



## PLAN COMMISSION REGULAR MEETING

WEDNESDAY, DECEMBER 18, 2019 - 7:00 p.m.

WINNETKA VILLAGE HALL COUNCIL CHAMBERS – 510 GREEN BAY ROAD

### AGENDA

1. Call to Order & Roll Call.
2. Community Development Report.
3. Public Comment.
4. Approval of October 23, 2019 meeting minutes.
5. **Case No. 19-35-SU: 1015 Tower Court – Sole + Luna:** An application submitted by Sole + Luna seeking a Special Use Permit to allow a wellness center measuring approximately 3,400 square feet in the C-2 General Retail Commercial Zoning District at 1015 Tower Court.
6. Old Business.
  - a. Comprehensive Plan Status Update.
7. New Business
8. Next meeting – Quorum check
  - a. Wednesday, January 22, 2020 Regular Meeting – Comprehensive Plan Study Session
  - b. Tuesday, January 28, 2020 Special Meeting – Consideration of Monthly Applications.
9. Adjournment

Note: Public comment is permitted on all agenda items.

### NOTICE

All agenda materials are available at [villageofwinnetka.org](http://villageofwinnetka.org) (Government > Boards & Commission > Agenda Packets).

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

**510 Green Bay Road, Winnetka, Illinois 60093**

Community Development (847) 716-3520

**WINNETKA PLAN COMMISSION  
MEETING MINUTES  
OCTOBER 23, 2019**

**Members Present:**

John Golan, Acting Chairman  
Mamie Case  
Chris Foley  
Louise Holland  
Bridget Orsic  
Jay Vanderlaan

**Non-voting Members Present:**

Matthew Bradley

**Members Absent:**

Tina Dalman  
Layla Danley

**Non-voting Members Absent:**

John Swierk

**Village Staff:**

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

**Village Attorney:**

Ben Schuster

**Call to Order & Roll Call.**

Ms. Klaassen took roll call vote of the Commission Members present.

**Community Development Report.**

Mr. Schoon stated the Village Council approved the special use for the barber shop for which the Commission forwarded a recommendation. He then stated with regard to recreational cannabis businesses, the Village Council voted not to allow them. Mr. Schoon stated in connection with 880 Willow Road, he informed the Commission it was supposed to be a rehab and after construction began, it was determined more of the structure needed to be replaced and it was reduced down to the foundation on a nonconforming lot which required variations. He stated the request went to the ZBA which recommended approval of the variations.

**Approval of August 7, 2019 meeting minutes.**

Chairman Golan asked for any corrections or a motion to approve. Ms. Orsic noted she submitted corrections earlier which were included. Chairman Golan then asked for a motion. A motion was made by Ms. Holland and seconded to approve the August 7, 2019 meeting minutes, as amended. A vote was taken and the motion passed by unanimous voice vote.

**Approval of August 28, 2019 meeting minutes.**

Chairman Golan asked if there were any corrections or a motion to approve. A motion was made by Mr. Vanderlaan and seconded by Mr. Foley to approve the August 28, 2019 meeting minutes. A vote was taken and the motion passed by unanimous voice vote.

**Case No. 19-26-SU: 454-462 Winnetka Avenue: An application submitted by Sabovic Properties LLC seeking approval of an amendment to an existing Special Use Permit which allows a parking lot but**

1 prohibits the leasing or use of the parking spaces to any person who is not a resident of the building, a  
2 commercial tenant of the building, or an employee of a commercial tenant of the building at 454-462  
3 Winnetka Avenue. The requested relief would allow the leasing of existing parking spaces to non-  
4 tenants and tenant affiliates. The Village Council has final jurisdiction on this request.

5 Ms. Klaassen stated Case No. 19-26-SU for 454-462 Winnetka Avenue is an application submitted by  
6 Sabovic Properties LLC as the owner of the property seeking approval of an amendment to an existing  
7 special use approval to allow leasing existing parking spaces onsite. She noted originally, the application  
8 was for 16 spaces and since the ZBA's review and recommendation, the number was reduced to 12  
9 spaces and the applicant agreed.

10  
11 Ms. Klaassen then stated the subject property is located on the south side of the street on Winnetka  
12 Avenue between Temple Court and the UP railroad tracks. She stated the site contains an existing 3  
13 story mixed use building. Ms. Klaassen stated in October 2001, the Village Council approved Ordinance  
14 M-27-2001 granting a special use permit and renovation to allow the renovation and redevelopment of  
15 the subject property which included replacing and expanding a former gravel parking lot with a paved  
16 surface without the required 5 foot landscape buffer. She noted the ordinance strictly stated that none  
17 of the parking spaces shall be used by or rented to any person that is not either a resident of the  
18 building, a commercial tenant of the building or an employee of a commercial tenant of the building.

19  
20 Ms. Klaassen informed the Commission in April, the Village staff received a complaint from a commercial  
21 tenant on the subject property regarding spaces being leased to New Trier students in violation of the  
22 special use permit. She stated a violation notice was subsequently sent to the property owner and in  
23 July, the applicant met with the Village staff to discuss the violation and the special use permit process.  
24 Ms. Klaassen noted the applicant was informed to cease leasing spaces or request an amendment to the  
25 approved special use and the applicant decided to proceed with the requested special use permit  
26 amendment and commissioned a parking study. She noted the ZBA considered the request on October  
27 14, 2019 and the applicant's legal counsel informed the ZBA the parking lot contained 41 spaces rather  
28 than the 39 spaces considered in the KLOA parking study included in the agenda materials. Ms. Klaassen  
29 added the 39 spaces were included as part of the approval of the special use permit. She informed the  
30 Commission the ZBA voted 5:0 to recommend approval of an amendment to the special use permit to  
31 allow them to lease 12 spaces.

32  
33 Ms. Klaassen then stated since the ZBA meeting, Village staff met with the applicant to verify the  
34 location of the two additional parking spaces not included in the original special use and after consulting  
35 with James Bernal, the Assistant Director of Public Works, it was determined that when Space A is  
36 occupied, it is difficult for larger vehicles to maneuver the drive aisle to Temple Court. Ms. Klaassen also  
37 stated that Space B is also tight when trying to maneuver the same drive aisle. She noted Space B is  
38 designated "compact only" and it was determined that the striping for Space A must be removed and  
39 Space B must be assigned for compact parking only. Ms. Klaassen stated the applicant provided an  
40 amended site plan identifying those two parking spaces with Space A either eliminated or Space B  
41 identified as compact only. She stated the applicant has also confirmed he is in agreement with the  
42 ZBA's recommendation to allow the leasing of 12 spaces rather than 16 spaces in the original request.

43  
44 Ms. Klaassen stated as identified on the amended site plan, the spaces the applicant is requesting to  
45 lease are located in the southern portion of the lot and marked in red. She informed the Commission the  
46 building itself contains approximately 5,500 square feet of office space and 25 apartments. Ms. Klaassen  
47 then stated according to the KLOA parking study on July 25, 2019, approximately 2,100 square feet or  
48 37% of the office space and two of the apartments or 8% were vacant. She stated the parking study

1 points out the number of available parking spaces available for leasing to non-tenant is a function of  
2 having current vacancies in the building and when increased for full capacity, the parking study identifies  
3 the minimum number of available spaces are as low as 7.  
4

5 Ms. Klaassen stated the Commission is to consider whether or not the requested amendment to the  
6 existing special use to allow the leasing of 12 spaces is consistent with the Comprehensive Plan and the  
7 six standards for granting a special use. She then stated following public comment and Commission  
8 discussion, the Commission may make a recommendation to the Village Council regarding the requested  
9 relief. Ms. Klaassen noted a draft motion is included on page nos. 8 and 9 of the agenda report. She  
10 informed the Commission the draft motion includes the two conditions that Space A be removed as  
11 identified on page 5 of the report as well as Space B being identified as "compact only." Ms. Klaassen  
12 then asked if there were any questions.  
13

14 Chairman Golan asked if the neighbors within the appropriate distance receive adequate notification for  
15 this hearing. Ms. Klaassen responded they sent notice for both the ZBA and Commission meetings to all  
16 owners within 250 feet as well as notice being published in the newspaper. Chairman Golan noted there  
17 are no neighbors present to speak. Ms. Klaassen pointed out there was a building resident who spoke in  
18 support of the request at the ZBA meeting.  
19

20 Ms. Orsic asked if the spaces are being leased out, would that be a disincentive to someone trying to  
21 lease the building for retail for example. It was determined the owner would answer. Chairman Golan  
22 asked if in the original plan, the 12 spaces were all in the back of the lot. Ms. Klaassen confirmed all 16  
23 were in the back and referred to the original plan. She also confirmed in the amended plan, most of  
24 them are on the east with 3 spaces on the west side. Ms. Klaassen also confirmed the change was made  
25 to identify the general area of where the leased parkers would park.  
26

