



Village of Winnetka

Plan Commission Regular Meeting

October 22, 2025 at 7:00 PM
Winnetka Village Hall Council Chambers
510 Green Bay Road

AGENDA

1. **Call to Order & Roll Call**
2. **Public Comments**
3. **Community Development Report**
4. **New Applications**
 - a. **Case No. 25-20-SU: 730 Elm Street, Suite 130 - Winnetka Aesthetic Studio:**
An application seeking approval of a Special Use Permit submitted by Paul Phelps of Winnetka Aesthetic Studio, as the prospective lessee of the commercial space located at 730 Elm Street to allow a medical office in the C-2 General Retail Commercial Overlay District. The property is currently owned by MDG Winnetka One, LP. The Village Council has final jurisdiction on this request.
 - b. **Case No. 25-21-SU: 564 Lincoln Avenue - Corley North Shore LLC Real Estate Office:** An application seeking approval of a Special Use Permit submitted by Corley North Shore LLC, as the prospective lessee of the commercial space located at 564 Lincoln Avenue to allow a real estate office in the C-2 General Retail Commercial Overlay District. The property is currently owned by 562-72 Lincoln Avenue, LLC. The Village Council has final jurisdiction on this request.
5. **New Business**
 - a. November 19, 2025, Regular Meeting - Quorum Check
6. **Adjournment**

NOTICE

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

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that persons with disabilities, who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities contact the Village ADA Coordinator at 510 Green Bay Road, Winnetka, Illinois 60093, (Telephone (847) 716-3543; T.D.D. (847) 501-6041).



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: PLAN COMMISSION
FROM: CHRISTOPHER MARX, AICP, ASSOCIATE PLANNER
DATE: OCTOBER 16, 2025
SUBJECT: 730 ELM STREET SUITE 130 - WINNETKA AESTHETIC STUDIO
SPECIAL USE PERMIT (CASE NO. 25-20-SU)

INTRODUCTION

On October 22, 2025, the Plan Commission is scheduled to hold a public hearing to consider an application submitted by Paul Phelps of Winnetka Aesthetic Studio (the “Applicant”), as the prospective lessee of the property located at 730 Elm Street, Suite 130 (the “Subject Property”), **to allow a medical office to occupy the Subject Property.** The property is currently owned by MDG Winnetka One, LP.

The Applicant has filed an application seeking approval of a Special Use Permit in accordance with Chapter 17.56 [Special Uses] of the Winnetka Zoning Ordinance to permit a medical office in the C-2 General Retail Commercial Overlay District at the Subject Property. The Applicant would be expanding its existing medical practice based out of the Lincoln Park neighborhood of Chicago. The Applicant currently provides services out of a temporary satellite office located within Perspective Eyes optometry studio located at 548 Chestnut Street.

A sign has been posted on the Subject Property and a website notice has been posted on the Village website indicating the time and date of the Plan Commission public hearing. A mailed notice has been sent to property owners within 500 feet of the Subject Property. As of the date of this memo, staff has not received any written comments from the public regarding this application.

PROPERTY DESCRIPTION

The Subject Property is one of the commercial spaces located in the four-story mixed-use building that is currently under construction at 714-740 Elm Street and 511-515 Lincoln Avenue, often referred to as *One Winnetka*, located on the southeast corner of the intersection of Elm Street and Lincoln Avenue. The approximately 1,800 square foot space at 730 Elm Street is a portion of the 20,955 square feet of commercial space in the One Winnetka building and is in the center portion of the building’s north facing commercial space. To date, the only other tenant identified for the development is a Charles Schwab financial services office, although a restaurant is expected to occupy the northwestern space near the street intersection. There will be 59 residential units on the second, third, and fourth floors.

The Subject Property is located within the Village’s **Commercial Overlay District**, which allows non-retail uses, such as medical offices; however, the Zoning Ordinance requires that they be evaluated by the Plan Commission and Village Council as a special use. Figures 1 through 3 on the following pages identify the One Winnetka site and the proposed location of the medical office.

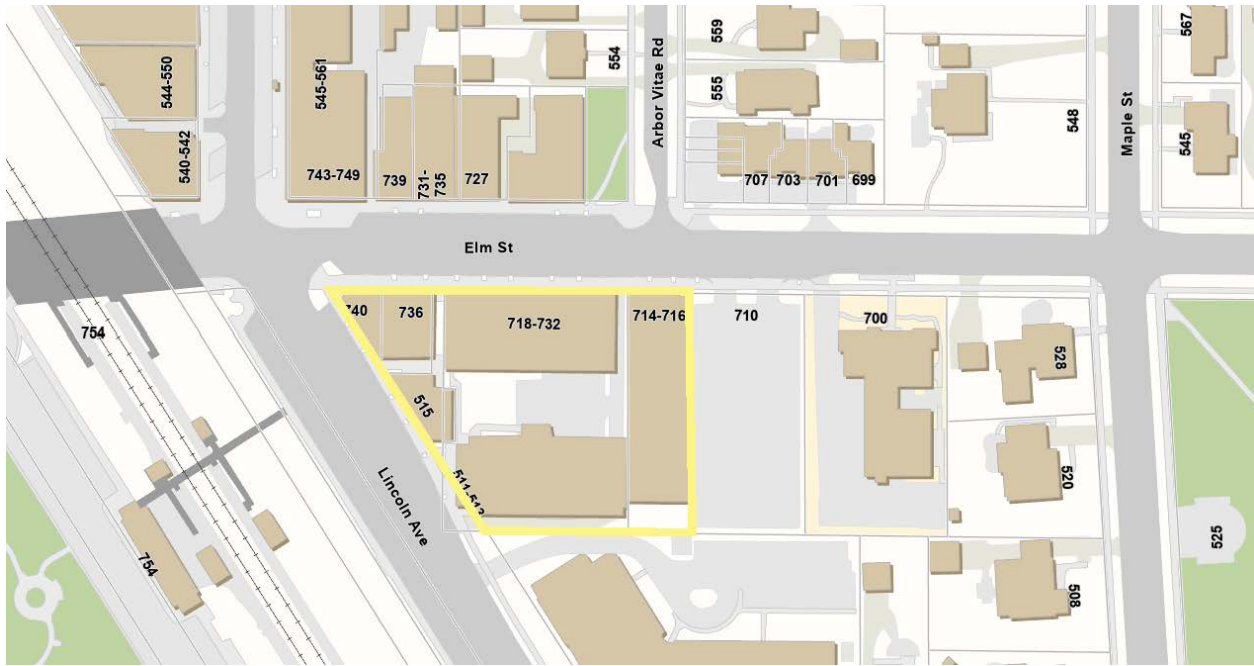


Figure 1 – One Winnetka Site – GIS Map



Figure 2 – Aerial Location Map

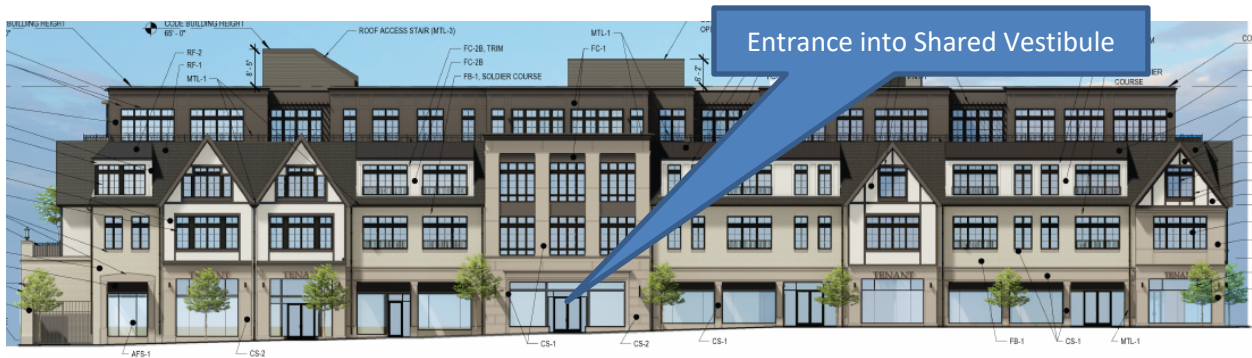


Figure 3 – One Winnetka - Elm Street Façade

COMMERCIAL OVERLAY DISTRICT BACKGROUND

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

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

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

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

ELM STREET BUSINESS DISTRICTS OVERLAY BOUNDARIES

A map depicting the zoning classifications of the Elm Street Business Districts is included on the following page as Figure 4. The One Winnetka site is highlighted yellow.

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

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

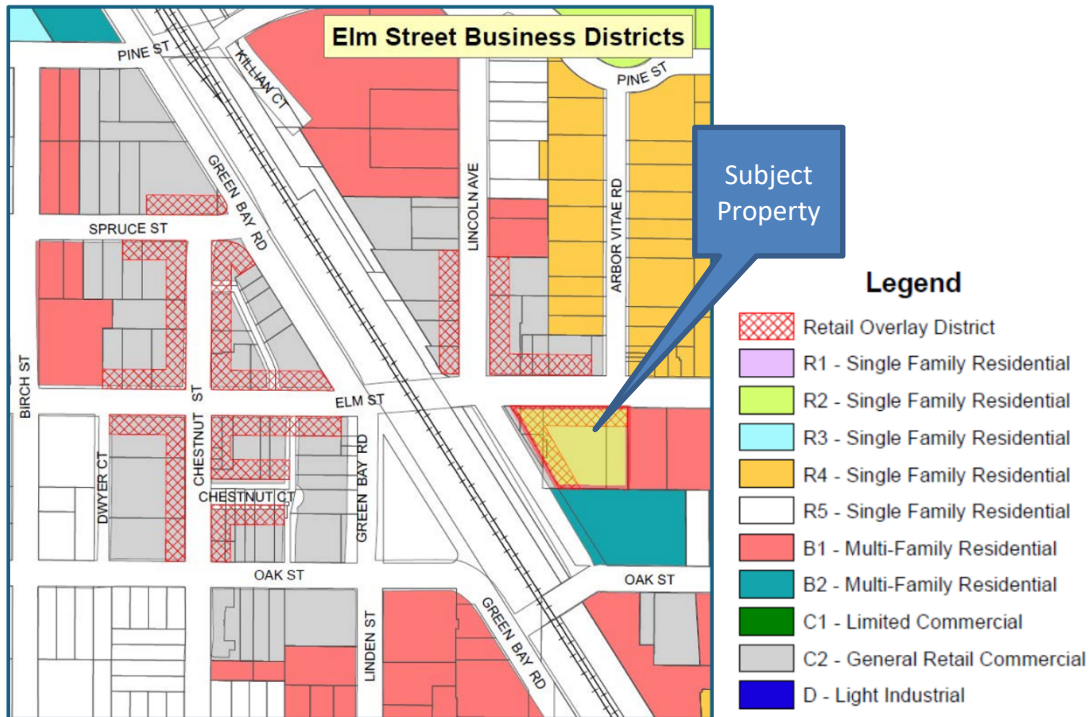


Figure 4 – Elm Street Business Districts

PREVIOUS APPROVAL

On January 21, 2025, the Village Council adopted Ordinance M-01-2025, an Ordinance Granting Final Approval of a Planned Development, Zoning Exceptions, a Special Use for Ground Floor Parking, and Special Use Findings for Medical and Financial Services Uses (511-515 Lincoln Avenue and 714-740 Elm Street - One Winnetka. An excerpt of Ordinance M-01-2025 is provided in **Attachment B**. Section 7 of M-01-2025 granted partial approval of certain special use findings for medical and financial services. The Village Council found that medical uses, including medical and dental offices, and financial uses, including accounting, auditing and bookkeeping services, bank or credit unions without drive-through facilities, and financial counseling services, satisfy the following special use standards set forth in Section 17.56.120(A) and Section 17.44.020 (B)(2)(b) of the Zoning Ordinance that apply in the Commercial Overlay District, provided certain conditions are met, which are outlined later in this report:

All Special Use Standards:

1. That the establishment, maintenance, and operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare;
2. That the Special Use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;
3. That the establishment of Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;

Commercial Overlay District Standards:

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

- II. The proposed special use at the proposed location will provide for active display windows, provided that the street facing windows remain open and transparent as viewed from the sidewalk into the tenant space. The proposed special use at the proposed location will provide for facades, signage and lighting similar in nature and compatible with that provided by retail uses.

The location and amount of space occupied by medical uses and financial service uses are limited as follows:

- a. No such uses shall occupy the northwesternmost corner of the commercial space of the ground floor commercial space;
- b. No such uses shall occupy an aggregate space greater than 50% of the gross commercial square footage, or 9,750 square feet of the building;
- c. No individual financial service use shall occupy more than 1/3 of the gross commercial square footage, or 6,500 square feet of the building;
- d. No individual medical use shall occupy more than 3,250 square feet of the gross commercial square footage of the building;
- e. Approval of the “appropriateness” of such uses is limited to 10 years from the approval of Ordinance M-01-2025.

On September 16, 2025, the Village Council adopted Ordinance M-12-2025, an Ordinance Granting a Special Use Permit for the Operation of a Financial Counseling Office Within the C-2 Commercial Overlay District, which approved the special use permit of the Charles Schwab financial services office for 720 Elm Street in the same building.

DESCRIPTION OF CURRENT REQUEST

The Applicant is proposing to open a Winnetka location in the One Winnetka building for an existing oculo-facial cosmetic surgery practice currently located in Chicago. The medical practice currently provides services in the Perspective Eyes optometrist office located at 548 Chestnut Street, but is seeking a permanent location for its operations. The proposed medical office would occupy approximately 1,800 square feet towards the center of the One Winnetka commercial space. The space is recessed approximately 15 feet from the frontage along Elm Street and is accessed through an entrance vestibule that provides public access to the proposed medical office and two neighboring tenant spaces. Hence, the Applicant’s proposed location does not have street frontage. The proposed medical office use would comply with the location and size limitations outlined earlier in this report. The Applicant’s written description of the proposed use is included in the application materials which are provided as **Attachment A**.

The medical office would have business hours of 7:00 am to 7:00 pm on weekdays and weekend hours from 10:00 am to 4:00 pm. On a typical day, there would be 4-5 employees in the office. The Applicant expects an average of 24 patients per day with an average appointment time of approximately 30 minutes for quick treatment services such as laser treatments, microneedling, facials, and injections. The office would also have an on-site surgical center that would allow for various procedures that range from 1 to 3 hours per visit. Patient volume would decrease to 3-5 patients per day on surgical days. The Applicant states that the front waiting area of the office would feature retail displays of skincare products that could be purchased by customers.

For parking, the Applicant is proposing that its employees secure the necessary parking permit and park in public parking lots in the district, including the Village-owned parking lot adjacent to One Winnetka,

which does contain “A” permit parking spaces for employees. The Applicant indicates that patients will utilize the parking in the ground level of the commercial parking within the One Winnetka building. The off-street parking provided on the One Winnetka site for commercial uses consists of 39 spaces in the ground level of the building, which is the same number of parking spaces required by the Zoning Ordinance. For reference, the Zoning Ordinance requirement for commercial uses is two spaces for every 1,000 square feet of tenant space. Ten of the ground level spaces are to be reserved for the Charles Schwab office that was approved in a previous special use permit case.

Figure 5 below highlights the commercial space the Applicant is proposing to occupy in the north section of the One Winnetka building. **Figure 6** on the following page shows the proposed floor plan and layout for the medical office.

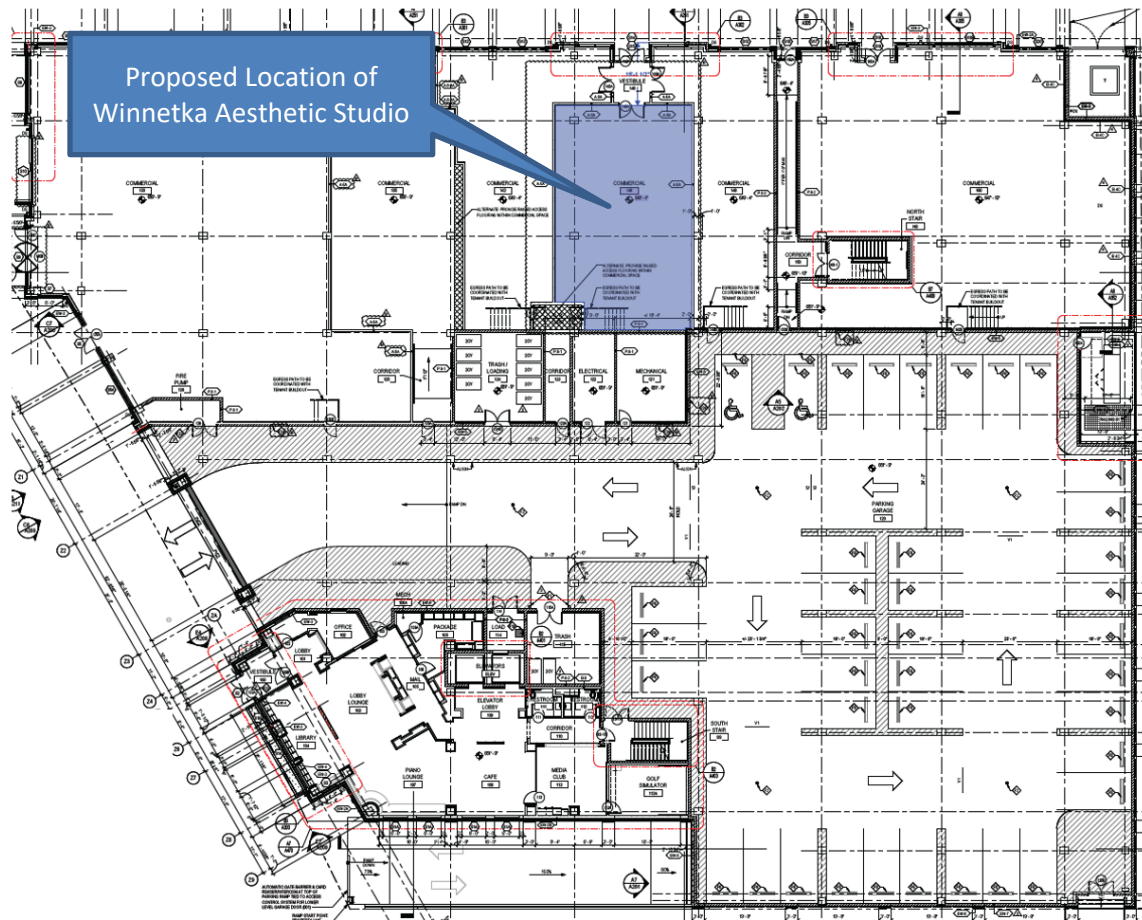


Figure 5 – One Winnetka Ground Level Plan

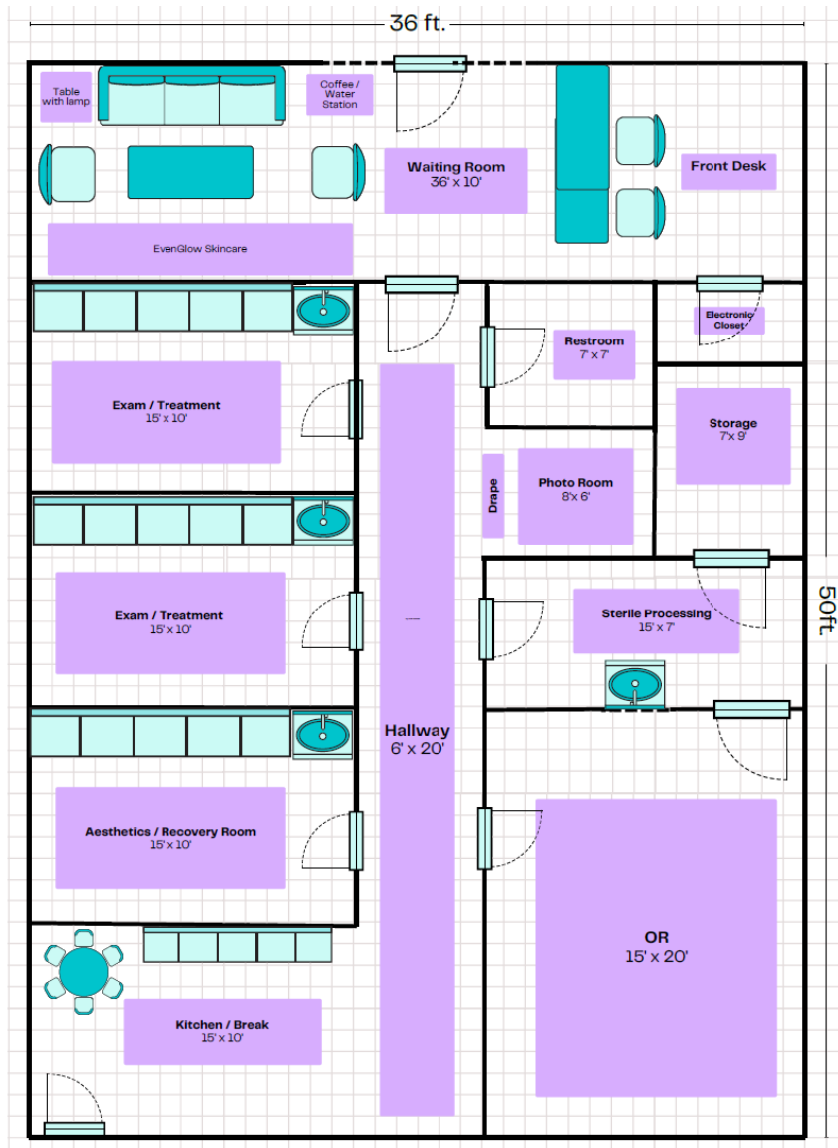


Figure 6 – Excerpt of Proposed Floor Plan

DESIGN REVIEW BOARD REVIEW

The Applicant has indicated that it has no plans to alter the exterior of the building that is currently under construction, except for potential commercial signs or exterior lighting that will be applied for at a later date. Any proposed signage or exterior alterations, including lighting, will require submission of a Sign Permit application or Certificate of Appropriateness application that must be reviewed and approved by the Village’s Design Review Board.

