the project include water use reduction, on-site renewable energy, light pollution reduction and two green roofs with functioning patio areas.

In addition to this project, New Trier Township High School has implemented initiatives to reduce its environmental impact and model behavior for students by implementing programs such as composting in the cafeteria.

RECOMMENDATION:

Acknowledge 2022-2023 Green Award for New Trier Township High School.

ATTACHMENTS:

1. Green Award Nomination - New Trier High School



**VILLAGE OF WINNETKA
ENVIRONMENTAL AND FORESTRY COMMISSION**

Patrick Hanley, Chairperson
Elizabeth Kunkle, Commissioner
Rosann Park-Jones, Commissioner
David Varca, Commissioner
Ted Wynnchenko, Commissioner
~~Patrick Hanley, Commissioner~~
Andy Cripe, Trustee Representative
Marcus Buccellato, Student Representative
Scarlett Harper, Student Representative

GREEN AWARD NOMINATION

Green Awards were developed by the Village's Environmental and Forestry Commission to recognize properties, households, and businesses that demonstrate exceptional commitment to sustainable and environmentally-friendly practices within the Village of Winnetka.

Please complete the following information to nominate a property within Winnetka for a Green Award:

Property Address: 385 Winnetka Ave
Owner: D203, Dave Conway
Owner's Phone and E-mail: CONWAYD@NENTRIER.K12.IL.US
847-784-2071

1. Award Category (check all that apply):

- ☒ **Climate:** Projects that reduce greenhouse gas emissions, maintain clean and healthful air, and develop resiliency to climate change impacts.
- ☐ **Economic Development:** Project that promote innovation and cultivate local and sustainable development, jobs and businesses.
- ☒ **Energy:** Projects that reduce energy output such as increasing efficiency or utilizing renewable energy.
- ☐ **Land:** Projects that conserve, utilize or restore existing land (e.g., native plants).
- ☒ **Leadership:** Projects that work collaboratively towards a sustainable region or advocate for policies that align with sustainable practices.

Revised 12/30/2022



1. Name, Address, Phone Number and Email: _____

☐ **Mobility:** Projects that support safe, effective, and efficient transportation that uses resources wisely, integrate sustainability into transportation policies, programs and regulation, or promote public and sustainable transportation choices.

6. Photo:

☐ **Municipal Operations:** Projects that lead by demonstrating sustainable values and practices, integrate sustainability into all municipal operations, operate a safe, clean and efficient fleet, collect and manage data to advance sustainability.

7. Signage:

☒ **Sustainable Communities:** Projects that promote cultural vibrancy in the community; foster a culture of health, safety and wellness; increase access to sustainably grown local food; promote a sustainable identity for the community; or cultivate community values based on principles of sustainability.

8. Signage:

☐ **Water/Stormwater:** Projects that filter stormwater runoff or store stormwater on property such as bioswales, rain gardens or rain barrels.

9. Signage:

☐ **Waste & Recycling:** Projects that substantially reduce waste or use of recycled material. Such projects may include use of a composter, reusing recycled materials or diverting waste from landfills.

10. Signage:

☐ **Innovation/Other:** All other projects that do not fit into an above category.

2. **Property Type** (check one):

☐ Private

☐ Commercial

☒ Public

3. **Brief Description of the Project and Benefits** (use extra pages if needed): See attached

4. **Approximate Date of Project Completion:** 2017 - West Wing
2023 - East Wing



5. Name, Address, Phone Number and Email of Nominator: LIZ KUNKLE@GMAIL.COM
1303 HOLLY LN. 847-501-0302

6. Photos Enclosed Y

7. Signature of Nominator: Liz Kunkle

8. Signature of Property Owner: N/A

Please send this form with photos attached and other documentation, or direct questions, to:

Diana Puga, Public Works Analyst
1390 Willow Road, Winnetka, IL 60093
(847) 716-3550 or dpuga@winnetka.org

Guidelines:

- You can nominate your own property or as many projects as you like, as long as you get the owner's signature.
- The project must have been completed within the past 5 years.
- Commercial, public, or private properties are eligible.
- All applications are reviewed and awarded by members of the Environmental and Forestry Commission.
- Deadline for application is February 28, 2023. Awards are announced at the Village Council meeting closest to April 22nd (Earth Day).

Award Criteria:

Applications will be evaluated by the Village of Winnetka Environmental and Forestry Commission based on how well the projects or initiatives meet the following criteria:

- Positive Impact - The project must have a meaningful and demonstrable impact in Winnetka by helping protect the environment or enhance the quality of life for residents.
- Embraces Innovation/Creativity - The project should reflect a new concept, technology, or practice in Winnetka and should employ new ideas in the industry.
- Overcomes Challenges - The project should explain what challenges were overcome.
- Transferable - The project should be able to be replicated by others in similar situations.
- Demonstrates Initiative - The project should reflect how the individual or group took action to move sustainability forward in their position or community.

Revised 12/30/2022

New Trier High School's 2017 Winnetka Campus Facilities Project was awarded LEED Gold by the U.S. Green Building Council. Gold is the second highest level of achievement. It identifies New Trier as a "showcase example of sustainability and demonstrates [its] leadership in transforming the building industry."

LEED measures dozens of indicators in seven categories related to the building construction, systems, and the environment, and New Trier's final outcome was higher than the originally projected level of Bronze. Examples of some of the sustainable features in the new building include water use reduction, on-site renewable energy, light pollution reduction, and innovation in design. The building also features two green roofs with functioning patio areas, which offer practical benefits including vegetation that reduces air pollution, energy conservation, and extended roof life.

Beyond this work, New Trier has improved energy efficiency at both campuses through construction and implemented other initiatives to reduce its environmental impact and model that behavior for students, such as composting in the cafeterias. These efforts have been supported by an Environmental Committee that includes staff, students, parents and community members and meets quarterly.

Most recently, the New Trier Board of Education approved a plan to renovate and replace aging buildings on the East Side of the Winnetka Campus with new athletic and academic spaces that will expand student opportunities for generations to come without the need for a referendum. The District is seeking LEED certification for the new facility as well, which is scheduled to be completed by the beginning of the 2023 – 2024 school year.



**MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
July 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 Thursday, July 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 Rob Apatoff, Tina Dalman, Robert Dearborn, Kim Handler, and Bridget Orsic. Absent: Trustee Kirk Albinson. Also present: Deputy Village Clerk Berina Gradjan, Assistant Village Manager Kristin Kazenas, Village Attorney Ben Schuster, Community Development Director David Schoon and approximately 63 persons in the audience.
- 2) Pledge of Allegiance. President Rintz led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) July 11, 2023 Study Session. All of the Council members present said they expect to attend.
 - b) July 18, 2023 Regular Meeting. All of the Council members present said they expect to attend. Trustee Dearborn indicated that he planned to participate remotely.
 - c) August 1 Regular Meeting. All of the Council members present said they expect to attend.
- 4) Public Comment.
 - i. Louis Zaransky addresses Council regarding a student representative position on the Landmark Preservation Commission.
- 5) Reports:
 - a) Trustees. None.
 - b) Attorney. None.
 - c) Manager.
 - i. Village Manager Bahan commends the Public Works Department, Fire and Police Departments, and administrative staff for their contributions to the success of the 4th of July festivities.
 - d) Village President.
 - i. President Rintz commends the Park District and Village staff for their participation in the 4th of July parade. Furthermore, President Rintz, on behalf of the Village, sends his condolences to the Laidley family after the tragic incident on July 4th.
- 6) Establishment of the Consent Agenda.

Trustee Orsic, 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) June 6, 2023 Regular Meeting
- b) Approval of Warrant List dated June 2, 2023 – June 15, 2023 in the amount of \$2,002,079.82.
- 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)

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

8) Ordinances and Resolutions.

President Rintz emphasizes the importance of the community working together to resolve complex lakefront issues and requests that the public engage in civil conversations.

- a) 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 & Introduction/Adoption)

President Rintz addresses members of the public regarding the ongoing efforts by Village Council to continue to work diligently to ensure that any and all decisions made are in the best interest of the Village.

Public Hearing opened at 7:21 pm

Community Development Director David Schoon indicates that Council will consider establishing a study period regarding construction in the steep slope zone along Lake Michigan bluffs. During the study period, the Village will suspend construction activity and the issuance of building permits from July 6, 2023 to April 6, 2024 to ensure that the Village Council has an adequate amount of time to analyze and adopt any necessary code amendments, regulations, and examine the effects of construction along the bluff.

While the Village will not accept new applications or issue building permits during the study period within the steep slope zone, the Village will permit emergency repairs or general maintenance of structures or utility facilities, and will permit construction activity that is located outside of the steep slope zone. The temporary prohibition does not apply to construction activity that already received all applicable Village permits prior to July 6, 2023.

Public Comment

Munir Satur addresses Council regarding the impact of the permit abeyance period on other property owners due to the construction activity at 205 Sheridan Road.

Christina Codo addresses Council regarding the issuance of notices for the study and permit abeyance period before enactment of a moratorium.

James Findley, 455 Sheridan Road, addresses Council regarding concerns about the 40' from the top of the bluff portion of the steep slope zone.

Scott Kingson, 505 Hoyt Lane, addresses Council regarding concerns about the moratorium.

Michael Rauchman, 645 Sheridan Road, addresses Council regarding the impact of the moratorium on his planned investment in a property along the lake that has been vacant for years.

Leo Birov, 425 Sheridan Road, addresses Council on the potential negative impacts on property values along the lakefront and that property construction techniques will work on the bluff.

Barbara Silverman, 755 Sheridan Road, addresses Council regarding construction concerns.

John Edwardson, 301 Sheridan Road, addresses Council regarding his concerns about the timing of the issuance of notices for the study and permit abeyance period.

Le Ann Pope, 627 Sheridan Road, addresses Council regarding the issuance of notices for the study and permit abeyance period, matters related to the moratorium, and consideration of definition of construction activity.

Hal Frank, representing a “handful” of property owners, addresses Council regarding concerns about maintenance and repair definitions of ordinance and building permits in the pipeline.

Erik Falk, 1235 Whitebridge Hill Road, addresses Council regarding the timing of notice issued and concerns related to the study and permit abeyance period.

Dan Wolfberg, 1111 Sheridan Road, addresses Council regarding the maintenance of the bluff on his property.

Steve Fussell, 735 Sheridan Road, addresses Council with concerns related to the study and permit abeyance period, timing of notice issued, and his significant investment in the bluff on his property.

Phil Beck, 735 Sheridan Road, addresses Council regarding his concerns about the language of the proposed ordinance as it relates to restoration matters and maintenance of the bluff.

Katie Stevens, 333 Sheridan Road, addresses Council regarding maintenance along the bluff and continuing to work to preserve the lakefront.

Ted Wynnychenko addresses Council regarding public and private ownership along the lakefront and states his support for the ordinance.

Council discusses matters related to zoning restrictions and regulations, the intent of the ordinance regarding the protection of the lakefront, concerns pertaining to the enactment of a moratorium and the impacts it may have on lakefront properties, and amendments to the language and definitions.

Council unanimously agrees to carefully consider the timing, potential conflicts, and to consider the protection of lakefront properties and homeowners during the study and permit abeyance period. Council also expressed its wishes that the language of the ordinance be further refined.

Village Attorney Ben Schuster indicates that the Village Attorney will revise the proposed ordinance to address various permitting requirements.

Public Hearing closed 8:55pm

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

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

President Rintz confirms that the ordinance applies only to open land that is currently publicly owned along the lakefront.

Public Hearing Opened at 8:58pm

Community Development Director David Schoon states that an overlay district, a geographic zoning district layered onto one or more existing zoning districts, applies to land with an existing underlying district. Such overlay districts are used to protect environmental features, preserves historic buildings, and promotes specific uses/development. The amendment would seek to create an overlay district to apply on top of an underlying zoning district, the R-2 District, and would only apply to publicly owned land.

David Schoon confirms the current permitted uses, special uses, and identifies the regulations that will be in effect when a publicly owned property is no longer publicly owned.

Public Comment

Joe Dooley, 849 Sheridan Road, expresses objections regarding the establishment of a lakefront preservation overlay district.

Christina Codo addresses matters related to the Village's permitting process and how proposed district would have limited impact on Village-owned property.

Catherine Guthrie, 575 Sheridan Road, addresses Council regarding concerns of increased foot traffic on private property located next to street ends.

Rob White, 916 Oak, expresses concerns regarding the establishment of a lakefront preservation overlay district.

Joanna Karatzas states that she is in support of the establishment of a lakefront preservation overlay district.

Phil Beck, 735 Sheridan Road, expresses concerns regarding actions pitting governmental bodies against one another and concerns regarding this action being directed toward the Park District land swap.

Angie Doll addresses Council regarding support of the overlay district and intergovernmental cooperation.

Marie Garrison, 350 Ridge Avenue, addresses Council on the preservation of open space.

Louis Holland, 545 Oak Street, urges Council to protect Village land and discourages land swap deals.

Colleen Root addresses Council in support of overlay district urges Council to protect public land.

Katie Stevens addresses Council regarding Village owned land and commends the establishment of a lakefront preservation overlay district.

Susie Schreiber addresses Council regarding the Lake Michigan Watershed Based Plan.

Ted Wynnychenko commends the establishment of the lakefront preservation overlay district.

Jon Root, 326 Woodland Avenue, addresses Council regarding the preservation of publicly owned land.

Chuck Dowding, 968 Elm Street, addresses Council regarding the importance of the establishment of a lakefront preservation overlay district.

Willy Franzen, 232 Sheridan Road, addresses Council regarding concerns along the lakefront and commends the establishment of the lakefront preservation overlay district.

James Findlay, 455 Sheridan Road, expresses concerns this ordinance would have on the Park District land swap.

Hal Frank indicates concerns related to the establishment of a lakefront preservation overlay district in that it targets a single class of property owner. Instead Village could consider establishing a specific zoning district for parkland.

Council discusses matters related to the necessity of rezoning as indicated in the Winnetka Futures 2040 plan, the importance of preserving, enhancing and acquiring public land.

Village Attorney Ben Schuster informs Council and members of the public regarding various ways to rezone land and states that the establishment of a lakefront preservation overlay district is not to prohibit existing allowed uses, but rather to allow a special use process for future proposals to meet Village standards.

Public Hearing Closed 10:11 pm

Trustee Dearborn, seconded by Trustee Apatoff, moved to introduce Ordinance No. MC-07- 2023. By roll call vote, the motion carried. Ayes: Trustees Apatoff, Dalman, Dearborn, Handler, and Orsic. Nays: None. Absent: Trustee Albinson.

- c) 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 & Introduction/Adoption)

Public Hearing Opened 10:12 pm

Community Development Director David Schoon confirms that the amendment of the Winnetka Zoning Ordinance to establish a lakefront preservation overlay district will amend the official zoning map to place certain public owned property along Lake Michigan within this overlay district.

No Public Comment.

Public Hearing Closed 10:14 pm

Trustee Dearborn, seconded by Trustee Orsic, moved to introduce Ordinance No. M-09-2023. By roll call vote, the motion carried. Ayes: Trustees Apatoff, Dalman, Dearborn, Handler, and Orsic. Nays: None. Absent: Trustee Albinson.

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

Public Hearing Open 10:17 pm

Community Development Director David Schoon states that Council will consider amendments to the zoning ordinance regarding adjustments and modifications to special use permits and related procedures. The amendment will provide more clarity on what is defined as a minor change to a special use, handled at staff level, and what is defined as a

major change related to a special use, brought before Council.

Trustee Dalman commends the direction of the amendments for special uses.

No Public Comment.

Public Hearing Closed 10:18 pm

Trustee Dalman, seconded by Trustee Handler, moved to introduce Ordinance No. MC-09-2023. By roll call vote, the motion carried. Ayes: Trustees Apatoff, Dalman, Dearborn, Handler, and Orsic. Nays: None. Absent: Trustee Albinson.

9) Old Business. None.

10) New Business. None.

11) Appointments: None.

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 10:20 PM.

Recording Secretary

**MINUTES
WINNETKA VILLAGE COUNCIL
STUDY SESSION
July 11, 2023**

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held at Council Chambers on Tuesday, July 11, 2023, at 7:00 PM.

- 1) Call to Order. President Chris Rintz called the meeting to order at 7:00 PM. Manager Bahan called the roll of the Village Council. Present: Trustees Rob Apatoff, Tina Dalman, Bob Dearborn, Kim Handler, and Bridget Orsic. Absent: Kirk Albinson. Also present: Village Manager Robert Bahan, Assistant Village Manager Kristin Kazenas, Deputy Village Clerk Berina Gradjan, Village Attorney Courtney Willits, Water & Electric Director Brian Keys, Finance Director Tim Sloth, and 4 persons in the audience.
- 2) Public Comment.
 - a) Ted Wynnychenko addresses Council regarding the Bertling-Hill-Woodland Pathway Vacation.
 - b) Tom Brown expresses concerns regarding the Hubbard Woods Train Station patch work. Village Manager Rob Bahan confirms that the Village has been working with representatives from Metra regarding the construction and addresses conflict due to Union Pacific obtaining permits.
 - c) Patrick Hanley extends the Environmental and Forestry Commission's support regarding the Electric System & Power Plant discussion.
- 3) Winnetka Electric System & Power Plant Overview.

Water and Electric Director Brian Keys provides an overview of the Village's wholesale power supply contract with IMEA through September 20, 2035 noting various terms and conditions. Brian Keys provides an additional detail regarding the power supply encompassing Northfield Substation, the Electric Generating Plant and ComEd tie lines. He explains the distribution system, including how power gets distributed through the Village and the peak system electrical demand.

Brian Keys provides the Council with an overview of the Electric Generating Plant. His remarks include an explanation of steam generation, a review of historical plant capacity additions, and a summary of the existing generation assets and their respective installation dates.

Brian Keys provides information on IMEA Generation Contract. In addition, Council is informed of various expenses such as fuel costs, reimbursements, IMEA related costs, and costs associated with maintenance, repair, and labor. Brian Keys provides an overview the capacity credit payments, annual operating hours, and testing requirements.

Council discusses matters related to operating hours, market conditions, IMEA benefits, electric and power plant operations, conditions, and emergency action plans. Furthermore, Council discusses various financial components related to cost projections, staffing, and maintenance, and speculation of long-term operations.

