



PLAN COMMISSION REGULAR VIRTUAL MEETING AGENDA

WEDNESDAY, APRIL 28, 2021 - 7:00 PM

In accordance with social distancing requirements and Governor Pritzker's Executive Order 2021-06 and Senate Bill 2135, the Winnetka Plan Commission meeting on Wednesday, April 28, 2021 **will be held virtually**. The meeting **will be livestreamed via the Zoom platform**. In accordance, with Public Act 101-0640, at least one representative from the Village will be present at Village Hall Council Chambers at 510 Green Bay Road, Winnetka, IL, and **the virtual meeting will be simulcast at Village Hall for members of the public who do not wish to view the virtual meeting from another location**. Pursuant to the Executive Order issued by the Governor, the number of people who may gather at Village Hall for the meeting is limited due to the mandated social distancing guidelines. **Accordingly, the opportunity to view the virtual meeting at Village Hall is available on a "first-come, first-served" basis.**

The public has the following two options **for virtually observing and participating during this virtual Plan Commission meeting, including the ability to provide testimony or comments**. Persons wishing to participate are strongly encouraged (but not required) to complete the Sign-In form found at www.villageofwinnetka.org/meetingsignin.

- 1) **Telephone (audio only)**. Call: 312-626-6799; when prompted enter the Webinar ID: 935 5610 9544 (Please note there is no additional passcode or attendee ID required.)
- 2) **Livestream (both audio and video feed)**. Download the Zoom meetings app to your smart phone, tablet, or computer, and then join Webinar ID: 935 5610 9544; Webinar Passcode: PC042821

If you wish **to provide testimony or comments prior to the meeting**, you may provide them one of three ways:

- 1) By sending **an email** to planning@winnetka.org;
- 2) By sending **a letter** to Community Development Department, Village of Winnetka, 510 Green Bay Road, Winnetka, IL 60093; or
- 3) By leaving **a voice mail message** at the phone number 847-716-3524. All voicemail messages will be transcribed into a written format.

All comments received prior to the posting of the agenda packet will be included in the agenda packet. All comments received after the agenda packet has been posted and received by 6:00 PM the day of the meeting will be read at the meeting by staff. Such public comment is limited to 200 words or less and should identify both (1) the subject of the comment being offered (such as property address or case number of the agenda item) and (2) the full name of the individual providing the comments. In addition, you may wish to include your street address, phone number, and the name of the organization or agency you represent, if applicable.

General comments for matters not on the agenda will be read at the end of the meeting under Public Comment. Comments specific to a particular agenda item will be read during the discussion of that agenda item.

All emails received will be acknowledged either during or after the meeting, depending on when they are received.

Persons seeking additional information concerning any of the applications, accessing the virtual meetings, or requesting alternative means to provide testimony or public comment are directed to email inquiries to planning@winnetka.org or by calling 847-716-3525.

**PLAN COMMISSION REGULAR VIRTUAL MEETING AGENDA
WEDNESDAY, APRIL 28, 2021 - 7:00 PM**

AGENDA ITEMS

1. Call to Order & Roll Call.
2. Introductory Remarks Regarding Conduct of Virtual Meeting.
3. Approval of February 24, 2021 meeting minutes.
4. **Case No. 21-13-SU: 538 Chestnut Street – Coldwell Banker Real Estate Office.** An application for Special Use Permit approval submitted by Stephens Family Limited Partnership on behalf of Coldwell Banker Residential Real Estate, LLC, as the prospective lessee of the property located at 538 Chestnut Street to allow a real estate office on the Subject Property. The property is currently owned by the Stephens Family Limited Partnership, 1630 Sheridan Road #1F, Wilmette, IL.
5. Other Business.
 - a. Community Development Report
 - b. May 5, 2021 Special Meeting - Quorum check
6. Public Comment.
7. Adjournment

Note: Public comment is permitted on all agenda items.

NOTICE

All agenda materials are available at www.villageofwinnetka.org/agendacenter .

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 at 510 Green Bay Road, Winnetka, Illinois 60093, (Telephone (847) 716-3543; T.D.D. (847) 501-6041).

**WINNETKA PLAN COMMISSION
MEETING MINUTES
FEBRUARY 24, 2021**

Members Present:

Tina Dalman, Chairperson
Mamie Case
Layla Danley
Chris Foley
John Golan
Bridget Orsic
Jay Vanderlaan

Non-voting Members Present:

None

Members Absent:

Matthew Bradley
John Swierk

Village Staff:

David Schoon, Director of Community Development
Brian Norkus, Assistant Director of Community Development

Introductory Remarks Regarding Conduct of Virtual Meeting.

Chairperson Dalman read the Oral Declaration into the record.

Call to Order & Roll Call:

The meeting was called to order by Chairperson Dalman at 7:00 p.m. Mr. Schoon took roll call of the Commission Members present and noted Members Bradley and Swierk are absent. Chairperson Dalman then outlined how the meeting would proceed.

Approval of December 16, 2020 meeting minutes.

Chairperson Dalman asked for a motion to approve the December 16, 2020 meeting minutes. A motion was made by Ms. Danley and seconded by Ms. Orsic. Chairperson Dalman then asked if there were any comments or changes. No comments were made at this time. A vote was taken and the motion unanimously passed:

AYES: Case, Dalman, Danley, Foley, Orsic, Vanderlaan

NAYS: None

ABSTAINED: Golan

Case No. 21-06-SU: 1081 Gage Street – North Shore Barber Shop. An application for Special Use Permit approval submitted by North Shore Barber Shop, as the prospective lessee of the property located at 1081 Gage Street to allow a barber shop on the Subject Property.

Mr. Schoon identified the property's location and surrounding property as well as photos of the existing and proposed expansion space which would more than double the space and create one opening for both spaces. He also identified the hours of operation and described the proposed interior renovations which would allow for social distancing. Mr. Schoon noted any awning or sign changes would need to go to the DRB for approval. He referred to page nos. 5 and 6 which contained language for a motion and noted no written comments were submitted. Mr. Schoon also stated no members of the public are at the Village Hall other than the applicants and asked if there were any questions.

Chairperson Dalman asked if there were any questions. No questions were raised at this time. Mr. Norkus allowed Barry Millman into the meeting. Chairperson Dalman swore in those speaking to this matter. Barry Millman of Horizon Real Estate identified himself as a leasing broker and identified the 475 square feet the applicant currently occupied. He stated the applicants are strong members of the community who discovered they needed additional customer waiting space. Mr. Millman stated once the next door space of over 700 square feet became available, they decided to take over that space with the purpose to provide the ability to spread out. He noted there would be one additional barber and chair in that additional space. Mr. Millman then stated a structural engineer designed openings between the space to allow the structural integrity to remain intact. He confirmed the building owner agreed. Mr. Millman then stated the barber shop is open 7 days a week and they hope to continue to be a strong member of the community. He asked if there were any questions for him or the applicants.

Chairperson Dalman asked if the proposed new space is under the same ownership. Mr. Millman responded it is one building. Chairperson Dalman then asked if there were any other questions. No additional questions were raised at this time. Failouni Hassan confirmed the hours of operation as 9 to 5.

Mr. Norkus confirmed no written comments were received and noted two members of the public are waiting to speak. Mr. Schoon confirmed no additional emails or voicemail records have been submitted since what was included in the meeting materials, and we do not need those written public comments into the record. No public comments were made at this time.

Chairperson Dalman stated the Commission would now move into deliberation. Ms. Danley commented she is glad to see an application for an expanding local business. She then stated she fully supported the request. Ms. Case and Ms. Orsic agreed with Ms. Danley's comments. Mr. Golan stated the request clearly met all of the criteria and referred to the limited amount of street parking which he indicated may not be an issue. He added he is in support of the request. Mr. Foley agreed with the comments made specifically referencing criteria no. 7. Mr. Vanderlaan agreed with the comments made and commented parking will not be an issue. Chairperson Dalman noted for the record criteria no. 7 was specifically referenced and added the request satisfied all 12 criteria. She then asked for a motion to recommend approval of the special use application.

Ms. Orsic moved to recommend approval of the requested special use to allow the applicant, North Shore Barber Shop, to operate a barber shop at 1081 Gage Street within the C-2 Commercial Overlay District based on the findings of fact indicated on page 5 and 6 of the materials. Mr. Foley seconded the motion. A vote was taken and the motion unanimously passed:

AYES: Case, Dalman, Danley, Golan, Foley, Orsic, Vanderlaan
NAYS: None
ABSTAINED: None

Other Business.

a. Community Development Report

Mr. Schoon stated the Village Council approved the following special use requests: (i) Berkshire Hathaway, (ii) KMK Luxury Consignment and (iii) the 1415-1423 Asbury subdivision. He then stated with regard to the Walden planned development project, after reviewing significant changes to the project by the applicant, the Planned Development Commission recommended unanimous approval of the project with one condition that the third story outdoor space only be used by the third floor tenant. Mr. Schoon added the DRB also recommended unanimous approval and the request would go before the Village Council in March 2021 for final consideration. He then stated the Village Council has had discussions regarding

1 historic architecturally significant homes. He described the LPC process in reviewing homes to be
2 demolished and the potential extension of the demolition delay time period to provide additional
3 opportunity to convince property owners to preserve the home. Mr. Schoon stated if the LPC found a
4 home to be architecturally or historically significant, the property would qualify for a 20% GFA bonus
5 above what is currently allowed to provide an incentive for preservation versus demolition. He stated a
6 public hearing would be held next Tuesday on those amendments. He then asked if there were any
7 questions.