STANDARDS FOR REVIEW / FINDINGS

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

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

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

Section 17.44 of the Zoning Ordinance provides a series of twelve (12) standards for the evaluation of Special Use applications within the Commercial Overlay District, which provides a framework for evaluation by the Plan Commission. Given the previous approval granted by Ordinance M-01-2025 found a medical office use, such as the Applicant's proposed use, complies with four of the 12 special use standards, the Applicant has supplied as part of its application materials a narrative addressing how this proposal complies with the remaining eight (8) standards.

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

I make a motion that:

The Plan Commission recommends **approval [denial]** of the requested special use to allow the Applicant, Paul Phelps of Winnetka Aesthetic Studio, to operate a medical office at 730 Elm Street, Suite 130 within the C-2 Commercial Overlay District, based on the following findings of fact:

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

- ~~1. The establishment, maintenance, and operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare;~~
- ~~2. The Special Use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;~~
- ~~3. The establishment of Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;~~
4. Adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways;
5. Adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the Special Use exists or are to be provided;
6. The Special Use in all other respects conforms to the applicable regulations of this and other village ordinances and codes;
- ~~7. The proposed special use at the proposed location will encourage, facilitate and enhance the continuity, concentration, and pedestrian nature of the area in a manner similar to that of retail uses;~~
8. The location of the proposed special use along a block frontage shall provide for a minimum interruption in the existing and potential continuity and concentration of the retail uses along the block's frontage;
9. The proposed special use at the proposed location will provide for display windows, provided that the street facing windows remain open and transparent as viewed from the sidewalk into the tenant space. The proposed special use at the proposed location will provide for facades, signage and lighting similar in nature and compatible with that provided by retail uses;

10. If the proposed special use provides multi-use areas, such as retail merchandise areas, restaurant dining areas, general office space, private offices, reception areas, or employee work areas, any proposed retail merchandise area or restaurant dining area shall be concentrated and located immediately adjacent to the sidewalk and clearly visible from the street in such a fashion as to invite customers to browse or dine;
11. If a proposed new building contemplates a mix of retail, office and service type uses, the minimum frontage for each retail use adjacent to the sidewalk shall be 20 feet with a minimum gross floor area of 400 square feet. In addition, such retail space shall be devoted to active retail merchandising which maintain typical and customary hours of operation; and
12. The proposed location and operation of the proposed special use shall not significantly diminish the availability of parking for district clientele wishing to patronize existing retail businesses.”

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

1. [Insert conditions...]

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

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

ATTACHMENTS

Attachment A: Application Materials

Attachment B: Excerpt of Ordinance M-01-2025, adopted on January 21, 2025

ATTACHMENT A

Village of Winnetka
SPECIAL USE PERMIT – C2 COMMERCIAL OVERLAY APPLICATION

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL USE PERMIT APPLICATION
C-2 COMMERCIAL OVERLAY

Case No. _____

Property Information

Site Address: 511-515 Lincoln Avenue and 714-740 Elm Street, Winnetka, Illinois.


Proposed type of occupancy: Medical Office

Applicant Information

Name: Paul Phelps

Address: 2001 N Halsted, Ste 200

City, State, ZIP: Chicago, IL, 60614

Applicant Signature: 

Primary Contact: _____

Phone No. 

Email: paul@drphelps.com

Date: 09/24/2025

Attorney Information

Name: James Drake

Primary Contact: _____

Address: 70 West Madison, Ste 3000

City, State, ZIP: Chicago, IL 60602

Phone No. 312-580-1200

Email: jdrake@rawlaw.com

Architect Information

Name: Jeff Leven

Primary Contact: _____

Address: 200 E Randolph St, Ste 5100

City, State, Zip: Chicago, IL 60601

Phone No. 773-931-8817

Email: jeff@formdesignstudio.net

Property Owner Acknowledgment

I hereby certify that I am the owner of the property located at 511-515 Lincoln Ave & 714-740 Elm St, and have provided the attached proof of ownership.
(address)

I consent to the filing of an application for a Special Use Permit by Paul Phelps.
(Applicant name)

Property Owner Signature: 

Date: 09/24/2025

Printed Name: John T. Murphy

Narrative for Special Use of leased space within One Winnetka

Paul Phelps – Founder of Winnetka Aesthetic Studio

09/24/2025

Chicago Oculofacial Plastic Surgery, S.C., doing business as **Chicago Aesthetic Studio** and **Winnetka Aesthetic Studio**, is a medical practice with nine employees. We are currently located in Lincoln Park, with a satellite office in the Village of Winnetka at Perspective Eyes (548 Chestnut St, Winnetka, IL 60093).

Our practice specializes in aesthetic treatments and surgical procedures for the face and neck, with a particular focus on eye and periocular health and beauty. The opportunity to expand our business in the Winnetka community with the addition of a new medical office at One Winnetka (714-740 Elm Street, Winnetka, IL 60093) will expand the services our patients from this community love and bring them directly to Winnetka.

Hours of Operation

We expect to operate from approximately 7:00 a.m. to 7:00 p.m. on weekdays, with weekend hours from 10:00 a.m. to 4:00 p.m.

MedSpa Services and Consultations

- Typical consultation and treatment visits are scheduled for 30 minutes.
- We anticipate serving approximately 24 patients per day.
- Many patients will receive quick treatments like laser, microneedling, facials, and injections (e.g. Botox).

Surgical Procedures

- Surgical procedures will be performed in our in-office surgical center, on average one day per week.
- On surgical days, patient volume will decrease to about 3–5 patients per day, with appointments lasting 1–3 hours each.
- The most common procedure is expected to be **blepharoplasty (eyelid lift)**.

Staffing and Parking

- On a typical day, 4–5 employees will be present in the office.
- Employees will park in the stickered Winnetka East Elm employee parking lot.
- Patients may park in the designated garage within One Winnetka.

Office Layout and Amenities

- Patients will enter through the recessed front door, which is set back from the street and does not have a window front.
- A display case featuring skincare products will be in the waiting room, generating additional sales tax revenue for the city.

Special Use Permit Standards C-2 Commercial Overlay

1-3. These standards were previously approved for the One Winnetka development specific to medical services, provided certain conditions are met.

4. Ingress and Egress / Minimizing Congestion

Adequate measures have been taken to ensure ingress and egress are managed in a manner that minimizes both pedestrian and vehicular congestion. Patients will park in the designated garage within One Winnetka, which has sufficient capacity and access, preventing overflow into public streets. Employees will utilize the stickered Winnetka East Elm parking lot, eliminating competition for patient or public parking. The front entrance is recessed from the street, ensuring pedestrian flow along the sidewalk is unobstructed. Additionally, patient scheduling is distributed throughout the day, with typical visits lasting 30 minutes, reducing clustering of arrivals and departures. On surgical days, when appointments are longer, daily patient volume is significantly reduced, further minimizing traffic impact.

5. Parking, Utilities, Access, and Facilities

Adequate parking and support facilities are in place to meet the operational needs of the practice. Employee parking is contained within a dedicated lot, and patient parking is directed to the One Winnetka garage, ensuring clear separation and sufficient capacity. All necessary utilities are available and sufficient for the operation of a medical office and surgical center. Access roads surrounding the property are well-developed and capable of supporting the anticipated level of patient and staff traffic. Drainage and related infrastructure are already established to municipal standards. The practice's internal facilities, including waiting areas, consultation rooms, and an in-office surgical center, are designed to support safe and efficient patient care without additional strain on surrounding resources.

6. Compatibility of the Special Use

In all other respects conforms to the applicable regulations of this and other ordinances and codes. For example, my practice will comply with other Village Codes and ordinances and construction of the space to accommodate your practice will also comply with Village Codes and ordinances.

7. These standards were previously approved for the One Winnetka development specific to medical services, provided certain conditions are met

8. Block Frontage and Retail Continuity

The proposed special use is located along a block frontage in a manner that will not significantly interrupt the continuity or concentration of retail uses. The medical practice occupies professional office space and operates primarily as a service-based business, distinct from retail storefronts. Its patient-focused operations ensure minimal disruption to existing retail flow along the block, while still contributing to the vibrancy of the area through ancillary retail sales of skincare products.

9. Active Display Windows, Facades, and Signage

The practice will maintain a recessed entrance and waiting area that includes a display case for skincare products, visible from the patient reception area. While the front entrance is set back from the street and does not include a traditional window frontage, interior displays and signage are designed to be professional, aesthetically compatible, and complementary to nearby retail uses. Exterior signage and lighting will conform to applicable regulations, ensuring consistency with neighboring businesses while maintaining a professional medical identity.

10. Multi-Use Areas and Retail Display

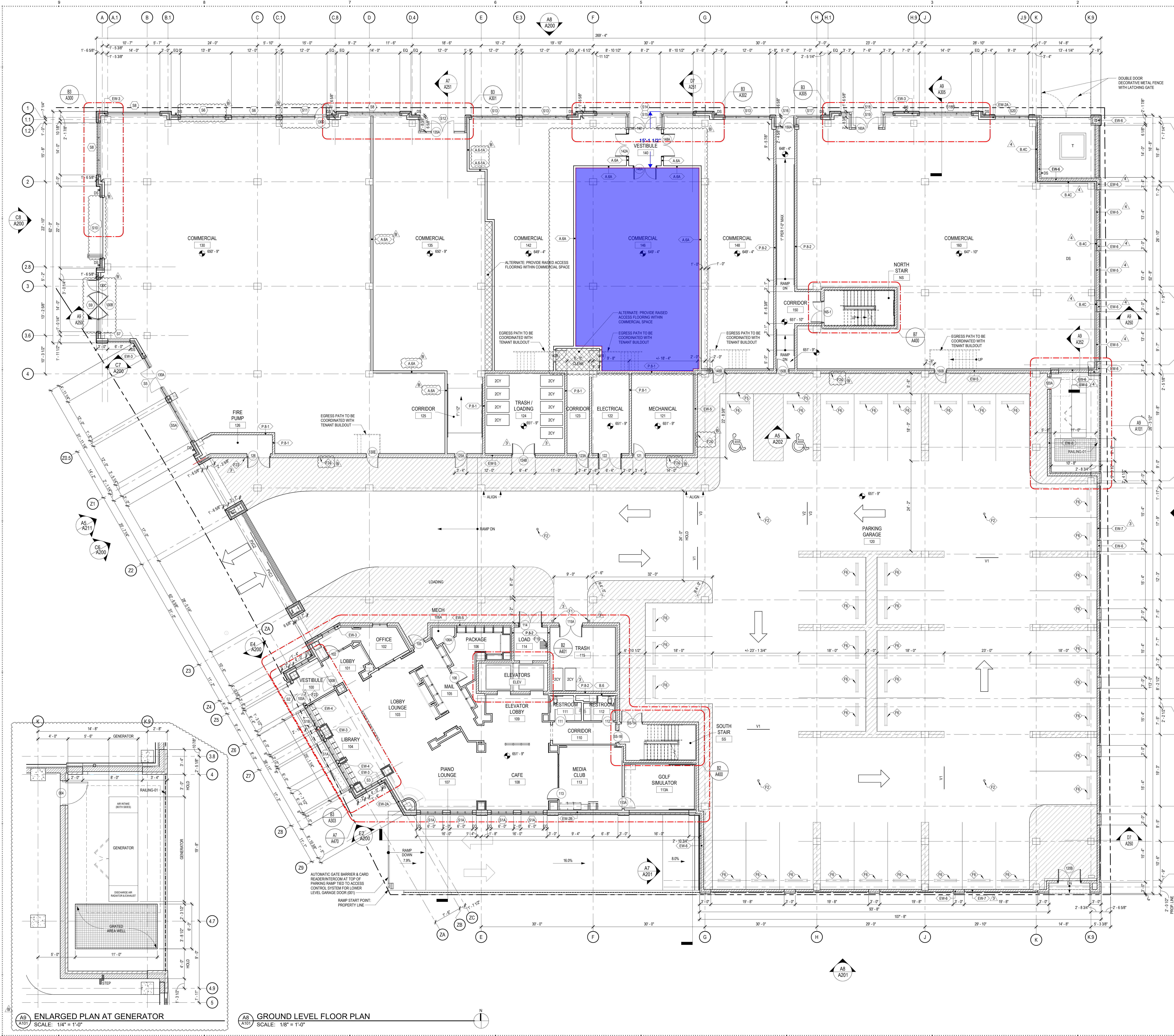
The proposed use incorporates a retail component through the sale of skincare products, which will be displayed in the waiting area. This area is located immediately adjacent to the patient entrance and is designed to be visible and accessible to patients as they enter and exit the practice. The retail element, while secondary to medical services, contributes to the commercial character of the block and provides additional sales tax revenue for the municipality.

11. Mixed-Use and Retail Frontage Requirements

The proposed use is located within a building under construction and does not contemplate new construction with mixed retail, office, or service uses. Therefore, the requirements regarding minimum sidewalk frontage and gross floor area for newly constructed mixed-use retail developments are not applicable in this case. The retail component of skincare products within the waiting area is consistent with the size and scope of the practice's operations and is compatible with neighboring businesses.

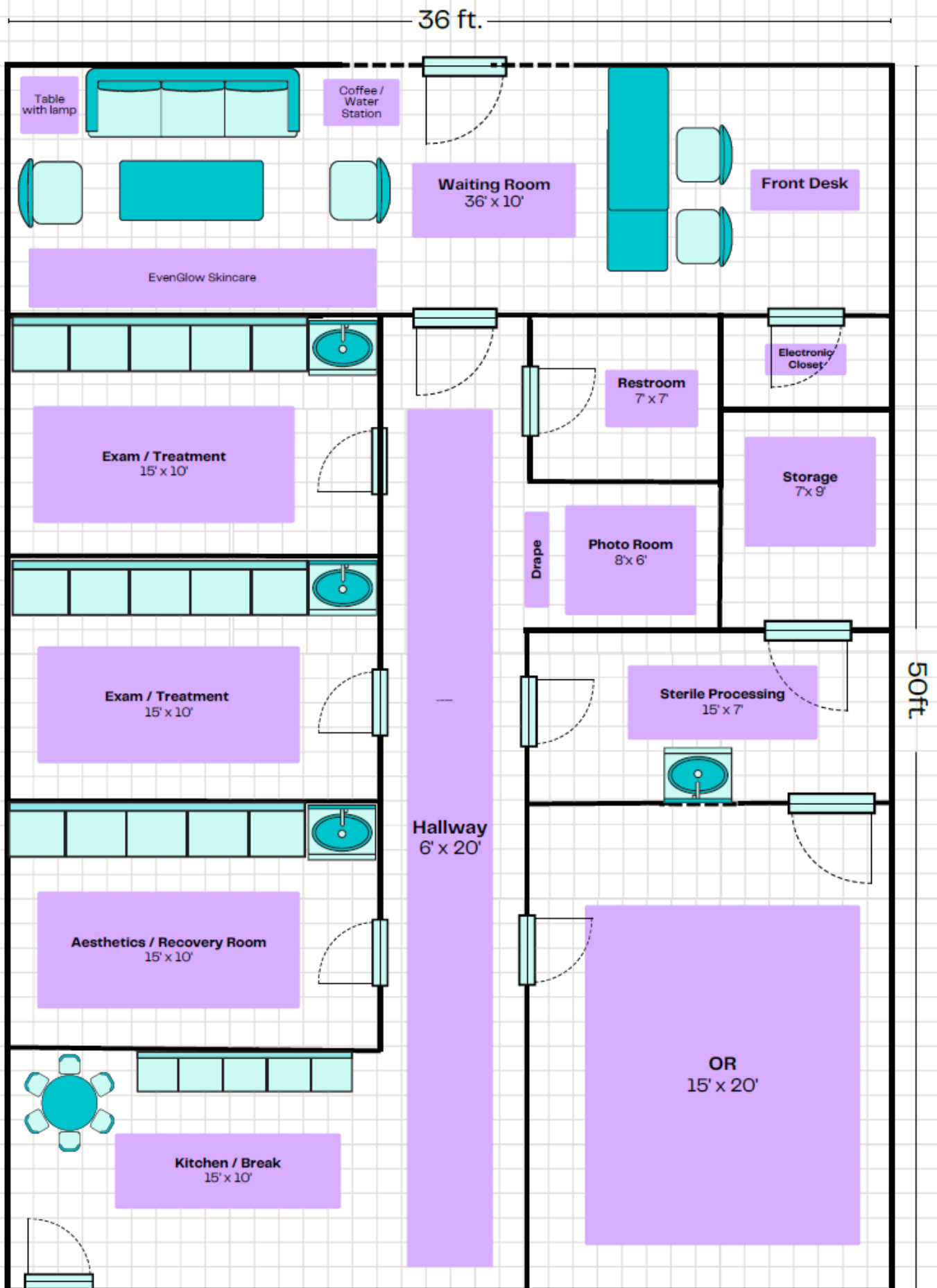
12. Parking Availability for District Clientele

The proposed special use will not significantly diminish the availability of parking for district clientele seeking to patronize nearby retail businesses. Patients are directed to park in the designated One Winnetka garage, which provides ample capacity and avoids impact on public street or retail-adjacent parking. Employees will park in the Winnetka East Elm employee lot, ensuring that patient and staff parking needs are met separately. These measures ensure that retail customers in the district retain convenient access to parking resources.