27 Chairman Golan then swore in those speaking to this matter.  
28

29 Amro Shamaileh introduced himself as counsel for the owner, Dako Sabovic. Mr. Shamaileh stated they  
30 went to the ZBA with the belief there is room for 16 spaces and following discussion, they agreed to  
31 amend the total to 12. He also stated a resident came in to support the request at the 16 figure. Mr.  
32 Shamaileh then stated as far as the benefit to Winnetka, it was adequately addressed in their  
33 application and he would focus his presentation on the issue of whether there would be congestion, the  
34 issue of the parking spaces and whether it would be a disincentive.  
35

36 Chairman Golan asked Mr. Shamaileh to readdress the issue of how it would be a benefit for Winnetka.  
37 Mr. Shamaileh responded they all know there is a problem with New Trier parking and they want  
38 to lease the parking spaces to the students. He then stated the property is sitting empty which is a prime  
39 spot in Winnetka and with regard to the type of tenants the office building is getting are for tenants who  
40 tend not to come to the building very often thus leaving available parking spaces. Mr. Shamaileh also  
41 stated there is .5 parking spaces per unit being used and described it as a waste of space if it cannot be  
42 used for this benefit. He also stated it would take vehicles off the street and public parking as well as  
43 reduce the number of illegal parking tickets. Mr. Shamaileh added the property would make more  
44 money, along with better property value and taxes would go up. He concluded it would be an all-around  
45 good use of prime Winnetka real estate.  
46

47 Ms. Orsic stated when it was discussed with the ZBA, if someone is coming to look at the property, she  
48 asked if they will say they need more parking space or if there was a clause if a business wanted to come

1 in and more space is needed. She also asked if there were any disincentives. Mr. Shamaileh responded it  
2 is an office building and is not similar to Walgreen's and the building would contain small office tenants  
3 such as an attorney or financial advisor with occasional meeting with clients. He also stated with regard  
4 to the types of tenants who would be interested, the parking study shows they are not ones taking up  
5 the parking spots.

6  
7 Mr. Sabovic stated with the exception of one office, there are meetings there once a week for a student  
8 mental health organization which is the only tenants who wanted more than two spaces. He informed  
9 the Commission currently, half of the tenants do not want parking and those that want parking are  
10 charged \$50 per month and confirmed there are only 10 residents and estimated 10 commercial  
11 tenants occupy parking with over half spaces remaining empty. Mr. Sabovic then stated for the New  
12 Trier students, there are one year leases with a clause to give them 30 days' notice and their fees are  
13 refunded with the space being given back. Mr. Shamaileh added they are willing to pay for parking and  
14 if a tenant wanted to move in, they would let the owner know they would pay for the spot and it did not  
15 have to be used for New Trier students only. Mr. Sabovic also stated there are not assigned spaces and  
16 he would inform them were to park at the beginning of the school year.

17  
18 Mr. Vanderlaan stated his questions related to page 17, item 11 and the consideration of  
19 providing adequate parking in the commercial areas and to make sure he understood how the proposal  
20 would work and the impact on any commercial tenants. He stated the applicant is proposing to lease  
21 spaces to New Trier students and asked if there would be a day and time limit Monday to Friday or it  
22 would be an open ended lease for use all weekend. Mr. Sabovic responded it would only be  
23 for weekdays and there are a few children in extracurricular activities which would stay until 6 or  
24 7pm. Mr. Vanderlaan then stated for the 25 apartments, he asked if there is one space allocated per  
25 apartment. Mr. Sabovic stated he assumed there would be one space per apartment and the tenant  
26 would be required to pay for that space. Mr. Vanderlaan then stated if there are 40 spaces, 25  
27 apartments with 12 of those going to non-tenant leasing, that would leave only 3 spaces to  
28 accommodate commercial tenants. He also stated with regard to the parking study, the request started  
29 with a commercial tenant complaint. Mr. Sabovic informed the Commission the tenant was a previous  
30 tenant who wanted to see his car from his window.

31  
32 Ms. Case stated for the residential tenants, parking is extra and not included with the residential lease.  
33 She asked with the commercial tenants, is that part of their lease. Mr. Sabovic confirmed that is correct  
34 and they allow one space per office. He indicated some commercial tenants have two offices with the  
35 second office being used for clients. He also stated 60% of the offices are unoccupied and they have 8  
36 have vacancies out of 27 offices.

37  
38 Chairman Golan asked who the typical residential renter is. Mr. Sabovic responded divorcees, seniors  
39 and with the exception of only one tenant, no one else has children. Chairman Golan then asked what  
40 the average size of a rental unit is. Mr. Sabovic responded one bedroom units measured 650 square feet  
41 and most of the apartments are one bedroom units and 2 two bedroom units which were previously one  
42 large one bedroom unit. He also stated there are two studios and the rest are one bedroom units.  
43 Chairman Golan asked if there were any other questions. No additional questions were raised at this  
44 time. He then called the matter in for discussion.

45  
46 Mr. Bradley confirmed he would not be voting given the applicant's request was also presented to the  
47 ZBA, which asked many of the same questions as the Commission. He stated the KLOA parking and the  
48 request of the applicant gave them pause with regard to balancing the public benefit of leasing the

1 spaces which are otherwise vacant to be utilized by everyone and they were in favor of that which  
2 would get those vehicles off the street and cure congestion in creative ways. Mr. Bradley stated they  
3 wanted them to be able to maximize the use of the spaces. He then stated in connection with the  
4 parking study and considering what could happen if the building is fully loaded with commercial and  
5 residential tenants, they were worried about that situation creating a capacity problem noting that the  
6 special use should be for a predominately office use. He then stated they are in the position because of  
7 a tenant complaint which was taken into consideration. Mr. Bradley stated they made a judgment to  
8 compromise and they were not aware about the restructuring of what spaces were eliminated. He  
9 concluded by stating for parking, it would be sitting largely open based on the KLOA study and he is in  
10 support.

11  
12 Mr. Vanderlaan agreed the parking study was helpful along with the ZBA comments. He stated he is  
13 concerned about overcapacity but based on the current reality he would be comfortable not letting the  
14 space go to waste. Mr. Vanderlaan also stated they heard if there is the potential if it started to fill up  
15 with tenants and vehicles and commercial tenants who need more space, a 30 day notice can be served  
16 to non-tenant leaseholders. He stated he would suggest putting it into their recommendation that if the  
17 demographic changes down the road, there must be an out-clause for the tenants to make use of space.

18  
19 Ms. Case stated she is in agreement of leasing spaces for non-tenants and that most of the office space  
20 did not have clients coming to the office. She then stated she is in agreement if the New Trier children  
21 have parking relief, it is not a problem. Ms. Holland stated her concern was mainly with the kick-out  
22 clause where the space would return to the building if needed in 30 days. She stated she has no problem  
23 with it as long as when it is needed by a building tenant, the lessee would have to get out. Mr.  
24 Vanderlaan asked Ms. Holland if she would be in favor of recommending that. Ms. Holland confirmed  
25 that is correct. Ms. Orsic stated she agreed with the comments made and she is only concerned with the  
26 dampening effect on a commercial tenant and the need for kick-out clause of 30 days. Mr. Foley stated  
27 he agreed with all of the comments and he had the same concerns in it being a balancing act of the  
28 commercial and residential units versus monetizing parking spaces. He added he found the request to  
29 be credible.

30  
31 Chairman Golan stated he assumed the applicant's preference is for the building to be all rented and not  
32 having to rent spaces to students and he is not sure that capacity is an issue. He stated the other  
33 concern is that he drove by there and on the west side, there is diagonal parking and one lane for a car  
34 but it is not one-way traffic. Chairman Golan stated the arrow is directing drivers south on the west side.  
35 He questioned who would have jurisdiction to have a sign one-way pointing south. He indicated  
36 although that is the way traffic is supposed to flow, there is no sign designated. Mr. Schoon asked if the  
37 concern is exiting from the west side. He then stated a recommendation can be made to add a "Do Not  
38 Enter" sign on the south end of the westerly drive. Mr. Sabovic stated the property dictates which way  
39 to go and confirmed they also inform parents of the direction of traffic.

40  
41 Chairman Golan also stated if the Commission went through the six specific items related to the special  
42 use permit and the Comprehensive Plan, he asked if the spaces can preferentially be leased to Winnetka  
43 residents since they want things which are beneficial to the Village. Ms. Orsic suggested it should be for  
44 any car to be off the street which would be a benefit to the Village. Ms. Case agreed. Mr. Bradley stated  
45 the applicant is already doing it and has 12 leases with New Trier students.

46  
47 Chairman Golan stated the Commission can either go through the items or someone can make a motion  
48 as indicated on page nos. 8 and 9. Ms. Klaassen stated the Commission is to make sure there is no public

comment. Chairman Golan asked if there was any public comment and no comments were made at this time.

