



PLAN COMMISSION REGULAR VIRTUAL MEETING AGENDA

WEDNESDAY, FEBRUARY 24, 2021 - 7:00 PM

In accordance with social distancing requirements and Governor Pritzker's Executive Order 2021-04 and Senate Bill 2135, the Winnetka Plan Commission meeting on Wednesday, February 24, 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: 9911 114 2894 (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: 9911 114 2894; Webinar Passcode: PC022421

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, FEBRUARY 24, 2021 - 7:00 PM**

AGENDA ITEMS

1. Call to Order & Roll Call.
2. Introductory Remarks Regarding Conduct of Virtual Meeting.
3. Approval of December 16, 2020 meeting minutes.
4. **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.
5. Other Business.
 - a. Community Development Report
 - b. March 24, 2021 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
DECEMBER 16, 2020**

Members Present:

Tina Dalman, Chairperson
Matthew Bradley
Mamie Case
Layla Danley
Chris Foley
Bridget Orsic
Jay Vanderlaan

Members Absent:

John Swierk
John Golan

Village Staff:

David Schoon, Director of Community Development
Brian Norkus, Assistant Director of Community Development
Ann Klaassen, Senior Planner

Village Attorney:

Benjamin Schuster

Introductory Remarks Regarding Conduct of Virtual Meeting.

Chairperson Dalman read the Oral Declaration into the record. She then outlined how members of the public can participate in the meeting, how the meeting would proceed and the rules of procedure.

Call to Order:

The meeting was called to order by Chairperson Dalman at 7:04 p.m.

Approval of October 28, 2020 minutes.

A motion was made by Mr. Bradley and seconded by Ms. Case to approve the October 28, 2020 minutes. Chairperson Dalman then asked if there were any comments or corrections. No comments were made at this time. A vote was taken and the motion unanimously passed:

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

NAYS: None

Case No. 20-34-SU: 930 Green Bay Road – KMK Luxury Consignment. An application for special use permit approval submitted by Encore Outfitters, Inc. d/b/a KMK Luxury Consignment, as the lessee of the property located at 930 Green Bay Road to allow a consignment shop on the Subject Property.

Mr. Schoon identified the property's location on Green Bay Road and noted it also housed Alexander Kaehler Design. He stated the Plan Commission previously considered a special use application for a real estate for which they recommended denial, followed by the applicant's withdrawal of that request. Mr. Schoon referred to the challenges of businesses during these times and stated the Village is working with the applicant noting the applicant is currently temporarily operating out of the space as a Pop-Up. He stated the applicant relocated from their Lincoln Avenue space and identified the applicant's operating hours, number of employees, etc. Mr. Schoon then stated the Commission may move to approve or deny the request as noted on page nos. 5 and 6 of the staff memo and asked if there were any questions. Mr. Vanderlaan asked if the former space was smaller or larger. Mr. Schoon stated the applicant can respond.

1 Chairperson Dalman asked if there were any other questions. No additional questions were raised at this
2 time. She then asked for the applicant's presentation. Mr. Norkus allowed the applicant, Karen Kikos, into
3 the meeting. Chairperson Dalman swore in those speaking to this matter. Karen Kikos informed the
4 Commission they operated at the Lincoln Avenue space for 6.5 years which measured less than 1,000
5 square feet into a 2,000 square foot space. She stated their business is growing and the additional space
6 has worked out which allowed them to better serve their customers.

7
8 Chairperson Dalman asked if there were any questions. No questions were raised at this time. Mr. Schoon
9 confirmed no comments on this application were received. Ms. Klaassen confirmed there is no one in
10 attendance at the Village Hall to comment. Mr. Norkus allowed several members of the public into the
11 meeting to provide comment. No comments were made at this time. Chairperson Dalman closed public
12 comment for this matter.

13
14 Chairperson Dalman stated the Commission would now deliberate and asked if there were any comments.
15 Ms. Case stated the business is established and well liked and she had no issues with regard to the request.
16 Ms. Orsic agreed with Ms. Case's comments. Chairperson Dalman asked for comments relating to the
17 standards. Mr. Foley stated the use was contemplated in the commercial overlay district and met the
18 special use conditions. Mr. Bradley stated the applicant's history is strong with it being a benefit to the
19 Hubbard Woods district. He stated the request is before the Commission only due to it being a
20 consignment shop and otherwise met all other retail conditions in connection with the standards. Mr.
21 Bradley stated it would not impede the normal and orderly use of other businesses and the standards
22 noted on page 5 have been sufficiently met with him being in support of the request. Ms. Orsic added the
23 retail use would enhance the area. Chairperson Dalman agreed the use would generate foot traffic and
24 asked if there were any other comments. Ms. Danley stated the new space would allow them to service
25 customers more efficiently and it is an established business in the community. She agreed the request
26 met the standards and is in favor of the request.

27
28 Mr. Bradley asked how much online sales are driving business as opposed to customers coming to the
29 store. Ms. Kikos responded they normally ship online orders which amounted to 20% of their business.
30 She noted they would always have foot traffic due to consigners coming in which represented the mass
31 amount of their customers.

32
33 Chairperson Dalman asked for a motion. Mr. Bradley moved to recommend approval of the special use to
34 allow the consignment shop at 930 Green Bay Road based on the standards outlined on page nos. 5 and
35 6 of the staff memo. Ms. Orsic seconded the motion. No additional comments were made at this time. A
36 vote was taken and the motion unanimously passed, 7 to 0:

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

38 NAYS: None

39
40 **Case No. 20-35-SU: 839-841 Elm Street – Berkshire Hathaway Home Services. An application for special**
41 **use permit submitted by Stephens Family Limited Partnership on behalf of Berkshire Hathaway Home**
42 **Services, as the prospective lessee of the property located at 839-841 Elm Street to allow a real estate**
43 **office on the Subject Property. The property is currently owned by the Stephens Family Limited**
44 **Partnership, 708 Church Street, #211, Evanston, IL.**

45 Mr. Schoon identified the property's location, size and former occupant as well as the building's other
46 tenants. He noted the property is located in the overlay district allowing real estate offices as a special
47 use. Mr. Schoon should Berkshire Hathaway relocate from its current space, noted any use for that space
48 would need to comply with current zoning regulations and go through the special use permit process and

1 receive approval from the Village Council prior to its relocation. He described the space's size, street
2 frontage compared to the applicant's existing space as well as their office hours, employee staffing and
3 plans for virtual meetings. Mr. Schoon also described the space's proposed use in terms of conference
4 rooms, offices, etc. He also reviewed where employees and agents could park. Mr. Schoon then stated
5 the Commission may make a motion to recommend approval or denial as noted on page nos. 6 and 7 of
6 the staff memo. He then asked if there were any questions.

7
8 Chairperson Dalman also asked if there were any questions. No questions were raised at this time. Mr.
9 Norkus allowed the applicant into the meeting. Chairperson Dalman swore in those speaking to this
10 matter.

11
12 Jim Nash, Farnsworth Hill, introduced himself as part of the property management and leasing agent. He
13 then introduced Jim Stephens, Molly Ryan, Julie Bradbury Miller and Darla Terrell. Mr. Nash identified his
14 affiliation with the applicant and their property purchase history and noted the applicant has been a part
15 of Winnetka for several years. He stated the special use would be compliant with the standards in that
16 they are only moving 50 feet to the west. He informed the Commission a majority of the meetings are no
17 longer held in the office due to the pandemic and they hold virtual meetings. He stated that option
18 reduced the number of vehicles and traffic onsite adding the neighboring tenants would not be affected.
19 Mr. Nash then stated upon the Village's approval, the façade would be updated with new awnings.

20
21 Mr. Nash identified the neighboring building purchased by the applicant in 1994 and that updates were
22 made to the property and parking. He referred to their parking plan, hours of operation and that generally
23 there would be no more than 5 staff people in the space. Mr. Nash also stated they are working on the
24 proposed layout of 2,600 square feet noting it is a reduction from their existing 6,000 square foot space.
25 Julie Bradbury Miller stated they are cognizant of the neighbors' issues with regard to parking noting there
26 would be no effect and they would continue to do a lot for the community. Mr. Nash then described the
27 business' support and donation efforts.

