

Winnetka Village Council
REGULAR MEETING
Village Hall
510 Green Bay Road
May 21, 2019
7:00 p.m.

Emails regarding any agenda item are welcomed. Please email contactcouncil@winnetka.org, and your email will be relayed to the Council members. Emails for the Tuesday Council meeting must be received by Monday at 4 p.m. Any email may be subject to disclosure under the Freedom of Information Act.

AGENDA

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Quorum
 - a) June 4, 2019 Regular Meeting
 - b) June 11, 2019 Study Session
 - c) June 18, 2019 Regular Meeting
- 4) Public Comment
- 5) Reports
- 6) Approval of Agenda
- 7) Consent Agenda
 - a) Approval of Village Council Minutes
 - i) May 7, 2019 Regular Meeting3
 - b) Approval of Warrant List dated May 3-16, 20199
 - c) Resolution No. R-50-2019: Trenchless Relining of Sanitary Sewers (Adoption).....10
 - d) Resolution No. R-51-2019: Brick Paver Maintenance (Adoption)96
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- 8) Environmental and Forestry Commission 2019 Green Awards132
- 9) Ordinances and Resolutions
 - a) Resolution No. R-37-2019: Approving a Banquet and Reception Hall at 915 Green Bay Road (Public Hearing Continuation)143
 - b) Ordinance No. M-7-2019: 976 Green Bay Road - Robbins Architecture - Special Use Permit (Introduction/Adoption)145
 - c) Ordinance No. MC-5-2019: Adoption of Model Building Codes & Local Amendments (Introduction)192

10) Old Business: None.

11) New Business

- a) Coldwell Banker Special Use Review - 564-68 Lincoln Avenue (Ordinance No. M-10-2017)273

12) Appointments

13) Closed Session

14) Adjournment

NOTICE

All agenda materials are available at villageofwinnetka.org (Government > Council Information > Agenda Packets & Minutes); the Reference Desk at the Winnetka Library; or in the Manager's Office at Village Hall (2nd floor). Webcasts of the meeting may be viewed on the Internet via a link on the Village's web site: <http://www.villageofwinnetka.org/government/village-videos/>.

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 – Megan Pierce, at 510 Green Bay Road, Winnetka, Illinois 60093, 847-716-3543; T.D.D. 847-501-6041.

**MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
May 7, 2019**

(Approved: xx)

A record of a legally convened regular meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, May 7, 2019, at 7:00 p.m.

- 1) Call to Order. President Rintz called the meeting to order at 7:04 p.m. Present: Trustees Andrew Cripe, Robert Dearborn, Penfield Lanphier, Scott Myers, John Swierk, and Anne Wedner. Absent: None. Also present: Village Manager Robert Bahan, Assistant Village Manager Megan Pierce, Village Attorney Peter Friedman, Community Development Director David Schoon, Economic Development Coordinator Cindy Plante, Finance Director Tim Sloth, Police Chief Marc Hornstein, Director of Water & Electric Brian Keys, Public Works Director Steve Saunders, Assistant Public Works Director Jim Bernahl, and approximately 15 persons in the audience.
- 2) Pledge of Allegiance. Trustee Myers led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) May 14, 2019 Study Session. All of the Council members present said they expect to attend.
 - b) May 21, 2019 Regular Meeting. All of the Council members present except Trustee Swierk said they expect to attend.
 - c) June 4, 2019 Regular Meeting. All of the Council members said they expect to attend.
- 4) Public Comment.

Liz Kunkle, 1303 Holly Lane. Ms. Kunkle thanked Trustee Myers for his years of service, along with Trustee-Elect Jack Coladarci. She suggested the Village keep the commercial district recycling cans green to differentiate them from the new black refuse cans along with blue liners for the recycling containers. She asked the Village to be more intentional with the scheduling of Spring Cleanup Week; and she offered to help Winnetka establish an Earth Day/Arbor Day celebration similar to Evanston's Community Cleanup.
- 5) Reports:
 - a) Trustees. Trustee Lanphier announced that *Community Conversations* would be postponed to the third Saturday in May.
 - i) Trustee Swierk thanked Holland & Knight for its recent municipal legal seminar.
 - b) Attorney. None.
 - c) Manager. None.
 - d) Village President. None.
- 6) Approval of the Agenda. Trustee Wedner, seconded by Trustee Myers, moved to approve the Agenda. By voice vote, the motion carried.

7) Consent Agenda

- a) Village Council Minutes.
 - i) April 9, 2019 Study Session.
 - ii) April 16, 2019 Regular Meeting.
 - iii) April 25, 2019 Special Meeting.
- b) Approval of Warrant List dated April 12 – May 2, 2019 in the amount of \$1,730,845.64.
- c) Resolutions No. R-47-2019 and No. R-48-2019: Establishing Department Head & Manager Salaries (Adoption).
- d) Resolution No. R-49-2019: Approving a Contract with Wesco Distribution, Inc. for the Purchase of Secondary Cable (Adoption).

Trustee Dearborn, seconded by Trustee Wedner, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Cripe, Dearborn, Lanphier, Myers, Swierk, and Wedner. Nays: None. Absent: None.

8) Ordinances and Resolutions.

- a) Resolution No. R-37-2019: Approving A Banquet and Reception Hall at 915 Green Bay Road (Public Hearing Continuation). President Rintz announced that the Public Hearing would be continued to the May 21st Council meeting.

Trustee Myers expressed disappointment that he would not have the opportunity to vote on this request, as he felt it will be a solid business if the noise issues with neighbors can be addressed.

- b) Ordinance No. M-4-2019: 1309 Trapp Lane - Variation (Introduction & Adoption).

Mr. Schoon explained that the Council discussed this variation request in April and directed Village staff to prepare an approval ordinance; and he offered to answer any questions.

There being no Council questions/comments and no public comment, Trustee Swierk, seconded by Trustee Cripe, moved to waive introduction of Ordinance No. M-4-2019. By roll call vote, the motion carried. Ayes: Trustees Cripe, Dearborn, Lanphier, Myers, Swierk, and Wedner. Nays: None. Absent: None.

Trustee Swierk, seconded by Trustee Myers, moved to adopt Ordinance No M-4-2019. By roll call vote, the motion carried. Ayes: Trustees Cripe, Dearborn, Lanphier, Myers, Swierk, and Wedner. Nays: None. Absent: None.

- c) Ordinance No. M-5-2019: 800 Pine Street - Winnetka Community Nursery School - Special Use Permit & Variations (Introduction & Adoption). Mr. Schoon said the school proposes to change the playground surface and equipment. The Zoning Board (ZBA), Plan Commission (PC), and Design Review Board (DRB) have all unanimously recommended approval of the special use permit and variations.

Jennifer Page, 1092 Cherry Street. Ms. Page said she was the Board President of the Community Nursery, and explained that the existing playground is being updated and renovated.

Trustee Lanphier said it was a good plan and stays within the current confines. President Rintz deemed the proposal a good refresh of the playground.

Trustee Swierk, seconded by Trustee Cripe, moved to waive introduction of Ordinance No. M-5-2019. By roll call vote, the motion carried. Ayes: Trustees Cripe, Dearborn, Lanphier, Myers, Swierk, and Wedner. Nays: None. Absent: None.

Trustee Wedner, seconded by Trustee Swierk, moved to adopt Ordinance No. M-5-2019. By roll call vote, the motion carried. Ayes: Trustees Cripe, Dearborn, Lanphier, Myers, Swierk, and Wedner. Nays: None. Absent: None.

- d) Ordinance No. M-6-2019: 1112 Willow Road - Crow Island School - Special Use Permit and Variations (Introduction & Adoption). Mr. Schoon explained this is another playground update and renovation, and that the ZBA, DRB, and PC all unanimously recommended approval of this request.

Brad Goldstein, District 36 CFO. Mr. Goldstein said this would also be an update to install a new surface and new equipment, in the interest of more safety and fun for the children.

Trustee Dearborn said he appreciated that the foregoing Special Use Permit requests were reviewed by three advisory bodies, and it was helpful to see the record contained in their minutes.

Trustee Lanphier thanked District 36 for its thoughtful color choices, since the playground and school are in a residential neighborhood.

Trustee Myers, seconded by Trustee Wedner, moved to waive introduction of Ordinance No. M-6-2019. By roll call vote, the motion carried. Ayes: Trustees Cripe, Dearborn, Lanphier, Myers, Swierk, and Wedner. Nays: None. Absent: None.

Trustee Cripe, seconded by Trustee Lanphier, moved to adopt Ordinance No. M-6-2019. By roll call vote, the motion carried. Ayes: Trustees Cripe, Dearborn, Lanphier, Myers, Swierk, and Wedner. Nays: None. Absent: None.

9) Old Business.

- a) 2019 Streetscape Project: 90% Plans and Bid Authorization. Mr. Saunders explained that the cost estimate for this project is within the Village's budgeted amount, although the actual costs won't be known until bids are opened.

Jodi Mariano, Teska Associates. Ms. Mariano reviewed the planning process and gave an overview of the Phase I project.

Dwayne O'Laughlin, Ciorba Group. Mr. O'Laughlin reviewed the construction phasing, which will be divided into segments to minimize impacts on businesses. He said there was positive feedback expressed, as well as concerns raised, at the Phase I construction open house. The Village will need to ensure that construction workers park off-site, and also monitor deliveries of construction materials.

The Council asked questions about the durability of the streetscape materials; suitability of the plantings; and the completion date of the project; as well as discussed festoon lighting.

It was suggested that the festoon lights only be left up during the winter holidays and the summer months. Trustee Lanphier suggested that her fellow Trustees visit Wauwatosa, Wisconsin to see its festoon lighting, and how it impacts the downtown. The Council also approved keeping the recycling containers green to differentiate them from the black refuse cans.

President Rintz said the festoon lighting will be bid as an alternate, so the Council can do some research and decide if it's worth it to spend the money on them. Mr. Bernahl explained that standard light poles could replace the festoon light poles if the Council does not desire festoon lighting.

President Rintz called for public comment.

Jack Coladarci, Cherry Street. Mr. Coladarci suggested the height of the pedestrian lights on Moffat Mall should be the same as the pedestrian lights in the Phase I streetscape area. He commented that the 20-foot tall festoon light poles at intersections with the 30-foot tall traffic lighting presents a lot of light poles on the streetscape.

Trustee Myers, seconded by Trustee Cripe, moved to authorize Village staff to solicit bids for construction of Phase I Streetscape. By roll call vote, the motion carried. Ayes: Trustees Cripe, Dearborn, Lanphier, Myers, Swierk, and Wedner. Nays: None. Absent: None.

10) Seating of New Village Council.

- a) Village Clerk's Report: Election Results. Manager Bahan read the results of the April 2, 2019 Consolidated Election.
- b) Administer Oath of Office to Trustees Dearborn, Coladarci, and Cripe; and President Rintz. Manager Bahan administered the Oath of Office to President-elect Rintz and Trustees-elect Dearborn, Coladarci, and Cripe.
- c) Call the new Council to Order. President Rintz called the new Council to order at 7:57 p.m. Present: Trustees Jack Coladarci, Andrew Cripe, Robert Dearborn, Penfield Lanphier, John Swierk, and Anne Wedner. Absent: None. Also present: Village Manager Robert Bahan, Assistant Village Manager Megan Pierce, Village Attorney Peter Friedman, Community Development Director David Schoon, Economic Development Coordinator Cindy Plante, Finance Director Tim Sloth, Police Chief Marc Hornstein, Director of Water & Electric Brian Keys, Public Works Director Steve Saunders, Fire Chief Alan Berkowsky, Assistant Public Works Director Jim Bernahl, and approximately 8 persons in the audience.

11) Ordinances and Resolutions.

- a) Resolution No. R-46-2019: Myers Commendation (Adoption). President Rintz read aloud a resolution commending Trustee Scott Myers for his service to the Village. Trustee Dearborn, seconded by Trustee Cripe, moved to approve Resolution No. R-46-2019. By voice vote, the motion carried.

Next, retiring Trustee Myers said he was most proud of re-establishing civility in the Council's discourse, both internally and with the public. He noted that the importance of civility will grow in importance as the Village struggles with future initiatives. He thanked Village staff, and said he enjoyed serving with his fellow Council members.

Each Trustee then thanked Trustee Myers for being an excellent mentor and colleague, and for helping to establish a culture of respect; and for being instrumental in the creation of the Winnetka Music Festival.

12) Public Comment.

Pat Balsamo, Cherry Street. Ms. Balsamo, on behalf of the League of Women Voters, thanked Trustee Myers for all he has done for the Winnetka community.

13) New Business. None.

14) Appointments: Manager Bahan read aloud the new Council committee appointments for the coming year.

Assignment	2019-2020
President Pro Tem	Andy Cripe
Council Committees	
<i>Warrants</i>	Jack Coladarci
<i>Chamber of Commerce</i>	Bob Dearborn
Committees by Code	
<i>EFC</i>	Anne Wedner
<i>PC</i>	John Swierk
<i>SWANCC (1)</i>	Chris Rintz
<i>SWANCC (2)</i>	Rob Bahan
Other Assignments	
<i>NWMC (1)</i>	Bob Dearborn
<i>NWMC (2)</i>	Rob Bahan
<i>NWMC (3)</i>	Chris Rintz
<i>RED Center</i>	Penny Lanphier
Com. Outreach Liaison	Penny Lanphier
LPC Liaison	Jack Coladarci
STMW Liaisons	Chris Rintz & Andy Cripe
DMP Liaisons	Chris Rintz & John Swierk
Skokie Lagoons Gateway Liaison	Anne Wedner

Trustee Cripe, seconded by Trustee Dearborn, moved to approve the foregoing committee appointments. By voice vote, the motion carried.

15) Closed Session. None.

- 16) Adjournment. Trustee Wedner, seconded by Trustee Dearborn, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 8:29 p.m.

Recording Secretary

DRAFT



Agenda Item Executive Summary

Title: Approval of Warrant List Dated May 3-16, 2019

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 05/21/2019

Consent: ☒ YES ☐ NO

☐ Ordinance
☐ Resolution
☐ Bid Authorization/Award
☐ Policy Direction
☒ Informational Only

Item History:

None.

Executive Summary:

The Warrant List dated May 3-16, 2019 was emailed to each Village Council member.

Recommendation:

Consider approving the Warrant List dated May 3-16, 2019.

Attachments:

None.



Agenda Item Executive Summary

Title: Resolution No. R-50-2019: Trenchless Relining of Sanitary Sewers (Adoption)

Presenter: Steven M. Saunders, Director of Public Works/Village Engineer

Agenda Date: 05/21/2019

Consent: ☒ YES ☐ NO

☐	Ordinance
☒	Resolution
☒	Bid Authorization/Award
☐	Policy Direction
☐	Informational Only

Item History:

In 2019, the Village of Winnetka, as Lead Agency, partnered with the municipalities of Glencoe, Glenview, Golf and Kenilworth to obtain a contract for the trenchless relining of existing sanitary and storm sewers. The Municipal Partnering Initiative (MPI) combines projects from several municipalities to create economies of scale and obtain reduced pricing.

Executive Summary:

On April 4, four contractors submitted sealed bids, with Visu-Sewer of Illinois providing the lowest responsible bid; This is a single year contract. The proposed relining locations for the Village of Winnetka are as follows:

1. Auburn, south of Willow: 3253 FT of 8" sanitary sewer (MWRD High Priority Area);
2. Appletree; DeWindt; Sunset Areas: 2213 FT of 8" sanitary sewer & 792 FT of 12" sanitary sewer (MWRD High Priority Area);
3. Orchard Lane, between Walnut and Poplar: 430 FT of 15" storm sewer (Add-on to original contract).

The Village's portion of the multi jurisdictional base bid is \$231,885.15 and \$29,190.00 for the additional storm sewer relining on Orchard Lane. In 2019, the Village budgeted for both sanitary and storm sewer relining: \$225,000 (Account #540.70.01-670) for sanitary sewers and \$50,000 (Account #580.75.01-675) for storm sewer lining.

The sanitary sewers to be relined this year are designated MWRD High Priority Areas for the elimination of inflow and infiltration; staff believes it is imperative to complete these sections. These sections of sanitary sewer are the final locations for all designated high priority sewers. The Village has also noted approximately 430 feet of 15-inch storm sewer on Orchard Street requiring similar relining to address deterioration of the existing sewer.

Staff believes the proposed 2019 scheduled relining work will be completed within the budgeted amount of \$275,000 using the proposed pricing from Visu-Sewer of Illinois. Visu-Sewer of Illinois has worked in a satisfactory manner with the Village in the past, and staff recommends awarding the 2019 sewer lining contract to Visu-Sewer of Illinois.

Recommendation:

Consider adopting Resolution No. R-50-2019, awarding the contract to Visu-Sewer of Illinois as part of the Municipal Partnership bid for sewer relining services for a total not to exceed budget amount of \$275,000.

Attachments:

- Resolution No. R-50-2019
- Bid Tabulation (Winnetka Quantities)

**A RESOLUTION APPROVING A CONTRACT WITH
VISU-SEWER OF ILLINOIS FOR
SEWER RELINING WORK**

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution authorizes the Village of Winnetka ("***Village***") to contract with individuals, associations, and corporations in any manner not prohibited by law or ordinance; and

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1, *et seq.*, authorize and encourage intergovernmental cooperation; and

WHEREAS, the Village has appropriated funds for trenchless relining services for certain portions of Village's existing sanitary and storm sewers ("***Work***"); and

WHEREAS, the Village, together with the Village of Glenview, the Village of Glencoe, the Village of Golf, and the Village of Kenilworth (collectively, the "***Municipalities***") jointly requested bids for performance of the Work within each Municipality's respective corporate boundaries; and

WHEREAS, the Municipalities received four bids for the Work and opened the bids on April 4, 2019; and

WHEREAS, pursuant to Chapter 4.12 of the Village Code and the Village's purchasing manual, the Village Council has determined that Visu-Sewer of Illinois of Bridgeview, Illinois ("***Contractor***") is the lowest responsive and responsible bidder for the Work; and

WHEREAS, the Village Council desires to enter into a one-year contract with Contractor for the performance of the Work within the Village's corporate boundaries ("***Contract***") in an amount not to exceed \$261,075.15; and

WHEREAS, the Village Council has determined that it is in the best interests of the Village and its residents to enter into the Contract with Contractor;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: RECITALS. The Village Council hereby adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: APPROVAL OF CONTRACT. The Village Council hereby approves the Contract in substantially the form attached to this Resolution as **Exhibit A** and in a final form approved by the Village Manager.

May 21, 2019

R-50-2019

SECTION 3: AUTHORIZATION TO EXECUTE CONTRACT. The Village Council hereby authorizes and directs the Village President and the Village Clerk to execute and attest, respectively, on behalf of the Village, the final Contract.