Ms. Orsic moved to approve the request pursuant to the findings on page 8 and stated the Commission recommends approval of the special use amendment to the existing special use granted by Ordinance M-27-2001 in order to allow leasing of 12 existing parking spaces to non-tenants and tenant affiliates on the subject property subject to parking leases to non-tenants of the building containing a 30-day termination clause to allow the rental of the parking spaces to future residents, commercial tenants and employees of businesses in the building. Mr. Vanderlaan added a stipulation that parking spot A be removed and parking spot B be labeled "Compact Car Only." Ms. Orsic accepted the addition to her motion.

Several Commission Members seconded the motion. Chairman Golan asked if there was any further discussion and there was none. A vote was taken and the motion unanimously passed.

AYES: Case, Foley, Golan, Holland, Orsic, Vanderlaan

NAYS: None

NON-VOTING: Bradley

#### **Training session regarding the conduct of meetings.**

Mr. Schoon stated they have been going through training sessions with the Boards and Commissions which started with the Planned Development Commission where Mr. Schuster gave a presentation on the rules and procedures related to the conduct of meetings. He stated the liaisons found the discussions beneficial and noted Mr. Schuster has since added items to the presentation.

Ben Schuster introduced himself to the Commission as the Village Attorney and stated the goal is to make the presentation interactive and for the Commission Members to ask questions as they go through the presentation. He stated they would also talk about ethics which was not discussed with the Planned Development Commission.

Mr. Schuster began by stating with regard to jurisdiction, under the code, the Commission is a 10 member body containing six members At-Large and ZBA, LPC and EFC liaisons as well as a trustee representative. He noted there are several different things under the Village code in terms of jurisdiction. Mr. Schuster stated the Commission is tasked with forming the Comprehensive Plan and making recommendations on the Comprehensive Plan. He added they are also tasked with reviewing land subdivisions, special use permits, wireless telecommunications facilities and text and map amendments.

Mr. Schuster stated he would first focus on special uses and stated it is not an ad hoc. He noted the Commission is not tasked with deciding whether a special use is good or bad and stated special uses are allowed. Mr. Schuster stated they are saying a use is allowed in the zoning district while recognizing there may be a need to regulate it. He described two examples from the code in the PowerPoint presentation, the first of which is a photograph of drive-thru's which are special uses. Mr. Schuster stated traffic flow is the most obvious item to regulate. He then stated drive-thru's would come before the Commission even though they are allowed, but it may not be a good idea on a particular lot. Mr. Schuster stated they can say to allow it but not during rush hour for example. He then referred to the second photo which is a taxidermist which is allowed by code in some districts. Mr. Schuster indicated there may be something about it they do not want such as the smell and they can say it can be done but

1 the onerous smell is not appropriate. Mr. Schuster referred to such a use being located at the Little  
2 Ricky's location which may not be appropriate. He noted the code can be amended to say something is  
3 no longer a special use if there are too many.  
4

5 Ms. Holland stated she was under the impression a drive-thru is only allowed on Green Bay Road and  
6 asked if the code changed. Mr. Schoon responded he did not recall. Ms. Holland then referred to North  
7 Shore Community Bank which asked for a drive-thru exiting on Lincoln years ago. Mr. Schuster stated he  
8 would have to look at it. He then stated while the idea is that they would be okay with it in some cases,  
9 it may have externalities which need to be addressed.  
10

11 Mr. Schuster stated in the code, there are standards for special uses and identified the standards to be  
12 applied. He referred to the standard of a special use not being detrimental to or endangering the public  
13 health, safety, comfort, morals or general welfare and for a taxidermy use, the chemicals addressed in  
14 the application is how that standard would be applied. Mr. Schuster also stated there are standards that  
15 can apply in the C-2 Commercial Overlay District. He then stated with regard to text amendments, there  
16 are standards for those too as well as subdivision standards and his best advice is for the Commission to  
17 follow the standards. Mr. Schuster added the standards are also a tool for challenging cases to use for  
18 discussion and deliberation with there being no need to read out each standard as mentioned in the last  
19 application.  
20

21 Mr. Schuster stated a question was raised at the Planned Development Commission meeting which was  
22 whose burden is it to prove that the standards have been met with the response being it is the  
23 applicant's burden. He stated if an applicant cannot answer, the standards have not been met. Mr.  
24 Schuster noted the Village staff can assist but the applicant is responsible and they are to put the onus  
25 on the applicant to bring the evidence the Commission needs.  
26

27 Mr. Schuster then stated with regard to the Open Meetings Act, the Commission is required to follow it.  
28 He noted it governs public meetings and the meetings have to be open to the public. Mr. Schuster  
29 stated in terms of what is a meeting, he stated it is a gathering which applies to any contemporaneous  
30 communications between a majority of a quorum discussing public business which can happen in many  
31 situations. Mr. Schuster indicated it can be by telephone, emails, group texts or messaging apps which  
32 are considered a meeting if discussing public business. He noted in connection with a majority of a  
33 quorum, there are 10 appointed Commission Members and a quorum is five since one Commission  
34 Member is ex officio. Mr. Schuster also informed the Commission a majority of a quorum is three  
35 members and qualifies as a meeting.  
36

37 Mr. Schuster went on to state with regard to public business, it is matters of the public body and does  
38 not apply to purely political matters such as an election and political party matters, social matters or  
39 private business matters. He then referred the Commission to a photo of members of a public body  
40 talking. Mr. Schuster stated under the Open Meetings Act, when they have contemporaneous  
41 communications about public business with a majority of a quorum, they have to give public notice 48  
42 hours in advance, post an agenda and the discussion has to happen during that noticed meeting. Mr.  
43 Schuster stated in this photo, it represented the most popular violation of the Open Meetings Act and  
44 referred to what happens before and after the gavel bangs. He then stated if three Commission  
45 Members start talking about what is on the meeting before the gavel that is not a properly noticed  
46 meeting and considered outside of the agenda which is where the violation of the Open Meetings Act  
47 occurs. Mr. Schuster also stated the public is milling about and are watching the Commission commit a  
48 criminal act. He informed the Commission the best advice is to make sure they only talk about what

1 is not on the meeting agenda.  
2

3 Mr. Schoon referred to the previous item and when it goes on to the Village Council, he asked if  
4 the Commission can still talk about it. Mr. Schuster responded it is about business and his advice would  
5 be not to get into a whole conversation. Chairman Golan asked if two Commission Members are talking  
6 which is not a majority of the quorum, is that permitted. Mr. Schuster confirmed that is correct. Mr.  
7 Bradley referred to contemporary communications having to be among everyone and whether everyone  
8 can hear the communications, he stated the fact they are in the same chamber does not matter. He  
9 then stated for three Commission Members at Little Ricky's and talking about an application that  
10 violated the Open Meetings Act. Mr. Schuster confirmed that is correct and stated three people have to  
11 be part of the conversation. He then referred to city council meetings in Chicago and it matters who is  
12 part of the conversation. Mr. Schuster then stated before and after the gavel, to not talk is the takeaway  
13 and they also cannot restart the conversation after the gavel.  
14

15 Mr. Schuster went on to state with regard to "reply all", he asked if that is permitted with the answer  
16 being it is not. He confirmed there is no need to be physically present and if one Commission  
17 Member hits reply all, it could become a public meeting which is in violation of the Open Meetings Act.  
18 Mr. Schuster informed the Commission that courts have not interpreted if reply all responses which are  
19 spaced 12 hours out for example is a violation. Ms. Holland stated if they get an email and want to talk  
20 to the Commission Members, they do not want to put the onus on the Village and asked if they can  
21 converse with a non-majority of the quorum. Mr. Schuster responded if they want to talk to another  
22 Commission Member via email or phone, that is fine but once there are three Commission Members  
23 that is the concern.  
24

25 Mr. Schuster then stated they must have an agenda and minutes and noted the Commission can  
26 consider items not on the agenda. He then stated if they want to talk about One Winnetka that would  
27 be fine. Mr. Schuster noted the Commission cannot take final action on matters not on the agenda and  
28 that actions are voidable if not they are properly noticed on the agenda.  
29

30 Mr. Schuster stated with regard to public comment, he referred to a video in the PowerPoint  
31 presentation. He then asked did the Commission have to allow an obnoxious person to give public  
32 comment. Ms. Orsic stated they can limit a speaker's time to three minutes. Ms. Holland stated they  
33 cannot limit content. Mr. Schuster confirmed they cannot stop someone from speaking even on matters  
34 which are not relevant or on the agenda. He stated if a speaker attacks public officials for example, any  
35 person shall be permitted an opportunity to address public officials under the rules established by the  
36 public body. Mr. Schuster also stated with regard to time limits, the Commission can impose a three  
37 minute limitation. He then stated each speaker should state their name and address but are not  
38 required to disclose their actual address or name. Mr. Schuster stated the Commission can ask that  
39 people do not repeat themselves and for statements to be directed to the Chair and Commission  
40 Members. He also stated public comment can last for 30 minutes and if it cannot be wrapped up, they  
41 can stop it and complete the agenda items and then take it up at the end of the meeting. Mr. Schuster  
42 informed the Commission the Open Meetings Act requires training and once they are sworn in, they  
43 have 90 days to complete training.  
44

45 Mr. Schuster then stated there can be a civil suit if there is a violation of the Open Meetings Act and the  
46 state's attorney's office can bring criminal charges with a fine and imprisonment of up to 30 days. He  
47 noted it has happened before where there was a claim that public comment was stifled. Mr. Schuster  
48 asked if there were any questions and no questions were raised at this time.