28
29 Chairperson Dalman asked if there were any questions. Ms. Orsic questioned the view from the front
30 window from the street. Molly Ryan responded they have not yet finalized the space configuration noting
31 there would be a reception area in the front. She added the listed properties would continue to be on
32 display in the window. Ms. Miller informed the Commission they planned to be cognizant of the street
33 view. Mr. Bradley asked if they are in negotiations with possible tenants for their existing space. Mr. Nash
34 responded they may solicit a national tenant adding they have received two inquiries. No additional
35 questions were raised at this time.

36
37 Chairperson Dalman then asked for public comment. Mr. Norkus confirmed the remaining members of
38 the public are waiting to comment on the Sheridan Road subdivision request. Ms. Klaassen confirmed
39 there is no one in the Village Hall to comment.

40
41 Chairperson Dalman called the matter in for discussion. Mr. Foley stated the business is relocating down
42 the street and if the request was from a new applicant, his position may be different. He agreed with the
43 applicant's decision to move into a smaller space and described the space to be vacated as prime retail
44 space for a new tenant. Mr. Foley then stated the standards have been met and concluded he is in support.
45 Ms. Orsic agreed with Mr. Foley's comments adding it would decrease the real estate footprint while
46 meeting the standards. Mr. Bradley stated the retail overlay district was designed to guide against a
47 proliferation of non-retail uses noting this use has been there for a long time. He also stated he agreed
48 with the comments made along with referring to standard nos. 7 and 8. Mr. Bradley stated he is in support

1 of the request noting the standards have been met with it being a business in existence in the Village for
2 a long time. Chairperson Dalman described the request as a win-win for the Village which would free up
3 the space for redevelopment opportunities as well as satisfying the standards.

4
5 Chairperson Dalman then asked for a motion. Mr. Foley moved to recommend approval of the requested
6 special use to allow Berkshire Hathaway Home Services to operate a real estate office at 839-841 Elm
7 Street in the commercial overlay district based on the findings of fact and conditions as noted on page
8 nos. 6 and 7 of the staff memo. Ms. Case seconded the motion. No additional comments were made at
9 this time. A vote was taken and the motion unanimously passed, 7 to 0:

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

11 NAYS: None

12
13 **Case No. 20-36-SD: 203, 205, 209 and 225 Sheridan Road Subdivision.** An application for Final Plat
14 approval submitted by Peter Lee, as Trustee of the Walton 2019 Revocable Trust, the owner of the
15 property located at 203 Sheridan Road, and Trustee of the Orchard 2020 Revocable Trust, the owner of
16 the properties located at 205 Sheridan Road and 209 Sheridan Road (a vacant lot) and the Winnetka
17 Park District, as the owner of the property located at 225 Sheridan Road (Centennial Park) (collectively,
18 the "Subject Property"), to allow the resubdivision of the Subject Property into a two-lot subdivision.

19 Ms. Klaassen described the subdivision application submitted by the applicant and identified the
20 properties' location and zoning classification. She also identified the square footage of the four lots and
21 buildings on the properties. Ms. Klaassen stated the owner of the residential properties entered into an
22 exchange agreement with the Park District to acquire approximately the south 70 feet of Centennial Park
23 as part of the subdivision request and described the square footage of proposed Lots 1 and 2 noting plans
24 have not been submitted for the proposed residential lot or any improvements proposed for Centennial
25 Park or 261 Sheridan. She informed the Commission the owner planned to demolish the two homes at
26 203 and 205 Sheridan and build one new single family residence. Ms. Klaassen also noted the Park District
27 would have to go through the special use process and receive approval to utilize 261 Sheridan for park
28 land or recreational uses.

29
30 Ms. Klaassen noted the proposed subdivision complied with the zoning requirements and subdivision
31 code and two conforming lots would result. She confirmed no zoning relief would be required and the
32 subdivision would eliminate two existing zoning nonconformities as shown in Table 3. Ms. Klaassen stated
33 the LPC considered the demolition applications in December 2020 and required the applicant to submit
34 an HAIS for 203 Sheridan with supplemental information to be identified for the 205 Sheridan in the
35 report. She stated once the HAIS is submitted, the LPC will vote to either allow demolition to proceed
36 without delay or require a 60-day delay. She stated the earliest the LPC could consider the HAIS is in
37 February 2021. Ms. Klaassen then identified the additional matters including utility easements, etc.
38 needed prior to final plat approval. She stated following discussion and public comment, the Commission
39 may choose to consider the motion included on page nos. 10 and 11 of the staff memo together with
40 three suggested conditions relating to easements and approval by IDOT and the IDNR. Ms. Klaassen noted
41 five additional letters were received and would be read into the record and asked if there were any
42 questions.

43
44 Mr. Bradley asked if the LPC considered the demolition of 261 Sheridan and Ms. Klaassen responded they
45 did not and noted it is not part of the subdivision. Mr. Vanderlaan asked what the effect would be to the
46 beach's public access if the subdivision is approved. Ms. Klaassen stated the applicant can respond and
47 added no changes to the park are being considered at this time. Ms. Danley questioned the Park District's
48 acquisition of the southern portion of the property. Chairperson Dalman noted Park District

1 representatives are also present and asked if the northern boundary of Lot 2 would line up with the
2 northern edge of Fuller Lane. Ms. Klaassen responded the red line in the illustration represented an
3 approximate location and referred to page 45 of the agenda packet.
4

5 Ben Schuster reminded the Commission of their charge which it to review the proposed subdivision for
6 its compliance with subdivision regulations, which staff has determined that it does comply subject to
7 compliance with a couple of conditions. He also stated the land swap is under the Park District's
8 jurisdiction and not the Commission. Mr. Schuster stated for properties that comply with the subdivision
9 code, it is difficult to deny such an application that met code requirements. He then asked if there were
10 any questions. No questions were raised at this time.
11

12 Mr. Norkus allowed the applicant team into the meeting. Cal Bernstein introduced himself as the attorney
13 for the Trust, John Peterson from the Park District, Warren James, Park Board Commissioner and Tricia
14 Charbonneau from the development team. Chairperson Dalman swore in those speaking to this matter.
15 Mr. Bernstein informed the Commission they do not yet have the information as to how the northern
16 property line on Fuller Lane would line up. John Peterson informed the Commission he is now the Park
17 Board Executive Director and referred to a section in the 2020 Comprehensive Plan where the Commission
18 recommended collaboration with the Park District to acquire properties and specifically referenced a
19 parcel identified as part of the project. He identified the 261 Sheridan parcel as a "gift" to the Park District
20 which would help bring the land parcels together. Warren James informed the Commission he served as
21 the Chairman of the Lakefront Master Plan which identified a mandate that if the property ever came up
22 to combine Elder and Centennial Parks. He referred to the 70 foot property exchange for the 261 Sheridan
23 parcel and the values generated for the two properties being exchanged. The 261 Sheridan value
24 significantly exceeds the 70-foot parcel, a portion of what the Park District receive is a gift. Mr. James also
25 referred to the project to save the Lloyd Beach and the 900 feet of beachfront as a result of the project.
26 Mr. Bernstein stated the Park District and the Applicant considered and approved the exchange
27 agreement with the condition of the Village's approval of the subdivision, and he note the subdivision
28 eliminated several nonconforming conditions. He asked for the Commission's recommendation of
29 approval to the Village Council to enable them to move forward with the project which would help the
30 beaches and then asked if there were any questions.
31

32 Chairperson Dalman also asked if there were any questions. No questions were raised at this time. Ms.
33 Klaassen read several emails into the record from the following: owners of 849 Willow Road, and Melissa
34 and Chase Twomey, 785 Willow Road, in support of the application. She then read emails from Judy and
35 Jim Roth, 209 Fuller, Rebecca Ferguson, 200 Fuller Lane and the Heraty family, 195 Fuller Lane, who raised
36 concerns with regard to the application. Ms. Klaassen confirmed no members of the public are at the
37 Village Hall to comment.
38