- GENERAL PLAN NOTES:**
- REFER TO CIVIL ENGINEERING PLANS FOR ALL GRADES, SLAB ELEVATIONS, AND UTILITY CONNECTIONS.
 - DO NOT SCALE DRAWINGS. CONTRACTOR TO VERIFY ALL DIMENSIONS FROM TO FRAMING. ALL DIMS ARE TO ROUGH FRAMING.
 - REFER TO BUILDING ELEVATIONS FOR WINDOW TYPES AND FOR INDICATION FOR MASONRY CONTROL JOINTS.
 - ALL ANCHOR PARTITIONS ARE TO BE DEGREES UNO.
 - REFER TO SHEET A200 FOR PARTITION TYPES.
 - TYPICAL EXTERIOR FRAME WALL DIMENSIONS TO BE 5" MINIMUM UNO.
 - PLUMBING WALLS TO BE 2x6 AT 16" O.C. OR DOUBLED EXTERIOR WALLS WITH INSULATION AND THERMO-BREAK UNLESS WATER SUPPLIED THROUGH FLOOR.
 - ALL WET AREAS PROVIDE MOISTURE RESISTANT WALL BOARD AND AT TILED AREAS PROVIDE GYPSUM BOARD.
 - INSULATE ALL CONCEALED SPACES AT EXTERIOR WALLS.
 - INSULATE ALL PARTITION JOINTS BETWEEN MULTIPLE STUDS, PIPE AND VENT PENETRATIONS, WINDOW AND DOOR OPENINGS.
 - PROVIDE ALUMINUM FLASHING AT ALL ROOF/WALL INTERSECTIONS ABOVE WINDOW/DOOR HEADS, AND BAND BOARDS, AND CHIMNEY PENETRATIONS AT ROOF.
 - PRESTOP BETWEEN VERTICAL AND HORIZONTAL CONCEALED SPACES SUCH AS SCOFFS, STAIR FRAMING, AND MECHANICAL CHASES WITH SOLID 2x DIMENSIONAL LUMBER OR 10" DRIFTAL DRAFT STOP/FIRESTOP AREAS WITH CAULK OR FOAM SEALER.
 - CARPENTER, HVAC, PLUMBING, AND ELECTRICAL CONTRACTORS TO COORDINATE PLACEMENT OF ALL DUCTS, PIPES, AND WIRING PRIOR TO FRAMING. ELECTRICAL AND MECHANICAL EQUIPMENT AND METERS ARE SUBJECT TO RELOCATION DUE TO FIELD CONDITIONS.
 - PROVIDE AND INSTALL SHELVING AT ALL CLOSETS.
 - ALL INTERIOR WALLS TO BE FINISHED WITH 5/8" GYPSUM BOARD TYPE X UNO.
 - PROVIDE VAPOR BARRIERS AT ALL CONDITIONED UNO AREAS.
 - SLOPE AND CROSS SLOPES AT HANDICAP PARKING SPACES, ACCESSIBLE MANEUVERING CLEARANCES, FLOORS AND ACCESSIBLE ROUTES NOT TO EXCEED 2%.
 - FIRE EXTINGUISHER CABINETS TO BE FULLY RECESSED.
 - FIRE EXTINGUISHERS LOCATED IN FOOD PREPARATION AREAS TO BE CLASS K. ALL OTHER FIRE EXTINGUISHERS TO BE CLASS ABC.
 - PROVIDE SAFETY STRIPING WITHIN PARKING GARAGE, AS SHOWN ON DRAWINGS. STRIPING TO BE 4" WIDE, TYPICAL.
 - PROVIDE PIPE BOLLARD OR RAIL PROTECTION AROUND ALL FLOORING FINISHES, FIRE HYDRANTS, GAS METERS, ELECTRICAL EQUIPMENT, METERS, & HAZARDOUS EQUIPMENT, WHERE REQUIRED IN TIF FIRE CODE, WHICH MAY BE SUBJECT TO VEHICULAR DAMAGE PER 2021 INTERNATIONAL FIRE CODE SECTION 312.
 - PER ILLINOIS SECTION 200.1 ALL PUBLIC SINGLE-OCCUPANCY RESTROOMS SHALL BE IDENTIFIED AS ALL-GENDER AND DESIGNATED FOR USE BY NO MORE THAN ONE PERSON AT A TIME. EACH SINGLE-OCCUPANCY RESTROOM SHALL BE CLOTTED WITH A SIGN THAT MARKS THE SINGLE-OCCUPANCY RESTROOM AS A RESTROOM AND DOES NOT INDICATE ANY SPECIFIC GENDER.
- PLAN LEGEND:**
- GREEN ROOF
 - CONCRETE PAVEMENT (2X) ON ADJUSTABLE PAVEMENT PEDESTAL
 - LANDSCAPED AREA
- PLAN KEYNOTES:**
- (F1) PIPE BOLLARD: BOLLARD TO BE MOUNTED ACCORDING TO MANUFACTURER'S STANDARDS
 - (F2) FLOOR DRAIN: PITCH CONCRETE TOPPING TO DRAIN (1/8" PER 1'-0" MIN.)
 - (F3) LINEAR TRENCH DRAIN SYSTEM
 - (F4) EV CHARGING STATION
 - (F5) ACCESSIBLE PARKING SPACE SIGN, POST MOUNTED
 - (F6) CONCRETE WHEEL STOP
 - (F7) VERTICAL STORAGE BIKE RACK
 - (F8) CEILING MOUNTED EXHAUST FAN, ABOVE REFER TO MECHANICAL DRAWINGS FOR ADDITIONAL INFORMATION
 - (F9) LINE OF BENTONITE BLINDSIDE WATERPROOFING AT FOUNDATION WALL
 - (F10) PLANTER BOX: REFER TO LANDSCAPE DRAWINGS FOR ADDITIONAL INFORMATION
 - (F11) REFLECTING POOL BATH: REFER TO LANDSCAPE DRAWINGS
 - (F12) OUTDOOR GAS GRILL BUILT INTO MASONRY ENCLOSURE: REFER TO LANDSCAPE DRAWINGS
 - (F13) 2'-0" WIDE BY 3'-0" TALL PLANTER BOX ON SLEEPER AT RESIDENTIAL UNIT TERRACE: REFER TO LANDSCAPE DRAWINGS
 - (F14) 1'-0" WIDE BY 3'-0" TALL PLANTER BOX ON SLEEPER AT RESIDENTIAL UNIT TERRACE: REFER TO LANDSCAPE DRAWINGS
 - (F15) STANDPIPE WITH VALVE CABINET
 - (F16) RECESSED CEILING MOUNTED DRAFT CONTROL DOORS AT EACH ELEVATOR ENTRANCE
 - (F17) CAST-IN-PLACE CONCRETE WALL, PITOT TOP OF WALL TO DRAIN: REFER TO LANDSCAPE DRAWINGS FOR WALL HEIGHT AND ADDITIONAL INFORMATION
 - (F18) 8" CONCRETE CURB
 - (F19) 2"x2" RECESSED FLOOR MOUNTED AREA DRAIN & WALL MOUNTED FACET
 - (F20) POST MOUNTED RAILING AND LATCHING GATE AT RESIDENTIAL TERRACE, RAILING-G1
 - (F21) SINGLE TIER METAL MESH STORAGE LOCKER
 - (F22) DOUBLE TIER METAL MESH STORAGE LOCKER
 - (F23) FIRE DEPARTMENT KEY BOX: RECESSED, WALL MOUNTED, GO TO COORDINATE WITH FIRE CODE OFFICIAL FOR FINAL QUANTITY AND LOCATIONS OF KEY BOXES.
 - (F24) FIRE RESISTANT JOINT SYSTEM AT HEAD AND BASE OF WALL ASSEMBLY
 - (M1) MECHANICAL SHAFT - SINGLE STORY WALL TYPE 'F-3': REFER TO DESIGN FOR ADDITIONAL INFORMATION
 - (M2) MECHANICAL SHAFT - MULTI STORY WALL TYPE 'F-3': REFER TO DESIGN FOR ADDITIONAL INFORMATION
 - (M3) MECHANICAL CHASE: WALL TYPE 'WB-4': REFER TO DESIGN FOR ADDITIONAL INFORMATION
- PARKING SIGNAGE LEGEND**
- | MARK | TYPE | MESSAGE |
|------|---------------------------------------|-------------------|
| V | VEHICULAR (RETROREFLECTIVE TEXT ONLY) | NO CLEARANCE |
| R | REGULATORY (RETROREFLECTIVE) | NO ENTRY |
| P | PARKING | ONE WAY, NO ENTRY |
| VS | VEHICULAR (RETROREFLECTIVE) | OUT |
- PARKING SIGN KEY**
- FACE OF SIGN
- PARKING SIGNAGE SCHEDULE**
- | MARK | MESSAGE |
|------|-------------------|
| PVC1 | NO CLEARANCE |
| PVC2 | NO ENTRY |
| V1 | PARK |
| V2 | ONE WAY, NO ENTRY |
| VS | OUT |
- ENLARGED PLAN AT GENERATOR**
SCALE: 1/4" = 1'-0"
- GROUND LEVEL FLOOR PLAN**
SCALE: 1/8" = 1'-0"
- STATE OF ILLINOIS ARCHITECTS**
JON P. TAIT
No. 011-0116
RESIDENTIAL
- OKW Architects**
600 West Jackson Blvd
Chicago, IL 60661
T 312.786.7700
F 312.786.7777
www.okwarchitects.com
- ONE WINNETKA MIXED-USE DEVELOPMENT**
515 LINCOLN AVENUE,
WINNETKA, IL 60093
GROUND LEVEL PLAN
- drawn by: MS / BD / SJ checked: AR / BZ
DATE: 08/28/2025 SHEET NO: A101
PROJ. NO: 21077

Winnetka Aesthetic Studio



**AN ORDINANCE GRANTING FINAL APPROVAL OF
A PLANNED DEVELOPMENT, ZONING EXCEPTIONS,
A SPECIAL USE FOR GROUND FLOOR PARKING, AND SPECIAL USE FINDINGS
FOR MEDICAL AND FINANCIAL SERVICES USES
(511-515 LINCOLN AVENUE AND 714-740 ELM STREET)
(One Winnetka)**

WHEREAS, RIC (Winnetka Lincoln) LLC, an Illinois limited liability company (*“Previous Owner”*) is the previous owner of the properties commonly known as 714-716 Elm Street, 718-732 Elm Street, 736 Elm Street, 740 Elm Street, 511 Lincoln Avenue, and 515 Lincoln Avenue (collectively, *“Property”*), which Property is legally described in *Exhibit A* attached to this Ordinance; and

WHEREAS, the Property is generally located on the southeast corner of Elm Street and Lincoln Avenue in Winnetka, and is located in the C-2 General Retail Commercial District and C-2 Commercial Overlay District; and

WHEREAS, the Property is immediately west of and adjacent to an existing Village-owned, public parking lot with ingress and egress by way of a driveway on Elm Street (*“East Parking Lot”*); and

WHEREAS, currently located on the Property are several one- and two-story buildings that have been occupied by various street level retail users (*“Existing Buildings”*); and

WHEREAS, the Previous Owner desired to demolish the Existing Buildings and develop on the Property (i) a four-story mixed-use building with ground floor commercial space and 59 apartments on the upper level (*“Building”*); and (ii) related on-site improvements, including a new ground level parking lot with 39 parking spaces and an underground parking lot with 113 parking spaces (collectively, *“Prior Proposed Development”*); and

WHEREAS, the Property is required to be developed as a planned development in accordance with Chapter 17.58 (*“Planned Development Regulations”*) of the “Winnetka Zoning Ordinance,” as amended (*“Zoning Code”*); and

WHEREAS, on October 18, 2022, Previous Owner, with the assistance of Murphy Development Group LLC, filed an application (*“Application”*) with the Village for: (i) approval of a preliminary plat of subdivision to create one lot of record; (ii) approval of an exception from Section 16.12.010 of the “Winnetka Village Code,” as amended (*“Village Code”*) to permit a side lot line to abut a rear lot line; (iii) preliminary approval of a planned development and preliminary develop plan (*“Preliminary Development Plan”*); (iv) approval of an exception to Section 17.46.020.B of the Zoning Code to allow for a building height of 63 feet and four stories; (v) approval of an exception to Section 17.46.030 of the Zoning Code to allow for a 42 foot, one inch setback along Lincoln Avenue; (vi) approval of an exception to Section 17.46.030 of the Zoning Code to allow for a corner yard setback of 18 feet, 10 inches along Elm Street; (vii) approval of an exception to Section 17.46.030 of the Zoning Code to allow for a rear setback of one foot; (viii) approval of an exception to Section 17.46.103 of the Zoning Code to allow for no landscape area

to be installed along the rear yard; (ix) approval of an exception to Section 17.46.025 of the Zoning Code to allow for a fourth story setback of four feet, nine inches along Lincoln Avenue; (x) approval of an exception to Section 17.46.025 of the Zoning Code to allow for a fourth story setback of nine feet along Elm Street; (xi) approval of a special use to allow for parking on the ground level of the Property; and (xii) approval of certain special use findings for financial services and medical uses on the Property (collectively, "**Prior Requested Relief**"); and

WHEREAS, on January 17, 2023, the Village Council conducted a concept plan review for the Preliminary Development Plan; and

WHEREAS, pursuant to proper notice and in accordance with the Zoning Code, the Winnetka Design Review Board considered the Prior Proposed Development at its meetings on April 20, May 18, and June 15, 2023; and

WHEREAS, on June 15, 2023, the Design Review Board determined that, as a whole, the proposed Preliminary Development Plan was consistent with the Village of Winnetka Design Guidelines and recommended that it be approved by the Village Council subject to certain modifications to the Preliminary Development Plan; and

WHEREAS, pursuant to proper notice and in accordance with the Zoning Code, the Winnetka Planned Development Commission ("**PDC**") held a public hearing on the Application and the Prior Proposed Development, which public hearing commenced on July 19, 2023, and continued on August 14, 2023; and

WHEREAS, on August 14, 2023, the PDC recommended that the Village Council approve the Preliminary Development Plan for the Prior Requested Relief, subject to certain conditions; and

WHEREAS, pursuant to Section 17.50.080 of the Zoning Code, the findings and recommendations of the PDC and the Design Review Board, were submitted to the Village Council, along with the complete records of the two bodies, all supporting materials, and all correspondence and written comments received at any time related to the Application and the Prior Proposed Development; and

WHEREAS, on April 2, 2024, the Village Council adopted Ordinance No. M-01-2024 preliminarily approving the Prior Requested Relief, including the Preliminary Development Plan ("**Preliminary PD Ordinance**"); and

WHEREAS, as a condition of the Preliminary PD Ordinance, the Previous Owner was required to enter into a development agreement with the Village, which the Owner executed on April 29, 2024 ("**Development Agreement**"); and

WHEREAS, the Development Agreement authorized the Previous Owner to transfer ownership of the Property to Murphy Development Group, LLC, or a subsidiary thereof, via a transferee assumption agreement, which transfer assumption agreement, among other things, required Murphy Development Group, LLC, or a subsidiary thereof to assume the obligations of the Previous Owner under the Development Agreement; and

WHEREAS, the Previous Owner and MDG Winnetka One, LP, an Illinois limited partnership and subsidiary of Murphy Development Group, LLC, entered into a purchase and sale agreement whereby MDG Winnetka One, LP (**“Owner”**) obtained ownership of the Property to develop the Prior Proposed Development and agreed to comply with all terms, requirement, and obligations of the Development Agreement; and

WHEREAS, pursuant to Section 17.58.090 of the Zoning Code, an applicant for a planned development is required to apply for approval of a final development plan, which final development plan must be in substantial conformance with the Preliminary Development Plan; and

WHEREAS, the Owner modified the Prior Proposed Plan and desires to demolish the Existing Buildings and develop on the Property (i) a four-story mixed-use building with ground floor commercial space and 59 apartments on the upper level (**“Building”**); and (ii) related on-site improvements, including a new ground level parking lot with 39 parking spaces and an underground parking lot with 111 parking spaces (**“Revised Proposed Development”**) (the Prior Proposed Development, as modified by the Revised Proposed Development, is the **“Proposed Development”**); and

WHEREAS, on September 13, 2024, the Owner submitted an application for final approval of the Prior Requested Relief, including approval of a final development plan (**“Final Development Plan”**) and a final plat of subdivision (**“Final Plat of Subdivision”**); and

WHEREAS, under the Final Development Plan, variations to the Prior Requested Relief were revised to include (i) an exception to Section 17.46.020.B of the Zoning Code to allow for a increased building height of 65 feet to accommodate firefighters on the rooftop stairwell; and (ii) an exception to Section 17.46.020.B of the Zoning Code to allow an increase in the height of the parapet on the northeast corner of the Building to 57.10 feet to meet energy code insulation requirements (**“Revised Requested Relief”**) (the Prior Requested Relief, as modified by the Revised Requested Relief, is the **“Requested Relief”**); and

WHEREAS, the Final Development Plan also includes the following modifications from the Preliminary Development Plan: (i) a reduction in the number of residential parking spaces from 113 to 111; (ii) changes to window and door fenestrations on all levels with the most significant changes along a portion of Elm Street; (iii) periodic use of the western row of parking spaces in the Elm Street parking lot as a safety zone for demolition of the existing adjacent building and for portions of the vertical construction for the Proposed Development; and (iv) use of one parking space in the southwest corner of the Elm Street parking lot for the location of a temporary electric transformer; and

WHEREAS, pursuant to proper notice and in accordance with the Village Zoning Ordinance, the Village Council considered the Final Development Plan and Final Plat of Subdivision at its meeting on January 21, 2025; and

WHEREAS, on ^{January 21, 2025} January 21, 2025, the Village Council adopted Resolution R-07-2025, approving the Final Plat of Subdivision for the Proposed Development (**“Final Plat of Subdivision Resolution”**); and

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village Council has determined that approval of the Requested Relief pursuant to this Ordinance is in the best interest of the Village and its residents;

NOW, THEREFORE, the Council of the Village of Winnetka ordains as follows:

SECTION 1: RECITALS. The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the Village Council.

SECTION 2: ADDITIONAL FINDINGS. The Village Council further finds as follows:

A. Subject to the terms and conditions of this Ordinance, the Preliminary Development Plan is consistent with the Village of Winnetka Comprehensive Plan, *Winnetka Futures 2040*.

B. Subject to the terms and conditions of this Ordinance, and pursuant to Sections 17.58.090 and 17.58.100 of the Zoning Ordinance, the Final Development Plan is in substantial conformance with the Preliminary Development Plan.

C. Subject to the terms and conditions of this Ordinance, the Proposed Development and Final Development Plan comply or will comply with all applicable Village ordinances.

D. Subject to the terms and conditions of this Ordinance, the Proposed Development and Final Development Plan considered both as a whole and in their respective component parts are in conformity or will be in conformity with the Village of Winnetka Design Guidelines.

E. Subject to the terms and conditions of this Ordinance, the Proposed Development and Final Development Plan meet the standards for approval of special use permits, as established in Chapter 17.56 of the Zoning Code.

E. Subject to the terms and conditions of this Ordinance, the exceptions from and modifications to the building height of the Proposed Development, as depicted in the Final Development Plan, meet the standards for modification pursuant to Section 17.46.020(B) of the Zoning Code.

F. Subject to the terms and conditions of this Ordinance, the exceptions from and modifications to the upper story, front yard, corner yard, and rear yard setbacks of the Proposed Development, as depicted in the Final Development Plan, meet the standards for modification pursuant to Sections 17.46.025 and 17.46.030 of the Zoning Code.

G. Subject to the terms and conditions of this Ordinance, the Proposed Development and Final Development Plan meet the general purpose and intent of the Planned Development Ordinance, as set out in Section 17.58.020 of the Planned Development Ordinance.

SECTION 3: APPROVAL OF A SPECIAL USE PERMIT FOR A PLANNED DEVELOPMENT AND A CERTIFICATE OF APPROPRIATENESS.

A. **Special Use Permit.** Subject to the terms, conditions, and restrictions, set forth in Sections 8 through 14 of this Ordinance, the Village Council hereby grants a special use permit for a planned development for the Proposed Development for the Property in accordance with, and pursuant to Chapter 17.58 of the Zoning Ordinance and the home rule powers of the Village.

B. **Certificate of Appropriateness.** Subject to the terms, conditions, and restrictions, set forth in Sections 8 through 14 of this Ordinance, the Certificate of Appropriateness is granted for Property, pursuant to Section 15.40.010 of the Village Code and the home rule powers of the Village.

SECTION 4: APPROVAL OF A FINAL DEVELOPMENT PLAN. Subject to, and contingent upon, the terms, conditions, restrictions, and provisions set forth in Sections 8 through 14 of this Ordinance, the Final Development Plan for the Proposed Development of the Property, is hereby, approved, and consists of the following documents (collectively, "**Final Development Plan**"):

A. The **Floor and Site Plan**, consisting of seven sheets, prepared by OKW Architects with a latest revision date of January 13, 2025, a copy of which is attached to, and by this reference made a part of, this Ordinance as **Exhibit B**;

B. The **Elevation, Materials, & Diagram Plan**, consisting of 16 sheets, prepared by OKW Architects, dated January 13, 2025, a copy of which is attached to, and by this reference made a part of, this Ordinance as **Exhibit C**;

C. The **Renderings and Aerial Views Plan**, consisting of seven sheets, prepared by OKW Architects, dated January 13, 2025, a copy of which is attached to, and by this reference made a part of, this Ordinance as **Exhibit D**;

D. The **Landscape & Lighting Plan**, consisting of 14 sheets, prepared by Kathryn Talty, consisting of the most recent revision date of January 13, 2025, and consisting of five sheets prepared by OKW Architects, dated January 13, 2025, a copy of which is attached to, and by this reference made a part of, this Ordinance as **Exhibit E**;

E. The **Final Site Engineering Plans**, consisting of 13 sheets, prepared by Eriksson Engineering Associates, Ltd., a copy of which is attached to, and by this reference made a part of, this Ordinance as **Exhibit F**;

F. The **Building Material Details**, consisting of 21 pages, prepared by OKW Architects, dated July 31, 2023, a copy of which is attached to, and by this reference a part of, this Ordinance as **Exhibit G**;

G. The **Construction Schedule and Staging Plan**, consisting of seven pages, a copy of which is attached to, and by this reference made a part of, this Ordinance as **Exhibit H**;

H. The **Preservation Plan**, which elements are incorporated in the Final Site Engineering Plan and the Landscape & Lighting Plan; and

I. The *Vibration & Movement Construction Monitoring Plan*, dated December 20, 2024, consisting of two pages, a copy of which is attached to and by this reference made a part, of this Ordinance as *Exhibit I*.