SECTION 4: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

ADOPTED this 21st day of May, 2019, pursuant to the following roll call vote:

AYES: _____
NAYS: _____
ABSENT: _____
ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk

EXHIBIT A
CONTRACT



Village of Winnetka, Illinois

510 Green Bay Road
Winnetka, IL 60093

Phone: (847) 501-6000
General Email: tsloth@winnetka.org

Fax: (847) 446-1139

REQUEST FOR BIDS:	#019-006	BID ISSUE DATE: 3/1/2019
BID DESCRIPTION:	ANNUAL SEWER LINING	
BID SUBMITTAL DATE:	3/28/2019	BID OPENING TIME: 10:30 am
SUBMIT 1 ORIGINAL PACKET PLUS 2 COPIES		

BID RESPONSES MUST BE RECEIVED AND TIME STAMPED NO LATER THAN THE PUBLIC BID OPENING DATE AND TIME (LOCAL TIME) SPECIFIED ABOVE. BIDS WILL BE OPENED AND READ ALOUD AT THAT TIME AT THE LOCATION INDICATED ON PAGE 2. LATE BIDS WILL NOT BE CONSIDERED.

TO ALL PROSPECTIVE BIDDERS:

You are hereby requested to submit your bid for the item(s) or service(s) to be furnished and delivered, shipped F.O.B. delivered, to the address specified herein.

The original bid and the required number of copies must be received in a sealed envelope that has your name and address in the upper left corner and the attached label filled in and pasted on the lower left corner.

All bids are subject to staff analysis. The Village of Winnetka reserves the right to accept or reject any and all bids received and waive any and all technicalities.

Bids must be delivered and time stamped, prior to the public bid opening date and time, to:	VILLAGE OF WINNETKA FINANCE DEPARTMENT 510 GREEN BAY ROAD WINNETKA, IL 60093
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Any communication regarding this request between the date of issue and date of award is required to go through the Bid Coordinator or the Buyer listed below (or, in the Buyers absence, the Financial Services Coordinator).			
BUYER:	Tim Sloth, Director of Finance	PHONE:	(847) 716-3513
EMAIL:	tsloth@winnetka.org		

FULL NAME OF BIDDER	
BID CONTACT PERSON	
TELEPHONE NUMBER	

FACSIMILE AND/OR E-MAIL TRANSMITTED BIDS WILL NOT BE ACCEPTED

PLEASE NOTE: Our bid documents have changed; please review carefully.

VILLAGE OF WINNETKA, ILLINOIS

PROJECT INFORMATION

PROJECT NAME:	ANNUAL SEWER LINING
USER DEPARTMENT:	PUBLIC WORKS

EVENT:	LOCATION:	DATE:	TIME:
Bidder's Submittal to Village; bids will be read allowed in a public forum.	WINNETKA VILLAGE HALL ATTN: FINANCIAL SERVICES COORD. 510 GREEN BAY ROAD	3/28/2019	10:30AM
Deadline for Specification Inquiries	MUST BE SUBMITTED IN WRITING TO TSLOTH@WINNETKA.ORG	3/22/2019	5:00PM

√	SUBMITTAL CHECKLIST (BID PACKET SHOULD BE RETURNED IN ITS ENTIRETY)
	ORIGINAL BID PACKET
	2 COPIES OF BID PACKET
	ADDENDA NUMBER ACKNOWLEDGED, IF APPLICABLE
	REFERENCES
	SIGNED AFFIDAVITS CONTAINED IN THIS PROPOSAL DOCUMENT

Description:

The Village of Winnetka is accepting sealed bids for Annual Sewer Lining as part of the 2019 Municipal Partnering Initiative joint bid:

1. Village of Winnetka
2. Village of Glencoe
3. Village of Kenilworth
4. Village of Glenview
5. Village of Golf

This project includes quantities for linear feet of sanitary and storm sewer lining in various sizes of cured-in-place pipe lining (CIPP), rehabilitation and restoration of structural integrity of the existing sanitary pipes by the Inversion and Curing of a Resin-Impregnated Tube process and all related and ancillary work. The work contained on this project is located within easements or right-of-ways of the Village of Winnetka, Village of Glencoe, Village of Kenilworth, Village of Northbrook, Village of Glenview, and Village of Golf.

Each municipality has the right to delete from or add to the contract quantities at the contract unit costs for construction based on budgetary considerations.

While the Village of Winnetka shall serve as the central point of contact to facilitate the bidding process described in this Contract, each municipality further reserves the right to reject any and all bids or parts thereof, to waive any irregularities or informalities in bidding procedures and to award the contract in a manner best serving the interest of the municipality. Work included is shown on drawings supplied by each municipality. The lining work shown on the drawings is not conclusive and is subject to change.

Written questions regarding the substance of the bid or scope of services must be submitted via e-mail to tsloth@winnetka.org no later than the Pre-Bid Specification Inquiry Deadline indicated above.

Municipal Contacts

Village of Winnetka

Matt Havlik
Public Works Analyst
(847) 716-3550
mhavlik@winnetka.org

Village of Glencoe

Anna Kesler
Village Engineer
(847) 461-11119
akesler@villageofglencoe.org

Village of Kenilworth

Donald Leicht
Public Works Supervisor
(847) 257-2354
dleicht@kenilworthil.org

Village of Glenview

Tim Schwister
Engineering Project Manager
847-904-4422
tschwister@glenview.il.us

Village of Golf

Brian Wesolowski
Village Engineer
(847) 821-6235
bwesolowski@gha-engineers.com

INSTRUCTIONS TO BIDDERS

- 1) **ON-LINE NOTIFICATION OF SPECIFICATIONS:** This document is available over the Internet at www.DemandStar.com, as well as from the contact listed in this document. Adobe Acrobat Reader is required to view electronic documents on-line. If you do not have Adobe Acrobat Reader, you may download it for free from Adobe at www.adobe.com/products/acrobat/readstep.html.

Businesses without Internet access may contact the Director of Finance at (847)716-3513 or tsloth@winnetka.org for these documents.

Companies interested in doing business with the Village of Winnetka are able to register and maintain their registration via the Internet at www.DemandStar.com. Registration is not required but if you choose to register you will receive automatic initial notification from DemandStar of relevant opportunities with the Village of Winnetka.

The Village of Winnetka is not responsible for errors and omissions occurring in the transmission or downloading of any specifications from this website. In the event of any discrepancy between information on this website and the hard copy specifications, the terms of the hard copy specification will control.

- 2) **ON-LINE PROVIDER DISCLAIMER:** DemandStar.com has no affiliation with the Village of Winnetka other than as a service that facilitates communication between the Village and its vendors. DemandStar.com is an independent entity and is not an agent or representative of the Village. Communications to DemandStar.com do not constitute communications to the Village.

3) **BID REQUIREMENTS:**

All bids must be submitted on the blank bid form furnished with these contract documents and shall conform to the terms and conditions set forth in this Request for Bids (the RFB). Please make and retain a copy of your Response (Bid) for your records. The bid must be enclosed in a sealed envelope bearing the bid number and the printed title of the bid. Bidders must sign, in ink, the bid form where indicated and have the signature notarized. **Unsigned bids will not be read.**

Bidder shall acknowledge receipt of each addendum issued in the space provided on the bid form.

4) **ALTERNATE/EQUAL BIDS:**

The specifications cannot cover precisely, all minute details of the equipment required. Therefore, for purposes of establishing a standard of quality, the items listed in the specification may state brand names, manufacturer's models, numbers, et cetera. The Village of Winnetka, for cost effective measures, standardizes on specific items; those bids will contain the language "NO SUBSTITUTIONS," and any alternative will not be considered. A generic or alternate brand product of equal specifications may be proposed as an alternative for the item identified unless "NO SUBSTITUTIONS" is indicated. However, in bidding the alternate item, the bidder must also attach manufacturer's printed specifications and literature.

Bidders submitting alternate items, of equal specifications, may be requested to provide samples of the item they intend to supply for testing. The Financial Services Coordinator of the Village shall be the sole judge to determine whether the alternate item is actually equal to the item identified in the specifications and the Financial Services Coordinator's decision will be final and binding.

Any alternate pricing should be noted as a separate line that may be subtracted from the bid pricing as specified, allowing for clear evaluation and value-analysis by the Village.

The Village recognizes the expertise provided by many bidders and encourages creativity in bidding. Alternates may be considered if the bid submitted clearly indicates what will be furnished and how it will benefit the Village. Alternates will be compared to the lowest responsive, responsible bid as specified.

5) **COMPETITION INTENDED:**

It is the Village's intent that this Request for Bids (RFB) permits competition. It shall be the bidder's responsibility to advise the Buyer in writing if any language, requirement, specification, etc., or any combination thereof, inadvertently restricts or limits the requirements stated in this RFB to a single source.

VILLAGE OF WINNETKA, ILLINOIS

Such notification must be received by the Buyer not later than seven (7) days prior to the date set for bids to close.

6) DEVIATIONS:

The Village of Winnetka reserves the right to approve any material the Bidder proposes to furnish which contains deviations from specification requirements but which may substantially comply. If there is any deviation in the pack, source, quality, etc., of an item bid, from that prescribed in the specifications, Bidder must rule out the appropriate line in the specifications and clearly indicate the correction. Prices will be converted by the Village to accommodate accepted deviations.

7) EXCEPTIONS:

Exceptions will be considered up to the deadline listed in Project Information. Exceptions must be fully described, on the Bidder's letterhead and signed; exceptions must reference the bid number and the specification, contract term or other portion of the Request for Bids which is being excepted. If the Bidder wishes to propose terms and conditions or alternative paperwork it must do so as an exception. In the absence of such statement, the bid shall be considered as if submitted in strict compliance with all terms, conditions, and specifications; by its submission, the Bidder agrees that if selected, it will be bound by same. No exceptions or changes to contract terms will be accepted with the bid.

8) EXAMINATION BY BIDDER:

The Bidder shall, before submitting his bid, carefully examine the bid and specifications. If his bid is accepted, he will be responsible for all errors in his bid resulting from his failure or neglect to comply with these instructions.

Unless otherwise provided in the SPECIAL CONDITIONS, when the specifications include information pertaining to preliminary investigations made by the Village, such information represents only the opinion of the Village of Winnetka as to the location, character or quantity of the materials encountered. That information is only included for the convenience of the Contractor. The Village of Winnetka does not warrant the accuracy or the sufficiency of the information and assumes no responsibility therefore.

9) ELECTRONIC TRANSMITTALS:

Facsimile and/or e-mail transmitted bids will not be accepted by the Village of Winnetka. In addition, the Village will not transmit facsimile bid specifications to the Bidder.

10) INTERPRETATION OF CONTRACT DOCUMENTS:

If a potential Bidder is uncertain as to the meaning of any part of the specifications or this RFB, the bidder is expected to contact the Financial Services Coordinator up to the deadline listed on the Project Information page for Exceptions to Bids.

11) PREPARATION OF BIDS:

The Bidder shall return his bid on the attached bid forms. It must be returned with all pages intact. Please make and retain a copy of the signed bid for your records. Unless otherwise stated, all blank spaces on the bid page or pages, applicable to the subject specification, shall be correctly filled in. Either a unit price or a lump sum price, or both as the case may be, shall be stated for each and every item, either typed in or printed in ink, in figures, and if required in words. Bidder shall acknowledge receipt of each addendum issued in the space provided on the bid form.

When a bid consists of a number of items, prices must be submitted for all items unless otherwise directed in the Special Conditions.

Where unit prices are to be bid, and/or where bids are to be made on more than one item, the Bidder shall extend the unit price(s) bid in the places provided on the pricing pages for the approximate quantities, shall compute the total amount of the bid and shall indicate same on the proposal pricing page. The Bidder must bid in accordance with the unit(s) of measure called for unless deviation procedure is followed. All extensions and total sums are subject to verification by the Village and the correct extensions and sums will be used in the comparison of bids. If a discrepancy exists between the unit prices and totals, the unit prices shall prevail. If a discrepancy exists between the total base bid and the true sum of the individual bid items, the true sum shall prevail. Where unit prices are requested, the quantities stated are approximate only but will be used to determine bid award.

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The quantities for all items on which bids are to be received on a unit price basis, will not be used in establishing final payment due the Contractor. Bids will be compared on the basis of number of units stated in the Bid Pricing Section. Contract payment for unit price items will be based on the actual number of units delivered. In certain cases, amounts are to be shown in both words and figures. When discrepancies occur between the "Written in Words" and the "In Figures" amounts for the total lump sum bid amount, the "Written in Words" shall govern.

Bidders are warned against making any erasures or alterations of any kind, and bids that contain omissions, erasures, conditions, or alterations may be rejected. The bidder must fill in all blanks. Use "N/A" or "None" where applicable.

If the Bidder is a corporation, the President shall execute the bid. In the event that the bid is executed by other than the President, a certified copy of that section of the corporate bylaws or other authorization by the corporation, which permits the person to execute the offer for the corporation, shall be submitted.

If the Bidder is a partnership, all partners shall execute the bid, unless one partner has been authorized to sign for the partnership, in which case, evidence of such authority satisfactory to the Financial Services Coordinator shall be submitted.

If the Bidder is a sole proprietor, the owner shall execute the bid. A "Partnership" or "Sole Proprietor" operating under an Assumed Name shall be registered with the Illinois County in which located, as provided in the Illinois Compiled Statutes, 805/ILCS 405/1 et seq.

12) **SUBMISSION OF BIDS:**

The Bidder shall be responsible for delivery of bids to the Financial Services Coordinator before the date and hour set for the opening of bids. Late bids will not be considered and will be returned unopened.

All bids must be received in sealed envelopes that have your name and address in the UPPER left corner and the attached label filled in and pasted on the LOWER left corner.

Bids mailed "EXPRESS MAIL" must have bid number and due date on the outside of the EXPRESS MAIL envelope.

You must allow sufficient time for processing through the Village's internal mailroom system.

13) **PROPRIETARY INFORMATION:**

Under the Illinois Freedom of Information Act, all records in the possession of the Village of Winnetka are presumed to be open to inspection or copying, unless a specific exception applies. 5 ILCS 140/1.2 One exemption is "[t]rade secrets and commercial or financial information obtained from a person or business where the trade secrets or commercial or financial information are furnished under a claim that they are proprietary, privileged or confidential, and that disclosure of the trade secrets or commercial or financial information would cause competitive harm to the person or business, and only insofar as the claim directly applies to the records requested." 5 ILCS 140/7(1)(g). The Village will assume that all information provided to us in a bid or proposal is open to inspection or copying by the public unless clearly marked with the appropriate exception that applies under the Freedom of Information Act. Additionally, if providing documents that you believe fall under an exception to the Freedom of Information Act, please submit both an unredacted copy along with a redacted copy which has all portions redacted that you deem to fall under a Freedom of Information Act exception. The Village FOIA Officer is the final authority on judging proposed document redactions.

14) **CONTRACT AWARD INFORMATION:**

If the bidder wishes to propose terms and conditions or alternative paperwork he must do so as an exception (see EXCEPTIONS above).

Award notification can be sent to the vendor receiving the award via mail or fax. Award status can be viewed at <http://www.villageofwinnetka.org/departments/finance/bid-and-proposal-opportunities/>.

END OF INSTRUCTIONS TO BIDDERS

GENERAL CONDITIONS

1) ACCURACY DISCLAIMER:

The Contractor shall thoroughly acquaint himself with the sites for the proposed bid to fully understand the facilities, difficulties and restrictions attending to the execution of the bid. The Contractor will be allowed no additional compensation for his failure to be so informed.

2) ADDENDUM AND SUPPLEMENT TO REQUEST FOR BIDS (RFB):

If it becomes necessary or advisable to revise any part of this RFB or if additional data is necessary to enable the exact interpretation of provisions of this RFB, revisions will be provided in the form of an Addendum. If revisions are made after any mandatory Pre-Bid conference, the revisions will be provided only to those Contractors who will have attended the Pre-Bid conference.

Addendum information is available over the Internet at <http://www.villageofwinnetka.org/departments/finance/bid-and-proposal-opportunities/>. Adobe Acrobat Reader may be required to view this document. We strongly suggest that you check for any addenda a minimum forty-eight hours (48) in advance of the bid deadline.

3) APPLICABLE CODES AND ORDINANCES:

Contractor hereby certifies that all materials used conform to all articles and sections of all current applicable National Building Codes and other relevant construction-related codes. Workmanship and materials shall conform to all local applicable codes and ordinances.

4) CHANGES:

The Village of Winnetka reserves the right to make any desired change in the specifications after the same shall have been put under contract; but the change so made, with the price to be added or deducted from the contract price, therefore, shall be agreed upon in advance between the Village of Winnetka and the successful bidder subject to approval by the Village of Winnetka corporate authorities, if applicable.

5) COMMENCEMENT OF WORK:

The successful bidder must not commence any billable work prior to the Village's execution of the contract or until any required documents have been submitted. Work done prior to these circumstances shall be at the bidder's risk.

6) COMMUNICATIONS:

In an effort to create a more competitive and unbiased procurement process, the Village of Winnetka desires to establish a single point of contact throughout the procurement process. From the issue date of this RFB, until a bid is awarded, all requests for clarification or additional information regarding this RFB, or contacts with the Village personnel concerning this RFB or the evaluation process must be solely to the contact person listed on the cover page of this RFB.

A violation of this provision is cause for the Village to reject the Bidder's submittal. If it is later discovered that a violation has occurred, the Village may reject any bid or terminate any contract awarded pursuant to this RFB. No contact regarding this document with other Village employees is permitted.

7) CONFIDENTIAL INFORMATION AND VILLAGE PROPERTY: It is agreed that any and all specifications, drawings, or data furnished by Village of Winnetka shall (1) remain the Village's sole and exclusive property; (2) be considered and treated by Contractor as the Village's confidential information, and not be copied, reproduced or duplicated in any manner or disclosed to any person or party, except as is necessary in the performance of this contract and (3) be returned upon request.

8) CONTRACTOR PERFORMANCE: The Instructions, General Conditions, Special Conditions, Specifications and Scope of Work, and attached exhibits, together with the approved purchase order shall be incorporated in and become terms of the Contract. All items shall be supplied in strict accordance with the specifications. The Contractor's performance under the terms of the Contract shall be to the satisfaction of the Village. Failure to comply with any statutory requirements shall be deemed a performance breach.

9) DISCIPLINE:

Nothing herein shall be construed to imply that the Village of Winnetka is retaining control over the operative details of the Contractor's work or the subcontractor's employee's work. The Contractor is assuming all oversight, and the Contractor is ensuring compliance with safety guidelines.

10) DRUG FREE WORKPLACE:

The Contractor (whether an individual or company) agrees to provide a drug free workplace as provided for in 30 ILCS 580/1 et seq.

11) ENDORSEMENTS:

Contractor shall not use the name, seal or images of the Village of Winnetka in any form of endorsement to any third-party without the Village's written permission.

12) F.O.B.:

All goods are to be shipped prepaid, F.O.B. delivered and installed. The total price quoted by the Bidder must be the total cost delivered to the location(s) stated. Bidder must not qualify his bid by stating a F.O.B. location other than such stated location(s). Shipments sent C.O.D. without the Village of Winnetka's written consent will not be accepted and will at Contractor's risk and expense, be returned to Contractor. Unauthorized shipments are subject to rejection and return at Contractor's expense.

