



PLAN COMMISSION REGULAR MEETING

WEDNESDAY, JANUARY 23, 2019 - 7:00 p.m.

WINNETKA VILLAGE HALL COUNCIL CHAMBERS – 510 GREEN BAY ROAD

AGENDA

1. Call to Order & Roll Call.
2. Community Development Report.
3. Public Comment.
4. Approval of December 19, 2018 meeting minutes.
5. **Planned Development Regulations:** At the request of the Village Council, the Plan Commission will discuss and provide comments regarding (i) draft revised standards used to evaluate proposed planned developments and (ii) the current review process for proposed planned developments.
6. Other Business.
7. Adjournment

Note: Public comment is permitted on all agenda items.

NOTICE

All agenda materials are available at villageofwinnetka.org (Government > Boards & Commission > Agenda Packets).

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).

510 Green Bay Road, Winnetka, Illinois 60093

Administration and Finance (847) 501-6000 Fire (847) 501-6029 Police (847) 501-6034 Community
Development (847) 716-3520

Public Works (847) 716-3568 Water and Electric (847) 716-3558

**WINNETKA PLAN COMMISSION
MEETING MINUTES
DECEMBER 19, 2018**

Members Present:

Tina Dalman, Chairperson
Mamie Case
Layla Danley
Louise Holland
Bridget Orsic
Jay Vanderlaan

Non-voting Members Absent:

Joni Johnson

Members Absent:

Chris Foley
John Golan

Village Staff:

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

Call to Order:

The meeting was called to order by Chairperson Dalman at 7:13 p.m.

Chairperson Dalman took a roll call of the Commission Members present.

Approval of October 24, 2018 Meeting Minutes

Chairperson Dalman noted the October 24, 2018 meeting was chaired by Mr. Golan and asked if there were any corrections to be made to the minutes. She then asked for a motion. Ms. Holland moved to approve the October 24, 2018 meeting minutes and the motion was seconded by Ms. Case. No comments were made. A vote was taken and the motion unanimously passed.

Public Comment

Chairperson Dalman asked if there was any public comment on items not otherwise on the agenda. No comments were made at this time.

Community Development Report

Mr. Schoon informed the Commission this item was added to the agenda to keep the Commission Members informed of items which have gone through the Commission and on to the Village Council level as items which may be of interest to the Commission at the Village Council level. He stated the first item related to the Overlay District and the Village Council asked for the Commission Members' input on possible changes to the Overlay District. Mr. Schoon stated that information was presented to the Village Council which spent a couple of sessions discussing it. He stated one approach is staff was told to look at establishing caps on certain special uses so that no more than 10% of the GFA to be occupied by that particular use. Mr. Schoon stated after a fairly thorough analysis of that in terms of gathering information they would need to structure such a standard and after reviewing it with the Village Council and identifying some drawbacks and unintended consequences, they decided not to go with that approach. He stated they were given some direction toward another approach which involved looking at the list of uses as well as the edges of the district and a transitional district and treating them differently in some way. Staff go back to the Village Council next year with this different approach.

1 Mr. Schoon stated for the new Commission Members, the Council discussed text amendments to the
2 zoning ordinance. He stated the Village Council has the authority in the code to do text amendments
3 and the Village Council can decide whether to keep a request at their level or refer it to any of its
4 advisory boards. Mr. Schoon stated it will be at the Village Council's discretion as to who would hold the
5 public hearing on a request.
6

7 Mr. Schoon reported that earlier in December the Village Council began to consider amendments to the
8 Village's planned development regulations. The Council asked the Village staff to go to the three
9 advisory bodies involved in the planned development process to get input from each body on general
10 issues in terms of goals and purpose of the planned development process and standards that should be
11 used and get feedback on the process and steps involved in the planned development process from
12 their experience. Mr. Schoon stated they plan in January to bring that in a study session format to
13 gather input from the Commission.
14

15 Ms. Holland asked if it is in anticipation of any planned development to be presented. Mr. Schoon
16 responded it is more in response to the planned development process for One Winnetka since that has
17 been completed recently and for those who felt the process should be tweaked. He stated there is the
18 potential for redevelopment on Green Bay Road. Ms. Holland questioned the post office site. Mr.
19 Schoon stated that is something the Village Council still wants to talk about and they would like to have
20 this in place and referred to it occurring at some point in the future.
21

22 Chairperson Dalman asked if there were certain views from Village Council Members as to the concerns
23 they saw in the planned development process. Mr. Schoon stated they would provide the Commission
24 with their minutes along with a staff report. Chairperson Dalman agreed it made a lot of sense and
25 although there are not many applications, the process is still fresh in people's minds and they should
26 think about ways to enhance it. She then asked if there were any other questions. No additional
27 questions were raised at this time.
28

29 **Case No. 17-29-SD: 67 Brier Street: An application submitted by Rosemary Latter and Russell Gilchrist**
30 **seeking approval of a Final Plat of Subdivision to subdivide the existing single lot into two buildable**
31 **lots. The Village Council has final jurisdiction on this request.**

32 Chairperson Dalman noted the request came before the Commission on December 13, 2017.
33

34 Ms. Klaassen stated the final plat was submitted by the current owners and the existing residence onsite
35 would be torn down and a new home built on each of the two new lots. She stated preliminary approval
36 of the subdivision was approved by the Commission last December with preliminary approval
37 subsequently granted by the Village Council on March 6, 2018. Ms. Klaassen stated the Commission's
38 previous consideration was limited to preliminary review due to the subdivision also requiring
39 consideration of zoning variations for minimum lot width and minimum lot area. She stated the Village
40 staff has recently been advised by the Village Attorney that the two step preliminary and final approval
41 process is not mandatory in the event of a subdivision involving zoning relief. Ms. Klaassen stated
42 accordingly, the Commission may expect to see fewer applications such as those on the agenda this
43 evening.
44

45 Ms. Klaassen then stated the Commission's recommendation for preliminary approval was subject to the
46 final plat incorporating restrictive covenants requested by the Village Forester to protect mature
47 parkway trees. She stated the applicants have added the restrictive covenant to the final plat and
48 requested the Commission finds the final plat of the requested subdivision substantially conforms to the

1 preliminary plat approved by the Village Council and for the Commission to recommend approval as
2 presented. Ms. Klaassen added the Village Council has final consideration of the final plat. She stated
3 following the closing of public comment and upon completion of the Commission's deliberation, if the
4 Commission elects to recommend approval, a draft motion is provided on page 4 of the
5 agenda materials. Ms. Klaassen then asked if there were any questions.
6

7 Ms. Case stated her question is procedural in nature and stated the Commission saw the request on
8 December 13, 2017 and after the ZBA saw the request, it was granted March 6, 2018. She asked why it
9 took so long to get back to the Commission. Ms. Klaassen responded the applicants have 12 months
10 once they have received preliminary approval to submit a final plat. She noted it was submitted in that
11 time frame and why they chose to submit it after so many months was the choice of the applicants.
12

13 Mr. Vanderlaan stated last year, the Commission voted to approve the request and the ZBA voted to
14 deny. Ms. Klaassen confirmed the ZBA recommended denial of the zoning variations. Mr. Vanderlaan
15 asked if the denial related to lot width or the overall request. Ms. Klaassen stated that is correct and the
16 Village Council considered the recommendations of both bodies. Mr. Vanderlaan asked if they overruled
17 the ZBA's recommendation and voted to approve it. Ms. Klaassen confirmed that is correct. Mr.
18 Vanderlaan then stated the Village Attorney altered the two step preliminary and final approval process
19 after that and the Commission would not need to go through this in the future. Ms. Klaassen responded
20 the Commission may recall at the October meeting, there was a plat of consolidation at 1025 and 1035
21 Sheridan Road which also required a zoning variation but which came before the Commission as a final
22 plat at that time.
23

24 Chairperson Dalman stated to clarify, since the request came through to the Commission once before
25 and anything after the Village Attorney's decision or opinion will come as a combined preliminary-final
26 request. Ms. Klaassen stated unless the applicant chooses to take the two step process which they
27 would still have the right to do. Chairperson Dalman then stated in some instances, that would be the
28 case because in order to get final plat approval for new development, there would need to be full
29 engineering which can be expensive and an applicant can come in with a preliminary plat without having
30 to go through full engineering and for the final plat to be approved for more complex development. Ms.
31 Klaassen confirmed that is correct.
32

33 Chairperson Dalman asked if there were any other questions. Ms. Holland asked if the owners are aware
34 the property or lots are being sold on Zillow. Ms. Latter confirmed that is correct. Russell Gilchrest and
35 Rosemary Latter then introduced themselves to the Commission as the property owners. Ms. Latter
36 confirmed the property has been listed. Chairperson Dalman asked if it is being listed as a spec property.
37 Ms. Latter referred to the agent as a contact. Mr. Gilchrest then stated the property was listed but is no
38 longer listed. Chairperson Dalman asked if the agent is a licensed broker. The applicants confirmed that
39 is correct.
40

41 Chairperson Dalman asked if there were any other questions for the applicant. No additional questions
42 were raised at this time. She then asked if there was any comment from the audience. No comments
43 were made at this time. Chairperson Dalman stated the Commission could either now have its
44 discussion or go straight to a motion. She then asked for a motion as provided on page 4 of the agenda
45 materials.
46

47 Mr. Vanderlaan moved for the Commission to proceed with the draft motion stated as follows: The
48 Commission finds that the proposed Gilchrist Resubdivision Final Plat subdividing 67 Brier Street into

1 two lots of record meets the subdivision code standards for approving such final plat and substantially
2 conforms to the preliminary plat approval approved by the Village Council, therefore the Commission
3 recommends approval of the Gilchrist Resubdivision Final Plat. Ms. Case seconded the motion.
4

5 Chairperson Dalman first asked for the Commission Members' comments.
6

7 Mr. Vanderlaan added with regard to the plan which was submitted to the Commission after its
8 submission to the Village Council, the plan does comport well with the surrounding properties and
9 makes sense and being that it passed muster with the Commission previously and the Village Council, he
10 has no issues or concerns of being in a position to approve and that it is consistent with the previous
11 findings.
12

13 A Commission Member agreed it is consistent with the previous submission. Ms. Holland stated she had
14 no comments. Chairperson Dalman noted for the record that they worked with the Village Engineer or
15 the planning staff with regard to the preservation of the trees to limit options and noted the plat is
16 going to include these restrictive covenants for both Lots 1 and 2 which will run with the land and opine
17 on any successor owners. She stated since the standard for the Commission's review is that it is
18 substantially consistent with what was previously approved, there is no reason for the Commission to
19 not approve the request. Chairperson Dalman stated based on that, the request has her support as
20 well. She then stated with a pending motion on the table, she asked for a vote to be taken.
21

22 A roll call vote was taken and the motion unanimously passed.
23

24 AYES: Case, Dalman, Danley, Holland, Orsic, Vanderlaan

25 NAYS: None
26

27 **Case No. 18-12-SD: 383 and 391 Hawthorn Lane: An application submitted by Janet and Thomas**
28 **Leopold seeking approval of a Final Plat of Subdivision to relocate the lot line dividing the two**
29 **properties. The Village Council has final jurisdiction on this request.**

30 Chairperson Dalman stated this case came before the Commission on August 22, 2018 and was provided
31 preliminary approval and approval was also recommended to the Village Council by the ZBA
32 unanimously.
33

34 Ms. Klaassen stated the applicants currently reside at 383 Hawthorn and purchased the adjacent lot at
35 391 Hawthorn to enlarge their lot to allow for an addition on their existing residence. She stated the
36 residence at 391 Hawthorn was torn down in early October and the applicants are in the process of re-
37 grading the site and stabilizing the soil. Ms. Klaassen then stated the initial use of the west lot will be as
38 lawn area but it will be considered a buildable lot. She noted preliminary approval of the subdivision was
39 approved by the Commission in August 2018 and preliminary approval was granted by the Village
40 Council on October 16, 2018.
41

42 Ms. Klaassen stated as with the previous case, the Commission's preliminary review was limited to a
43 preliminary review due to the proposed subdivision also requiring consideration of an associated zoning
44 variation with the reconfiguration of the two lots resulting in a zoning nonconformity with regard to the
45 side yard setback requirements for the existing residence at 383 Hawthorn. Ms. Klaassen noted the
46 Commission's recommendation for preliminary approval was not subject to any conditions. She then
47 stated since the preliminary review, the Village Forester reviewed the proposed subdivision for the
48 potential impact on trees for the private and public portions of the property. Ms. Klaassen noted the

1 Village Forester has requested that a restrictive covenant be placed on the plat of subdivision requiring
2 the reuse of the existing west driveway for the proposed west lot to protect a 36 inch tree located in the
3 parkway. She stated the applicants agreed to add this restrictive covenant.

4
5 Ms. Klaassen also stated the applicants are in the process of addressing minor comments from the
6 Village staff related to the signature blocks and formatting of text on the final plat. She then stated the
7 applicants request that the Commission find the final plat of the T. and J. Leopold Subdivision
8 substantially conforms to the preliminary plat approved by the Village Council and that the Commission
9 recommend approval as presented. Ms. Klaassen noted the Village Council will have final consideration.
10 She informed the Commission there is a draft motion included on page 4 of the agenda materials which
11 includes conditions that a restrictive covenant be placed on the final plat to require the re-use of the
12 existing west curb cut location for the future development of Lot 2 in a format acceptable to the Village
13 Attorney as well as that all necessary signature blocks be provided in a format acceptable to the Village
14 Attorney.