SECTION 5: APPROVAL OF SPECIAL USE FOR PARKING. Subject to the terms, conditions, and restrictions, set forth in Sections 8 through 14 of this Ordinance, the special use approval in Section 5.A of the Preliminary PD Ordinance is hereby ratified. The approval provided in Section 5 of this Ordinance will remain in effect notwithstanding the provisions of Section 17.56.100(A) of the Zoning Code provided Owner is proceeding in accordance with the Construction Schedule and Staging Plan attached to this Ordinance as *Exhibit H*. Any conflicts between the timeframes set forth in Section 17.56.100(A) of the Zoning Code and the timeframes set forth in the Development Agreement, are resolved in favor of the latter.

SECTION 6: APPROVAL OF EXCEPTIONS. Subject to, and contingent upon, the terms, conditions, restrictions, and provisions set forth in Sections 8 through 14 of this Ordinance, the following exceptions and modifications from the provisions of the Village Code are granted:

A. Lot Lines. An exception from and modification to Section 16.12.010.D.6 of the Village Code to permit a side lot line to abut a rear lot line on the Property.

B. Building Height. An exception from and modification to the 45-foot building height limitation of Subsection 17.46.020(B) of the Zoning Code, to allow for a maximum building height, as measured pursuant to the Zoning Code, of (i) 57.10 feet for the parapet on the northeast corner of the building; and (ii) 65 feet for the rooftop mechanical screening on top of the building specifically depicted in *Exhibit C*.

C. Upper Story Setback. An exception from and modification to the setback limitations of Section 17.46.025 of the Zoning Code to (i) reduce the upper story setback along Lincoln Avenue from 10 feet to no less than four feet, nine inches; and (ii) to reduce the upper story setback along Elm Street from 10 feet to no less than nine feet.

D. Front Yard Setback. An exception from and modification to the front yard setback limitations of Section 17.46.030 of the Zoning Code along Lincoln Avenue to increase the front yard setback from three feet to no greater than 42 feet, 1 inch.

E. Corner Yard Setback. An exception from and modification to the corner yard setback limitations of Section 17.46.030 of the Zoning Code along Elm Street to increase the corner yard setback from three feet to no greater than 18 feet, 10 inches.

F. Rear Yard Setback. An exception from and modification to the rear yard setback limitations of Section 17.46.030 of the Zoning Code to reduce the rear yard setback from ten feet to no less than one foot.

G. Landscape Area. An exception from and modification to the landscape area limitations of Section 17.46.130 of the Zoning Code to reduce the required landscape area along the rear yard from five feet in depth to zero feet in depth.

SECTION 7: PARTIAL APPROVAL OF CERTAIN SPECIAL USE FINDINGS FOR MEDICAL AND FINANCIAL SERVICES.

A. Special Use Findings.

1. Subject to, and contingent upon, the conditions, restrictions and provisions set forth in this Section and Sections 8 through 14 of this Ordinance, the Village Council hereby finds that medical uses, including medical and dental offices, and financial uses, including, accounting, auditing and bookkeeping services, bank or credit unions without drive-through facilities, and financial counseling services, satisfy the following special use standards set forth in Section 17.56.120(A) of the Zoning Code, provided that the conditions in subsection 7.B of this Ordinance are satisfied:
 - a. 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;
 - b. 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;
 - c. 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;

2. Subject to, and contingent upon, the conditions, restrictions and provisions set forth in this Section and Sections 8 through 14 of this Ordinance, the Village Council hereby finds that medical uses, including medical and dental offices, and financial uses, including, accounting, auditing and bookkeeping services, bank or credit unions without drive-through facilities, and financial counseling services, satisfy the following special use standards set forth in Section 17.44.020(B)(2)(b) of the Zoning Code that apply in the C-2 Commercial Overlay District, provided that the conditions in subsection 7.B of this Ordinance are satisfied:
 - a. The proposed special use at the proposed location will encourage, facilitate and enhance the continuity, concentration, and pedestrian nature of the area in a manner similar to that of retail uses.
 - b. The proposed special use at the proposed location will provide for active display windows, provided that the street facing windows remain open and transparent as viewed from the sidewalk into the tenant space. The proposed special use at the proposed location will

provide for facades, signage and lighting similar in nature and compatible with that provided by retail uses.

B. Conditions.

1. The findings and approvals set forth in Section 7.A of this Ordinance are hereby, expressly subject to and contingent upon the redevelopment, use, and maintenance of the Property in compliance with each and all of these conditions:
 - a. No medical or financial use must occupy the northwesternmost corner of the ground floor commercial space on the Property, further defined as being a space which is not less than 2,500 square feet, with a minimum of 60 linear feet east along Elm Street and 40 linear feet south along Lincoln Avenue, as measured from the northwest corner of the Building.
 - b. Financial uses and medical uses must not occupy in the aggregate greater than 50 percent of the gross commercial square footage, or 9,750 square feet, of the Building.
 - c. No individual financial use must occupy more than one third of the gross commercial square footage, or 6,500 square feet, of the Building.
 - d. No individual medical use must occupy more than 3,250 square feet of gross commercial square footage of the Building.

C. Limitation of Approval.

1. In the event that the Owner desires to use any portion of the Property for a medical or financial use, the Owner must obtain a special use approval pursuant to the procedures set forth in Section 17.56 of the Zoning Code and satisfy all of the applicable standards set forth in Section 17.56.020 of the Zoning Code, and except for those standards found to be satisfied in Section 7.A.1 of this Ordinance, as well as all of the applicable standards set forth in Section 17.44.020(B)(2)(b) of the Zoning Code except for those standards found to be satisfied in Section 7.A.2 of this Ordinance.
2. The findings and approvals provided in Section 7.A of this Ordinance will be effective only for a period of 10 years from the date of this Ordinance.

SECTION 8: CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Winnetka Village Code or the Zoning Ordinance, or any other rights Owner, individually or collectively, may have, the approvals granted in Sections Three, Four, Five, Six, and Seven, of this Ordinance are hereby, expressly subject to and contingent upon the redevelopment, use, and maintenance of the Property in compliance with each and all of the conditions set forth in this Section:

A. Standard Conditions.

1. Compliance with Regulations. The redevelopment, use, operation, and maintenance of the Property must comply with all applicable Village codes and ordinances, as the same have been or may be amended from time to time, except to the extent specifically provided otherwise in this Ordinance or the Development Agreement.

2. Compliance with the Final Development Plan. The redevelopment, use, operation, and maintenance of the Property must comply with the Final Development Plan except for minor changes and site work approved in accordance with all applicable Village ordinances and standards.

B. Single Phase Development. The construction of the Proposed Development must take place in one continuous phase.

C. Parking.

1. The Owner must construct and provide (i) 111 underground private parking spaces on the Property for use by the residences and guests of the Proposed Development; and (ii) 39 parking spaces on the ground level of the Property for use of the commercial tenants and customers of the commercial space ("***Commercial Parking Lot***") all as specifically provided in the Preliminary Development Plan.

2. The Owner must pay to the Village \$225,000, which sum the Village agrees to use to reconstruct the East Parking Lot, at the time required by Section 5.G of the Development Agreement.

D. Vehicular Ingress and Egress. The Owner must ensure that all ingress and egress from the Proposed Development, including the parking lots, as depicted on the Floor and Site Plan, have adequate turning radiuses for vehicular use, including delivery trucks and refuse collection trucks, and provide for adequate sightlines and access as depicted in the Final Site Engineering Plans submitted and approved as part of the Final Development Plan.

E. Installation of Signage. The installation, construction, location, and maintenance of all signage on the Property must comply with Chapter 15.60 of the Village Code.

F. Existing Streetscape Lights, Furnishings, Trees, and Landscaping. The Owner must preserve or relocate any existing streetscape lights, furnishings, trees and landscaping during construction of the Proposed Development as depicted in the Preservation Plan.

G. Ventilation. All exhaust emanating from commercial kitchens and similar facilities within the non-residential portions of the Proposed Development must be vented through the roof of the Building at elevations in excess of existing buildings adjacent to the Property.

H. Building Materials and Design Elements. The building materials and design elements must be as described and depicted in the Elevation, Materials & Diagram Plan, the Renderings and Aerial View Plan, and the Building Material Details.

I. Video Surveillance System. The Owner must install a video surveillance system for the Commercial Parking Lot and the outside of the Building that is compatible and integrated with the Village's existing video surveillance system, as approved by the Village Police Chief prior to the issuance of any building permit for the Proposed Development.

J. Landscaping. The Owner must install and maintain all landscaping as depicted on the Landscape and Lighting Plan, including specifically, without limitation, (in accordance with the Development Agreement) landscaping, hardscape, and lighting improvements within the Village rights-of-way along Elm Street and Lincoln Avenue. Additionally, the Owner will construct a small plaza area on private property at the corner of Elm Street and Lincoln Avenue

K. Site Utilities. As further provided and required pursuant to the Development Agreement and in the Final Site Engineering Plans as provided in the Final Development Plan, the Owner must provide, at its sole cost and expense, for the extension, installation and connection of all public and private utility facilities necessary to serve the Proposed Development, including specifically, without limitation (a) water service connections and meters, fire hydrants and standpipes, electric service connections and individual service lines, electric meters and transformers, sanitary sewer lines and storm sewer lines; (b) all applicable service and connection fees; and (c) any upgrades to Village utility systems that the Village determines is directly attributable and reasonably necessary to provide adequate utility service to the Proposed Development. Where utility service is provided by the Village, the Village will retain all authority and discretion, pursuant to applicable State law and the Winnetka Village Code, to determine the nature and extent of the utility facilities necessary to serve the Proposed Development and to determine the methods of construction. Further, prior to issuance of any building permit for the project the Owner will provide the following easements:

1. An easement agreement over the location of the proposed transformer located in the northeast corner of the Property, which is necessary to service the Proposed Development, to allow other potential nearby redevelopment sites in the future to tie into either the proposed transformer or an upgraded transformer in that location. The easement agreement must include language regarding cost reimbursements, upgrade responsibilities, insurance and indemnification that any future user(s) of the transformer must provide the Owner.

2. An access easement through the Proposed Development and the provision of doors through its Building wall in alignment with the doors to switch gear on the 711 Oak Street property to provide the Village access to the switch gear.

3. A 12-inch easement along the east side of the Property for proposed underground conduits which will extend from the 711 Oak Street property to Elm Street.

L. Electrical Power Cables. Pursuant to the Final Development Plans, the Proposed Development will require the existing electrical power cables and transformers to be removed. When Owner proceeds with the construction of the Proposed Development, the Owner, at its sole cost, must remove such electrical power cables and transformers in a manner approved by the Director of Water and Electric.

M. Public Improvements. Pursuant to the Development Agreement, the Owner will construct certain public improvements, including streetscape improvements on Lincoln Avenue

which includes the entire existing Elm Street and Lincoln Avenue roadways adjacent to the Proposed Development, and will mill, resurface, and stripe those roadways due to anticipated wear and tear from the construction of the Proposed Development. Owner will also (i) construct a retaining wall, pad, and fence for a transformer and lighting controller; (ii) install lighting controller on the pad, and purchase and install the conduit and cable from the lighting controller to the east side of Lincoln Avenue.

N. **Use and Maintenance of the Property.** To assure that the public health, safety, and general welfare are protected during construction of the Proposed Development and specifically pending and during the demolition and redevelopment of the Existing Buildings on the Property, the following minimum standards set forth in Village Code Sections 15.32.150 and 15.48, for the use and maintenance of the Property apply:

1. Prior to demolition, the Owner must maintain the current conditions of the Property or any of the Existing Buildings on the Property and must promptly make all necessary repairs should the Existing Buildings or Property fall into further disrepair. The Owner must also maintain the Existing Buildings and the Property in a safe and proper condition and in good repair.
2. As used in this subsection, “proper” means:
 - a. That the Owner must use commercially reasonable efforts, as determined by the Director of Community Development, under the supervision of the Village Manager, to ensure (i) that exterior enclosures (exterior walls, windows, doors, etc.) are adequately maintained, watertight and in good operating condition; (ii) that roofing systems are adequately maintained and do not become less watertight; (iii) that fire alarm system serving the existing buildings and commercial tenant spaces are maintained in good repair and remain functional at all times; (iv) that parking areas are kept clean; and (v) that structural systems are maintained in good repair, with any indication of structural deterioration promptly and safely repaired;
 - b. That the Owner must use its best efforts, as determined by the Director of Community Development, under the supervision of the Village Manager, to ensure (i) that any damage from vandals, including graffiti, are promptly removed; (ii) that any debris and accumulations of dirt are promptly removed; (iii) that salt or similar de-icers are applied to pedestrian walkways, vehicular driveways and parking areas to protect against the accumulation of snow and ice; and (iv) that accumulations of snow and ice on such areas be promptly and safely removed; and
 - c. That the Owner must promptly replace any cracked or broken windows within seven days, unless otherwise approved by the Director of Community Development.

3. All materials used in maintaining and repairing the Property and the Existing Buildings must be of equal or better quality than the existing materials.

O. Taxes and Utilities. The Owner must pay all taxes and utility fees as and when due and provide proof that the Property is free of utility, tax or other liens as a condition for the issuance of any permits.

P. Term of Building Permit. The building permit issued for the construction of the Proposed Development will be in effect for a term of 24 months from the date of issuance.

Q. Binding Effect; Non-Transferability. The privileges, obligations, and provisions of each and every section and requirement of this Ordinance are for and insure solely to the benefit of the Owner, and are binding on the Owner, upon any and all of the Owner's successors, and assigns, and upon any and all of the respective successor legal and or beneficial owners of all or any portion of the Property, except as otherwise expressly provided in this Ordinance or in the Development Agreement. Nothing in this Ordinance will be deemed to allow the Owner to transfer any of the rights or interests granted herein to any other person or entity, except as provided in the Development Agreement, without the prior approval of the Village Council by a duly adopted amendment to this Ordinance.

R. No Third-Party Beneficiaries. Nothing in this Ordinance creates, or may be construed or interpreted to create, any third-party beneficiary rights.

S. Continued Cooperation. Owner will meet separately on a regular basis with the Hadley Institute and representatives from the 711 Oak Street property in order to eliminate, or reduce to the greatest extent possible, the impact on those properties and operations of the construction and use of the Proposed Development. Unless the Owner and the respective representatives of the Hadley Institute and 711 Oak Street agree otherwise, these meetings will occur once a month during the first 12 months after commencement of construction and once every two months thereafter until the final certificate of occupancy for the Proposed Development is issued. The Owner will provide the Village with reasonably documented written reports outlining the issues discussed at the meetings undertaken pursuant to this Subsection; provided, however, if the Village is also in attendance at the meeting, a report by the Owner to the Village is not required. Nothing in this paragraph (or the consultations required under this paragraph) will create any different obligations or restrictions than those provided otherwise in this Agreement, except as the Village and the Owner may mutually agree.

T. Interference Mitigation for Businesses. Owner's construction activities for the Development will be performed pursuant to a plan that demonstrates how the Owner will minimize, to the extent reasonably possible, interference with the businesses and pedestrian and vehicular traffic, including parking, in the vicinity of the Property ("***Interference Mitigation Plan***"). The Interference Mitigation Plan will be subject to approval by the Director of Engineering and Director of Community Development and upon that approval will be incorporated into the Construction and Traffic Management Plan approved pursuant to Section 6.F of the Development Agreement. As part of the creation of the Interference Mitigation Plan, the Owner will meet with surrounding businesses in the vicinity of the Property to understand their respective operations in order to tailor the Plan to most effectively minimize business interference and disruption.

U. License Agreement. The Owner must execute a license agreement with the Village to allow the Owner to use a portion of the Village's Elm Street Parking Lot for the location of a temporary transformer and a construction safety zone ("*License Agreement*") in substantially the same form as set forth in **Exhibit J** except for minor changes approved by the Village Attorney. The License Agreement must be executed by the Owner prior to the issuance of any demolition and building permits for the Property.

V. Protection of Buildings on Adjoining Properties During Demolition, Construction and Seismic Monitoring. Owner will be solely responsible for protecting the buildings on adjoining properties from damage during Owner's demolition of the Existing Buildings and existing structures and construction of the Proposed Development and will be solely responsible for any damage or injury to such buildings or properties caused by such demolition or construction. The means and methods for providing such protection are included in the Vibration and Movement Construction Monitoring Plan, attached to this Ordinance as Exhibit H, subject to any necessary adjustments approved by the Director of Engineering and Director of Community Development or their designees.

W. Contribution for Public Streetscape Transformer and Lighting Controller. As part of the streetscape improvements within the public right-of-way adjacent to the Property that the Applicant has agreed to install, the Applicant agrees to pay 50% of the cost to purchase and install the transformer, lighting controller, retaining wall and pad for the transformer and lighting controller, and electric conduit and cable necessary to provide power to said streetscape improvements. The Village will be responsible for the remaining 50% of said costs. The location of transformer and lighting controller, which is along the west side of Lincoln Avenue, is identified on the Final Site Engineering Plans. The Applicant and Village agree to work together to identify the most cost-effective and optimal design for said items. The Owner must (i) construct a retaining wall, pad, and fence for the transformer and lighting controller; (ii) install a lighting controller on the pad, and; (iii) purchase and install the conduit and cable from the lighting controller to the east side of Lincoln Avenue.

SECTION 9: FAILURE TO COMPLY WITH CONDITIONS. Upon failure or refusal of the Owner, or any of its officers, employees, or agents, to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, the Development Agreement, or the Final Plat of Subdivision (collectively, "*Final Approval Documents*"), the permits and approvals granted in the Final Approval Documents may, at the sole discretion of the Village Council, by ordinance duly adopted, be revoked and become null and void. In the event of revocation, the development and use of the Property will be governed solely by the regulations of the C-2 General Retail Commercial and C-2 Commercial Overlay Districts, as the same may, from time to time, be amended. Further, in the event of a revocation of the permits or approvals granted pursuant to the Final Approval Documents, the Village Manager and Village Attorney are hereby authorized and directed to bring any zoning or other enforcement action that may be appropriate under the circumstances.

SECTION 10: PAYMENT OF VILLAGE FEES AND COSTS. Except as otherwise provided in the Development Agreement, the Owner must pay to the Village, as and when due, all application, review, inspection, and permit fees, all water and sewer general and special connection fees, tap-on fees, charges and contributions, and all other fees, expenses, charges and contributions

required by applicable Village codes, ordinances, resolutions, rules or regulations, including, without limitation, the fees, charges and contributions provided in the fee schedules set by Village resolution or established by Village Code. All payments must be at the rates that are in effect at the time the charge is incurred, and the Village reserves its right and discretion to establish or increase rates from time to time.

SECTION 11: NON-INTERFERENCE WITH BUSINESSES. All construction activities for the Proposed Development must be performed so as to minimize, to the greatest extent possible, or eliminate interruption of or interference with the businesses on adjacent properties, and any interference with pedestrian and vehicular traffic, including parking, and other businesses in the vicinity of the Property.

SECTION 12: EFFECT OF FINAL PLAN APPROVAL.

A. Duration of Final Approval. Except as provided in Subsection B of this Section, final approval of the Proposed Development will expire 90 days from the effective date of this Ordinance unless the Owner has, by that date, submitted a complete application for a building permit for the Proposed Development pursuant to the Village Code.

B. Extension of Final Approval. The Village Council by resolution duly adopted may grant two consecutive 90-day extensions to the time for filing a complete building permit application for the Proposed Development, provided the Village determines the Owner has met the following conditions:

1. The Owner has made good faith effort to meet the applicable filing deadline;
2. The inability of the Owner to meet the applicable filing deadline is due to circumstances beyond the Owner's control, provided that the financial condition of the Owner will not be considered a condition beyond the Owner's control; and
3. The Owner is in full compliance with all other applicable development requirements, including the terms of the Final Approval Documents.

C. Construction. The Owner must commence construction, beyond mere fencing and preparation of the worksite, of the Proposed Development within 60 days after the issuance by the Village of a building permit for the Proposed Development. The construction of the Proposed Development must be substantially complete no later than 24 months after the issuance by the Village of the building permit for the Proposed Development. The timeframes set forth in this Subsection (C) may be extended by the Village Council, by resolution duly adopted, without having to amend this Ordinance, provided the Application: (i) demonstrates that it has proceeded diligently to commence or substantially complete such construction and that its failure to do so is due to circumstances beyond the Owner's control, provided that the financial condition of the Owner shall not be considered a condition beyond the Owner's control; (ii) the Owner is in full compliance with all other applicable development requirements, including the terms of the Final Approval Documents.

D. No Work Authorization. Nothing in this Ordinance will be construed as authorizing the issuance of any permits for the demolition of any of the Existing Buildings on Property or for the construction of the Proposed Development.

SECTION 13: HOME RULE POWERS. This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 14: EFFECTIVE DATE.