13) FORCE MAJEURE:

The Village of Winnetka shall not hold Contractor liable for an extraordinary interruption of events or damage of Village property by a natural cause that cannot be reasonably foreseen or prevented; i.e., droughts, floods, severe weather phenomena, et cetera.

14) HOLDING OF BIDS:

Bidder may withdraw the bid at any time prior to the time specified as the closing time for the receipt of bids. However, no Bidder shall withdraw or cancel the bid for a period of ninety (90) calendar days after said closing time for the receipt of bids. Unauthorized withdrawal may result in forfeiture of the bid bond, or if no bid bond is required, the withdrawing Bidder shall pay the sum of \$1,000.00 as liquidated damages for the Village's loss in re-bidding.

15) INDEMNITY:

The Contractor shall, at all times, fully indemnify, hold harmless, and defend the Village and its officers, agents, and employees from and against any and all claims and demands, actions, causes of action, and cost and fees of any character whatsoever made by anyone whomsoever on account of or in any way growing out of the performance of this contract by the Contractor and its employees, or because of any act or omission, neglect or misconduct of the Contractor, its employees and agents or its subcontractors including, but not limited to, any claims that may be made by the employees themselves for injuries to their person or property or otherwise, and any claims that may be made by the employees themselves or by the Illinois Department of Labor for the Contractor's violation of the Illinois Prevailing Wage Act (820 ILCS 130/1 et seq.).

Such indemnity shall not be limited by reason of the enumeration of any insurance coverage or bond herein provided.

Nothing contained herein shall be construed as prohibiting the Village, its officers, agents, or its employees, from defending through the selection and use of their own agents, attorneys and experts, any claims, actions or suits brought against them. The Contractor shall likewise be liable for the cost, fees and expenses incurred in the Village's or the Contractor's defense of any such claims, actions, or suits.

The Contractor shall be responsible for any damages incurred as a result of its errors, omissions or negligent acts and for any losses or costs to repair or remedy construction as a result of its errors, omissions or negligent acts.

The Village does not waive its defenses or immunities under the Local Government and Governmental Employees Tort Immunity Act, 745 ILCS 10/1 et seq. by reason of indemnification or insurance.

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16) LAW GOVERNING:

The RFB and resulting contract shall be governed by the laws of Illinois. Bidder agrees to comply with all applicable State and Federal laws.

17) LIENS, CLAIMS, AND ENCUMBRANCES:

Contractor warrants and represents that all the goods and materials ordered herein are free and clear of all liens, claims, or encumbrances of any kind.

18) MSDS:

When applicable, Contractor shall furnish Material Safety Data Sheets for their products, in compliance with the Illinois Toxic Substance Disclosure to Employee Act and the "Right-to-Know" law, 820 ILCS 220/0.01 and 820 ILCS 225/0.1. Material Safety Data Sheets, upon award of Contract, shall be submitted to the Financial Services Coordinator or their designee.

19) MISCELLANEOUS REQUIREMENTS:

The Village will not be responsible for any expenses incurred by the Contractor in preparing and submitting a Bid. All Bids shall provide a straightforward, concise delineation of your capabilities to satisfy the requirements of this request. Emphasis should be on completeness and clarity of content.

20) NON-DISCRIMINATING:

The Contractor, its employees and subcontractors, agree not to commit unlawful discrimination and agree to comply with applicable provisions of the Illinois Human Rights Act, the U.S. Civil Rights Act and Section 504 of the Federal Rehabilitation Act, and rules applicable to each.

21) PATENTS:

Contractor undertakes and agrees to defend at Contractor's own expense, all suits, actions, or proceedings in which the Village of Winnetka, its Officers, agents or employees are made defendants for actual or alleged infringement of any U.S. or foreign letters patent resulting from the use or sale of the items purchased hereunder. Contractor shall inform the Village of Winnetka whenever infringement will result from Contractor's adherence to specifications supplied by the Village or by an authorized Village representative. Contractor further agrees to pay and discharge any and all judgments or decrees, which may be rendered in any such suit, action or proceedings against the Village of Winnetka, its Officers, agents or employees therein.

22) PAYMENT:

Original invoices must be presented for payment in accordance with instructions contained on the Purchase Order including reference to Purchase Order number and submitted to the correct address for processing. The Village shall pay all invoices pursuant to 50 ILCS 505, "Local Government Prompt Payment Act". Invoices containing charges for work subject to the Illinois Prevailing Wage Act (820 ILCS 130/) are required to be accompanied by the applicable Certified Transcript of Payroll form(s) for acceptance. Payment will not be made on invoices submitted later than six-months (180 days) after delivery of goods and **any statute of limitations to the contrary is hereby waived.**

23) PROTEST:

No protest shall be based on a matter or issue which could have been raised as a question prior to bid opening.

Any protest concerning the award of a contract shall be decided by the Finance Director. Protests shall be made in writing to the Finance Director and shall be filed within three (3) business days of final approval and acceptance of the bid by the Village Council. A protest is considered filed when received by the Finance Director. The written protest shall include the name and address of the protestor, the RFB number, a statement of the specific reasons for the protest and supporting exhibits. The Finance Director will respond to the written protest with a written determination as soon as practical. The Finance Director's decision relative to the protest shall be final.

Upon receipt of a protest the Village may, but is not required to, delay its order under the awarded contract.

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24) RESERVATION OF RIGHTS:

The Village of Winnetka reserves the right to reject any or all Bids failing to meet the Village's specifications or requirements and to waive technicalities. If in the Village of Winnetka's opinion, the lowest Bid is not the most responsible, considering value received for monies expended, the right is reserved to make awards as determined solely by the judgment of the Village. In determining the lowest responsible bidder, the Village shall take into consideration the qualities of the articles supplied, their conformity with the specifications, and their suitability to the requirements of the Village and the delivery terms. Intangible factors, such as the Bidder's reputation and past performance, will also be weighed.

The Offeror's failure to meet the mandatory requirements of the RFB will result in the disqualification of the bid from further consideration.

The Village further reserves the right to reject all bids and obtain goods or services through intergovernmental or cooperative agreements, or to issue a new and revised RFB.

Submission of a bid confers no rights on the Contractor to a selection or to a subsequent contract. All decisions on compliance, evaluation, terms and conditions shall be made solely at the Village's discretion and shall be made in the best interest of the Village.

25) SUBCONTRACTORS:

All subcontractors shall be identified on the form contained herein. Contractor shall require that the subcontractor comply with all Village financial requirements. The Village of Winnetka reserves the right to reject any or all subcontractors.

26) TAX:

The Village of Winnetka does not pay Federal Excise Tax or Illinois Sales Tax. The tax exemption number is E9998-1246-07. A copy of the exemption letter is available upon written request.

27) TERMINATION, CANCELLATION AND DAMAGES:

This contract may be terminated upon mutual agreement of both parties. The Village may terminate based on the Contractor's breach or default. Unless the breach or default creates an emergency situation, as determined in the Village's sole discretion, the Contractor shall be given notice and a five (5) day opportunity to cure before the termination becomes effective. If the Village terminates this Contract because of the Contractor's breach or default, the Village shall have the right to purchase items or services elsewhere and to charge the Contractor with any additional cost incurred, including but not limited to the cost to cover, incidental and consequential damages and the cost of re-proposing. The Village may offset these additional costs against any sums otherwise due to the Contractor under this proposal or any unrelated contract.

If the Village of Winnetka fails to appropriate funds to enable continued payment of multi-year contracts the Village may cancel the contract without termination charges provided Contractor received at least thirty (30) days prior written notice of termination.

28) TRANSFER OF OWNERSHIP OR ASSIGNMENT:

The terms and conditions of this contract shall be binding upon and shall ensure to the benefit of the parties hereto and their respective successors and assigns. Prior to any sales or assignments the Village of Winnetka must be notified and approve same in writing.

29) BIDDER QUALIFICATIONS:

Vendor will provide a general history, description and status of their Company.

30) VENUE:

By submitting a response, bidder agrees that venue for all disputes arising out of the solicitation process, including but not limited to judicial review of any protest decision, will be exclusively in the circuit court for the Second Judicial District in Cook County, Illinois and that Illinois law will control.

31) WARRANTY:

Complete warranty information detailing period and coverage must be submitted.

END OF GENERAL CONDITIONS

SPECIAL CONDITIONS

1) PREMISE:

This agreement under which these contractual services are to be provided will be under the direct supervision of the Director of Public Works or authorized representatives. Any alterations or modifications of the work performed under this agreement shall be made only by written agreement between the Contractor and the Village and shall be made prior to commencement of the altered or modified work. No claims for any extra work or materials shall be allowed unless covered by written agreement.

2) QUALIFICATIONS:

Qualified vendors must have at least five years' experience in the areas of sewer lining services. Vendors shall provide with its quote, a list of at least three commercial or municipal references. The references shall be of similar or larger size contracts and are current customers or have been customers in the last three years. The references shall include the name, address and telephone number of the customer and the contact person for each job.

3) CHANGES IN THE SCOPE OF THE CONTRACT:

The Village may, by written order, make changes in the general scope of the contract and in the specifications. The contractor will be given as much advance notice as is practical when, for example, a section or location of the town may added or deleted from the contract. If the changes so ordered cause an increase or decrease in the price of the contract an equitable adjustment will be made and the contract will be modified accordingly. The Village of Winnetka shall have the right at its discretion to increase or decrease the total quantities of the contract by +/- 10% without an cause of change in proposed rates.

4) LIQUIDATED DAMAGE CLAUSE:

If at any time, the minimum tasks as outlined are not performed in accordance with the specifications, the amount of fee may be reduced by the amount equal to the costs associated with the Village seeking a secondary vendor to complete the tasks appropriately plus \$500 per calendar day. This amount will be deducted in the form of a liquidated damage and not as a penalty.

5) TERMINATION OF CONTRACT:

The Village reserves the right to terminate the whole or any part of this contract, upon written notice to the contractor, in the event that sufficient funds to complete the contract are not appropriated by the Village Board of Trustees. The Village further reserves the right to terminate the whole or any part of this contract, upon written notice to the contractor, in the event of default by the contractor. Default is defined as failure of the contractor to perform any provisions of this contract or failure to make sufficient progress so as to endanger performance of this contract in accordance with its terms. In the event of default and termination, the Village may procure, upon such terms and in such manner as the Purchasing Agent may deem appropriate, supplies or services similar to those so terminated. The contractor shall be liable for any excess cost for such similar supplies or services unless acceptable evidence is submitted to the Purchasing Agent that failure to perform the contract was due to causes beyond the control and without the fault or negligence of the contractor.

6) SCOPE OF SERVICES:

The contractor shall become fully acquainted with the nature of the work, the areas at which work is to be accomplished, and the conditions affecting the cost and performance of the equipment necessary to complete the intent of sewer lining services.

7) WORK CREW SUPERVISION:

The Contractor shall provide a qualified driver in working under this agreement. The driver must be able to converse in the English language and shall be authorized by the Contractor to accept and act on directives from an authorized representative of the Village. Failure to do so shall be sufficient cause for the Village to give notice that the Contractor is in default of the agreement unless such directives would create potential personal injury or safety hazards or such directives are contrary to the intent of these specifications. In the event only one person is assigned under this agreement, such person shall be considered the foreman and must meet the previously stated requirements. Except for emergencies, the same personnel shall perform the same work each day.

8) PROTECTION OF PUBLIC AND PRIVATE PROPERTY:

The Contractor shall exercise all necessary caution to protect pedestrian traffic and to protect all public and private property from injury or damage caused by the Contractor's operations.

- a. Any practice obviously hazardous in the opinion of an authorized Village representative shall be immediately discontinued by the Contractor upon receipt of either written or oral notice to discontinue such practice.
- b. The Contractor shall comply with all OSHA and other Federal and State safety standards including Employee Right to Know Programs.
- c. Contractor shall conduct all of its operations without interruption or interference with vehicular and pedestrian traffic on public and private rights-of-way, unless it has obtained permission from the proper authorities. If any public or private right-of-way shall be rendered unsafe by Contractor's operations, Contractor shall make such repairs or provide such temporary ways or guards as shall be acceptable to the proper authorities.

9) LOCATION AND SCHEDULE OF WORK:

Work under the terms of these specifications will be conducted at the locations in the appendix to this document.

10) DAMAGE TO THE WORK, THE WORK SITE, AND OTHER PROPERTY:

- a. The Work and everything pertaining thereto shall be provided, performed, completed, and maintained at the sole risk and cost of Contractor from the Commencement Date until Final Payment. Contractor shall be fully responsible for the protection of all public and private property and all persons. Without limiting the foregoing, Contractor shall, at its own cost and expense, provide all permanent and temporary shoring, anchoring and bracing required by the nature of the Work in order to make all parts absolutely stable and rigid, even when such shoring, anchoring and bracing is not explicitly specified, and support and protect all buildings, bridges, roadways, conduits, wires, water pipes, gas pipes, sewers, pavements, curbs, sidewalks, fixtures and landscaping of all kinds and all other public or private property that may be encountered or endangered in providing, performing and completing the Work. Contractor shall have no claim against Owner because of any damage or loss to the Work or to Contractor's equipment, materials, or supplies from any cause whatsoever, including damage or loss due to simultaneous work by others. Contractor shall, promptly and without charge to Owner, repair or replace, to the satisfaction of Owner, any damage done to, and any loss suffered by, the Work and any damage done to, and any loss suffered by, the Work Site or other property as a result of the Work. Notwithstanding any other provision of this Contract, Contractor's obligations under this Section shall exist without regard to, and shall not be construed to be waived by, the availability or unavailability of any insurance, either of Owner or Contractor, to indemnify, hold harmless, or reimburse Contractor for the cost of any repair or replacement work required.

11) CLEANING STANDARDS AND WORKMANSHIP:

It is the intent of these specifications for the Contractor to provide a high level of service in the performance of yard waste hauling services and in the general interaction with the public at all times. The following statements indicate general standards and workmanship to be furnished under this agreement:

- a. The Contractor shall ensure that all work is performed in a safe and timely manner. Efforts will be made to ensure the least amount of impact to the surrounding businesses and the general public during operations.
- b. The Contractor will ensure that appropriate safety measures including signage and traffic control protection is used during the performance of landscaping maintenance activities.
- c. The contractor will ensure a timely responsiveness to all concerns and complaints that may be received by staff.

12) COMPLETION OF WORK

- a. Schedule: The Contractor shall perform his work in accordance with the schedules submitted to and as presented for proposed work. The schedule will indicate the day, date or period by which the scheduled task will be completed.
- b. Regular Reporting: It shall be the Contractor's responsibility to assign a full time Winnetka dedicated crew of sufficient manpower, skill diversity and experience to complete the assigned tasks irrespective of sickness, holidays, vacations or other personnel matters. The report will indicate the name of the Foreman and an alternate foreman of which will be assigned to oversee services and be on sight at all times. The Foreman shall be responsible for the instruction and training of personnel in the proper work methods and procedures. The Foreman will schedule and coordinate all services and functions as required by the agreement and as specified in the task schedule.

13) WORKING HOURS:

The Contractor shall schedule normal work activities, exclusive of Village holidays, during normal working hours 7:00AM to 7:00PM Monday thru Friday. Permission to work on weekends or during different times may be granted on a case by case basis if the Village deems it appropriate to ensure the work is completed in a timely manner and provides a benefit to the Village. The Contractor shall be available and provide a telephone number for 24 hour emergency call back for emergency situations.

14) SECURITY AND ACCESS:

The Contractor will be working in several areas which have limited access. All such areas shall be maintained in a secured condition at all times and these areas shall be cleaned and restored to their original condition immediately upon completing the required work.

15) CONTRACTOR ACCESS:

The Contractor shall be allowed access to designated public areas to perform the required work in accordance with the times set forth in paragraphs above. All activities of the Contractor will be coordinated through the Director of Public Works or his designee.

16) PERSONNEL REQUIREMENTS:

All employees assigned by the Contractor shall be fully capable, experienced, and trained in the work employed to perform. All employees assigned by the contractor shall comply fully with all State and Federal laws. They shall be physically able to do their work and be free from any communicable diseases. The Foreman shall be fluent in the English language and be authorized by the Contractor to accept and act upon all directives issued by the Director of Public Works or his designee. The Contractor is responsible and liable for any wrongful actions of his employees.

17) SPECIAL AND UNFORESEEN WORK:

Due to the generalized nature of the work under this agreement, instances may occur where the Village desires to have additional landscaping installed beyond the original intent of this agreement. Payment for these services will be made based on the bid proposal hourly rate submitted to these specifications and any negotiations between the Contractor and the Director of Public Works or his designee, prior to the performance of the additional work.

END OF SPECIAL CONDITIONS

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BID #019-006 SPECIFICATIONS

GENERAL SPECIFICATIONS FOR ANNUAL SEWER LINING

Areas: Multiple

Dates: Annual Sewer Lining is to begin April 1, 2019 and to be completed by December 1, 2021.

Term: Services are for a term of 3 years.

The Village of Winnetka uses all prices and answers in the "Bidder Proposed to Furnish" section to evaluate successful bidders. The Village of Winnetka reserves the right to split the bid (use multiple vendors).

Scope: This project includes quantities for linear feet of sanitary and storm sewer lining in various sizes of cured-in-place pipe lining (CIPP), rehabilitation and restoration of structural integrity of the existing sanitary pipes by the Inversion and Curing of a Resin-Impregnated Tube process and all related and ancillary work. The work contained on this project is located within easements or right-of-ways of the Village of Winnetka, Village of Glencoe, Village of Kenilworth, Village of Northbrook, Village of Glenview and Village of Golf.

Each municipality has the right to delete from or add to the contract quantities at the contract unit costs for construction.

While the Village of Winnetka shall serve as the central point of contact to facilitate the bidding process described in this Contract, each municipality further reserves the right to reject any and all bids or parts thereof, to waive any irregularities or informalities in bidding procedures and to award the contract in a manner best serving the interest of the municipality. Work included is shown on drawings supplied by each municipality. The lining work shown on the drawings is not conclusive and is subject to change.

Details:

1. Design for Minimum CIPP Liner Thickness:

Product, Manufacturer / Installer Qualification Requirements:

Since sewer products are intended to have a 50-year design life, and in order to minimize the Municipality's risk, only proven products with substantial successful long-term track records will be approved. All trenchless rehabilitation products and installers must be pre-approved prior to the formal opening of proposals.

Products and Installers seeking approval must meet all of the following criteria to be deemed commercially acceptable:

- a. For a Product to be considered Commercially Proven, a minimum of 1,000,000 linear feet or 4,000 manhole-to-manhole line sections of successful wastewater collection system installations in the U.S. must be documented to the satisfaction of the "Owner" to assure commercial viability.
- b. For a Contractor to be considered as Commercially Proven, the Contractor must satisfy all insurance, financial, and bonding requirements of the bid documents, and must have had at least 5 (five) years active experience in the commercial installation. In addition, the Contractor must have successfully installed at least 200,000 feet of the product bid in wastewater collection systems.