1 Mr. Schuster went on to state with regard to procedure, he referred to the rules and  
2 procedures adopted at the Planned Development Commission meeting and referred to having rules that  
3 govern the procedure of this body. He then stated in connection with the order of business on page 2, it  
4 talks about the conduct of public hearings and also gets into the public hearing and the rules governing  
5 them. Mr. Schuster stated they want it to be fair to everyone and to ensure they are following  
6 procedure.

7  
8 Mr. Schuster stated with regard to voting, a required vote is a majority of the Commission Members  
9 present. Mr. Schoon referred to a situation where there is a recommendation and only six Commission  
10 Members are present and the vote is 3 to 3. Mr. Schuster responded a tie vote is not a passage and the  
11 vote would fail. He stated it then goes back for another motion to be made and that conditions can be  
12 suggested. Mr. Schuster also stated on a failed motion, the Commission can continue the matter to  
13 another meeting or add more conditions. He indicated there may be another Commission Member who  
14 shows up at the next meeting. Mr. Schuster also stated if they cannot get to a non-tie vote, there is an  
15 obligation to the applicant to be able to move on and they can relay it to the Village Council for a final  
16 vote.

17  
18 Mr. Schuster then stated the rules should govern the order of business with there being public hearing  
19 rules and they adopted Robert's Rules of Order. He also stated for motions, the Chair cannot make a  
20 motion and motions must be seconded. Mr. Schuster stated if a person is making a motion, they are to  
21 refrain from speaking against it but can vote against it. He also stated if you second a motion, you can  
22 speak and vote against it.

23  
24 Mr. Schuster stated with regard to public hearings, he referred to the case, Klaeren v. Village of Lisle and  
25 that interested parties are entitled to due process including the right to present evidence, testimony and  
26 expert witnesses. He stated they have the right to subpoena records and cross-examine witnesses  
27 presented by other parties. Ms. Case stated in connection with cross examination, she asked if a  
28 member of the public could ask the applicant questions outside of the public comment portion of the  
29 meeting. Mr. Schuster responded they are separate and during the public hearing on the application,  
30 these rules would apply in addition. He also stated the applicant can ask questions of the public  
31 commenter. Mr. Schuster described it as rare. He then stated the rules lay out the procedure and  
32 referred to page 5 which includes an introduction by the Chair, swearing in of witnesses, Village staff  
33 presentation, applicant presentation, the Commission's questions to the applicant then it would be open  
34 to the public for testimony. Mr. Schuster stated as part of that, there would be a cross examination  
35 opportunity after public comment. He indicated it is the right of the applicant to respond to public  
36 comment, then there would be deliberation and a decision. Mr. Schuster also stated there is the right of  
37 the applicant to request a continuance and notice is required via publication in the newspaper and/or  
38 mail.

39  
40 Mr. Schuster stated the Commission is not to engage in ex parte communications outside of this forum  
41 since it would be a due process violation. He stated they are also not to consider evidence not presented  
42 at a hearing. Mr. Schoon stated at the Planned Development Commission meeting, they discussed how  
43 community members may email Planned Development Commission members and they encouraged  
44 them to forward that communication on to the Village staff to distribute to the rest of the Commission.

45  
46 Mr. Schuster asked the Commission what they should do if a resident approaches them in the  
47 supermarket to discuss a special use application. Mr. Foley responded they should encourage them to  
48 come to the meeting. Mr. Schuster confirmed that is correct. He stated those people can also email

1 Village staff. Mr. Schuster then asked the Commission if a controversial restaurant is applying for a  
2 special use, can they ask fellow residents for their opinion. He then stated he would not suggest they do  
3 that since the applicant would not have the ability to respond and would lead to a problem.

4  
5 Mr. Schuster stated the Commission is to do their homework but not perform their own investigation.  
6 He also stated they are not to walk onto a property to investigate since that is trespassing. Mr. Schuster  
7 also stated it could be a due process problem. Ms. Holland informed the Commission the LPC gives  
8 awards to residential residents who fill out an application and they let the applicant know single LPC  
9 members would be walking around their property. Mr. Schuster responded that is fine as long as there is  
10 no trespassing. He stated the question is whether it is a public hearing. Mr. Schuster stated there is a  
11 due process involving a property when they are impacting property rights and if they are giving  
12 someone an award, they have no right to due process and is not improper. Mr. Schuster stated it would  
13 be absolutely fine but is different for zoning.

14  
15 Ms. Case stated for front yard and side yard setback issues, she asked if it is okay to drive by the  
16 property. Mr. Schuster stated the applicant has to have a chance to respond. Chairman Golan referred  
17 to when he drove by the property for the previous application and Mr. Schuster stated that is fine as  
18 long as the applicant has the opportunity to respond. Mr. Foley referred to driving by a property and  
19 making a decision which is not based on visual inspection where he would now be better informed but is  
20 not basing the decision on a bad day. Mr. Schuster stated ultimately, the idea here is fairness and when  
21 there are big developments or an issue or controversy, there are some plan commissions which have a  
22 meeting at the location. He then stated proper notice is made to go to property and to come back to  
23 deliberate.

24  
25 Mr. Schuster then stated with regard to notice, he asked the Commission what should they do if  
26 someone alleges that notice was not properly provided. He stated there are several options,  
27 including for the individual making the accusation, they are here and can give comment which cures the  
28 problem. Mr. Schuster stated the Commission can also leave the decision to the applicant since it is their  
29 risk and not the Commission's. He stated the Commission can also continue the hearing to another date.  
30 Mr. Foley asked can they make a finding adequate notice was given. Mr. Schuster responded the  
31 Commission can do that and stated a finding is not going to cure the problem if it was not done  
32 properly.

33  
34 Mr. Schuster stated all testimony is to be given under oath and recommended they swear people in  
35 including applicants, opponents, members of the public and the Village staff. Mr. Bradley stated for Ms.  
36 Klaassen giving a summary on the previous application, he asked does she have to be sworn in. Mr.  
37 Schuster responded it depends on what she says but not if she is reading information and is only  
38 providing information and not evidence.

39  
40 Mr. Schuster also stated the Commission should enforce consistent time limits. He indicated speakers  
41 can come back at the end if time allows for it at the end of meeting and the Commission can also  
42 prohibit or restrict additional comments from prior speakers. Mr. Schuster noted comments and  
43 questions should be directed to the Chair and the Chair is not obligated to provide a response. He then  
44 stated they are to discourage cheering and booing and should guide big crowds in terms of order for  
45 testimony, all of which makes for a more civil public hearing. Mr. Schuster asked if there were any  
46 questions. No questions were raised at this time.

47  
48 Mr. Schuster went on to state with regard to FOIA, it states: "All records in the custody or possession of

1 a public body are presumed to be open to inspection or copying. Any public body that asserts that a  
2 record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is  
3 exempt." He noted public records included all materials prepared by or for, used by, received by, in  
4 possession of, or under control of, a public body relating to public business. Mr. Schuster stated it  
5 applies to paper, electronic communications, etc. He then asked if the Commission Members are subject  
6 to FOIA and responded it depends on who it goes to. Mr. Schuster stated if it goes to Mr. Schoon, it  
7 would be in the possession of the Village since the email account is on the Village server. Mr. Schuster  
8 then stated if it is between two people who are not using Village email addresses, it would not be under  
9 the control or possession of the Village and if it is not on the Village server, it is not subject to FOIA.

10  
11 Mr. Schuster referred to the case City of Champaign v. Madison where members were seen  
12 communicating via text messages and a reporter asked for that information and the city denied it. He  
13 then stated the appellate court overturned it since it related to public business. Mr. Schuster stated they  
14 should assume the record will be public if it is written. He added the "confidential" label does not work  
15 and the Commission Members should avoid long email chains.