39 Mr. Norkus allowed members of the public into the meeting to comment. Chairperson Dalman swore in
40 those speaking to this matter. Ankur Joshi, 206 Sheridan, stated they bought their home last year for the
41 lake view and park. He stated he agreed with the statements of concern made and asked for the owner
42 to consider the impact the subdivision would have. Mr. Joshi requested the owner take into consideration
43 their views in their plans for the property. Judy Rauh, 209 Fuller Lane, agreed with the neighbors'
44 comments relating to the Park District benefit and effect on the neighbors. Bob Goldsborough asked with
45 regard to Lot 2 if they are owned by the same trust and if they are aware of the trust beneficiaries and
46 whether they are Village residents. Chairman Dalman noted the Village did not require disclosure of
47 beneficiary identities with the subdivision application.
48

1 Chase Twomey, 785 Willow Road, submitted an email and also read an additional statement into the
2 record. Rebecca Ferguson, 200 Fuller Lane, referred to the comments made on the additional impact to
3 the neighbors. She stated they are asking for acknowledgment and agreement in working with the
4 applicant and asked when that could take place. Ms. Ferguson stated they are not in opposition but want
5 to know what can be done to preserve their views. Robert Morehead, 20 Indian Hill Road, stated his family
6 frequently utilized the park and the swap would allow the completion of the Master Plan increasing the
7 park's usefulness and activities as well as the beach improvements. He described the request as a unique
8 opportunity which would help the village in numerous ways. Ryan Kelley, 271 Linden, referred to the
9 perception of Winnetka having great beaches and described the request as a unique opportunity. He
10 stated while the Fuller Lane neighbors would have a different view, he commented that is part of living in
11 the community. Mr. Kelley then stated it would not be a worse situation and there would not be a net
12 land loss and described the gift as generous with the result being a benefit to the village. Stephanie Heraty,
13 195 Fuller Lane, agreed with Fuller Lane neighbors' comments and described the land swap as swift which
14 undermined the Fuller Lane residents. She then stated they would be affected by the project. Mr. Norkus
15 again asked for those who did not previously respond to requests for their comment. No additional
16 comments were made at this time.

17
18 Chairperson Dalman asked for the applicant to respond to the comments made. Mr. Bernstein stated he
19 did not have information as to the trust beneficiaries. He then stated with regard to negative impact to
20 the neighbors, the standards have been met in connection with two conforming lots. Mr. Bernstein also
21 stated the home's design is in the infancy stage and he has no information yet as to siting, landscaping,
22 etc. Mr. James informed the Commission with regard to the property line; the exchanged 70 feet of
23 property would put the new property line in alignment with the center line of Fuller Lane. He also stated
24 the Rauh's views would be eclipsed by the exchange which is currently eclipsed by trees. Mr. James
25 reiterated the benefits which included desperately needed beach front protection improvements.
26 Chairperson Dalman referred to Exhibits C-1 and C-2 on page 23 identifying the north boundary line and
27 the view and Lot 2 would have a 12 foot side yard setback. Mr. Peterson noted the affected neighbors
28 have participated in a number of meetings with the Park District and they are working to minimize the
29 trees, bluff and overgrowth. He added they would continue to consider their perspectives. Mr. Bernstein
30 confirmed the new home would apply with zoning regulations.

31
32 Chairperson Dalman then called the matter in for discussion. Mr. Bradley referred to the 2020 Master
33 Plan and acquisition of the property as well as the fact the Fuller Lane neighbors' comments are not to be
34 overlooked with acknowledgment made of their concerns. He stated the Commission is to only consider
35 whether the subdivision complies with the requirements and he is in support of the request. Mr. Bradley
36 also stated whether the new home complied with zoning requirements will be considered at the time that
37 request is presented, and the subdivision request fully complied with the subdivision code. Ms. Case
38 agreed with Mr. Bradley's comments and the Commission's purview was made clear by Mr. Schuster. She
39 agreed the request complied with subdivision requirements while the neighbors are concerned. Ms. Case
40 added the request would be for the Village's greater good and she is in support. Ms. Danley agreed with
41 the comments made and based on the limited standards they are to consider, the request met the
42 standards. She referred to the neighbors' comments and if the new home required a variance, it would
43 be presented to the ZBA and the Commission at that time with the residents having another chance to
44 speak. Mr. Foley thanked the members of the public for participating and agreed with the comments
45 made noting the final plat corrects existing nonconformities. He stated the Park District would work with
46 the neighbors and referred to the Comprehensive Plan with the request being consistent with the prior
47 discussion of the 2040 Comprehensive Plan. Ms. Orsic agreed with the comments made and added the
48 changes may not be as bad as they think. She added the request would be beneficial to everyone. Mr.

Vanderlaan agreed the request made sense to combine two parks and would help solve beach erosion. He also stated with regard to the neighbors' concerns, the Park District would continue to keep the parks and beach beautiful and the owner would have the right to develop the property as they see fit. Chairperson Dalman added there is no legal basis for the Commission to deny the request reiterating their jurisdiction is limited. She also stated the Park District will continue to be in communication with the neighbors and there are no view corridor or view protection requirements in Illinois.

Chairperson Dalman then asked for a motion to recommend approval with the easement conditions noted on page 11 of the staff memo. Ms. Orsic moved to recommend that the proposed Winnetka Park District Subdivision of Winnetka Park District Centennial Park be approved subject to the three conditions outlined on page 11 of the staff memo. Ms. Danley seconded the motion. No additional comments were made at this time. A vote was taken and the motion unanimously passed, 7 to 0:

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

NAYS: None

Other Business.

a. Community Development Report.

Mr. Schoon stated with regard to the 1415 Asbury and 1423 Asbury lot line adjustment, the LPC requested an HAIS for the 1423 Asbury but did not issue a demolition delay with the request proceeding to the Village Council. He also stated the Village Council approved the request for Rebel House, and the DRB to consider a request for signage at its meeting tomorrow. Mr. Schoon then noted the retirements of Louise Holland from the LPC with 34 years of service to the Village as well Steve Saunders, the Village Engineer, who has 35 years of Village service. He then asked if there were any questions. Mr. Foley asked if the Comprehensive Plan is on hold, and Mr. Schoon confirmed that is correct.

b. January 27, 2020 Meeting – quorum check.

The Commission Members discussed their availability. Mr. Schuster confirmed with regard to swearing everyone in, it has to be done with the exception of subdivision requests which did not include any other relief. He also confirmed they did not require beneficiary disclosure for a subdivision request.

Public Comment.

Mr. Norkus allowed two remaining members of the public into the meeting. Mr. Goldsborough thanked Mr. Schuster for the clarification. Mrs. Rauh thanked the Commission for their patience in listening to their comments and the Commission for their service. Mr. Norkus confirmed no additional members of the public are in attendance.

Adjournment:

A motion to adjourn was made by Ms. Orsic and seconded by Mr. Foley. A vote was taken and the motion unanimously passed, 7 to 0:

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

NAYS: None

The meeting was adjourned at 10:20

Respectfully submitted,

Antionette Johnson

Recording Secretary



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: PLAN COMMISSION
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: FEBRUARY 18, 2021
SUBJECT: 1081 GAGE STREET - NORTH SHORE BARBER SHOP SPECIAL USE
PERMIT (CASE NO. 21-06-SU)

INTRODUCTION

On February 24, 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 North Shore Barber Shop (the "Applicant"), as the prospective lessee of the property located at 1081 Gage Street, Winnetka, IL (the "Subject Property"), **to allow a barber shop on the Subject Property**. The property is owned by the Chicago Title Land Trust Company, as Trustee under Trust Agreement dated December 7, 1979 and known as Trust Number 4020, d/b/a Parliament Enterprises, Ltd. (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 barber shop in the C-2 General Retail Commercial Overlay District at the Subject Property. The Applicant would be expanding its current barber shop at 1083 Gage Street to include 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 two voicemail messages from one individual regarding this application. The voicemails have been transcribed and are included in this report as Attachment B.