8
9 Chairperson Dalman asked if there was any discussion regarding restarting the Comprehensive Plan
10 process. Mr. Schoon responded they are waiting to get ahead in terms of vaccinations and social
11 distancing requirements and there is no definite start time at this point.

12
13 b. March 24, 2021 Meeting – Quorum check

14 Mr. Schoon informed the Commission there are currently no items scheduled for the March 24, 2021
15 meeting agenda.

16
17 Public Comment.

18 Mr. Schoon and Mr. Norkus confirmed there was no additional public comment.

19
20 Adjournment.

21 A motion to adjourn was made by Ms. Orsic and seconded by Ms. Case. A vote was taken and the motion
22 unanimously passed:

23 AYES: Case, Dalman, Danley, Golan, Foley, Orsic, Vanderlaan

24 NAYS: None

25 ABSTAINED: None

26
27 The meeting was adjourned at 7:51 p.m.

28
29 Respectfully submitted,

30
31 Antionette Johnson

32 Recording Secretary



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: PLAN COMMISSION
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: APRIL 23, 2021
SUBJECT: 538 CHESTNUT STREET - COLDWELL BANKER SPECIAL USE PERMIT
(CASE NO. 21-13-SU)

INTRODUCTION

On April 28, 2021, the Plan Commission is scheduled to hold a virtual public hearing, in accordance with social distancing requirements, and Governor Pritzker's Executive Orders and Senate Bill 2135, to consider an application submitted by Stephens Family Limited Partnership LP on behalf of Coldwell Banker Residential Real Estate, LLC (the "Applicant"), as the prospective lessee of the property located at 538 Chestnut Street, Winnetka, IL (the "Subject Property"), **to allow a real estate office on the Subject Property.** The property is currently owned by the Stephens Family Limited Partnership, 1630 Sheridan Road, #1F, Wilmette, IL. (See Attachment A for Application Materials.)

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 office at 568 Lincoln Avenue to the Subject Property.

A sign has been posted on the Subject Property and a website notice has been posted on the Village website indicating the time and date of the Plan Commission public meeting. A mailed notice has been sent to property owners within 500 feet of the Subject Property. As of the date of this memo, staff has received 15 written comments from the public regarding this application. These comments are provided in Attachment B of this report.

PROPERTY DESCRIPTION

The Subject Property is located in a three-story multi-use building with commercial uses and apartment units and is located on the northwest corner of the intersection of Elm and Chestnut Streets. The approximately 5,600 square foot space at 538 Chestnut Street is currently occupied by Berkshire Hathaway Home Services. Berkshire Hathaway recently received approval of a special use permit by the Village Council to relocate into a smaller space (2,600 square feet) at 839-841 Elm Street. The other commercial tenants in the building are Noah's Ark along Elm Street and True Juice, Little Lan's, Sparkly Nails, and Perspective Eyes along Chestnut Street.

The Subject Property is located within the Village's **Commercial Overlay District**, which allows non-retail uses such as offices and professional uses; however, the Zoning Ordinance requires that they be evaluated by the Plan Commission and Village Council as a special use. Real estate offices require approval of a Special Use Permit in order to locate in the Commercial Overlay District.



Figure 1 – 538 Chestnut Street



Figure 2 – Subject Property – Chestnut Street Frontage



Figure 3 – Neighboring Businesses (Noah’s Ark along Elm Street; True Juice, Little Lan’s, Sparkly Nails, and Perspective Eyes along Chestnut Street)

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. In fact, one of the early factors leading to the establishment of the Village’s C-2 Retail Commercial Overlay District is understood to be the closure of the *Carson Pirie Scott* store at the northwest corner of Elm and Chestnut Street, the Subject Property, and the subsequent occupancy of a portion of that space as a real estate office, which today is the current Berkshire Hathaway office in which Coldwell Banker would like to relocate.

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. The amendments went into effect on July 4, 2019.

As was reported during the Plan Commission’s consideration of the recent Berkshire Hathaway special use permit request, when Berkshire Hathaway relocates from its current location on the Subject Property, any use that would like to locate in the Subject Property would need to comply with current zoning regulations. **That means another real estate office wanting to locate in the 538 Chestnut space needs to go through the special use permit process and receive Village Council approval prior to locating in that space.**

ELM STREET BUSINESS DISTRICT OVERLAY BOUNDARIES

A map depicting the zoning classifications of the Elm Street Business District is included below as Figure 4. 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.

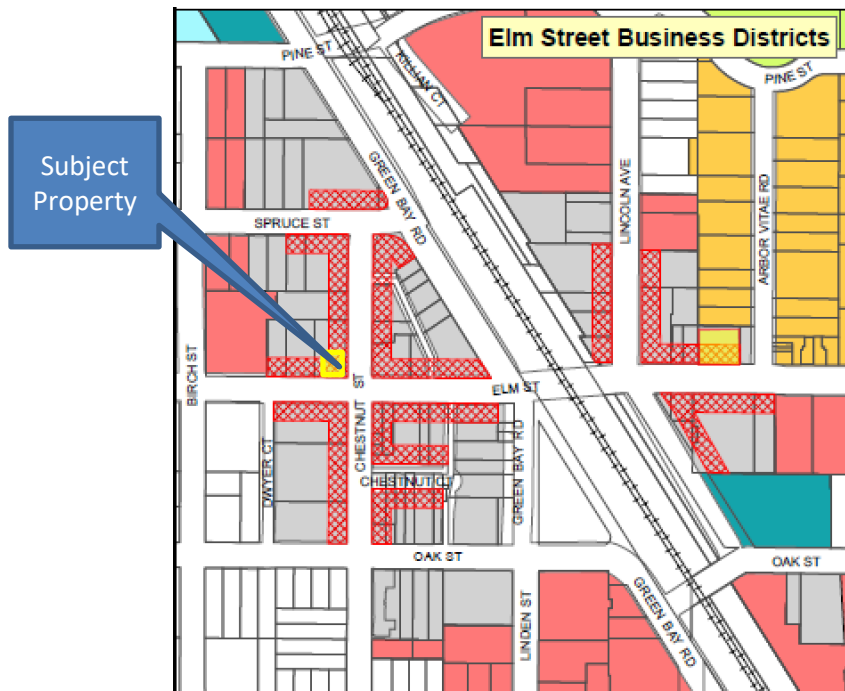


Figure 4 – Elm Street Business District

DESCRIPTION OF REQUEST

As previously stated, the Applicant is proposing to relocate its office to the Subject Property, which consists of approximately 5,560 square feet on the first floor and lower level. Staff estimates the space has approximately 90 feet of street frontage. The Applicant's current space at 568 Lincoln Avenue consists of approximately 9,350 square feet with approximately 23 feet of street frontage along Lincoln Avenue and 56 feet of courtyard exposure.

The Applicant states it is reducing its building footprint in response to how the real estate business is changing. The Applicant states that more real estate transactions are held off site and that in the "current business environment" large group meetings would generally not be held on site. They do not state whether the latter is due to the pandemic or a change in how large group meetings, such as "all-staff" meetings, are being held. Prior to the pandemic, a complaint the Village heard from East Elm businesses regarding the Applicant's current operations is that realtors were not always parking in the designated employee parking lots for meetings, especially during all-staff meetings.

In 2017, the Applicant received special use approval from the Village Council to occupy the storefront portion of its current space at 568 Lincoln (Ordinance M-10-2017). As part of its special use permit approval, the Applicant agreed to operate a pop-up store front from which other businesses and individuals could sell retail goods. For many months, the Applicant had difficulties securing regular tenants for the pop-up space. On May 21, 2019, at the request of the Village Council, the Applicant came to a Village Council meeting to discuss with the Village Council its challenges to comply with the pop-up condition. Since that meeting, the space has had more regular pop-up uses occupying it. That being said, the Applicant does not propose to establish a pop-up storefront in the proposed space at Chestnut and Elm.

The Applicant has provided a floor plan for the proposed space (Figure 5). The entrance to the space would remain at the corner of Chestnut and Elm Streets. The space would consist of a reception area, 28 workstations, two private offices, five team rooms, and four conference rooms. On the first level, additional partitions are proposed to be installed and there would be workstations visible through the storefront windows. Details regarding the dividers between workstations have not been provided. In its Parking and Occupancy narrative, the Applicant states that it “seeks to create a space that is more experiential and less of a traditional office space”. The Applicant intends to present a video at the Plan Commission meeting on April 28, 2021 to demonstrate what that means.