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- c. Sewer rehabilitation products submitted for approval must provide third party test results supporting the structural performance (short-term and long-term) of the product and such data shall be satisfactory to the Owner. Test samples shall be prepared so as to simulate installation methods and trauma of the product. No product will be approved without independent third party testing verification.
- d. Both the rehabilitation manufacturing and installation processes shall operate under a quality management system which is third-party certified to ISO 9000 or other recognized organization standards. Proof of certification shall be required for approval.
- e. Using steam to cure liners larger than 18-inch diameter will require prior approval by the Village/City. References must be provided to demonstrate the contractor's ability to successfully install the liners using this method.

Documentation for products and installers seeking pre-approved status must be submitted no less than two weeks prior to proposal due date to allow time for adequate consideration. The Village of Winnetka will advise of acceptance or rejection a minimum of three days prior to the due date. All required submittals must be satisfactory to the Municipality's.

2. Materials

- a. Tube - The sewn Tube shall consist of one or more layers of absorbent non-woven felt fabric and meet the requirements of ASTM F1216, Section 5.1. The tube shall be constructed to withstand installation pressures, have sufficient strength to bridge missing pipe, and stretch to fit irregular pipe sections. Additional requirements for the Tube include:
 - i. The wet out Tube shall have a relatively uniform thickness that when compressed at installation pressures will equal or exceed the calculated minimum design thickness.
 - ii. The Tube shall be manufactured to a size that when installed will tightly fit the internal circumference and length of the original pipe. Allowance should be made for circumferential stretching during inversion. Overlapped layers of felt in longitudinal seams that cause lumps in the final product shall not be utilized.
 - iii. The outside layer of the Tube shall be coated with an impermeable, flexible membrane that will contain the resin and all the resin impregnation (wet out) procedure to be monitored.
 - iv. The Tube shall be homogeneous across the entire wall thickness containing no intermediate or encapsulated elastomeric layers. No material shall be included in the Tube that may cause delamination in the cured CIPP. No dry or unsaturated layers shall be evident.
 - v. The wall color of the interior pipe surface of CIPP after installation shall be a relatively light reflective color so that a clear detailed examination with closed circuit television inspection equipment may be made.
 - vi. Seams in the Tube shall be stronger than the non-seamed felt material.
 - vii. The Tube shall be marked for distance at regular intervals along its entire length, not to exceed 5 ft. Such markings shall include the Manufacturer's name or identifying symbol. The tubes must be manufactured in the USA.
- b. Resin - The resin system shall be a corrosion resistant polyester, vinyl ester, or epoxy system including all required catalysts, initiators or hardeners that when cured within the tube create a

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composite that satisfies the requirements of ASTM F1216, the physical properties herein, and those which are to be utilized in the design of the CIPP for this project. The resin shall produce a CIPP that will comply with the structural and chemical resistance requirements of this specification.

3. Structural Requirements

- a. The CIPP shall be designed as per ASTM F1216. The CIPP design shall assume no bonding to the original pipe wall. The liner should be designed using 5% ovality and groundwater level at the surface.
- b. The Contractor must have performed long-term testing for flexural creep of the CIPP pipe material installed by his Company. Such testing results are to be used to determine the long-term, time dependent flexural modulus to be utilized in the product design. This is a performance test of the materials (Tube and Resin) and general workmanship of the installation and curing. A percentage of the instantaneous flexural modulus value (as measured by ASTM D790 testing) will be used in design calculations for external buckling. The percentage, or the long-term creep retention value utilized, will be verified by this testing. Retention values exceeding 50% of the short-term test results shall not be applied unless substantiated by qualified third party test data to the Owner's satisfaction. The materials utilized for the contracted project shall be of a quality equal to or better than the materials used in the long-term test with respect to the initial flexural modulus used in the CIPP design.
- c. The Enhancement Factor 'K' to be used in 'Partially Deteriorated' Design conditions shall be assigned a value of 7. Application of Enhancement (K) Factors in excess of 7 shall be substantiated through independent test data to the satisfaction of the Owner.

The layers of the cured CIPP shall be uniformly bonded. It shall not be possible to separate any two layers with a probe or point of a knife blade so that the layers separate cleanly or the probe or knife blade moves freely between the layers. If the layers separate during field sample testing, new samples will be required to be obtained from the installed pipe. Any reoccurrence may cause rejection of the work.

The following are the minimum nominal required CIPP (resin liner) thicknesses:

- A. Existing sanitary and storm sewer pipe diameter six (6), eight (8), nine (9), ten (10) and (12) inch pipe- minimum nominal liner thickness six (6.0) millimeter.
- B. Existing sanitary and storm sewer pipe diameter fifteen (15) inch to eighteen (18) inch pipe- minimum nominal liner thickness seven and one half (7.5) millimeter.
- C. Existing sanitary sewer pipe diameter twenty four (24) inch - minimum nominal liner thickness ten and one half (10.5) millimeter.

The Contractor shall calculate and verify the above referenced liner thickness requirements based on the fully deteriorated host pipe condition with a safety factor of two (2) as indicated in ASTM F 1216 design considerations. The existing pipe shall not be considered as providing any structural support to the liner pipe. In the liner thickness calculations, the enhancement factor (K) shall not be greater than 7.0, the minimum safety factor shall be 2.0, and the flexural modulus of elasticity shall be reduced 50% to account for long term effects and used in the design equation EL. Actual values of pipe ovality and depth shall be used whenever possible. If ovality cannot be obtained, the minimum ovality of the host pipe shall be 5 percent. No liner will be approved for installation until liner thickness calculations have been submitted and reviewed for conformance with the specifications and installation requirements.

Only if the calculated liner thickness exceeds the above referenced requirements the Contractor shall notify the municipality Owner and a determination shall be made as to which liner thickness shall control.

4. Testing Requirements

- a. Chemical Resistance - The CIPP shall meet the chemical resistance requirements of ASTM F1216. CIPP samples for testing shall be of tube and resin system similar to that proposed for actual construction. It is required that CIPP samples with and without plastic coating meet these chemical-testing requirements.
- b. Hydraulic Capacity - Overall, the hydraulic cross-section shall be maintained as large as possible. The CIPP shall have a minimum of the full flow capacity of the original pipe before rehabilitation. Calculated capacities may be derived using a commonly accepted roughness coefficient for the existing pipe material taking into consideration its age and condition.
- c. CIPP Field Samples - When requested by the respective Owner, the Contractor shall submit test results from field installations in the USA of the same resin system and tube materials as proposed for the actual installation. These test results must verify that the CIPP physical properties specified herein have been achieved in previous field applications. Samples for this project shall be made and tested as Follows:
 - i. CIPP samples shall be prepared for each installation designated by the Owner or approximately 20% of the project's installations. Pipe physical properties will be tested in accordance with ASTM, using either sampling method proposed. The flexural properties must meet or exceed the values listed in Table 1 of ASTM F1216 or the values submitted to the Owner by the Contractor for this project's CIPP wall design, whichever is greater.

5. End Seals

End Seals will be LMK's Insignia™ Hydrophilic End Seal Sleeve. Installation will be in accordance with manufacturer methods.

6. Required Submittals

Submit to the respective Owner, for approval, product data and catalogue cuts for all materials used in the installation of the CIPP, prior to ordering of material. Submittals shall contain:

- a. Date of submittal and dates of previous submittals.
 - i. Project title and number.
 - ii. Contract identification.
 - iii. Names of:
 - 1. Contractor
 - 2. Supplier
 - 3. Manufacturer
 - iv. Identification of product, with identification numbers, and drawing and specification section numbers.
 - v. Field dimensions, clearly identified.
 - vi. Identify details required on drawings and in specifications.
 - vii. Show manufacturer and model number, give dimensions, and provide clearances.
 - viii. Relation to adjacent or critical features of work or materials.
 - ix. Applicable standards, such as ASTM or Federal Specification numbers.
 - x. Identification of deviations from Contract Documents.
 - xi. Identification of revisions on resubmittals.
 - xii. Eight-inch by 3-inch blank space for Contractor and Owner stamps.
 - xiii. Contractor's stamp, signed, certifying to review of submittal, verification of products, field measurement, field construction criteria, and coordination of information within submittal with requirements of work and Contract Documents.

All of the above noted submittal process is incidental to work performed.

7. Sequence of Operations

The contractor shall coordinate his work in a manner that will cause as little inconvenience to traffic as possible. The Contractor shall work closely with municipality Officials, Fire, Police Departments and other Contractors in coordinating interruption to normal traffic and parking facilities, access to homes and businesses, and inconvenience to the public.

The proposed work sequence for the Contractor follows:

- a. The proposed sewer main pipe locations and conditions have been determined from the available records. It is the Contractor's responsibility to review the available records, obtain additional new video records for evaluation of existing sewer system condition, field verify locations, elevations and diameters of all to be lined sewer pipes prior to ordering the appropriate materials.
- b. Clean existing manholes and sewer lines to condition necessary for proper installation of lining material, including root cutting, removal of debris and other protruding obstructions.
- c. Rehabilitate existing sewer systems.
- d. Reinstall and reconnect active sewer service connections

If the Contractor proposes a different work schedule than outlined above, the Owner's written approval of the modified schedule must be obtained in advance.

8. Material Storage and Removal

The Contractor shall not deliver and store any material on the project site more than one week in advance before commencing with this work. Paved portions of the street may be used for material storage and the exact material storage location shall be approved by the Owner.

Any remnants of construction materials, debris and litter generated by the Contractor shall be collected and removed off the jobsite periodically (every week) or the same day if requested by the Owner. Any required pavement repair and parkway restoration (sodding), due to the damage caused by on-site material storage, shall be borne by the Contractor and be considered incidental to the contract.

9. Existing Sewer System Condition Evaluation – Prior to Lining Work

The existing sewer main pipe condition and sewer service pipe locations have been determined from the available records. Each municipality will provide manhole to manhole lengths, pipe sizes and location maps. However, it is the Contractor's responsibility to re-inspect the condition and verify the size of the existing sewer system. The interior of the sewer pipe and service connections shall be carefully inspected to determine the location of any conditions that may prevent proper installation of the impregnated tube, such as defective (protruding) service connections collapsed or crushed pipe and reductions in ovality of more than ten (10%) percent. These conditions shall be recorded and brought to the attention of each municipality so that they may be corrected prior to lining. The Owner reserves the right to review pre-lining recordings prior to lining.

All video and written documentation is to be provided in PACP format. All pre-lining inspections must be submitted to the Village/City for review and approval prior to liner installation. All video and written documentation is to be submitted on three (3) identically prepared LaCie brand Rugged portable USB 2.0/3.0 hard drives with a minimum capacity of 2.0 Tb each. The costs of the hard drives are incidental to the contract.

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There are specific naming and file conventions that may be used from Municipality to Municipality. The details of the specific conventions will be discussed at the pre-construction meeting.

The Contractor shall use experienced personnel trained in the use of closed circuit television in existing sewer systems, which shall furnish the necessary labor, tools, equipment, and appurtenances to perform the sewer televising services as specified. The television inspection equipment and procedures used shall comply, but are not limited, with the following:

- a. Televising inspections shall conform to NASSCO standards
- b. The sewer inspections shall be recorded digitally directly on the portable USB hard drive referred to on page 21. A complete recording shall be made of each line televised. A voice recording shall be done on the hard drive.
- c. Location of sewer lines inspected using manhole number (sanitary sewer) and street addresses (storm sewer)
- d. Quadrant location of all leaks and cracks.
- e. Size (diameter) of sewer line televised.
- f. Location of building service connections
- g. The footage and manhole numbers shall appear on the screen at all times.
- h. Television Inspection logs shall be reported in the sequence as they appear on the hard drive.
- i. The sewer televising camera shall have the capability of a rotating lens. While televising the sewer pipe, the Contractor will rotate the camera so as to look in the service and determine if the service is capped or active (in service). This shall also be reflected in the reports. (i.e. capped or live)
- j. The Contractor will increase the skids on the camera to the proper size so that camera is in the center of the sewer pipe.
- k. Deep sags are to be dewatered so that proper television inspection can be performed.
- l. Any point repairs necessary prior to lining shall either be handled by the municipality directly or shall be considered a change order.

Any deviation from the location and/or quantity indicated in bid documents shall be noted and brought to the attention of the Owner, so that the bid quantities may be adjusted prior to commencing with any sewer repair/lining work.

10. Sewer Pipe Cleaning

The existing sewer pipes shall be cleaned with hydraulically powered equipment, high velocity jet cleaners or mechanically powered equipment. All internal debris, tree roots and other obstructions shall be removed from the existing (to be lined) sewer pipe. The Contractor shall intercept all debris from the pipe cleaning process at a point within the work zone so that no debris is allowed to travel downstream through the sewer system. Debris captured and removed from the sewer system shall be transported and disposed of in a lawful manner.

Cleaning, including capture, removal, disposal of debris shall be included in the base (sewer lining) unit price, and shall be performed by the Contractor at no additional cost to each municipality.

11. Sewer Flow Bypassing

Sewer flows will occur during the sewer pipe repair/lining work. It shall be the responsibility of the Contractor to plan and execute, where necessary, sewer bypass pumping operations sufficient to avoid causing sewer back-ups for each municipality residential and commercial customers and to avoid illegal discharge onto land or into waterways.

Contractor shall ensure that all bypass hoses are in good, working condition, not damaged, i.e., leaking. The contractor shall also supply adequate hose length to reach the next downstream manhole prior to

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commencing such work. In the event that bypass hoses need to cross the roadway, the contractor will need to furnish traffic ramp and bump signage in both directions along with standard Traffic Control and Protection.

The pump and bypass lines shall be of adequate capacity and size to handle the sewer flow. The Contractor shall be responsible for proper scheduling of all work, taking into consideration the possibility of rapid increases in flow resulting from rainfall and other natural events, and shall be fully prepared for all adverse conditions that may arise.

Each municipality approval is required for any bypass pumping operation that goes beyond normal working hours. The contractor is responsible for maintaining the pump, and all appurtenances including lines at all times during a bypass operation.

The cost associated with sewer bypassing shall be considered incidental to the cost of the contract. The Contractor shall bear all costs arising from failure to anticipate bypass pumping needs, including, but not limited to the emergency stoppage of work, remobilization, removal and replacement of damaged work, emergency response by municipality personnel and compensation for damage to public and private property.

12. Corrective Work

Any lining installation that fails to meet performance standards as identified herein, or contains other significant defects shall be subjective to corrective action.

Each municipality shall notify Contractor in writing of any work that is rejected, and shall specify the reasons for rejection. Within 10 days of receiving notice of rejected work, the Contractor shall submit a written proposal to the municipality detailing the proposed corrective action for each item of rejected work. The Contractor shall not proceed with corrective action until the respective Owner has approved the proposed corrective action. All corrective work must meet the standards and specifications set forth in this contract.

If determined that the existing sewer service is damaged by cutting of the liner, the municipality will allow the use of Performance Pipelining T-Liner process or the municipality respective Owner approved equal for service restoration.

If it appears that there is no acceptable alternative for sewer repair, the municipality may require the Contractor to remove all or a portion of the defective lining and install new lining in place. All expenses for any corrective work/defective sewer repair/relining work and material shall be borne by the Contractor.

13. Pre-construction Meeting

A pre-construction meeting with the Contractor will be held with each municipality to discuss all issues pertaining to this project. The contractor is requested to bring the following information to this meeting:

- a. The Contractor's proposed construction schedule.
- b. Name of sub-contractors (if applicable) involved in these projects.
- c. Name of Project Manager.
- d. Name of individual responsible for traffic control and maintenance
- e. Emergency Contact.

14. Weekly Meetings

Regular weekly meetings between the Contractor Project Manager and the respective Owner are required. The proposed Contractor's working schedule for the next two (2) weeks shall submitted to the respective

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Owner during each meeting. If any modifications to the proposed schedule are requested by the respective Owner, the Contractor shall adjust his proposed schedule accordingly.

15. Protection of Trees

Every effort shall be made by the Contractor when working near trees and shrubs to preserve same from harm. No trees or shrubs shall be removed unless so indicated on the Plans or as authorized in the field by the respective Owner. The Contractor shall be responsible for damage to or loss of any tree or shrub not specifically designated to be removed.

Damage to tree limbs shall be held to a minimum. Shrubs and tree limbs shall be tied back wherever necessary to prevent their loss or damage. Wherever damage by construction equipment to limbs and branches is unavoidable, they shall be pruned before starting work and sealed in accordance with best forestry practice.

No pruning of tree limbs or branches will be allowed without the written permission from the respective Owner. If pruning is necessary and approved, it will be done by an approved licensed landscape contractor, if the Owner deems it is necessary. The Contractor shall contact the respective Owner at least 24 hours prior to his need to prune. Tree protection shall be incidental to the Contract.

16. Safety

The Contractor shall comply with State, Local, Metropolitan Water Reclamation District ("MWRD") and Federal Safety and Health regulations applicable to the work being performed including Occupational Safety and Health Administration ("OSHA") approved confined space entry procedures. Prior to entering access areas such as manholes, and performing inspection or cleaning operations, an evaluation of the atmosphere to determine the presence of toxic or flammable vapors or lack of oxygen must be undertaken in accordance with Local, State, or Federal Safety regulations.

The cost associated with the above referenced safety precautions shall be considered incidental to the cost of the contract.

17. Public Advisory

A minimum of two weeks prior to commencing with sewer repair/lining work the Contractor shall coordinate with each municipality to provide general public notice of the work to be done.

Public advisory services will be required to notify all parties whose sewer services will be out of commission and to advise against water usage until the sewer service is back in service. This is the responsibility of the Contractor. Notices shall be given within 24 hours of interruption. Written notices must be approved by each municipality prior to publication, and must contain specific information as to when the sewer service disruption will begin and end. Notices must be given the proposed day of work if work is cancelled for any reason, as well as the proposed reschedule of shut-down.

No customer shall be deprived of sanitary sewer service for more than twelve consecutive hours unless approved by the Owner.

The Contractor shall assume responsibility for any sewer backups or other damages sustained by residents or businesses as a result of testing, cleaning, lining or any other part of the work. The Contractor shall arrange and pay for professional cleaning and/or repair services where required at no additional cost to the municipality

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"No Parking - Police Order" signs are available upon request at the office of the Owner. All such notices shall be removed by the Contractor immediately upon the completion of work in each block. The cost associated with public advisory shall be considered incidental to the cost of the contract.

18. Hours of Construction

No work shall be done Monday thru Friday between 7:00 P.M. and 7:00 A.M., nor on Saturdays, Sundays, or legal holidays without written permission of Owner. Permission to work the day before the holiday must be granted two (2) weeks in advance of work. However, emergency work may be done with permission from Owner. Work activity, as intended herein, includes warming or starting up of any machinery or engines.