While no policy direction is requested from Council, Brian Keys advises that at a future meeting, staff will provide additional details on generating components, capital investment, and financial considerations related to maintaining current generating capacity through the existing IMEA contract period.

Public Comment.

Marcus Wedner addresses Council on public education regarding emissions.

Tom Brown addresses Council regarding the remaining life of generators.

Ted Wynnchenko addresses Council regarding efficiency of diesel generators and storage capacity.

- 4) Closed Session for the Purpose of Discussing pending litigation pursuant to Section 2(c)(11) of the Open Meetings Act and discussion of minutes of closed session meetings Pursuant to Section 2(c)(21) of the Open Meetings Act.

Trustee Handler, seconded by Trustee Dalman, moved to adjourn to Closed Session for the Purpose of Discussing pending litigation pursuant to Section 2(c)(11) of the Open Meetings Act and discussion of minutes of closed session meetings Pursuant to Section 2(c)(21) of the Open Meetings Act and to adjourn the Open Meeting automatically and immediately upon the conclusion of the Closed Session without the conduct of any further business or comments. By roll call vote, the motion carried. Ayes: Trustees Apatoff, Dalman, Dearborn, Handler, and Orsic. Nays: None. Absent: Trustee Albinson.

The Council adjourned into Closed Session at 8:45 p.m.

- 5) Adjournment. The Closed Session meeting ended at 9:27 p.m.

Recording Secretary



Agenda Item Executive Summary

TITLE: Approval of Warrant List Dated July 17, 2023 - July 31, 2023

PRESENTER: Robert M. Bahan

AGENDA DATE: August 15, 2023

CONSENT: Yes

ITEM TYPE: Consent Agenda

ITEM HISTORY:

None

EXECUTIVE SUMMARY:

The Warrant List Dated July 17, 2023 - July 31, 2023.

RECOMMENDATION:

Consider Approving the Warrant List Dated July 17, 2023 - July 31, 2023.

ATTACHMENTS:

None



Agenda Item Executive Summary

TITLE: Resolution No. R-76-2023: Approving the Purchase of a New Public Works Kubota Utility Tractor Vehicle (Refuse Scooter) (Adoption)

PRESENTER: Mark Janeck

AGENDA DATE: August 15, 2023

CONSENT: Yes

ITEM TYPE: Consent Agenda

ITEM HISTORY:

The FY2023 Village Refuse Fund budget (account #560.80.01-542) contains \$38,000 to replace refuse scooter vehicle unit #129.

EXECUTIVE SUMMARY:

Utility tractors (known as scooters) are used by the Public Works Department to provide back door refuse collection services. Refuse Scooter #129 was placed in service in 2018 and has reached the end of its useful life. The Village has previously replaced four (4) older scooters with new Kubota RTV-x1100 models affixed with refuse dump bodies. The Fleet and Refuse Divisions to date are pleased with the overall performance of these scooters, and the proposed purchase will be in conformance with past purchasing actions.

The current model offered by Kubota has multiple features that are appealing to both the Fleet and Refuse Divisions, including the use of diesel engines, on demand 4X4 drivetrain, independent front and rear suspension, and a Broyhill refuse dump box. The combination of the small size, maneuverability and Broyhill dump box make the scooters particularly effective at providing backdoor service.

To ensure the most fiscally prudent purchase price, the Public Works Department proposes to leverage pricing received as part a bid initiated by Sourcewell, formerly known as National Joint Powers Alliance (NJPA). Sourcewell is a joint purchasing consortium that jointly solicits goods and services for state and local governments. The Village has utilized the bidding service of Sourcewell and other similar entities in the past for the purchase of other fleet equipment.

Sourcewell recently accepted bids for the procurement of "Medium and Light Duty Construction Equipment". This was a multi-year contract that was awarded to Kubota, whose products in turn are locally provided by Russo Power Equipment of Schiller Park, a vendor fully qualified to sell the subject scooter under the price and terms set forth by Sourcewell. The FY2023 Village Refuse Fund budget (account #560.80.01-542) contains \$38,000 to replace vehicle unit #129. The current price offered as part of the Sourcewell bid for a new Kubota RTV-X1100CW-H with the necessary refuse dump box, and safety equipment is \$34,807.32 per unit which is \$3,192.68 under budget,

RECOMMENDATION:

Consider adopting Resolution R-76-2023 awarding a purchase order to Russo Power Equipment, of Schiller Park, IL in the amount of \$34,807.32 for the purchase of a new 2023 Kubota RTV-X1100CW-H scooter, refuse dump body, and three sets of replacement tires.

ATTACHMENTS:

1. Resolution No. R-76-2023 Approving the Purchase of a New Public Works Kubota Utility Tractor Vehicle (Refuse Scooter)

**A RESOLUTION APPROVING THE PURCHASE OF A NEW PUBLIC WORKS
KUBOTA UTILITY TRACTOR VEHICLE (SCOOTER)
FROM RUSSO POWER EQUIPMENT**

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

WHEREAS, the Village Public Works Department (“*Department*”) has identified the need to purchase a new Kubota Utility Tractor RTV-X1100CW-H (“*Scooter*”) for the Refuse Division within the Department; and

WHEREAS, the Village participates in joint purchasing agencies, which permit local governments to purchase commodities and services according to publicly bid contracts negotiated by those entities; and

WHEREAS, the Scooter vehicle proposed for purchase is through a qualified vendor of Sourcewell, a recognized joint purchasing agency often used by the Village, that has a vehicle for sale that meets the specifications required by the Village; and

WHEREAS, the Village secured pricing from Russo Power Equipment (“*Vendor*”) for the purchase of a new Scooter for a purchase price of \$34,807.32 through Sourcewell, a price that includes various required additional parts for the Scooter to allow the Department to use the Scooter in a manner necessary for the operations of the Department; and

WHEREAS, Village staff has recommended that the Village Council approve the purchase of the new Scooter pursuant to Section 4.12.010.C of the Village Code, Section 1V.3.D of the Village's Purchasing Manual, and the Village's home rule authority; and

WHEREAS, the Village Council has determined that it is in the best interests of the Village to enter into a contract with Vendor and approve the purchase the new Scooter; and

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 PURCHASE OF NEW VEHICLE. The Village Council hereby approves the purchase of a Scooter from the Vendor, in the total amount of \$34,807.32 as provided in the Proposal attached to this Resolution as **Exhibit A**.

SECTION 3: EXECUTION OF REQUIRED DOCUMENTS. The Village President and the Village Clerk are hereby authorized to execute and attest, on behalf of the Village, all purchase orders and documents necessary to complete the purchase of the new Scooter authorized pursuant to Section 3 of this Resolution.

SECTION 4: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval by the vote of two-thirds of the Trustees.

ADOPTED this 15th day of August, 2023, pursuant to the following roll call vote:

AYES: _____
NAYS: _____
ABSENT: _____
ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk

EXHIBIT A

Proposal

- Standard Features -

- Custom Options -


Kubota
V Series
RTV-X1100CW-H

*** EQUIPMENT IN STANDARD MACHINE ***

DIESEL ENGINE

Model Kubota D1105
 3 Cyl. 68.5 cu in
 +24.8 Gross Eng HP
 75 Amp Alternator

TRANSMISSION

VHT-X
 Variable Hydro Transmission
 Forward Speeds:
 Low 0 - 15 mph
 High 0 - 25 mph
 Reverse 0 - 17 mph
 Limited-slip Front Differential
 Rear differential lock

HYDRAULICS

Hydrostatic Power Steering
 with manual tilt-feature
 Hydraulic Cargo Dump
 Hydraulic Oil Cooler

FLUID CAPACITY

Fuel Tank 7.9 gal
 Cooling 8.3 qts
 Engine Oil 4.3 qts
 Transmission Oil 1.8 gal
 Brake Fluid 0.4 qts

CARGO BOX

Width 57.7in
 Length 40.5 in
 Depth 11.2 in
 Load Capacity 1102 lbs
 Vol. Capacity 15.2 cu ft

+ Manufacturer Estimate

KEY FEATURES

Factory Cab w/ A/C, Heater,
 Defroster
 Fully opening roll-down door
 windows
 Digital Multi-meter
 Speedometer
 Pre-wired w/ speakers/antenna for
 stereo
 Front Independent Adjustable
 Suspension
 Rear Independent Adjustable
 Suspension
 Brakes - Front/Rear Wet Disc
 Rear Brake Lights / Front
 Headlights
 2" Hitch Receiver, Front and Rear
 Deluxe 60/40 split bench seats
 with driver's side seat adjustment
 Underseat Storage Compartments
 Deluxe Front Guard
 (radiator guard, bumper, and lens
 guard)

SAFETY EQUIPMENT

SAE J2194 & OSHA 1928 ROPS
 Horn
 Dash-mounted Parking Brake
 Spark Arrestor Muffler
 Retractable 2-point Seat Belts

DIMENSIONS

Width 63.2 in
 Height 79.5 in
 Length 120.3 in
 Wheelbase 80.5 in
 Tow Capacity 1300 lbs
 Ground Clearance 10.4 in
 Suspension Travel 8 in
 Turning Radius 13.1 ft

Factory Spray-on Bedliner
 "L" Models Only

Bright Alloy Wheels (Silver-
 painted)
 Silver-painted with machined
 surface
 "S" Models only

TIRES AND WHEELS

Heavy Duty Worksite 25 x 10 - 12, 6 ply

RTV-X1100CW-H Base Price: \$25,499.00

(1) FRONT WORKLIGHTS / FOR RTV-X1100	\$230.08
K7731-99620-FRONT WORKLIGHTS / FOR RTV-X1100	
(1) BACKUP ALARM	\$188.06
K7591-99640-BACKUP ALARM	
(1) TURN SIG/HAZARD LGT KIT/RTV-X1100C	\$377.17
K7731-99610-TURN SIG/HAZARD LGT KIT/RTV-X1100C	
(2) STANDARD EXTERNAL MIRROR KIT CAB PNF	\$204.12
77700-V5059-STANDARD EXTERNAL MIRROR KIT CAB PNF	
(1) REAR WORK LIGHTS / FOR RTV-X1100	\$167.05
K7731-99630-REAR WORK LIGHTS / FOR RTV-X1100	
Configured Price:	\$26,665.48
Sourcewell Discount:	(\$5,866.41)
SUBTOTAL:	\$20,799.07
Dealer Assembly:	\$440.00
Freight Cost:	\$881.25
PDI:	\$400.00
Front Weight Kit	\$675.00
Broyhill Refuse Box	\$6,942.00
Broyhill Cutout Reinforcement Kit	\$625.00
Set Up / Custom Install	\$1,600.00
3 sets of tires	\$1,860.00
Hydro Hoses	\$585.00

Total Unit Price: \$34,807.32
Quantity Ordered: 1
Final Sales Price: \$34,807.32

Final pricing will be based upon pricing at the time of
 final delivery to Sourcewell members.
Purchase Order Must Reflect Final Sales Price.

To order, place your Purchase Order directly with the quoting
 dealer

*Some series of products are sold out for 2022. All equipment specifications are as complete as possible as of the date on the quote. Additional attachments, options, or accessories may be added (or deleted) at the discounted price. All specifications and prices are subject to change. Taxes are not included. The PDI fees and freight for attachments and accessories quoted may have additional charges added by the delivering dealer. These charges will be billed separately. Prices for product quoted are good for 60 days from the date shown on the quote. All equipment as quoted is subject to availability.



Agenda Item Executive Summary

TITLE: Resolution No. R-77-2023: Waiving Competitive Bidding and Awarding a Contract to Leopardo Construction Inc. for Repair of the Village Hall Bell Tower (Adoption)

PRESENTER: Mark Janeck

AGENDA DATE: August 15, 2023

CONSENT: Yes

ITEM TYPE: Consent Agenda

ITEM HISTORY:

The Public Works Department is responsible for maintaining the Village Hall facility. In 2022, staff identified the need to complete repairs to the Village Hall Bell Tower. The scope of the Bell Tower repairs includes the fabrication and replacement of two decorative columns, removal and repairs to all deteriorating and rotten wood, and scraping and removal of all flaking paint, and repainting of new and existing wood material on the surrounding structure.

In August 2022, the Village issued Request For Bid (RFB) #020-039 for repairs to the Bell Tower at the Village Hall. The bid was posted to the on-line bidding service, DemandStar. Ultimately, the Village Board approved Resolution R-92-2022 which awarded the agreement for this work to a contractor in the total amount of \$38,100. This contractor defaulted on the project after it failed to provide the necessary legal documents and did not initiate work.

EXECUTIVE SUMMARY:

In 2023, after reviewing options for completing this project, staff approached Leopardo Companies, Inc. of Illinois ("Contractor") to submit a proposal for the completion of bell tower repairs. The Contractor is the Sourcewell-selected vendor for job order contracting for this type of work. Sourcewell is a joint purchasing consortium that jointly solicits goods and services for state and local governments. The Village has utilized the bidding service of Sourcewell and other similar entities in the past for the purchase of equipment and other professional services.

The Contractor ultimately submitted a proposal in the total amount of \$33,999.01. The Village has previously utilized the Contractor for painting work and has been satisfied with the work. For this reason, staff believes the Contractor can successfully complete the work as specified.

The FY2023 Village Facilities Fund budget (account #410.15.01-615) contains \$40,000 for improvements to the Yards office areas. Due to the urgency of the bell tower repairs, staff recommends utilizing the funding for the Yards office improvements to pay for the Bell Tower repairs in this fiscal year. The Yards office improvements project will be deferred to next year with a request for funding in the FY2024 budget. The purchase order for the Bell Tower repairs would be created in the amount not to exceed \$33,999.01, which is \$6,000.99 under the available budget.

RECOMMENDATION:

Consider approval of Resolution No. R-77-2023, waiving competitive bidding and awarding a contract to Leopardo Construction Inc. for repair of the Village Hall bell tower.

ATTACHMENTS:

1. Resolution No. R-77-2023 - Waiving Competitive Bidding and Awarding a Contract to Leopardo Construction Inc. for Repair of the Village Hall Bell Tower

**A RESOLUTION WAIVING COMPETITIVE BIDDING AND AWARDED A
CONTRACT TO LEOPARDO CONSTRUCTION INC.
FOR REPAIR OF THE VILLAGE HALL BELL TOWER**

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, Village Hall bell tower is in need of repair, specifically the installation of missing columns and the need for scaping the existing structure and painting (“*Work*”); and

WHEREAS, the Village participates in joint purchasing agencies, which permit local governments to purchase commodities and services according to publicly bid contracts negotiated by those entities; and

WHEREAS, the Bell Tower repairs are proposed to be performed by Leopardo Companies Inc., of Illinois, a qualified vendor of Sourcewell, a nationally recognized joint purchasing agency often used by the Village; and

WHEREAS, Leopardo Companies Inc., of Illinois (“*Contractor*”) provided a construction proposal to perform the Work for \$33,999.01; and

WHEREAS, the Village Council has determined that it is in the best interests of the Village to (i) waive competitive bidding; and (ii) enter into a contract with Contractor for the Work; and

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: WAIVER OF COMPETITIVE BIDDING. Pursuant to Sections 4.12.010.A and 4.12.010.C of the Village Code, Section IV.3.D of the Village’s Purchasing Manual, and the Village’s home rule authority, the Village Council waives the requirement of competitive bidding for the Work.

SECTION 3: APPROVAL OF CONTRACT. The Village Council hereby approves the contract with Contractor substantially in the form attached as **Exhibit A (“Contract”)**, and in a final form approved by the Village Manager.

SECTION 4: AUTHORIZATION TO EXECUTE CONTRACT. The Village Council authorizes and directs the Village President and the Village Clerk to execute and attest, respectively, on behalf of the Village, the final Contract after receipt by the Village Manager of

two executed copies of the final Contract from Contractor; provided, however, that if the Village Manager does not receive two executed copies of the final Contract from Contractor within 60 days after the date of adoption of this Resolution, then this authority to execute and seal the final Contract will, at the option of the Village Council, be null and void.

SECTION 5: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

ADOPTED this 15th day of August, 2023, pursuant to the following roll call vote:

AYES: _____
NAYS: _____
ABSENT: _____
ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk

Work Order Signature Document

Contract No.:IL-R1-GC-122122-LEO

☒

New Work Order

☐

Modify an Existing Work Order

Work Order #: 117914.00 Work Order Date: July 31, 2023

Owner PO No: _____

Title: Village of Winnetka - Bell Tower Column Repair

Owner Name: Village of Winnetka Contractor Name: Leopardo Companies Inc

Contact: Erik Jensen Contact: Contractor Project Manager

Phone: 847-716-3534 Phone: _____

Work to be Performed

Work to be performed as per the Final Detailed Scope of Work Attached and as per the terms and conditions of EZIQC Contract No IL-R1-GC-122122-LEO.

Work Order Description:

Repairs of columns and restoration at Bell Tower Includes: Furnishing and installing (2) new composite wood posts, scraping all existing wood from top of bell tower to lower roof, priming & painting all wood/composite on the bell tower as required.

□

Work Order Firm Fixed Price: \$33,999.01

Owner Purchase Order Number: _____

Approvals

Owner Date

Contractor Date

Detailed Scope of Work

Date: 7/31/2023
Work Order #: 117914.00
Title: Village of Winnetka - Bell Tower Column Repair
Contractor: Leopardo Companies Inc
Contractor Number: IL-R1-GC-122122-LEO
Job Order Value: \$33,999.01

Location: Village of Winnetka

Brief Scope:

Repairs of columns and restoration at Bell Tower.

Dear Contractor Project Manager,

The following items detail the scope of work as discussed at the site. All requirements necessary to accomplish the items set forth below shall be considered part of this scope of work:

Detailed Scope:

Repairs of columns and restoration at Bell Tower Includes: Furnishing and installing (2) new composite wood posts, scraping all existing wood from top of bell tower to lower roof, priming & painting all wood/composite on the bell tower as required.