Based upon the information submitted by the Applicant, the hours of the real estate office are typically 9:00am to 5:00pm, Monday through Friday. During these hours, three full-time employees would work at the location on a daily basis. Of the 70 agents that work out of the Winnetka office, the Applicant estimates that at the high end approximately 18 agents may visit the location each business day. Those visits would be spaced throughout the day. An agent would typically stay for an hour or less; however, 50% might stay for several hours, but many would be there less than 30 minutes. The Applicant states that it will purchase parking passes for its employees and agents to park in municipal parking lots designated for employees. There will also be two designated off-street parking spaces allocated for visitors behind the building at the existing parking lot on the property itself.

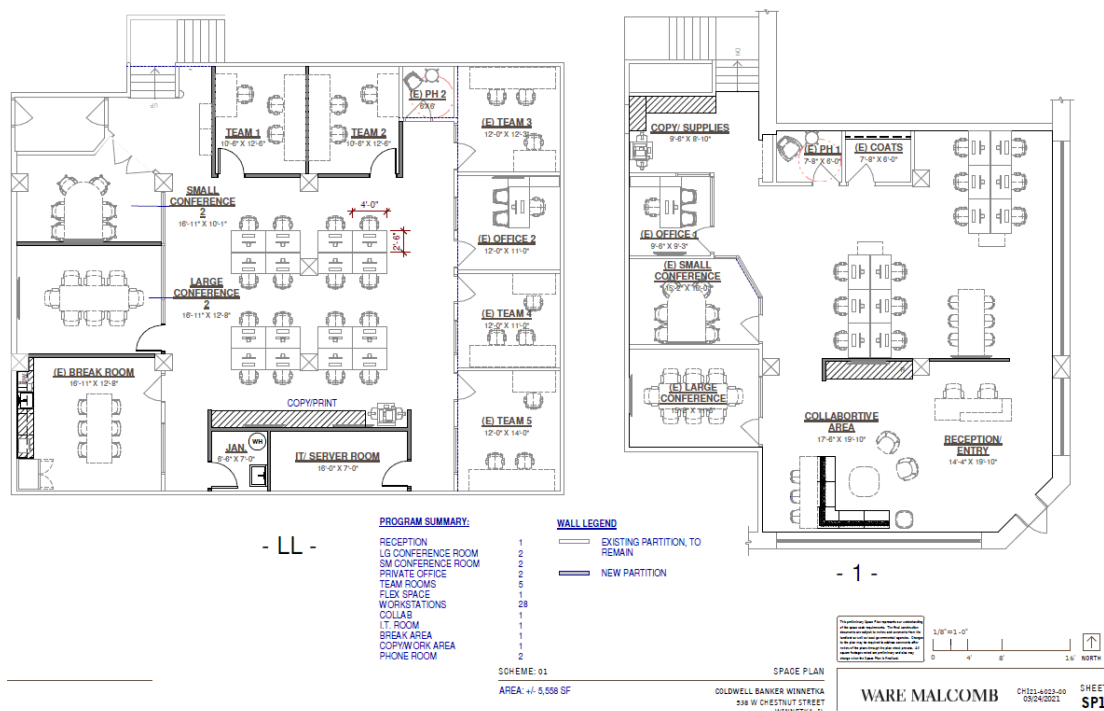
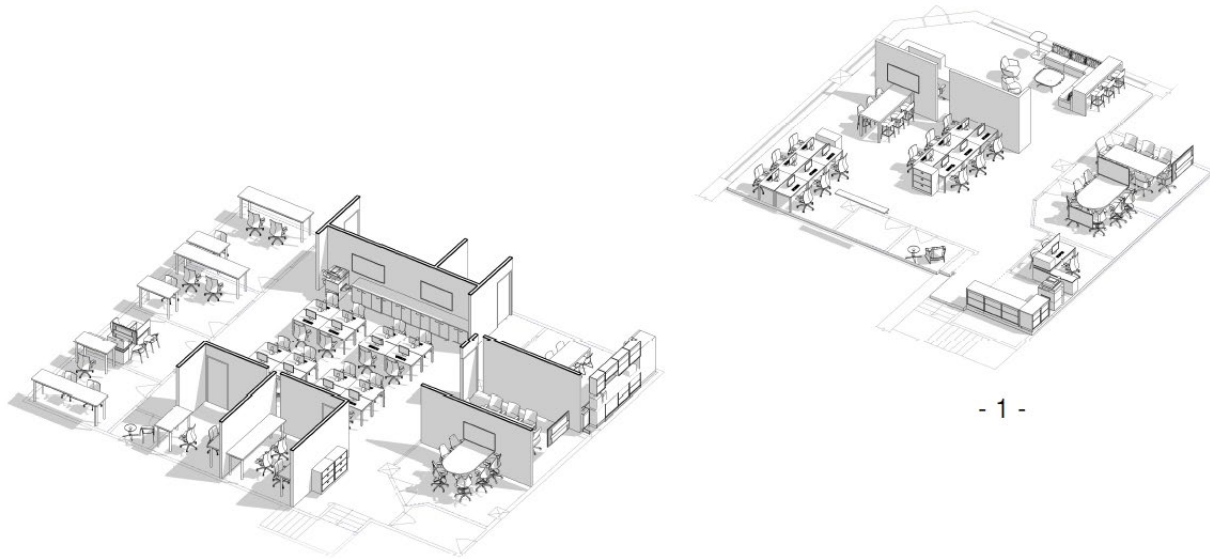


Figure 5 – Excerpt of Proposed First Floor Level and Lower-Level Floor Plans



- LL -
Figure 6 – 3D Views of Proposed First Floor Level and Lower-Level

With the recent Berkshire Hathaway special use application, the Village learned that behind the Subject Property is a private parking area for 18 cars, including one handicapped space (See Figure 7). Eight of those spaces are currently assigned to existing tenants of both properties, 837-841 Elm Street and 538-550 Chestnut Street/831-833 Elm Street buildings.



Figure 7 – Parking Area Behind Subject Property

The application materials state that the Applicant will secure employee parking permits (“A” permits) for employees to park in the “A” lot on the Post Office site; or whatever “A” parking area the Village finds most appropriate. Based upon current Village parking records, 13 employee parking passes are currently issued to agents and staff of the Coldwell Banker office on Lincoln Avenue. Due to COVID-19 restrictions, the number of employee parking passes purchased by Coldwell Banker agents and staff was down significantly from the previous period in which Coldwell Banker employees and agents purchased 73 passes. Figure 8 shows designated employee parking areas in near proximity to the Subject Property. Given the Applicant is an existing business in the Elm Street business district, it chose to provide a narrative regarding its impact on parking rather than submit a parking study.

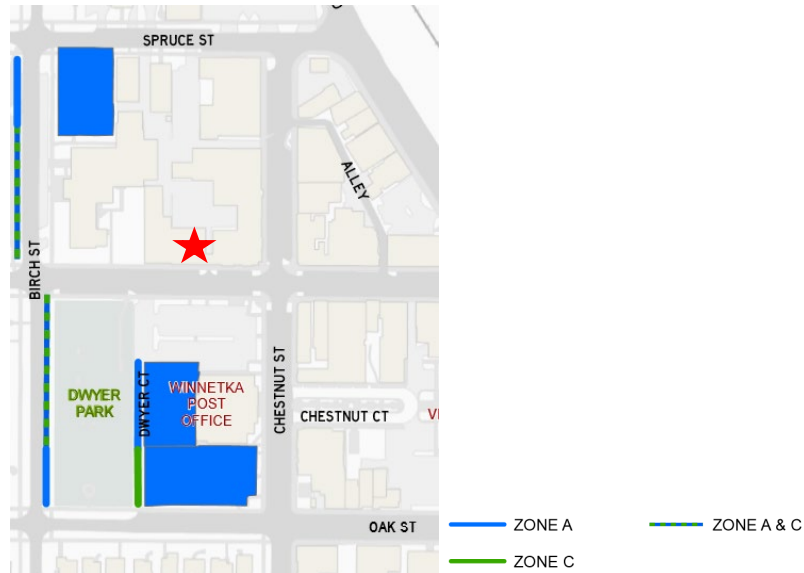


Figure 8 – Employee Parking (Zone A) & Commuter Parking (Zone C) Permit Areas

DESIGN REVIEW BOARD REVIEW

Any changes to the exterior of the office space or the addition of permanent signs or awnings to the front of the proposed space will require approval of a certificate of appropriateness by the Design Review Board. The Applicant has yet to submit such applications.

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, Coldwell Banker, to operate a real estate office at 538 Chestnut Street within the C-2 Commercial Overlay District, based on the following findings of fact:

“The proposed 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 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: Public Correspondence

ATTACHMENT A

Village of Winnetka
SPECIAL USE PERMIT - C2 COMMERCIAL OVERLAY APPLICATION

VILLAGE OF WINNETKA, ILLINOIS DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL USE PERMIT APPLICATION C-2 COMMERCIAL OVERLAY

Case No. 21-13-SU

Property Information

Site Address: 538 Chestnut

Proposed type of occupancy: Real Estate Office

Applicant Information

Name: Stephens Family Limited Partnership LP

Address: 1003 Forest Avenue

City, State, ZIP: Wilmette, IL 60091

Applicant Signature: _____

James B Stephens

Primary Contact: _____

Phone No. _____

Email: _____

Date: March 23, 2021

Attorney Information

Name: Murray, Jensen & Wilson, Ltd.