PROPERTY DESCRIPTION

The Subject Property is one of the first-floor commercial spaces located in the multi-use building at 1073-1085 Gage Street and 940-948 Green Bay Road, located at the northwest corner of Green Bay Road and Gage Street on the north side of Gage Street. The approximately 757 square foot space at 1081 Gage Street has been unoccupied since at least December 2016. The Applicant currently occupies the commercial space immediately west of the Subject Property. Other tenants in the building include *Scott Cleaner*, a dry cleaning service, which is located immediately west of the Applicant's current location, and *Figueroa Orthodontics*, which is immediately east of the Subject Property. Figures 2 and 3 on the following page identify the Subject Property and the neighboring businesses.

The Subject Property is located within the Village's **Commercial Overlay District**, which allows non-retail uses, including personal services, such as a barber shop, beauty salon, nail salon, etc.; however, the Zoning Ordinance requires that they be evaluated by the Plan Commission and Village Council as a special use.



Figure 1 – 1081-1083 Gage Street



Figure 2 – Neighboring Businesses (Scott Cleaner, Figueroa Orthodontics)

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. The amendments went into effect on July 4, 2019 and changed a barber shop from being a permitted use to requiring special use approval.

HUBBARD WOODS BUSINESS DISTRICT OVERLAY BOUNDARIES

A map depicting the zoning classifications of the Hubbard Woods Business District is included below as Figure 3. 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.

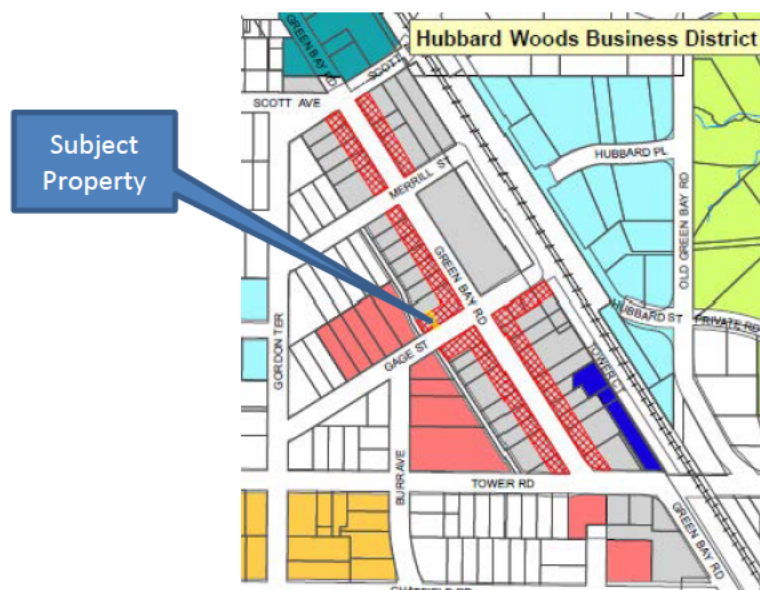


Figure 3 – Hubbard Woods Business District

As previously stated, the Applicant is proposing to expand its current location at 1083 Gage Street to include the Subject Property, an approximately 757 square foot space with 14.42 feet of street frontage. The Applicant's current space consists of 475 square feet with approximately 14 feet of street frontage. If approved by the Village Council, the Applicant would occupy approximately 1,232 square feet and 28 feet of street frontage.

The Applicant has provided a preliminary floor plan representing the existing and proposed spaces (see Figure 4 below). To connect the two spaces, the Applicant intends to provide an opening 8-10 feet in length in the demising wall between the two spaces. With the additional space, the Applicant intends to relocate one of the barber chairs in the existing space to the new space as well as add an additional barber chair in the new space. In total, there would be two chairs on either side of the barber shop. This would allow for one additional barber, for a total of four barbers. The new space is also intended to provide additional waiting space to alleviate overcrowding they are currently experiencing and to prevent clients from having to wait outside as they currently are, due to the limited space and current social distancing requirements.

On August 28, 2019, the Plan Commission considered the Applicant's initial special use permit application to operate in its current location. After hearing from the Applicant and a representative of the property owner, by a vote of 9-0, the Commission recommended approval of the special use permit. Subsequently, on September 17, 2019, the Village Council waived introduction of Ordinance M-15-2019 and adopted the ordinance approving the special use permit. For additional details, the minutes of the August 2019 Plan Commission meeting and Ordinance M-15-2019 are included in this report as Attachments C and D.



Regarding parking, the Applicant does not have access to the private off-street parking behind the Subject Property. The Applicant and employees park in Village-designated spots for employees of businesses (Zone A spaces). Given the use is an existing use expanding to an adjacent commercial space to the east, the Applicant was not required to submit a parking and traffic study.

DESIGN REVIEW BOARD REVIEW

Any changes to the exterior of the 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 is in the process of submitting the necessary permits for the existing window sign that was installed without the necessary approvals.

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, North Shore Barber Shop, to operate a barber shop at 1081 Gage Street within the C-2 Commercial Overlay District, based on the following findings of fact:

“The proposed barber shop **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 C: Excerpt of August 28, 2019 PC meeting minutes

Attachment D: Ordinance M-15-20019, adopted September 17, 2019

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. 21-06-SU

Property Information

Site Address: 1081 Gage St.
Proposed type of occupancy: Expansion of existing Barber Shop

Applicant Information

Name: North Shore Barber Shop Primary Contact: Faiouzi Hassan and Danuta Harrison
Address: 1083 Gage Phone No. [REDACTED]
City, State, ZIP: Winnetka Ill. 60093 Email: [REDACTED]
Applicant Signature: [REDACTED] Date:

Attorney Information

Name: N/A
Primary Contact:
Address:
City, State, ZIP:
Phone No.
Email:

Architect Information

Name: N/A
Primary Contact:
Address:
City, State, Zip:
Phone No.
Email:

Property Owner Acknowledgment

I hereby certify that I am the owner of the property located at 940-48 Green Bay Rd & 1073-85 Gage St. Winnetka, IL, and have provided the attached proof of ownership. (address)

I consent to the filing of an application for a Special Use Permit by North Shore Barber (Applicant name)

Property Owner Signature: [REDACTED] Date: 12/15/2020

Printed Name: Adam Keyser, Peak Properties LLC

Agent for Owner - Owner of Record - Chicago Land Trust Company, Trust No 4020, aka Parliament Enterprises, Ltd.
Page 3 of 4

PROPOSAL TO EXPAND NORTH SHORE BARBER SHOP

1081 GAGE

After obtaining a Special User Permit in August of 2019 to operate a Barber Shop at 1083 Gage Street the North Shore Barber Shop has been operating in the 475 square foot 1083 Gage since October of 2019. The Business has rapidly become an integral member of the Retail Community and has operated successfully in the space with 3 Barber Chairs.

With the need to keep a safe distance due to Covid 19 often customers have been required to wait for service outside which has proven to be a challenge in the colder weather. Moreover the space has become too small to accommodate growing demand from its primarily local Customer base.

When 1081 Gage became available the Business has seized on the opportunity to better serve it's customers by allowing additional and more comfortable waiting space and add one additional Barber to allow more appointments and avoid the crowded conditions that sometimes occur in the current space.

They will operate under the same terms as they do currently with the addition of one Barber.

Their hours are 7 days per week normally from 9 to 5.

To accommodate the expansion they will create an opening between the two spaces in a manner which will not compromise the structural integrity of the Building , which they have confirmed. The new space will be used for Waiting and allow one additional Barber Chair. It will be tastefully decorated in a similar design to the current shop.

Ownership of the Shop is always on site and has a strong relationship with it's Adult and Children Customer community.

COMPLIANCE WITH SPECIAL USE PERMIT STANDARDS

1. The Business is operated by State of Illinois licensed professional Barbers who will not be detrimental to the Public Safety or Health.
2. The Business will enhance property values by occupying a long vacant location.
3. The Business is occupying existing vacant spaces and will not impede or impact normal development in the area.
4. By approving this application the business will actually improve the ingress and egress to the location and allow the operation in a more healthful manner .
5. No additional pressure will be placed on parking . In fact it may improve parking, since customers will be waiting less time for service.
6. The use will meet all codes and has been recently updated to life safety standards.
7. The Business has already shown its strong relationship to the community and will encourage the availability of a neighborhood service to the nearby residents.
8. There will be no interruption to the current services provided by the Business or the surrounding area.
9. The Business complies with all local sign ordinances.
10. N/A
11. N/A
12. The Business will not have any negative impact on parking in the area.