16  
17 Mr. Schuster stated with regard to ethics, he referred to statutory conflicts of interest. He stated it  
18 included the Public Officer Prohibited Activities Act which stated you cannot have a direct or indirect  
19 interest in a contract or work where an official may be called upon to act or vote. Mr. Schuster stated it  
20 also included you cannot represent a person seeking a contract or work and cannot take a bribe or  
21 gift. He noted under the municipal code, you cannot have direct or indirect interest in a contract, work  
22 or business of the Village and you cannot have a direct or indirect interest in the purchase of Village  
23 property. Mr. Schuster informed the Commission that common law conflicts of interest arises when an  
24 official action could result in a personal advantage or disadvantage to the interested official. He stated  
25 resolutions are publically disclosing the conflict before or during deliberations and they are to refrain  
26 from participating in any way in the deliberation or action. Mr. Schuster indicated it is best to leave the  
27 room as well as abstain from voting. He also stated they have to determine if they would be uniquely  
28 impacted and it is best to ask questions to determine if there is a conflict of interest and it would be up  
29 to the Commission to make the determination. Mr. Bradley asked if he would need to disclose if there is  
30 a relationship with an applicant. Mr. Schuster responded there is no technical rule with regard to the  
31 need to recuse. He referred to the appearance of impropriety adopted in other communities and it is  
32 best to disclose and abstain from the matter and the question is whether you can be fair.

33  
34 Mr. Schuster then stated with regard to the gift ban act, a public officer or employee (or spouse or  
35 immediate family member) cannot solicit or accept any gift from a prohibited source. He described a  
36 prohibited source as anyone who seeks official action by the Commission and ZBA; does business or  
37 seeks to do business with the Commission or ZBA. Mr. Schuster also stated it includes any tangible or  
38 intangible item that has monetary value. He noted exceptions are educational materials or missions,  
39 food or refreshments not exceeding \$75 per person per day; lawful campaign contributions; gifts based  
40 on personal friendships and any items from one prohibited source during a calendar year with a total  
41 value of less than \$100. Mr. Schuster informed the Commission the acceptance of a gift can be returned  
42 or giving it to charity. He then asked if there were any questions.

43  
44 Ms. Case thanked Mr. Schuster for the presentation. Mr. Schoon stated with regard to Ms. Holland's  
45 comment with regard to drive-thru's, the code stated it has to have access to a primary street.

46  
47 Chairman Golan asked if there were any other questions. No additional questions were raised at this  
48 time.

**Comprehensive Plan Update**

Mr. Schoon stated the evaluation committee selected a consultant to work with the Village and they are still finalizing the agreement and negotiating details. He stated they plan to have an agreement before the Village Council at the November 5, 2019 meeting and then they would start work and it would be a month or so before they get to the Commission to gather input.

**Other Business**

Chairman Golan asked if there was any other business. He referred to whether the Commission would want to develop its own set of rules or adopt these rules. Mr. Schoon stated they would prepare a document for the Commission's consideration and they have a good template to start with. He then stated they would do a regular quorum check for the November 20, 2019 meeting.

**Adjournment**

The meeting adjourned at 9:16 pm.

Respectfully submitted,

Antoinette Johnson

Recording Secretary



# MEMORANDUM VILLAGE OF WINNETKA

## COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** PLAN COMMISSION  
**FROM:** ANN KLAASSEN, SENIOR PLANNER  
**DATE:** DECEMBER 10, 2019  
**SUBJECT:** CASE NO. 19-35-SU: 1015 TOWER COURT - SOLE + LUNA - SPECIAL USE PERMIT

### INTRODUCTION

On December 18, 2019, the Plan Commission is scheduled to hold a public hearing on an application filed by Sole + Luna (the "Applicant"), concerning a Special Use Permit in accordance with Chapter 17.44 [C-2 General Retail Commercial District] and Chapter 17.56 [Special Uses] of the Winnetka Zoning Ordinance to allow a wellness center measuring approximately 3,400 square feet at 1015 Tower Court (the "Subject Property"). The Applicant is the lessee of the Subject Property, which is owned by the Lucy Mazzetta Declaration Trust dated May 31, 1990 (the "Owner").

Additionally, this application is subject to review by the Zoning Board of Appeals (ZBA). On December 9, 2019, the ZBA considered the application. Details regarding the ZBA's review of the application are provided on page 4 of this report. The Special Use Permit is subject to final approval by the Village Council.

A sign has been posted on the Subject Property indicating the time and date of the Plan Commission public hearing. A mailed notice has been sent to property owners within 250 feet in compliance with the Zoning Ordinance. The hearing was properly noticed in the *Winnetka Current* on November 27, 2019. As of the date of this memo, staff has not received any written comment from the public regarding this application.

### PROPERTY DESCRIPTION

The Subject Property is one of the commercial spaces located in the one-story commercial building at 1015 Tower Court, located on the west side of Tower Court between Tower Road and Gage Street. The space at 1015 Tower Court is currently unoccupied and was most recently occupied by *Sawbridge Studios* until earlier this year. *Strength Time*, a personal training facility, is located north of the Subject Property, and *BP*, a gas station, is located south of the Subject Property. The Applicant is not proposing to occupy the former *Sawbridge Studios* space on Green Bay Road. Figures 1 through 4 later in this report identify the Subject Property.

The Subject Property is located in the Village's C-2 General Retail Commercial District, but it is located outside of the Commercial Overlay District.

## RECENT CHANGES TO COMMERCIAL ZONING REGULATIONS

On April 4 2019, the Village Council adopted Ordinance MC-01-2019, amending the Zoning Ordinance regarding uses and regulations in the three commercial zoning districts. The amendments went into effect on July 4, 2019. The amendments included new definitions for allowed land uses, as well as newly listed land uses that are now allowed in the Commercial Districts. The amendments were intended to increase the number and types of businesses permitted in the various commercial zoning districts. As part of that effort, a new land use titled "Personal Fitness Studio" was established to differentiate such uses from the already listed "Health Club" in the Zoning Ordinance. Prior to the changes adopted earlier this year, all personal fitness related uses such as yoga and Pilates studios were classified as a "Health Club," which required that all such uses be evaluated as a special use, regardless of whether the use would be located within or outside the Commercial Overlay District. With the recent amendment, a personal fitness studio measuring less than 2,500 square feet is a permitted use if it is located in the C-2 General Retail District and outside of the Commercial Overlay District. The following are the new definitions of "Health Club" and "Personal Fitness Studio:"

*Health Club. "A commercial establishment: (i) where physical activity for personal wellness is taught, practiced or studied, including, without limitation, racquet sports, swimming, yoga studios, exercise studios, and dance studios; and (ii) which measures 2,500 square feet or greater of gross floor area."*

*Personal Fitness Studio. "A commercial establishment: (i) where physical activity for personal wellness is taught, practiced or studied, including, without limitation, yoga studios, exercise studios, and dance studios; and (ii) which measures less than 2,500 square feet of gross floor area."*

Health Clubs are still allowed as a special use in the C-2 General Retail District as well as the Commercial Overlay District. Personal fitness studios are a permitted use in the C-2 General Retail District and are allowed as a special use in the C-1 Neighborhood Commercial District and the Commercial Overlay District.

The application currently before the Board is subject to review as a special use as the proposed use is classified as a "health club" because the occupancy of the proposed use would measure approximately 3,400 square feet.

## HUBBARD WOODS BUSINESS DISTRICT

A map depicting the zoning classifications of the Hubbard Woods Business District is included as Figure 1 on the following page. 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.