Primary Contact: Donald Wilson

Address: 101 N Wacker Dr, Suite 609

City, State, ZIP: Chicago, IL 60606

Phone No. 312-493-3773

Email: dwilson@mjlwchicago.com

Architect Information

Name: Ware Malcomb

Primary Contact: Taylor Mack

Address: 500 W. Madison, #1000

City, State, Zip: Chicago IL 60661

Phone No. 312-337-4597

Email: tmack@waremalcomb.com

Property Owner Acknowledgment

I hereby certify that I am the owner of the property located at 538 Chestnut, and have provided the attached proof of ownership.
(address)

I consent to the filing of an application for a Special Use Permit by Stephens Family Limited Partnership LP

(Applicant name)

Property Owner Signature: _____

Date: March 23, 2021

Printed Name: James B Stephens, Vice Pres of

STEPHENS GENERAL MANAGEMENT, INC GP OF
STEPHENS' FAMILY LIMITED
PARTNERSHIP, L.P.

Page 3 of 4

Special Use Permit Application
Applicant Narrative
538 Chestnut

The proposed tenant, Coldwell Banker Residential Real Estate, LLC (Coldwell) has been serving Winnetka residents to provide a convenient and necessary service in the marketing and sale of properties in the community, together with related title services and mortgage brokerage services. Coldwell Banker has a long history and presence in Winnetka. At one time they occupied two offices within a block of each other, simultaneously, on Lincoln, in Downtown Winnetka. They had a space at 586 Lincoln in Winnetka from 1978 until 2008, and another space at 568 Lincoln. In 2008, Coldwell Banker merged the two offices at their current location at 568 Lincoln. The space at 568 Lincoln is approximately 10,000 sq.ft. These offices were known in the real estate community as "Coldwell Banker North" (586 Lincoln) and "Coldwell Banker South" (568 Lincoln).

As the business environment has evolved, the need for such a large physical space has diminished. Coldwell intends to remain in downtown Winnetka to continue serving the community, but could do so more efficiently in a significantly smaller space.

This move will come with a number of collateral benefits. First, the new space has been used for the same purposes for approximately 35 years. It will avoid an inevitable vacancy in an important business district. There would be no significant change to the traffic patterns, parking needs or streetscape. In addition, the relocation will also free up an existing space to create an opportunity for a more traditional retail business or dining experience. The 538 Chestnut location is less suitable for such a use, particularly for a restaurant use, because of the nature of the rest of the structure. The levels above the space in question are residential and the adverse impacts of a dining establishment upon the residents could be substantial. Setting aside potential concerns about noise or smell, the process of retrofitting the building would not only be costly, but it would be disruptive to the residents. In addition, a significant portion of the space is located in the basement, which is undesirable for a dining experience.

The space at 538 Chestnut, has become available due to the relocation of Berkshire Hathaway, which has moved to 839-841 Elm Street. According to their special use application, Berkshire Hathaway also relocated to a smaller location as a result of business trends.

As with most real estate brokers, the agents and employees generally do not spend their time in the office. Most of the work day is spent at locations, on site meetings or is done remotely. This accounts, in part, for the reduced need for physical space.

To the extent that there will be employees who are at the location on a regular basis, Coldwell will pay for parking permits in "Lot A" at the municipal lot commonly referred to as "The Post Office Lot" which is located across the street from 538 Chestnut, or in whichever lot the Village deems most appropriate. This will prevent the employees from occupying parking that should

remain available for retail visitors. There will be 2 designated off street spaces allocated for visitors behind the building at the existing parking lot on the property itself.

In the current business environment, large group meetings would generally not be held on site. Closings will occur, however most of the work relating to closings has evolved to allow for the execution of documents and materials to be done off site.

Because the use of the property will effectively be identical, there should be virtually no change in the experience for the residential and business neighbors.

Coldwell employs approximately 70 agents who are working to market and sell the Winnetka brand and experience. The agents do not generally work from the office, but they do have contact with the office and the clients will also be interacting with the office. Coldwell has been actively working in Winnetka for decades and the community expects to be served where they live. Prospective clients who may be considering Winnetka are being shown a property in the community, but beyond that, they are being shown a positive experience in the downtown district. The Coldwell agents who live and work in the area will continue to provide valuable referrals to local businesses as well.

As more specifically set forth below, this application by the applicant/property owner on behalf of Coldwell Banker Residential Real Estate, LLC meets the standards for a special use in the C-2 Commercial Overlay District:

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. The prior use was effectively identical and the prior use caused no such problems or concerns;
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. Again, the prior use did not create any such injury and the continued use would not threaten the use and enjoyment of the property 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. There are no indications that there are any intended developments in the vicinity that would be impacted by this business;
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. The prior use has been in existence for approximately 35 years without any such

problems or concerns and the use by the tenant will not change the ingress, egress or pedestrian or vehicular patterns which have worked for decades;

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. If anything, the evolving nature of the business should result in a net decrease in the need for parking. As for the existing infrastructure, there is no change to the use of, or impacts on the existing infrastructure;
6. That the special use in all other respects conforms to the applicable regulations of this and other village ordinances and codes. The business proposed is allowed as a special use and is in conformance with the Village codes and ordinances. The business has operated at another location without incident;
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. This type of business, by its nature, works to promote the Village and the downtown area. Coldwell has approximately 70 agents who would be working to market and sell the Winnetka brand and experience. In order to best market the community, it is in Coldwell's interest to maintain an attractive space that compliments the retail and dining experiences in the surrounding area;
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. The space in question is located in a repurposed building that has served the residential, retail and business needs of Winnetka. The use of the space will continue the long-standing attractive use of the space without interruption to the existing continuity, and in a way that maintains the long-standing traditions;
9. 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 discussed above, the frontage, streetscape and window displays are all part of the business of marketing the community to Coldwell's clients. The applicant and Coldwell will maintain the highest standards and ensure that the space will remain compatible with the area;
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. While this is generally not applicable, the use of the space will be done in a manner that does

create an attractive and inviting space that would encourage clients or passersby to engage in the idea of making Winnetka their home;

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 maintains typical and customary hours of operation. The use does not contemplate retail use so this would not be applicable; 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 use will not unduly impact the availability of parking to downtown patrons. To the extent that there will be employees who are at the location on a regular basis, Coldwell will pay for parking permits at the lot located at the municipal lot across the street. There will also be 2 designated off street spaces allocated for visitors behind the building at the existing parking lot on the property itself to minimize the impact of occasional visitors to the property.

Traffic Study and/or Parking Study

The Applicant requests a waiver of a traffic or parking study. The proposed use is effectively identical to the prior use of the space and there would be no change in the parking needs or the traffic flow.

In addition, any attempt to conduct a traffic study would not likely yield a useful analysis due to the ongoing COVID-19 pandemic and the related disruption to business operations as well as parking and traffic patterns.

Special Use Permit Application
Parking and Occupancy Supplement
538 Chestnut

As discussed in the application narrative, the proposed tenant, Coldwell Banker Residential Real Estate, LLC (Coldwell) has been serving Winnetka since 1978. The business model for real estate sales, like many business models, is evolving. The business no longer requires the same amount of space and the need to provide a physical location to conduct the business has been greatly reduced as electronic transactions have become more sophisticated

Coldwell anticipates that the location will have 3 full time employees who will work at the location on a daily basis. Coldwell will pay for those employees to have parking passes. It is Coldwell's assumption that "Lot A" at the municipal lot commonly referred to as "The Post Office Lot" would be the most appropriate location for the parking passes. However, should the Village determine that another lot would best serve the existing and anticipated business needs, Coldwell would accommodate such a suggestion.

In addition to the employees, while there are approximately 70 agents serving the Winnetka office, it is estimated, at the high end, that approximately 18 agents may visit the location each business day. Those visits would be spaced out throughout the day. Parking passes will also be purchased for visiting agents to ensure that they are not taking an undue number of available street spaces.

It is projected that an agent would typically stay for an hour or less. Historically, 50% might stay for several hours, but many would be there less than 30 minutes. As transactions have evolved, it is no longer typical for a group of people involved with a transaction to come to the office and sit for several hours during the course of the transaction. That could occur, but that would be an exception as opposed to the normal course of business. It is expected that the time in the office will continued to trend to spending less time on the premises.

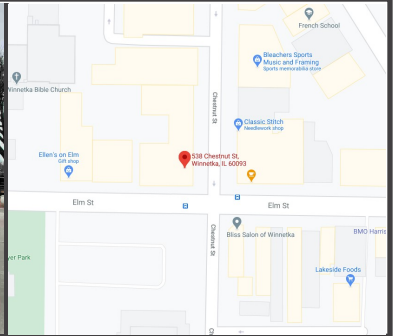
Coldwell has attempted a creative pop-up retail concept at the existing location, but that attempt was ultimately not successful for Coldwell or the Village. Coldwell is committed to undertaking an operational model that is transparent and likely to succeed. Coldwell seeks to create a space that is more experiential and less of a traditional office space. The goal is to integrate the physical space into the downtown experience to enhance the experience of visiting the space for both agents and potential buyers. Coldwell believes that an active streetscape is vital to creating a strong community for residents and businesses. Strong communities are the foundation for Coldwell's product.