Mr. Adam Keyser
Chief Operating Officer
Peak Properties, LLC
2815 West Roscoe Street
Chicago, Illinois 60618

January 4, 2021

Re: Proposed Opening at Tenant Demising Wall
1083-1081 Gage Street
Winnetka, Illinois

Dear Adam,

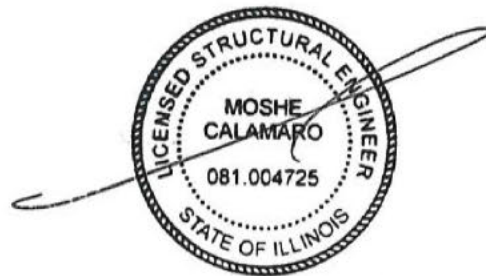
In regard to the existing ground floor demising wall that separates 1081 Gage Street from 1083 Gage Street tenant space, it is our opinion that the proposed opening (four feet to six feet wide to be located near the middle of the wall) will not cause structural damage to the building as long as a properly designed and installed structural header and posts are installed at the opening and are designed by a licensed structural engineer. The demising wall in question is a structural bearing wall and any new openings in this wall will require structural reinforcement.

If you should have any questions or comments or would like us to work with the tenant to establish the location, size, and reinforcement of the proposed wall's opening, please feel free to contact us.

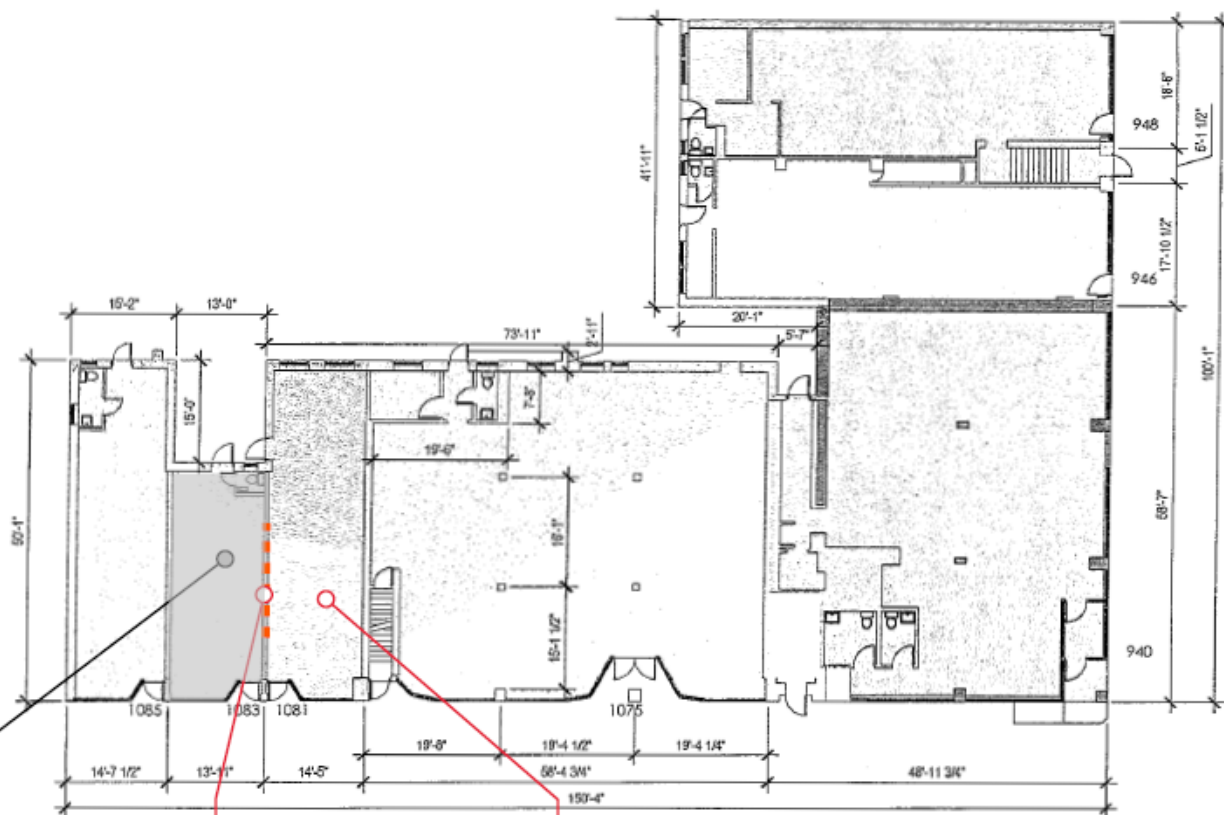
Sincerely,

Moshe Calamaro & Associates, Inc.
Structural Engineers


Moshe Calamaro, SE, SECB
MCA File#: 114358-G



Date 1.4.2021
License Expires 11-30-2022



Existing shop space (475 s.f.)

Proposed 8-10 foot wide opening in demising wall

Proposed additional area (757 s.f.)

1 MAIN FLOOR PLAN
1/16" = 1'-0"

BUILDING AREA SUMMARY

940	2,643 S.F.
946	1,270 S.F.
948	1,324 S.F.
951	2,725 S.F.
954	717 S.F.
955	475 S.F.
956	732 S.F.

COMMON 193 S.F.

TOTAL 10,148 S.F.

ALL WALLS SHOWN IN GREY ARE STRUCTURAL AND CANNOT BE ALTERED.
ALL DIMENSIONS ARE PER ARCHITECT'S 2015-2016 RETAIL BUILDING STANDARD METHODS OF MEASUREMENT.

PEAK PROPERTIES
940 GREEN BAY ROAD, WINNETKA, IL

PEAK PROPERTIES



DATE: 10/03/2015
DRAWN BY: MJ
CHECKED BY: MJ

FLOOR PLAN
SHEET 1012

1

Novacore Building Document
1301 Washington
Evanston, IL 60202
P 847.855.3294
www.novacore.com

CHICAGOLAND SURVEY COMPANY INC.

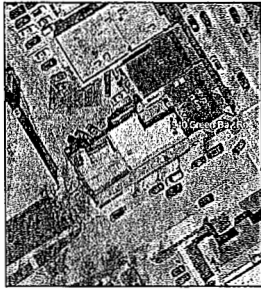
PROFESSIONAL DESIGN FIRM LICENSE NO. 154-005343 EXPIRES 04/30/2018
6501 W. 65TH STREET CHICAGO, ILLINOIS 60638 (773) 271-9447
CHICAGOLANDSURVEY@SBCGLOBAL.NET