19. Protection of Environment

The protection of environment shall include:

- a. Contractor, in executing work, shall maintain work areas on- and off-site free from environmental pollution that would be in violation of any federal, state or local regulations.
- b. Take adequate measures to prevent impairment of operation of existing sewer systems. Prevent construction material, earth, or other debris from entering sewers or sewer structures.
- c. Observe rules and regulations of State of Illinois and agencies of U.S. government prohibiting pollution of any lake, stream, river or wetland by dumping of refuse, rubbish, dredge material or debris therein.
- d. Comply with procedures outlined in U.S. EPA manuals entitled, "Guidelines for Erosion and Sedimentation Control Planning and Implementation," Manual EPA-R2-72-015 and "Processes, Procedures, and Methods to Control Pollution Resulting from All Construction Activity," Manual EPA 430/9-73-007.
- e. Dispose of excess excavated material and other waste material in a lawful manner.
- f. Minimize air pollution by wetting down bare soils during windy periods, requiring use of properly operating combustion emission control devices on construction vehicles and equipment used by Contractors, and encouraging shutdown of motorized equipment not actually in use.
- g. Trash burning will not be permitted on construction site.
- h. Chemicals used during project construction or furnished for project operation, whether herbicide, pesticide, disinfectant, polymer, reactant, or of other classification, must show approval of either U.S. EPA or U.S. Department of Agriculture or any other applicable regulatory agency.
- i. Use of such chemicals and disposal of residues shall be in conformance with manufacturer's instructions.
- j. Conduct operations in such a manner as to cause the least possible disruption or annoyance to residents in the vicinity of work performed, and to comply with all applicable local ordinances.
- k. Equip compressors, hoists, and other apparatus with such mechanical devices as may be necessary to minimize noise and dust.
- l. Equip gasoline or oil operated equipment with silencers or mufflers on intake and exhaust lines
- m. Line storage bins and hoppers with material that will deaden sounds.
- n. Conduct operation of dumping rock and of carrying rock away in trucks so as to cause minimum of noise and dust.

SPECIAL PROVISION FOR

CURED-IN-PLACE PIPE

It is the Contractor's responsibility to inspect the condition of the existing sewer system after all sewer repair/lining work is complete.

The Contractor shall use an experienced personnel trained in the use of closed circuit television in existing/repared sewer systems, which shall furnish the necessary labor, tools, equipment, and appurtenances to perform the sewer televising services as specified. The television inspection equipment and procedures used shall comply, but are not limited, with the following:

1. Televising inspections shall conform to NASSCO standards and all video and written documentation is to be provided in PACP format
2. The sewer inspections shall be recorded digitally on the portable USB hard drive referred to on page 21.. Recording playback shall be at the same speed that it was recorded. A complete recording shall be made of each line televised. A voice recording shall be done on the USB hard drive.
3. Location of sewer lines inspected using manhole number (sanitary sewer) and street addresses (storm sewer)
4. Post lining television inspection shall include rotating the lens to inspect all reinstated sewer services. Inspection of service opening shall be of the liner cutting to determine if opening is sufficient. If determined that the existing service is damaged by cutting of the liner, the municipality will allow the use of Performance Pipelining T-Liner process or municipality Owner approved equal for restoration.
5. Location of building service connections.
6. The footage and manhole numbers shall appear on the screen at all times.
7. Television Inspection logs shall be reported in the sequence as they appear on the USB hard drives.
8. The Contractor will increase the skids on the camera to the proper size so that camera is in the center of the sewer pipe.
9. Deep sags are to be dewatered so that proper television inspection can be performed.

Other incidental and measure of payment requirements to the cured-in-place pipe lining include:

1. Mobilization and site preparation.
2. Existing sewer system televising and cleaning before lining process
3. Televising of sanitary and storm sewer to determine installed conditions.
4. Placement of lining material within sanitary and/or storm sewer.
5. All manhole connections shall be water tight.
6. Removal and replacement of manhole frames, adjusting rings, and corbels are incidental to the liner unit price. No additional compensation will be made for this work, including restoration to pre-construction conditions.
7. Flow control, including bypass pumping, if required.
8. Reinstatement and reconnection of active sewer service connections.
9. CCTV Examination: Televising interior of pipe after completion of work and provide the portable USB hard drive referred to on page 21 to Owner. Use pan and tilt color 3 lux camera to view the sewer service lateral connections.
10. Sewer testing and internal inspections of installation.
11. Pavement damage and restoration.
12. Parkway damage and restoration.
13. Cleanup.
14. Other appurtenant and incidental work.
15. Full-time traffic control surveillance by contractor.
16. Each USB hard drive will be permanently labeled with the following information.
 - a. Job/Work Order No.:
 - b. Contractor Name:
 - c. CD No.:
 - d. Date Televised:
 - e. Date Submitted:
 - f. Street/Easement (Location):

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- g. Upstream MH
 - h. Downstream MH
 - i. Municipality Name
17. Data shall be configured according to the definitions and database structures included in this specification. Video must be able to be viewed using Windows Media Player 9 Series and have the ability to use all features of the video player including fast forward capability.
18. Measure sewer in linear feet (lf) on straight horizontal line along centerline of sewer. Do not include distance through manholes in measurement.

The prior to lining sewer condition evaluation information and the post lining sewer condition evaluation information shall be recorded on the same USB hard drive. Cost of supplying the portable USB hard drive referred to on page 21 copies and reports to each municipality shall be included in the sewer lining work unit price.

Basis of Payment – Cured-In-Place Pipe

Payment shall be made for the contract unit price per lineal foot for CURED IN PLACE PIPE – SANITARY SEWER LINING, of the diameter specified, which price shall be in full for labor, material, testing and equipment required for complete and operational existing sewer main rehabilitation.

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SPECIAL PROVISION FOR REINSTATEMENT OF SERVICE LATERALS – STORM OR SANITARY SEWER

The reinstatement of service laterals shall include the costs of:

1. Site Preparation.
2. Protecting existing utilities, site objects and new work.
3. Contractor shall certify a minimum of two complete functional cutters plus key spare components are on the job site before each installation.
4. Re-open branch connections without excavation, utilizing a remotely controlled cutting device, monitored by a CCTV.
5. Branch (service) connections shall be re-established at a minimum of 95% of the flow capacity and shall be wire brushed smooth, without damaging PVC services, to full diameter of openings.
6. If it is determined that the existing service is damaged by cutting of the liner, the Owner will allow the use of Performance Pipelining T-Liner process, or approved equal method, for service restoration. No additional compensation will be provided for the required service repair work.
7. No additional payments will be made for excavations for the purpose of reopening connections and the Contractor shall be responsible for all costs and liability associated with such excavation and restoration work.
8. Cleanup.
9. Collect all reinstatement coupons at the next downstream manhole. All excess lining material is to be removed from the sewer system.
10. Other appurtenant and incidental work.
11. General requirements of sections listed.
12. Traffic control and protection.
13. Unless otherwise directed by the Owner or his authorized representative, all laterals will be reinstated.

Basis of Payment – Reinstatement of Service Laterals

Include cost of work listed herein in unit price each for REINSTATEMENT OF SERVICE LATERALS – SANITARY SEWER.

**SPECIAL PROVISION FOR
PROTRUDING TAP REMOVAL**

The protruding tap removal shall include the costs of:

1. Site Preparation.
2. Protecting existing utilities, site objects and new work.
3. Removal of protruding taps utilizing a remotely controlled cutting device.
4. CCTV record image of before and after tap removal.
5. Cleanup.
6. Other appurtenant and incidental work.
7. General requirements of sections listed.
8. Traffic control.

Basis of Payment – Protruding Tap Removal

Include cost of work listed herein in unit price each for PROTRUDING TAP REMOVAL.

Basis of Payment – End Seals

Payment shall be made for the contract unit price each for END SEAL – SANITARY SEWER LINING, of the diameter specified, which price shall be in full for labor, material, testing and equipment required for complete and operational existing sewer main rehabilitation.

Additional Information

Glenview

Hours of Construction – No work shall be done Monday thru Friday between 7:00 PM and 7:00 AM, nor on Saturdays, Sundays, or legal holidays within written permission of the Owner. Permission to work the day before a holiday must be granted two (2) weeks in advance of work. However, emergency work may be done with the permission of the Engineer. Work activity, as intended herein, includes warming or starting up of any machinery or equipment.

Local Parking Plan – overnight parking is available at the Public Works Facility, 2498 West Lake Avenue

Local Water Plan – the Village of Glenview will allow water to be obtained from Village-owned hydrants, as approved by the water department superintendent. The Contractor must obtain a permit and make a refundable deposit (\$750), install portable water meter and maintain a record of water quantity used (no cost for water).

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Company Name: _____ Address: _____ City, State, Zip: _____

Item No.	Items	Unit	Winnetka QTY	Glencoe QTY	Kenilworth QTY	Glenview QTY	Golf QTY	Total	Bid \$/Unit Year 2019	Bid \$/Unit Year 2020	Bid \$/Unit Year 2021
1	8" Cured in Place Pipe	LF	1,712	3,277		6,431	380	11,800			
2	8" Cured in Place Pipe (Easement)	LF	3,754				540	4,294			
3	9" Cured in Place Pipe	LF			1,875			1,875			
4	10" Cured In Place Pipe	LF		539		1,466		2,005			
5	12" Cured in Place Pipe	LF	201			1,170		1,371			
6	12" Cured in Place Pipe (Easement)	LF	591					591			
7	15" Cured in Place Pipe	LF									
8	18" Cured in Place Pipe	LF									
9	21" Cured in Place Pipe	LF									
10	21" Cured in Place Pipe (Easement)					861		861			
11	24" Cured in Place Pipe	LF				648		648			
12	27" Cured in Place Pipe	LF									
13	30" Cured in Place Pipe	LF									
14	33" Cured in Place Pipe	LF									
15	36" Cured in Place Pipe	LF									
16	Reinstatement of Service Laterals - Sanitary Sewer	Each	76	63		168	9	316			
17	Protruding Tap Removal	Each		1				1			
18	8" End Seals	Each	64	32			8	104			
19	10" End Seals	Each		4				4			
20	12" End Seals	Each	8					8			
21	15" End Seals	Each									
22	18" End Seals	Each									
23	21" End Seals	Each									
24	24" End Seals	Each									
25	27" End Seals	Each									
26	30" End Seals	Each									
27	33" End Seals	Each									
28	36" End Seals	Each									
29	(8"-18") Heavy Cleaning	LF				1,650		1,650			

END OF BID SPECIFICATIONS

VILLAGE OF WINNETKA, ILLINOIS

BID #019-006

BID FORM

(PLEASE TYPE OR PRINT THE FOLLOWING INFORMATION)

Full Name of Bidder	
Main Business Address	
City, State, Zip Code	
Telephone Number	
Fax Number	
Bid Contact Person	
Email Address	

TO: Village of Winnetka

The undersigned certifies that he is:

☐ the Owner/Sole Proprietor ☐ a Member of the Partnership ☐ an Officer of the Corporation ☐ a Member of the Joint Venture

Herein after called the Bidder and that the members of the Partnership or Officers of the Corporation are as follows:

(President or Partner)

(Vice-President or Partner)

(Secretary or Partner)

(Treasurer or Partner)

Further, the undersigned declares that the only person or parties interested in this bid as principals are those named herein; that this bid is made without collusion with any other person, firm or corporation; that he has fully examined the proposed forms of agreement and the contract specifications for the above designated purchase, all of which are on file in the office of the Financial Services Coordinator, Village of Winnetka, 510 Green Bay Road, Winnetka, Illinois 60093, and all other documents referred to or mentioned in the contract documents, specifications and attached exhibits, including Addenda No. _____, _____, and _____ issued thereto;

Further, the undersigned proposes and agrees, if this bid is accepted, to provide all necessary machinery, tools, apparatus and other means of construction, including transportation services necessary to furnish all the materials and equipment specified or referred to in the contract documents in the manner and time therein prescribed.

Further, the undersigned certifies and warrants that he is duly authorized to execute this certification/affidavit on behalf of the Bidder and in accordance with the Partnership Agreement or by-laws of the Corporation, and the laws of the State of Illinois and that this Certification is binding upon the Bidder and is true and accurate.

Further, the undersigned certifies that the Bidder is not barred from bidding on this contract as a result of a violation of either 720 Illinois Compiled Statutes 5/33 E-3 or 5/33E-4, bid rigging or bid-rotating or as a result of a violation of 820 ILCS 130/1 et seq., the Illinois Prevailing Wage Act.

The undersigned certifies that he has examined and carefully prepared this bid and has checked the same in detail before submitting this bid, and that the statements contained herein are true and correct.

VILLAGE OF WINNETKA, ILLINOIS

If a Corporation, the undersigned further certifies that the recitals and resolutions attached hereto and made a part hereof were properly adopted by the Board of Directors of the Corporation at a meeting of said Board of Directors duly called and held and have not been repealed, nor modified and that the same remain in full force and effect. *(Bidder may be requested to provide a copy of the corporate resolution granting the individual executing the contract documents authority to do so.)*

Further, the bidder certifies that he has provided equipment; supplies or services comparable to the items specified in this contract to the parties listed in the reference section below and authorizes the Village to verify references of business and credit at its option.

The undersigned, upon being first duly sworn, hereby certifies to the Village of Winnetka, Illinois, that all work under this bid shall comply with the Prevailing Wage Rate Act of the State of Illinois (820 ILCS 130/0.01, et set) and as amended by Public Acts 86-799 and 86-693, with rates to be paid in effect at time work is performed. Contractors shall submit certified records to the Village with requests for payment. Contractors shall be responsible for determining local rates throughout the duration of the project.

Finally, the Bidder, if awarded the contract, agrees to do all other things required by the contract documents, and that he will take in full payment therefore the sums set forth in the bidding schedule (subject to unit quantity adjustments based upon actual usage).

BID AWARD CRITERIA:

This bid will be awarded to the lowest responsive, responsible bidder meeting specifications based upon the total lump sum bid amount.

TOTAL BID AMOUNT:

\$ _____
Total (in figures)

_____ Dollars and _____ Cents.
(Print or Type)

The Contractor agrees to provide the equipment, service and/or supplies as described in this solicitation and subject, without limitation, to all specifications, terms, and conditions herein contained. Bidder shall acknowledge receipt of each addendum issued in the space provided on the bid form.

X _____

(Signature and Title)

CORPORATE SEAL
(If available)

**BID MUST BE SIGNED AND NOTARIZED
FOR CONSIDERATION**

Subscribed and sworn to before me this _____ day of _____ AD, 20____

_____ My Commission Expires: _____
(Notary Public)

VILLAGE OF WINNETKA, ILLINOIS

BONDING AND INSURANCE REQUIREMENTS

The Village of Winnetka reserves the right to require reasonable bonding instruments to ensure performance of the awarded vendor. The bonding requirements for this project are listed below:

<u>Instrument Type</u>	<u>Conditions</u>	<u>Submittal</u>	<u>Required</u>
Bid/Proposal Security	Not less than 10% of the total bid amount. Security may be in the form of a bid bond, cashier's check, money order or bank draft.	With bid response.	NOT REQUIRED
Performance Bond	100% of the total contract award amount.	Within fourteen (14) days upon approval of award by corporate authorities.	REQUIRED
Warranty Bond	ONE (1) year warranty bond.	Within fourteen (14) days upon approval of award by corporate authorities.	NOT REQUIRED
Certificate of Insurance	Requirements listed on subsequent page.	Within fourteen (14) days upon approval of award by corporate authorities.	REQUIRED

INSTRUMENT DEFINITIONS

PROPOSAL SECURITY/BOND: The security will be returned when the contract is awarded to the successful Offeror. The successful Offeror's security may be held for a period not to exceed ninety (90) days, to allow the Village of Winnetka's measurement of Contractor performance. Failure to perform will result in security forfeiture as liquidated damages to cover the cost of Village of Winnetka's re-proposal costs.

PERFORMANCE BONDS & LABOR & MATERIALS BONDS: Performance Bonds will provided by the successful vendor in the amount of 100% of the contract price. Said bond shall be issued by a responsible surety listed in Best's Key Ratings Guide, and shall guarantee the prompt payment of all materials, labor, and protect and save harmless the Village of Winnetka from claims and damages of any kind caused by the performance of the contract. The contractor's bond shall also guarantee the faithful performance of the prevailing wage clause as provided by the contract. Failure to furnish said bonds will result in the forfeiture of the bid deposit as liquidated damages, not as a penalty.

WARRANTY BOND: The successful vendor must submit a warranty bond for the period indicated above that ensures that all warranty issues relating to the project herein will be addressed by the vendor during said period.

CERTIFICATE OF INSURANCE: The successful vendor should refer to the applicable amount listed and on the Insurance Graph. Said insurance companies must be listed in the Best's Key Ratings Guide.

INSURANCE REQUIREMENTS

Section 1 GENERAL

The Village of Winnetka requires certain types and amounts of insurance to be carried by those providing services to the Village. The insurance is to be arranged so as to protect the contractor or service provider and the Village from suits arising out of injury to employees, and bodily injury, personal injury or property damage to members of the public. General guidelines are provided in the attached Exhibit. Before beginning any work for the Village, proof of insurance must be furnished by the contractor or service provider. The same guidelines apply to any subcontractor you hire to perform work in conjunction with this contract.

All insurance provided must be with a company satisfactory to the Village of Winnetka. Generally, any company with a rating of less than A-, as issued by the latest edition of Best's Insurance Rating Guide, is unacceptable.

Section 2 WORKER'S COMPENSATION

All contractors or service providers shall furnish satisfactory proof that they have taken out, for the period covered by the work under this agreement, full worker's compensation insurance for all employees whom the contractor or service provider may employ in carrying out the work contemplated under this agreement. Should the work fall within the jurisdiction of the United States Longshoreman's and Harbor Workers Compensation Act and liability under the Admiralty and Railroad Employees Federal Liability Act, it is the contractor's responsibility to extend their coverage to provide and maintain full force coverage, under one or any of these acts, during the period covered by this agreement.

In addition, the contractor or service provider shall furnish to the Village, satisfactory proof that the insurance includes coverage for occupational diseases. Employer's liability should also be provided for both bodily injury and disease that may arise out of the employment of any persons involved under this agreement.

Section 3 GENERAL LIABILITY INSURANCE

General Liability Insurance shall be carried by all contractors or service providers on a comprehensive form and on an occurrence basis. Proof of such coverage shall be furnished to the Village. Such proof shall verify that the coverage includes contractual liability.

Section 4 AUTOMOBILE LIABILITY INSURANCE

The contractor or service provider shall purchase insurance to cover any liability arising out of the use of any vehicle.

Section 5 AMOUNT OF INSURANCE

The worker's compensation insurance covering injury to employees of a contractor or service provider, shall provide statutory coverage.

All other liability coverage shall provide a total limit of liability for this contract. In many cases, the limit of liability is \$5,000,000 combined for both bodily injury and property damage is required. In order to achieve this limit, several policies of insurance may be necessary and this is satisfactory to the Village provided proof of such coverage is provided to the Village.

Section 6 CERTIFICATES OF INSURANCE

Prior to beginning any work, the contractor or service provider is required to provide certificates of insurance verifying coverage. A standard certificate of insurance form is acceptable. The certificate shall verify that each policy shall bear an endorsement precluding cancellation or reduction of, or material change in coverage without first giving the Village of Winnetka 30 days prior notice in writing.

Nothing contained within the insurance requirements shall be construed as limiting the extent of the contractor or service providers' responsibility for payment of damages resulting from his operations under this agreement.