15
16 Chairperson Dalman asked if there were any questions. Ms. Holland stated with regard to the curb cut
17 to the west, she asked if it would be a permanent curb cut. Ms. Klaassen responded it would not and
18 that it will be filled in to complete the site restoration. She then stated with regard to future
19 development, they would have to relocate it in a location based on this plan on file. A Commission
20 Member asked if the applicants are in agreement. Ms. Klaassen confirmed that is correct. Chairperson
21 Dalman asked if there were any other questions. She also asked the applicants if they would like to
22 address the Commission. Ben White, with Seven Oaks Design Build representing the applicants, stated
23 he would not unless there were questions from the Commission.

24
25 Chairperson Dalman noted there were no questions for the applicants. She thanked the applicants for
26 working with the Village Forester to preserve the trees. Mr. White commented on the professionalism of
27 the Village staff. He then stated it makes a builder's and architect's life easier when things are made
28 clear and it is a pleasure to have things completed.

29
30 Chairperson Dalman then asked for a motion. Ms. Case moved to find that the Commission finds that
31 the proposed T. and J. Leopold Subdivision Final Plat re-subdividing the two existing lots meets the
32 subdivision code standards for approving such final plat and substantially conforms to the preliminary
33 plat approved by the Village Council, therefore the Commission recommends the proposed T. and J.
34 Leopold Subdivision Final Plat be approved subject to the following conditions: (1) that a restrictive
35 covenant be placed on the Final Plat to require the re-use of the existing west curb cut for the future
36 development of Lot 2 in a format acceptable to the Village Attorney; and (2) that all necessary signature
37 blocks be provided in a format acceptable to the Village Attorney.

38
39 The motion was seconded by Ms. Orsic. Chairperson Dalman asked for any additional discussion and
40 noted there is no one in the audience and no written comments were received. Ms. Orsic commented
41 the request is straightforward and nothing has changed.

42
43 A vote was taken and the motion unanimously passed.

44
45 AYES: Case, Dalman, Danley, Holland, Orsic, Vanderlaan

46 NAYS: None

47
48 **Other Business**

1 Chairperson Dalman asked if there was any other business.

2
3 Ms. Holland asked that Commission Members be kept informed of the Council's discussions regarding
4 the overlay district. Mr. Schoon stated that staff would let the Commission know.

5
6 The meeting was adjourned at 7:43 p.m.

7
8 Respectfully submitted,

9
10 Antionette Johnson

11 Recording Secretary

DRAFT



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: PLAN COMMISSION
FROM: DAVID SCHOON, COMMUNITY DEVELOPMENT DIRECTOR
DATE: JANUARY 18, 2019
SUBJECT: PLANNED DEVELOPMENT REGULATION AMENDMENTS

INTRODUCTION

At the January 23, 2019 Plan Commission meeting, Village Staff will facilitate discussion with the Commission to gather input from its members on the Village's existing planned development regulations and process. This activity is at the direction of the Village Council, which held a December 11, 2018 study session regarding potential amendments to the Village's planned development regulations. The Council has requested that the Zoning Board of Appeals, the Plan Commission, and the Design Review Board each discuss and provide comments regarding (i) draft revised standards used to evaluate proposed planned developments and (ii) the current review process for proposed planned developments.

BACKGROUND

The Council generally discussed changes to the planned development regulations at its December 11 study session. Staff and the Village Attorney prepared the attached memos and materials regarding the subject (Attachment B). The material included a summary of the following information:

- The Downtown Master Plan recommendations' regarding the Village's planned development process;
- The history of the Village's planned development ordinance;
- A comparison of the planned development process with other Village zoning and subdivision relief processes;
- An explanation of a planned development as a land use tool;
- The Village's current planned development regulations; and
- Some options regarding amending the planned development procedures and standards.

A copy of the December 11 Village Council study session minutes are included in Attachment B.

At the Commission's January 23 meeting, Village staff will provide an overview of this material and a summary of the Council's discussion.

Purpose of Planned Development Process

As you discuss the planned development review process and standards, the Council asked that you keep in mind the purpose of the planned development process. The current purpose and intent of the Village's planned development regulations are set forth in Section 17.58.020 of the Village Zoning Ordinance, as follows:

A. Purpose. The purpose of this Chapter is to make available a special use procedure that departs from the strict application of the specific zoning requirements of the district in which the development is located, in an effort to promote progressive development and redevelopment of land in the multi-family and commercial zoning districts by encouraging more creative and imaginative design for land developments than is possible under the zoning regulations that generally apply in those zoning districts.

B. Intent. This Chapter is intended to assure that the following land use and development objectives are accomplished, in addition to the general land use and development objectives set forth in Chapter 17.04 of this Title:

1. To permit a creative approach to the development and redevelopment of lands devoted to multi-family and commercial uses.

2. To achieve a more desirable physical environment by allowing greater flexibility in building design and site plan layout than would be possible through the strict application of the generally applicable zoning and subdivision regulations.

3. To allow more efficient use of the land resulting in more economic networks of utilities, streets and other facilities.

5. To facilitate a development pattern that is in harmony both with the objectives of the Comprehensive Plan and with the district purposes as defined in this Title.

6. To allow the relaxation of certain otherwise applicable substantive requirements based upon procedural protections that provide for the detailed review of individual proposals for more significant multi-family and commercial developments.
(MC-8-2005, Added, 12/20/2005)

Guiding Principles to Use When Considering Amendments to Planned Development Standards and/or Process

As you consider possible changes to the planned development standards and process, the Council thought it was important to keep in mind some guiding perspectives, as summarized as follows:

- a) Resident Perspective – Ensure procedures that are not overly burdensome to residents who desire to show support or opposition to a proposed planned development throughout the entire public hearing/meeting process.
- b) Developer Perspective – Ensure procedures, application requirements, and standards that are clear and reasonable and that provide timely decisions, whether in favor or not in favor of the developer's proposed development.
- c) Boards & Commission Perspective – Ensure procedures and standards that provide the advisory bodies with clear direction to effectively, efficiently, and fairly, evaluate planned development requests.
- d) Village Staff Perspective – Ensure procedures and standards that staff can clearly and easily explain to applicants, the Council, advisory boards, residents, and other interested parties, so as to minimize the amount of staff time and resources that needs to be spent on administering the planned development process and to eliminate to the extent possible unnecessary ambiguities that can slow the process and/or make it less open to public scrutiny.
- e) Meets Village Plans – Ensure procedures and standards that meet the Village's goals and objectives for the community as a whole or for a specific area.

The Plan Commission should consider these perspectives as it provides comments on the planned development standards and process.

PLANNED DEVELOPMENT STANDARDS

As explained in the Village Attorney December 5, 2018 memo to the Village Council, the Village Council and its three subsidiary bodies consider approximately 25 standards in evaluating planned development applications. Staff, the Village Attorney, some current advisory board members, and Council members who were advisory board members during the One Winnetka planned development process, all observed that the current standards were difficult to employ because of their number and the ambiguous and overlapping nature of many of the standards.

At the direction of the Village Council, the Village Attorney and Village staff have prepared a discussion draft set of consolidated and clarified standards (Attachment A). At the January meeting, we will review the standards with the Plan Commission, and the Commission should discuss and comment on this draft set of standards.

PLANNED DEVELOPMENT PROCESS

The Council also requested that the advisory bodies comment on the major steps of the current planned development process, which generally include the following:

- a) Pre-application meeting with staff prior to submission of formal application
(Voluntary)
- b) Preliminary plan review and approval
(ZBA and PC public hearings, DRB public meeting, Council consideration and vote) (all required)
- c) Final plan review and approval
(ZBA and PC public hearings, DRB public meeting, Council consideration and vote) (all required)

In addition to considering whether all of these procedures should continue to be necessary, the Council also discussed, and asked the advisory bodies to comment on, adding a Village Council conceptual plan review before the staff pre-application meeting.

The conceptual plan review step, which would be required, would provide an applicant an opportunity to receive initial feedback directly from Village Council members regarding the applicant's proposal prior to the applicant committing the time and financial resources associated with submitting a formal application. During a conceptual plan review, the applicant would provide a narrative describing the project and summarizing its planned development request as well as provide sketch plan(s) for its proposed development. This information would be presented at a public Village Council meeting at which time Council members would be provided the opportunity to offer their individual thoughts and comments regarding the request. There would be no vote by the Council or identification of any sort of consensus regarding the project by the Council. The applicant would then, based upon Council member individual comments, determine if it wished to submit a formal preliminary application. This is a step that many communities use as part of its planned development process.

In addition to providing comments on the conceptual plan review step, Plan Commission members may also wish to provide comments on the overall planned development process given its recent experience with the One Winnetka planned development.

SUMMARY

The Village Council has requested input regarding the Village's planned development regulations from its three advisory bodies. Specifically, the Village Council wants advisory body comments on the planned development process and the planned development standards.

The advisory bodies may also, if they choose, provide comments on the current purpose and intent of the planned development process as well as the guiding principles the Village Council identified.

Staff and the Village Attorney look forward to discussing these matters with the Plan Commission at its January 23 regular meeting.

ATTACHMENTS

Attachment A: Draft Planned Development Standards

Attachment B: December 11, 2018, Village Council Meeting - Staff and Attorney Reports & Meeting Minutes

DRAFT PLANNED DEVELOPMENT REQUIREMENTS AND STANDARDS

January 2019

I. GENERAL REQUIREMENTS

All planned developments shall satisfy the requirements and limitations of Paragraphs A through H of this section.

- A. Approval required. All planned developments shall be approved by the Village Council, in accordance with the procedures and standards set forth in this Chapter and with other applicable provisions of this Code.
- B. Permitted Locations. Planned developments are authorized only in the B-1 Multi-family, B-2 Multi-family, C-1 Neighborhood Commercial, and C-2 General Retail Commercial zoning districts.
- C. Minimum area of development. No planned development shall be permitted on any site that has an area less than 10,000 square feet.
- D. Planned development required. Any new development or redevelopment on any site with an area of 10,000 square feet or more shall require planned development approval.
- E. Ownership and control of land. The site for a planned development may be either in a single lot of record or a combination of contiguous lots that under unified ownership and control.
- F. Compliance with Village Code required. Construction and improvements in any planned development shall comply with all applicable Village ordinances.
- G. Individual Special Uses. The individual uses in a planned development must be permitted uses or permitted special uses in the underlying zoning district. Any individual use that is allowed only as a special use in the underlying zoning district must individually meet the standards for granting special use permits set forth in Chapter 17.56 of this Code.
- H. Number of units. The maximum number of residential units in a planned development located in the B-1 or B-2 zoning district shall not exceed the maximum number allowed in the underlying zoning district, except as may be necessary to achieve the goals of the Village of Winnetka Affordable Housing Plan.

II. PLANNED DEVELOPMENT STANDARDS

No special use permit for a planned development shall be granted unless it is found:

- A. That the proposed development and the use or combination of uses is consistent with the goals and objectives of the Comprehensive Plan, including the Downtown Master Plan.
- B. That the establishment, maintenance and operation of the planned development will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare;
- C. That the planned development 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;
- D. That the establishment of the planned development 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;
- E. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public ways;
- F. That adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the planned development exist or are to be provided;
- G. That the planned development in all other respects conforms to the applicable regulations of this and other applicable Village ordinances and codes

[Note: Items B through G mirror the Village's current special use standards]

III. ADDITIONAL STANDARDS

A. Exceptions from District Regulations

All planned developments are subject to the underlying district regulations unless an exception is specifically granted. The [Advisory Body] may recommend and the Village Council may grant exceptions to the otherwise applicable subdivision regulations and underlying zoning district use, lot, space, bulk, and yard regulations. In addition to the standards in Section II of this Chapter, the following standards shall be considered in reviewing all proposed and amended planned developments, particularly with regard to elements of planned development proposals that do not satisfy the otherwise applicable provisions of the underlying zoning and subdivision regulations:

- a. Enhance the quality of the design of the structures and the site plan;
- b. Enable the development to offer environmental and pedestrian amenities;
- c. Will not cause an adverse impact on neighboring properties that outweigh the benefits of the development;
- d. Contain a proposed design and use or combination of uses that will complement the character of the surrounding neighborhood; and
- e. Provide a public benefit to the Village, as described below.

B. Required Public Benefits

In addition to meeting the other requirements of this Chapter, developers of planned developments are required to provide public benefits, which include providing compensating benefits and making necessary Village public improvements.

a. Compensating Benefits

Developers of planned developments are required to provide the Village with compensating benefits in return for the Village providing exceptions from Village regulations requested by the developer. The purpose of compensating benefits is to advance Winnetka's physical, cultural, environmental, and social objectives in accordance with the Comprehensive Plan and other adopted plans and policies. Redevelopment often brings with it the need to provide exceptions from the regulations but to also make sure that the Village is receiving public benefit in return for providing those exceptions by requiring additional compensating benefits to the residents in that area or to the community as a whole. The following is a non-exclusive list of examples of design elements and amenities that can be considered a compensating benefit:

- i. Community amenities including plazas, malls, formal gardens, places to congregate, outdoor seating, and pedestrian facilities;
- ii. Preservation of existing environmental features or historic features;
- iii. Open space and recreational amenities such as recreational open space, including accessory buildings, jogging trails, playgrounds, and similar recreational facilities;
- iv. Adaptive reuse of existing buildings;
- v. Provision of public car and/or bike share facilities;
- vi. Provision of off-street public parking spaces;
- vii. Provision of affordable housing units; and
- viii. Provision of a demonstrated need in the Village

b. Village Improvements

Applicants are required to consult with Village Staff and/or any other public entities as deemed necessary to negotiate necessary Village improvements such as, but not limited to, public streetscape improvements, roadways, alleys, medians, pathways, pedestrian drop off areas, transit stops, bus pull outs, and/or other public improvements that will promote the objectives of a planned development.