Contractor Price Proposal Details - Category

Date: 7/31/2023
Work Order #: 117914.00
Title: Village of Winnetka - Bell Tower Column Repair
Contractor: Leopardo Companies Inc
Contractor Number: IL-R1-GC-122122-LEO
Job Order Value: \$33,999.01

Proposal Name: Village of Winnetka - Bell Tower Column Repair
Proposal Value: \$33,999.01

CSI Number	Mod	UOM	Description	LineTotal
Carpentry				
1	01 22 20 00-0006	HR	CarpenterFor tasks not included in the Construction Task Catalog® and as directed by owner only.	\$1,959.39
			Qty Unit Price Factor Total	
			Installation 16.00 X \$113.38 X 1.0801 \$1,959.39	
			Contractor Notes: Remove existing columns and install new columns. Labor is required due to logistics of the work being 60' in the air.	
2	06 05 23 00-0037	EA	25-11/16" Height x 3" Wide x 3-1/2" Deep, 7 Gauge, Galvanized Predeflected Holdown With Screws (Simpson Strong Tie® HDU14-SDS2.5)	\$627.24
			Qty Unit Price Factor Total	
			Installation 4.00 X \$145.18 X 1.0801 \$627.24	
			Contractor Notes: Column Prep	
3	06 13 23 00-0066	LF	10" x 12", Pine, Heavy Timber Column	\$400.59
	Excl Labor		Qty Unit Price Factor Total	
			Installation 16.00 X \$23.18 X 1.0801 \$400.59	
			Contractor Notes: Furnish new column. Material Only.	
Subtotal for Carpentry :				\$2,987.22
Demo				
4	01 74 13 00-0003	CY	Collect Existing Debris And Load Into Truck Or DumpsterPer CY of debris removed.	\$643.31
			Qty Unit Price Factor Total	
			Installation 20.00 X \$29.78 X 1.0801 \$643.31	
			Contractor Notes: Remove and dispose of existing columns to dumpster	
5	01 74 19 00-0014	EA	20 CY Dumpster (3 Ton) "Construction Debris"Includes delivery of dumpster, rental cost, pick-up cost, hauling, and disposal fee. Non-hazardous material.	\$631.86
			Qty Unit Price Factor Total	
			Installation 1.00 X \$585.00 X 1.0801 \$631.86	
			Contractor Notes: provide dumpster as required	

CSI Number	Mod	UOM	Description	LineTotal
Subtotal for Demo:				\$1,275.17
Fencing				
6	01 56 26 00-0005	LF	Temporary 6' High Chain Link Fence And Posts, Up To 6 Months	\$2,566.32
			Qty Unit Price Factor Total	
			Installation 300.00 X \$7.92 X 1.0801	\$2,566.32
			Contractor Notes: Fencing off site area	
7	01 56 26 00-0035	EA	12' Wide, 6' High, Temporary Chain Link Fence Gate, Up To 6 Months	\$610.80
			Qty Unit Price Factor Total	
			Installation 1.00 X \$565.50 X 1.0801	\$610.80
			Contractor Notes: Fence gate	
Subtotal for Fencing :				\$3,177.12
Lift				
8	01 22 23 00-0011	DAY	80' Engine Powered, Telescoping Boom Man Lift With Platform	\$12,480.12
			Qty Unit Price Factor Total	
			Installation 10.00 X \$1,155.46 X 1.0801	\$12,480.12
			Contractor Notes: Use lift to remove and replace columns. Working area is roughly 60' in the air. Includes mobilizing in the parking lot for phase 1 and remobilizing the lift on the street side.	
9	01 53 16 00-0002	SF	Temporary Wood Walkway, 3/4" Plywood On 2 x 6 Stringers	\$788.04
			Qty Unit Price Factor Total	
			Installation 96.00 X \$7.60 X 1.0801	\$788.04
			Contractor Notes: Lift prep	
10	01 71 13 00-0003	EA	Equipment Delivery, Pickup, Mobilization And Demobilization Using A Tractor Trailer With Up To 53' BedIncludes loading, tie-down of equipment, delivery of equipment, off loading on site, rigging, dismantling, loading for return and transporting away. For equipment such as bulldozers, motor scrapers, hydraulic excavators, gradalls, road graders, loader-backhoes, heavy duty construction loaders, tractors, pavers, rollers, bridge finishers, straight mast construction forklifts, telescoping boom rough terrain construction forklifts, telescoping and articulating boom man lifts with >40' boom lengths, etc.	\$1,596.46
			Qty Unit Price Factor Total	
			Installation 1.00 X \$1,478.07 X 1.0801	\$1,596.46
			Contractor Notes: Delivery of boom lift	
Subtotal for Lift :				\$14,864.62
Painting				
11	06 01 20 91-0002	SF	Restoration Of Existing Decorative WoodworkIncludes stripping to bare wood, filling or patching, stain or paint to match existing.	\$7,526.14
			Qty Unit Price Factor Total	
			Installation 800.00 X \$8.71 X 1.0801	\$7,526.14
			Contractor Notes: Painting prep	

CSI Number	Mod	UOM	Description	LineTotal
Subtotal for Painting:				\$7,526.14
Painting				
12	09 01 90 52-0041	SF	Sanding Wood Paneling, Boards, Doors Or Other Wood Surfaces, Surface Preparation	\$864.08
				Qty Unit Price Factor Total
Installation				800.00 X \$1.00 X 1.0801 \$864.08
Contractor Notes: Painting Prep				
13	09 91 13 00-0100	SF	1 Coat Primer, Brush/Roller Work, Paint Exterior Smooth Wood Siding	\$898.64
				Qty Unit Price Factor Total
Installation				800.00 X \$1.04 X 1.0801 \$898.64
Contractor Notes: Prime columns, structure, roof				
14	09 91 13 00-0102	SF	2 Coats Paint, Brush/Roller Work, Paint Exterior Smooth Wood Siding	\$1,875.05
				Qty Unit Price Factor Total
Installation				800.00 X \$2.17 X 1.0801 \$1,875.05
Contractor Notes: Paint columns, structure, roof				
Subtotal for Painting :				\$3,637.77
Safety				
15	01 55 26 00-0022	CLF	4" Exterior Vinyl Tape (Warning Tape)	\$386.24
				Qty Unit Price Factor Total
Installation				10.00 X \$35.76 X 1.0801 \$386.24
Contractor Notes: Safety Tape				
16	01 55 26 00-0040	DAY	Channelizer Drum	\$144.73
				Qty Unit Price Factor Total
Installation				50.00 X \$2.68 X 1.0801 \$144.73
Contractor Notes: 10 drums for 5 days				
Subtotal for Safety :				\$530.97
Grand Total:				\$33,999.01

This work order proposal total represents the correct total for the proposal. Any discrepancy between line totals, sub-totals and the proposal total is due to rounding of the line totals and sub-totals.

The Percent of NPP on this Proposal: 0.00



Indefinite Delivery-Indefinite Quantity Construction Contract

Contract Number: IL-R1-GC-122122-LEO

Service Type: General Construction

This Indefinite Delivery-Indefinite Quantity Construction Contract (Contract) is between **Sourcewell**, 202 12th Street Northeast, P.O. Box 219, Staples, MN 56479 and **Leopardo Companies Inc**, 120 S Riverside Plaza, Suite 2150, Chicago, IL 60606 (Contractor).

Sourcewell is a State of Minnesota local government agency and service cooperative created under the laws of the State of Minnesota (Minnesota Statutes Section 123A.21) that offers cooperative procurement solutions to government entities. Participation is open to federal, state and municipal governmental entities, K-12 and higher education entities, nonprofit entities, tribal governments, and other public entities located within the United States.

The Contractor desires to contract with Sourcewell to provide construction services to entities that access Sourcewell's indefinite delivery-indefinite quantity (IDIQ) construction contracts within the Service Region.

I. TERM OF CONTRACT

A. **EFFECTIVE DATE.** This Contract, including the General Terms and Conditions incorporated by reference, is effective upon the later of January 25, 2023 or the date of the final signature below.

B. **EXPIRATION DATE AND EXTENSION.** This Contract expires **January 24, 2024**, unless it is terminated sooner pursuant to Article XX of the General Terms and Conditions, which are incorporated into this Contract by reference. This Contract may be extended up to three additional one-year periods upon request of Sourcewell and with written agreement by the Contractor, not to exceed a total of five years.

II. REGION AND SERVICES

The Contractor's Region is: Region 1. The Contractor's IDIQ construction service type is: General Construction. The Contractor has agreed to perform work outside the Region.

III. ADJUSTMENT FACTORS

The Contractor will perform any or all Tasks in the Construction Task Catalog for the Unit Price appearing therein multiplied by the following Adjustment Factors. See the General Terms and Conditions for additional information.

A. **Normal Working Hours Projects:** Work performed from 7:00 a.m. until 4:00 p.m. Monday to Friday, except Holidays. The Contractor will perform Tasks during Normal Working Hours for the Unit Price set forth in the CTC multiplied by the Adjustment Factor of: **1.0801**.

B. **Other Than Normal Working Hours Projects:** Work performed from 4:00 p.m. to 7:00 a.m. Monday to Friday, and any time Saturday, Sunday, and Holidays. The Contractor will perform Tasks during Other

Than Normal Working Hours for the Unit Price set forth in the CTC multiplied by the Adjustment Factor of: 1.0901.

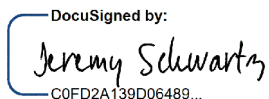
C. **Non pre-priced Adjustment Factor:** To be applied to Work determined not to be included in the CTC but within the general scope of the work: 1.1001.

VI. AUTHORIZED REPRESENTATIVE

A. Sourcewell's Authorized Representative is its Chief Procurement Officer.

B. The Contractor's Authorized Representative is Peter G. Oldendorf. If the Contractor's Authorized Representative changes at any time during this Contract, Contractor must promptly notify Sourcewell in writing.

Sourcewell

DocuSigned by:

C0FD2A139D06489...

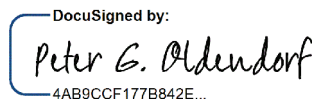
By: _____

Jeremy Schwartz

Title: Chief Procurement Officer

Date: 1/25/2023 | 12:52 PM CST

Leopardo Companies Inc

DocuSigned by:

4AB9CCF177B842E...

By: _____

Peter G. Oldendorf

Title: Vice President

Date: 1/25/2023 | 12:23 PM EST



Agenda Item Executive Summary

TITLE: Ordinance No. MC-10-2023: Amending Chapter 3.40 of the Winnetka Village Code Regarding the Landmark Preservation Commission (Introduction/Adoption)

PRESENTER: Kristin Kazenas

AGENDA DATE: August 15, 2023

CONSENT: No

ITEM TYPE: Ordinances and Resolutions

ITEM HISTORY:

None.

EXECUTIVE SUMMARY:

At the July 6, 2023 Village Council meeting, resident Louis Zaransky spoke during public comment expressing interest in joining the Landmark Preservation Commission (LPC) as a student member. At the July 18, 2023 Village Council meeting, Trustee Kim Handler, the Trustee Liaison to the LPC, reported that Louis Zaransky had attended all LPC meetings for the past year and that the LPC would welcome him as a student member. The LPC is requesting that the Village Council consider adding a student member to the LPC. Adding a student member to the LPC requires a Village Code update. The Village Attorney has drafted an Ordinance to add a non-voting student member to the LPC.

RECOMMENDATION:

Consider the introduction and possible adoption of Ordinance No. MC-10-2023: Amending Chapter 3.40 of the Winnetka Village Code Regarding the Landmark Preservation Commission to add a non-voting student member.

ATTACHMENTS:

1. Ordinance No. MC-10-2023 - Amending Chapter 3.40 of the Winnetka Village Code - Adding Student Member to Landmark Preservation Commission

**AN ORDINANCE AMENDING CHAPTER 3.40 OF
THE WINNETKA VILLAGE CODE REGARDING
THE LANDMARK PRESERVATION COMMISSION**

WHEREAS, Title 3 of the Winnetka Village Code, as amended (*“Village Code”*), “Boards and Commissions,” establishes several subordinate boards and commissions, defines the scope of their authority and charges them with advising the Village Council on various matters lying within the scope of their authority; and

WHEREAS, Chapter 3.40 of the Village Code establishes the Landmark Preservation Commission, which currently consists of seven members; and

WHEREAS, the Village Council desires to amend Chapter 3.40 of the Village Code to add a non-voting student member to the Landmark Preservation Commission (*“Proposed Amendment”*); and

WHEREAS, the Village Council has determined that it is in the best interests of the Village and its residents adopt the Proposed Amendment;

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 as the findings of the Village Council, as if fully set forth herein.

SECTION 2: AMENDMENT TO SECTION 3.40.010 OF THE VILLAGE CODE.
Section 3.40.010, titled, “Created; Terms; Compensation,” of Chapter 3.40, titled “Landmark Preservation Commission,” of Title 3, titled, “Boards and Commissions,” of the Village Code shall be amended to read as follows:

“Section 3.40.010 Created; Terms; Compensation.

- A. Creation. There is created a Landmark Preservation Commission for the Village, consisting of seven voting members, and one or more non-voting student members.
- B. Terms. The Chairperson shall be appointed for a term of three years. The terms of the other six members of the Commission, excluding the student member(s), shall also be three years with the terms being staggered, so that the terms of two of the other members will expire each year. All members shall serve until successors are appointed and qualified, or until removed by the Village President.
- C. Compensation. Members of the Landmark Preservation Commission shall serve without compensation.

Additions are bold and double-underlined; ~~deletions are struck through~~

- D. Student Member(s).** The student member(s) shall be appointed in September of each year and shall serve through the month of August of the following year, and until a successor is appointed and qualified. Any student member may serve consecutive terms, without limitation, provided the student continues to meet the qualifications for appointment. For purposes of this section, if a student who is appointed while he or she is enrolled as a full-time student in high school or college, the student's enrollment shall be presumed to continue through the summer immediately following the academic year of appointment, regardless of whether the student enrolls for summer studies or has graduated."

SECTION 3: AMENDMENT TO SECTION 3.40.050 OF THE VILLAGE CODE.
Section 3.40.050, titled, "Meetings; Quorum," of Chapter 3.40, titled "Landmark Preservation Commission," of Title 3, titled, "Boards and Commissions," of the Village Code shall be retitled and amended to read as follows:

"Section 3.40.050 Meetings; **Vote;** Quorum.

- A. Meetings. Meetings of the Commission shall be held at the call of the Chairperson. All meetings shall be open to the public and shall be conducted in accordance with the Open Meetings Act and Chapter 3.02 of this code. The Commission shall keep minutes of its proceedings and record the vote of each member on every question, and shall keep records of its examinations and other official actions.
- B. Quorum. A majority of the members of the Commission shall constitute a quorum for the conduct of business and the Commission may act by a majority of those present. The Chairperson shall have power to vote.

- C. Vote.** The student member(s) of the Commission shall not be entitled to vote. All other members of the Commission shall be voting members.

SECTION 4: SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance 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 Ordinance to the greatest extent permitted by applicable law.

SECTION 5: EFFECTIVE DATE. This Ordinance will be in full force and effect upon its passage and approval in the manner provided by law.

[SIGNATURE PAGE FOLLOWS]

Additions are bold and double-underlined; ~~deletions are struck through~~

PASSED this ____ of August, 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: August 15, 2023

Passed and Approved: _____, 2023

Additions are bold and double-underlined; ~~deletions are struck through~~



Agenda Item Executive Summary

TITLE: Ordinance No. M-13-2023: Granting a Special Use Permit for the Operation of a Real Estate Office within the C-2 Commercial Overlay District - Compass Realty - 564 Lincoln Avenue (Introduction)

PRESENTER: David Schoon

AGENDA DATE: August 15, 2023

CONSENT: No

ITEM TYPE: Ordinances and Resolutions

ITEM HISTORY:

None

EXECUTIVE SUMMARY:

INTRODUCTION

On August 15, 2023, the Village Council is scheduled to consider Ordinance M-13-2023, an Ordinance Granting a Special Use Permit for the Operation of a Real Estate Office within the C-2 Commercial Overlay District of the Village at 564 Lincoln Avenue. The Ordinance is in response to an application submitted by Compass Illinois, Inc. (the "Applicant"), as the prospective lessee of the property located at 564 Lincoln Avenue (the "Subject Property"). (**Attachment 1**) The Applicant would be relocating its current real estate office at 851 Spruce Street to the Subject Property and requests approval of the special use permit to occupy space within the Commercial Overlay District. The Applicant would occupy an approximately 4,500-square foot space on the Subject Property, with approximately 1,500 feet of that space located in the Commercial Overlay District. (Note: Coldwell Banker, the previous tenant, had occupied 8,000 square feet of space in The Galleria building.) The portion of the proposed real estate office located outside of the Commercial Overlay District is allowed by right, so if the Applicant was planning to only occupy that portion of the subject space, the Applicant would be able to occupy the space without first securing special use permit approval.