VILLAGE OF WINNETKA, ILLINOIS

Section 7 INDEMNITY

The contractor or service provider shall indemnify and hold harmless the Village, its agents, officials and employees against all injuries, deaths, claims, liabilities, costs and expenses, etc., which may accrue against the Village in consequence of the granting of this agreement.

The required insurance liability for the project outlined in the SPECIFICATIONS section is highlighted in yellow below. Absence of highlighting indicates no proof of insurance is required for this bid:

This table is intended as a general guide. In the event that the activities to be performed don't fall into one of the following categories, the Village may require more or less coverage than indicated below.	Total Limit of Liability (In Millions) Per Project	Worker's Compensation and Employers Liability	Comm'l General Liability	Comprehensive Form	Premises/Operations	Underground Explosion & Collapse	Produces/Completed Operations	Contractual	Independent Contractors	Broad Form Property Damage	Auto Liability	Any Auto	Garage Liability	Aircraft Liability
Auto Repairs	2	X	X	X			X	X	X		X	X	X	
Buildings – Construction, alteration (including roofing), repair and demolition	5	X	X	X		X	X	X	X	X	X	X		
Buildings – Maintenance & Repair (Plumbing, HVAC, electrical, etc.)	2	X	X	X		X	X	X	X	X	X	X		
Delivery and Messenger Services	2	X	X	X			X	X	X		X	X		
Guard Services	2	X	X	X			X	X	X		X	X		
Janitorial Services and Window Washing	2	X	X	X			X	X	X		X	X		
Brick Paver Maintenance Services	2	X	X	X			X	X	X		X	X		
Maintenance & Repair of Office Machines	2	X	X	X			X	X	X	X				
Movie Making	5	X	X	X			X	X	X		X	X		
Permits – Use of Village facilities for meetings	2	X	X		X			X						
Road and Street Construction	5	X	X	X		X	X	X	X	X	X	X		
Rubbish Removal (Scavengers)	5	X	X	X			X	X	X		X	X		
Sewer & Water – Repair and Installation	5	X	X	X		X	X	X	X	X	X	X		
Sidewalk Construction	2	X	X	X		X	X	X	X		X	X		
Special Events – Fireworks, amusement rides, etc.	5	X	X	X			X	X	X		X	X		
Surveys – Aerial	5	X	X	X			X	X	X					X
Surveys – Ground	2	X	X	X			X	X	X		X	X		
Tree Removal, Installation, Trimming	5	X	X	X		X	X	X	X		X	X		
Uniform Supply	2	X	X	X			X	X	X		X	X		

VENDOR COMPLIANCE AFFIDAVIT

As a condition of entering into a contract with the Village of Winnetka, and under oath and penalty of perjury and possible termination of contract rights and debarment, the undersigned deposes and states that he has the authority to make any certifications required by this Affidavit on behalf of the bidder, and that all information contained in this Affidavit is true and correct in both substance and fact.

Section 1: BID RIGGING AND ROTATING

1. This bid is not made in the interest of, or on behalf of an undisclosed person, partnership, company, association, organization or corporation;
2. The bidder has not in any manner directly or indirectly sought by communication, consultation or agreement with anyone to fix the bid price of any bidder, or to fix any overhead profit or cost element of their bid price or that of any other bidder, or to secure any advantage against the Village of Winnetka or anyone interested in the proper contract;
3. This bid is genuine and not collusive or sham;
4. The prices, breakdowns of prices and all the contents quoted in this bid have not knowingly been disclosed by the bidder directly or indirectly to any other bidder or any competitor prior to the bid opening;
5. All statements contained in this bid are true.
6. No attempt has been or will be made by the bidder to induce any other person or firm to submit a false or sham bid.
7. No attempt has been or will be made by the bidder to induce any other person or firm to submit or not submit a bid for the purpose of restricting competition;
8. The undersigned on behalf of the entity making this proposal or bid certifies the bidder is not barred from entering into this contract as a result of violations of either Section 33E-3 or Section 33E-4 of the Illinois Criminal Code.

Section 2: TAX COMPLIANCE

1. The undersigned on behalf of the entity making this proposal or bid certifies that neither the undersigned nor the entity is barred from contracting with the Village of Winnetka because of any delinquency in the payment of any tax administered by the State of Illinois, Department of Revenue, unless the undersigned or the entity is contesting, in accordance with the procedures established by the appropriate revenue act, liability of the tax or the amount of tax;
2. The undersigned or the entity making this proposal or bid understands that making a false statement regarding delinquency of taxes is a Class A Misdemeanor and in addition voids the contract and allows the municipality to recover all amounts paid to the entity under the contract in civil action.

Section 3: EQUAL EMPLOYMENT OPPORTUNITY

This EQUAL OPPORTUNITY CLAUSE is required by the Illinois Human Rights Act, 775 ILCS 5/101 et seq.

In the event of the contractor's non-compliance with any provision of the Equal Employment Opportunity Clause, the Illinois Human Rights Act, or the Rules and Regulations for Public Contracts of the Department of Human Rights, the contractor may be declared non-responsive and therefore ineligible for future contractor subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be canceled or voided in whole or in part, and such other sanctions or penalties may be imposed or remedies involved as provided by statute or regulations.

VILLAGE OF WINNETKA, ILLINOIS

During the performance of this contract, the contractor agrees:

1. That it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin or ancestry; and further that it will examine all job classifications to determine if minority persons or woman are underutilized and will take appropriate action to rectify any such underutilization;
2. That, if it hires additional employees in order to perform this contract, or any portion hereof, it will determine the availability (in accordance with the Department's Rules and Regulations for Public Contract's) of minorities and women in the area(s) from which it may reasonably recruit and it will hire for each job classification for which employees are hired in such a way that minorities and women are not underutilized;
3. That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability, or an unfavorable discharge from military service.
4. That it will send to each labor organization or representative of workers with which it has or is bound by a collective bargaining or other such agreement or understanding, a notice advising such labor organization or representative of the contractor's obligation under the Illinois Human Rights Act and the Department's Rules and Regulations for Public Contract. If any such labor organization or representative fails or refuses to cooperate with the contractor in its efforts to comply with such Act and Rules and Regulations, the contractor will promptly so notify the Department and contracting agency will recruit employees from other sources when to fulfill its obligation thereunder.
5. That it will submit reports as required by the Department's Rules and Regulations for Public Contracts, furnish all relevant information as may from time to time be requested by the Department or contracting agency, and in all respects comply with the Illinois Human Rights Act and the Department's Rules and Regulations for Public Contracts.
6. That it will permit access to all relevant books, records, accounts, and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain compliance with the Illinois Human Rights Act and the Departments Rules and Regulations for Public Contracts.
7. That it will include verbatim or by reference the provisions of this Equal Opportunity Clause in every subcontract it awards under which any portion of the contract obligations are undertaken or assumed, so such provisions will be binding upon such subcontractor. In the same manner as the other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by such subcontractors; and further it will promptly notify the Department in the event any subcontractor fails or refuses to comply therewith. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Department to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

Section 4: ILLINOIS DRUG FREE WORK PLACE ACT

The undersigned will publish a statement:

1. Notifying employees that the unlawful manufacture, distribution, dispensation, possession, or a use of a controlled substance is prohibited in the work place;
2. Specifying the actions that will be taken against employees for violating this provision;
3. Notifying the employees that, as a condition of their employment to do work under the contract with the Village of Winnetka, the employee will:
 - i. Abide by the terms of the statement;
 - ii. Notify the undersigned of any criminal drug statute conviction for a violation occurring in the work place not later than five (5) days after such a conviction.

4. Establishing a drug free awareness program to inform employees about:

- i. The dangers of drug abuse in the work place;
- ii. The policy of maintaining a drug-free work place;
- iii. Any available drug counseling, rehabilitation or employee assistance programs;
- iv. The penalties that may be imposed upon an employee for drug violations.

5. The undersigned shall provide a copy of the required statement to each employee engaged in the performance of the contract with the Village of Winnetka, and shall post the statement in a prominent place in the work place.

6. The undersigned will notify the Village of Winnetka within ten (10) days of receiving notice of an employee's conviction.

7. Make a good faith effort to maintain a drug free work place through the implementation of these policies.

8. The undersigned further affirms that within thirty (30) days after receiving notice of a conviction of a violation of the criminal drug statute occurring in the work place he shall:

- i. Take appropriate action against such employee up to and including termination;
- or
- ii. Require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health department, law enforcement, or other appropriate agency.

Section 5: SEXUAL HARASSMENT POLICY

The undersigned on behalf of the entity making this proposal or bid certifies that a written sexual harassment policy is in place pursuant to Public Act 87-1257, effective July 1, 1993, 775 ILCS 5/2-105 (A).

This Act has been amended to provide that every party to a public contract must have written sexual harassment policies that include, at a minimum, the following information:

- 1. The illegality of sexual harassment;
- 2. The definition of sexual harassment under State law;
- 3. A description of sexual harassment, utilizing examples;
- 4. The vendor's internal complaint process, including penalties;
- 5. The legal recourse, investigative and complaint process available through the Department of Human Rights, and the Human Rights Commission;
- 6. Directions on how to contact the Department and Commission;
- 7. Protection against retaliation as provided by 6-101 of the Act.

Section 6: VENDOR INFORMATION

1. Is the bidder a publicly traded company? (Yes or No)

If the answer is yes, state the number of outstanding shares in each class of stock. Provide the name of the market or exchange on which the company's stock is traded.

2. Is the bidder 50% or more owned by a publicly traded company? (Yes or No)

If the answer to the above question is yes, name the publicly traded company or companies owning 50% or more of your stock, state the number of outstanding shares in each class of stock and provide the name of the market or exchange on which the stock of such company or companies is traded.

IT IS EXPRESSLY UNDERSTOOD THAT THE FOREGOING STATEMENTS AND REPRESENTATIONS AND PROMISES ARE MADE AS A CONDITION TO THE RIGHT OF THE BIDDER TO RECEIVE PAYMENT UNDER ANY AWARD MADE UNDER THE TERMS AND PROVISIONS OF THIS PROPOSAL.

CONTRACTOR SIGNATURE: _____

NAME: _____ TITLE: _____
(Print or type)

Subscribed and sworn to me this _____ day of _____, 20____, A.D.

By: _____
(Notary Public)

-Seal-

VILLAGE OF WINNETKA, ILLINOIS

Form W-9 (Rev. December 2011) Department of the Treasury Internal Revenue Service	Request for Taxpayer Identification Number and Certification	Give Form to the requester. Do not send to the IRS.																																																												
Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)																																																													
	Business name/disregarded entity name, if different from above																																																													
	Check appropriate box for federal tax classification: ☐ Individual/sole proprietor ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate ☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ ☐ Other (see instructions) ▶ _____																																																													
	☐ Exempt payee																																																													
	Address (number, street, and apt. or suite no.)	Requestor's name and address (optional)																																																												
	City, state, and ZIP code																																																													
List account number(s) here (optional)																																																														
Part I Taxpayer Identification Number (TIN) Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see <i>How to get a TIN</i> on page 3. Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.																																																														
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Part II Certification Under penalties of perjury, I certify that: 1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and 2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and 3. I am a U.S. citizen or other U.S. person (defined below). Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 4.																																																														
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Sign Here</td> <td style="width: 65%;">Signature of U.S. person ▶ _____</td> <td style="width: 20%;">Date ▶ _____</td> </tr> </table>			Sign Here	Signature of U.S. person ▶ _____	Date ▶ _____																																																									
Sign Here	Signature of U.S. person ▶ _____	Date ▶ _____																																																												
General Instructions Section references are to the Internal Revenue Code unless otherwise noted. Purpose of Form A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to: 1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued), 2. Certify that you are not subject to backup withholding, or 3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.																																																														
Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9. Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are: • An individual who is a U.S. citizen or U.S. resident alien, • A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, • An estate (other than a foreign estate), or • A domestic trust (as defined in Regulations section 301.7701-7). Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.																																																														

Cat. No. 10231X

Form **W-9** (Rev. 12-2011)

Please submit completed W-9 form with your bid proposal

VILLAGE OF WINNETKA, ILLINOIS

REFERENCES

The vendor must list four (4) references, listing firm name, address, telephone number and contact person to whom they have provided similar equipment, material or services for a period of not less than six (6) months. Additional references may be required. If bidder is a new business, provide references that will enable the Village to determine if bidder is responsible.

COMPANY NAME:	
ADDRESS:	
CONTACT PERSON:	
TELEPHONE NUMBER:	

COMPANY NAME:	
ADDRESS:	
CONTACT PERSON:	
TELEPHONE NUMBER:	

COMPANY NAME:	
ADDRESS:	
CONTACT PERSON:	
TELEPHONE NUMBER:	

COMPANY NAME:	
ADDRESS:	
CONTACT PERSON:	
TELEPHONE NUMBER:	

STATE THE NUMBER OF YEARS IN BUSINESS:	
STATE THE CURRENT NUMBER OF PERSONNEL ON STAFF:	

VILLAGE OF WINNETKA, ILLINOIS

OFFEROR'S SUBCONTRACTORS (IF APPLICABLE)

FULL NAME OF BIDDER:	
CONTACT PERSON:	

SUBCONTRACTORS:

A. Will you employ subcontractors? _____
(YES) (NO)

B. If "YES", identify with each firm's name, address, telephone number and work to be subcontracted:

COMPANY NAME:	
ADDRESS:	
CONTACT PERSON:	
TELEPHONE NUMBER:	
WORK TO BE PROVIDED:	

COMPANY NAME:	
ADDRESS:	
CONTACT PERSON:	
TELEPHONE NUMBER:	
WORK TO BE PROVIDED:	

VILLAGE OF WINNETKA, ILLINOIS

COMPANY NAME:	
ADDRESS:	
CONTACT PERSON:	
TELEPHONE NUMBER:	
WORK TO BE PROVIDED:	

COMPANY NAME:	
ADDRESS:	
CONTACT PERSON:	
TELEPHONE NUMBER:	
WORK TO BE PROVIDED:	

The Contractor will not change or use subcontractors not identified in this proposal without prior written approval from the Village of Winnetka.

A request for a change in subcontractors shall be made in writing and will include a description of any savings that may be realized in the execution of this contract, and must be passed on to the Village of Winnetka.

**FAILURE TO PROVIDE SUBCONTRACTORS MAY BE JUST CAUSE FOR REJECTION OF
OFFEROR'S PROPOSAL.**

NO-BID RESPONSE

RFB #19-006

In the event that your organization chooses not to submit a bid for this solicitation the Village of Winnetka is interested in the reasons why bidders have chosen not to submit responses in order to better serve the taxpayers of the Village. Please indicate your reason(s) by checking all applicable items below and return this form to the address shown below.

- ☐ Could not meet specifications.
- ☐ Items or materials requested not manufactured by us or not available to our company.
- ☐ Insurance requirements too restricting.
- ☐ Bond requirements too restricting.
- ☐ Scope of services not clearly understood or applicable (too vague, too rigid, etc.).
- ☐ Project not suited to our organization.
- ☐ Quantities too small.
- ☐ Insufficient time allowed for preparation of proposal.
- ☐ Other (please specify):

Vendor Name: _____

Contact Person: _____

Telephone: _____

Email: _____

LATE BIDS CANNOT BE ACCEPTED!

SEALED BID PROPOSAL

RFB: #019-006

DUE DATE: 3/28/2019

DUE TIME: 10:00AM

DESCRIPTION: ANNUAL SEWER LINING

DATED MATERIAL-DELIVER IMMEDIATELY

OFFICE (AFFIX DATE STAMP HERE):

**PLEASE CUT OUT AND AFFIX THIS LABEL (ABOVE) TO
THE LOWER LEFT CORNER OF THE OUTERMOST
ENVELOPE OR BOX OF YOUR PROPOSAL TO HELP
ENSURE PROPER DELIVERY!**

Appendix A

2019 Sewer Lining Exhibits

Winnetka Location Maps

VILLAGE OF WINNETKA, ILLINOIS



AUBURN SEWER RELINING AREA



Map created on February 12, 2019.

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Disclaimer: This map is for general information purposes only. Although the information is believed to be generally accurate, errors may exist and the user should independently confirm for accuracy. The map does not constitute a regulatory determination and is not a base for engineering design. A Registered Land Surveyor should be consulted to determine precise location boundaries on the ground.