V. DESIGN GUIDELINES

The planned development as a whole, as well as the individual buildings and site improvements constructed as part of the planned development, shall be in conformity with the Village of Winnetka Design Guidelines.



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: VILLAGE COUNCIL
FROM: DAVID SCHOON, COMMUNITY DEVELOPMENT DIRECTOR
DATE: DECEMBER 6, 2018
SUBJECT: PLANNED DEVELOPMENT REGULATION AMENDMENTS

INTRODUCTION

At the December 11, 2018, Village Council Study Session, the Council is scheduled to discuss potential amendments to the planned development regulations. This memo summarizes the Downtown Master Plan recommendations regarding the Village's planned development process, the history of the Village's planned development ordinance, and other Village zoning and subdivision relief processes. Also attached is a memo from the Village Attorney that summarizes the planned development as a land use tool, the Village's current planned development regulations, and some options regarding amending the planned development procedures and standards (Attachment A).

DOWNTOWN MASTER PLAN

On November 3, 2016, the Village Council adopted the Downtown Master Plan. The adoption of the Plan was the culmination of the work of an eleven-person Steering Committee and over seventy Working Group members with the assistance of a professional consulting firm. One area of the plan identified the need to review the Village's development, land use and zoning process and regulations. Chapter 7, Action Plan, of the Downtown Master Plan recommends the following:

The Land Use Chapter recommends a number of zoning ordinance and design review process changes to encourage business and property development in the business districts. These revisions were thoughtfully deliberated, a process that should continue as they are implemented. A community based effort led by a 3rd party consultant to provide an outside perspective, like that used to develop this Plan, will be useful in detailing changes and reaching consensus on the amendments. As with the Plan, a task force could lead the effort and include representatives from various groups and public bodies, such as the Plan Commission and Business Community Development Commission, in order to secure broad input. Changes to consider are:

- *Reduce and Clarify Standards for Considering Zoning Entitlement*
- *Revise the Commercial Overlay District*
- *Refine the Current Design Review Process*
- *Apply Administrative Approval for Minor Variations in Commercial Districts*
- ***Establish a Planned Development Commission [emphasis added]***
- *Consider Establishing a Fee in Lieu for Parking Relief*

Specifically regarding the establishment of a planned development commission, the Land Use Chapter (Chapter 6) recommends the following:

5. ESTABLISH A PLANNED DEVELOPMENT COMMISSION. *The process for considering Planned Developments (those over 10,000 square feet) in the Overlay District incorporates review of the Plan Commission, Zoning Board of Appeals, and Design Review Board. The time and materials required for this process can create a burden for applicants, Village officials, staff, and interested citizens as they must attend a series of meetings and review multiple packets of materials. To conduct the process in a more collaborative and efficient manner, and maintain a high level of evaluation, a Planned Development Commission can be created to evaluate planned developments in all commercial and multiple-family zoning districts. Such a body could include members of the Plan Commission, Zoning Board, and Design Review Board and consider all relevant standards; each member would receive training to understand and apply standards of the other commissions. The efficiency in the process is created by the project background not needing to be repeated to multiple groups. The integrity of the process is supported in that the concerns of each commission are thoughtfully considered in concert with the others.*

Attachment B contains excerpts from the Downtown Master Plan regarding land use and zoning recommendations.

PLANNED DEVELOPMENT BACKGROUND

In the Spring of 2004, while the Plan Commission conducted its annual review of Chapter Five of the Village of Winnetka Comprehensive Plan, the Green Bay Road Corridor & Business District, Issues and Recommendations, the Commission discussed the issue of planned development regulations. As a result of those discussions, the Plan Commission recommended that the Village Council examine the possibility of creating planned development regulations to govern the development of larger commercial sites in commercial districts. The purpose was to create planned development regulations “...to promote progressive development by encouraging more creative and imaginative design for developments than is possible under the more conventional zoning regulations.” In response to the Commission’s recommendation, the Village Council formed a committee to develop planned development regulations. The committee included seven members selected from the Plan Commission and the Business Community Development Commission BCDC.

In June of 2005, after studying planned development regulations from other communities, the Committee presented its recommendations to the Village Council for approval. The Village Council requested the Study Committee further study the proposed regulations. In September 2005, the Committee presented a final draft of the proposed development regulations. In December of that year, the Village Council adopted Ordinance No. MC-7-2005, which established planned development regulations in the B-1, B-2, C-1 and C-2 zoning districts.

Since that time, the Village Council has amended the planned development regulations twice. In 2010, Ordinance MC-9-2010 was adopted, which amended procedures for submitting written protest of special use permits, including planned developments. In 2015, Ordinance MC-2-2015 was adopted, which made comprehensive zoning amendments to the commercial zoning districts regarding height, other density limitations, and commercial parking requirements. Amendments to Chapter 17.58, Planned Developments, were limited to only changing the name of the C-1 District to the “Neighborhood Commercial District”. A copy of the current planned development regulations can be found in Attachment C – Chapter 17.58 – Planned Developments.

OTHER VILLAGE ZONING AND SUBDIVISION RELIEF PROCESSES

As the Council considers changes to the Village’s planned development process and regulations, staff thought it may be an appropriate time to raise the question of additional considerations regarding the

Village's other land use processes. For instance, the table below summarizes the various Village bodies involved with the special use processes, subdivisions with zoning variations process, and the planned development process.

Village Bodies Involved with Various Village Zoning and/or Subdivision Relief Processes

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

- 1) Design Review Board is involved if request includes exterior building, landscaping, or signage changes.
- 2) Special uses outside of the C-2 Overlay District includes commercial land uses located outside of the Overlay District that require special use approval as well as institutional uses (schools, parks, etc.) located in residential zoning districts that require special use approval.
- 3) Review by each of these bodies is required at both the preliminary plan and final plan.

As the table notes, as with the planned development process, there are other Village processes that involve a number of Village bodies. As the Council considers amendments to the planned development process, this information may also be helpful to the Council with future decision making regarding which advisory bodies would be involved in each process. It may also assist the Council with considering other future amendments to the Village's zoning and subdivision relief processes.

RECOMMENDATION

Staff recommends that staff and the Village Attorney prepare draft amendments to the planned development process for the Village Council to consider in the future. At the December 11 Study Session, staff suggests that the Council consider the following policy direction questions regarding the Village's planned development regulations:

- 1) Should the Village study amendments to the Village's planned development process? If so:
 - a. Which advisory bodies should be involved with the review of a planned development? Should the Village study reducing the number of advisory bodies involved in the process from three to one or two or should it form a new planned development commission consisting of a few members from each of the advisory bodies?
 - b. Would it be beneficial to consider amendments to the major steps of the planned development process, which currently consist of a pre-application meeting with staff, preliminary plan review, and final plan review? For instance, would it be beneficial to add a step allowing a developer to present their concept for a planned development to the Village Council prior to the developer submitting its formal preliminary plan application?
 - c. With changing which advisory bodies may be involved in the process, should we consider amending the review standards used at the preliminary plan stage as well as those used at the final plan stage?
 - d. What other potential changes should staff consider as it works on drafting amendments to the planned development regulations?
- 2) If the Council does direct that amendments be prepared to the planned development regulations, how would the Village Council like to handle the review of the amendments?

- a. Which advisory bodies would the Council like to have review and make recommendations on the amendments?
- b. Would the Council like to review the draft amendments prior to sending them to the advisory bodies? Or would the Council like input from the advisory bodies prior to reviewing the amendments?

Attorney Ben Schuster and I will be at the meeting to walk the Council through the material and to answer any questions.

ATTACHMENTS

Attachment A: Village Attorney Memorandum Regarding Consideration of Amendments to the Village's Planned Development Regulations

Attachment B: Downtown Master Plan- Land Use & Zoning Excerpts

Attachment C: Chapter 17.59 – Planned Developments

MEMORANDUM

Date: December 5, 2018

To: President Rintz and Village Trustees
Village Manager Rob Bahan
Community Development Director, David Schoon

From: Peter M. Friedman
Benjamin L. Schuster

Re: Consideration of Amendments to the Village's Planned Development Regulations

I. INTRODUCTION

The Village Council has adopted in the *Winnetka Zoning Ordinance* (“**Zoning Code**”) regulations governing planned developments (“**Planned Development Regulations**”). The Planned Development Regulations are set forth in Chapter 17.58 of the Zoning Code. The purpose of the Planned Development Regulations is to “promote progressive development and redevelopment of land in the multi-family and commercial zoning districts by encouraging more creative and imaginative design for land developments than is possible under the zoning regulations that generally apply in those zoning districts.” Section 17.58.020 (all section references in this memo are to the Zoning Code).

At its December 11, 2018 study session, the Village Council will study possible amendments to the Planned Development Regulations. This memorandum (i) provides the Village Council with a substantive overview of the Village's current Planned Development Regulations, and (ii) outlines some of the Village Council's options for amending the Planned Development Regulations.

II. PLANNED DEVELOPMENTS GENERALLY

The first planned development regulations were adopted by Prince Georges County, Maryland in 1949. Since their introduction, planned developments (or planned unit developments) have become a mainstay in large scale, unified land use and development in the United States. The purpose of planned development regulations is to provide a mechanism to authorize and promote creative and imaginative land use design and development that would not otherwise be permitted under typical zoning and subdivision regulations.

In Illinois, planned developments are authorized by both a municipality's home rule authority and the Illinois Municipal Code's authorization for special uses. See 65 ILCS 5/11-13-1.1. Although the Illinois Municipal Code does not define the term “planned developments,” it is, generally speaking, both a process and a product.

As a process, it is a mechanism that permits flexibility in development and the ability to deviate from standard, generally applicable regulations without the need for numerous variations or other traditional zoning relief. It is an alternative to the conventional subdivision and lot-by-lot development of land.

As a product, planned developments may include a variety of planning schemes including, without limitation, cluster developments and floating zones, all of which share or are intended to encourage certain common elements, including (i) developments that are architecturally and environmentally innovative; (ii) better utilization of land; (iii) preservation of open space to serve environmental, recreational, scenic and public use purposes; (iv) economical space layout; and (v) uses that are compatible and congruous with adjacent and proximate land uses.

Most municipalities in Illinois have adopted regulations to allow for planned developments. While municipal planned development regulations generally have the same purposes – to promote flexibility and more desirous land uses – a municipality has significant latitude to tailor its planned development regulations for an individual community as it sees fit. Accordingly, Illinois municipalities employ a wide variety of planned development procedures and standards.

III. The Village's Current Planned Development Regulations

The Village's Planned Development Regulations are set forth in Chapter 17.58 of the Zoning Code. Below is a summary of these regulations.

A. Applicability

The Village currently requires the approval of a planned development for properties located in the Village's B-1 Multi-family Residential, B-2 Multi-family Residential, C-1 Neighborhood Commercial, and C-2 General Retail Commercial zoning districts that have a combined area of at least 10,000 square feet. Sections 17.58.010 & 17.58.030. The Village does not permit planned developments in single family residential zoning districts. *Id.*

B. Procedures

The Zoning Code provides for a three-step process for the approval of a planned development: (1) an optional pre-application conference; (2) preliminary plan approval; and (3) final plan approval.

1. Pre-Application Conference

Pursuant to Section 17.58.060 of the Zoning Code, applicants for a planned development may request an information conference with the Village's Zoning Administrator. The pre-application conference is not mandatory and does not require either the payment of an application fee or the filing of an application.

The purpose of a pre-application conference is to permit the applicant to get a sense from the Village, before completing an application, whether the Village might approve a planned

development application and to get initial feedback on a development plan without requiring the applicant to go through a time consuming and costly process of submitting a formal application.

Unlike most planned development regulations, the Village regulations do not provide an opportunity for a developer to present to the Village Council a conceptual overview of a proposed development.

2. Preliminary Plan Approval

The second step in the Village's current planned development process is for an applicant to obtain preliminary plan approval from the Village. The procedures for preliminary plan approval are set forth in Section 17.58.070 and 17.58.080 of the Zoning Ordinance.

An applicant commences the preliminary plan approval process by submitting an application to the Village. Section 17.58.070 of the Zoning Code sets forth a detailed list of what must be included in an application for preliminary plan approval. This list includes:

- A statement of the applicant's objectives;
- A statement of ownership;
- A statement of the proposed use;
- A detailed planned development plan;
- A quantitative summary of the development setting forth the size of the proposed development and the number of proposed on-site parking spaces;
- A preliminary plat of subdivision;
- Schematic architectural drawings;
- A statement of the requested zoning modifications;
- A traffic and parking study;
- A development schedule; and
- Any other documents required by the Director of Community Development.