PLAT OF SURVEY

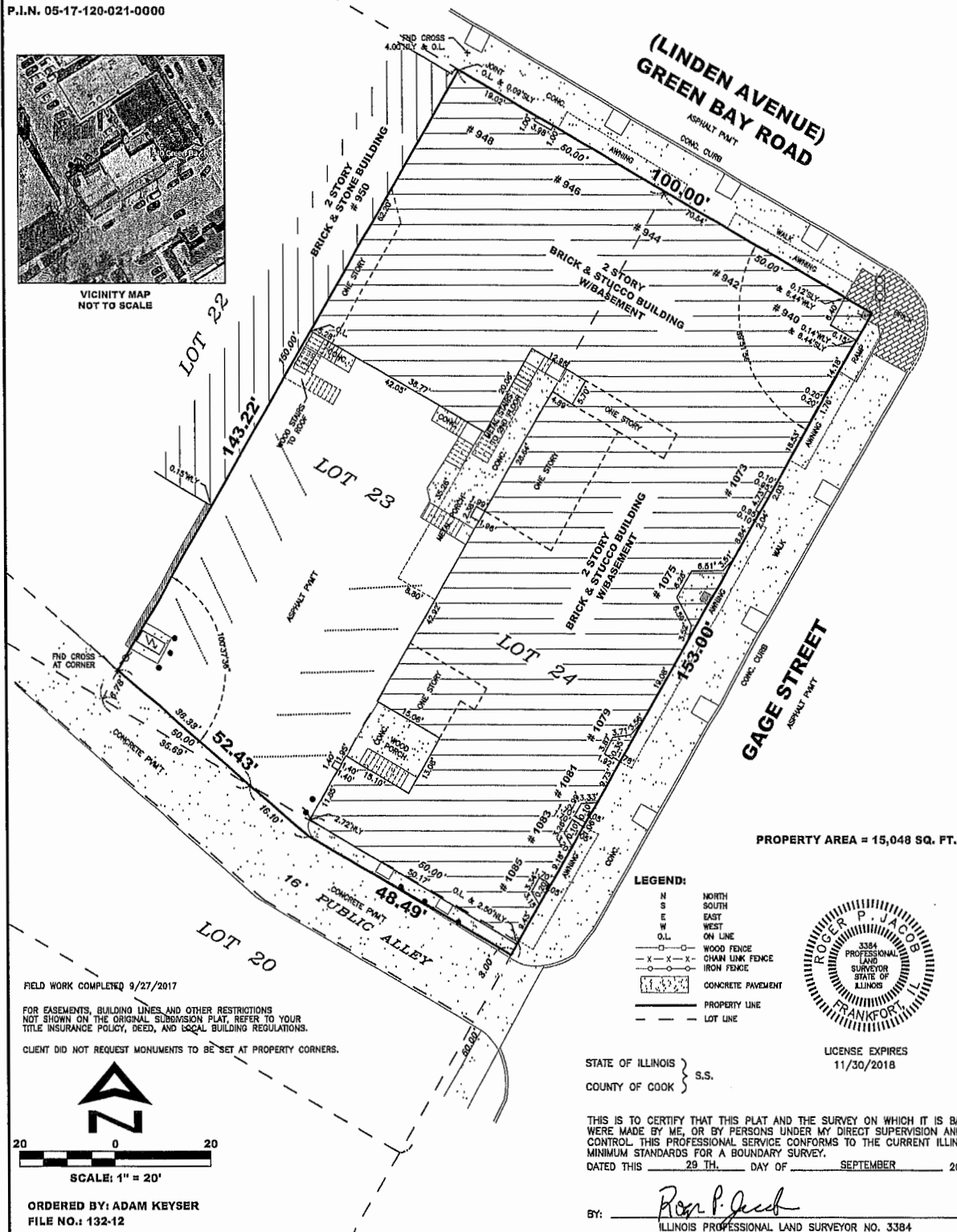
LOTS 23 AND 24 IN BLOCK 3 IN LAKESIDE JARED GAGES SUBDIVISION (EXCEPTING THAT PART OF LOT 23 DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST WESTERLY CORNER OF LOT 23 AND RUNNING THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF SAID LOT, 6.78 FEET; THENCE SOUTHERLY IN A STRAIGHT LINE 36.33 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT, 35.69 FEET SOUTHEASTERLY OF THE MOST WESTERLY CORNER THEREOF; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT, 35.69 FEET TO THE POINT OF BEGINNING), ALSO
THAT PART OF LOT 20 LYING EASTERLY OF THE EASTERLY LINE OF THE 16 FOOT ALLEY RUNNING NORTHERLY AND SOUTHERLY ACROSS THE EASTERLY PORTION OF SAID LOT 20 IN BLOCK 3 OF LAKESIDE JARED GAGES SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF FRACTIONAL SECTION 17 AND PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF FRACTIONAL SECTION 8, ALL IN TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHERLY LINE OF SAID LOT 20, 3.00 FEET SOUTHWESTERLY OF THE MOST SOUTHERLY CORNER OF LOT 24; THENCE NORTHWESTERLY PARALLEL WITH THE WESTERLY LINE OF LOT 24, 48.49 FEET; THENCE NORTHERLY IN A STRAIGHT LINE 16.10 FEET, TO A POINT IN THE NORTHEASTERLY LINE OF SAID LOT 20, 35.69 FEET SOUTHERLY OF THE MOST WESTERLY CORNER OF LOT 23; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF LOTS 23 AND 24 TO THE MOST SOUTHERLY CORNER OF LOT 24; THENCE SOUTHWESTERLY 3.00 FEET TO THE PLACE OF BEGINNING, IN THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS.

PROPERTY KNOWN AS: 940 GREEN BAY ROAD, WINNETKA, ILLINOIS.

P.I.N. 05-17-120-021-0000



VICINITY MAP
NOT TO SCALE



ATTACHMENT B

Case No. 2021-06-SU North Shore Barber Shop 1081 Gage

Voicemail Messages left on February 10, 2021 - Both from Tim Connell of 500 Sheridan Road, Winnetka, IL

VM#1

Hi, I wanted to leave a comment supporting North Shore Barber Shop for 1081 Gage Street. I've been to the barber shop a few times now and I plan to continue being a regular customer. And, I was able to bring my son with autism here because it is so calming and the people who run the shop are very quiet, calm, friendly, and welcoming. And, they do a wonderful job with great haircuts for both my son and myself. I fully support them expanding their shop.

VM#2

Hi, I am just calling again because I left out some information on my last message. My name is Tim Connell. I live at 500 Sheridan Road in Winnetka. I am calling in support of North Shore Barber Shop's application to lease 1081 Gage Street. I've had wonderful experiences at this shop. My son with autism comes here because it's very calming, friendly, welcoming and they give amazing haircuts to kids and adults. And, I look forward to continuing to be a regular customer there with both of my sons for as long as I can. And, the planning commission or the Winnetka Plan Commission is the body I want to direct my comments to for the upcoming public hearing on Wednesday, February 24th. Thank you.

ATTACHMENT C

Minutes adopted 10.23.2019

WINNETKA PLAN COMMISSION EXCERPT OF MEETING MINUTES AUGUST 28, 2019

Members Present:

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

Non-voting Members Present:

Matthew Bradley
John Swierk

Members Absent:

None

Village Staff:

David Schoon, Director of Community Development
Ann Klaassen, Senior Planner

Case No. 19-22-SU: 1083 Gage Street - North Shore Barber: An application submitted by North Shore Barber seeking approval of a special use permit to allow a barber shop to operate on the ground floor in the C-2 Commercial Overlay District.

Ms. Klaassen noted the property is located in the Commercial Overlay District. She then stated the Village Council recently adopted amendments to the overlay district where the barber shop would have been a permitted use under the previous regulations. Ms. Klaassen stated the subject space is vacant and was most recently occupied by a different barber, The Gentleman's Shop, until last year. She noted the previous barber was not required to obtain a special use permit. Ms. Klaassen stated North Shore Barber would occupy the approximately 475 square foot space.

Ms. Klaassen then stated the use would occupy 14 feet of building frontage. She also stated in their application, it was explained they intended to have one barber on site Monday-Thursday and two barbers on Friday, Saturday and Sunday with hours of operation being from 9am to 6pm. Ms. Klaassen noted Scott Cleaners is located to the west of the vacant space and Figueroa Orthodontics is located to the east which also received a special use permit. Ms. Klaassen informed the Commission the space immediately to the east is also vacant.

Ms. Klaassen referred the Commission to page 5 of the materials which contained a motion recommending approval or denial of the request. She then asked if there were any questions. A Commission Member referred to the red dashes representing the overlay district in the illustration and asked what did the red area represent. Ms. Klaassen responded it is B-1 multi-family zoning and noted the map did not represent the two small areas recently removed from the overlay district on Tower Road.

Mr. Vanderlaan referred to the questions submitted as an email addendum and the list of improvements done over the years and asked if the space is move-in ready or if further renovation is required. Ms. Klaassen responded she is not aware of additional improvements that are necessary and if so, the

1 applicant would need to apply for a building permit. Mr. Vanderlaan asked if the applicant would be
2 replacing the Wilmette space or if this space would be in addition to the Wilmette space. Ms. Klaassen
3 stated they have not received a response to that question from the applicant and they can ask that
4 question of the applicant.