Sanitary Sector and Manhole

Sanitary Sector



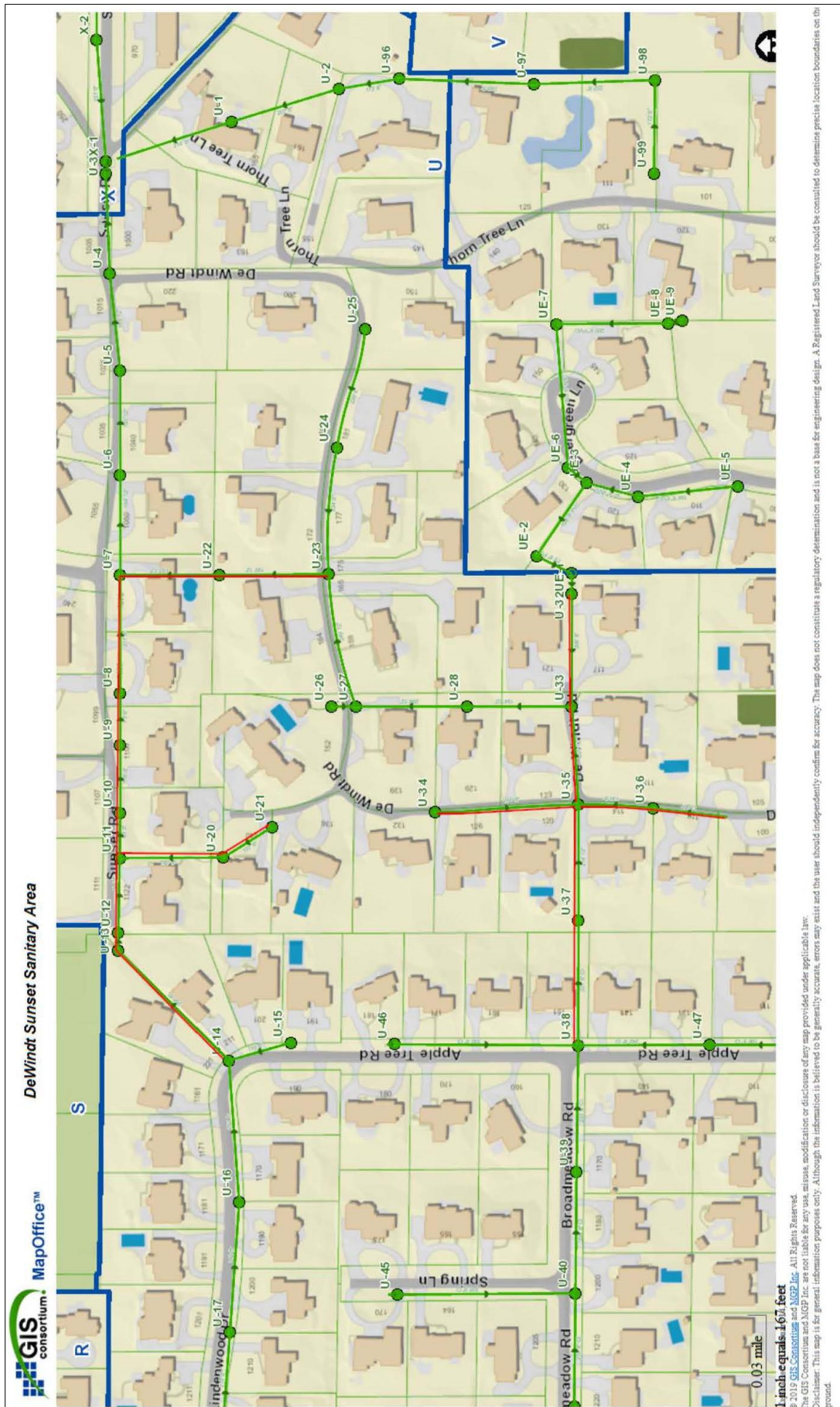
Sanitary Manhole



Sanitary Line



VILLAGE OF WINNETKA, ILLINOIS



Sanitary

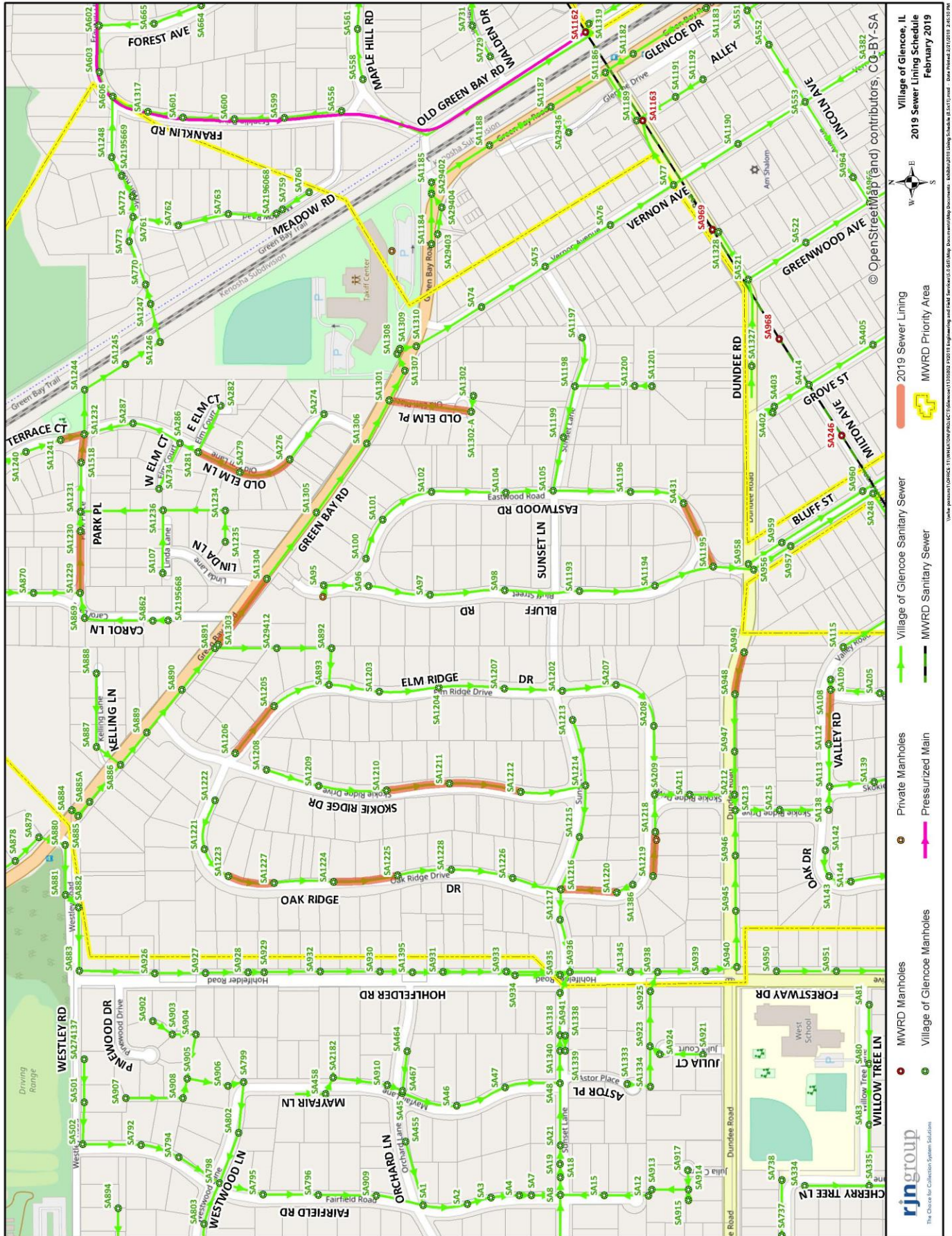
- Discharge Point 
- Fitting  Other
- FlaredEndSection 
- Plug 
- Manhole 
- Unknown Structure 
- Lateral 
- Large Structure Point 
- Lined Main  Abandoned
- Active 
- Regional Sewer Main  Active
- Sewer Main  Abandoned
- Active 
- Unknown Pipe  Abandoned
- Active 
- Pressurized Main  Abandoned
- Active 
- Underground Enclosure 
- Large Structure 

Sanitary Sector and Manhole

- Sanitary Sector 
- Sanitary Manhole 
- Sanitary Line 

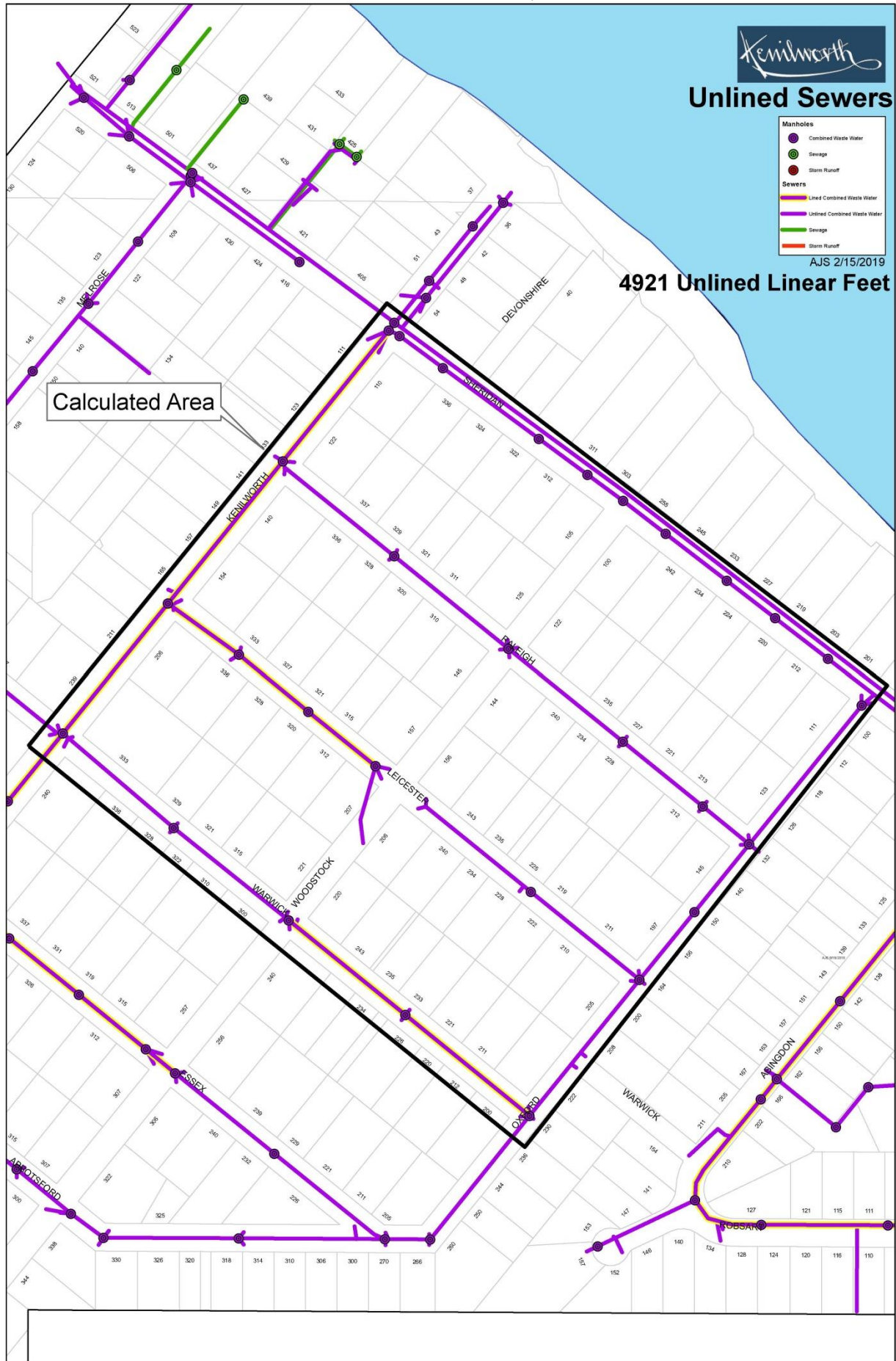
Glencoe Location Map

VILLAGE OF WINNETKA, ILLINOIS

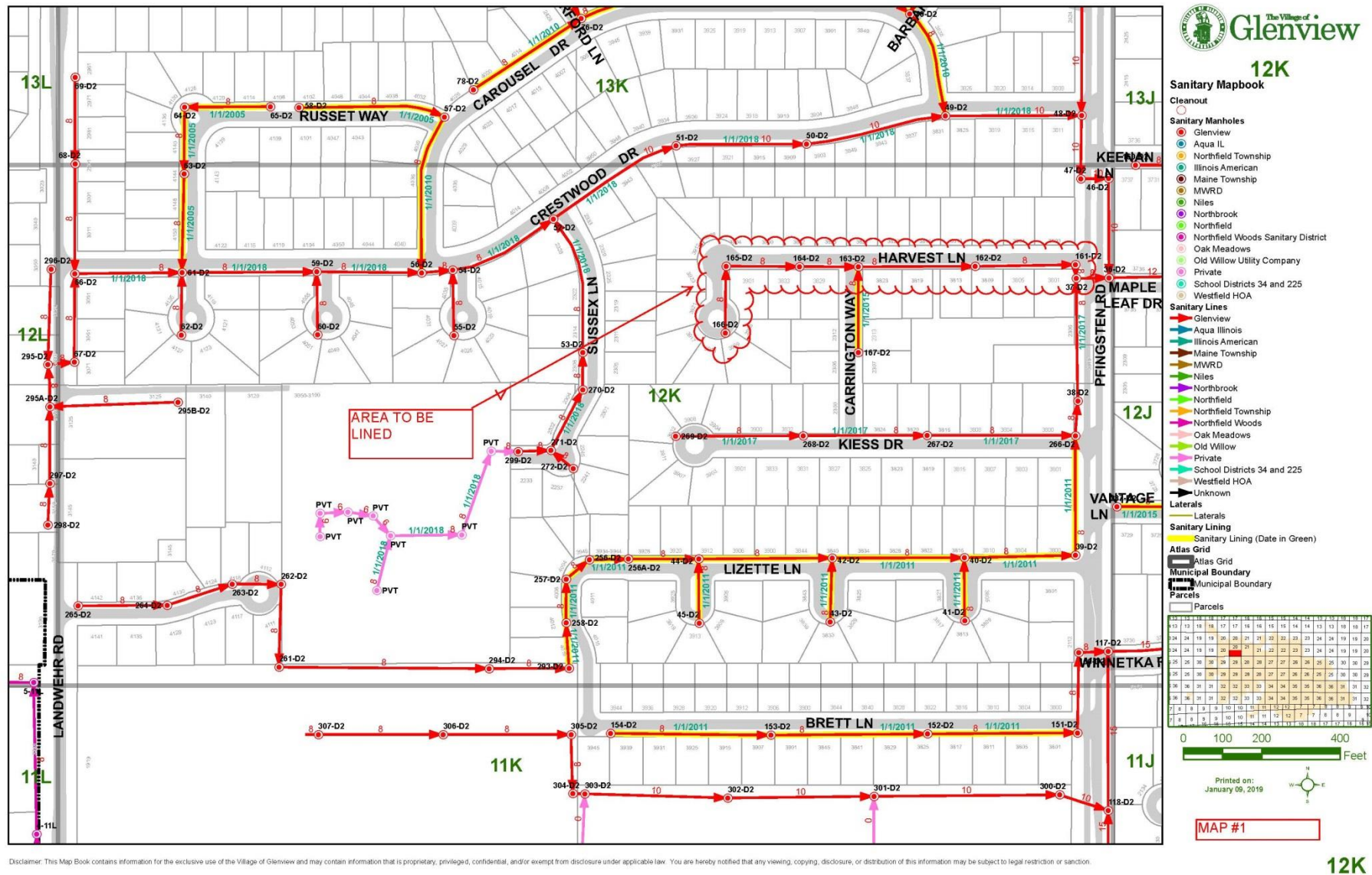


Kenilworth Location Map

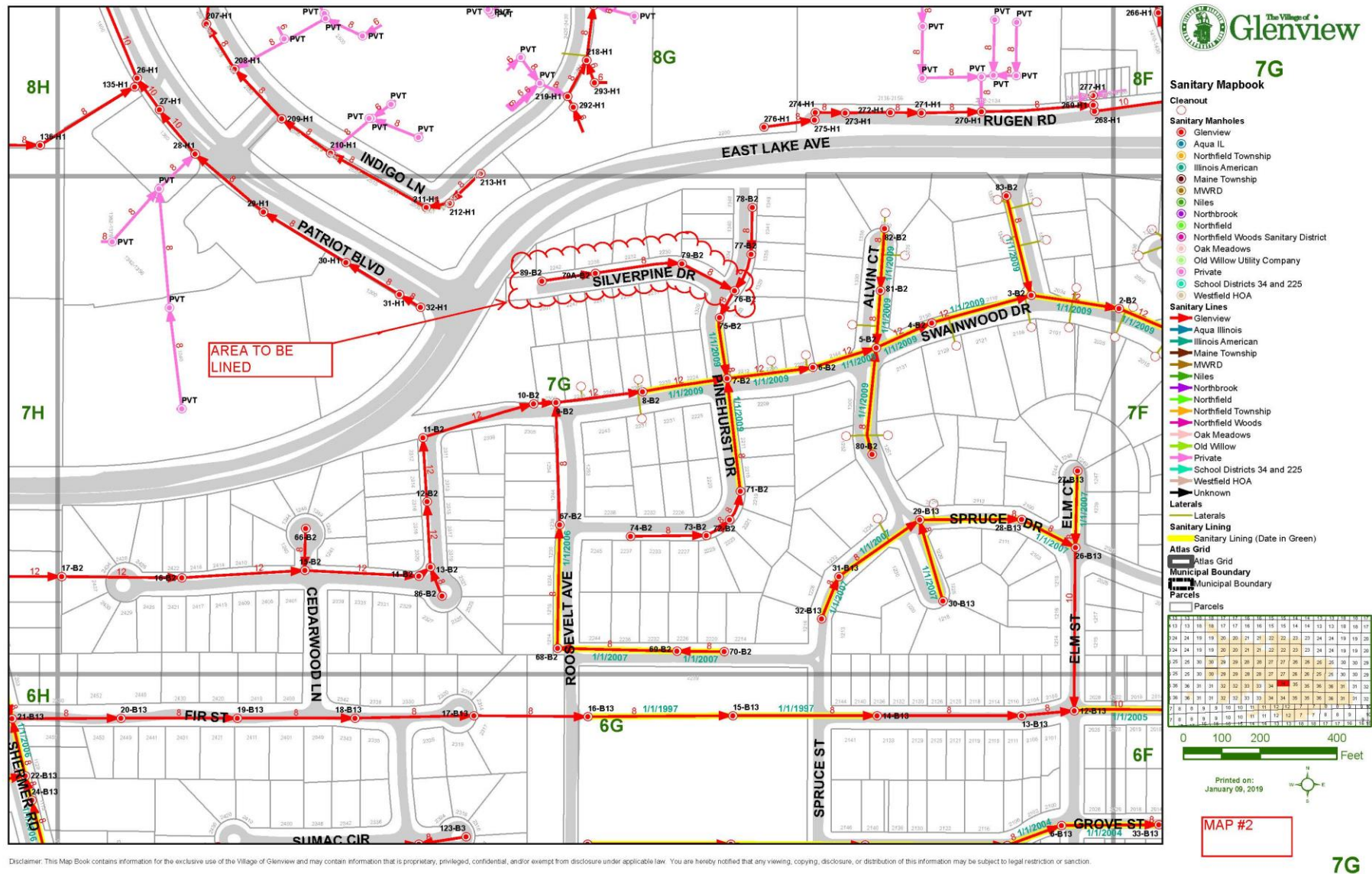
VILLAGE OF WINNETKA, ILLINOIS



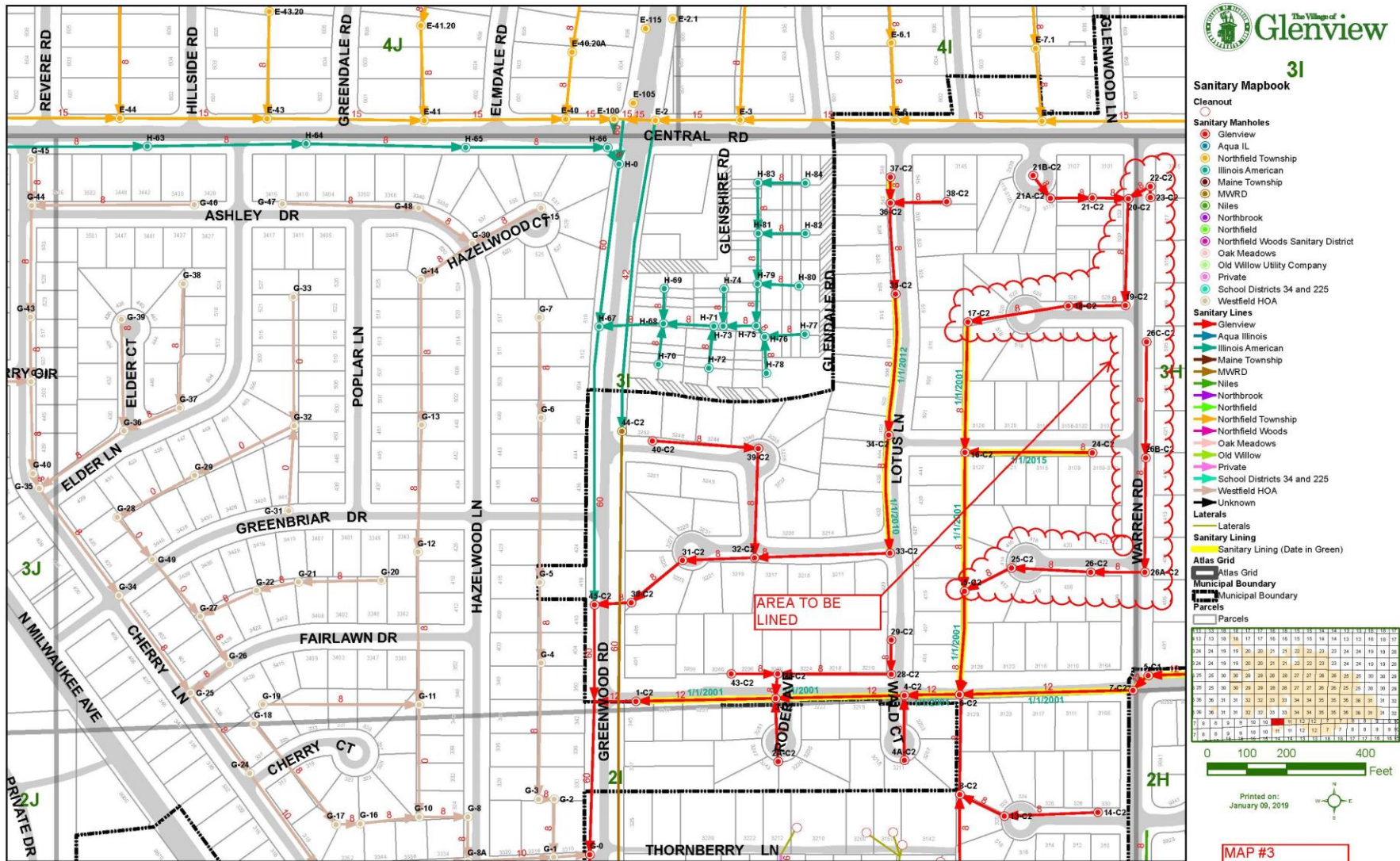
Glenview Location Maps



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6B

Sanitary Mapbook

Cleanout

Sanitary Manholes

- Glenview
- Aqua IL
- Northfield Township
- Illinois American
- Maine Township
- MWRD
- Niles
- Northbrook
- Northfield
- Northfield Woods Sanitary District
- Oak Meadows
- Old Willow Utility Company
- Private
- School Districts 34 and 225
- Westfield HOA