Once an application for preliminary plan approval is complete, the Zoning Administrator forwards the application to the Plan Commission, the Zoning Board of Appeals (ZBA), and the Design Review Board. All three subsidiary bodies consider the application, but under standards that are, at least to some extent, distinct for each subsidiary body. The standards are generally set forth in Section 17.58.110 of the Zoning Code. The standards are extensive, often internally overlap, and overlap with the standards of other subsidiary bodies.

a. The Role of the Plan Commission

The Plan Commission is required to hold a public hearing on the application for preliminary plan approval and may not issue a recommendation to the Village Council in favor of the application unless the Plan Commission determines the proposed development is consistent with the goals and objectives of the Village' Comprehensive Plan. Section 17.58.110.C. In making this determination, the Plan Commission is required to consider whether the application is consistent with the following nine goals of the Comprehensive Plan:

- i. To ensure that commercial, institutional, and residential development is appropriate to the character of and minimizes the adverse impact on its surrounding neighborhood;
- ii. To limit commercial, institutional and residential development within the Village to minimize potentially adverse impacts on adjacent residential neighborhoods and to prevent the need for significant increases in such infrastructure as streets, parking, utilities and sewers, and in other community resources such as schools, parks and recreational facilities;
- iii. To ensure that development proposals minimize the potential adverse impact they might have on residential neighborhoods, including the impact on pedestrian character, on-site parking, traffic patterns, congestion, open space, storm water management and Village infrastructure;
- iv. To provide for a wide range of office/service and retail commercial land uses and development within the existing business districts in the Corridor;
- v. To promote a strong community identity and opportunities to interact while building a healthy commercial tax base;
- vi. To provide a broad range of goods and services so that Winnetka residents can satisfy most of their ordinary shopping requirements in the Village and so that non-residents will come to the Village for specialty goods and services;
- vii. To maintain the essential quality, viability and attractiveness of Winnetka' s business districts while encouraging new economic development consistent with the character of the Village and the individual business districts;
- viii. To encourage the provision of on-site parking at the rear of buildings, with access via alleys or private driveways, to reduce demand for on-street parking; and
- ix. To ensure that new development does not decrease public parking supply, particularly on street parking that supports retail use.

In addition, the Plan Commission must also apply the six general standards that are applicable to all applications for special use permits. These six standards are:

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

- ii. 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;
- iii. 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;
- iv. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public ways;
- v. That adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the special use exist or are to be provided; and
- vi. That the special use in all other respects conforms to the applicable regulations of the Zoning Code and other Village ordinances and codes.

Section 17.56.120.A.

The Plan Commission also has jurisdiction to make recommendations on any exceptions or modifications to the Zoning Ordinance that are requested as part of the planned development application. In considering requested exceptions and modifications, the Plan Commission must consider whether:

- i. The exception or modification meets the standards for modification defined in the relevant provision of Section 17.58.040;
- ii. The exception or modification is solely for the purpose of promoting a unified site plan and of meeting the objectives of both the Zoning Code and the Comprehensive Plan; and
- iii. The exception or modification is necessary to achieve the stated objectives and goals of the planned development chapter of the Zoning Code.

Section 17.58.040.

b. The Role of the Zoning Board of Appeals

Similar to the Plan Commission, the ZBA is required to hold a public hearing on the application for preliminary plan approval. The ZBA may not issue a recommendation to the Village Council in favor of preliminary approval of a planned development plan unless the ZBA makes the following six findings:

- i. That the proposed planned development will not either endanger or be detrimental to the public health, safety, comfort, morals or general welfare, in that the proposed development will complement and supplement the community given the nature of the business;

- ii. That the planned development will not either substantially diminish or impair property values in the immediate vicinity, or be substantially injurious to the use and enjoyment of land in the immediate vicinity for uses permitted by right in that zoning district;
- iii. That the planned development will not impede the normal and orderly development and improvement of other property in the immediate vicinity for uses permitted by right in the zoning district;
- iv. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public and private ways;
- v. That adequate parking, utilities, access roads, drainage and other facilities necessary for the operation of the special use either exist or will be provided; and
- vi. That the planned development in all other respects conforms to the applicable zoning regulations and other application of Village ordinances and codes.

Section 17.58.110.B.

c. The Role of the Design Review Board

The Design Review Board also is required to make a recommendation to the Village Board on applications for preliminary plan approval. But unlike the Plan Commission and ZBA, which are required to hold a public hearing, the Design Review Board is only required to consider the application at a public meeting. Section 17.58.080.D.

Pursuant to Section 17.58.119.D of the Zoning Code, the Design Review Board must provide comment and recommendations to the Village Council as to whether the building design, landscape plan, and other proposed exterior aspects of the planned development are in conformity with the Village's Design Guidelines.

d. The Role of the Village Council

The Village Council considers the application for preliminary plan approval for a planned development after receiving the recommendations of the Plan Commission, ZBA, and Design Review Board. The Village Council evaluates the application pursuant to the following factors, which include the factors applied by the Plan Commission, ZBA, and Design Review Board:

- i. That the proposed development meets the special use standards for planned development, as set forth in Section 11.58.110.B (the standards that are considered by the ZBA);
- ii. That the proposed development, as a whole, is consistent with the Comprehensive Plan, Winnetka 2020;

- iii. That a certificate of appropriateness of design should issue for the buildings, landscaping and other exterior elements of the proposed development; and
- iv. That the proposed development is otherwise consistent with the intent and objectives of the planned development chapter of the Zoning Code.

Section 17.58.110.E.

3. Final Plan Approval

The third and final step required for approval of a planned development is final plan approval. An applicant for a planned development is required to apply for final plan approval within 18 months of the Village Council's approval of the preliminary plan unless the Village Council extends the time for filing the application for final approval. Section 17.58.090.B. The application for final plan approval must contain all of the same materials included in the preliminary development plan, but in a final and more detailed form. Section 17.58.090.C.

An applicant for final plan approval is not permitted to apply for final plan approval if the final plan contains a substantial change from the approved preliminary plan. Section 17.58.090. A "substantial change" is a change that alters the concept or intent of the planned development; changes the plan's density, changes the height of any building, changes proposed open space, makes material changes in architectural design, makes a material change to the development schedule, or changes the governing agreements, provisions, or covenants for the development. *Id.*

Once an application for final plan approval is complete, the Zoning Administrator forwards the application to the Plan Commission, the ZBA, and the Design Review Board. After the subsidiary bodies issue their recommendations pursuant to the same procedures as preliminary plan approval, the Village Council considers the application for final plan approval.

The three subsidiary bodies and the Village Council consider the application for final plan approval under the same standards as required for preliminary plan approval. In addition, the subsidiary bodies and Village Council must consider whether the final development plan is in substantial conformity with the approved preliminary plan. The Village Council must deny the application for final plan approval if it is not. Section 17.58.100.E.

IV. Options for Amending the Planned Development Procedures and Standards

The Village Council may leave the Village's Planned Development Regulations unchanged if it determines that the Planned Development Regulations are effectively addressing the Council's policy aims. Legally, the Planned Development Regulations are valid and enforceable.

If, however, the Council determines that the current Planned Development Regulations are inefficient or not effectively accomplishing Village policy objectives, the Council can consider amendments to the regulations. Below is a list of ways the Council could amend the Planned Development Regulations. The Village Council may consider one, or several of, the below-listed amendments, or others that the Village develops.

One element to consider in evaluating the planned development process, is the impact of the process on residents and others who want to participate and voice opinions. Ostensibly, a multi-step process is designed to provide the greatest amount of participation possible. However, often, a process with too many steps and hearings and meetings could prove daunting to the public and may, in fact, diminish the consistency and quality of public participation.

These are all pure policy decisions for the Council to make and we express no opinion on the various available alternatives.

A. Permitting an Applicant to File for Combined Preliminary and Final Plan Approval

The Village Council could amend the Planned Development Regulations to permit an applicant to file for concurrent approval of a preliminary and final planned development plan. This would allow an applicant, upon request, to eliminate the two-step approval process, thereby potentially reducing the amount of time and cost to obtain planned development approval.

Many municipalities permit applicants to apply for combined preliminary and final plan approval, and it has the benefit of allowing non-controversial and non-complicated applications to move through the application process quickly.

There are also potential drawbacks of permitting an applicant to apply for combined preliminary and final plan approval, which include:

- An applicant would have to prepare a more detailed application for combined approval than it would need to submit for preliminary approval. Therefore, it may be more costly for an applicant to have an application denied compared to a denial under preliminary plan approval.
- The Village Council and its subsidiary bodies would only be able to consider an application once, instead of having two opportunities to consider approval of an application.
- The public would have fewer opportunities to provide testimony and public comment on the application.

Ultimately, these drawbacks can be eliminated by carefully limiting when a combined process would be available. Obviously, for a project such as One Winnetka, a combined process would not be advisable. But for significantly smaller properties and developments, it may make sense to streamline the process.

B. Provide Preliminary Council Presentation

The Village Council is the ultimate decision maker on planned developments. It would be logical to provide the developer the opportunity, prior to filing an official planned development application, to come before the Council and present the basic concepts and depictions of a proposed development. That would give the individual Council members the opportunity (in a non-binding manner) to provide valuable feedback to the developer and also it

could provide valuable guidance to the advisory bodies should the developer proceed to go through the process. This type of preliminary, conceptual review, is contained in many planned development regulations.

C. Designating One Subsidiary Body to Consider Planned Developments

The Village's current planned development regulations require an applicant to appear before the Plan Commission, ZBA, and Design Review Board prior to coming before the Village Council for approval of a planned development. The Village Council could amend the Zoning Code to provide that an applicant need only appear before one or two of the Village's subsidiary bodies, instead of all three. For example, many municipalities grant authority to their plan commissions to be the subsidiary body that holds public hearings and issues recommendations to the corporate authorities on applications for approval of planned developments.

If the Village Council does not want to combine the recommending authority in only one subsidiary body, it could combine the powers of the Plan Commission and ZBA into one of the subsidiary bodies, and continue to require applicants to appear before the Design Review Board for the design-related matters.

D. Create a Planned Development Commission

If the Village Council does not desire to vest the authority in only one of its existing subsidiary bodies to hold hearings and issue recommendations on planned development applications, it could create a "Planned Development Commission" comprised of members from all of its existing subsidiary bodies. This approach is utilized by a number of Illinois municipalities and has the benefit of calling upon public officials with differing experiences to make recommendations on planned development applications.

There are numerous ways to structure a Planned Development Commission. For example, a Planned Development Commission could be created with the following make-up:

- The chair of the commission could be either the chair of the Plan Commission or the ZBA;
- Three of the members could be the three longest-serving members of the ZBA;
- Three of the members could be the three longest-serving members of the Plan Commission; and
- One member could be the longest serving member of the Design Review Board.

The above example is only meant to be illustrative.

Other local governments have structured their planned development commissions differently. One good example is the Village of Oak Brook – there, the planned development commission chairmanship, membership, and composition rotates according to specific terms set forth in the Oak Brook village code. We have attached the applicable section to this memo. The Village Council would be permitted to choose the make-up of a Planned Development

Commission as it sees fit or to provide for a rotation of members from its subsidiary bodies to serve on a Planned Development Commission.

E. *Amend the Planned Development Standards*

The Village Council could amend the standards used to evaluate planned development applications. As set forth in detail above, the Village Council and its three subsidiary bodies consider approximately 25 standards when considering planned development applications, many of which overlap. The Village Council has the authority to amend, combine, eliminate, or add to, the standards used to evaluate planned developments.

V. Conclusion.

The planned development process broken down consists of structure, process, and standards. All of these elements should align to the Village's specific policies on how best to manage planned development proposals. We hope that this memo provides a good starting point for the Council to discuss these issues. If the Council determines after its December 11 study session that it wants to consider more specific changes to the existing regulations, we can work with Village staff to prepare recommendations and specific amendments based on that Council direction.

2-9-3: COMPOSITION OF COMMISSION:

A. General Appointment And Membership Criteria: The commission shall consist of seven (7) members. Each member on the commission shall be selected from the then current members of the Oak Brook plan commission and the Oak Brook zoning board of appeals. The chairperson of the zoning board of appeals shall be one of the zoning board of appeals members on the commission. The chairperson of the plan commission shall be one of the plan commission members on the commission. Each member shall be appointed by the village president, with the advice and consent of the board of trustees. Each member of the commission shall serve without compensation.

B. Composition Of Commission; Chairperson; Terms:

1. Chairperson; Vice Chairperson: The chairperson of the commission shall always be the individual then serving as the chairperson of the body that holds three (3) seats on the commission. The vice chairperson of the commission shall always be the individual then serving as the chairperson of the body that holds four (4) seats on the commission.

2. Initial Composition: The initial composition of the commission shall consist of four (4) plan commission members and three (3) zoning board of appeals members.

3. Term: The term of each member of the commission shall be two (2) years, commencing on May 1 and ending on April 30 of the second year, or until such times as a successor has been duly appointed, confirmed, and qualified. There shall be no restriction on the reappointment of a member to one or more successive terms, subject to the advice and consent of the board of trustees for each reappointment. In making appointments to the commission after the initial and subsequent two (2) year terms, the president shall attempt to reduce the amount of turnover on the commission in order to ensure that the commission is able to continue to function without loss of expertise and experience and without interruption or delay on matters that may be before it.