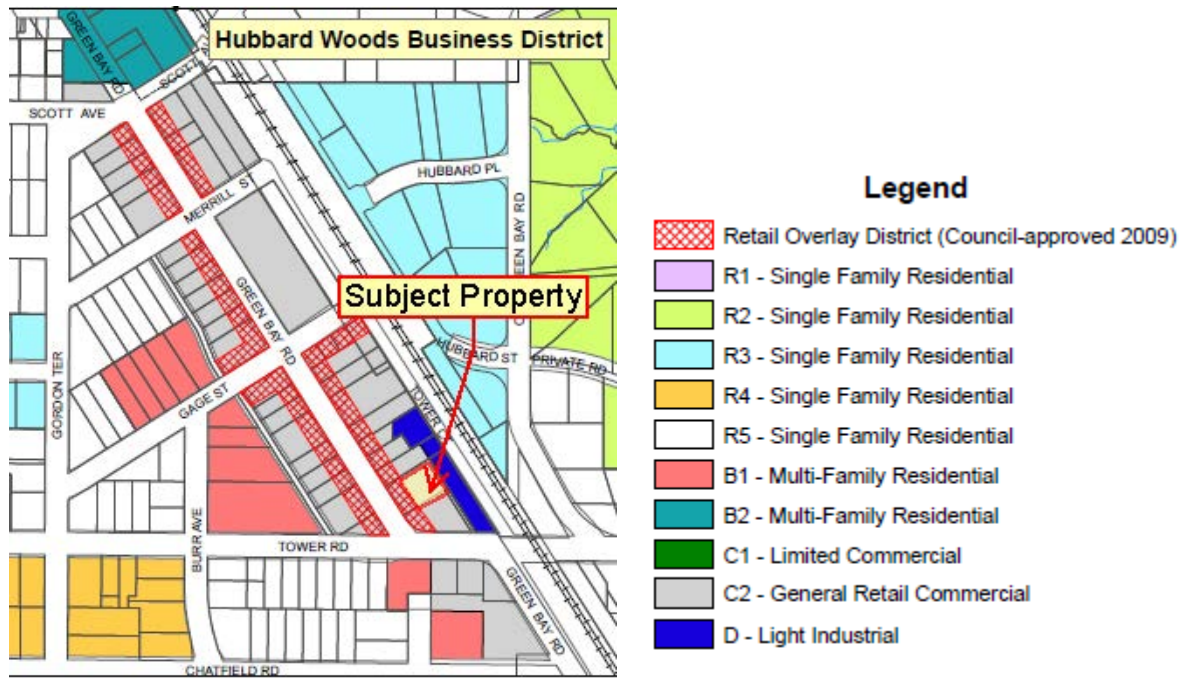


Figure 1 – Hubbard Woods Business District Zoning Map



Figure 1A – Location Map – 1015 Tower Court

## DESCRIPTION OF REQUEST

The Applicant is proposing to operate Sole + Luna, a wellness studio, in the approximately 3,400 square foot space at 1015 Tower Court. As previously noted, the space was previously occupied by *Sawbridge Studios* and has building street frontage on Tower Court. According to the Applicant's responses to the special use permit standards, which are provided in Attachment A of this report, Sole + Luna will

provide services to improve mind, body, and soul and will also provide a variety of unique retail products that are not currently offered in the area. The Applicant explains that the operation would be a “by appointment” based business, open 5 to 6 days a week. Through a combination of monthly memberships, packages and single session pricing, Sole + Luna would offer a variety of daily self-care and wellness services. The space would provide room for 5-7 customers to receive wellness services or treatments that last from 8 minutes to 60 minutes. The Applicant also intends to hold classes and workshops that would take place sporadically and would accommodate a maximum of 20 guests. In terms of employees, the Applicant expects to have no more than 2-3 employees between the hours of 9:30am and 6pm.

In lieu of a professional parking study prepared for Sole + Luna, the Applicant has submitted a narrative description of parking spaces in the area and the anticipated parking usage of their clients and employees. The Applicant’s analysis is included in the attached application materials (Attachment A). Director of Public Works Steve Saunders has evaluated the analysis and issued favorable comments to the ZBA and Plan Commission in a memorandum dated November 26, 2019. Mr. Saunders’ memo is included in this report as Attachment B.



**Figure 2 – Subject Property**

#### **CONSIDERATION BY OTHER ADVISORY BOARDS/COMMISSIONS**

The Zoning Board of Appeals (ZBA) considered request on December 9, 2019. After hearing from the Applicant, and no members of the public, the ZBA recommended, by a vote of 4-0, with one recusal, to recommend approval of the special use permit.



**Figure 3 – Subject Property and *BP* (south neighbor)**



**Figure 4 – Subject Property (*BP* to south and *Strength Time* to north)**

## FINDINGS

In the attached application materials submitted by the Applicant, the Applicant has provided a statement of justification regarding how the requested Special Use Permit meets the standards for granting the requested Special Use Permit. Does the Plan Commission find that the requested Special Use Permit meets the standards for granting such special use; and if so, is the Commission prepared to make a recommendation to the Village Council regarding the requested relief? If so, a Plan Commissioner may wish to make a motion recommending approval or recommending denial based upon the following:

Move to recommend **approval [denial]** of the requested special use **to allow a wellness center measuring approximately 3,400 square feet on the Subject Property**, based on evidence in the record, or a public document, and upon the following findings of fact:

1. "The proposed wellness center is consistent with the Standards for the granting of Special Use Permits, as follows:
  - 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;
  - d. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public ways;
  - e. That adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the special use exist or are to be provided; and
  - f. That the special use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes."

In addition, the Commission may also wish to consider if there are any conditions it may want to recommend placing on the proposed use. If the Commission chooses to place conditions as part of its recommendation, it will want to include the conditions at the end of the findings of fact.

## ATTACHMENTS

Attachment A: Application Materials

Attachment B: Saunders Memo dated November 26, 2019

ATTACHMENT A

Village of Winnetka  
SPECIAL USE PERMIT APPLICATION

VILLAGE OF WINNETKA, ILLINOIS  
DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL USE PERMIT APPLICATION

Case No. 19-35-SU

Property Information

Site Address: 1015 TOWER CT.

Applicant Information

Name: SOLE + LUNA  
Primary Contact: Amy Bradley, Jessica Dietrich  
Address: [REDACTED]  
City, State, ZIP: WINNETKA, IL 60093  
Phone No: [REDACTED]  
Email: sole.luna.wellness@gmail.com

Architect Information

Name: Euro Craftsmen  
Primary Contact: Vidas Butkus  
Address: \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_  
Phone No. 773-251-3857  
Email: vidas@euro-craftsmen.com

Owner Information

Name: LDNA MANAGEMENT GROUP, LLC  
Primary Contact: GREGORY HUGHES - MANAGING AGENT  
Address: 2737 CENTRAL STREET  
City, State, ZIP: EVANSTON, IL 60201  
Phone No. 847-869-4200  
Email: GREG@SCHERNERHORN-REAL ESTATE.COM

Attorney Information

Name: TBD  
Primary Contact: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone No. \_\_\_\_\_  
Email: \_\_\_\_\_

Applicant Signature

Property Owner Signature

Date: 11/6/2019

Date: 11/6/2019

# SOLE + LUNA

## WELLNESS STUDIO

Founders Amy Bradley & Jessica Dietrich

### **WHERE IT ALL BEGAN:**

Between a Hong Kong relocation assignment and a courageous battle with Breast Cancer, the exposure to the importance of self care, wellness and health was born. Amy and Jessica have come together to curate a unique offering of services that encourage clients to escape the daily race and do something important for their health and vitality in a relaxed setting.

### **MISSION:**

SOLE + LUNA is a sanctuary where clients can create a self care and wellness rituals with modern technology and research.

### **PLAN:**

Through a combination of monthly memberships, packages and single session pricing, SOLE + LUNA will offer the following **daily** services:

- LOCAL CRYO THERAPY/FACIALS
  - Reduces inflammation
  - Alleviate aches and pains
  - Reduces swelling
  - Produces surge of collagen in facial
  - Reduces fine lines and wrinkles in facials
  - Reduces acne in facials
- INFRARED SAUNA
  - Boosts metabolism
  - Detoxification
  - Helps seasonal effective disorder
  - Immune system boost
  - Stress and fatigue reduction
- HALO SALT THERAPY
  - Promotes better breathing
  - Good for asthma suffers (safe for children)
  - Healthier skin
  - Alleviates seasonal allergy symptoms
  - Improves sleep
- BEMER Matt
  - Improves sleep
  - Combats fatigue
  - Reduces inflammation
  - Helps aid in surgery recovery
- LIGHTSTIM PANEL
  - FDA approved Red Light therapy
  - Helps produce collagen
  - Reduces wrinkles
  - Helps with joint pain/inflammation
- IONIC FOOT DETOX
  - Purging heavy metals
  - Reducing inflammation
  - Detoxing the liver
  - Enhances immune system

SOLE + LUNA will offer rotating services at various prices:

- Reiki
- Cranial Sacral Energy Healing
- Lymphatic Massage
- Nutrition Counseling
- Aromatherapy/Acupressure
- Gua Sha
- Cupping

#### CLASSES/WORKSHOPS

- Guided meditation with Gongs and Crystal bowls
- Floating meditation in silks
- Women's circles
- Working Women Workshops
- Nutrition Series
- Guide to Ayurveda
- Living Clean
- Seasonal Cleanses
- Teen focused classes
- Kids focused classes
- Art/Music expressions/therapy

SOLE + LUNA will offer retail to bring the relaxing experience home

- Clean/Green small brand cosmetics and household products
- Reusable Goods
- Yoga/athlete fashion
- Essential Oils (unique hard to find brands out of Australia)
- Jewelry
- Small amount of take and go food service (partner with Kitchen Fix, Bread and Buddha, etc)
- Crystals and home goods
- CBD Oil products by local woman owned business, Equilibria
- LightStim Facial Tools & SkinCare
- Healthy/Infused waters and drinks

## Sole + Luna Wellness Studio-Special Use Permit 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;**

Sole + Luna will provide modern, cutting-edge modalities of wellness/self care to the Winnetka Community. Between FDA-approved and extensively-researched services, Sole Luna will positively impact physical and mental health by making self-care treatments and education more accessible, convenient and affordable. Not only will we provide services in-house to improve mind, body, and soul, Sole + Luna will provide a variety of unique retail products that are not currently offered in the area.