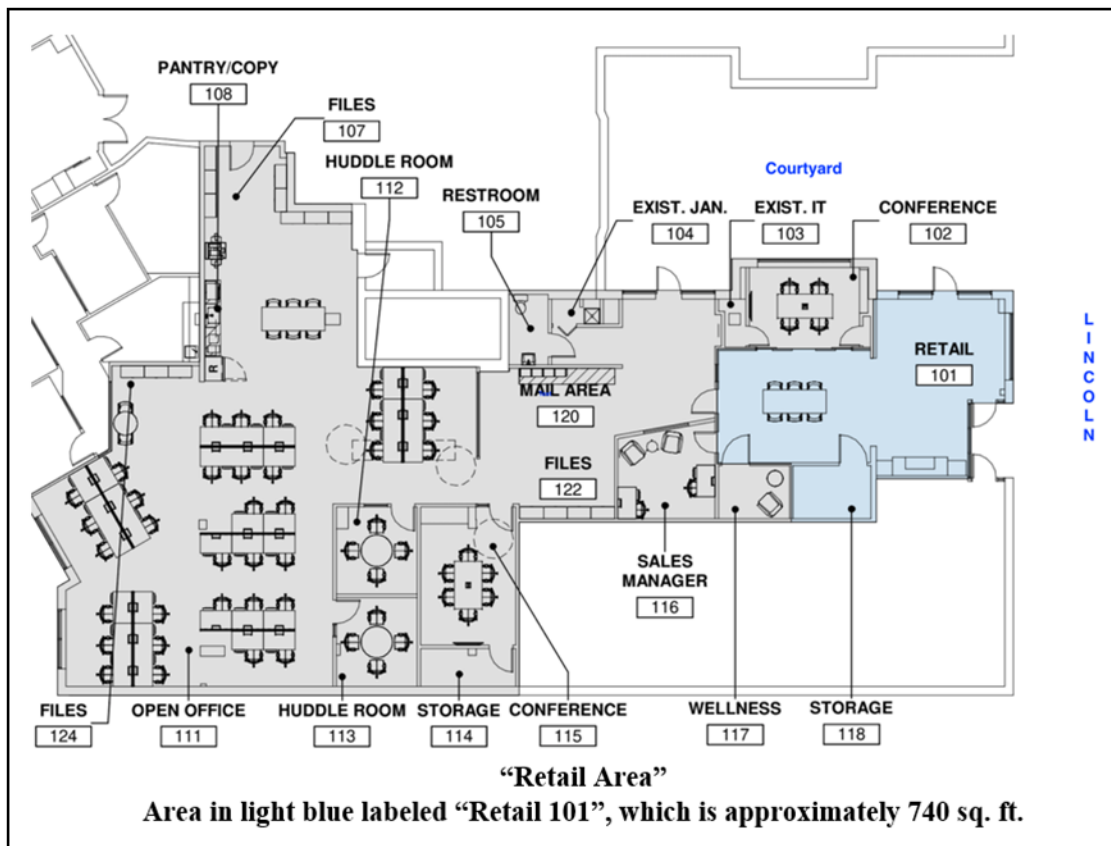
ADVISORY BOARD/COMMISSION REVIEW

The Plan Commission (PC) considered the request on July 13, 2023. **Attachment 3** includes the staff report to the PC and the meeting minutes, which summarize the request. There were no public comments received prior to the PC meeting or at the meeting, nor have any comments been received since the PC meeting. After hearing from the Applicant and the Applicant's legal counsel, the PC had a lengthy discussion regarding a real estate office with a "pop-up retail" component (which the Applicant is now referring to as a "Retail Area") locating within the 50-foot deep C-2 Commercial Overlay District and if it met the standards for granting special use approval in the Overlay District. Several members of the PC asked what measures were taken by the property owner, 562-72 Lincoln Avenue, LLC (Hoffmann Commercial Real Estate), to lease space to a tenant that would not require a special use permit. The property owner, or its representative, were not in attendance at the PC meeting. The Applicant was advised at the PC meeting that the property owner, or a representative for the property

owner, should be in attendance at the Village Council meeting when the request is considered.

PC members who voted to recommend approval noted that the Subject Property is located on the fringe of the Overlay District, rather than within the central hub of the East Elm District. Those same members noted that they are not concerned with the Applicant's use diminishing the availability of parking in the area. Members who voted against recommending approval expressed regret about recommending approval to allow Coldwell Banker to occupy the Subject Property in 2017. Additionally, those members felt that the landlord should do more to find an appropriate tenant that would further enhance the successful retail shops and restaurants on Lincoln Avenue, rather than having a tenant that does not add the retail vibrancy to the commercial district that other uses could. Ultimately, by a vote of 4-2, the PC recommended approval of the request.

Since the PC meeting, the Applicant has provided a revised response to the standards for granting a special use within the Overlay District as well as an addendum illustrating how they intend to utilize the Retail Area, approximately 740 square feet in the front space of the Subject Property, and an example of how the Applicant has incorporated retail spaces in another Compass location. In the new materials submitted by the Applicant, they represent their intent is to find retail tenants on a longer term basis rather than on a shorter term "pop-up basis". This additional supporting documentation is provided in **Attachment 2**. Additionally, the Applicant has proposed some conditions of approval for the Village Council to consider specific to the Retail Area, which have been incorporated into Section 3, Conditions, of Ordinance M-13-2023. Staff had a couple of conversations with the Applicant regarding its development of the proposed conditions, during which staff encouraged the Applicant to be as clear and specific as possible regarding its proposed use of the "Retail Area".



Regarding the leasing of the space the Applicant is proposing to occupy, the space became vacant in June 2022. In support of the landlord's efforts to lease the space, the Village's Economic Development Coordinator spoke with multiple tenants that the landlord's leasing agent identified as interested in the space, including a national jeweler, a yoga studio, and a med spa. She also connected other

commercial real estate brokers representing national clients with Hoffmann Commercial Real Estate; however, none of those potential tenants followed up with her or the leasing agent for various reasons, such as not wanting to pursue the Village's special use permit and not wanting to rent the full 8,000 square foot space.

RECOMMENDATION:

Given the Plan Commission recommendation was not unanimous, the Council will consider introduction of Ordinance M-13-2023.

ATTACHMENTS:

1. Ordinance M-13-2023, An Ordinance Granting a Special Use Permit for the Operation of a Real Estate Office within the Commercial Overlay (564 Lincoln)
2. Additional Documentation Provided by Applicant Subsequent to July 13, 2023, PC Meeting
3. PC Staff Report and Attachments for July 13, 2023, meeting, and July 13, 2023, PC Meeting Minutes

ATTACHMENT 1

ORDINANCE NO. M-13-2023

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR THE OPERATION OF A REAL ESTATE OFFICE WITHIN THE C-2 COMMERCIAL OVERLAY DISTRICT OF THE VILLAGE (564 Lincoln Avenue)

WHEREAS, Compass Illinois, Inc., an Illinois corporation ("***Applicant***"), is the prospective lessee of the property commonly known as 564 Lincoln Avenue, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance ("***Subject Property***"); and

WHEREAS, 562-72 Lincoln Avenue, LLC, an Illinois limited liability company ("***Owner***"), is the record title owner of the Subject Property; 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 Commercial Overlay District***"); and

WHEREAS, the Applicant desires to operate a real estate office on the Subject Property; and

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

WHEREAS, on May 24, 2023, the Applicant filed an application for a special use permit pursuant to Section 17.44.020.B and Chapter 17.56 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, the Applicant also intends to incorporate and provide for a portion of the real estate 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, on July 13, 2023, after due notice thereof, the Plan Commission conducted a public hearing on the proposed Special Use Permit and, by a vote of four in favor and two opposed, recommended that the Village Council approve the Special Use Permit; and

WHEREAS, the Village Council has determined that approval of the proposed Special Use Permit for the operation of a real estate office at the Subject Property, including the Pop-Up Retail Area, satisfies the standards for the approval of special use permits within the C-2 Commercial 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 do 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 establishment and operation of a real estate office by the Applicant at the Subject Property within the C-2 Commercial 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 real estate office use no later than 12 months after the effective date of this Ordinance.
- B. **Retail Area.**
 - 1. Beginning on September 1, 2023, the Applicant shall provide a Retail Area, which shall be made available to third-party retail users that are permitted uses, and not special uses, in the Commercial Overlay District and preferably on a long term basis to display goods for sale to the general public (“**Vendors**”).
 - 2. The Retail Area shall at a minimum consist of the eastern portion of the Subject Property and include display windows along Lincoln Avenue as well as along the courtyard of the Galleria Building, identified as “Retail 101” on the floor plan submitted by the Applicant (“**Retail Area**”), 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”)**.
 - 3. The Retail Area shall be used only for the display of retail goods that can be viewed by customers and directly purchased while in the Retail Area, or viewed by customers and ordered for delivery to a customer’s home or business. The Retail Area shall be occupied with goods available for purchase at all times. For those periods during which a Vendor is not occupying the Retail Area, the Applicant shall maintain a ‘Compass Boutique’ in the Retail Area replicating a point of sale operation with Compass branded apparel, accessories for the home and office, and related products available for purchase by the general public.
 - 4. The Retail Area shall be open to the public during at least from Monday through Friday, 10:00 am to 5:00 pm (“**Business Hours**”) and be staffed during Business Hours by the Vendor, or in the absence of the Vendor’s representative, by Applicant’s reception staff.

5. The Applicant shall actively and continuously market the Retail Area to Vendors when unoccupied, and the Applicant must work with commercial brokers, the Winnetka-Northfield Chambers of Commerce and other chambers of commerce, and the Village to identify potential Vendors to use the Retail Area.
 6. The Applicant shall prepare a plan for shared window signage for the Applicant and Vendor for review and approval by the Village's Design Review Board. The plan must provide for window signage on the Subject Property that identifies the Vendor and Applicant. All signage must comply with the Village's sign regulations. 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. The Applicant shall also submit to the Design Review Board for approval of all other proposed signage including the proposed blade sign, as illustrated in **Exhibit C**.
 7. Prior to the Applicant or first Vendor occupying the Retail Area, the Applicant must schedule an appointment with the Village's Fire Department and Community Development Department to review how the Retail Area will be used by Vendors and the public to ensure that the use of the 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 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.

SECTION 4: RECORDATION; BINDING EFFECT. A copy of this Ordinance shall be recorded with the Cook County Clerk's Recordings Division. 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 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 D** 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 and Owner do 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 ____ 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

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.

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

PARCEL INDEX NUMBERS: 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

Retail 101 approximately 740 sq. ft.

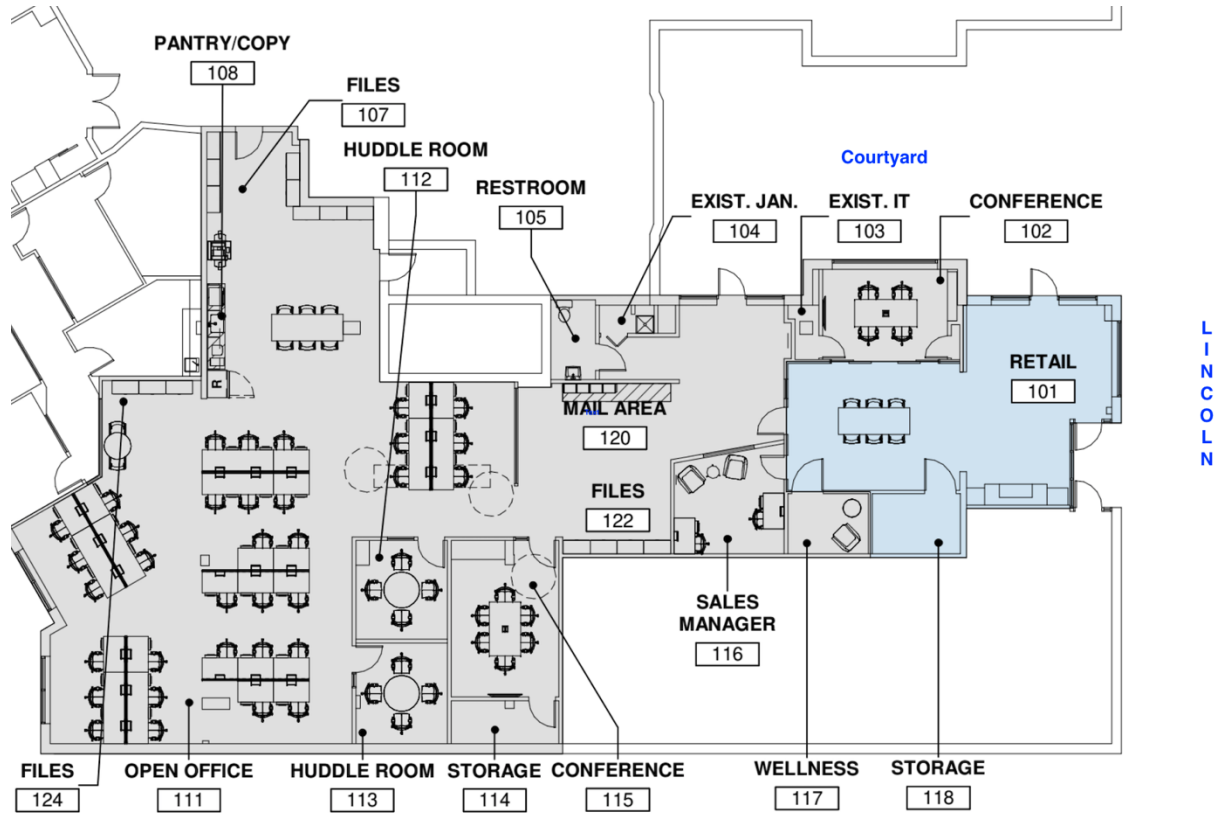


EXHIBIT C



EXHIBIT D
UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Compass Illinois, Inc., an Illinois corporation ("*Applicant*"), desires to operate a real estate office located at 564 Lincoln Avenue in the Village ("*Subject Property*"); and

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

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

WHEREAS, Ordinance No. M-13-2023, adopted by the Village Council on _____, 2023 ("*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 Commercial Overlay District of the Village; 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:

1. 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.

2. 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.

3. 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.

4. 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.

5. 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: _____, 2023

ATTEST:

COMPASS ILLINOIS, INC.

By: _____

By: _____

Its: _____

ATTEST:

562-72 LINCOLN AVENUE, LLC

By: _____

By: _____

Its: _____

ATTACHMENT 2 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 retailers in the same manner as Coldwell Banker, specifically targeting local/community organizations that would benefit from a storefront. When retailers 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

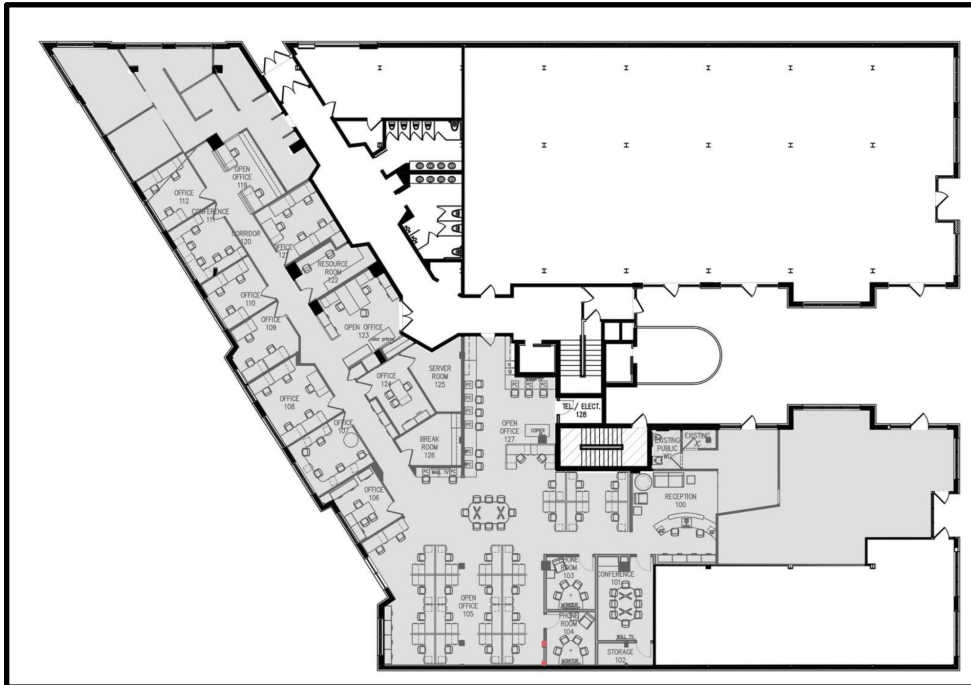
Coldwell Banker Operation: After approval of their SUP in 2017, Coldwell Banker occupied ~9,339 square feet of space at the Galleria (note, square footage is gathered from original SUP application Case No. 17-22-SU). Their operation had over 100 agents associated with the office.

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.