As a long-term member of the Winnetka business community, Coldwell also understands the importance of maintaining a convenient and easy to navigate parking and traffic experience. The anticipated occupancy and use of the space should not adversely impact the other businesses or downtown experience for residents and visitors.

It has been Coldwell's experience that their agents, employees and guests typically take advantage of Winnetka dining and retail opportunities when they visit. Coldwell expects that to continue, which will further support the efforts to keep vibrance in Winnetka's downtown.



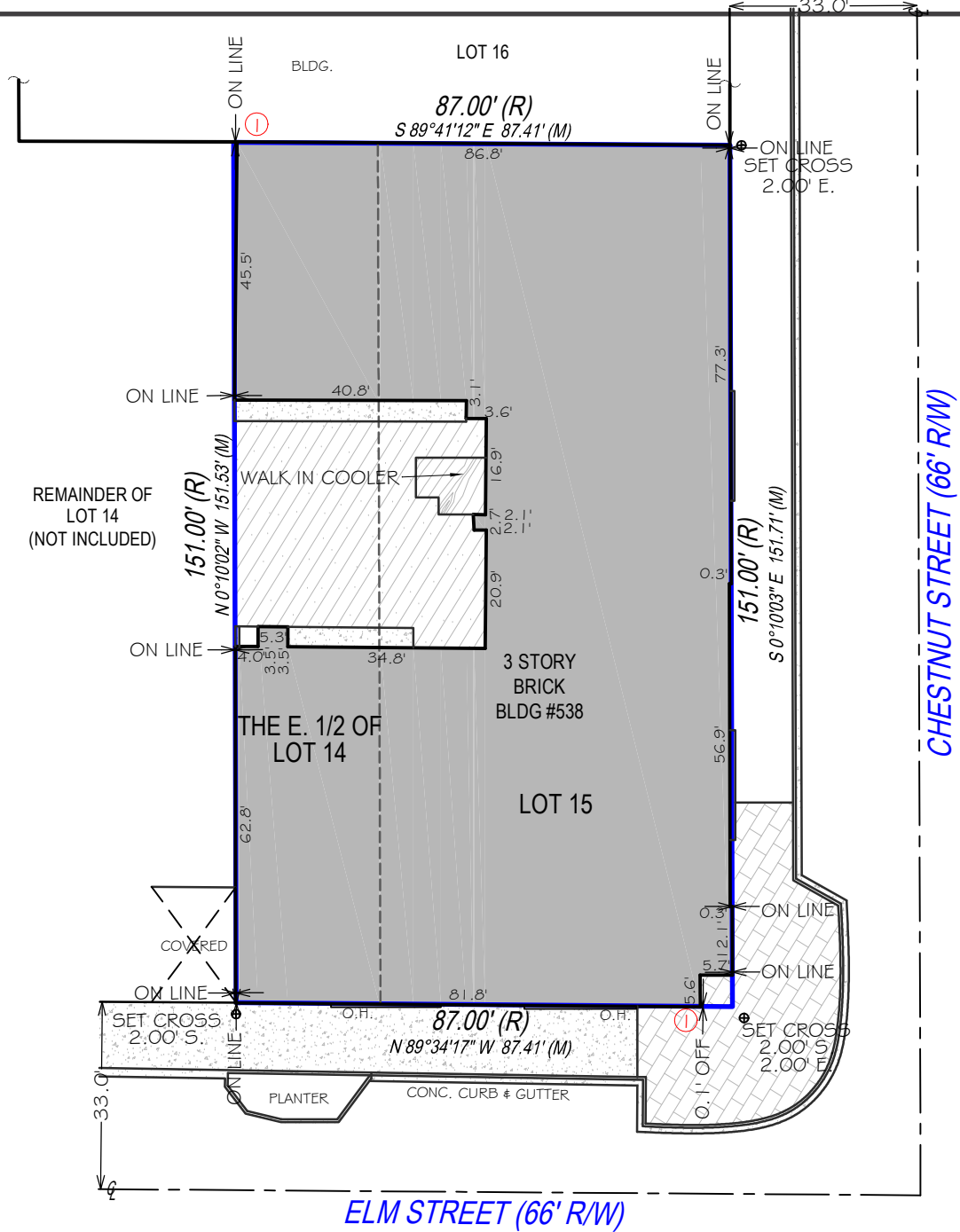
www.exactaland.com | office: 773.305.4011



PROPERTY ADDRESS: 538 ELM STREET, WINNETKA, ILLINOIS 60093

SURVEY NUMBER: 2103.5199

14 AND ALL OF LOT 15 IN DEPOT PLACE
13 IN THE ORIGINAL TOWN OF WINNETKA,
K'S SUBDIVISION IN THE NORTH EAST
20 AND THE NORTH FRACTIONAL 1/2 OF
11, TOWNSHIP 42 NORTH, RANGE 13 EAST
AL MERIDIAN, IN COOK COUNTY, ILLINOIS.



TOTAL AREA OF PROPERTY SURVEYED 13252 SQ.FT.±

STATE OF ILLINOIS } SS
COUNTY OF GRUNDY

THIS IS TO CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO
THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY
SURVEY. GIVEN UNDER MY HAND AND SEAL THIS DATE HEREON.

Kenneth Kennedy



ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3403
LICENSE EXPIRES 11/30/2022
EXACTA LAND SURVEYORS, LLC
PROFESSIONAL DESIGN FIRM 184008059-0008

POINTS OF INTEREST:
1. RESIDENCE OVER PROPERTY LINE

30

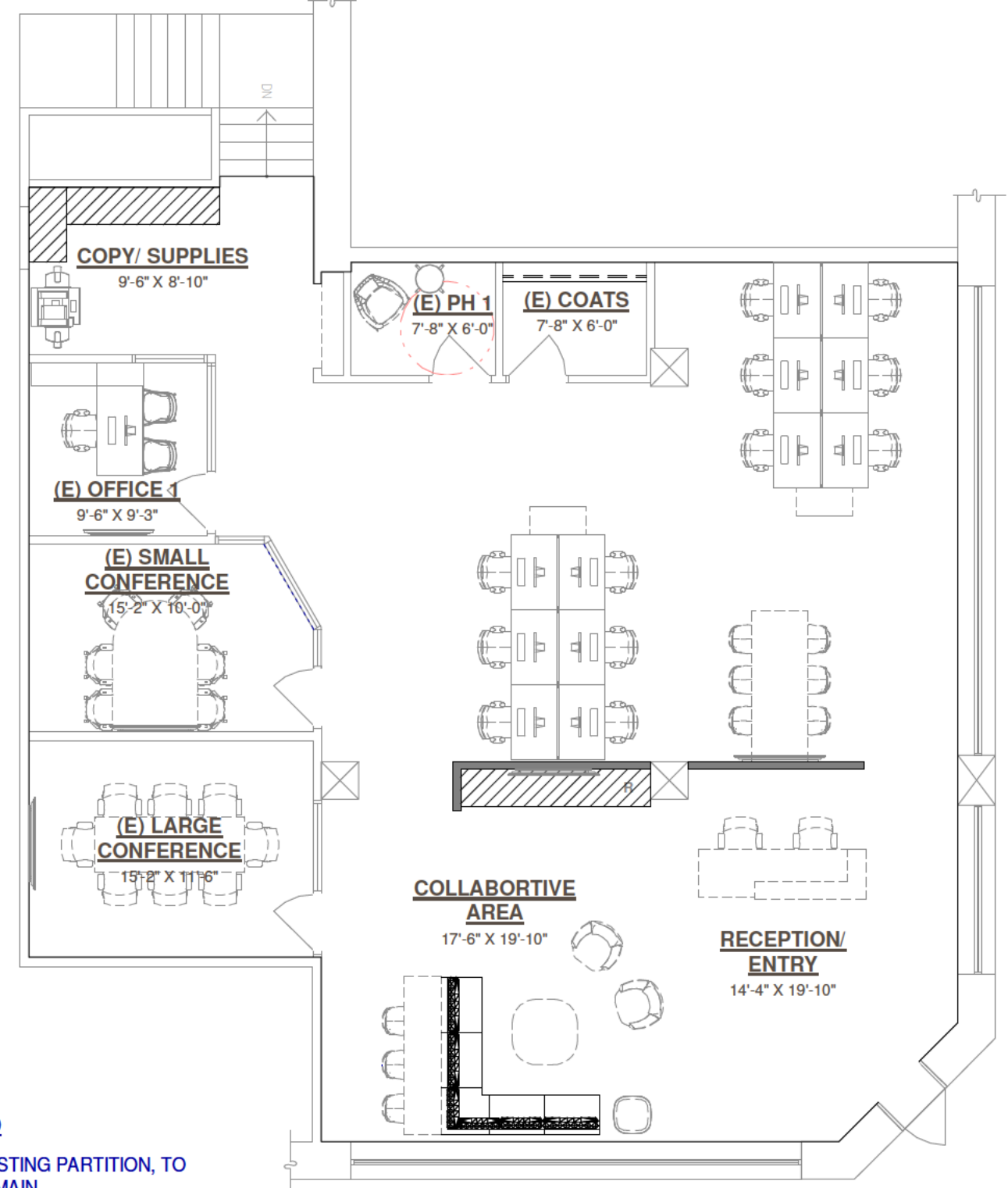


Exacta Land Surveyors, LLC
PLS# 184008059
o: 773.305.4011
316 East Jackson Street | Morris, IL 60450