- 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 value in the immediate vicinity;**

Sole + Luna will serve as a much-needed oasis from the hustle and bustle. It is our intention that the studio will be additive to the overall use and enjoyment of other properties in the area. No awkward smells, no loud music. All wellness services will take place within the space. There will be no change the footprint of the current building. The buildout is internal and will increase property value to the current building and surrounding properties. Our goal is to provide an “experience” for our customers from the moment they step inside.

- 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;**

Our vision is to help support and complement the current business offerings in the immediate Hubbard Woods business district. There are plenty of partnership opportunities across many of the current businesses in the district.

- 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;**

Given Sole + Luna will be located off Green Bay road in the Tower Court area, we do not anticipate an increase in pedestrian or traffic in the public way. Most of our clients will take advantage of available parking in front of the building (thus freeing up spaces on Green Bay road). Additionally, those folks who do park on Green Bay for other businesses, can make use of the pedestrian sidewalks to get access to Sole + Luna.

**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;**

Sole + Luna is a "by appointment" based business. We expect to be open 5-6 days of the week, but at any given time of open operation, there is room for 5-7 customers total for services that last from 8 minutes to 60 minutes. Classes and workshops would take place sporadically and would max out at 20 guests. We expect no more than 2-3 employees during business hours, and have no plans to increase this number at this time. While we are not an existing business, we predict that this model will not have major impacts on parking or traffic. The expected occupancy is similar, if not exactly the same as the previous business- Sawbridge Studio. With that, the vehicle and pedestrian traffic will not create a significant change to previous traffic patterns.

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

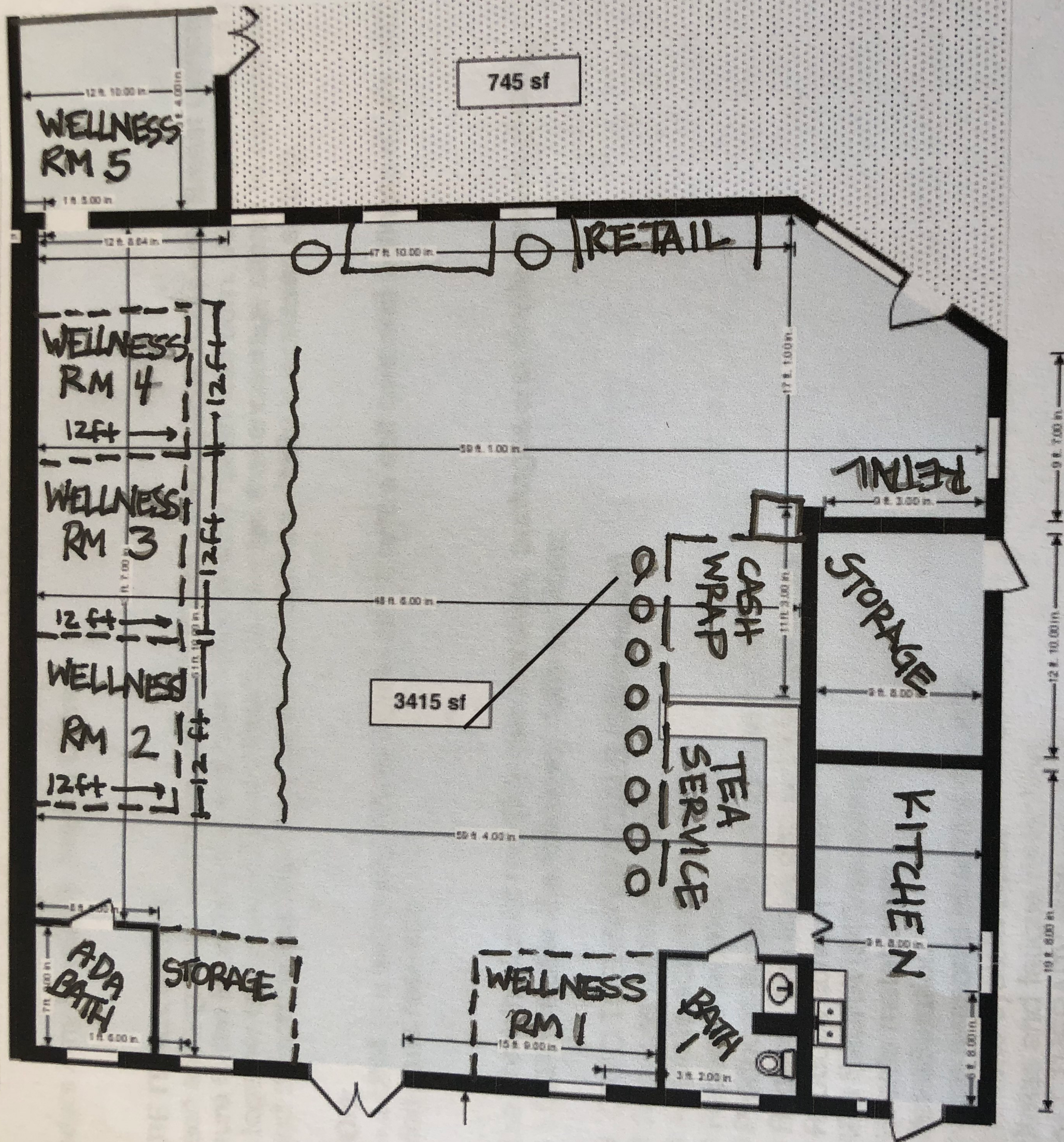
Sole + Luna otherwise adheres to the current ordinances and codes in place. We will bring a wellness business that is a growing movement on both US coasts and is starting to grow in the Midwest. In our market research, we have learned that a good number of Winnetka residences go outside of the village to seek these treatments in neighboring towns. We are excited to bring a new level of accessible self care and convenience to our community in the hopes that they will build it into their daily routine.

## Amy Bradley Bio

Amy was born on the north shore of Chicago and has always had a deep connection to her roots. After meeting her future husband Matt at college in Connecticut, the two decided to return to the suburbs of Chicago to start and raise their family. They are active members in the Winnetka community as well as Sacred Heart school and parish. In 2016, with four kids aged 9 and under, Amy was diagnosed with stage 2b Breast Cancer. After going through multiple rounds of chemotherapy, radiation and three surgeries, Amy found herself questioning her health and how to best heal after a grueling 2 years. Thankfully, this experience opened her eyes to the importance of self care and wellness. She has spent the last year taking courses online to become a health and wellness coach at the Integrative Institute of Nutrition, but more than that has thrown herself into researching many of the various modalities to achieve wellness and is passionate about sharing that knowledge and resources with the larger community. She also hopes to be of service to any who find themselves facing a health crisis and would like to pay forward the love and knowledge she attained on her journey. Amy is thrilled that the fruition of Sole + Luna will allow her to not only realize her dream to help others, but will serve to help support and grow the local business community.

## Jessica Dietrich Bio

Jessica Dietrich has a special place in her heart for the entrepreneurial spirit. That love has lead her from corporate network television sales to a gourmet chocolate company and now to WINKdesign. With an undergraduate degree in Broadcast Journalism and a masters in Integrated Marketing Communications, she basically loves to get a brand's story and find creative ways to showcase their spirit. In 2016, Jessica and her husband Pete, picked up their family and moved to Hong Kong for a business opportunity. While she was looking for adventure and culture, she was surprised by the Eastern style of self care. Foot Spa's, Lymphatic Massage, cupping and the overall wellness that was practiced daily by all ages and genders. It became a way of life for two and a half years. When she returned to Winnetka in December of 2018, she was made very aware of the lack of wellness options available, especially for busy moms and dads who were racing through their daily schedules but not taking time for their health. Based on her previous experiences, Jessica is ready to take her entrepreneurial experience and pair it with her love of wellness to create Sole + Luna, a space that will make self care accessible daily to the local community.



Sole + Luna Wellness Studio  
1015 Tower Court Parking Study

As promised, we have conducted a parking study to better understand the parking needs and flow of traffic that will be affected by the opening of Sole + Luna Wellness Studio. The purpose of this study was to determine the availability of existing parking in the area and evaluate the adequacy to accommodate the parking needs of Sole + Luna's business model.

The space in question is 1015 Tower Court. As it currently stands, there is Strength Time to the north and the gas station to the South. There are 18 (plus 2 additional Handicap spots) parking spots for 90 minute parking 8am-6pm. There are 20+ spots in the vicinity that are designated to Zone A Permit parking only from 8am-5pm M-F. These spots are available on weekends. There are ample spots available on GreenBay Rd from Gage to Tower. Clients could park here and walk through to Sole + Luna Wellness Studio as well.