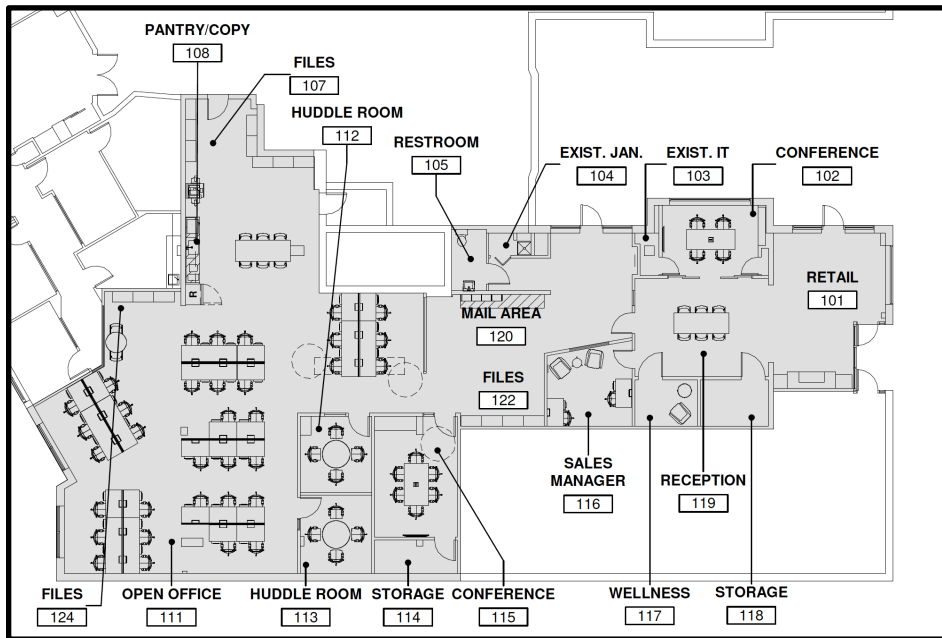
Coldwell Banker

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

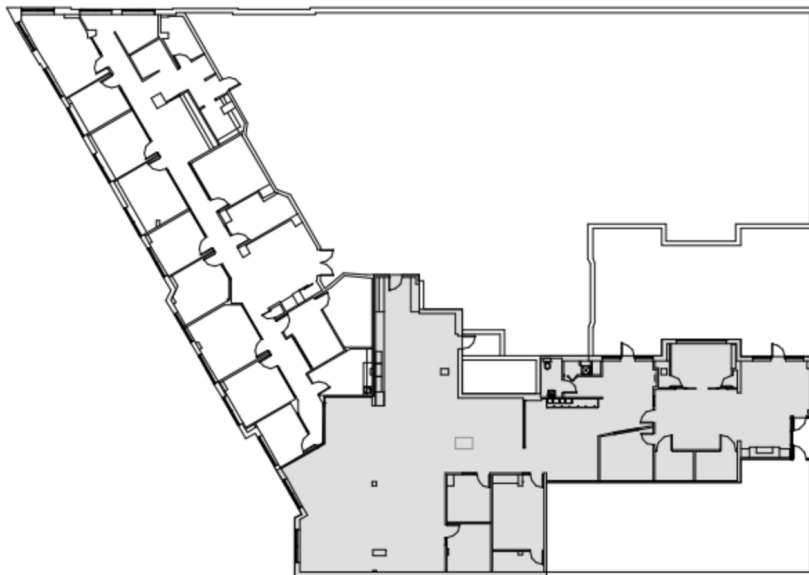


Compass

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



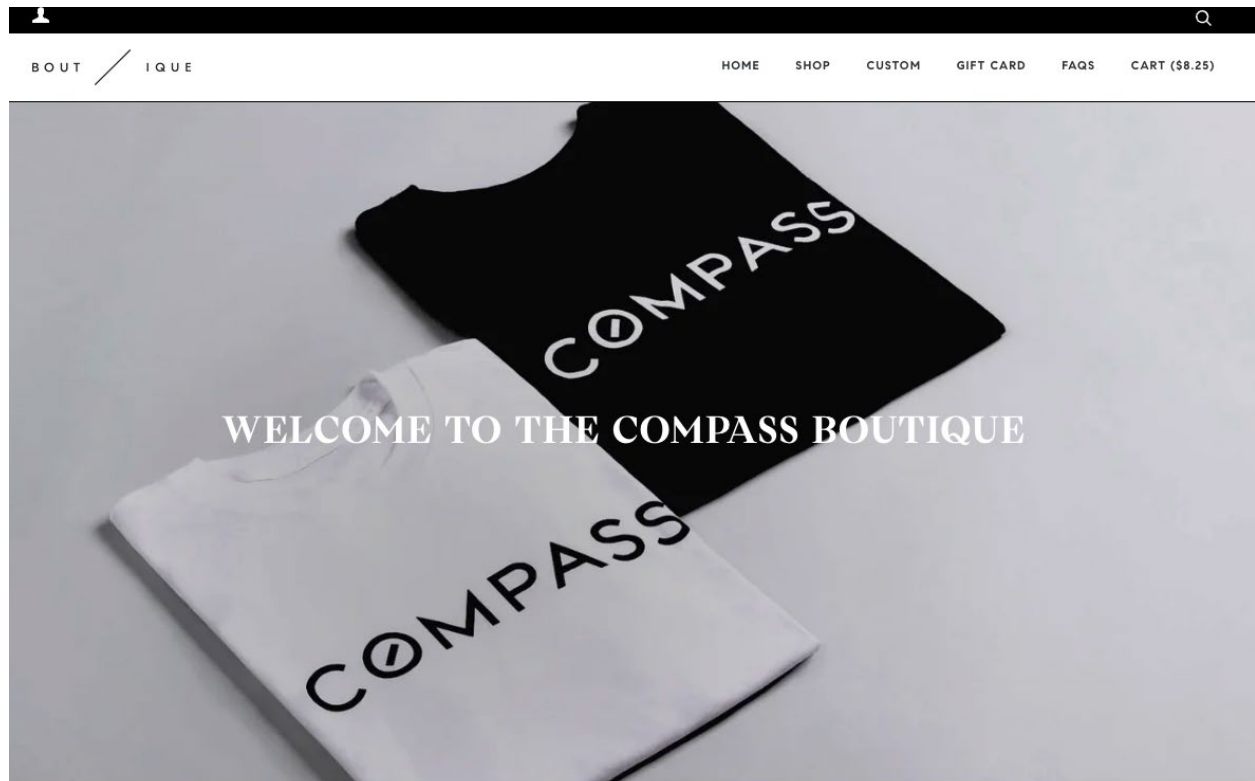
Portion of former Coldwell Space Occupied by Compass Shown in Grey



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, except the retail activity will be more robust. as set forth below . 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 applicant has identified four possible retailers and currently they are in active discussions with all four. These potential retailers are as follows:

- [Anne Loucks Gallery](#): The Anne Loucks Gallery specializes in contemporary American painting, sculpture and works on paper. Since its founding in 2001, the Gallery has established a reputation for its exceptional group of artists, innovative exhibitions, warm environment, and knowledgeable client service. The Gallery curates six to eight exhibitions annually, dedicating half of its space to the current show and half to an ongoing exhibition of work by Gallery artists.
 - 564 Lincoln Operation: "I love the idea of a small gallery space on Lincoln. I can see an ongoing exhibition program focusing on solo shows that would change every two months."
- [The Gift Studio](#): The Gift Studio curates memorable gifts for those who appreciate the art of meaningful exchange. Whether it's to on-board a new employee, celebrate the purchase of a new home, or welcome out of town guests to an event, each gift is thoughtfully designed and topped with a custom note.
 - 564 Lincoln Operation: The Gift Studio would merchandise the retail area with pre-packaged gift boxes as well as meet with clients by appointment to curate custom gift boxes.
- [Twisted Trunk](#): The Twisted Trunk is a high end consignment store for home furnishings as well as an operator of Estate Sales. They currently have two retail locations in Glenview.

- 564 Lincoln Operation: Twisted trunk would set up a showroom to consign high end furniture as well as advertise for their estate sale business.
- [Gillson Beach Clothing](#): Gillson Beach is a new, locally owned clothing brand celebrating Gillson Beach.
 - 564 Lincoln Operation: This would be the first Brick and Mortar operation for Gillson Beach as they currently only sell online.

Any one of these retailers allow the space to 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 is discussing with all four retailers and each signage and display windows will enhance the neighboring retail uses. An example of the proposed signage is attached

- 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 is committed to providing a retail element immediately adjacent to the sidewalk that will be 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**

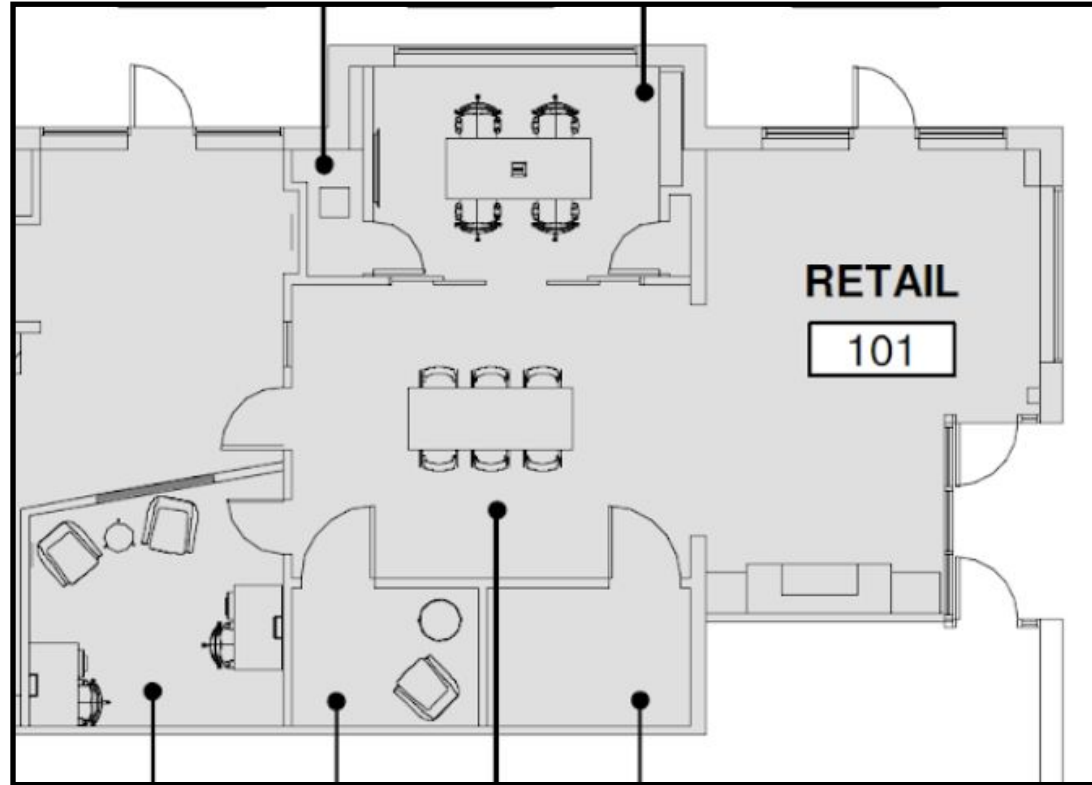
Per the discussion above, Compass's lease agreement provides for 8 underground parking spaces. The majority of the time, this will satisfy the agent count in the office. If there are more than 8 agents on-site, we will use the public

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.

Compass Winnetka

Retail Addendum

*Compass proposes to lease
the Retail 101 space to local
businesses throughout its
tenure at 564-568 Lincoln*



Likely First Retailer

Anne Loucks Gallery specializes in contemporary American painting, sculpture and works on paper.

Since its founding in 2001, the Gallery has established a reputation for its exceptional group of artists, innovative exhibitions, warm environment, and knowledgeable client service. The Gallery curates six to eight exhibitions annually, dedicating half of its space to the current show and half to an ongoing exhibition of work by Gallery artists.

“I love the idea of a small gallery space on Lincoln. I can see an ongoing exhibition program focusing on solo shows that would change every two months.”





Potential Retailers



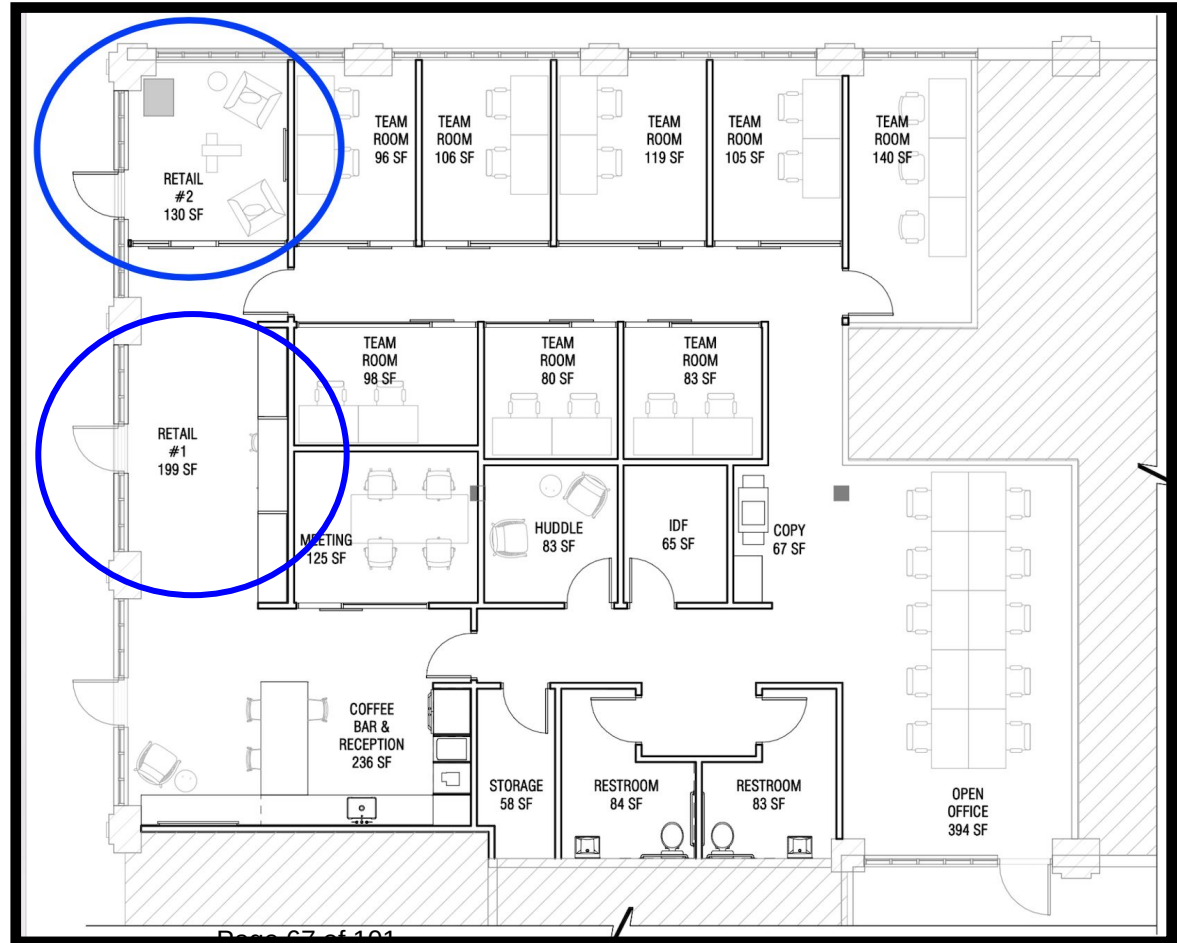
Compass Retail Example

Montclair, NJ

Current Example of Retail in
Compass Office: Montclair, NJ

Retail 1: 'Illuminate Foods'

Retail 2: Birgitte Pearce Design









BIRGITTE PEARCE DESIGN





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.

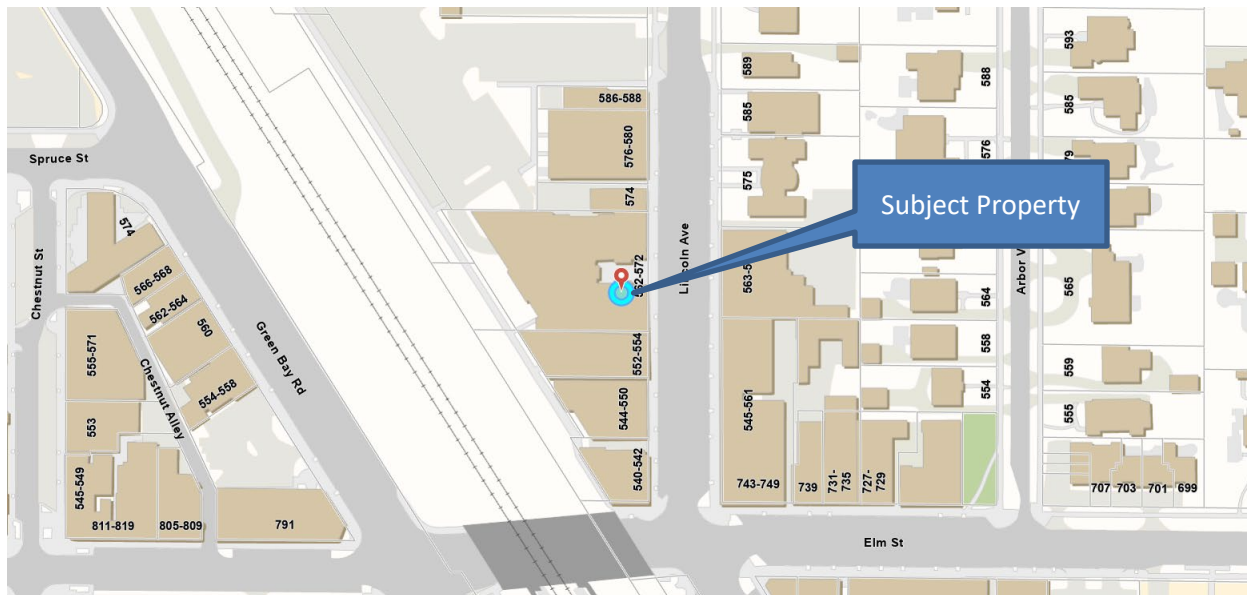


Figure 1 – Subject Property – 564 Lincoln Avenue

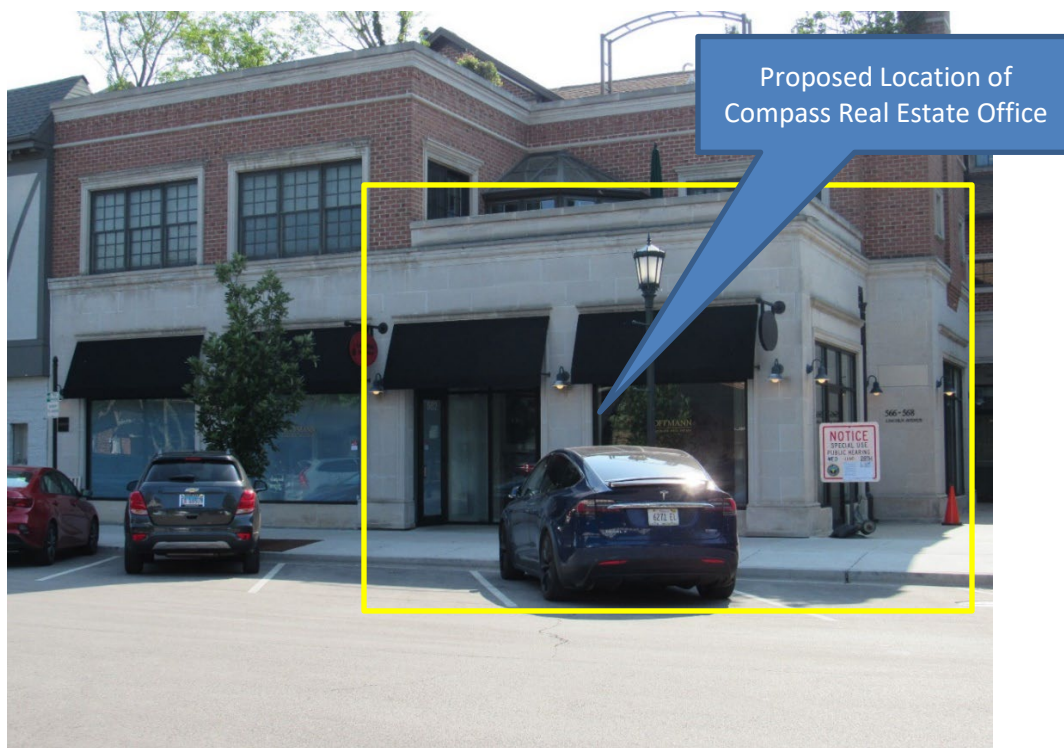


Figure 2 – Subject Property – 564 Lincoln Avenue



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.