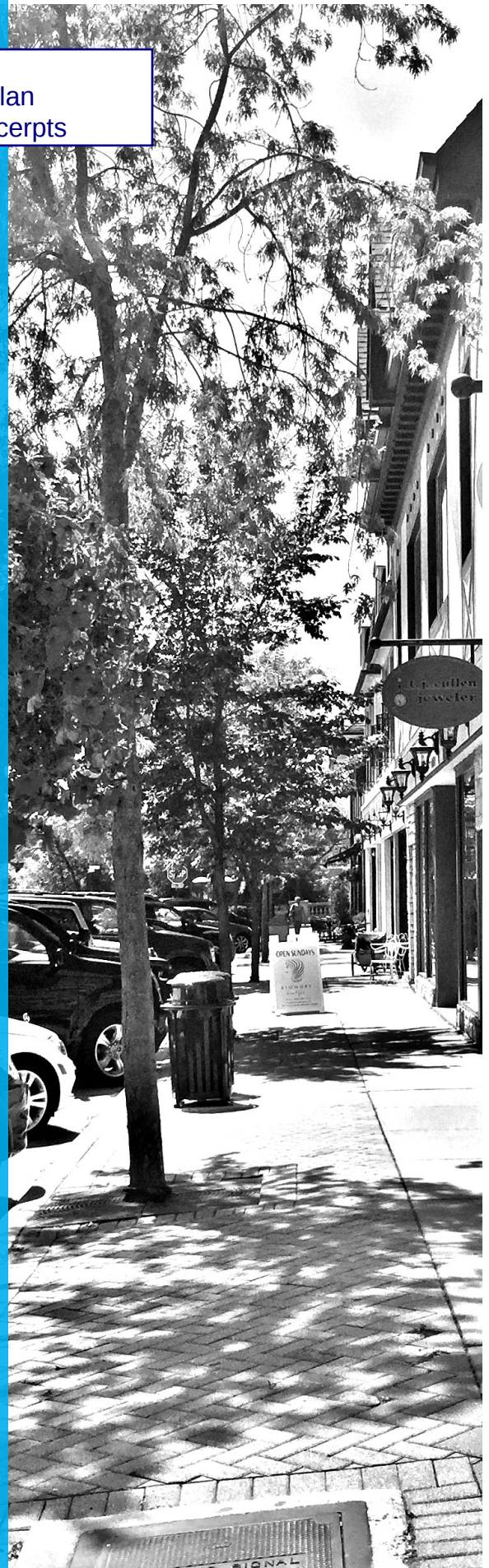
4. Rotating Majorities, Chairpersons, And Vice Chairpersons: The body from which the majority of commission members are drawn, and the body from which the chairperson and vice chairperson are selected, shall alternate every two (2) years. Accordingly, during the first two (2) year terms (in which the plan commission has 4 members and the zoning board of appeals has 3 members), the chairperson of the commission shall be the chairperson of the zoning board of appeals and the vice chairperson shall be the chairperson of the plan commission. Following the initial two (2) year terms, one appointment from the plan commission will be eliminated and one appointment from the zoning board of appeals will be added, so that for the second two (2) year terms the composition of the commission shall consist of four (4) zoning board of appeals members and three (3) plan commission members, with the chairperson of the plan commission serving as chairperson of the commission and the chairperson of the zoning board of appeals serving as vice chairperson. This rotation between a zoning board of appeals majority and a plan commission majority, and the corresponding rotation of the chairperson and vice chairperson, shall take place every two (2) years.

VILLAGE OF WINNETKA

DOWNTOWN MASTER PLAN

ELM STREET
HUBBARD WOODS
INDIAN HILL

ADOPTED NOVEMBER 3, 2016



SPECIAL THANKS

The Winnetka Downtown Master Plan would not have been possible without the steadfast insight, oversight, and support of a select team of truly dedicated folks. For that, we owe special thanks to the following individuals.

** Listed alphabetically by last name*



Steering Committee

Meg Benson, Chair

Tina Dalman

Jim Gordon

Gene Greable

Steve Hudson

Bill Krucks

Ian Larkin

Scott Myers

Jon Talty

Gwen Trindl

Bob Winter

Village Council

Past and Present

E. Gene Greable, President

Andrew Cripe, Trustee

Carol Fessler, Past Trustee

William Krucks, Trustee

Stuart McCrary, Trustee

Scott Myers, Trustee

Marilyn Prodromos, Past Trustee

Chris Rintz, Trustee

Kristin Ziv, Trustee

Village Staff

Robert Bahan, Village Manager

Michael D'Onofrio

Brian Norkus

Megan Pierce

Lori Weaver

Working Groups

Property Owners

Bob Berger

Josh Braun

David Hoffmann

Kearby Kaiser

Leslie Stevens

Glen Weaver

Cliff Zimmerman

Developers / Real Estate

Paul Dunn

Tom Eilers

Bob Horne

Warren James

Steve Livaditis

Design Character

Gary Frank

Tom Kerwin

Paul Konstant

Penny Lanphier

Peggy Stanley

John Swierk

Residents At Large

Richard Pierce

Dan Streif

Todd Helmick

Kristin Ziv

Wes Baumann

Gil Fitzgerald

Mike Nielsen

Working Groups (cont.)

Community Organizations

Matt Bradley

Laurie Cahill

Bethany Crocker

Patti Van Cleave

Terry Dason

Erin Donaldson

Amber Farashahi

Christy Fowler

Linda Furey

Dorsey Gordon

Harry Grace

Mary Hastings

Matt Hulsizer

Beth Kauffman

Trish Kocanda

Greg Kurr

Besty Landes

Dee Macey

Gina Matthews

Tim McCabe

Tracey McDowell

Alison McNally

Greta O'Keef

Laurie Petersen

Paul Salley

Rose Selker

Ann Sharp

Heather Smith

Greg Robitaille

Kim Ronan

Rebecca Wolf

Linda Yonke

Working Groups (cont.)

Business Districts

Louie Alexoukis

Pat Berwanger

Wade Bundy

Dan Fields

Bill Hiscott

Stephanie Hochschild

Vickie Hofstetter

Bill Leske

Patrick O'Neil

Shermin Pelinski

Peg Swartchild

Paul Zurowski

Project Consultants

Teska Associates, Inc.

Michael Blue

Erin Cigliano

The Goodman Williams Group

Linda Goodman

Zach Lowe

Aneesha Marwah

Sam Schwartz Engineering

Kelly Conolly

Mark de la Vergne



CHAPTER 6

LAND USE + ZONING

LAND USE+ZONING

At its most basic, the Village of Winnetka Downtown Master Plan land use element defines the types of businesses and dwellings that are more appropriate for the Winnetka business districts. Changes in land use from what exists now are taken as a given in planning – although in built-up communities like Winnetka those changes are incremental and happen over longer periods of time. However, given the existing character of the business districts, the future land use pattern can be expected to reflect what's there now: shops, restaurants, services, and some dwellings.

Even in the most stable business districts stores come and go, redevelopment opportunities are considered, and improving how the area looks is an ongoing effort by the Village, merchants, and property owners. The purpose of this chapter is to build on the Vision Statements and outline a path for the ongoing evolution of the business districts' physical form and vibrancy.

THE PURPOSE OF THIS CHAPTER IS TO BUILD ON THE VISION STATEMENTS AND OUTLINE A PATH FOR THE ONGOING EVOLUTION OF THE BUSINESS DISTRICTS' PHYSICAL FORM AND VIBRANCY.



PHYSICAL FORM FOR THE VISION

The process of preparing the Downtown Master Plan included many discussions about vibrant business areas, family friendly restaurants, stores for home furnishings, ice cream shops, brewpubs, and much more. Those discussions are condensed into the Visions Statements for the business districts. This land use plan helps define a structure for the districts that is the physical form of those Visions. To test how the Visions might take physical forms, three potential development sites were evaluated for how they can best advance plan objectives. These scenarios did not reflect pending developments, nor were they to portray future specific developments.

They were intended to show one possible development outcome at the study site and convey Village expectations for all new development. The site studies highlight questions to be considered in understanding how new development supports the Vision, the site, and urban design objectives. Of the four sites evaluated, the Post Office is unique in that it is owned by the Village. Therefore, the development objectives and sketch plan for this site may well find themselves as part of a Village-led development effort.

REGULATING DEVELOPMENT

Zoning is the legal process by which land use is codified in a community. For better or worse, a zoning ordinance is too often considered the list of things people are prohibited from doing with their property, and can be a cause of frustration. Likewise, the development approval process associated with zoning often is seen as too long, too unpredictable, and too expensive.

In fact, done effectively, the process can be just the opposite. However, the reality is that development regulations are added to every community's code over time and all too often they occur as a reaction to something undesirable that occurred; typically, these codes will be strict and seek to maintain the status quo. Regulations presented in this format do not encourage new businesses and development.



Why address land use?

Change is challenging in a built-out environment because it always replaces something that has been a part of the community, whether an individual store or block of buildings being redeveloped. Yet, the Village has seen that changes, some small and some are large; and continued change is inevitable. Therefore, considering land use in a plan allows the community to set context for that change, outline where it can fit into the community, and set out how it can best occur.

Another reason to address land use is to be clear that the Village is open to changes. It is incumbent on the community to make clear to business and property owners, potential developers, and residents that the Village acknowledges change will happen. Furthermore, it seeks for the change to enhance the community and has defined thoughtful rules under which it should take place. This Plan paints that picture of what is desired by the community for its business districts. While a proposed business or development may bring an idea that is somewhat different from that picture, they will do so with an understanding of what the community has in mind and are responsible for showing how an idea otherwise supports the Vision.

GENERAL RECOMMENDATIONS

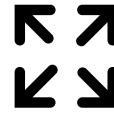
CODE AMENDMENTS

Recent changes to the Zoning Ordinance are recognized as a sound step in creating a development approval process more in keeping with the practices of business district users and supporting Village development objectives. Based on input from the Downtown Master Plan process and technical evaluation of the Zoning Ordinance, further code amendments are recommended. The form and purpose of those changes are outlined below. The specific changes to be adopted into the Village code are expected to be defined and drafted as a follow up to adopting this plan, as they merit further and public deliberation.

- **1. REDUCE / CLARIFY STANDARDS FOR ZONING ENTITLEMENT:** Per the Village Zoning Ordinance, Special Uses, Planned Unit Development, and Variations must be considered against a set of established standards to affirm that the proposed use or development is appropriate for the Village and the location where it will be located. The Winnetka Zoning Ordinance has multiple sets of standards for each of these approvals that must be addressed. In practical application, these multiple sets of standards lack focus and can be applied subjectively. This makes the approval process confusing for the applicant and Village officials, and does not constructively add value to the approval process or ultimate development. The standards should be consolidated and clarified without diminishing the regulatory control the Village maintains over proposed developments or its expectations for their quality.
- **2. REVISE THE COMMERCIAL OVERLAY DISTRICT:** Winnetka's C-2 Overlay zoning district regulates the uses (businesses) permitted in the core parts of the Elm Street and Hubbard Woods business districts. It permits fewer types of businesses than the underlying C-2 District, primarily allowing retail and personal service businesses on the first floor with the intent of supporting an active commercial street front. However, it has been noted during the planning process that lifestyles have changed in recent years and a notable level of activity is also generated by other types of uses. Recognizing this change and incorporating it into downtown zoning can advance stronger business districts. For this regulatory tool to be better in step with the direction of this Plan, four aspects of the C-2 Overlay should be changed, as noted on the following page.

CODE AMENDMENTS

2. REVISE THE COMMERCIAL OVERLAY DISTRICT (CONTINUED):

**1. PERMITTED USES:**

Evaluate list of permitted uses to better reflect current trends in downtown business districts and potentials for success identified in this Plan's Market Assessment. The potential for "foot traffic" generated by a broader range of personal services and office uses should be reflected in the use list as "permitted". In some cases, businesses that attract activity are prohibited in the Overlay or require a Special Use process. This approach to regulating downtown uses is no longer a best practice in light of how people's use of downtown business districts have changed. In addition, there is increased competition for consumers' entertainment and shopping dollars from the surrounding communities and the internet.

2. SPECIAL USES:

Reduce number of uses considered as Special Uses. Best practice is to consider Special Uses as those that are desirable for a district, but merit further evaluation to address potential adverse impacts (points of traffic conflict, potential nuisances, impacts on adjacent properties, etc.). If a particular type of business is not a good fit for the district because it generates limited activity or is contrary to the plan's vision, that status should be clearly conveyed in the code and the use not permitted. This change should not be seen as restricting businesses in the overlay – the recommendation above suggests creating a broader list of permitted uses – but will create clarity in the code.

3. OVERLAY BOUNDARY:

Evaluate the merits of narrowing the extent of the C-2 Overlay geography in the Elm Street and Hubbard Woods districts. In keeping with the theme of creating vibrant business districts, the Overlay should be evaluated as to whether all areas designated support that objective. If not, it is appropriate to permit the broader range of land uses set by the underlying C-2 District and shrink the Overlay boundary. Strongest commercial activity will be located at key intersections, sites located farther from such intersections may no longer add value to the Overlay District and that designation can be removed.

4. OVERLAY TITLE:

Change the C-2 Overlay District name. The most common and appropriate use of "overlay" zoning is to set additional standards that will work in concert with the underlying district (as is often applied with historic preservation or urban design criteria to a specific part of the community). While the C-2 Overlay does have different standards in that it allows fewer businesses by right, it does not follow the conventional application of an overlay district. This can be confusing to business and property owners or developers. The most straightforward approach would be to rename the overlay as a C-3 Commercial Core District and apply it as a conventional zoning district.