DATE OF SURVEY: 03/29/21
FIELD WORK DATE: 3/26/2021
REVISION DATE(S): (REV.0 3/29/2021)

SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES
PC Agenda Packet - Coldwell Banker - Page 18



- LL -

PROGRAM SUMMARY:

RECEPTION	1
LG CONFERENCE ROOM	2
SM CONFERENCE ROOM	2
PRIVATE OFFICE	2
TEAM ROOMS	5
FLEX SPACE	1
WORKSTATIONS	28
COLLAB	1
I.T. ROOM	1
BREAK AREA	1
COPY/WORK AREA	1
PHONE ROOM	2

WALL LEGEND

- EXISTING PARTITION, TO REMAIN
- NEW PARTITION

SCHEME: 01

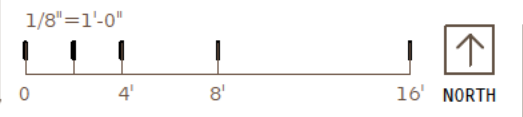
AREA: +/- 5,558 SF

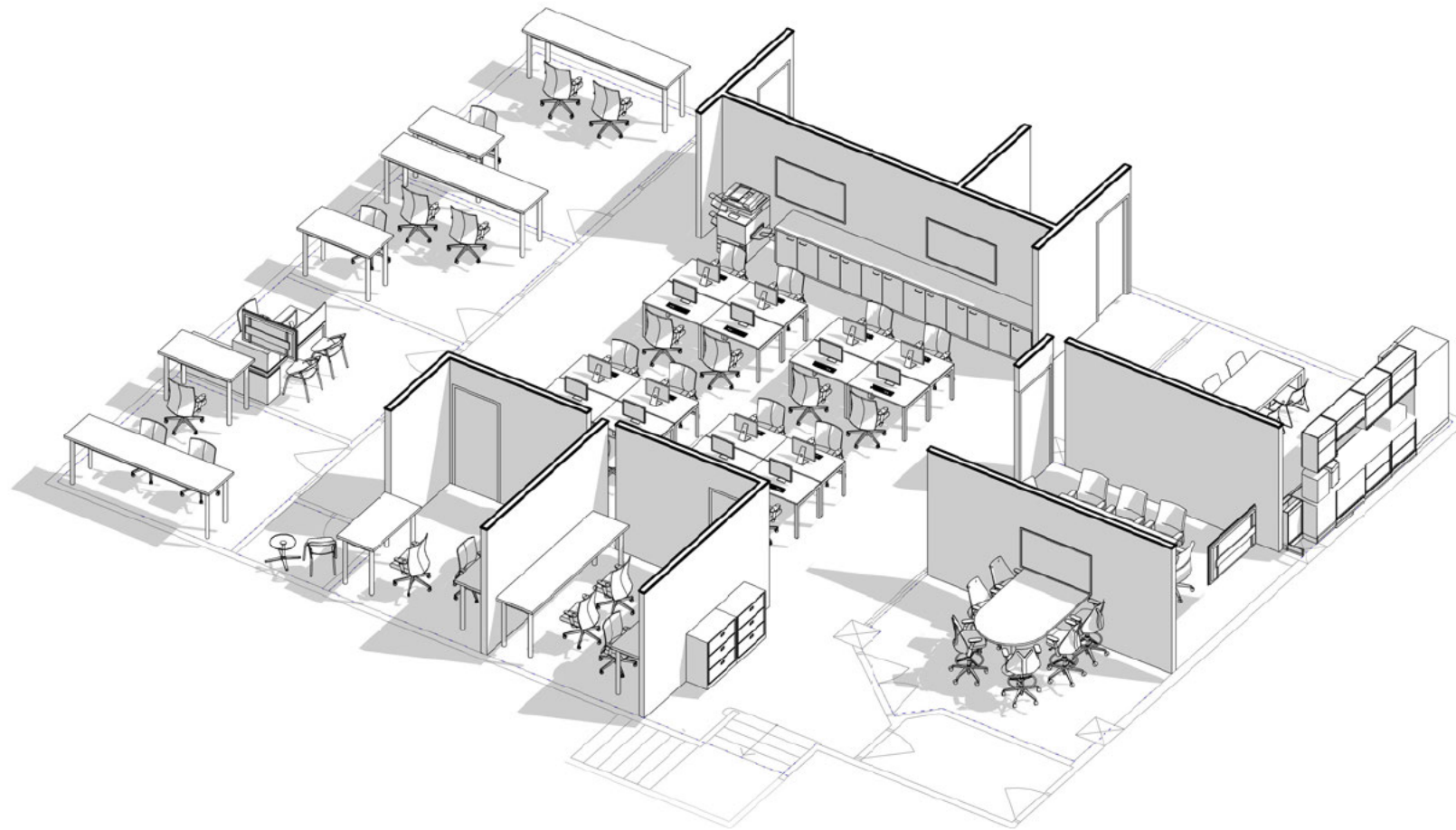
SPACE PLAN

COLDWELL BANKER WINNETKA
538 W CHESTNUT STREET
WINNETKA, IL

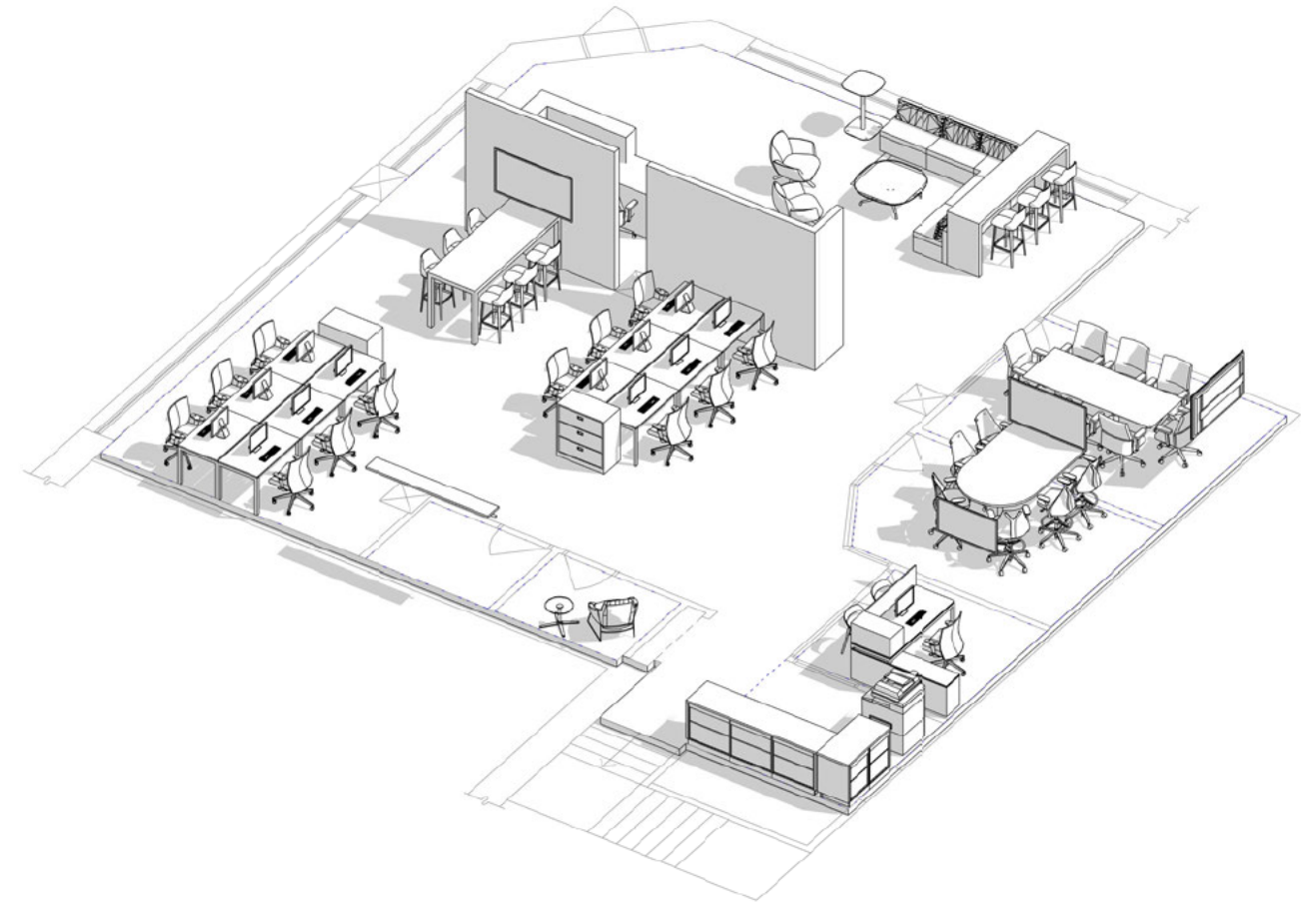
- 1 -

This preliminary Space Plan represents our understanding of the space code requirements. The final construction documents are subject to review and comments from the landlord as well as local governmental agencies. Changes to the plan may be required to address comments after review of the plans through the plan check process. All square footages noted are preliminary and also may change when the Space Plan is finalized.