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

1. passage by the Village Council of the Village of Winnetka in the manner required by law;
2. publication in pamphlet form in the manner required by law; and
3. the filing by the Owner, within 10 days after the passage of this Ordinance by the Village Council, for recording in the Office of the Cook County Recorder of Deeds, of an Unconditional Agreement and Consent, signed by Owner, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance. The Unconditional Agreement and Consent must be in the form of *Exhibit K* attached to, and by this reference made a part of, this Ordinance.

B. In the event that the Owner does not file with the Village Clerk a fully executed copy of the Unconditional Agreement and Consent required pursuant to Paragraph 14.A.3 of this Ordinance within 10 days after the date of passage of this Ordinance by the Village Council then, at the option of the Village Council by resolution duly adopted, this Ordinance will be of no force or effect and be rendered null and void.

[signature page to follow]

PASSED this 21st day of January 2025, pursuant to the following roll call vote:

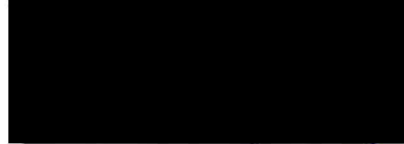
AYES: Trustees Albinson, Apatoff, Dalman, Handler, and Orsic

NAYS: _____

ABSENT: Trustee Dearborn

APPROVED this 21st day of January, 2025.

Signed:



Village President

Countersigned:



Village Clerk

Published by authority of the
President and Village Council of
the Village of Winnetka, Illinois,
this 21st day of January, 2025.

Introduced: January 21, 2025

Passed and Approved: January 21, 2025

EXHIBIT A

Legal Description of Property

PARCEL 1: THE EAST 106 FEET OF THE WEST 109 FEET OF THE NORTH 251 FEET OF BLOCK 24 OF WINNETKA, BEING A SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION 20 AND THE NORTH HALF OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT HEREFROM THE NORTH 40 FEET TAKEN FOR ELM STREET) ALSO (EXCEPT THAT PART THEREOF DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON WEST LINE OF SAID EAST 106 FEET AT A DISTANCE OF 85 FEET SOUTH OF SOUTH LINE OF ELM STREET THENCE EAST PARALLEL WITH SOUTH LINE OF ELM STREET 10 FEET THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID EAST 106 FEET A DISTANCE OF 45.84 FEET TO THE NORTH WALL OF A ONE STORY BRICK BUILDING; THENCE WEST ALONG NORTH WALL OF SAID BRICK BUILDING 10 FEET TO WEST LINE OF SAID EAST 106 FEET; THENCE NORTH ALONG THE WEST LINE OF SAID EAST 106 FEET A DISTANCE OF 46 FEET TO PLACE OF BEGINNING) ALSO (EXCEPT THAT PART THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT SOUTHWEST CORNER OF THE ABOVE DESCRIBED PROPERTY AND RUNNING THENCE NORTH ALONG WEST LINE THEREOF 46.35 FEET TO INTERSECTION WITH A CURVED LINE OF 1163 FOOT RADIUS CONVEX NORTHEASTERLY; THENCE SOUTHEASTERLY ALONG SAID CURVED LINE OF 1163 FOOT RADIUS, 25.88 FEET, AS MEASURED ALONG THE CHORD TO A POINT OF REVERSE CURVE; THENCE SOUTHERLY ALONG A CURVED LINE OF 1087 FEET RADIUS CONVEX SOUTHWESTERLY 25.69 FEET MEASURED ALONG THE CHORD TO A POINT IN SOUTH LINE OF AFORESAID EAST 106 FEET OF WEST 109 FEET OF THE NORTH 251 FEET OF BLOCK 24 WINNETKA, 22.26 FEET EAST OF THE SOUTHWEST CORNER THEREOF AND THENCE WEST ALONG SAID SOUTH LINE 22.26 FEET TO PLACE OF BEGINNING) ALSO, THE EAST 54 FEET OF THE WEST 163 FEET OF THE NORTH 211 FEET OF THAT PART OF BLOCK 24 OF CHARLES E. PECK'S SUBDIVISION LYING SOUTH OF THE SOUTH LINE OF ELM STREET IN WINNETKA IN FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS;

PARCEL 2: THAT PART OF LOT 1 IN PROUTY HOMESTEAD SUBDIVISION OF ALL OF BLOCKS 24 AND 25, LYING NORTHEASTERLY OF THE RIGHT OF WAY OF THE CHICAGO AND MILWAUKEE ELECTRIC RAILROAD, EXCEPT THE NORTH 211.00 FEET OF SAID BLOCK 24, ALSO THE WEST 3.00 FEET OF THE NORTH 211.00 FEET OF SAID BLOCK 24, ALL IN WINNETKA, A SUBDIVISION BY CHARLES E. PECK OF THE NORTHEAST 1/4 OF SECTION 20, AND THE FRACTIONAL NORTH 1/2 OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING IN THE NORTH LINE OF SAID LOT, 197.85 FEET EAST OF THE NORTHWEST CORNER THEREOF; THENCE EAST ALONG SAID NORTH LINE 10.00 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT TO A POINT 46.35 FEET NORTH OF THE SOUTH LINE OF THE NORTH 211.00 FEET OF BLOCK 24 AFORESAID; THENCE NORTHWESTERLY ALONG A CURVED LINE CONVEX TO THE NORTHEAST, WITH A RADIUS OF 1163.00 FEET, 105.94 FEET TO THE INTERSECTION OF SAID CURVED LINE, WITH A LINE DRAWN 72.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT AT A POINT 51.15 FEET WEST OF THE EAST LINE OF SAID LOT; THENCE EAST ALONG SAID PARALLEL LINE, 41.15 FEET; THENCE NORTH PARALLEL WITH SAID EAST LINE TO THE PLACE OF BEGINNING, IN THE VILLAGE OF WINNETKA, IN COOK COUNTY, ILLINOIS;

PARCEL 3: THAT PART OF THE EAST 106.00 FEET OF THE WEST 109.00 FEET OF THE NORTH 251.00 FEET (EXCEPT THE NORTH 40.00 FEET TAKEN FOR ELM STREET) OF BLOCK 24 IN WINNETKA, BEING A SUBDIVISION OF THE NORTHEAST 1/4 OF SECTION 20 AND THE NORTH 1/2 OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF SAID EAST 106.00 FEET AT A DISTANCE OF 85.00 FEET SOUTH OF THE SOUTH LINE OF ELM STREET; THENCE EAST PARALLEL WITH THE SOUTH LINE OF ELM STREET, 10.00 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID EAST 106.00 FEET, A DISTANCE OF 45.84 FEET TO A POINT; THENCE WEST 10.00 FEET TO THE WEST LINE OF SAID EAST 106.00 FEET; THENCE NORTH ALONG THE WEST LINE OF SAID EAST 106.00 FEET, A DISTANCE OF 46.00 FEET TO THE PLACE OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS;

PARCEL 4: THE EAST 55.4 FEET OF THE WEST 218.4 FEET OF THE NORTH 211 FEET OF THAT PART OF BLOCK 24 LYING SOUTH OF ELM STREET IN THE VILLAGE OF WINNETKA IN SECTION 20 AND SECTION 21, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS;

PARCEL 5: THAT PART OF LOT 1 IN PROUTY HOMESTEAD SUBDIVISION OF ALL OF BLOCKS 24 AND 25 LYING NORTHEASTERLY OF THE RIGHT OF WAY OF THE CHICAGO AND MILWAUKEE ELECTRIC RAILROAD (EXCEPT THE NORTH 211 FEET OF SAID BLOCK 24) ALSO THE WEST 3 FEET OF THE NORTH 211 FEET OF SAID LOT 24, ALL IN WINNETKA, A SUBDIVISION BY CHARLES E. PECK OF THE NORTHEAST 1/4 OF SECTION 20, AND THE FRACTIONAL NORTH 1/2 OF FRACTIONAL SECTION 21, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTH LINE OF SAID LOT 1, 153.5 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 1, THENCE EAST ALONG THE NORTH LINE OF SAID LOT 1, 44.3 FEET, THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID LOT 1, 72 FEET, THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID LOT 41.15 FEET TO THE INTERSECTION OF A CURVED LINE CONVEX NORTHEASTERLY WITH A RADIUS OF 1,163 FEET, THENCE NORTHWESTERLY ALONG SAID CURVED LINE 6.12 FEET AS MEASURED ALONG THE CHORD TO ITS INTERSECTION WITH A LINE DRAWN PARALLEL WITH THE EAST LINE OF SAID LOT FROM A POINT IN THE NORTH LINE OF SAID LOT 153.5 FEET EAST OF NORTHWEST CORNER THEREOF, THENCE NORTH ALONG SAID PARALLEL LINE TO THE PLACE OF BEGINNING IN COOK COUNTY, ILLINOIS;

PARCEL 6: LOT 1 IN PROUTY HOMESTEAD SUBDIVISION OF ALL OF BLOCKS 24 AND 25, LYING NORTHEASTERLY OF THE RIGHT OF WAY OF THE CHICAGO AND MILWAUKEE ELECTRIC RAILROAD, EXCEPT THE NORTH 211 FEET OF SAID BLOCK 24 ALSO THE WEST 3 FEET OF THE NORTH 211 FEET OF SAID BLOCK 24, ALL IN WINNETKA, A SUBDIVISION BY CHARLES E. PECK OF THE NORTHEAST 1/4 OF SECTION 20, AND THE FRACTIONAL NORTH 1/2 OF FRACTIONAL SECTION 21, ALL IN TOWNSHIP 42 N, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THAT PART OF SAID LOT 1 DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTH LINE OF SAID LOT 1, 153.5 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 1, THENCE EAST ALONG THE NORTH LINE OF SAID LOT 1, 44.35 FEET, THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID LOT 1, 72 FEET, THENCE WEST PARALLEL, WITH THE NORTH LINE OF SAID LOT 1, 44.35 FEET, THENCE NORTH 72 FEET MORE OR LESS TO THE POINT OF BEGINNING; AND ALSO EXCEPT THAT PART OF SAID LOT 1 LYING SOUTHWESTERLY OF A LINE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTH LINE OF SAID LOT 1, BEING THE SOUTH LINE OF ELM STREET, 110.79 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 1 AND

RUNNING THENCE SOUTHEASTERLY PARALLEL WITH AND 93 FEET NORTHEASTERLY OF AS MEASURED AT RIGHT ANGLES TO THE SOUTHWESTERLY LINE OF SAID LOT 1, 62.41 FEET TO A POINT OF CURVE, THENCE SOUTHEASTERLY ALONG A CURVED LINE CONVEX NORTHEASTERLY AND HAVING A RADIUS OF 1163 FEET, 17.1 FEET AS MEASURED ALONG THE CHORD OF SAID CURVE TO A POINT IN A LINE DRAWN PARALLEL WITH THE EAST LINE OF SAID LOT 1 FROM A POINT IN THE NORTH LINE OF SAID LOT 1, 153.5 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT 1, THENCE SOUTH ALONG SAID PARALLEL LINE, 5.20 FEET TO A POINT 72 FEET SOUTH OF THE NORTH LINE OF SAID LOT 1, THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID LOT 1, 3.20 FEET TO A POINT OF INTERSECTION WITH THE PROLONGATION OF A CURVED LINE OF 1163 FEET RADIUS HEREINBEFORE DESCRIBED, THENCE SOUTHEASTERLY ALONG SAID CURVED LINE 105.94 FEET AS MEASURED ALONG THE CHORD TO A POINT IN THE EAST LINE OF SAID LOT 1, 46.35 FEET NORTH OF THE SOUTH LINE OF THE NORTH 211 FEET OF BLOCK 24; AND ALSO EXCEPT THAT PART OF LOT 1 DESCRIBED AS FOLLOWS: BEGINNING IN THE NORTH LINE OF SAID LOT 1, 197.85 FEET EAST OF THE NORTHWEST CORNER THEREOF; THENCE EAST ALONG SAID NORTH LINE 10 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 1 TO A POINT 46.35 FEET NORTH OF THE SOUTH LINE OF THE NORTH 211 FEET OF BLOCK 24 AFORESAID; THENCE NORTHWESTERLY ALONG A CURVED LINE CONVEX TO THE NORTHEAST WITH A RADIUS OF 1163 FEET, 105.94 FEET TO THE INTERSECTION OF SAID CURVED LINE WITH A LINE DRAWN 72 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID LOT 1 AT A POINT 51.15 FEET WEST OF THE EAST LINE OF SAID LOT 1; THENCE EAST ALONG SAID PARALLEL LINE 41.15 FEET; THENCE NORTH PARALLEL WITH SAID EAST LINE TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PINs:

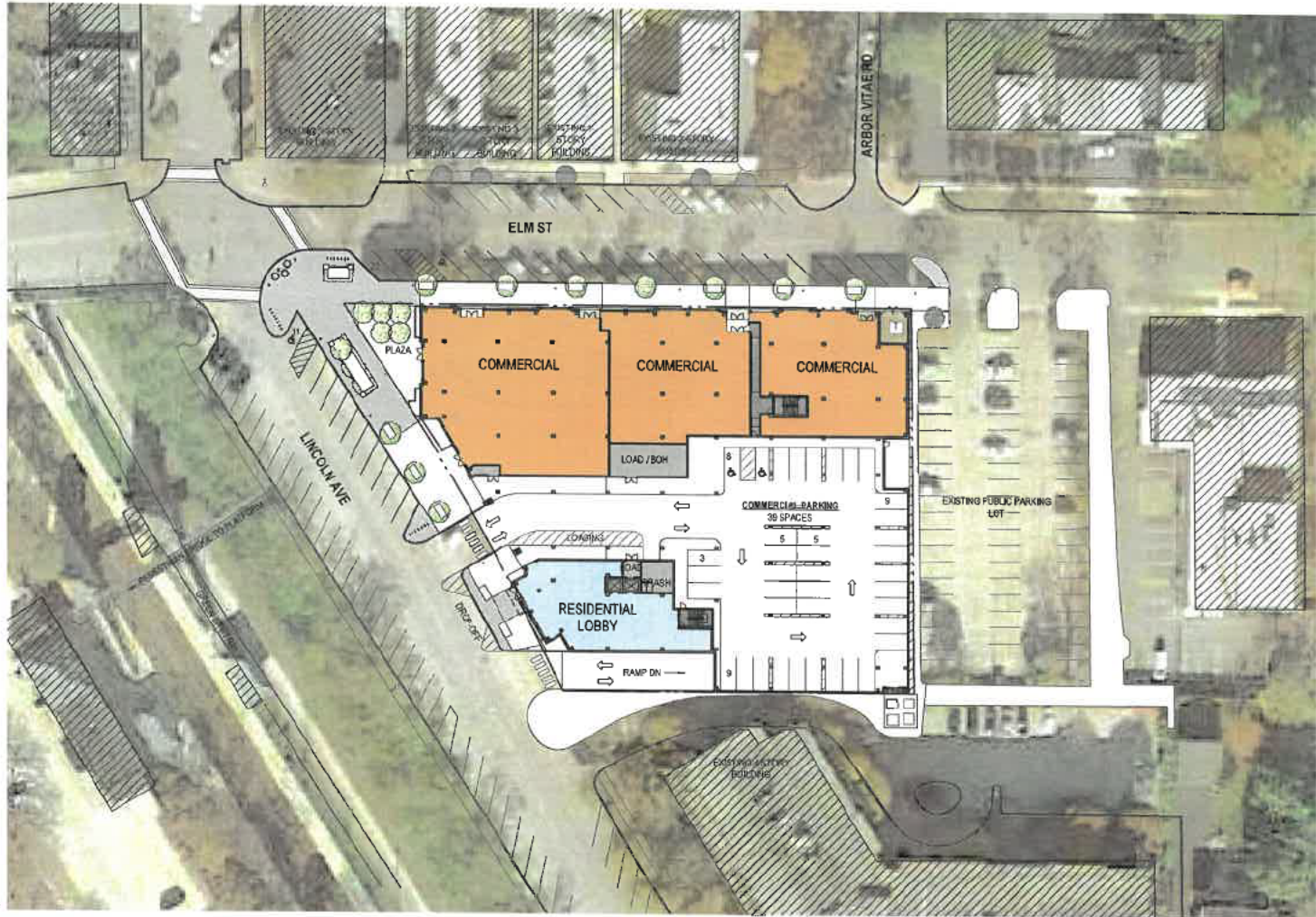
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05-21-109-020-0000

EXHIBIT B

Floor and Site Plan

SITE PLAN

DEVELOPMENT SUMMARY			
SITE AREA: 52,730 SF (1.21 ACRES)		ZONING DISTRICT: C-2	
BUILDING AREA			
	GROSS	RENTABLE (RESIDENTIAL)	COMMERCIAL
LEVEL LL	47,850 SF	-	-
LEVEL 01	47,689 SF	-	19,500 SF
LEVEL 02	36,248 SF	28,736 SF	-
LEVEL 03	35,524 SF	30,819 SF	-
LEVEL 04	29,454 SF	23,045 SF	-
TOTAL	197,775 SF	82,605 SF	19,500 SF
AVERAGE UNIT SIZE: +1,461 SF			
PARKING			
	RESIDENTIAL	COMMERCIAL	TOTAL
LOWER LEVEL	211	-	-
GROUND LEVEL	-	39	39
TOTAL PROVIDED	211	39	250
RATIO	1.84/UNIT	-	-



1 SITE PLAN
SCALE: 1" = 60'-0"

OKW ARCHITECTS
600 W. Jackson, Suite 250
Chicago, IL 60661



ONE WINNETKA - MIXED USE DEVELOPMENT
ELM ST. & LINCOLN AVE., WINNETKA, IL
January 13, 2025 Project #: 21077



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: PLAN COMMISSION
FROM: ANN KLAASSEN, ASSISTANT DIRECTOR
DATE: OCTOBER 16, 2025
SUBJECT: 564 LINCOLN AVENUE - CORLEY NORTH SHORE LLC
REAL ESTATE OFFICE SPECIAL USE PERMIT (CASE NO. 25-21-SU)

INTRODUCTION

On October 22, 2025, the Plan Commission is scheduled to hold a public hearing to consider an application submitted by Corley North Shore LLC d/b/a RE/MAX Premier Luxury Collection (the "Applicant"), as the prospective lessee of the property located at 564 Lincoln Avenue (the "Subject Property"), **to allow a real estate office to occupy the Subject Property.** The property is currently owned by 562-72 Lincoln Avenue, LLC.

The Applicant has filed an application seeking approval of a Special Use Permit in accordance with Chapter 17.56 [Special Uses] of the Winnetka Zoning Ordinance to permit a real estate office in the C-2 General Retail Commercial Overlay District at the Subject Property. The Applicant has assumed ownership of Compass Real Estate, which currently operates the existing real estate office at the Subject Property.

A sign has been posted on the Subject Property and a website notice has been posted on the Village website indicating the time and date of the Plan Commission public hearing. A mail notice was also sent to property owners within 500 feet of the Subject Property. As of the date of this memo, staff has not received any written comments from the public regarding this application.

PROPERTY DESCRIPTION

The Subject Property is one of the commercial spaces located in the mixed-use building at 564-572 Lincoln Avenue, often referred to as *The Winnetka Galleria* ("The Galleria"), located on the west side of Lincoln Avenue between Elm and Pine Streets. The approximately 4,500 square foot space at 564 Lincoln Avenue is currently occupied by *Compass Real Estate* ("Compass") with the front "Retail Area" currently occupied by *anne loucks gallery*. The commercial space located immediately south of the space the Applicant is proposing to occupy is currently being remodeled for a new tenant, *Kaage Homes*, and was most recently occupied by *KJUS*. On the north side of the courtyard is *The Beauty Lash*. Other neighboring businesses to the south of the Subject Property include *Beat Street*, a gift and toy store, and a restaurant *Deep Purple*. There are residential condominiums on the second and third floors of The Galleria.

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

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



Figure 1 – Subject Property – 564 Lincoln Avenue



Figure 2 – Subject Property – 564 Lincoln Avenue (North Elevation)



Figure 3 – Subject Property – 564 Lincoln Avenue



Figure 4 – Neighboring Businesses to South – Kaage Homes, Beat Street



Figure 5 – Neighboring Business to North – The Beauty Lash

COMMERCIAL OVERLAY DISTRICT BACKGROUND

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

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

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

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

ELM STREET BUSINESS DISTRICTS OVERLAY BOUNDARIES

A map depicting the zoning classifications of the Elm Street Business Districts is included below as Figure 6. The Subject Property is highlighted yellow.