CODE AMENDMENTS

- **3. REFINE THE CURRENT DESIGN REVIEW PROCESS.** Building permit requests for commercial and multiple-family buildings in the C-1, C-2, and C-2 Overlay Districts come before the Village for consideration that building design, building materials, site plan, and landscaping are consistent with desired community character. The applications are heard by the Village Design Review Board (DRB), which makes findings on whether to issue a Certificate of Appropriateness of Design. Appeals to DRB determinations and all applications in the C-1 Zoning district (Indian Hill) are heard by the Village Council. This is a well-established process and is common in other communities. In Winnetka, the expectations for design characteristics are thoroughly spelled out in the Village of Winnetka Design Guidelines and Design Guideline Evaluation Checklist (which effectively summarizes the design guidelines and helps users through the Village Design Review Board process). In the interest of making the process more predictable and effective for applicants and the Village, several changes to the design review process should be considered:

1. CLEAR STANDARDS

Establish clear standards of approval for the design review process. Standards for approval of Certificate of Design Appropriateness are broadly outlined in the Village Design Guidelines, Section 15.40.010.F of the Zoning Ordinance, and the Design Guideline Evaluation checklist - but are not specifically delineated. This collection of criteria should be evaluated and combined into a single set of standards for approval of a Certificate of Design Appropriateness. Articulated standards will provide clarity to both applicants and the DRB regarding intended outcomes for the process.

2. DESIGN REVIEW:

Require design review for a few structural items. Not all changes to building exterior may rise to the level of requiring DRB or Village Council approval. In the interest of encouraging improvements and providing a efficient process, some building elements could be permitted with a reduced level of review, such as administrative review and approval by staff. Most appropriate for this might be “like for like” replacements of existing elements such as awnings, windows, lights or doors that could be approved through the building permit process. Similarly, new elements reflecting the same style as existing features could be administratively approved.

3. EXCEPTIONS:

Consider if there are circumstances in which administrative exception could be granted for limited relief from design review standards. This is mostly likely to occur after a design element has been approved by the DRB but an applicant needs to make a change to the approved design. In situations where the requested change provides a comparable or higher degree of design character and meets the intent approved by the Commission, such could be authorized through an administrative process.

4. C-1 DISTRICT:

Eliminate the need for buildings in the C-1 District to be considered by the Village Council architectural review. The process was established over concern that inappropriate buildings could be located too close to single family residential areas. In fact, the recent changes to Village Code and those proposed as part of this plan maintain a process through which concerns of adjacent owners can be heard and addressed.

CODE AMENDMENTS

□ **4. APPLY ADMINISTRATIVE APPROVAL FOR MINOR VARIATIONS IN COMMERCIAL ZONING DISTRICTS:**

In situations where renovating a structure in the business districts creates requirement for a small variation from the Zoning Ordinance, these could be allowed through the administrative approval process by the Zoning Administrator. Such approvals are possible in some instances, but are limited in type and scale – as spelled out in Section 17.60.035. However, additional use of the Minor Variation process for small variations in the business districts should be considered.

□ **5. ESTABLISH A PLANNED DEVELOPMENT COMMISSION.** The process for considering Planned Developments (those over 10,000 square feet) in the Overlay District incorporates review of the Plan Commission, Zoning Board of Appeals, and Design Review Board. The time and materials required for this process can create a burden for applicants, Village officials, staff, and interested citizens as they must attend a series of meetings and review multiple packets of materials. To conduct the process in a more collaborative and efficient manner, and maintain a high level of evaluation, a Planned Development Commission can be created to evaluate planned developments in all commercial and multiple-family zoning districts. Such a body could include members of the Plan Commission, Zoning Board, and Design Review Board and consider all relevant standards; each member would receive training to understand and apply standards of the other commissions. The efficiency in the process is created by the project background not needing to be repeated to multiple groups. The integrity of the process is supported in that the concerns of each commission are thoughtfully considered in concert with the others.

□ **6. CONSIDER ESTABLISHING A FEE IN LIEU FOR PARKING RELIEF.** The Village parking requirements are considered sound in meeting current needs, particularly in light of recent Code changes. When considering parking relief, the Village may choose add the option of an associated fee in lieu of parking as an alternate form of compliance (similar to the way that providing required parking in an off-site lot is a different way to meet parking requirements). The fee could be applied if other methods of meeting the intent of the code could not be achieved, but should be thoughtfully set so as not to be a disincentive to development. Typically established on a per space basis, the fee could be placed into a fund for upkeep of present parking and related facilities (such as signage) or assisting in financing new parking facilities.

□ **7. PROVIDE COMMISSIONER TRAINING.** Assuring that members of commissions are appropriately trained supports the concept of more effective meetings and development reviews. While Village commissioners are well educated and committed to the well-being of the community, not all will be experienced in the topics specific to the commission on which they sit or the unique aspects of how municipal commissions operate. A training program could be established for current commissioners and required of all new commissioners prior to taking their positions. A training regimen will help maintain consistency between commissioners and commissions in how they apply Code standards, supporting more effective and efficient review processes.



CHAPTER 7

ACTION PLAN

4. LAND USE AND ZONING

4A. Adopt Development Related Code Revisions

The Land Use Chapter recommends a number of zoning ordinance and design review process changes to encourage business and property development in the business districts. These revisions were thoughtfully deliberated, a process that should continue as they are implemented.

i. Code Amendments: High Priority / \$\$

The Land Use Chapter recommends a number of zoning ordinance and design review process changes to encourage business and property development in the business districts. These revisions were thoughtfully deliberated, a process that should continue as they are implemented. A community based effort led by a 3rd party consultant to provide an outside perspective, like that used to develop this Plan, will be useful in detailing changes and reaching consensus on the amendments. As with the Plan, a task force could lead the effort and include representatives from various groups and public bodies, such as the Plan Commission and Business Community Development Commission, in order to secure broad input. Changes to consider are:

- Reduce and Clarify Standards for Considering Zoning Entitlement
- Revise the Commercial Overlay District
- Refine the Current Design Review Process
- Apply Administrative Approval for Minor Variations in Commercial Districts
- Establish a Planned Development Commission
- Consider Establishing a Fee in Lieu for Parking Relief

4B. Post Office Redevelopment

As a Village-owned property, the Post Office site presents an opportunity to advance the Vision for Elm Street and development in the district.

i. Redevelopment Planning: Medium Priority / \$\$

As a Village-owned property, the Post Office site presents an opportunity to advance the Vision for Elm Street and development in the district. Securing development of municipally owned properties is best accomplished by issuing to the development community a Request for Qualification (RFQ) and a subsequent Request for Proposals (RFP) to a selected short list of potential developers. This requires first defining Village objectives for the property related to development parameters (outlined in this Plan), fiscal considerations, developer selection criteria, the selection process, and a timeline for the process. The RFP/RFP preparation and developer selection process often is managed for communities by a 3rd party consultant to ensure a process understood as impartial by all. As described in the Plan, timing of site disposition should ensure that there are no (or very limited) competing developments in the immediate area.

4C. Provide Commissioner Training

Training for existing and future members and Village Commissioners will help to create a more consistent and effective development review process.

i. Commissioner Training: Medium Priority / \$

Training can be led by Village Staff or Corporation Counsel. However, outside trainers bring a broad perspective and can be used for an initial session with current commissioners; training for future commissioners could be led internally. The Illinois Chapter of the American Planning Association provides commissioner training for a nominal charge.

Chapter 17.58

PLANNED DEVELOPMENTS

Sections:

- 17.58.010 Applicability.
- 17.58.020 Purpose and intent.
- 17.58.030 General requirements.
- 17.58.040 Development standards.
- 17.58.050 Procedural requirements.
- 17.58.060 Pre application conference.
- 17.58.070 Application for preliminary plan approval.
- 17.58.080 Procedures for preliminary plan approval.
- 17.58.090 Application for final plan approval.
- 17.58.100 Procedures for final plan approval.
- 17.58.110 Findings on standards for planned development approval.
- 17.58.120 Amendments to planned developments.
- 17.58.130 Effect of failure to complete project according to plans.

Section 17.58.010 Applicability

The provisions of this chapter apply to the development or redevelopment of any parcel of land, or group of contiguous parcels of land, that have a combined area of at least 10,000 square feet and that are located in the B-1 Multi-family Residential, B-2 Multi-family Residential, C-1 Neighborhood Commercial and C-2 General Retail Commercial zoning districts, provided the development or redevelopment consists of the construction of one or more new buildings, or of any addition to or expansion of one or more existing buildings that increase the gross floor area on the subject property by at least 50%.

(MC-2-2015 § 13, Amended, 02/17/2015; MC-8-2005, Added, 12/20/2005)

Section 17.58.020 Purpose and intent

A. Purpose. The purpose of this Chapter is to make available a special use procedure that departs from the strict application of the specific zoning requirements of the district in which the development is located, in an effort to promote progressive development and redevelopment of land in the multi-family and commercial zoning districts by encouraging more creative and imaginative design for land developments than is possible under the zoning regulations that generally apply in those zoning districts.

B. Intent. This Chapter is intended to assure that the following land use and development objectives are accomplished, in addition to the general land use and development objectives set forth in Chapter 17.04 of this Title:

1. To permit a creative approach to the development and redevelopment of lands devoted to multi-family and commercial uses.
2. To achieve a more desirable physical environment by allowing greater flexibility in building design and site plan layout than would be possible through the strict application of the generally applicable zoning and subdivision regulations.
3. To allow more efficient use of the land resulting in more economic networks of utilities, streets and other facilities.

5. To facilitate a development pattern that is in harmony both with the objectives of the Comprehensive Plan and with the district purposes as defined in this Title.

6. To allow the relaxation of certain otherwise applicable substantive requirements based upon procedural protections that provide for the detailed review of individual proposals for more significant multi-family and commercial developments.

(MC-8-2005, Added, 12/20/2005)

Section 17.58.030 General requirements

All planned developments shall be subject to the requirements and limitations of this section.

A. Approval required. All planned developments shall be subject to approval by the Village Council, in accordance with the procedures and standards set forth in this Chapter and with other applicable provisions of this Code.

B. Permitted Locations. Planned developments are authorized only in the B-1 Multi-family, B-2 Multi-family, C-1 Neighborhood Commercial and C-2 General Retail Commercial zoning districts.

C. Comprehensive Plan. All planned developments shall be consistent with the Village of Winnetka Comprehensive Plan, *Winnetka 2020*.

D. Minimum area of development. No planned development shall be permitted on any site that has an area of less than 10,000 square feet.

E. Planned development required. All new development or redevelopment on any site with an area of 10,000 square feet or more shall be in accordance with the planned development requirements established in this Chapter.

F. Ownership and control of land. The site for a planned development may be either in a single lot of record or a combination of contiguous lots that are under unified ownership and control.

G. Compliance with Village Code required. Construction and improvements with any planned development shall comply with all applicable Village ordinances. Any proposed deviation from Village standards or requirements must be clearly listed on the preliminary plan submittal and fully justified as being both necessary to the proper development of the property and consistent with the objectives set forth in the applicable section of the Village Code.

H. Design requirements. The planned development as a whole, as well as the individual buildings and site improvements constructed as part of the planned development, shall be in conformity with the Village of Winnetka Design Guidelines.

I. Compatibility of uses and design. The uses permitted in the planned development shall be compatible with each other and with existing land uses in the surrounding area. Uses shall be deemed compatible if all of the following criteria are met:

1. The individual uses in the planned development must be permitted uses or permitted special uses in the underlying zoning district. Any individual use that is permitted only as a special use in the underlying zoning district must individually meet the standards for the granting of special use permits, as established in Chapter 17.56 of this Code.

2. The uses must be designed and located in conformity with the Village of Winnetka Design Guidelines.

3. The uses, buildings and site layout of the planned development, considered as a whole, must meet the standards for the granting of special use permits, as established in Chapter 17.56 of this Code.

4. The planned development will be responsive to a demonstrated need within the Village.
(MC-2-2015 § 14, Amended, 02/17/2015; MC-8-2005, Added, 12/20/2005)

Section 17.58.040 Development standards

A. Number of units. The maximum number of residential units in a planned development shall not exceed the maximum number allowed in the underlying zoning district, except as may be necessary to achieve the goals of the Village of Winnetka Affordable Housing Plan.

B. Yards and setbacks. The required yards and setbacks along the periphery of the planned development site shall be the same as those in the underlying zoning district. Notwithstanding the foregoing, the size of the required yards and setbacks may be modified by taking into consideration other existing buildings in the vicinity, consistency with goals in the Comprehensive Plan, accommodating parking and open space requirements and compatibility with adjoining properties.

C. Building height. The maximum building height permitted in the planned development shall not exceed 45 feet. Notwithstanding the foregoing, the height limitation may be modified by taking into consideration other buildings in the vicinity, consistency with goals in the Comprehensive Plan, accommodation of parking and open space requirements and compatibility with adjoining properties.

D. Parking. Each individual use in a planned development shall comply with the parking requirements established in this Title for such use in the underlying zoning district. Notwithstanding the foregoing, parking requirements may be modified based upon the specific uses proposed and their compatibility with the adjoining neighborhood.

E. Intensity of use of lot. The intensity of use of lot for the planned development site shall not exceed the maximum allowable permitted in the underlying zoning district, except as may be necessary to achieve the goals of the Village of Winnetka Affordable Housing Plan.