5
6 Chairperson Dalman noted for the record, the email responses should be included as part of the record.
7 She asked if there were any other questions. Mr. Vanderlaan asked if they would be open 7 days a week
8 and Ms. Klaassen confirmed that is correct.

9
10 Chairperson Dalman swore in those speaking to this matter.

11
12 Barry Millman introduced himself to the Commission as the commercial real estate broker with Horizon
13 Real Estate and has been the broker for the last several years and is a Northbrook resident. He stated he
14 is representing Failouni Hassan and Danuta Harrison who want to enter into a lease for the property which
15 was approved by the landlord subject to obtaining a special use permit for 1083 Gage. Mr. Millman stated
16 the property measured 475 square feet and is located on the fringe of the overlay district. He stated the
17 space was previously a barber space for several decades and was a hair salon prior to that. He informed
18 the Commission when the last barber retired, ownership decided to leave the space empty for a while
19 and renovate it to include a new sprinkler system to meet code requirements, as well as a new ADA
20 bathroom, new flooring, ceiling, walls, etc. Mr. Millman stated the owners were intent on getting a new
21 barber in the space and installed a vanity in a wall with shampoo bowls. He confirmed there would be no
22 significant remodeling other than painting, furnishing and décor.

23
24 Mr. Millman then stated Mr. Hassan is a barber in Wilmette; he would locate to Winnetka with his clients,
25 most of whom are from Winnetka. He stated the applicants understand the Village's parking regulations
26 and realize there are significant parking issues in town. Mr. Millman stated the clients would only be in
27 the shop for 15-20 minutes and the owners plan to sell products and pay sales tax. He then introduced
28 the applicants to the Commission.

29
30 Mr. Hassan informed the Commission he moved to the country five years ago from Dubai. Ms. Harrison
31 stated Mr. Hassan is very professional and great with children.

32 Chairperson Dalman asked the Commission if they had any questions. Mr. Bradley asked if there will be
33 office administration in addition to the barbers working in the shop. Mr. Hassan responded in the
34 beginning, he referred to being very busy. Ms. Harrison confirmed there would be. Mr. Bradley then stated
35 for the products they are considering for sale, he asked if they would be located in the front of the store
36 visible to pedestrians. Mr. Hassan confirmed they would and Ms. Harrison would handle that. Mr. Bradley
37 asked if it would be a full service shop for men and women. Mr. Hassan responded it would be a barber
38 shop for men and children.

39
40 Chairperson Dalman asked if there were any other questions. She stated for clarification, she referred to
41 the property owner acknowledgment and the land trust which owned the property owned 1075 Gage
42 Street and noted that is the address for Figueroa Orthodontics. Ms. Klaassen confirmed that is correct,
43 the trust owns the entire building at the corner of Green Bay Road and Gage Street. Chairperson Dalman
44 asked if there were any other questions. No additional questions were raised at this time. She informed
45 the applicants the Commission would discuss and make a recommendation to the Village Council.

46
47 Ms. Orsic stated she felt differently about this application and referred to people driving downtown to
48 barber shops. She commented it would be a nice fit and would generate traffic for other businesses. Ms.

1 Orsic stated her initial feeling is that they are chipping away at the overlay district, for this application,
2 they would be selling products and she would be in favor. Ms. Holland agreed with Ms. Orsic's comments
3 and asked when the applicants start selling products and get their Federal ID number for sales tax for the
4 Village to follow up on it. She then stated they appreciated product sales. Ms. Holland added it has been
5 a barber shop for many years and it would be one again.

6
7 Chairperson Dalman informed the Commission she spoke with Mr. Schoon earlier and referred to the
8 previous recommendation and discussion for this property not to be included in the overlay district. She
9 agreed the property is on the fringe on the overlay district and prior to the code change, it would have
10 been a permitted use. Chairperson Dalman asked if there were any other comments.

11
12 Chairperson Dalman indicated their appeared to be support for an affirmative recommendation and
13 referred the Commission to page 5 of the materials. She then asked for a motion. A motion was made by
14 Ms. Orsic and seconded and Mr. Foley. A vote was taken on the motion to recommend approval of the
15 requested special use to allow a barber shop on the ground floor at 1083 Gage Street in the C-2
16 Commercial Overlay District based on the findings of fact on page nos. 5 and 6. The motion unanimously
17 passed.

18
19 AYES: Bradley, Case, Dalman, Danley, Foley, Golan, Holland, Orsic, Vanderlaan

20 NAYS: None

21 NON-VOTING: Swierk

22 ***
23

ATTACHMENT D

**THIS DOCUMENT IS
PREPARED BY:**

Peter M. Friedman
Holland & Knight LLP
150 N. Riverside Plaza, 27th Floor
Chicago, Illinois 60606

AFTER RECORDING RETURN TO:

Recorder's Box 266



1933117069

Doc# 1933117069 Fee \$88.00

EDWARD M. MOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 11/27/2019 01:29 PM PG: 1 OF 11

ORDINANCE NO. M-15-2019

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR THE
OPERATION OF A BARBER SHOP WITHIN THE C-2 COMMERCIAL
OVERLAY DISTRICT OF THE VILLAGE**

(1083 Gage Street)



VILLAGE OF WINNETKA

Incorporated in 1869

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, the undersigned, do hereby certify that I am the duly appointed, qualified and Deputy Village Clerk of the Village of Winnetka, Cook County, Illinois (the "Village") and as such officer I am the keeper of the official journal of proceedings, books, records, minutes, and files of the Village and of the Council (the "Village Council") thereof.

I do further certify that attached hereto is a full, true, and complete copy of the following:

ORDINANCE NO. M-15-2019

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR THE OPERATION OF A BARBER SHOP WITHIN THE C-2 COMMERCIAL OVERLAY DISTRICT OF THE VILLAGE (1083 Gage Street)

Adopted by the Winnetka Village Council on September 17, 2019.

I do further certify that the deliberations of the Council on the adoption of said Ordinance were taken openly; that the vote on the adoption of said Ordinance was taken openly; that said meeting was held at a specified time and place convenient to the public; that notice of said meeting was duly given to all of the news media requesting such notice of said meeting; that said meeting was called and held in strict accordance with the provisions of the Open Meetings Act of the State of Illinois, as amended; and that the Council have complied with all of the applicable provisions of said Act, their procedural rules and the Village charter in the adoption of said Ordinance.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and the seal of the Village this 18th day of October, 2019.

[SEAL]

By: 
Kathleen Scanlan
Deputy Village Clerk

ORDINANCE NO. M-15-2019

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT
FOR THE OPERATION OF A BARBER SHOP
WITHIN THE C-2 COMMERCIAL OVERLAY DISTRICT OF THE VILLAGE
(1083 Gage Street)**

WHEREAS, Danuta Harrison, d/b/a North Shore Barber, ("**Applicant**"), is the lessee of the property commonly known as 1083 Gage Street, Winnetka, Illinois, and legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance ("**Subject Property**"); and

WHEREAS, Chicago Land Trust Company, as Trustee under Trust Agreement dated December 7, 1979 and known as Trust No. 4020, d/b/a Parliament Enterprises, Ltd. ("**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 Retail Overlay District**"); and

WHEREAS, the Applicant desires to operate a barber shop 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 barber shop is not permitted within the C-2 Commercial Overlay District without a special use permit; and

WHEREAS, on August 13, 2019, 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 barber shop 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 August 28, 2019, after due notice thereof, the Plan Commission conducted a public hearing on the proposed Special Use Permit and, by a vote of eight in favor and zero 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 barber shop at the Subject Property 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 barber shop 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. **Compliance with Regulations.** The development, use, and maintenance of the Subject Property must comply at all times with all applicable Village codes and ordinances, as they have been or may be amended over time.
- B. **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.
- C. **Compliance with Plans.** The development, use, and maintenance of the barber shop at the Subject Property must be substantially consistent 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 ("Floor Plan")**, 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 shall 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 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 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 17th day of September, 2019, pursuant to the following roll call vote:

AYES: Trustees Coladarci, Cripe, Dearborn, Lanphier, Swierk and Wedner

NAYS: None

ABSENT: None

APPROVED this 17th day of September, 2019.