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

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

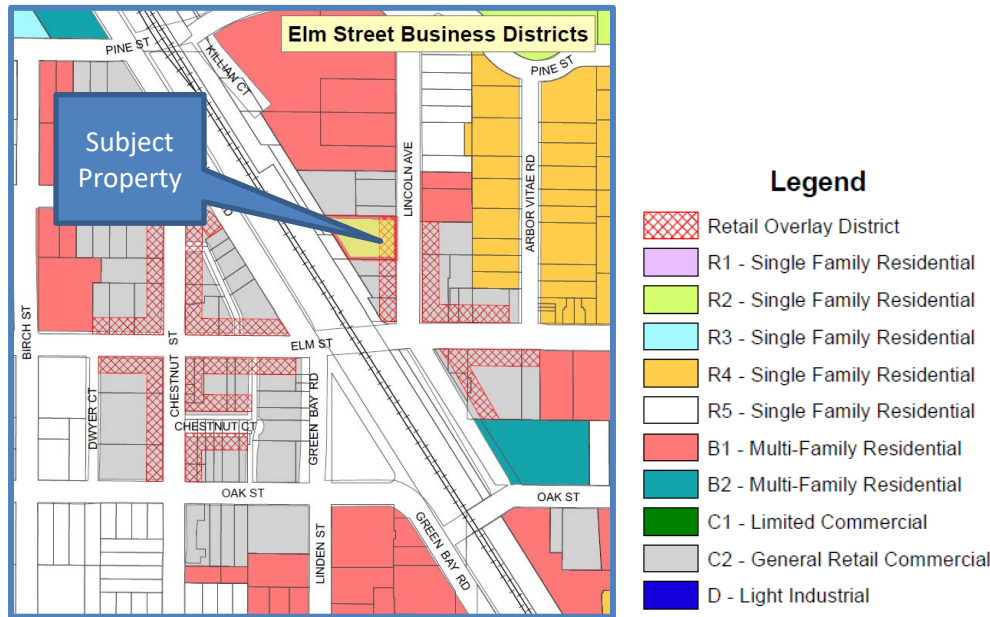


Figure 6 – Elm Street Business Districts

PREVIOUS APPROVALS

As noted earlier in this report, Compass is the current tenant of the Subject Property. In May 2023, Compass submitted a special use permit application to occupy the Subject Property. On July 13, 2023, the Plan Commission (PC) considered the request and by a vote of 4-2, recommended approval of the application. Members who voted to recommend approval noted that the Subject Property is located on the fringe of the Overlay District, rather than within the central hub of the East Elm District. Those same members noted that they were not concerned with the Applicant's use diminishing the availability of parking in the area. Members who voted against recommending approval expressed regret about recommending approval to allow Coldwell Banker to occupy the Subject Property in 2017. Additionally, those members felt that the landlord should do more to find an appropriate tenant that would further enhance the successful retail shops and restaurants on Lincoln Avenue, rather than having a tenant that does not add the retail vibrancy to the commercial district that other uses could.

In August 2023, the Village Council reviewed Compass's application, which included revised responses to the standards for granting a special use within the Overlay District as well as an addendum illustrating how they intended to utilize the retail pop-up area (front 740 square feet of Subject Property), and an example of how Compass had incorporated retail spaces in another Compass location. In the materials submitted to the Council, Compass explained that its intent was to find retail tenants on a longer-term

basis rather than on a shorter term “pop-up basis”. Ultimately, on September 5, 2023, the Village Council adopted Ordinance M-13-2023, granting a special use permit to allow Compass to operate a real estate office at the Subject Property (**Attachment 2**). The Ordinance included conditions specific to the Retail Area, which includes making the area available to third-party users that are permitted uses, not special uses, and preferably on a long-term basis to display goods for sale to the general public. The Retail Area is currently occupied by *anne loucks gallery*.

The tenant of the Subject Property prior to Compass was Coldwell Banker. On December 5, 2017, the Village Council adopted Ordinance M-10-2017, granting a special use permit to allow Coldwell Banker to expand its office into the Overlay District (**Attachment 2**). Initially, Coldwell Banker occupied space in The Galleria, but it was located in the rear of the building, more than 50 feet from the front street line. Given that space was located in the C2 District, but outside the Overlay District, the real estate office was allowed to occupy that space by right as a permitted use. It wasn't until Coldwell Banker wanted to expand its footprint to the front of the building that a special use permit was required.

DESCRIPTION OF CURRENT REQUEST

The Applicant is assuming ownership of Compass Real Estate and is seeking approval of a special use permit to allow it to continue operating the real estate office on the Subject Property. Ordinance M-13-2023 approving Compass's special use permit does not provide for any change or transfer in applicant, even if the use remains the same. Additionally, the ordinance has specific conditions of approval that were specific to Compass's use of the Subject Property. Hence, the Applicant's current request before the Plan Commission.

As explained by the Applicant in the attached application materials (**Attachment A**), it intends to duplicate the existing use in the same space. Additionally, the Applicant intends for *anne loucks gallery* to remain without interruption.

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

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

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

The Applicant has indicated that it will continue to use the commercial space as represented below in the floor plan approved for Compass, with the adoption of Ordinance M-13-2023 (Figure 7). The area highlighted blue in Figure 7 would be the continued location of the Retail Area currently occupied by *anne loucks gallery*.

EXHIBIT B
FLOOR PLAN

Retail 101 approximately 740 sq. ft.

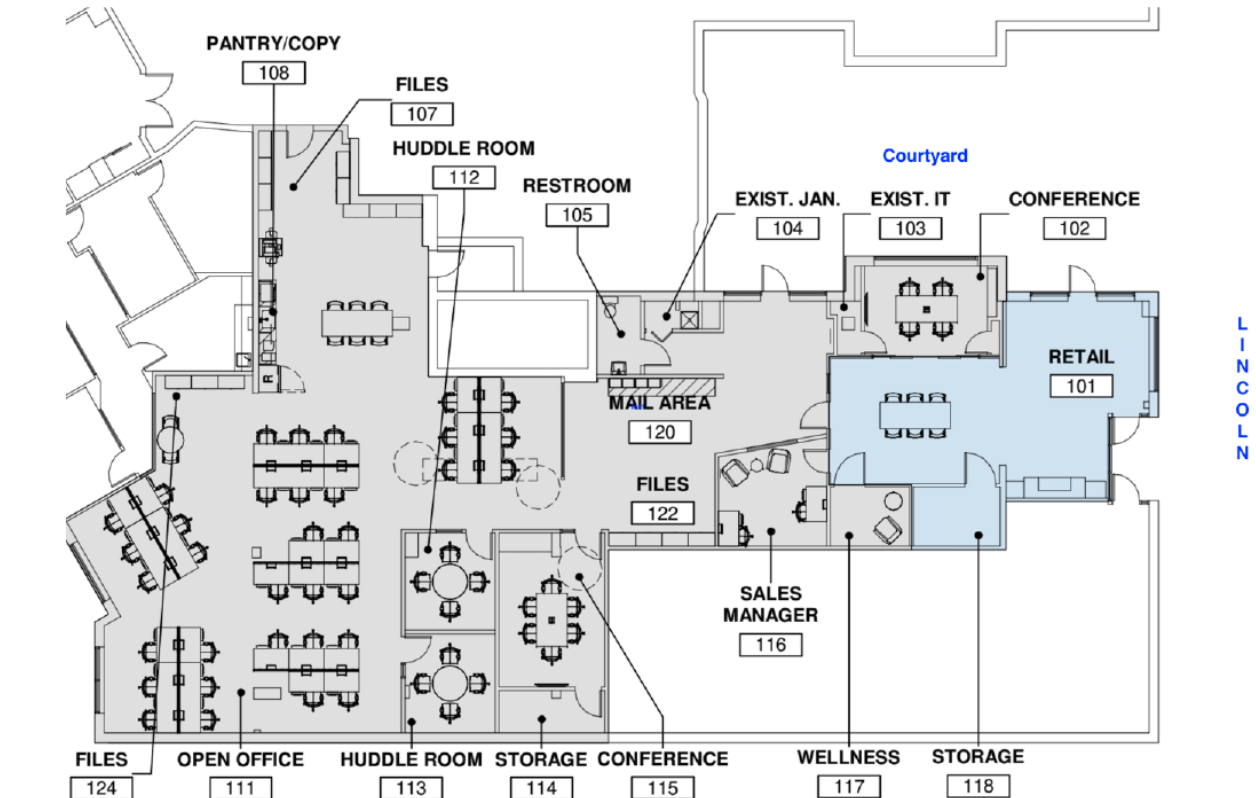


Figure 7 – Exhibit B of Ordinance M-13-2023

DESIGN REVIEW BOARD REVIEW

Any future changes to the exterior of the commercial space will require approval of a certificate of appropriateness by the Design Review Board. The proposed signage represented in the application materials will require submittal of a sign permit that will be reviewed by the Design Review Board.

STANDARDS FOR REVIEW / FINDINGS

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

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

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

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

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

I make the motion that:

The Plan Commission recommends **approval [denial]** of the requested special use to allow the Applicant, Corley North Shore LLC d/b/a RE/MAX Premier Luxury Collection, to operate a real estate office at 564 Lincoln Avenue within the C-2 Commercial Overlay District, based on the following findings of fact:

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

1. The establishment, maintenance, and operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare;
2. The Special Use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;
3. The establishment of Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;
4. Adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways;
5. Adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the Special Use exists or are to be provided;
6. The Special Use in all other respects conforms to the applicable regulations of this and other village ordinances and codes;
7. The proposed special use at the proposed location will encourage, facilitate and enhance the continuity, concentration, and pedestrian nature of the area in a manner similar to that of retail uses;
8. The location of the proposed special use along a block frontage shall provide for a minimum interruption in the existing and potential continuity and concentration of the retail uses along the block’s frontage;
9. The proposed special use at the proposed location will provide for display windows, facades, signage and lighting similar in nature and compatible with that provided by retail uses;
10. If the proposed special use provides multi-use areas, such as retail merchandise areas, restaurant dining areas, general office space, private offices, reception areas, or employee work areas, any proposed retail merchandise area or restaurant dining area shall be concentrated and located

immediately adjacent to the sidewalk and clearly visible from the street in such a fashion as to invite customers to browse or dine;

11. If a proposed new building contemplates a mix of retail, office and service type uses, the minimum frontage for each retail use adjacent to the sidewalk shall be 20 feet with a minimum gross floor area of 400 square feet. In addition, such retail space shall be devoted to active retail merchandising which maintain typical and customary hours of operation; and
12. The proposed location and operation of the proposed special use shall not significantly diminish the availability of parking for district clientele wishing to patronize existing retail businesses.”

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

1. [Insert conditions...]

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

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

ATTACHMENTS

Attachment A: Application Materials

Attachment B: Ordinance M-13-2023, adopted September 5, 2023, and Ordinance M-10-2017, adopted December 5, 2017

ATTACHMENT A

Village of Winnetka
SPECIAL USE PERMIT - C2 COMMERCIAL OVERLAY APPLICATION

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL USE PERMIT APPLICATION
C-2 COMMERCIAL OVERLAY

Case No. 25-21-SU

Property Information

Site Address: 564 Lincoln Avenue, Winnetka, IL 60093

Proposed type of occupancy: Office and Retail Use

Applicant Information

Name: Corley North Shore LLC

Address: 564 Lincoln Ave

City, State, ZIP: Winnetka, IL 60093

Applicant Signature: 

Attorney Information

Name: Samuels and Bernstein

Primary Contact: Calvin Bernstein

Address: 484 Central Ave., Suit 202

City, State, ZIP: Highland Park, IL 60035

Phone No. (847) 433-1980

Email: cbernstein@sambornlaw.com

Primary Contact: Janice Corley

Phone No. 

Email: janicecorley@premierproperties.com

Date: 9/10/2025

Architect Information

Name: None

Primary Contact: _____

Address: _____

City, State, Zip: _____

Phone No. _____

Email: _____

Property Owner Acknowledgment

I hereby certify that I am the owner of the property located at 564 Lincoln Avenue, and have provided the attached proof of ownership.
(address)

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

Property Owner Signature: 

Date: _____

Printed Name: Greg Hoffmann

Corley North Shore LLC.

September 11, 2025

Ann Klaassen
510 Green Bay Rd
Winnetka, IL 60093

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

Summary

Corley North Shore LLC is a real estate brokerage firm that will be assuming the ownership of the existing Compass Real Estate Office at 564 Lincoln Avenue, Winnetka, Illinois. In 2023, Compass received a Special Use Permit to operate a real estate brokerage office at 564 Lincoln. Corley North Shore recently purchased this office and intends on duplicating the existing use. Except for the name change, the existing operations will remain unchanged.

Operating Information

- **What are the typical hours of operation each day of the week?**
Monday through Friday 9:00-5:00 is when the office is typically staffed with a receptionist and an office Sales Manager. These are the only full-time W-2 employees assigned to the office. Agents, who are 1099 contractors, come in and out of the office on an ad-hoc basis as the majority of their working hours are spent out with clients, networking, etc. For most agents, they come to the office 1-2x/week for 1-2 hours a day. On average, we anticipate 5-10 people working at the office throughout the day.
- **Where will agents park on a typical day?** Corley North Shore's lease agreement provides for 8 underground parking spaces. The majority of the time, this will satisfy the agent count in the office. If there are more than 8 agents on-site, we will use the public lot adjacent to the office. Clients will be directed to park in available public parking. Clients typically are at the office for no more than 1-hour at a time.
- **Which day is the busiest day of the week? And what is the busiest 2-hour period on that day?**
Mondays between 9-10am. is likely to be the busiest time as there will be a Sales Meeting at the office on a bi-weekly basis. 'Sales Meetings' are times when agents get together to share what is going on in the market. Corley North Shore will work with the Village and neighboring tenants on the best time to schedule Sales Meetings at this new location.
- **How many agents will be “stationed” at this location?**
Currently, Corley North Shore has ~50 agents that associate with Winnetka as their home office.
- **How many clients would actually be in the office at any time?**
Clients rarely frequent the office now that closings can take place virtually. But, on a typical day, there may be 1-2 clients in the office, and rarely at the same time. More than 90% of clients never come to the office as agents meet with them at their homes, on tours, or virtually.
- **How will Corley North Shore use the Retail Space?**
The existing Art Gallery will remain without interruption.

Comparison to previous Real Estate Operation

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

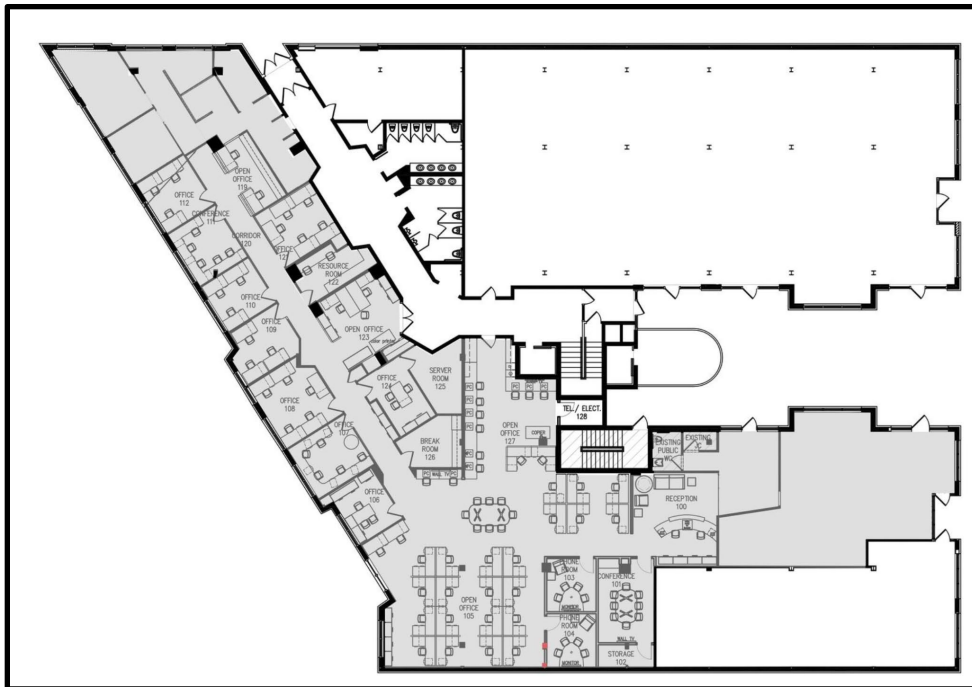
Compass Operation: After the approval of their SUP in 2023, Compass occupied ~4,500 square feet in total, inclusive of the 1,339 square feet of retail space and 3,161 square feet of office space,

Corely North Shore Operation: Corely North Shore is proposing to occupy ~4,500 square feet in total, inclusive of the 1,339 square feet of retail space and 3,161 square feet of office space, exactly the same as the current Compass use.

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

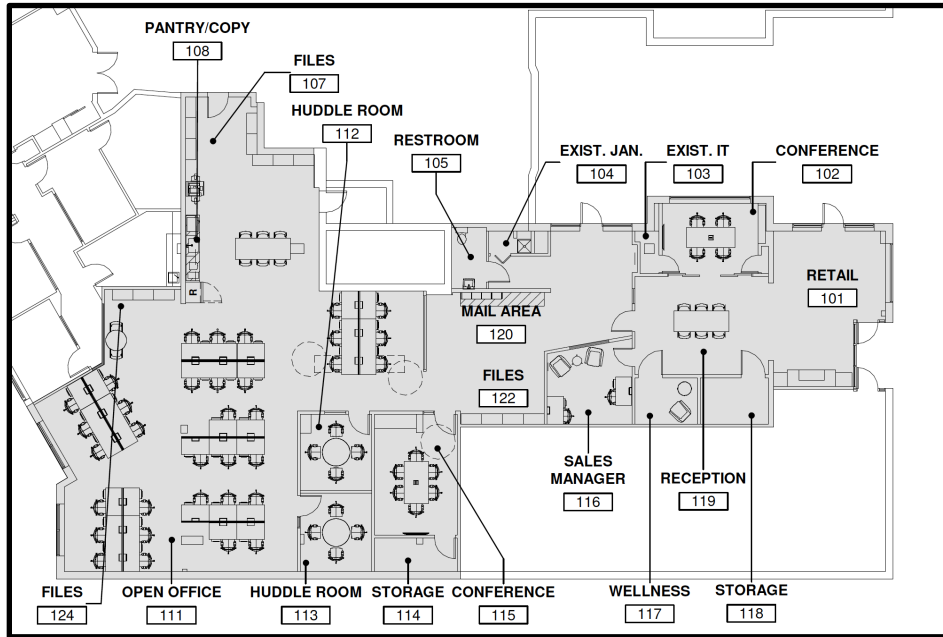
Coldwell Banker

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

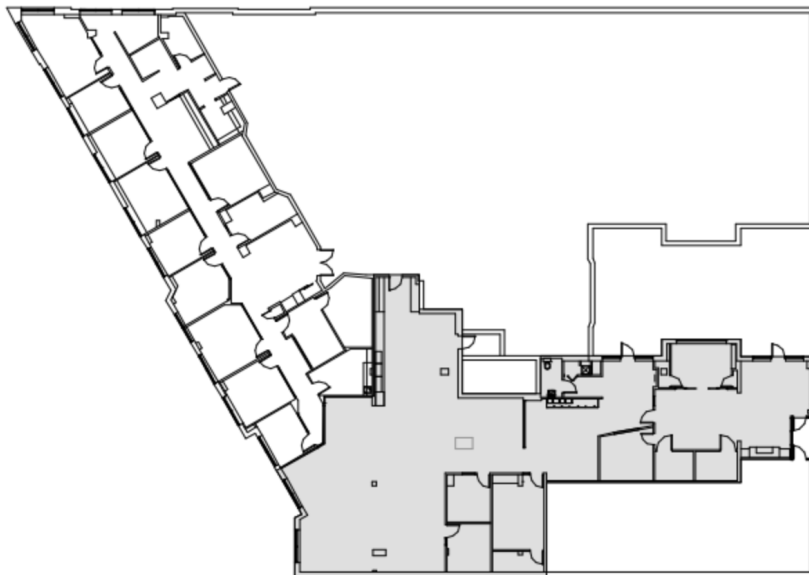


Corely North Shore

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



Portion of former Coldwell Space Occupied by Corely North Shore Shown in Grey



Proposed Signage

REMAX
PREMIER

THE
REMAX
COLLECTION
Fine Homes & Luxury Properties





REMAX
PREMIER

THE
REMAX
COLLECTION[®]
Fine Homes & Luxury Properties

566 - 568

LINCOLN AVENUE

ALLER

VILLAGE OF WINNETKA, ILLINOIS

DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL USE PERMIT STANDARDS

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

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

A Corely North Shore office will not be detrimental or endanger the public health, safety, comfort, morals or general welfare of the Lincoln retail corridor as it is consistent with the previous use by Compass and before them, Coldwell Banker.