F. Traffic plan. The planned development shall include a traffic plan that identifies points of ingress and egress, streets, alleys and interior circulation routes. The traffic plan shall be designed to minimize traffic congestion in the public streets adjoining the planned development and to facilitate the free flow of both vehicular and pedestrian traffic, within the planned development. The streets, alleys and other traffic thoroughfares, public or private, approved in planned development shall comply with the minimum requirements of the Village of Winnetka.

G. Exceptions and modifications. The Plan Commission may recommend, and the Village Council may authorize, any exceptions and modifications to the applicable bulk regulations of this section, provided the recommendation or grant is supported by the following findings, which shall be based on evidence in the procedural record:

1. that the exception or modification meets the standards for modification defined in the relevant provision of this section;
2. that the exception or modification is solely for the purpose of promoting a unified site plan and of meeting the objectives of both this Title and the Comprehensive Plan; and
3. that the exception or modification is necessary to achieve the stated objectives and goals of this Chapter.

(MC-8-2005, Added, 12/20/2005)

Section 17.58.050 Procedural requirements

A. General requirements. All applications for planned developments shall be subject to the standards and procedures established in this Chapter 17.58 and in Chapter 17.56 of this Code.

B. Cumulative requirements. Unless specifically provided in this Chapter to the contrary, the standards of Chapter 17.56 shall be in addition to the standards of this Chapter. Unless

specifically provided in this Chapter to the contrary, any procedure of Chapter 17.56 that is not also stated in this Chapter shall be considered an additional procedure, provided it does not conflict with the procedures established in this Chapter. In the event the procedures of Chapter 17.56 conflict with the procedures established by this Chapter, the procedures of this Chapter shall prevail.

(MC-8-2005, Added, 12/20/2005)

Section 17.58.060 Pre application conference

Prior to filing an application for a planned development, the developer may request an informal conference with the Zoning Administrator to discuss the proposed planned development. The pre-application conference is not mandatory and does not require either the payment of an application fee or the filing of an application.

(MC-8-2005, Added, 12/20/2005)

Section 17.58.070 Application for preliminary plan approval

A. Form of application.

1. The form of the original application, associated plans and supporting documentation shall be determined by the Zoning Administrator.

2. The application, associated plans and supporting documentation shall be submitted both in full, original size and in 8½" x 11" format.

3. The full, original size of plats and plans shall be 24" x 36".

B. Contents of application. The application shall include the preliminary planned development plan described in subsection C of this section and shall be accompanied by the additional plan documentation described in subsection D of this section.

C. Preliminary planned development plan. The preliminary planned development plan shall contain the following:

1. **Statement of objectives.** The preliminary plan shall include a statement of the planning objectives to be achieved by the particular design approach proposed by the applicant, which shall include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.

2. **Statement of ownership.** The preliminary plan shall include a statement and documentation verifying that the applicant has, or will have ownership and control over all land included in the proposed planned development. If the subject property is held in trust, the statement of ownership shall also disclose the names of the trustee and the beneficiaries of the trust.

3. **A statement of proposed use.** The preliminary plan shall include a statement of the applicant's intention with regard to the future selling or leasing of all or portions of the land areas or structures and the proposed use thereof is required.

4. **Detailed planned development plan.** The preliminary plan shall include a detailed drawing of the proposed planned development, drawn at a scale of not less than one inch to one hundred feet. The detailed planned development plan may consist of one or more sheets and drawings and shall accurately depict:

- a. Boundary lines, bearings and distances;
- b. The location, width and purpose of all easements
- c. All streets on and adjacent to the subject property, including street name, right-of-way width, sidewalks, and the like;

d. Utilities on and adjacent to the site, including the location, size and invert elevations of all sewers, the location and size of water mains and hydrants, and the location of gas, electric, telephone and cable lines;

e. The topography of the subject property, which shall be shown in one-foot contours for land with a slope of one-half percent or less, and in two-foot contours for land with a slope of more than one-half percent;

f. Conditions on adjacent land, including adjacent grades, the character and location of buildings, and the type and location of utilities;

g. The zoning classification of the subject property and all adjacent properties;

h. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners, with the purpose indicated;

i. The location and purpose of each proposed building, and the height of each building in feet and stories;

j. Landscaping and tree preservation plan;

k. At least two cross-sections through the entire site, to illustrate the bulk and heights of all proposed structures in relation to the topography, vegetation and surrounding structures;

l. The name of the development, the north point and scale, the date of preparation and the acreage of the site; and

m. Such additional information as may be required by the Plan Commission.

5. Quantitative Summary. The preliminary plan shall include a quantitative summary, which shall be broken down into phase components if the development is to be implemented in phases, and which shall include, but not be limited to the following:

a. Acreage and square footage of the subject parcel;

b. Residential density;

c. Total and footprint square footage of principal and accessory buildings;

d. Number of parking spaces;

e. Square footage of commonly owned and/or maintained open space; and

f. Maximum residential density that would be achievable through conventional development of the site.

D. Supporting documentation. In addition to the preliminary planned development plan, every application for a planned development shall be accompanied by the following supporting documentation:

1. A preliminary plat of subdivision that meets the requirements of Title 16 of this Code.

2. Schematic architectural drawings, including but not limited to floor plans, exterior building elevations, which clearly define all buildings proposed for the planned development.

3. A statement setting forth the specific zoning modifications and exceptions being sought from the underlying zoning requirements as part of the planned development.

4. A statement describing why the area for usable common open space was chosen, the unique advantages it offers, and how it is envisioned that residents will utilize the space.

5. A traffic and parking study prepared by a qualified expert setting forth and analyzing the effect of the proposed development on traffic and parking in and around the subject property. The traffic and parking study shall not be limited to the effect on adjacent streets but shall extend to all surrounding areas affected by the proposed development and shall indicate the anticipated points of origin, direction, amount and density of traffic flow to and from the proposed planned development.

6. A statement describing the specific public benefits that are proposed to be contained in or

associated with the planned development.

7. A development schedule setting forth the approximate dates for beginning and completion of each stage of the development.

8. A construction employee traffic and parking mitigation plan that shall establish specific actions by the owner to limit peak period vehicular traffic and parking generated by construction of the planned development.

9. Such other documentation as the Director of Community Development may determine is necessary to demonstrate that the proposed planned development complies with all applicable development regulations, including compliance with Village of Winnetka Design Guidelines. (MC-8-2005, Added, 12/20/2005)

Section 17.58.080 Procedures for preliminary plan approval

A. Application review. Upon receipt of a properly completed application for a preliminary planned development, the Zoning Administrator shall review the application for compliance with all applicable requirements. Completed applications will be then be forwarded to the Plan Commission, Zoning Board of Appeals and Design Review Board for their respective reviews and recommendations.

B. Hearings. The Plan Commission and Zoning Board of Appeals shall hold separate public hearings in accordance with Chapter 17.56 of this Code. Notices of the public hearings shall be issued in the manner provided in Section 17.56.040 of Chapter 17.56. The hearing of the Zoning Board of Appeals shall be held as provided in Section 17.56.060 of Chapter 17.56.

C. Written protest.

1. Filing of protest. Any owner of property located within two hundred fifty (250) feet of the subject property may file a written protest objecting to the planned development. The written protest shall be directed to the Village Council and shall be submitted on forms provided by the Village and shall be signed and acknowledged, in accordance with the definitions provided in Sections 17.04.030(A)(3.5) and 17.04.030(S)(4.5) of this title. The written protest shall be submitted no later than 5:00 p.m. on the date of the first meeting of the Village Council at which the preliminary approval of the planned development application is on the agenda for consideration; provided, that the filing of a written protest after the close of the Board of Appeals hearing on the planned development application shall not create a right either to reopen the evidentiary record or to remand the application to the Board for further evidentiary proceedings.

2. Effect of written protest. In the event twenty (20) percent of the owners of property located within two hundred fifty (250) feet of the subject property have submitted a written protest as provided in Section 17.56.050(A), the preliminary approval of a planned development by the Village Council shall require the favorable vote of four (4) Trustees.

D. Design Review Board. The Design Review Board shall consider the application for preliminary planned development at a public meeting.

E. Findings and recommendations. Within 30 days following the date of the completion of the respective public hearings of the Plan Commission and Zoning Board of Appeals, and within thirty (30) days following the completion of the Design Review Board meeting on the application for preliminary approval, each body shall forward a written copy of its findings of fact, and/or its recommendation to the Village Council. The findings and recommendations of each body shall be consistent with the purpose and intent of this Title and shall specify, in a separate conclusion or statement, such stipulations, restrictions or conditions, including but not limited to the operation of

the planned development, that the Plan Commission, Zoning Board of Appeals or Design Review Board deems necessary to assure the protection of the public health, safety, comfort, morals or welfare. No planned development shall be recommended for approval by the Plan Commission, Zoning Board of Appeals or Design Review Board unless such commission or board shall find that the proposed planned development is in conformity with the standards set forth in Section 17.58.110 of this chapter and with any other applicable regulations of the zoning district in which the subject property is located.

F. Village Council.

1. Village Council deliberations. Within thirty (30) days after the Village Council receives all of the findings of fact and/or the recommendations of the Plan Commission, Zoning Board of Appeals and Design Review Board on the application, the application for the planned development shall be placed on the Village Council's agenda for consideration.

2. Village Council decision; vote required. By a majority of the Village Council, the Village Council, in the exercise of its discretion, may grant, deny or modify the planned development application, or may return the matter to the Plan Commission, Zoning Board of Appeals or Design Review Board for further consideration and findings. Notwithstanding the foregoing, if the requisite number of protests have been submitted in accordance with Section 17.56.050 of Chapter 17.56, the favorable vote of four (4) Trustees shall be required to grant the planned development by the Village Council.

(MC-8-2005, Added, 12/20/2005; MC-9-2010, Amended, 01/4/2011)

Section 17.58.090 Application for final plan approval

A. Form of application.

1. Substantial conformity with preliminary plan. The final plan for the planned development shall conform substantially to the approved preliminary plan. No final plat for a planned development will be presented for final approval if it contains a substantial change from the approved preliminary plan. For purposes of this section a substantial change is a change that alters the concept or intent of the planned development; changes the plan's density, changes the height of any building, changes proposed open space, makes material changes in architectural design, makes a material change to the development schedule, or changes the governing agreements, provisions, or covenants for the development.

2. Engineering approval. The final plat will not be processed until detailed engineering site plans have been reviewed and approved by the Village Engineer.

3. The final development plan, and subdivision plan if necessary, shall contain in final form all the information required in the preliminary development plan, along with such other documents as may be necessary to implement the plan or to comply with all applicable requirements of this chapter.

B. Time of filing application for final approval. Within eighteen (18) months following the Village Council approval of the preliminary planned development plan, the applicant shall initiate the final approval process by filing the final development plan and supporting documentation with the Plan Commission. The Village Council, in the exercise of its discretion, may extend the time for filing the application for final approval.

C. Contents of application. The final planned development plan shall contain all the materials included in the preliminary planned development plan in final detailed form and include the following:

1. Boundary lines, bearings and distances;

2. Location, width and purpose of all easements;
 3. Streets on and adjacent to the site, including street name, right-of-way width, sidewalks, and the like;
 4. Utilities on and adjacent to the site, including location, size and invert elevations of all sewers, location and size of water mains and hydrants, location of gas lines, electric, telephone and cable lines;
 5. Other conditions on adjacent land including adjacent grades, character and location of buildings and utilities;
 6. Zoning on and adjacent to the site;
 7. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated;
 8. Location, purpose and height, in feet and stories, of each building;
 9. Landscaping and tree preservation plan;
 10. Name of development, north point and scale, date of preparation and acreage of site;
 11. Such additional information as may be required by the Village Council.
 12. Final schematic architectural drawings;
 13. Final quantitative summary;
 14. Original mylar plat of the planned development, a subdivision plat, plat of dedication and/or plat of vacation; and
 15. A restrictive covenant in a form acceptable to the Village Attorney limiting development of and construction upon the tract as a whole to such development and construction as shall comply with the final development plan granted by the Village Council.
- D. Development phases. If desired by the developer, the final plat may be submitted in stages, with each stage reflecting a portion of the approved preliminary plat that is proposed to be recorded and developed; provided, however, that each such portion shall be in conformity with all requirements and regulations of this Chapter.
- (MC-8-2005, Added, 12/20/2005)

Section 17.58.100 Procedures for final plan approval

A. Application review. Upon receipt of a properly completed application for a final planned development plan, the Zoning Administrator shall review the application for compliance with all applicable requirements. Completed applications will be forwarded to the Plan Commission, Zoning Board of Appeals and Design Review Board for their respective reviews and recommendations.

B. Hearings. The Plan Commission and Zoning Board of Appeals shall hold separate public hearings in accordance with Chapter 17.56 of this Code. Notices of the public hearings shall be issued in the manner provided in Section 17.56.040 of Chapter 17.56. The hearing of the Zoning Board of Appeals shall be held as provided in Section 17.56.060 of Chapter 17.56.

C. Written protest.

1. Filing of protest. Any owner of property located within two hundred fifty (250) feet of the subject property may file a written protest objecting to the planned development. The written protest shall be directed to the Village Council and shall be submitted on forms provided by the Village and shall be signed and acknowledged, in accordance with the definitions provided in Sections 17.04.030(A)(3.5) and 17.04.030(S)(4.5) of this title. The written protest shall be submitted no later than 5:00 p.m. on the date of the first meeting of the Village Council at which the final approval of the planned development application is on the agenda for consideration:

provided, that the filing of a written protest after the close of the Board of Appeals hearing on the planned development shall not create a right either to reopen the evidentiary record or to remand the application to the Board for further evidentiary proceedings.