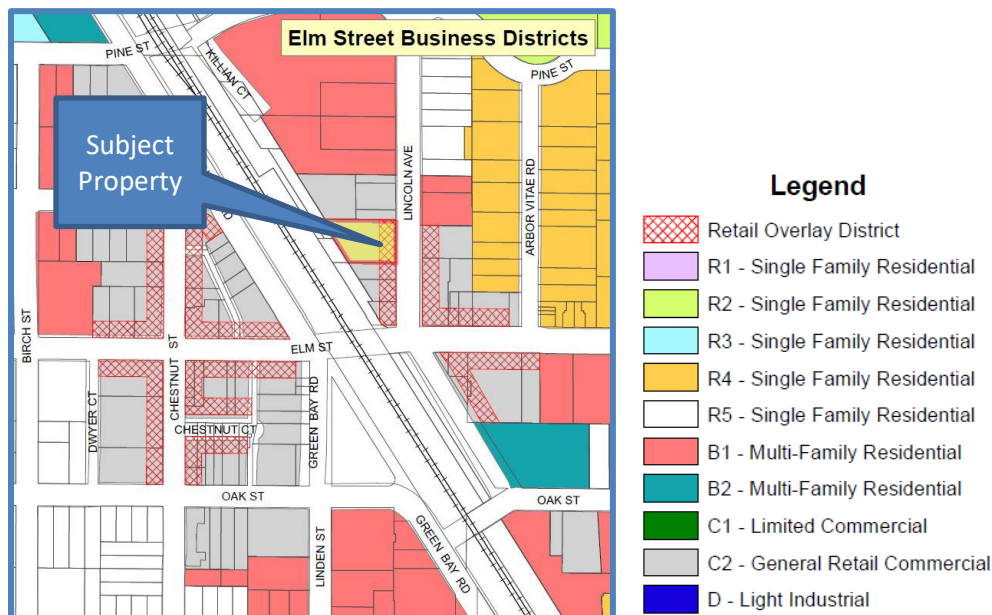


Figure 5 – Elm Street Business Districts

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.

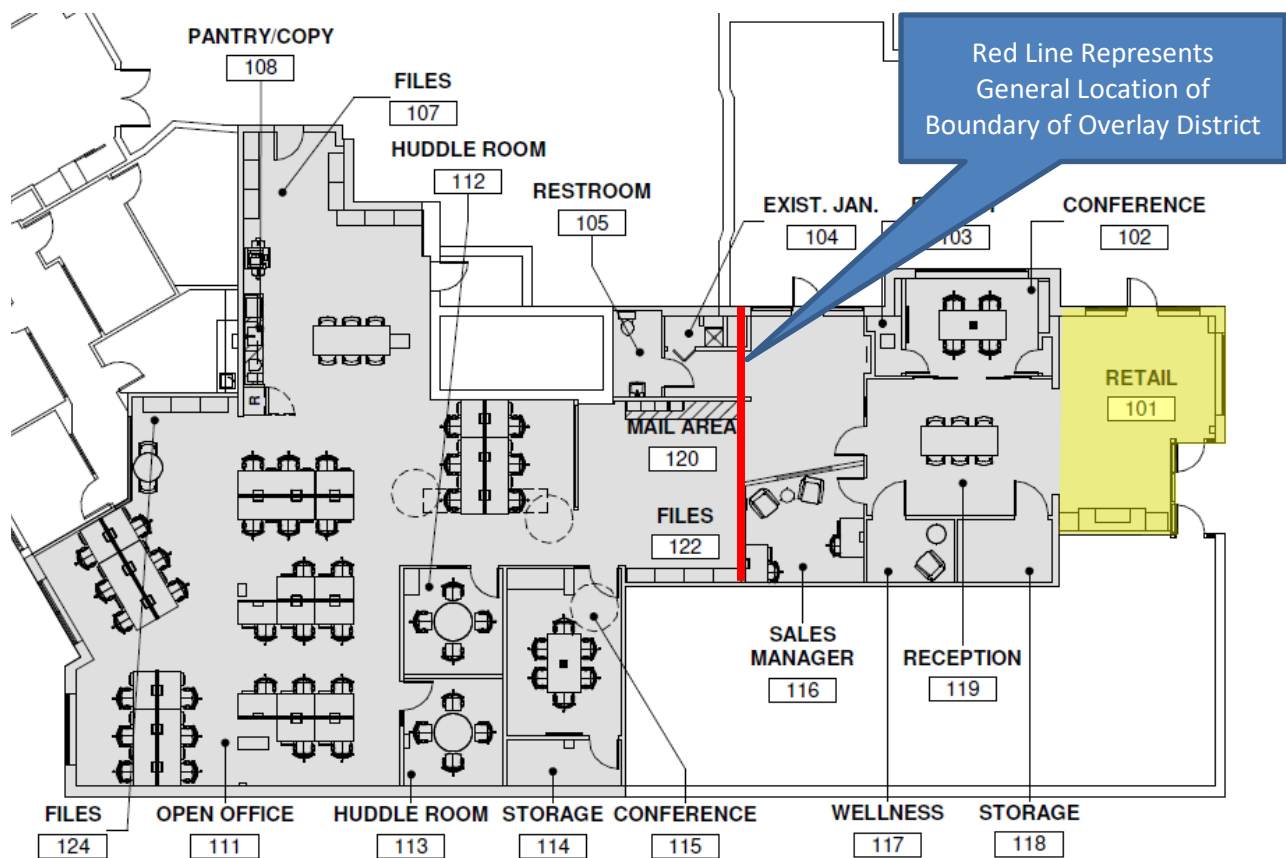


Figure 6 – Excerpt of Proposed Floor Plan

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
SPECIAL USE PERMIT APPLICATION

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

SU2023-482

Applicant Information

COMPASS ILLINOIS, INC.
Name: 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

562-72 LINCOLN AVENUE, LLC,
Name: 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

Ware Malcomb
Name: 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

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

DocuSigned by:
Applicant Signature Jonathan Satz
DocuSigned by:
Property Owner Signature Jenn Epstein
010D885A300A4D7...
Printed Name of Owner: Jenn Epstein

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

MAY 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

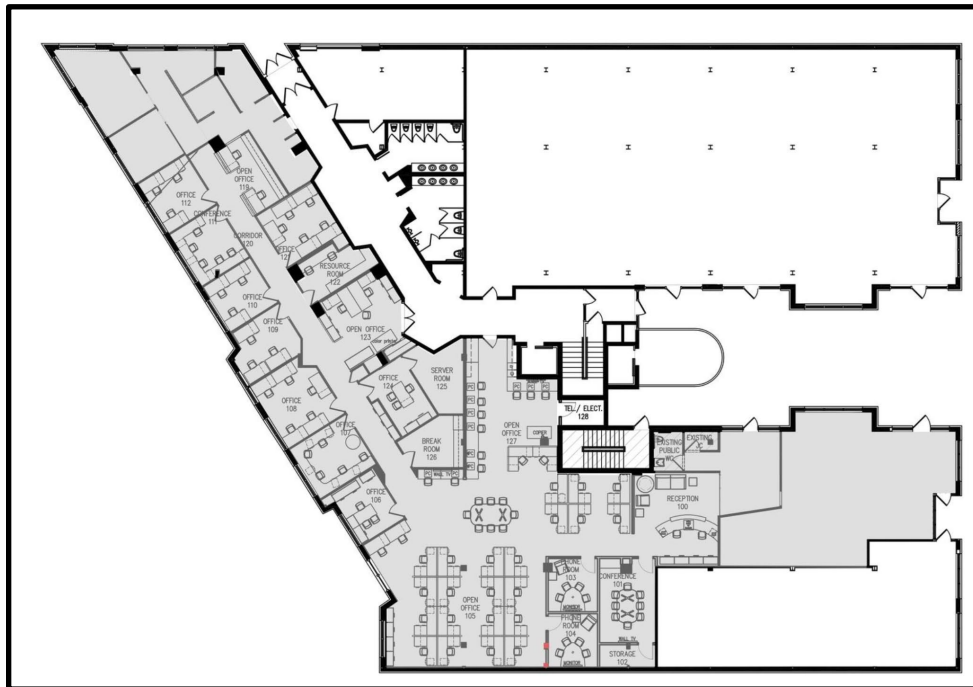
Coldwell Banker Operation: After approval of their SUP in 2017, Coldwell Banker occupied ~9,339 square feet of space at the Galleria (note, square footage is gathered from original SUP application Case No. 17-22-SU). Their operation had over 100 agents associated with the office.

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.

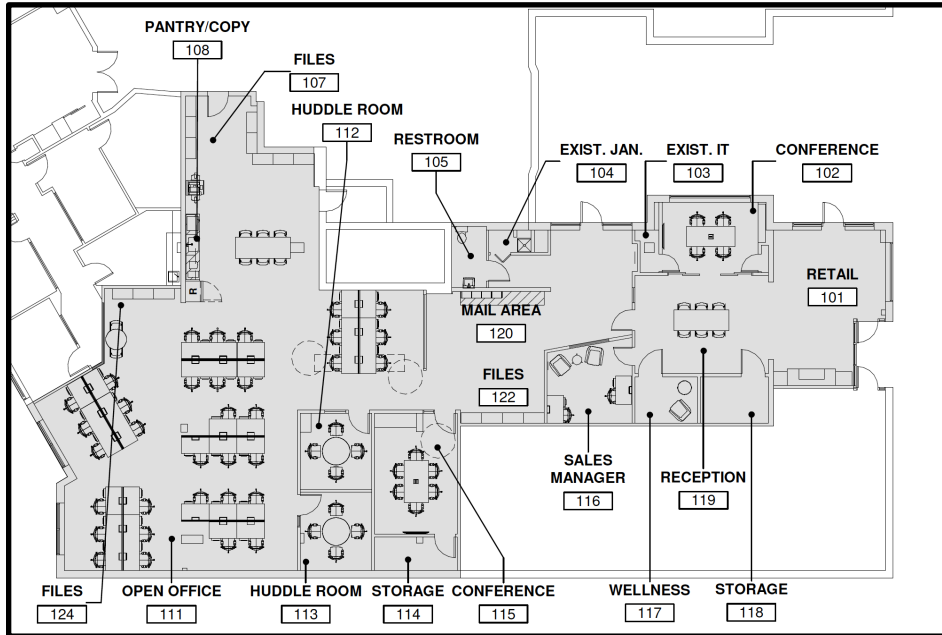
Coldwell Banker

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

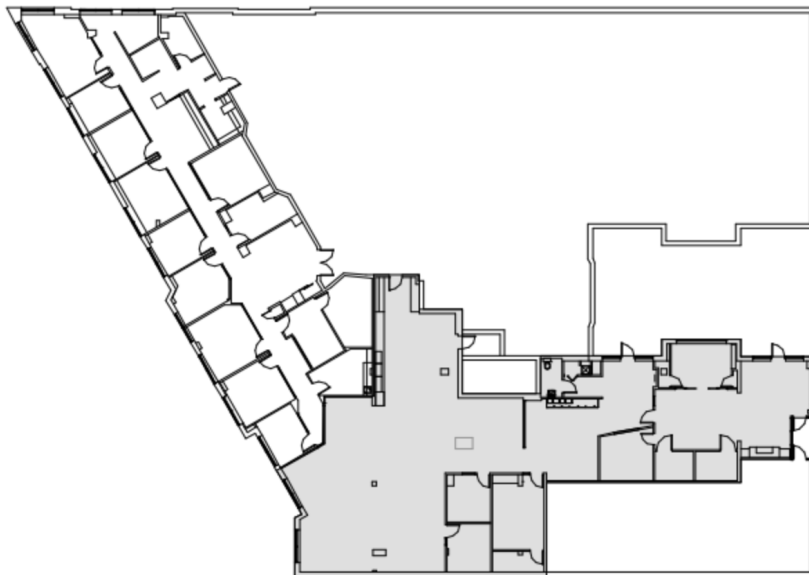


Compass

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



Portion of former Coldwell Space Occupied by Compass Shown in Grey



Proposed Signage

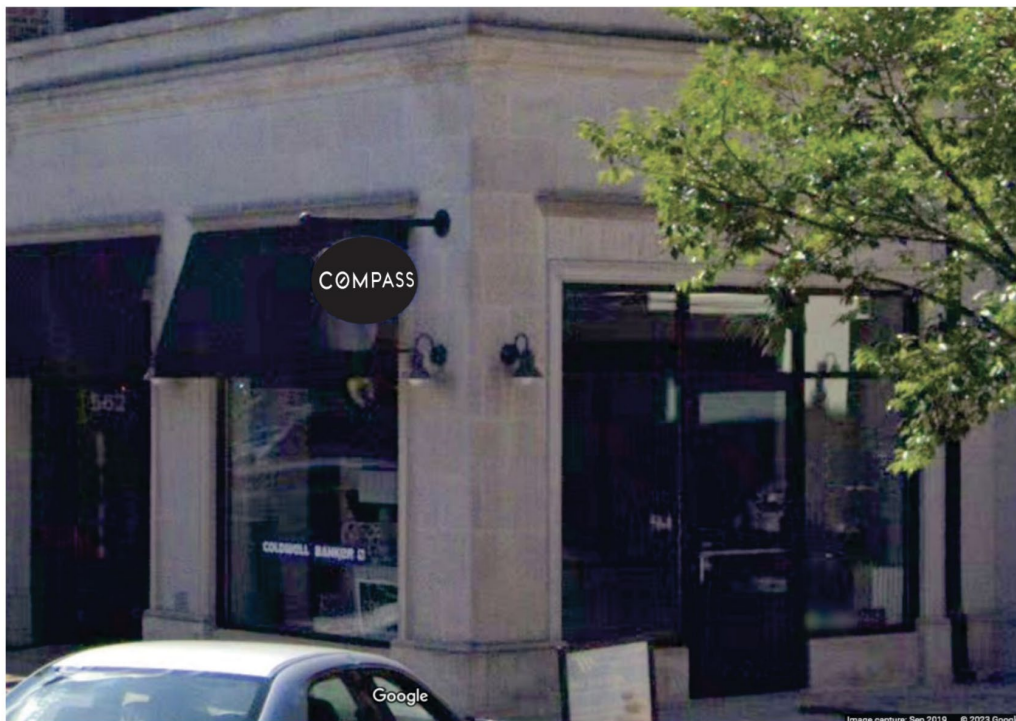
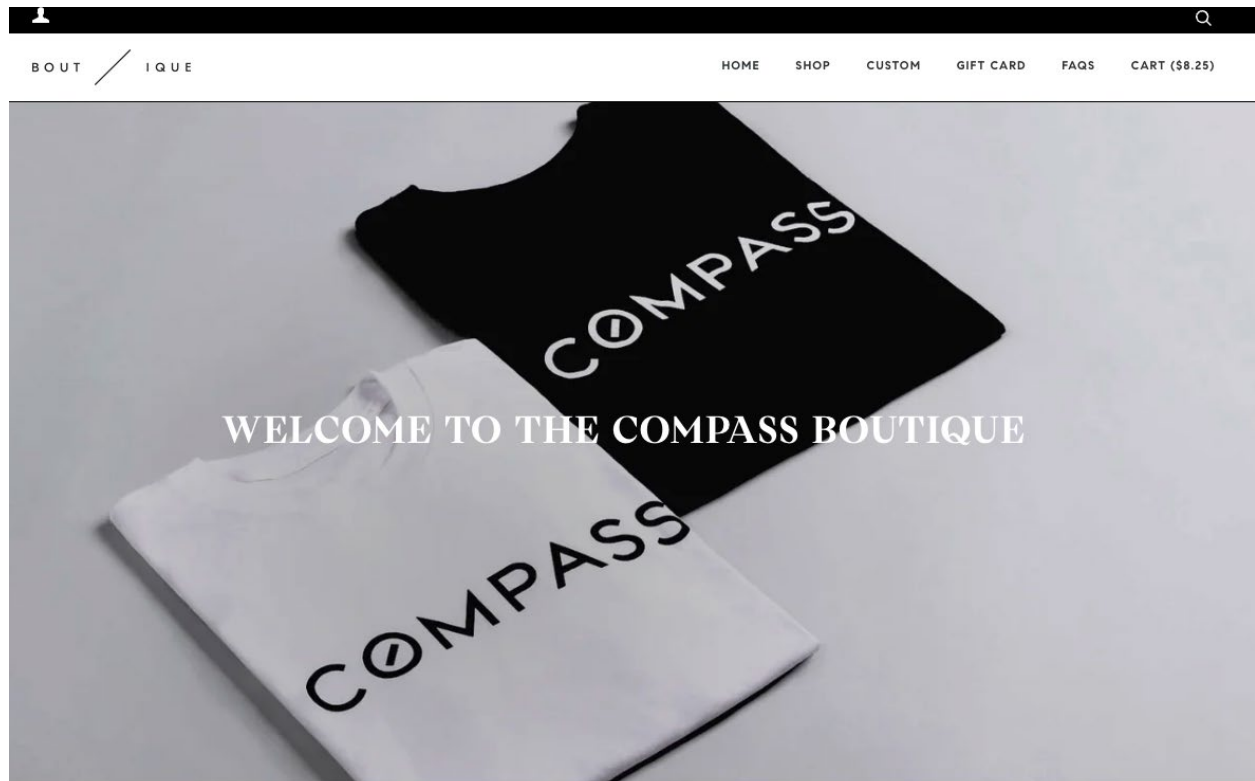


Image of Compass Boutique



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

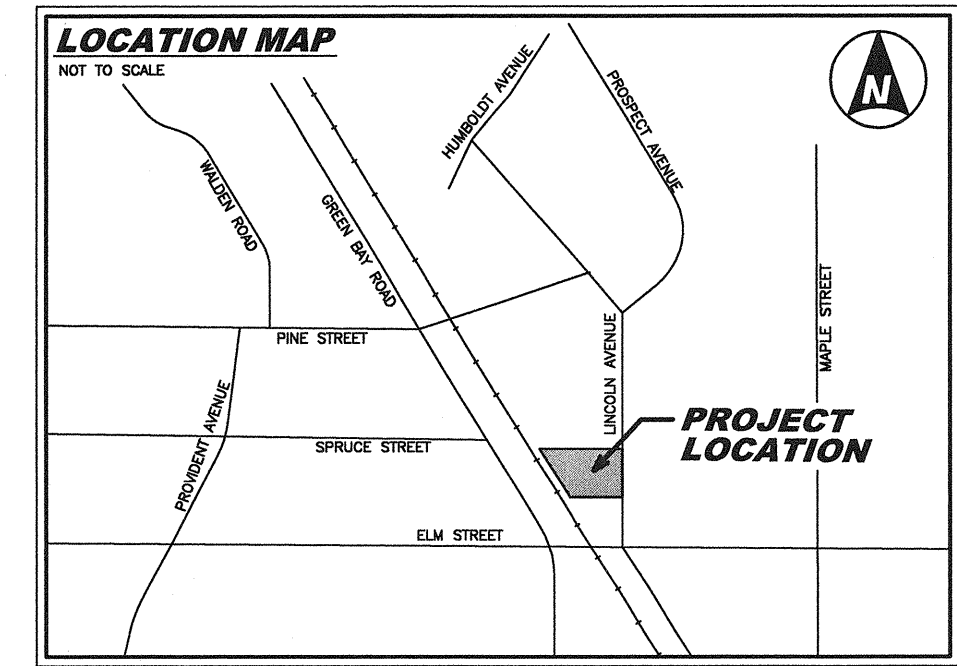
the sidewalk and will clearly be visible to pedestrian traffic, thereby creating a retail environment similar to other stores on the block.