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

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

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

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

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

Corely North Shore will take care to minimize the impact on ingress/egress and the surrounding parking areas by using both on-site and public lot areas. For the majority of the time, on-site private parking will satisfy Corely North Shore's parking requirements. Additionally, there will be no change from the current Compass use. However, compared to the previous use of Coldwell Banker, the parking requirement will be less impactful as Corely North Shore will operate out of less than half of the square footage and agent count. Thus, the proposed use will have the same or less impact on the surrounding areas than the existing use.

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

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

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

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

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

ADDITIONAL STANDARDS PER SECTION 17.44

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

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

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

Again, based upon the existing use as a brokerage office, there will not be interruption in the existing and the potential concentration of retail uses along the block's frontage. The applicant will continue to the current operation with Anne Loucks Gallery.

- **Anne Loucks Gallery:** The Anne Loucks Gallery specializes in contemporary American painting, sculpture and works on paper. Since its founding in 2001, the Gallery has established a reputation for its exceptional group of artists, innovative exhibitions, warm environment, and knowledgeable client service. The Gallery curates six to eight exhibitions annually, dedicating half of its space to the current show and half to an ongoing exhibition of work by Gallery artists.
 - 564 Lincoln Operation: "I love the idea of a small gallery space on Lincoln. I can see an ongoing exhibition program focusing on solo shows that would change every two months."

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

As set forth in the above narrative, Corely North Shore will continue the existing Art Gallery and any signage will remain unchanged.

- 4. If the proposed special use provides multi-use areas, such as retail merchandise areas, restaurant dining areas, general office space, private offices, reception areas, or employee work areas, any proposed retail merchandise area or restaurant dining area shall be concentrated and**

located immediately adjacent to the sidewalk and clearly visible from street in such a fashion as to invite customers to browse or dine.

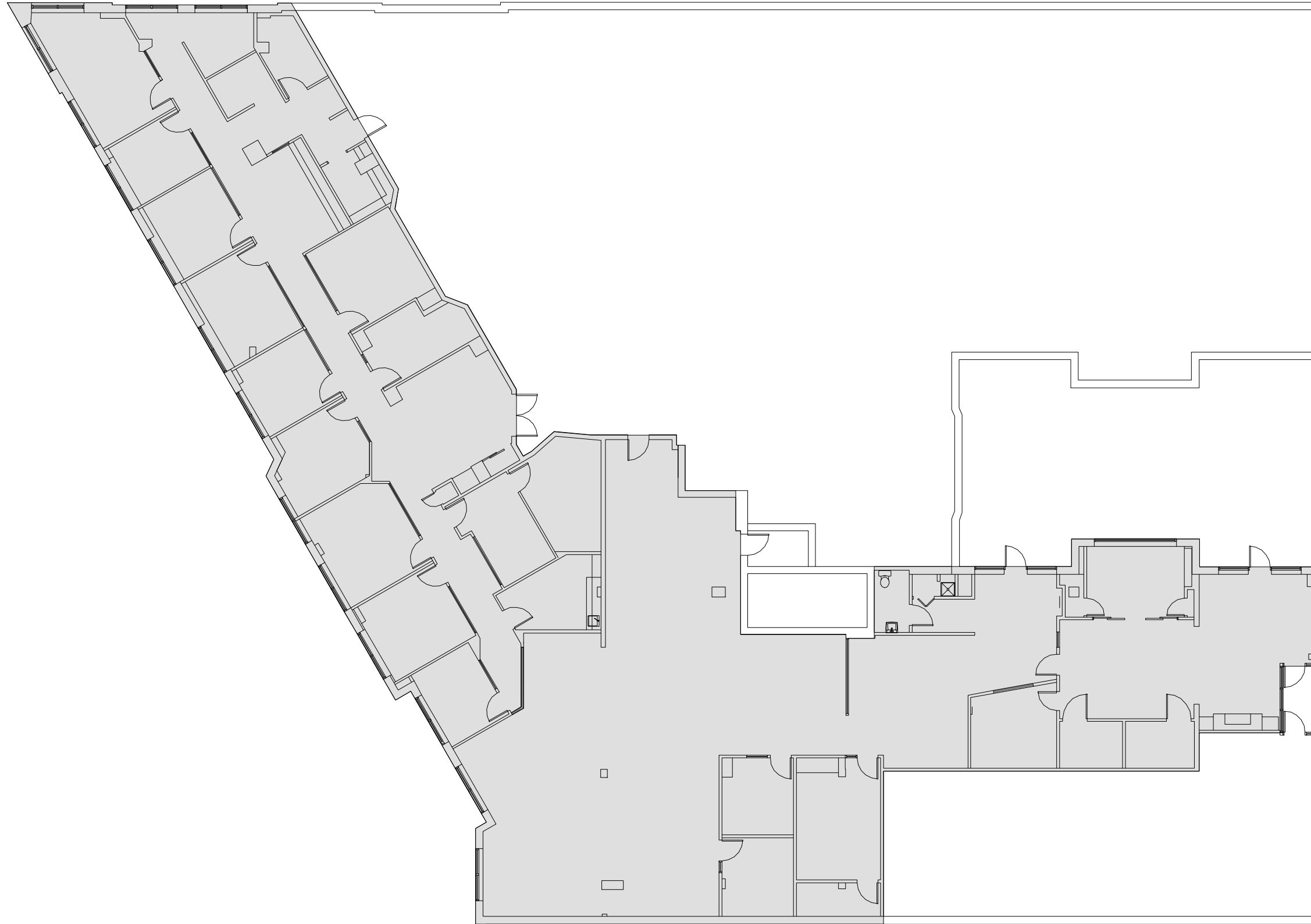
See 3 above. Corely North Shore is committed to providing a retail element immediately adjacent to the sidewalk that will be clearly be visible to pedestrian traffic, thereby creating a retail environment similar to other stores on the block.

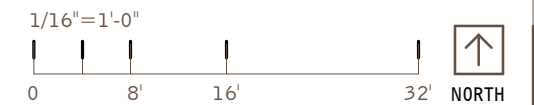
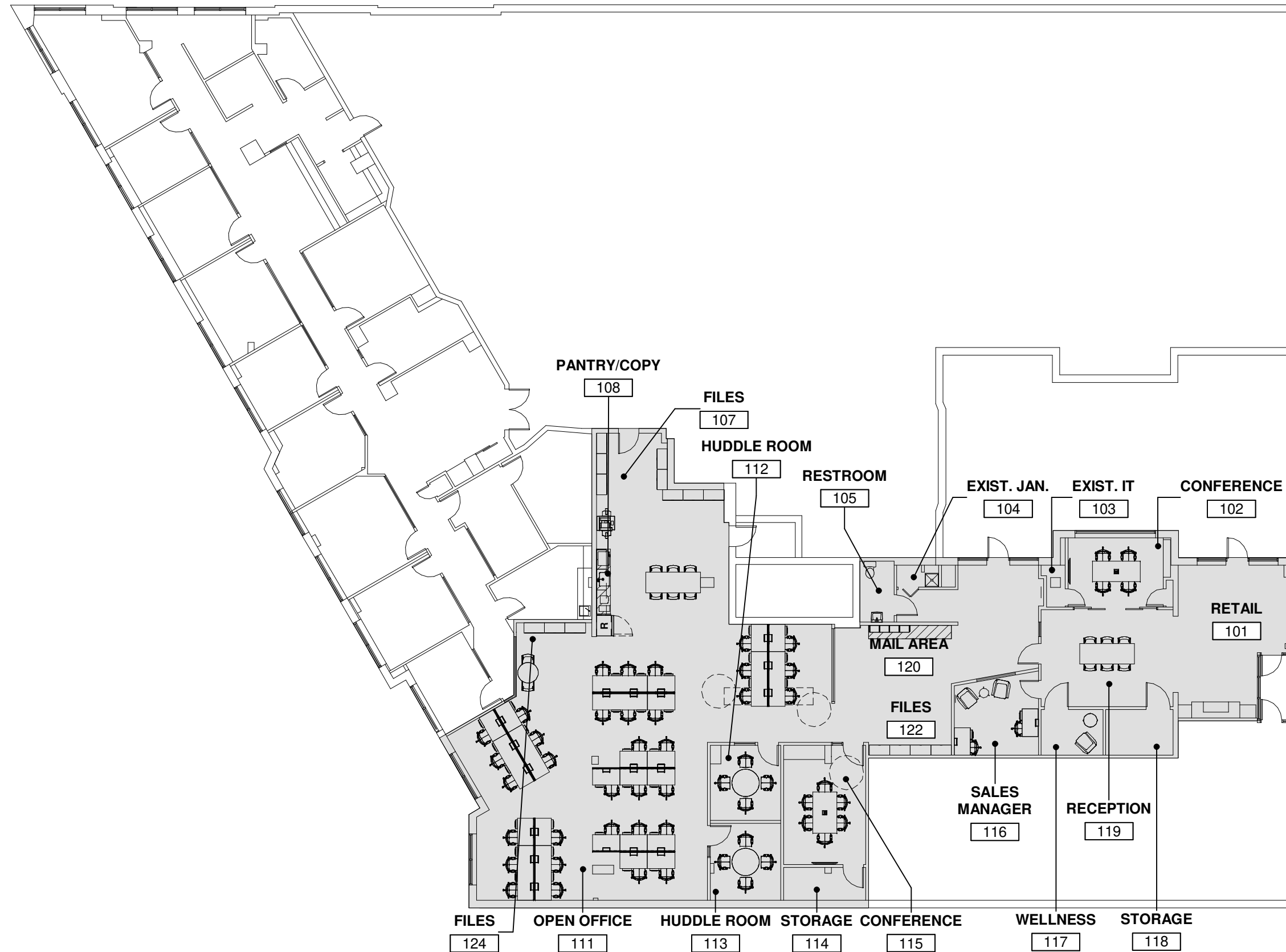
- 5. If a proposed new building contemplates a mix of retail, office and service type uses, the minimum frontage for each retail use adjacent to the sidewalk shall be twenty (20) feet with a minimum gross floor area of four hundred (400) square feet. In addition, such retail space shall be devoted to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

The proposal does not include a new building.

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

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





4,500 SF

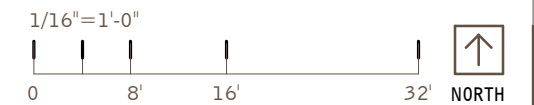
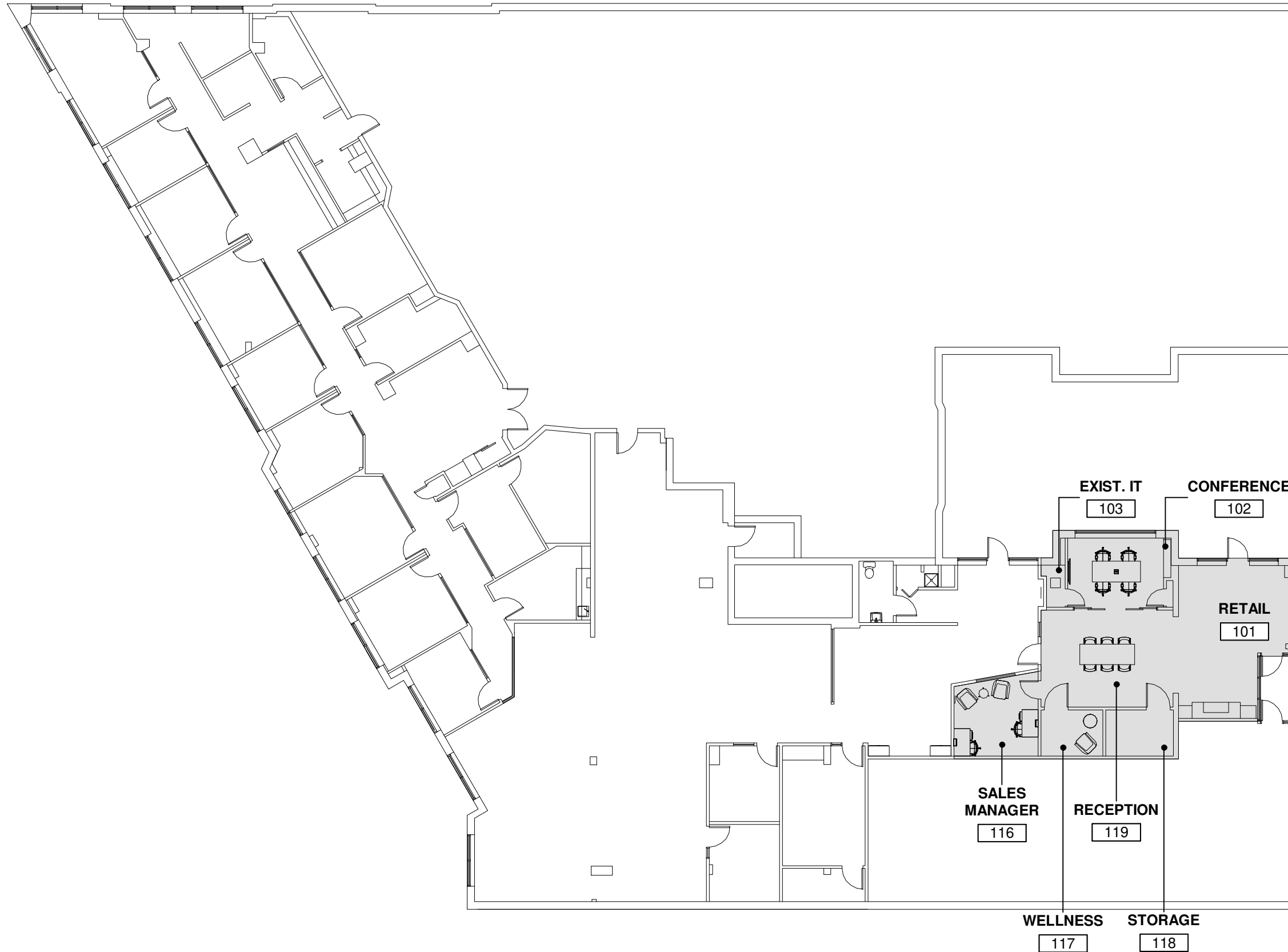
COMPASS

COMPASS
568 LINCOLN AVE.,
WINNETKA, IL 60093

WARE MALCOMB

NJY22-6025-00
05/16/23

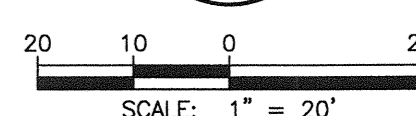
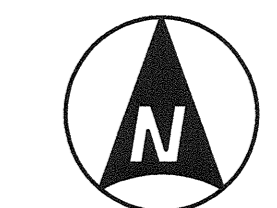
PAGE
SP9



ALTA/ACSM LAND TITLE SURVEY

PROPERTY DESCRIPTION:

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



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

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

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

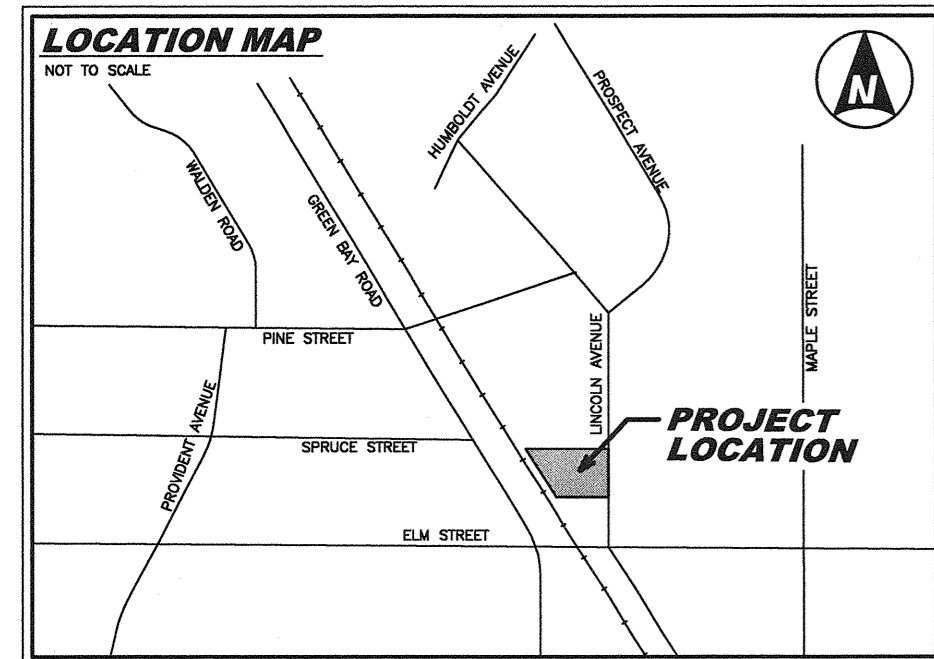


TABLE A OPTIONS

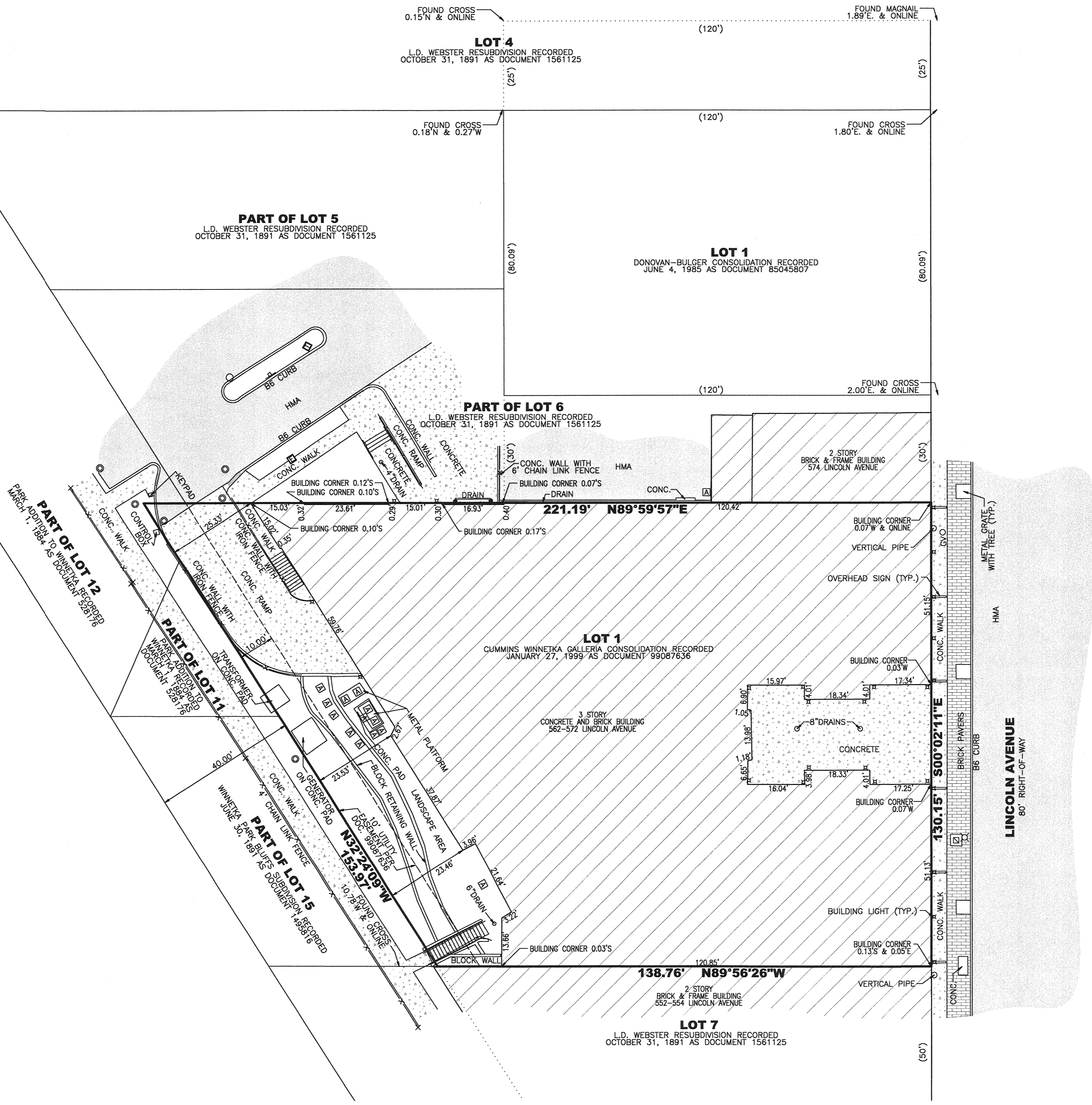
- (CHECKED IF INCLUDED)
- MONUMENTATION
 - ✓ ADDRESS(ES)
 - ✓ FLOOD ZONE
 - ✓ LAND AREAS
 - ELEVATIONS
 - ✓ CURRENT ZONING CLASSIFICATION
 - ✓ CURRENT ZONING CLASSIFICATION AND RESTRICTIONS
 - ✓ BUILDING DIMENSIONS
 - ✓ BUILDING AREAS (EXTERIOR FOOTPRINTS)
 - ✓ OTHER BUILDING AREAS
 - ✓ BUILDING HEIGHT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