2. Effect of written protest. In the event twenty percent (20%) of the owners of property located within two hundred fifty (250) feet of the subject property have submitted a written protest as provided in the foregoing paragraph 1. the final approval of a planned development by the Village Council shall require the favorable vote of four Trustees.

D. Design Review Board. The Design Review Board shall consider the application for final planned development at a public meeting.

E. Findings and recommendations. Within 30 days following the date of the completion of the respective public hearings of the Plan Commission and Zoning Board of Appeals, and within 30 days following the completion of the Design Review Board meeting on the application for preliminary approval, each body shall forward its written findings of fact and recommendations to the Village Council. The findings and recommendations of each body shall be consistent with the purpose and intent of this Title and shall specify, in a separate conclusion or statement, such stipulations, restrictions or conditions, including but not limited to the operation of the planned development, that the Plan Commission, Zoning Board of Appeals or Design Review Board deems necessary to assure the protection of the public health, safety, comfort, morals or welfare. No planned development shall be recommended for final approval by the Plan Commission, Zoning Board of Appeals or Design Review Board unless such commission or board shall find that the proposed planned development is in substantial conformity with the approved preliminary plan and is also in conformity with the standards set forth in Section 17.58.110 of this chapter and with any other applicable regulations of the zoning district in which the subject property is located.

F. Village Council.

1. Village Council deliberations. Within thirty (30) days after the Village Council receives all of the findings of fact and/or the recommendations of the Plan Commission, Zoning Board of Appeals and Design Review Board on the final application, the application for the planned development shall be placed on the Village Council's agenda for consideration.

2. Village Council decision; vote required. By a majority of the Village Council, the Village Council, in the exercise of its discretion, may grant, deny or modify the application for final planned development approval, or may return the matter to the Plan Commission, Zoning Board of Appeals or Design Review Board for further consideration and findings. Notwithstanding the foregoing, if the requisite number of protests have been submitted in accordance with Section 17.56.050 or Chapter 17.56, the favorable vote of four (4) Trustees shall be required for final approval of the planned development by the Village Council.

G. Approval by ordinance. Final approval of any planned development shall be by an ordinance of the Village Council. The Village Council, in the exercise of its discretion, may accept, reject or modify any conditions or restrictions that the Plan Commission, Zoning Board of Appeals and/or Design Review Board may recommend. Such conditions shall be expressly set forth in the ordinance approving the planned development.

H. Recording of final plan required. The Ordinance authorizing the planned development shall be effective only upon recording of the final plat and supporting data with the Office of the Recorder of Deeds for Cook County. No building permits will be issued nor shall any other development shall take place until the required recording of the final plat. All recording costs shall be paid by the applicant.

(MC-8-2005, Added, 12/20/2005; MC-9-2010, Amended, 01/4/2011)

Section 17.58.110 Findings on standards for planned development approval

A. Findings required.

1. Findings in support of recommendations. The Zoning Board of Appeals, the Plan Commission and the Design Review Board shall each enter written findings on the standards for planned development approval as set forth in this Section 17.58.110. The findings of each body shall be based on the particular facts and circumstances of the proposed development, as established through the application materials, record made in the proceedings before that body, and matters of public record.

2. Village Council findings. The Village Council's decision to grant or deny an application shall be based on the particular facts and circumstances of the proposed development, as established through the application materials, the record made in all proceedings on the application, matters of public record, and such matters of public policy as the Council deems relevant to its consideration of the application.

B. Zoning Board of Appeals. The Zoning Board of Appeals shall not recommend the approval of a planned development unless it enters the following findings:

a. that the proposed planned development will not either endanger or be detrimental to the public health, safety, comfort, morals or general welfare, in that the proposed development will complement and supplement the community given the nature of the business;

b. that the planned development will not either substantially diminish or impair property values in the immediate vicinity, or be substantially injurious to the use and enjoyment of land in the immediate vicinity for uses permitted by right in that zoning district;

c. that the planned development will not impede the normal and orderly development and improvement of other property in the immediate vicinity for uses permitted by right in the zoning district;

d. that adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public and private ways;

e. that adequate parking, utilities, access roads, drainage and other facilities necessary for the operation of the special use either exist or will be provided; and

f. that the planned development in all other respects conforms to the applicable zoning regulations and other application of Village ordinances and codes.

C. Plan Commission. The Plan Commission shall not recommend the approval of a planned development unless it finds that the proposed development, as a whole, is consistent with the goals and objectives of the Comprehensive Plan, *Winnetka 2020*. In making its findings and recommendations, the Plan Commission shall consider such goals and objectives of the Comprehensive Plan as it may determine are affected by or otherwise pertain to the proposed planned development, provided that, in each instance, the Plan Commission shall consider whether the proposed planned development is consistent with the following goals and objectives of the Comprehensive Plan:

1. to ensure that commercial, institutional, and residential development is appropriate to the character of and minimizes the adverse impact on its surrounding neighborhood;

2. to limit commercial, institutional and residential development within the Village to minimize potentially adverse impacts on adjacent residential neighborhoods and to prevent the need for significant increases in such infrastructure as streets, parking, utilities and sewers, and in other community resources such as schools, parks and recreational facilities;

3. to ensure that development proposals minimize the potential adverse impact they might have on residential neighborhoods, including the impact on pedestrian character, on site parking, traffic patterns, congestion, open space, storm water management and Village infrastructure;

4. to provide for a wide range of office/service and retail commercial land uses and development within the existing business districts in the Corridor;

5. to promote a strong community identity and opportunities to interact while building a healthy commercial tax base;

6. to provide a broad range of goods and services so that Winnetka residents can satisfy most of their ordinary shopping requirements in the Village and so that non-residents will come to the Village for specialty goods and services;

7. to maintain the essential quality, viability and attractiveness of Winnetka's business districts while encouraging new economic development consistent with the character of the Village and the individual business districts;

8. to encourage the provision of on-site parking at the rear of buildings, with access via alleys or private driveways, to reduce demand for on-street parking; and

9. to ensure that new development does not decrease public parking supply, particularly on street parking that supports retail use.

D. Design Review Board. The Design Review Board shall provide comment and recommendations to the Village Council as to whether the building design, landscape plan and other proposed exterior aspects of the planned development are in conformity with the Design Guidelines.

E. Village Council. The Village Council shall not grant a request for approval of a planned development unless it finds:

1. that the proposed development meets the special use standards for planned development, as set forth in subsection B of this Section;

2. that the proposed development, as a whole, is consistent with the Comprehensive Plan, *Winnetka 2020*;

3. that a certificate of appropriateness of design should issue for the buildings, landscaping and other exterior elements of the proposed development; and

4. that the proposed development is otherwise consistent with the intent and objectives of this Chapter.

(MC-8-2005, Added, 12/20/2005)

Section 17.58.120 Amendments to planned developments

A. Recorded approved plans control development. The planned development shall be developed only according to the approved and recorded final plans. The recorded final plan, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of premises, including the internal use of buildings and structures, and the location of structures in the planned development as set forth therein.

B. Major changes.

1. Major changes defined. Changes that alter the concept or intent of the planned development; including changes in density, changes in the height of buildings, changes in use, changes of proposed open space, material changes to architectural design, material changes in the development schedule, changes in road standards, and changes in the final governing agreements, provisions, or covenants shall all be considered major changes to the approved plan.

2. Procedure for major changes. An applicant seeking a major change shall seek an amendment to the final plan by submitting a new preliminary plan and supporting data and following the procedures for preliminary approval, as established in Section 17.58.070 of this chapter. Major changes to an approved final plan may be granted only by the Village Council pursuant to an ordinance approving the amended plan.

C. Minor Changes.

1. Minor changes defined. Minor changes are defined as any change to an approved plan that is not defined as a major change and that does not change the concept or intent of the development.

2. Procedure for minor changes. A proposed minor change to an approved planned development may be presented directly to the Village Council for consideration. The Village Council may approve minor changes in the planned development without further proceedings, provided it finds that the proposed change does not change the concept or intent of the development.

(MC-8-2005, Added, 12/20/2005)

Section 17.58.130 Effect of failure to complete project according to plans

A. Failure to complete project. The Village Council shall consider revocation of the planned development if construction falls more than one year behind the construction schedule filed with the final plat. The developer shall be notified at least ninety days preceding any revocation proceeding. The Village Council may, upon request, modify the recorded construction schedule of a planned development.

B. Failure to comply with approved plans. Failure to maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of the planned development pursuant to Section 17.72 of the Village Code.

(MC-8-2005, Added, 12/20/2005)

**MINUTES
WINNETKA VILLAGE COUNCIL STUDY SESSION**

December 11, 2018

(Approved: January 8, 2019)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, December 11, 2018, at 7:00 p.m.

- 1) Call to Order. President Rintz called the meeting to order at 7:00 p.m. Present: Trustees Andrew Cripe, Robert Dearborn, Penny Lanphier, Scott Myers, John Swierk, and Anne Wedner. Absent: None. Also in attendance: Village Manager Robert Bahan, Assistant Village Manager Megan Pierce, Village Attorney Peter Friedman, Community Development Director David Schoon, and no persons in the audience.
- 2) Public Comment. None.
- 3) Planned Development Regulation Amendments. Mr. Schoon said Winnetka's Downtown Master Plan recommends consideration of amendments to the Village's Planned Development (PD) application process. He explained that the Planned Development Ordinance was enacted in 2005 for the purpose of promoting progressive development of parcels bigger than 10,000 square feet in the B-1, B-2, C-1 and C-2 zoning districts. He explained that the current process involves a pre-application meeting with Village staff; a preliminary plan review with the Zoning Board of Appeals (ZBA), Plan Commission (PC), Design Review Board (DRB) and Village Council; and a final plan review before the ZBA, PC, DRB and Council.

Mr. Schoon reviewed provisions of the PD Ordinance that could be amended by the Council:

- (a) Begin the PD the process with a Council conceptual review
- (b) Designate one advisory body to consider the PD application
- (c) Create a Planned Development Commission
- (d) Clarify the approval standards
- (e) Amend the neighbor protest provisions

Attorney Friedman explained that having many meetings on the same PD application can diminish each of the bodies' ability to influence the development. He noted that One Winnetka PD hearings before the ZBA and PC were virtually identical, and resulted in two different recommendations for the Council. He said there may be great benefit to requiring a preliminary conceptual review to identify any bright lines the developer might be crossing before a lot a time and money is spent developing the plans. It is not uncommon in other communities to have a designated Planned Development Commission, or to use only one advisory board to consider PD applications. He commented that Winnetka's PD approval standards are overlapping and ambiguous, and do not identify specifics for each board to consider. Lastly, he suggested clarifying the neighbor protest provisions, and he challenged the idea that the Village President should be excluded from voting on a PD application if a protest is filed.

President Rintz recalled that Winnetka's PD Ordinance was written with some urgency, as the owner of the Fell Store told then-Village President Ed Woodbury in 2005 that he would be closing and selling his building. He noted that the first PD application at that site, New

Trier Partners, was messy and time-consuming. He noted that the standards are too subjective and do not give developers a sense of whether their development may be approved. He recommended the Council look at the PD holistically and make amendments that will encourage good, thoughtful development.

Manager Bahan agreed that a conceptual review before the Council is a critical first step. The current PD ordinance provides for a pre-application conference with staff; however, this is not a transparent or effective communication vehicle with the developer.

Trustee Wedner favored a few guiding principles for PD ordinance amendments: (i) give residents a channel to voice their opinion on a proposed PD; (ii) give the process clarity and speed instead of taking years in the process and then feeling boxed into an approval because the developer has spent so much time and money on the application; and (iii) provide Village staff clear guidance with an eye towards limiting the amount of staff time used on the PD application process.

Trustee Myers added that advisory boards need relevant standards to evaluate a proposed development, and certain nebulous standards, especially “return on investment,” need to be revised or eliminated.

Trustee Lanphier agreed that the current PD Ordinance is a morass that does not help the community’s interests in a clear way. She suggested creating a statement of purpose that sets out the goals of the PD ordinance; and she added that the Council needs to be clear on which parts of the One Winnetka PD application were impeded by the developer, and which were hampered by the PD process.

Trustee Cripe commented that the purpose of a PD process is to help the Council determine if the community is better off with the proposed development or without it. He suggested taking expert commissioners from the ZBA, PC and DRB and forming an ad hoc PD Commission when the need arises. He agreed that a preliminary conceptual review is good for both the community and the developer, and he added that the applicant’s holding costs increase when the approval process drags on.

Trustee Dearborn said there is a natural conflict between developers and the community, and some proposals demand a very high level of scrutiny. He did not feel it a worthwhile goal to speed anything through and cautioned against taking the teeth out of the PD Ordinance.

President Rintz explained that speed is not the ultimate goal; rather, clarity and efficiency are needed.

After a thorough discussion, the Council was in general agreement to have staff gather feedback from the ZBA, PC and DRB regarding the following elements of the Village’s PD process and regulations: the purpose and goals for the PD regulations, the guiding principles to use when considering amendments to the PD regulations, the standards to use when considering a proposed planned development, and potential changes to the major PD process steps. Staff will gather the feedback from these advisory bodies and report back to the Council.