- 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**

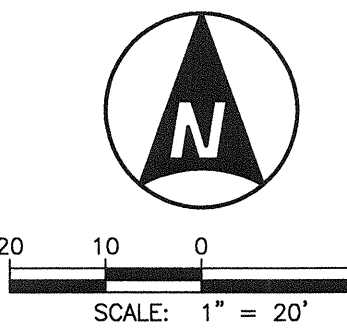
Per the discussion above, Compass's lease agreement provides for 8 underground parking spaces. The majority of the time, this will satisfy the agent count in the office. If there are more than 8 agents on-site, we will use the public lot adjacent to the office. Clients will be directed to park in available 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

LEGEND:

- SANITARY SEWER
- STORM SEWER
- COMBINED SEWER
- WATER MAIN
- FORCE MAIN
- UNDERDRAIN
- CABLE TV LINE
- ELECTRIC LINE
- FIBER OPTIC LINE
- GAS LINE
- TELEPHONE LINE
- OVERHEAD WIRE
- 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)
- HANDHOLE (HH)
- TELEPHONE MANHOLE (TMH)
- 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)
- CLF CHAIN LINK FENCE
- ACU AIR CONDITIONER UNIT
- B/WALL BOTTOM OF WALL
- DEED
- DIP DUCTILE IRON PIPE
- EM ELECTRIC METER
- FF FINISHED FLOOR
- GAR/F GARAGE FLOOR
- GF GRADE AT FOUNDATION
- GM GAS METER
- HMA HOT MIX ASPHALT
- INV INVERT
- M MEASURED
- PVC POLYVINYL CHLORIDE PIPE
- R RECORD
- RCP REINFORCED CONCRETE PIPE
- SAN SANITARY
- SBM SITE BENCHMARK
- ST STORM
- STR STRUCTURE
- T/F TOP OF FOUNDATION
- T/P TOP OF PIPE
- T/WALL TOP OF WALL
- TRANS TRANSFORMER
- CONCRETE (CONC)
- GRAVEL
- HOT MIX ASPHALT (HMA)
- BUILDING
- BARRIER CURB
- B 6.12 CURB & GUTTER
- DEPRESSED CURB

TABLE A OPTIONS

(CHECKED IF INCLUDED)

- MONUMENTATION
- ✓ ADDRESS(ES)
- ✓ FLOOD ZONE
- ✓ LAND AREAS
- ELEVATIONS
- CURRENT ZONING CLASSIFICATION
- CURRENT ZONING CLASSIFICATION AND RESTRICTIONS
- BUILDING DIMENSIONS
- BUILDING AREAS(EXTerior FOOTPRINTS)
- OTHER BUILDING AREAS
- BUILDING HEIGHT
- ✓ VISIBLE IMPROVEMENTS
- ✓ PARKING STRIPING
- DETERMINATION OF PARTY WALLS
- DETERMINATION OF PARTY WALLS(PLUMB)
- ✓ UTILITIES OBSERVED EVIDENCE
- UTILITIES OBSERVED EVIDENCE W/PLANS & MARKINGS
- GOVERNMENTAL AGENCY REQUIREMENTS
- NAMES OF ADJOINING OWNERS
- DISTANCE TO NEAREST INTERSECTING STREET
- RECTIFIED ORTHOPHOTOGRAPHY
- EVIDENCE OF EARTH MOVING/BUILDING CONSTRUCTION
- CHANGES IN RIGHT OF WAY
- EVIDENCE OF WASTE DUMP
- LOCATION OF WETLANDS(DELINEATED BY OTHERS)
- LOCATE IMPROVEMENTS WITHIN OFFSITE EASEMENT
- MONUMENTS PLACED AT CORNERS WITHIN OFFSITE EASEMENT
- PROFESSIONAL LIABILITY INSURANCE

GENERAL NOTES:

- ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.
- 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.
- COMPARE DEED DESCRIPTION AND SITE CONDITIONS WITH THE DATA GIVEN ON THIS PLAT AND REPORT AND DISCREPANCIES TO THE SURVEYOR AT ONCE.
- NO DIMENSIONS SHALL BE DERIVED FROM SCALE MEASUREMENTS.
- 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 0010984912 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-153-98, 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 98030413, 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 1, 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.I.E. AT 1-800-892-0123 FOR EXACT LOCATION OF BURIED UTILITIES PRIOR TO DIGGING.

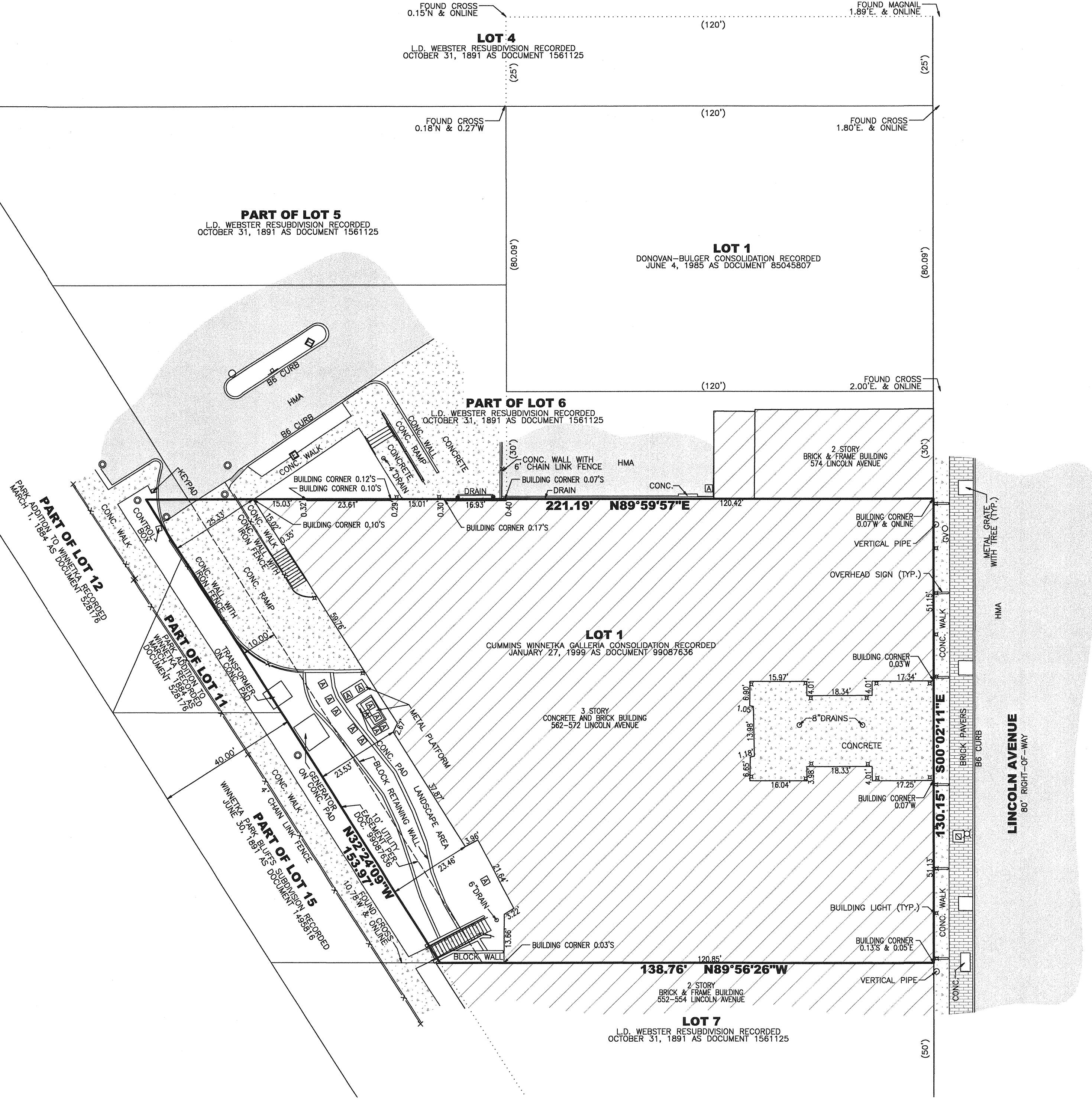
4. OBSERVABLE ABOVE GROUND UTILITIES AND ABOVE GROUND EVIDENCE OF UNDERGROUND UTILITIES LOCATED AND SHOWN HEREON.

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 UPON 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.



SURVEYOR'S CERTIFICATE:

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

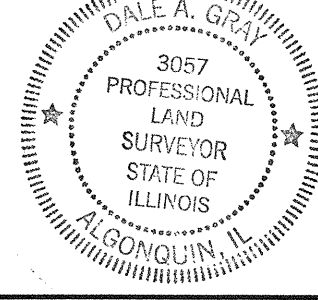
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 7(g), 8, 9 AND 11(c) OF TABLE A THEREOF.

THE FIELD WORK WAS COMPLETED ON 10/21/2015.

DATE OF PLAT OR MAP: 10/26/2015

DALE A. GRAY
EMAIL: dgray@mgdlandconsult.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.



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

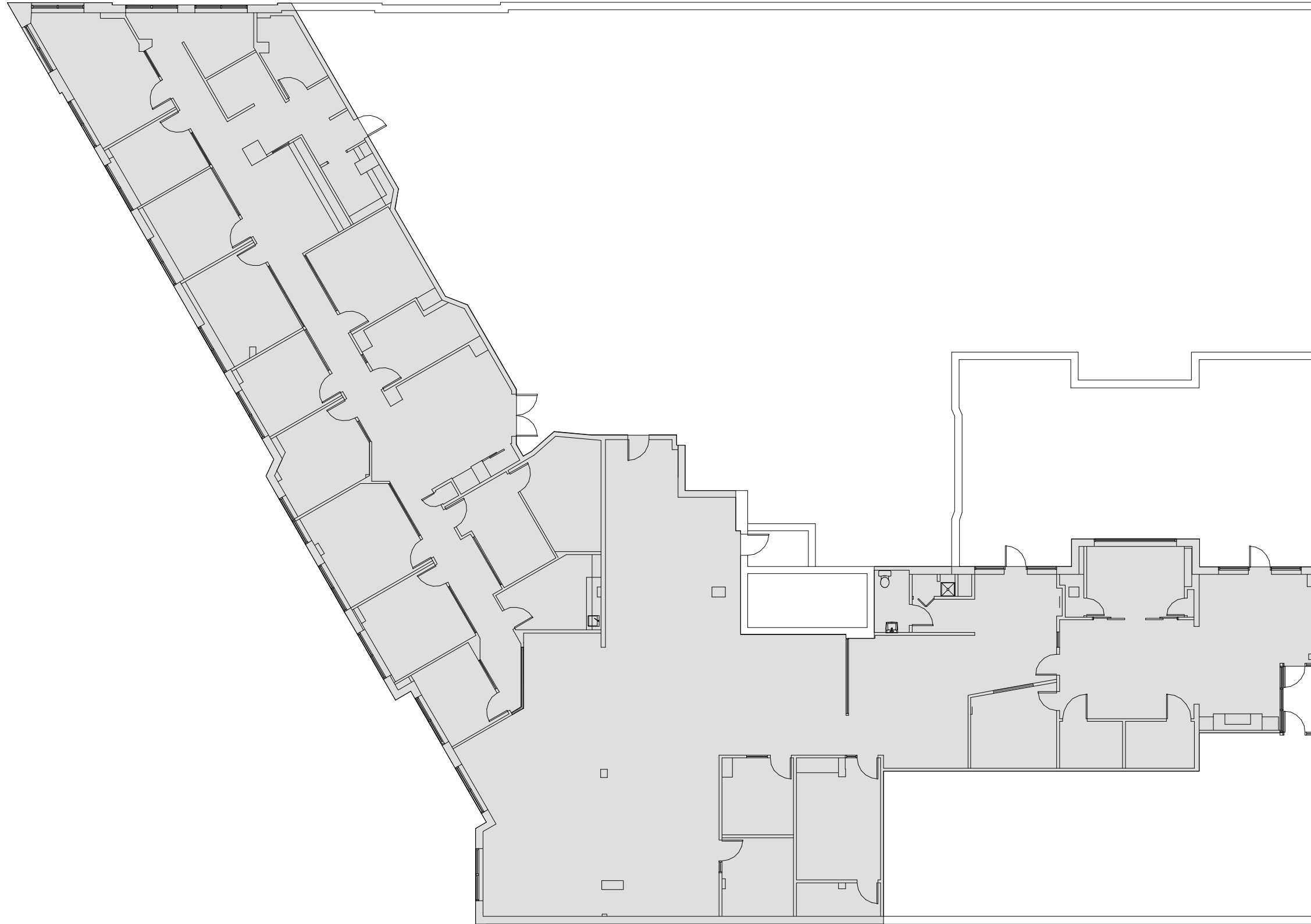
		DESIGNED	
		DRAWN	GKF
		APPROVED	DAG
		DATE	10/26/15
DATE	DESCRIPTION OF REVISION	BY	SCALE 1" = 20'

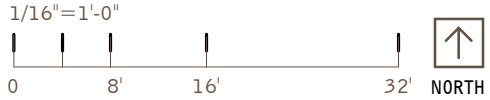
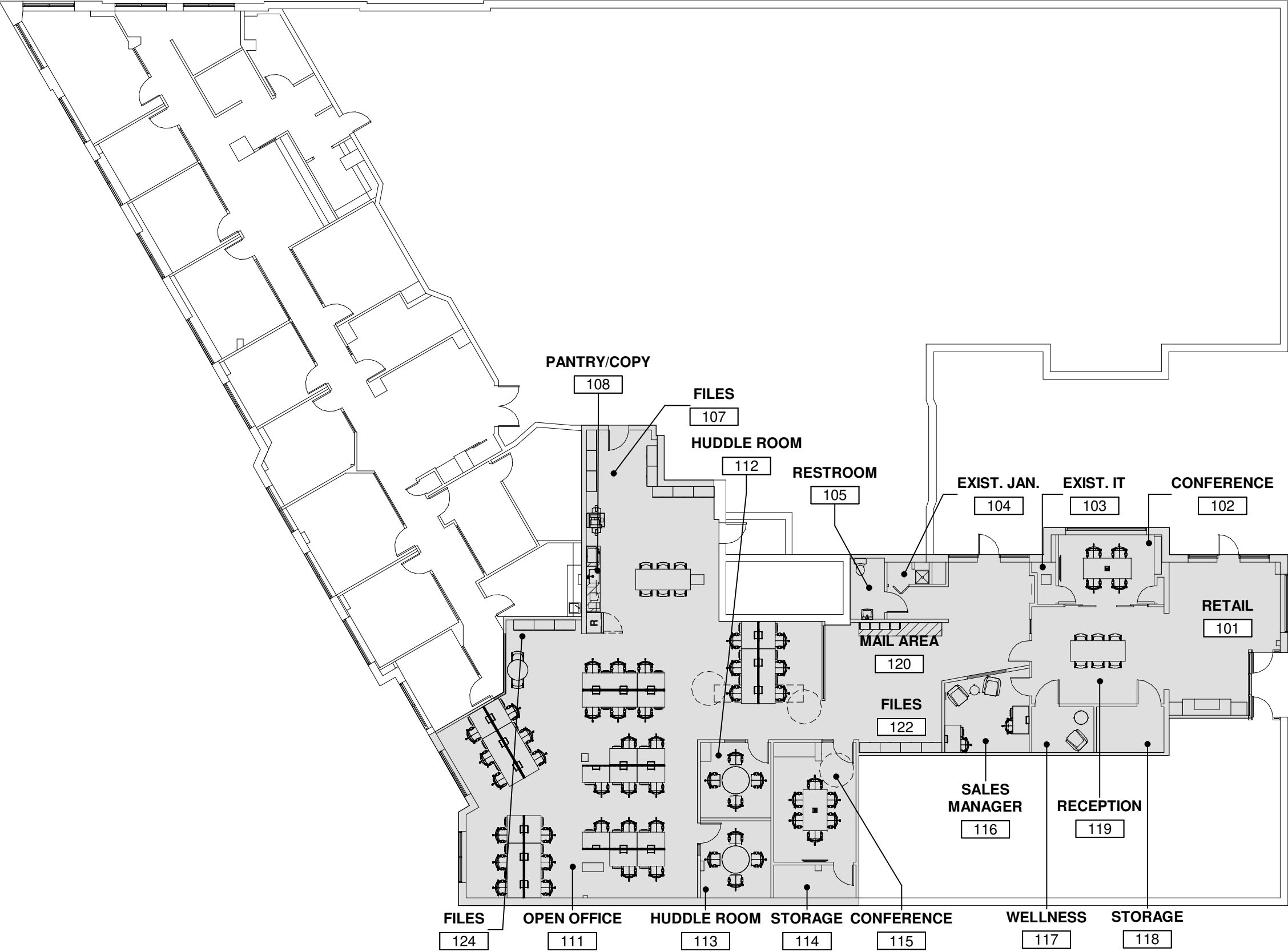
ALTA/ACSM LAND TITLE SURVEY
562 LINCOLN AVENUE
WINNETKA, ILLINOIS