As for employees, at any given time, there will be 2-3 employees at Sole + Luna between the hours of 9:30-6pm M-F. To accommodate employees, there is parking lots available South of the Tower/Greenbay Rd. intersection (near McDonalds.) There is also parking along Hubbard Woods Park (4 hour limit.) Lastly, there is employee parking in the lot next to the Train stop just South of Scott Ave and East of Greenbay Rd. (East of Mino's restaurant.) We do not anticipate problems for employee parking outside of the parking spots available for clients.

To determine the availability of parking, spots were counted and monitored Saturday November 9, 2019-Wednesday, November 13, 2019. The summary of results can be found in Table 1. The numbers in the chart represent the available parking spots at the times we reviewed.

| DATE             | TIME            | 90 Minute.<br>(18 spots<br>available) | GreenBay Rd.<br>(20 spots<br>available) | Zone A Permit<br>(20+ spots<br>available) | HW Park/GAGE,<br>4 hour parking<br>(20+ spots<br>available) |
|------------------|-----------------|---------------------------------------|-----------------------------------------|-------------------------------------------|-------------------------------------------------------------|
| <b>SAT-11/9</b>  | <b>10:00 AM</b> | 14                                    | 7                                       | OPEN                                      | 5                                                           |
|                  | <b>12:00 PM</b> | 13                                    | 5                                       | OPEN                                      | 6                                                           |
|                  | <b>2:00 PM</b>  | 12                                    | 5                                       | OPEN                                      | 8                                                           |
| <b>SUN-11/10</b> | <b>10:00 AM</b> | 16                                    | 6                                       | OPEN                                      | 4                                                           |
|                  | <b>12:00 PM</b> | 12                                    | 4                                       | OPEN                                      | 6                                                           |
|                  | <b>2:00 PM</b>  | 15                                    | 7                                       | OPEN                                      | 5                                                           |
| <b>MON-11/11</b> | <b>9:30 AM</b>  | 13                                    | 5                                       | 3                                         | 8                                                           |
|                  | <b>12:00 AM</b> | 12                                    | 4                                       | 2                                         | 5                                                           |
|                  | <b>3:30 PM</b>  | 14                                    | 5                                       | 4                                         | 8                                                           |
| <b>TUE-11/12</b> | <b>9:00 AM</b>  | 13                                    | 5                                       | 2                                         | 4                                                           |
|                  | <b>11:30 AM</b> | 10                                    | 6                                       | 3                                         | 4                                                           |
|                  | <b>2:00 PM</b>  | 14                                    | 8                                       | 3                                         | 10                                                          |
|                  | <b>4:00 PM</b>  | 10                                    | 10                                      | 4                                         | 16                                                          |
| <b>WE-11/13</b>  | <b>9:30 AM</b>  | 9                                     | 11                                      | 2                                         | 8                                                           |
|                  | <b>11:00 AM</b> | 8                                     | 4                                       | 2                                         | 6                                                           |
|                  | <b>12:30 PM</b> | 9                                     | 5                                       | 3                                         | 5                                                           |
|                  | <b>3:30 PM</b>  | 12                                    | 6                                       | 3                                         | 7                                                           |

From the results in Table 1 you can conclude that in any given time of the day there is adequate parking for Sole + Luna Wellness Customers. There will be meditations and workshops at sporadic times in the day with a maximum of 10 clients. One of these sessions will be from 9:30-10am before other services and retail are available in the studio. There are 5 different services available during 10-6pm that can last 8-60 minutes which would result in 5-8 clients at any one time during the day . There will be limited workshops on evening hours that could extend to 20 clients- but at this time, there is ample parking as zone A permit spots expire and open up. We plan to have limited weekend hours (9am-12pm), Mondays we will be closed except for meditations 9-10am, and Tuesday-Friday we plan to host meditations 9:30-10am and then open from 10am-6pm for services. We are currently deciding to have one weekday evening with extended hours for working clients to enjoy the retail and services.

# Memorandum

**To:** Winnetka Plan Commission, Winnetka Zoning Board of Appeals  
**CC:** Brian Norkus  
**From:** Steven M. Saunders, Director of Public Works/Village Engineer  
**Date:** November 26, 2019  
**Re:** Special Use Permit Application – Tower Court: Sole & Luna Wellness Studio

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I have reviewed the Special Use permit application to allow a wellness center at 1015 Tower Court, in the former Sawbridge Studios location. The site is located along the west side of Tower Court, north of Tower Road and east of Green Bay Road. A wellness center over 2,500 square feet requires a Special Use permit from the Village. Among the conditions to be satisfied for a Special Use to be granted is the following:

*“That adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the Special Use exists or are to be provided;”*

Currently, parking in the vicinity of the proposed Special Use is located on Green Bay Road, and in the Village-owned Tower Court and Tower/Locust parking lots. Parking is also available on Gage Street near Hubbard Woods Park, although this is somewhat remote from the site. The application materials indicate that the proposed space will be approximately 3,400 square feet. The applicant has self-performed a parking evaluation to determine the number of available spaces in the vicinity of the proposed Special Use, and has compared that with expected employee and client parking demand at key times.

The applicant anticipates two to three employees on average during business hours (10:00 am to 6:00 pm). Client numbers are described as follows:

*“There will be meditations and workshops at sporadic times in the day with a maximum of 10 clients. One of these sessions will be from 9:30-10am before other services and retail are available in the studio. There are 5 different services available during 10-6pm that can last 8-60 minutes which would result in 5-8 clients at any one time during the day. There will be limited workshops on evening hours that could extend to 20 clients- but at this time, there is ample parking as zone A permit spots expire and open up. We plan to have limited weekend hours (9am-*

12pm), Mondays we will be closed except for meditations 9-10am, and Tuesday-Friday we plan to host meditations 9:30-10am and then open from 10am-6pm for services. We are currently deciding to have one weekday evening with extended hours for working clients to enjoy the retail and services.”

This section can be summarized to say that during and immediately before business hours, a maximum of 13 spaces would be needed (3 employees and 10 clients), and that during some evenings as many as 23 spaces would be needed. The following table represents the number of available parking spaces in the vicinity of the proposed Special Use during the counting period November 9 through November 13:

| DATE             | TIME            | 90 Minute.<br>(18 spots<br>available) | GreenBay Rd.<br>(20 spots<br>available) | Zone A Permit<br>(20+ spots<br>available) | HW Park/GAGE,<br>4 hour parking<br>(20+ spots<br>available) |
|------------------|-----------------|---------------------------------------|-----------------------------------------|-------------------------------------------|-------------------------------------------------------------|
| <b>SAT-11/9</b>  | <b>10:00 AM</b> | 14                                    | 7                                       | OPEN                                      | 5                                                           |
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|                  | <b>2:00 PM</b>  | 12                                    | 5                                       | OPEN                                      | 8                                                           |
| <b>SUN-11/10</b> | <b>10:00 AM</b> | 16                                    | 6                                       | OPEN                                      | 4                                                           |
|                  | <b>12:00 PM</b> | 12                                    | 4                                       | OPEN                                      | 6                                                           |
|                  | <b>2:00 PM</b>  | 15                                    | 7                                       | OPEN                                      | 5                                                           |
| <b>MON-11/11</b> | <b>9:30 AM</b>  | 13                                    | 5                                       | 3                                         | 8                                                           |
|                  | <b>12:00 AM</b> | 12                                    | 4                                       | 2                                         | 5                                                           |
|                  | <b>3:30 PM</b>  | 14                                    | 5                                       | 4                                         | 8                                                           |
| <b>TUE-11/12</b> | <b>9:00 AM</b>  | 13                                    | 5                                       | 2                                         | 4                                                           |
|                  | <b>11:30 AM</b> | 10                                    | 6                                       | 3                                         | 4                                                           |
|                  | <b>2:00 PM</b>  | 14                                    | 8                                       | 3                                         | 10                                                          |
|                  | <b>4:00 PM</b>  | 10                                    | 10                                      | 4                                         | 16                                                          |
| <b>WE-11/13</b>  | <b>9:30 AM</b>  | 9                                     | 11                                      | 2                                         | 8                                                           |
|                  | <b>11:00 AM</b> | 8                                     | 4                                       | 2                                         | 6                                                           |
|                  | <b>12:30 PM</b> | 9                                     | 5                                       | 3                                         | 5                                                           |
|                  | <b>3:30 PM</b>  | 12                                    | 6                                       | 3                                         | 7                                                           |

It is clear that the number of adjacent 90-minute spots, plus the availability of parking on Green Bay Road, is sufficient to support the anticipated client parking demand. Based on Village parking permit regulations, the employees would be required to park in the A permit zones. With an anticipated demand of 2 to 3 spaces, the nearby A zone spaces should be sufficient most of the time. Overflow A zone spaces are available for the Hubbard Woods employees in the Hubbard Woods Parking Structure.

Based on the foregoing, it is my opinion that these anticipated staffing and customer levels should create no adverse impact on parking or traffic, and sufficient parking exists for this proposed special use.