GENERAL NOTES:

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

SURVEYOR'S NOTES:

- THIS ALTA SURVEY IS BASED IN PART ON INFORMATION CONTAINED IN COMMITMENT FOR TITLE INSURANCE ISSUED BY PRISM TITLE SERVICES COMMITMENT NO. 15081189 WITH AN EFFECTIVE DATE OF AUGUST 5, 2015, AND HAS BEEN USED FOR APPLICABLE EXCEPTIONS TO TITLE. THE LEGAL DESCRIPTION IS BASED UPON THE ACTUAL SURVEYED LOT. FOR INDIVIDUAL CONDOMINIUM UNITS, SEE EXHIBIT A TO THE DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS FOR WINNETKA GALLERIA CONDOMINIUM ASSOCIATION PLAT OF SURVEY RECORDED SEPTEMBER 14, 2000 AS DOCUMENT NUMBER 00717633.
- TITLE EXCEPTION 16 (PROPERTY SUBJECT TO TERMS, PROVISIONS, COVENANTS, CONDITIONS AND OPTIONS CONTAINED IN AND RIGHTS AND EASEMENTS ESTABLISHED BY THE DECLARATION OF CONDOMINIUM OWNERSHIP RECORDED SEPTEMBER 14, 2000 AS DOCUMENT 00717633, AS AMENDED BY DOCUMENT 0010964912 AND AS AMENDED FROM TIME TO TIME SET. UNPLOTTABLE - SEE DOCUMENT FOR PARTICULARS).
- TITLE EXCEPTION 18 (PROPERTY SUBJECT TO EASEMENT IN FAVOR OF VILLAGE OF WINNETKA BY RESOLUTION NUMBER R-133-98, RESOLUTION NOT SUPPLIED OR REVIEWED FOR SURVEY - SEE RESOLUTION FOR PARTICULARS).
- TITLE EXCEPTION 19 (PROPERTY SUBJECT TO EASEMENT IN FAVOR OF THE VILLAGE OF WINNETKA SHOWN OF THE PLAT RECORDED JANUARY 27, 1999 AS DOCUMENT 99087636, SHOWN HEREON - SEE DOCUMENT FOR PARTICULARS).
- TITLE EXCEPTION 20 (PROPERTY SUBJECT TO ACCESS EASEMENT AGREEMENT MADE BY AND BETWEEN THE VILLAGE OF WINNETKA AND CUMMINS WINNETKA GALLERIA, L.L.C. RECORDED OCTOBER 6, 2000 AS DOCUMENT 00784960. UNPLOTTABLE - SEE DOCUMENT FOR PARTICULARS).
- TITLE EXCEPTION 21 (PROPERTY SUBJECT TO COVENANTS AND RESTRICTIONS CONTAINED IN THE DEED RECORDED OCTOBER 16, 1998 AS DOCUMENT 98920413, WHICH DOES NOT CONTAIN A REVERSIONARY OR FORFEITURE CLAUSE. UNPLOTTABLE - SEE DOCUMENT FOR PARTICULARS).
- TITLE EXCEPTION 24 (PROPERTY SUBJECT TO TERMS, PROVISIONS, AND CONDITIONS CONTAINED IN THE NO FURTHER REMEDIATION LETTER ISSUED BY THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY AND RECORDED MARCH 11, 1999 AS DOCUMENT 99236836. UNPLOTTABLE - SEE DOCUMENT FOR PARTICULARS).
- SURVEY BASED ON FIELD WORK COMPLETED ON 10/21/2015.
- CONTACT J.U.L.L.I.E. AT 1-800-892-0123 FOR EXACT LOCATION OF BURIED UTILITIES PRIOR TO DIGGING.
- OBSERVABLE ABOVE GROUND UTILITIES AND ABOVE GROUND EVIDENCE OF UNDERGROUND UTILITIES LOCATED AND SHOWN HEREON.
- BEARINGS BASED ON ILLINOIS EAST STATE PLANE COORDINATE SYSTEM AND ARE IN THE SAME ANGULAR RELATIONSHIP AS THE RECORDED PLAT OF SUBDIVISION.
- ACCORDING TO OUR INTERPOLATION OF THE FLOOD INSURANCE RATE MAPS THAT COVER THE AREA, THE HEREON DESCRIBED PROPERTY FALLS WITHIN ZONE "X" AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS IDENTIFIED BY THE FLOOD INSURANCE RATE MAP, MAP NUMBER 17031C0251J WITH A MAP REVISED DATE OF AUGUST 19, 2008. SUBJECT TO MAP INTERPRETATION AND SCALING.
- PROPERTY NOT MONUMENTED AT THIS TIME AT CLIENT'S REQUEST.
- THERE ARE NO EXTERIOR PARKING SPACES ON THE SURVEYED LOT. THERE ARE 13 UNDERGROUND PARKING SPACES BASED ON THE EXHIBIT A TO THE DECLARATION OF CONDOMINIUM OWNERSHIP AND OF EASEMENTS, RESTRICTIONS, COVENANTS AND BY-LAWS FOR WINNETKA GALLERIA CONDOMINIUM ASSOCIATION PLAT OF SURVEY RECORDED SEPTEMBER 14, 2000 AS DOCUMENT NUMBER 00717633.



LEGEND:

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

SURVEYOR'S CERTIFICATE:

STATE OF ILLINOIS) S.S.
COUNTY OF COOK)

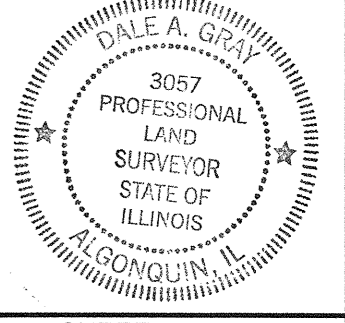
— ELMDALE PARTNERS, LLC
— PRISM TITLE SERVICES

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

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

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

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



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

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

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

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

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

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

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

ATTACHMENT B

**THIS DOCUMENT IS
PREPARED BY AND AFTER
RECORDING RETURN TO:**

Benjamin L. Schuster
Elrod Friedman LLP
325 N. LaSalle St., Suite 450
Chicago, IL 60654



2331822031

Doc# 2331822031 Fee \$88.00

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 11/14/2023 03:21 PM PG: 1 OF 12

VILLAGE OF WINNETKA

ORDINANCE NO. M-13-2023

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

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

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

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

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

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

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

WHEREAS, on May 24, 2023, the Applicant filed an application for a special use permit pursuant to Section 17.44.020.B and Chapter 17.56 of the Zoning Ordinance to allow the operation of a real estate office at the Subject Property ("*Special Use Permit*"); and

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

WHEREAS, the Applicant also intends to incorporate and provide for a portion of the real estate office area to be used as a retail establishment in the space at the front of the building on the Subject Property ("*Retail Area*"); and

WHEREAS, on July 13, 2023, after due notice thereof, the Plan Commission conducted a public hearing on the proposed Special Use Permit and, by a vote of four in favor and two opposed, recommended that the Village Council approve the Special Use Permit; and

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

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

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

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

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

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

5. The Applicant shall actively and continuously market the Retail Area to Vendors when unoccupied, and the Applicant must work with commercial brokers, the Winnetka-Northfield Chambers of Commerce and other chambers of commerce, and the Village to identify potential Vendors to use the Retail Area.
 6. The Applicant shall prepare a plan for shared window signage for the Applicant and Vendor for review and approval by the Village's Design Review Board. The plan must provide for window signage on the Subject Property that identifies the Vendor and Applicant. All signage must comply with the Village's sign regulations. The Applicant will not install or allow to be installed window signage on the Subject Property except in conformance with the plans approved by the Design Review Board. The Applicant shall also submit to the Design Review Board for approval of all other proposed signage including the proposed blade sign, as illustrated in **Exhibit C**.
 7. Prior to the Applicant or first Vendor occupying the Retail Area, the Applicant must schedule an appointment with the Village's Fire Department and Community Development Department to review how the Retail Area will be used by Vendors and the public to ensure that the use of the Retail Area complies with fire code, building egress, and other life safety requirements.
- C. Compliance with Regulations. The development, use, and maintenance of the Subject Property, including the Retail Area, must comply at all times with all applicable Village codes and ordinances, as they have been or may be amended over time.
- D. Reimbursement of Village Costs. In addition to any other costs, payments, fees, charges, contributions, or dedications required under applicable Village codes, ordinances, resolutions, rules, or regulations, the Applicant must pay to the Village, promptly upon presentation of a written demand or demands therefor, of all fees, costs, and expenses incurred or accrued in connection with the review, negotiation, preparation, consideration, and review of this Ordinance. Payment of all such fees, costs, and expenses for which demand has been made shall be made by a certified or cashier's check. Further, the Applicant must pay upon demand all costs incurred by the Village for publications and recordings required in connection with the aforesaid matters.

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

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

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

SECTION 7: EFFECTIVE DATE.

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

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

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

PASSED this 5th day of September, 2023, pursuant to the following roll call vote:

AYES: Trustees Albinson, Apatoff, Dalman, Dearborn, Handler, and Orsic

NAYS: _____

ABSENT: _____

APPROVED this 5th day of September, 2023.

Signed:



Village President

Countersigned:



Village Clerk

Published by authority of the
President and Board of Trustees
of the Village of Winnetka,
Illinois, this 6th day of
September, 2023.

Introduced: August 15, 2023

Passed and Approved: September 5, 2023

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

PARCEL 1:

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

LOT 1 IN CUMMINS WINNETKA GALLERIA CONSOLIDATION PLAT, BEING A SUBDIVISION OF LOT 6 IN LEWIS D. WEBSTER'S RESUBDIVISION OF BLOCK 11 (EXCEPT THE NORTH 75.00 FEET THEREOF); ALSO PART OF LOT 11 AND 12 IN BLOCK 12 IN PARK ADDITION TO WINNETKA SUBDIVISION BY WILLIAM H. CAIRNDUFF; ALSO PART OF LOT 15 IN BLOCK 13 IN WINNETKA PARK BLUFFS, ALL IN SECTION 20, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, FORMERLY KNOWN AS: LOT 15 (EXCEPT THAT PART LYING WEST OF A LINE 50.00 FEET NORTHEASTERLY OF AND PARALLEL WITH EASTERLY LINE OF CHICAGO AND NORTHWESTERN RAILROAD COMPANY RIGHT OF WAY) IN BLOCK 13 IN WINNETKA PARK BLUFFS, BEING A SUBDIVISION BY WILLIAM CAIRNDUFF OF PARTS OF SECTIONS 16, 17, AND 20, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN; AND LOT 11 (EXCEPT WESTERLY 50.00 FEET THEREOF) IN BLOCK 12 IN PARK ADDITION TO WINNETKA SUBDIVISION BY WILLIAM H. CAIRNDUFF OF PART OF SECTIONS 16, 17, AND 20, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN; AND THE SOUTH 5.00 FEET OF LOT 6 IN LEWIS D. WEBSTER'S RESUBDIVISION OF BLOCK 11 (EXCEPT THE NORTH 75.00 FEET THEREOF) AND OF LOTS 6, 8, 9 AND 10 IN BLOCK 12 IN PARK ADDITION TO WINNETKA AFORESAID, EAST OF THE THIRD PRINCIPAL MERIDIAN; AND THAT PART OF LOTS 11 AND 12 IN BLOCK 12 IN PARK ADDITION TO WINNETKA SUBDIVISION BY WILLIAM H. CAIRNDUFF; ALSO PART OF LOT 15 IN BLOCK 13 IN WINNETKA PARK BLUFFS, BEING A STRIP OF LAND 10.00 FEET IN WIDTH MEASURED AT RIGHT ANGLES TO AND LYING SOUTHWESTERLY FROM A LINE 50.00 FEET NORTHEASTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF THE CHICAGO AND NORTHWESTERN RAILROAD COMPANY RIGHT-OF-WAY AND LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 5.00 FEET OF LOT 6 IN LEWIS D. WEBSTER'S SUBDIVISION AND NORTH OF THE SOUTH LINE OF SAID LOT 15 IN BLOCK 13 IN WINNETKA PARK BLUFFS, ALL IN SECTION 20, TOWNSHIP 42 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH SURVEY IS ATTACHED AS EXHIBIT "A" TO THE DECLARATION OF CONDOMINIUM RECORDED SEPTEMBER 14, 2000 AS DOCUMENT 00717633, AS AMENDED BY FIRST AMENDMENT RECORDED OCTOBER 17, 2001 AS DOCUMENT 0010964812 TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS, ALL IN COOK COUNTY, ILLINOIS.

PARCEL 2:

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

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

PARCEL INDEX NUMBERS: 05-20-203-043-1009, 05-20-203-043-1010, 05-20-203-043-1011, 05-20-203-043-1012, 05-20-203-043-1016

EXHIBIT B
FLOOR PLAN

Retail 101 approximately 740 sq. ft.

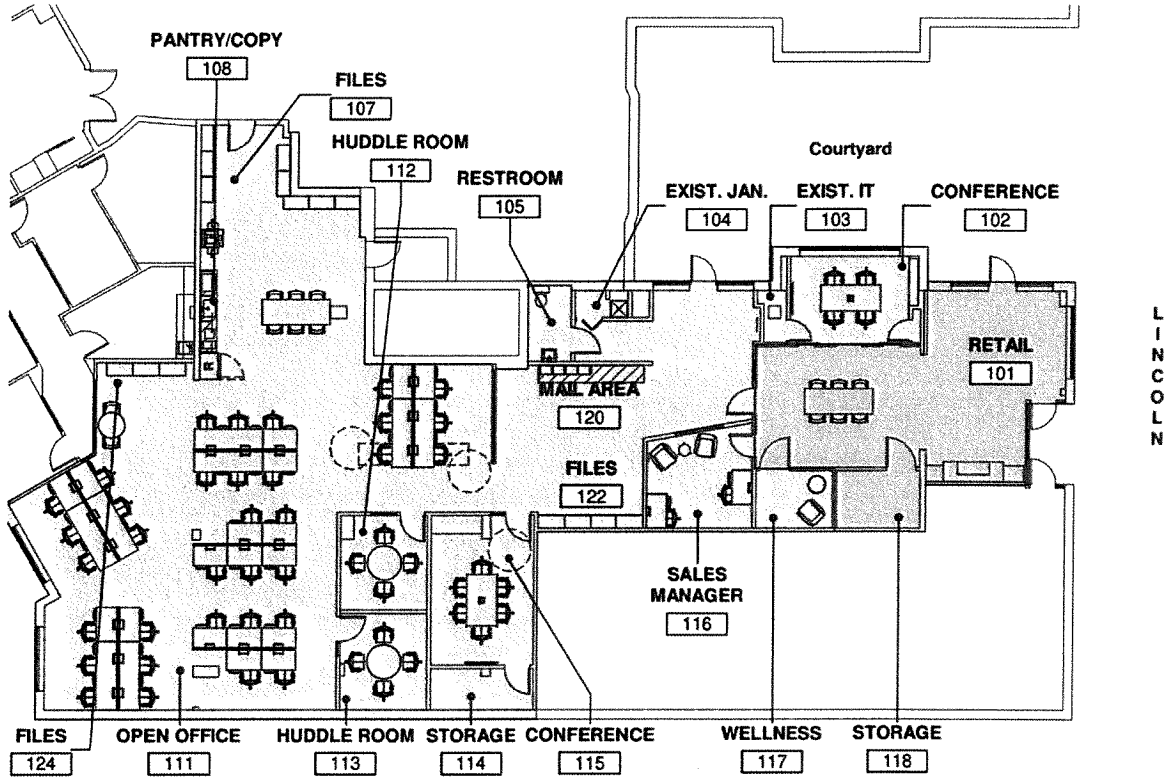


EXHIBIT C



EXHIBIT D

UNCONDITIONAL AGREEMENT AND CONSENT

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

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

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

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

WHEREAS, Ordinance No. M-13-2023, adopted by the Village Council on September 5, 2023 ("*Ordinance*"), grants a special use permit to the Applicant for the operation of a real estate office at the Subject Property within the C-2 Commercial Overlay District of the Village; and

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

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

1. The Applicant and the Owner do hereby unconditionally agree to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Applicant and the Owner acknowledge that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, have considered the possibility of the revocation provided for in the Ordinance, and agree not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Applicant and the Owner acknowledge and agree that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's grant of a special use permit for the Subject Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Applicant or the Owner against damage or injury of any kind and at any time.
4. The Applicant and the Owner do hereby agree to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time,

be asserted against any of such parties in connection with the Village's adoption of the Ordinance granting the special use permit for the Subject Property.

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

Dated: October 2nd, 2023

ATTEST

COMPASS ILLINOIS, INC.

By: [Redacted]

By: [Redacted]

Its: Senior Director, Real Estate

ATTEST:

562-72 LINCOLN AVENUE, LLC

By: [Redacted]

By: [Redacted]

Its: MANAGER

RECEIVED
OCT 12 2023

ORDINANCE NO. M-10-2017

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

(564 Lincoln Avenue)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Pop-Up Retail Area.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 7: EFFECTIVE DATE.

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

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

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

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

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

NAYS: None

ABSENT: None

Signed

s/Chris Rintz

Village President

Countersigned:

s/Robert M. Bahan

Village Clerk

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

Introduced: November 21, 2017

Passed and Approved: December 5, 2017

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

PARCEL 1:

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

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

PARCEL 2:

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

PARCEL 3:

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

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

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

05-20-203-043-1016

EXHIBIT B

FLOOR PLAN

(SEE ATTACHED EXHIBIT B)

Expansion of Existing Real Estate Office

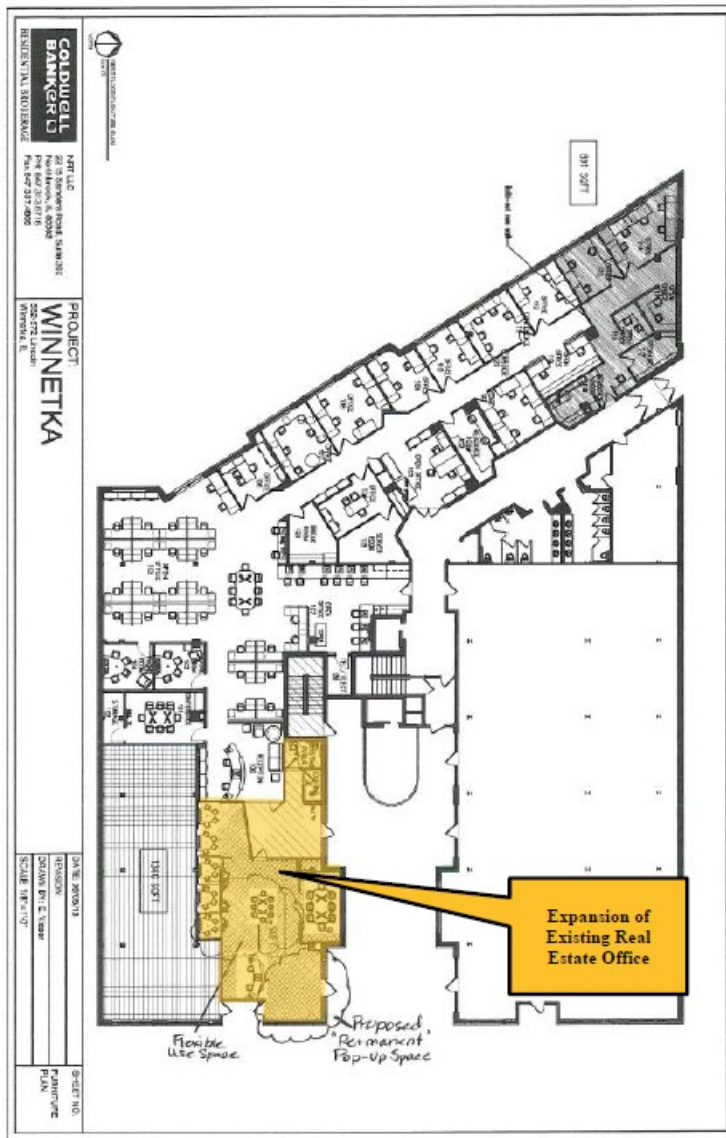


EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

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

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

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

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

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

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

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

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

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

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

Dated: __, 2017

ATTEST:

By: __
Its: __

ATTEST:

By: __
Its: __

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

By: __
Its: __

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

By: __
Its: __