Signed: 

Village President

Countersigned: 

Village Clerk

Published by authority of the
President and Board of Trustees
of the Village of Winnetka,
Illinois, this 18th day of
September, 2019.

Introduced: Waived

Passed and Approved: September 17, 2019

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

LOTS 23 AND 24 IN BLOCK 3 IN LAKESIDE JARED GAGES SUBDIVISION (EXCEPTING THAT PART OF LOT 23 DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST WESTERLY CORNER OF LOT 23 AND RUNNING THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF SAID LOT, 6.78 FEET; THENCE SOUTHERLY IN A STRAIGHT LINE 36.33 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT, 35.69 FEET SOUTHEASTERLY OF THE MOST WESTERLY CORNER THEREOF; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT, 35.89 FEET TO THE POINT OF BEGINNING), ALSO THAT PART OF LOT 20 LYING EASTERLY OF THE EASTERLY LINE OF THE 16 FOOT ALLEY RUNNING NORTHERLY AND SOUTHERLY ACROSS THE EASTERLY PORTION OF SAID LOT 20 IN BLOCK 3 OF LAKESIDE JARED GAGES SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF FRACTIONAL SECTION 17 AND PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF FRACTIONAL SECTION 8, ALL IN TOWNSHIP 42 NORTH, RANGE 131 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHERLY LINE OF SAID LOT 201 3.00 FEET SOUTHWESTERLY OF THE MOST SOUTHERLY CORNER OF LOT 24; THENCE NORTHWESTERLY PARALLEL WITH THE WESTERLY LINE OF LOT 24, 48.49 FEET; THENCE NORTHERLY IN A STRAIGHT LINE 18.10 FEET, TO A POINT IN THE NORTHEASTERLY LINE OF SAID LOT 20, 35.69 FEET SOUTHERLY OF THE MOST WESTERLY CORNER OF LOT 23; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF LOTS 23 AND 24 TO THE MOST SOUTHERLY CORNER OF LOT 24; THENCE SOUTHWESTERLY 3.00 FEET TO THE PLACE OF BEGINNING, IN THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS.

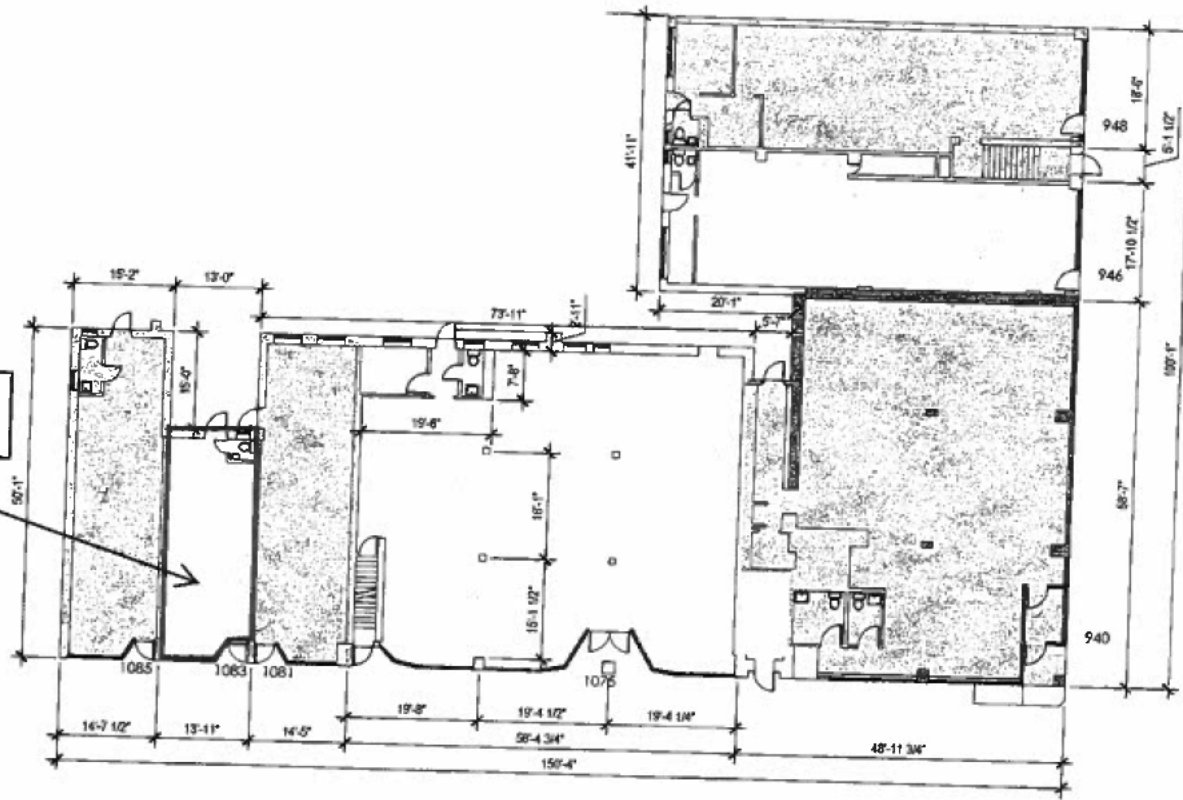
Commonly known as 940 Green Bay Road, Winnetka, Illinois, and which includes a portion referred to as 1083 Gage Street.

PIN: 05-17-120-021-0000

EXHIBIT B
FLOOR PLAN
(SEE ATTACHED EXHIBIT B)

EXHIBIT B

**Subject
Property**



BUILDING AREA REPORT	
940	2,543 S.F.
946	1,270 S.F.
948	1,324 S.F.
1075	2,733 S.F.
1081	717 S.F.
1082	478 S.F.
1085	720 S.F.
COMMON	332 S.F.
TOTAL	15,148 S.F.

ALL WALLS SHOWN IN GREY ARE STRUCTURAL AND CANNOT BE ALTERED.
ALL MEASUREMENTS AS PER ILLINOIS 23.5-2010 RETAIL BUILDINGS: STANDARD METHODS OF MEASUREMENT.

1 MAIN FLOOR PLAN
1/16" = 1'-0"

PEAK PROPERTIES
940 GREEN BAY ROAD, WINNEKA, IL



DATE: 10/02/20
REVISION: 00
DRAWN BY: JLD

FLOOR PLAN
1
SHEET 001 OF 001

NBD
November Building Department
1321 Washington
Evanston, IL 60202
P: 847.326.1234
www.nbdofpe.com

EXHIBIT C
UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Danuta Harrison, d/b/a North Shore Barber, ("**Applicant**"), desires to operate a barber shop located at 1083 Gage Street 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 barber shop is not permitted within the C-2 Commercial Overlay District without a special use permit; and

WHEREAS, Chicago Land Trust Company, as Trustee under Trust Agreement dated December 7, 1979 and known as Trust No. 4020, d/b/a Parliament Enterprises, Ltd. ("**Owner**") is the record title owner of the Subject Property and consents to the operation of a barber shop by the Applicant at the Subject Property; and

WHEREAS, Ordinance No. M-15-2019, adopted by the Village Council on 09.17, 2019 ("**Ordinance**"), grants a special use permit to the Applicant for the operation of a barber shop 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.

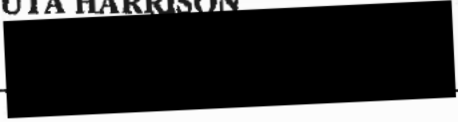
5. The Applicant and the Owner hereby agree to pay all expenses incurred by the Village in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses will include all out-of-pocket expenses, such as attorneys' and experts' fees, and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

Dated: Nov. 14 2019, 2019

ATTEST:

DANUTA HARRISON

By: _____

By: 

Its: _____

ATTEST:

CHICAGO LAND TRUST COMPANY, AS
TRUSTEE UNDER TRUST AGREEMENT
DATED DECEMBER 7, 1979 AND KNOWN
AS TRUST NO. 4020

By: Nov 14, 2019

By: 

Its: For The Board