- LL -



- 1 -

This preliminary Space Plan represents our understanding of the space code requirements. The final construction documents are subject to review and comments from the landlord as well as local governmental agencies. Changes to the plan may be required to address comments after review of the plans through the plan check process. All square footages noted are preliminary and also may change when the Space Plan is finalized.

3D VIEWS

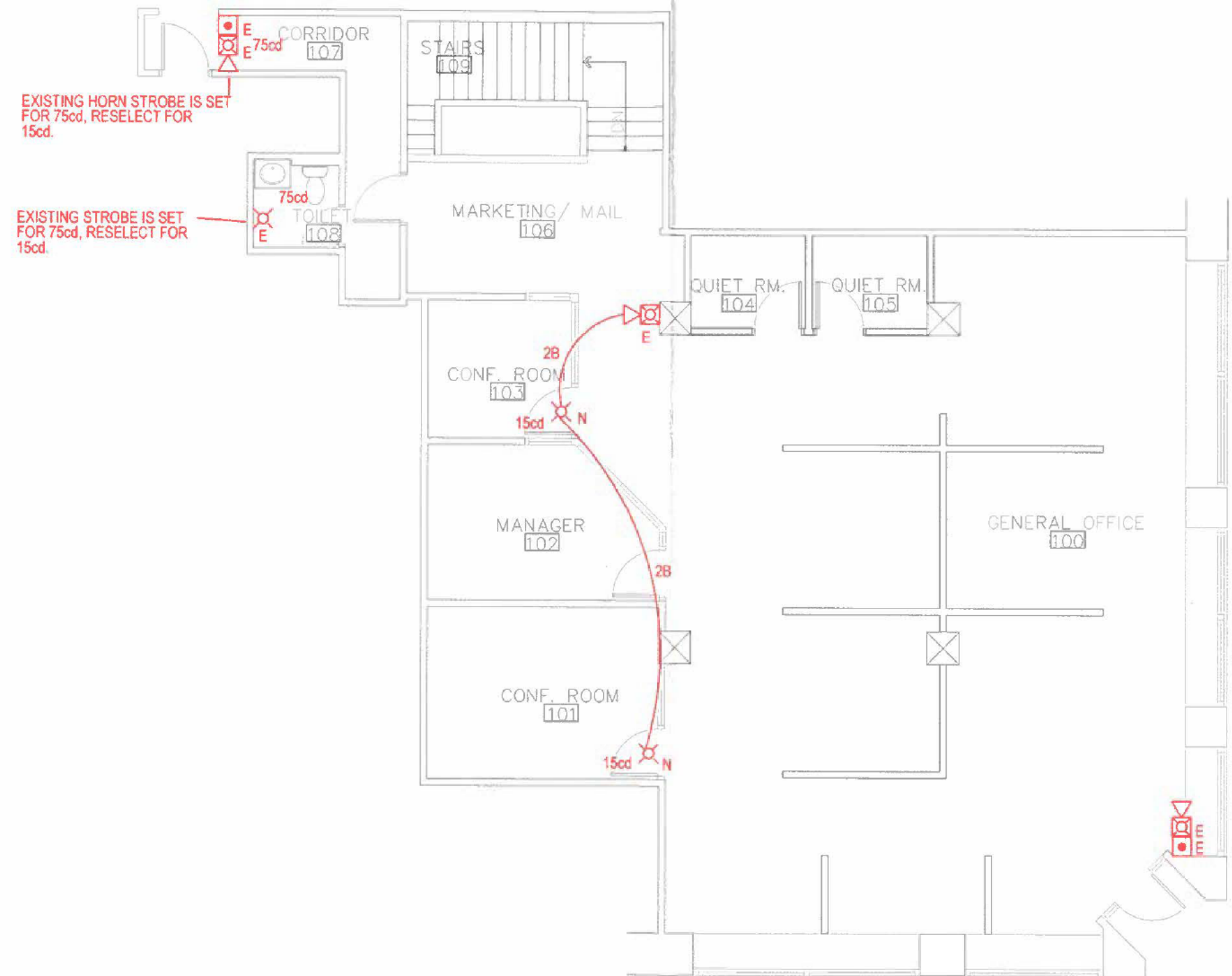
COLDWELL BANKER WINNETKA
538 W CHESTNUT STREET
WINNETKA, IL

WARE MALCOMB

CHI21-6023-00
03/24/21

SHEET
SP2

PC Agenda Packet - Coldwell Banker - Page 20



EXISTING HORN STROBE IS SET FOR 75cd, RESELECT FOR 15cd.

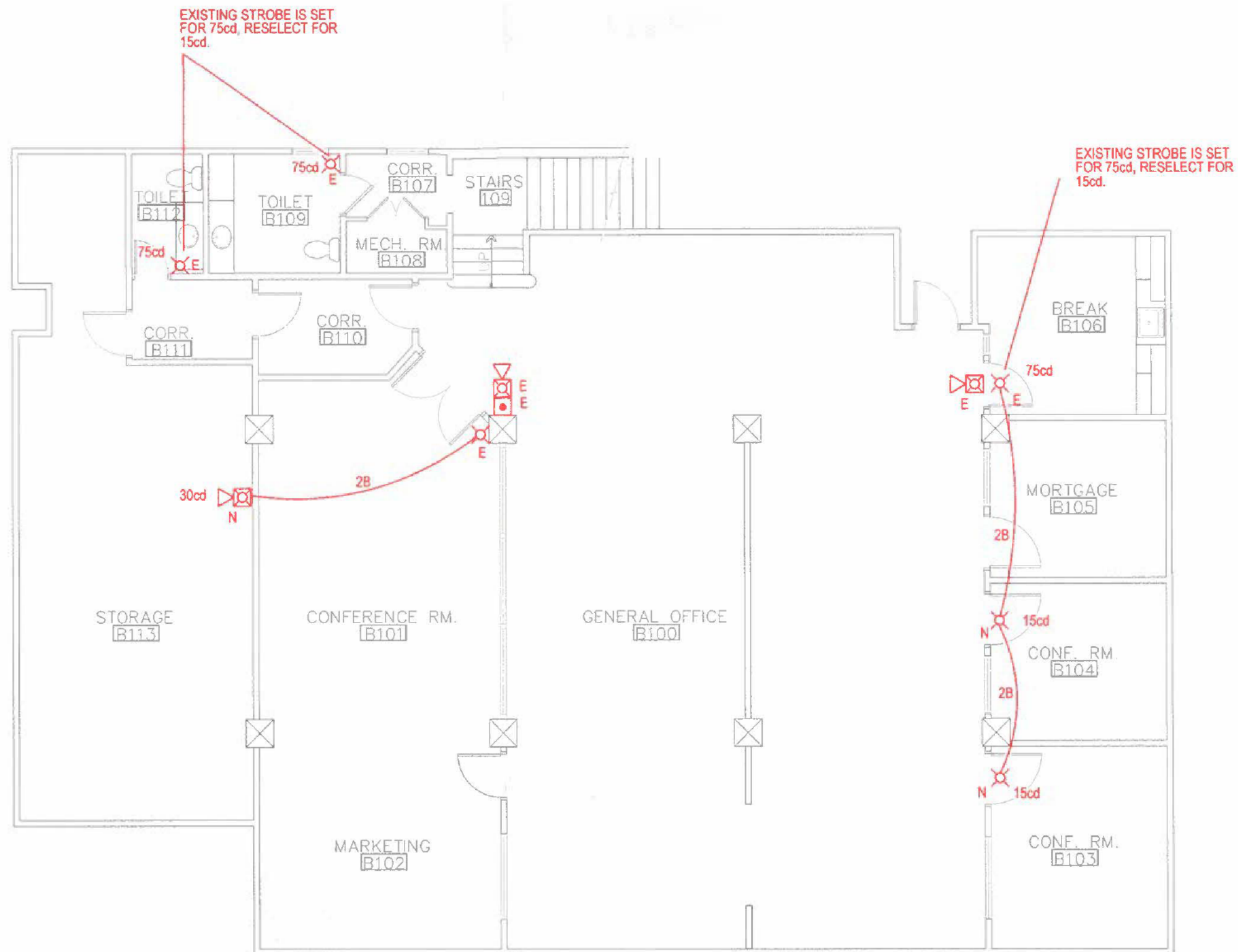
EXISTING STROBE IS SET FOR 75cd, RESELECT FOR 15cd.