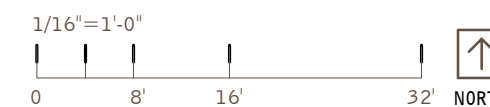
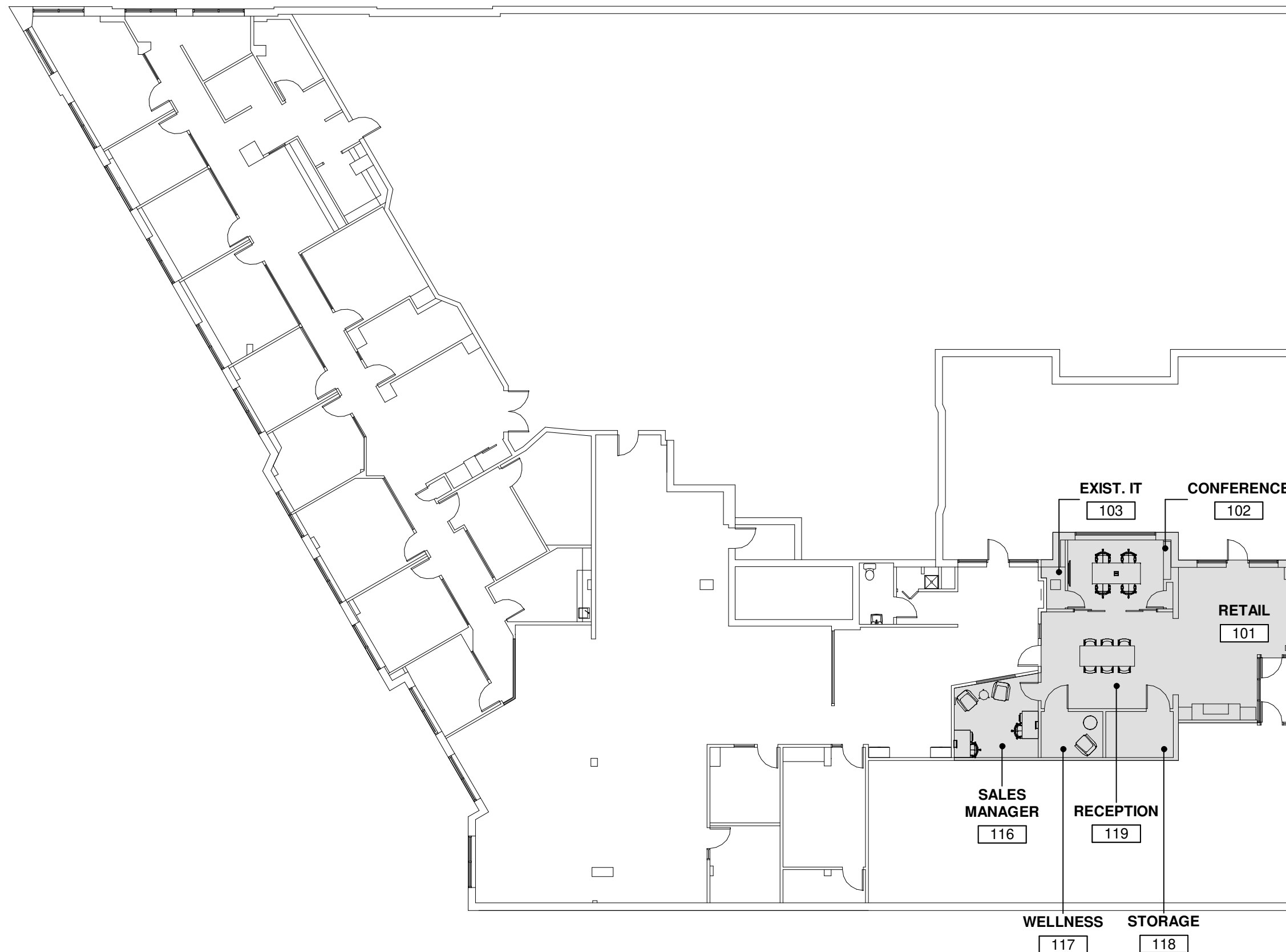
SHEET

1 OF **1**

PROJECT NUMBER: 2799
© MACKIE CONSULTANTS LLC, 2015
ILLINOIS FIRM LICENSE 184-002694







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

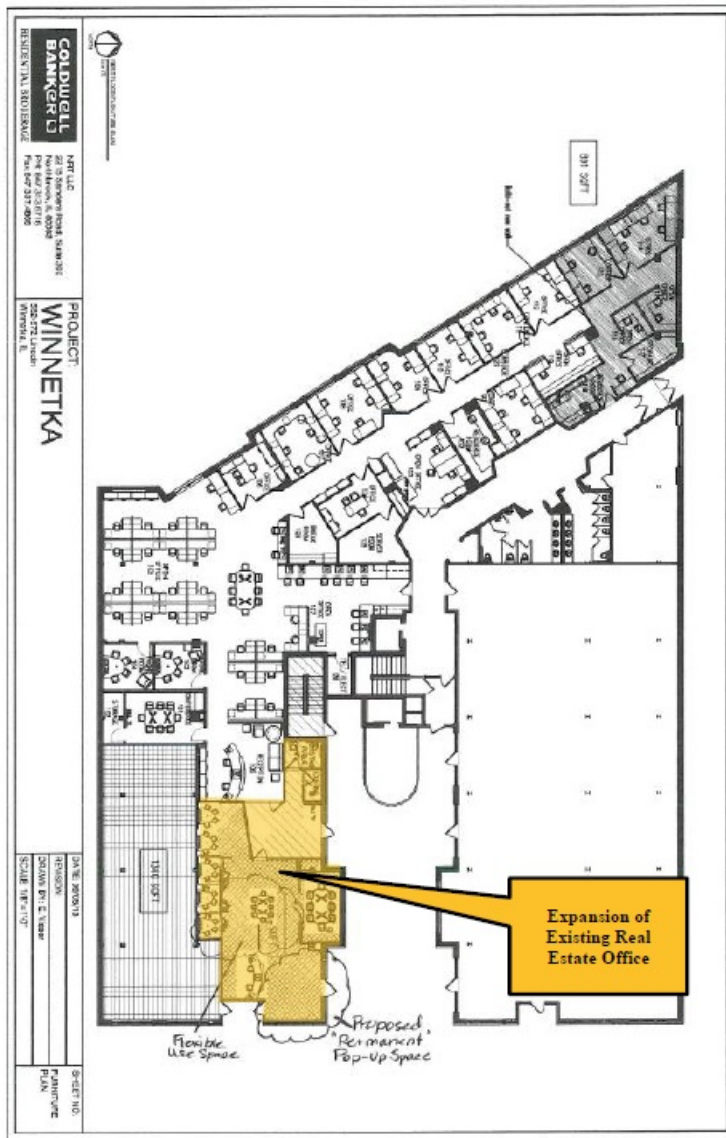


EXHIBIT C

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: __

1 WINNETKA PLAN COMMISSION EXCERPT OF SPECIAL MEETING MINUTES
2 JULY 13, 2023
3

4 **Members Present:**

Layla Danley, Chairperson
Matthew Bradley
Mamie Case
Chris Foley
John Golan
Liz Kunkle

11 **Members Absent:**

Jonathan Alt

13 **Non-Voting Members Present:**

Tina Dalman

15 **Village Staff:**

David Schoon, Director of Community Development
Ann Klaassen, Assistant Director of Community
Development

19 ***

21 **New Applications:**

22 a. **Case No. 23-07-SU: 564 Lincoln Avenue - Compass Real Estate Office:** An application seeking
23 approval of a Special Use Permit submitted by Compass Illinois, Inc., as the prospective lessee of the
24 property located at 564 Lincoln Avenue to allow a real estate office in the C-2 General Retail Commercial
25 Overlay District. The property is currently owned by 562-72 Lincoln Avenue, LLC. The Village Council has
26 final jurisdiction on this request.

27 Ms. Klaassen stated the request is for a special use to occupy one of the commercial spaces in the
28 Winnetka Galleria building in the commercial overlay district. She stated the applicant would be relocating
29 into this space and identified the applicant's previously occupied and currently occupied spaces as well as
30 the former tenant of the Subject Property. Ms. Klaassen then referred to illustrations of neighboring
31 spaces, the proposed floor plans and the number of staff and agent occupants of the proposed space. She
32 stated in terms of parking, there would be eight parking spaces on the lower level of the Subject Property
33 with the applicant indicating that their parking demand would be met with their overflow parking using
34 the public parking lot on Lincoln. Ms. Klaassen added the applicant indicated there would be a pop-up
35 retailer in the area identified in yellow in the illustration and identified the office's area in the overlay
36 district.

38 Ms. Klaassen stated the Commission is to consider the special use standards and noted no public comment
39 has been received by staff. She stated following the applicant's presentation and Commission discussion,
40 a Commission Member may wish to make a motion to recommend approval or denial as indicated on page
41 nos. 12 and 13 of the agenda packet. Ms. Klaassen then asked if there were any questions.

43 Mr. Golan asked if Coldwell Banker (the former tenant of the space) ever had pop-ups in this location and
44 questioned how the Village collected tax revenue. Ms. Klaassen responded that Coldwell Banker did have
45 pop-ups in the space. She explained that initially there was an issue with the pop-up space actually being
46 utilized so Village staff met with Coldwell Banker. Ms. Klaassen explained that after that meeting Coldwell
47 Banker did lease the space to pop-up retailers. She stated that tax revenue would be generated similar
48 to that of any other retailer. Chairperson Danley asked if there were any other questions. No additional

1 questions were raised at this time.

2
3 Chairperson Danley then swore in those speaking to this matter. Cal Bernstein, attorney for the applicant,
4 thanked the Commission for holding the special meeting and stated there was previously a Coldwell
5 Banker tenant in this location with their intent being to utilize half of that space. He referred to previous
6 experiences with pop-up retailers. He also referred to Pillar 2 of the Comprehensive Plan which would be
7 met with the proposal with the special use being desired and needed by the community. Mr. Bernstein
8 stated allowing Compass to move to this location would also help existing successful businesses.

9
10 Jonathan Satz, Compass's Director of Corporate Real Estate, identified their history and how their offices
11 came to be combined in their current location with plans to look for a new long-term home. He stated the
12 new combined space would measure 4,500 square feet which would house 50 agents who work primarily
13 out of the office. Mr. Satz estimated there would be 5-10 people in the office at one time and stated their
14 desire is to have a strong footprint in the marketplace in a brick and mortar location. He also described
15 the office's parking for employees and agents which would satisfy most of their parking needs. Mr. Satz
16 stated they planned to direct clients to street parking or the lot behind the building and described the
17 nature of virtual closings with limited visitor parking demand. He also described their planned
18 continuation for the pop-up retail space.

19
20 Mr. Bernstein addressed the standards noting the use would be less intensive and their plan to lease eight
21 parking spaces on-site which would satisfy the parking requirements and meet their needs. He stated the
22 use would also promote continuity and their continued use of pop-up retailers which would help existing
23 retailers. Mr. Bernstein stated granting the special use would allow existing business to do better and
24 provide economic benefit to the entire community. He then asked the Commission to recommend
25 approval of the special use and asked if there were any questions.

26
27 Chairperson Danley asked if the landlord's representative is present and how long the property has been
28 on the market. Mr. Bernstein responded the landlord is not present. Steve Hudson, 670 Ardsley,
29 responded Coldwell Banker left the office a year ago and the property has been vacant since then.
30 Chairperson Danley asked if there were any other questions. Mr. Golan stated the request met the
31 standards and referred to standard no. 7. He added the Village would like to see more foot traffic. Mr.
32 Bernstein referred to the number of agents accessing the space on a regular basis which would provide
33 the balance of foot traffic and benefit the overlay district while not putting too much burden on it. Mr.
34 Bradley questioned the mix of agents between the old Lincoln Avenue site and Spruce Street site. Mr. Satz
35 responded it would depend on the point in time noting there are not a lot of agents in the office for weekly
36 meetings which are hybrid. He added they did not previously use a lot of the retail parking spaces with
37 public parking being used for overflow.

38
39 Trustee Dalman stated the landlord would have been able to answer questions relating to the amount of
40 time the property was vacant, retail solicitation efforts and address problems relating to the prior real
41 estate tenant. Mr. Satz responded they would sell Compass merchandise along with items sold at other
42 stores and the website. Chairperson Danley suggested the space be broken up with agents in the rear of
43 the building and to have retail in the front. Mr. Satz referred to the building's history in terms of retail
44 users. Ms. Case stated current uses which are not retailers were approved as special uses during a
45 different economic time and identified the standards which were not satisfied. Chairperson Danley also
46 stated she had questions for the landlord. Ms. Case referred to the regret of approving the Coldwell
47 Banker special use in 2018. Mr. Satz stated they understand the Commission's concerns and that the
48 landlord would be present at the Village Council meeting to address the concerns raised.

1 Chairperson Danley then called the matter in for discussion. Ms. Case referred to the Valentina retail space
2 and the retail corridor on Lincoln with the proposed use breaking up the retail corridor. She suggested the
3 landlord find a more appropriate tenant and referred to the standards which were not met compared to
4 those which are. Ms. Case added 50 agents in the office on Mondays for meetings would park on the
5 street.

6
7 Mr. Bradley referred to special uses which are allowed by right and stated he agreed with efforts that the
8 landlord should attempt to obtain a retail tenant and referred to the amount of time the property was
9 marketed to such a tenant. He stated if the standards are met for a special use applicant, they should
10 consider that use. Mr. Bradley also stated he is less concerned with parking issues and they would not
11 have a lot of agents in the office. He stated this request is not similar to others such as Engel & Völkers
12 and referred to the amount of foot traffic generated by the use with him tending to be in support of the
13 request due to its location at the end of the overlay district.

14
15 Chairperson Danley stated if they are to reach a consensus, the Commission has to agree as to whether
16 the standards have been met. Mr. Bradley added the pop-up retailer would also help generate retail use.
17 Trustee Dalman reminded the Commission that they previously discussed in connection with the Coldwell
18 Banker approval, when the pop-up went dark, the Commission had no authority in that regard and
19 whether they should impose conditions that should be met. Mr. Schoon confirmed each application is to
20 be evaluated on its own merits whether it is for the same type of use or not. Ms. Case stated she is not
21 in favor of the request and the approval would be for a use that would be there forever. She added a real
22 estate office should not be in such a prominent location. Mr. Bradley referred to the Commission's
23 previous discussions relating to similar uses in similar locations.

24
25 Chairperson Danley stated she also is not in favor of the request and that standard nos. 7 and 8 have not
26 been met and the use would not bring vibrancy to the area in terms of it being a real estate use compared
27 to retail. Mr. Golan stated the request is different from the Valentina space, and the request is for a
28 location at the end of the retail corridor. He also questioned whether the residential real estate market is
29 so vibrant as to need 5,000 square feet of space for advertising. Mr. Bradley suggested there is a way for
30 the applicant to occupy the space in terms of reaching a compromise with the landlord and stated he
31 would be in favor of the request.

32
33 Mr. Foley stated he agreed with both sides of the argument and referred to the property's history. He
34 then stated he is more cognizant of the vacant storefront and the request is consistent with the previous
35 use and would not be inconsistent with uses in the immediate vicinity. Mr. Foley also stated the
36 application is consistent with several of the standards and he is on fence in terms of recommending
37 approval.

38
39 Ms. Kunkle stated her initial reaction was that the request was consistent and after hearing the discussion,
40 she agreed the Commission should hear from the landlord before a decision is made and the comments
41 with regard to its location at the edge of the overlay district. She also agreed with the suggestion of having
42 the real estate space in the back of the building. The Commission Members discussed alternatives and
43 whether options were explored that did not require a special use. They also discussed whether conditions
44 should be placed on the recommendation.

45
46 Mr. Golan asked Mr. Bernstein to explain how the use would be a great addition for the community. Mr.
47 Bernstein responded the applicant is a thriving business and noted their current lease is expiring. He
48 referred to similar uses directly to the north and agreed with the suggestion to have the landlord present

1 to address the Commission's concerns. He reiterated the space was formerly a real estate office and stated
2 they addressed parking as their main concern in their presentation. Mr. Bernstein also stated 4,500 square
3 feet is a large space for a retailer which would be problematic for a retail use as opposed to the space
4 remaining vacant compared to the applicant's use.

5
6 Chairperson Danley informed the applicant the Commission is in favor of keeping the business here and
7 asked Mr. Bernstein if they looked at other spaces. Mr. Satz stated they have been looking for space since
8 2017 and described another potential space which would have had parking difficulties, as well as other
9 alternative locations. Chairperson Danley asked the applicant if they worked with the Village's Economic
10 Development Coordinator. Mr. Satz responded they primarily worked with their own commercial brokers
11 and with Hoffmann and referred to the upfront capital costs for property conversion. He added they
12 preferred first floor space.

13
14 Chairperson Danley asked if there were any other questions. No additional questions were raised at this
15 time.

16
17 Ms. Kunkle disagreed with the characterization that the space would be a big billboard and stated they
18 need to bring people and customers in the Village. She also stated they may have learned from the
19 previous pop-up retail use, and that she is concerned with regard to the longevity of the special use nature
20 and not having control over it in the future. Ms. Kunkle stated the use would bring agents and additional
21 customers into the business district with there being sufficient parking.

22
23 Chairperson Danley asked the Commission Members if they were prepared to vote. Mr. Golan stated the
24 applicant has a good understanding of the issues they would face when they go to the Village Council.
25 Chairperson Danley referred to the issues related to previous pop-up retailers. Mr. Foley stated he would
26 be less enamored with including conditions. Mr. Bradley referred to the difficulty of parking on Lincoln if
27 all of the spaces were retail and the issue is striking a balance between retail and non-retail uses. He also
28 questioned how pop-up retail would be policed.

29
30 Mr. Golan suggested a motion be made to recommend approval that the request met the criteria with
31 the exception of standard nos. 7 and 10. Chairperson Danley stated the motion should apply to all of the
32 standards. A straw poll of the Commission Members' positions was taken.

33
34 Mr. Bradley moved to recommend approval of the special use to the Village Council as indicated on page
35 nos. 12 and 13 of the agenda packet. The motion was seconded by Ms. Kunkle. A vote was taken and the
36 motion passed, 4 to 2:

37 AYES: Bradley, Golan, Foley, Kunkle

38 NAYS: Case, Danley

39 NON-VOTING: Dalman

40
41 ***

42
43 Respectfully submitted,

44
45 Antionette Johnson

46 Recording Secretary