EXISTING STROBE IS SET FOR 75cd, RESELECT FOR



FIRST FLOOR FIRE ALARM

SCALE: 1/8" = 1'-0"



LOWER LEVEL FIRE ALARM PLAN

SCALE: 1/8" = 1'-0"

ATTACHMENT B

From: [REDACTED]
To: [Planning](#)
Subject: Special use permit- 538 Chestnut
Date: Wednesday, April 21, 2021 2:50:01 PM

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

Hello,

Although I am not a resident of Winnetka, I enjoy (and frequent) the Village of Winnetka commercial area. Hopefully many of the pre pandemic retail stores will be in the village afterwards. I received a notice from one of the retailers that another real estate office has applied for a special use permit for space at the corner of Elm & Chestnut as the prior real estate office vacated and moved into the former Ellen's space. As a consumer, I hope the request is NOT granted. Retail establishments are the best use for this space. Each retail establishment attracts customers and other retail establishments to the community..

C. Winter

From: [REDACTED]
To: [Planning](#)
Cc: [REDACTED]
Subject: Special Use Permit application by Coldwell Banker
Date: Wednesday, April 21, 2021 3:03:21 PM

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

Hi,

My husband Chris and I are Winnetka residents who live within walking distance of the Elm Street business district. We love walking into town and patronizing the many businesses that add to the charm of our village. We are writing to object to the special use permit application by Coldwell Banker. We believe that Winnetka's downtown will be most vibrant when storefronts are occupied by restaurants and retail, not service businesses. Thank you for your consideration of our viewpoint.

Best,
Julie and Chris Nilan

From: [REDACTED]
To: [Planning](#)
Subject: Special Use Permit/Coldwell Banker
Date: Wednesday, April 21, 2021 3:20:55 PM

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

I object to any approval that allows for more service businesses at ground level in the beautiful, hospitable, Elm/Chestnut area. Identify and assist retail businesses that want to come to Winnetka. Don't let the realtors do business with each other. We live in our real estate; we don't merchandise it.

Margot Wallace
360 Green Bay Road
2C
Winnetka, IL 60093

Sent from my iPad

From: [REDACTED]
To: [Planning](#)
Subject: Special Use Permits / Coldwell Banker
Date: Wednesday, April 21, 2021 6:21:02 PM

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

To the Planning Commission:

I am writing to express my objection to the issuance of a Special Use Permit to Coldwell Banker to take over the prime corner space recently vacated by Berkshire Hathaway at Elm and Chestnut.

I feel it is vitally important that we reserve our street level storefronts for retail businesses and restaurants, to maintain the character of our downtown area and to keep people coming from in and out of town to shop and dine here. I would urge the commission to abstain from granting additional SUPs to service business in the future if at all possible.

Thank you for your attention to this issue, and for being conscientious stewards of our wonderful Village.

Sincerely,

Stephanie Keehn
18 Indian Hill Road
[REDACTED]

From: [REDACTED]
To: [Planning](#)
Subject: Objection to special permit for 538 Chestnut
Date: Thursday, April 22, 2021 4:29:19 PM

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

Hello,

I would like to log an objection to approving a special permit for Coldwell Banker at 538 Chestnut.

To maintain the charm of our Village, I think it's important to keep street level storefronts full of retail and restaurants. Let's avoid adding another service office instead. Also, it will help make the investments in our downtown sidewalks, lighting, etc. worthwhile.

Thank you,
Sarah Murphy
635 Rosewood Ave

From: [REDACTED]
To: [Planning](#)
Subject: Please no more real estate offices
Date: Thursday, April 22, 2021 7:32:21 PM

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

Our downtown is THE WORSE

From: [REDACTED]
To: [Planning](#)
Subject: Corner of Elm and Chestnut
Date: Thursday, April 22, 2021 8:55:01 PM

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

Please do not allow another retailer to take prime space in Winnetka. I'm sure that's the easy route but this town is not a quaint shopping area with a bunch of realtors talking up so many spaces in addition to banks, nail salons and interior designers. We need more businesses generating tax dollars. The village should look at other communities across the country that are on par with Winnetka and seek out some of those retailers. There are many national high end retailers who could be brought in to balance the small businesses. There is a lack of clothing stores for men and children. People are always looking for more restaurants etc.

In addition, you shouldn't have allowed one company to have a monopoly on all the real estate in town.
Janice Evans

From: [REDACTED]
To: [Planning](#)
Subject: Realtors in Winnetka
Date: Thursday, April 22, 2021 8:58:14 PM

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

To whom it may concern: I felt the need to comment on the space shuffle going on in downtown Winnetka. First Berkshire Hathaway is moving to a new location and now Coldwell Banker is coming in. Seems to be a bit much with three realtors all clustered together. I just don't want to see Winnetka turn into Hubbard Woods with very little retail. We need more interesting retail to bring people into the area and help boost what we presently have. Realtors are not going to bring a community feel to Winnetka. We can do better. Thank you for letting me vent. Susan Lynch

Sent from my iPhone

From: [REDACTED]
To: [Planning](#)
Subject: Downtown
Date: Thursday, April 22, 2021 8:47:41 PM

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

Please consider more retail and less real estate offices in town. This should be a TOP priority so we can compete with our more vibrant suburban neighbors (Wilmette).

Linda Welch
890 Willow Rd

Sent from my iPhone

From: [REDACTED]
To: [Planning](#)
Subject: RE: coldwell banker special use permit
Date: Thursday, April 22, 2021 8:55:24 PM

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

Hello

Let's keep Winnetka's street level business space for retail and restaurants. We have done a lot to beautify the downtown space and keeping this prime space for resident/local enjoyment/use of businesses like retail and restaurants bring more people into town.

A real estate office is a great second floor opportunity but not a good fit for the exception to what we are trying to do in downtown winnetka.

Brandon Zibell
872 Pine St

From: [REDACTED]
To: [Planning](#)
Subject: Elm & Chestnut
Date: Friday, April 23, 2021 7:48:01 AM

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

With all due respect, we don't need another real estate office at the corner of elm and chestnut streets.

Regards,

Rita Germain
827 Cherry Street
Winnetka

Sent from my iPhone

From: [REDACTED]
To: [Planning](#)
Subject: Coldwell banker space
Date: Friday, April 23, 2021 8:12:06 AM

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

Let's try to find a nice business that isn't a realtor for that space. A burger joint for families? Frozen yogurt?? Anything but another realtor please, especially in such a prominent spot!!!

Don't be afraid to think outside the box. I remember shopping at the Carson's there for most of my childhood.

Perhaps a small Macy's or bed bath, etc?

Thank you.

Molly Jarmusz

From: [REDACTED]
To: [Planning](#)
Subject: Coldwell Banker
Date: Friday, April 23, 2021 7:41:21 AM

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

Greetings,

I am a Winnetka resident since 1983, 38 years. I regret the changes in Winnetka that have happened over the years, especially cutting mature trees with the excuse that they are doing poorly. We can see the trees, they have healthy leaves and should be removed only when there are mostly dead branches. We have trees in our gardens inspected every year by arborists, we are informed when it comes to diseased trees. Moreover, the Village is replacing them with young saplings which will not mature in our lifetime. We miss the service we used to get from the stores that had to close.

We don't need another real estate office. Encourage restaurants to open downtown Winnetka. We only have Little Lan, Tocco, Avli and the new one next to it. The ones in the Laundry are not visible from the street.

Very disappointed in the planning committee.

Mrs. Cecilia Milotti

From: [REDACTED]
To: [Planning](#)
Subject: Coldwell Banker
Date: Friday, April 23, 2021 9:16:15 AM

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

Please DO NOT allow Coldwell Banker to receive a variance to rent the space at the corner of Elm and Chestnut Streets. If we want more people to enjoy our beautiful village after all the beautification efforts, we need retail and restaurants on the street level. The village's stores and restaurants have suffered so much during the Covid closings. Retail and restaurants would increase the revenue for the village and the enjoyment factor for residents and visitors.

--

Alexandra C. Nichols
[REDACTED]

Please note: effective immediately, I will no longer be using [REDACTED]
Kindly update your records with my new email, [REDACTED] Thank you.

From: [REDACTED]
To: [Planning](#)
Subject: Winnetka
Date: Friday, April 23, 2021 9:35:23 AM

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

I've recently learned another real estate office is being considered at street level in one of the Winnetka vacated spaces. What Winnetka needs is more quality retail that generates traffic for our other merchants and sales tax for its residents. Please don't open the door to yet another service business like real estate brokerage, nail salons, dry cleaners. We do not need them and they do not enhance the vibe of our beautiful downtown. Focus instead on working with the landlords to be fair and equitable to the businesses we currently have that are still struggling from last couple years of streetscape construction and the pandemic.

Susan Schmitt

20 year Winnetka resident and frequent shopper

Sent from my iPad