Sanitary Lines

- Glenview
- Aqua Illinois
- Illinois American
- Maine Township
- MWRD
- Niles
- Northbrook
- Northfield
- Northfield Township
- Northfield Woods
- Oak Meadows
- Old Willow
- Private
- School Districts 34 and 225
- Westfield HOA
- Unknown

Laterals

- Laterals

Sanitary Lining

- Sanitary Lining (Date in Green)

Atlas Grid

- Atlas Grid

Municipal Boundary

- Municipal Boundary

Parcels

- Parcels



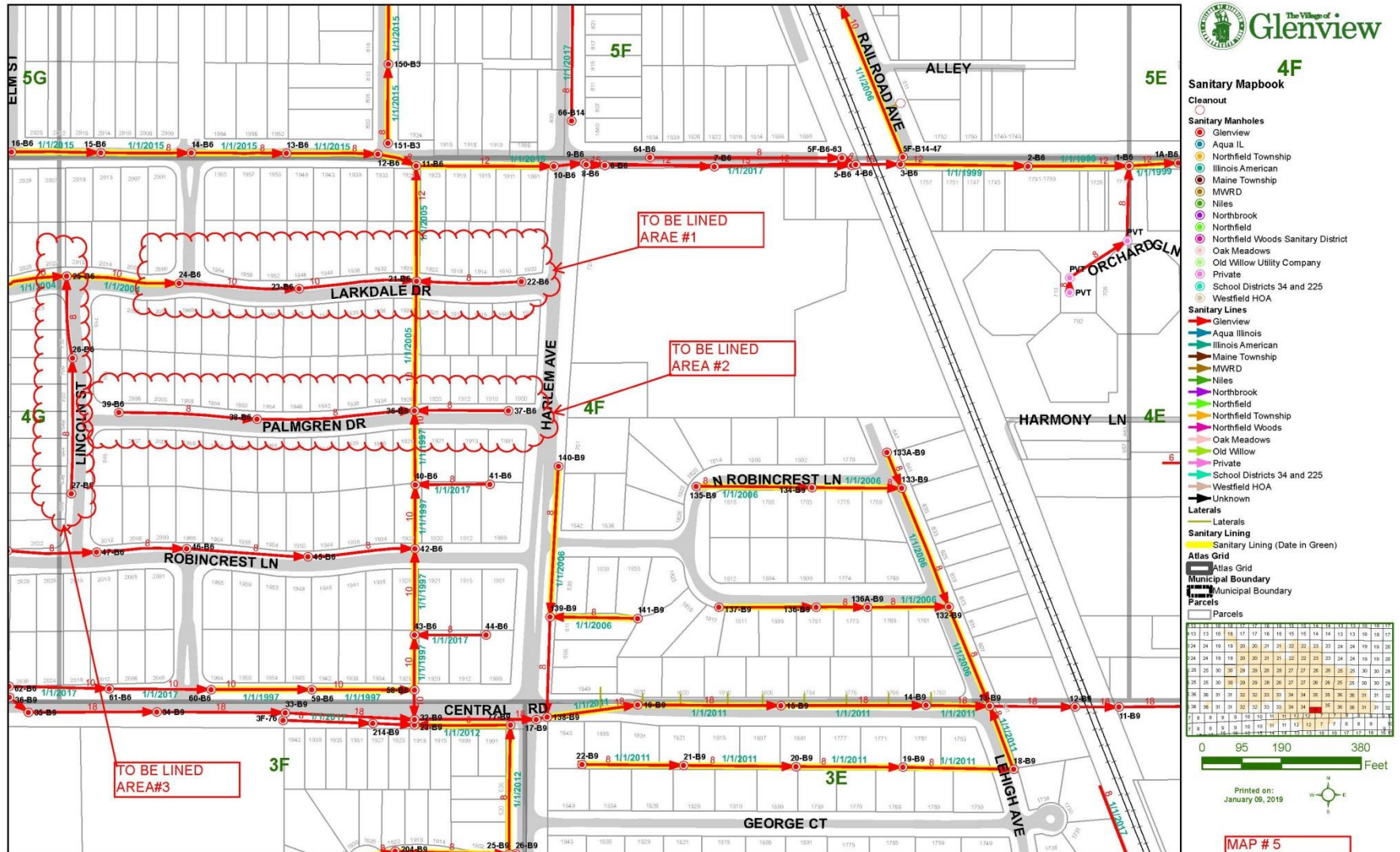
Printed on:
January 09, 2019

MAP #4

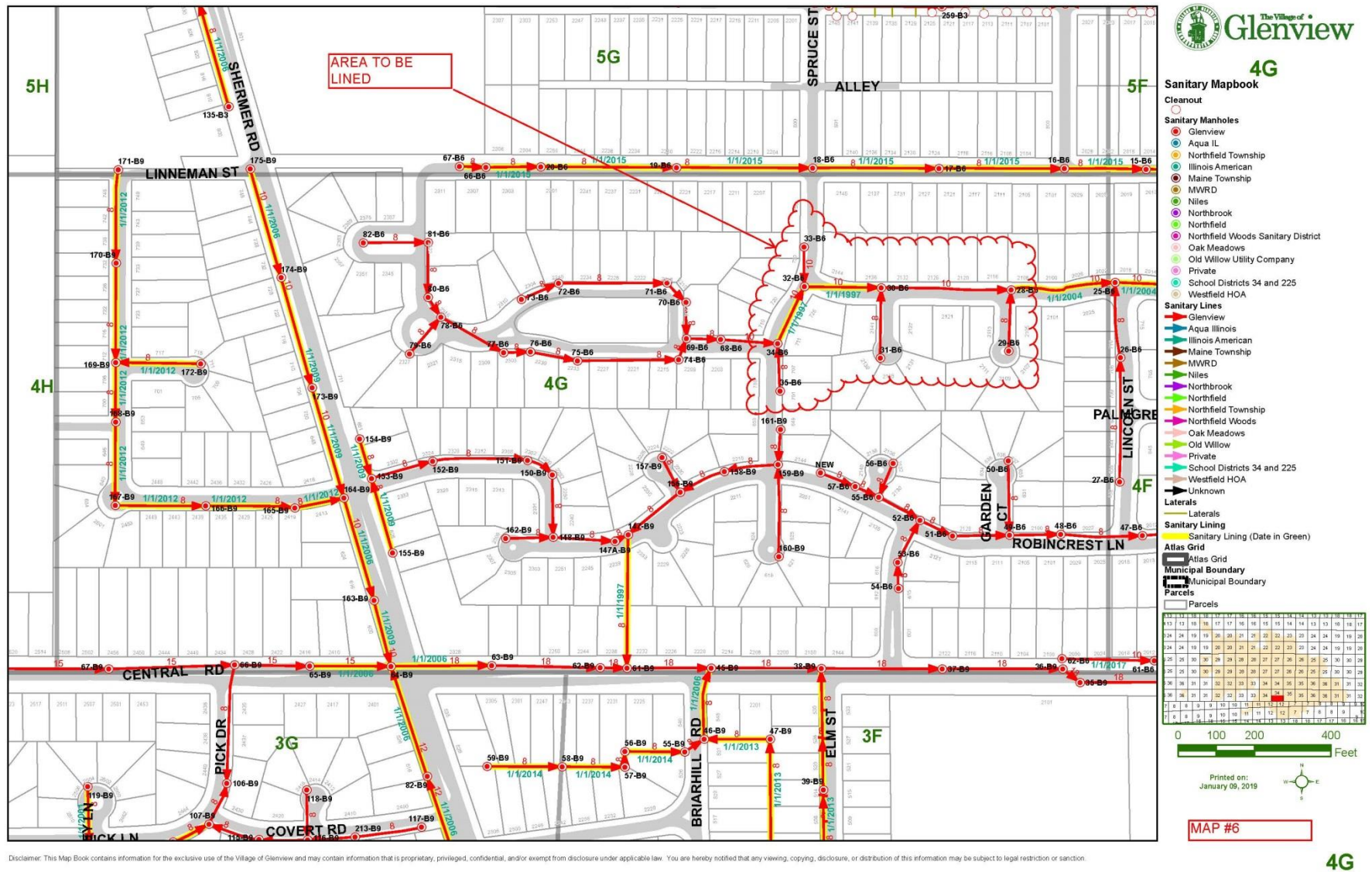
6B



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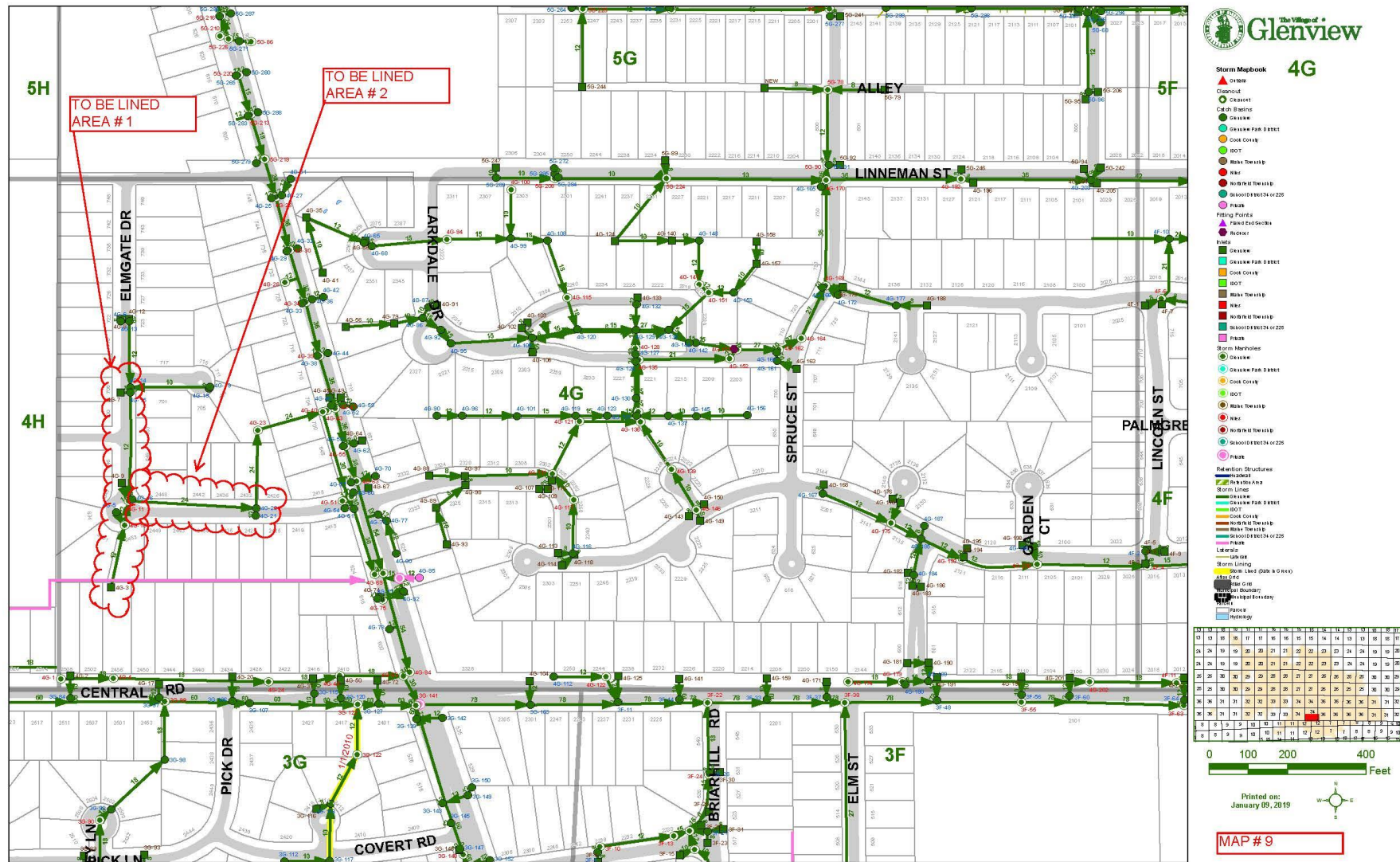




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Village of Glenview 2019 Sewer Lining Contract

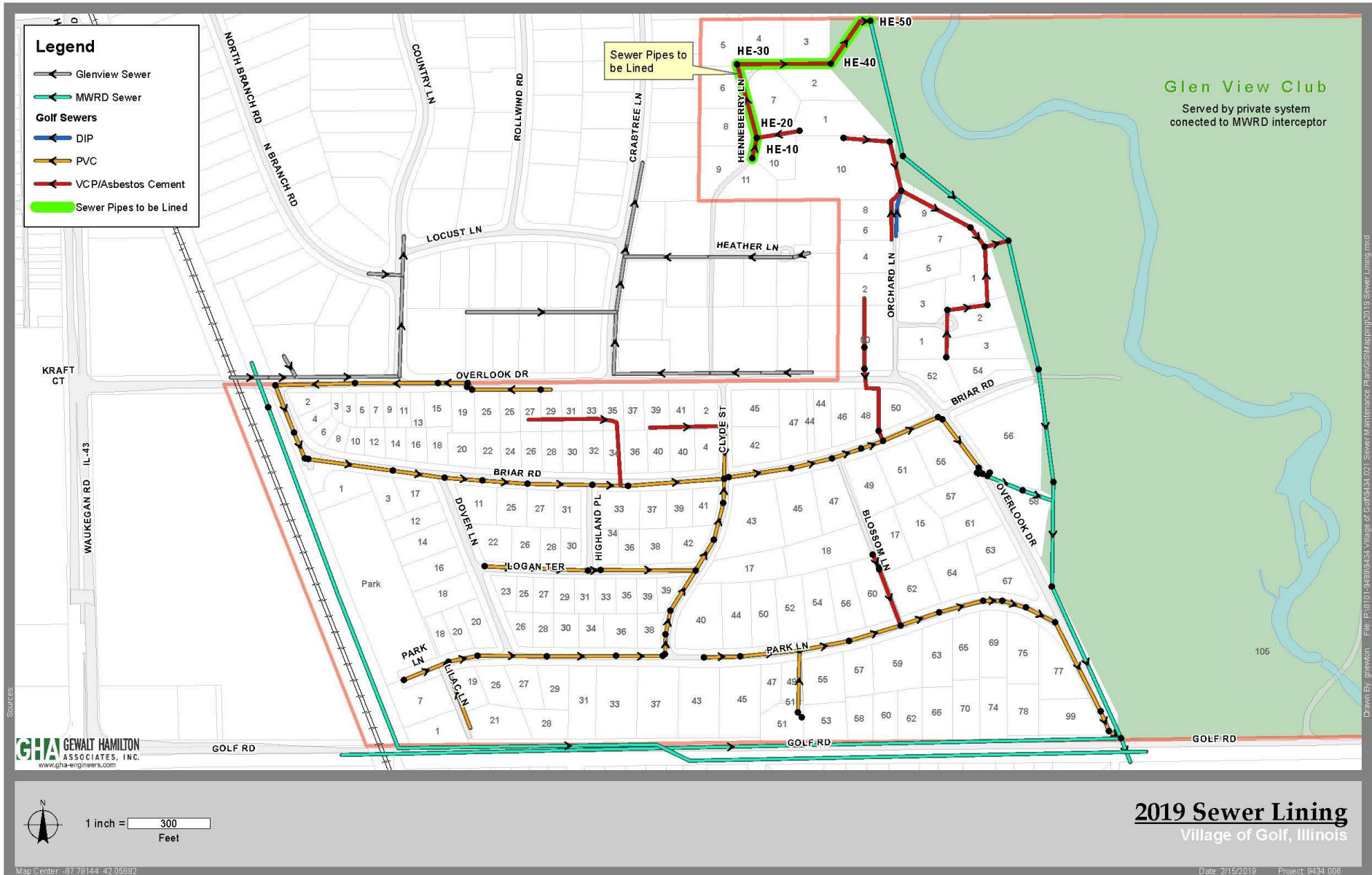
Sanitary Sewer Lining

Street Name / map location	8"	10"	12"	21"	24"	Sanitary Service Reinstatements	Heavy cleaning	Protruding Tap	CCTV/cleaning only
HARVEST LN 12K (MAP #1)									
166-D2 to 165-D2	171					5			
165-D2 to 164-D2	188					6			
164-D2 to 163-D2	151					3			
163-D2 to 162-D2	299					6			
162-D2 to 161-D2	256					6			
SILVERPINE DR 7G (MAP #2)									
89-B2 to 79A-B2	142					3			
79A-B2 to 79-B2	228					5			
79-B2 to 76-B2	154					2			
WARREN RD 3I (MAP#3)									
23-C2 to 22-C2	28								
22-C2 to 20-C2	64								
20-C2 to 19-C2	270					6			
19-C2 to 18-C2	145					3			
18-C2 to 17-C2	258					6			
26C-C2 to 26B-C2	293					4			
26B-C2 to 26A-C2	289					3			
26A-C2 to 26-C2	137					2			
26-C2 to 25-C2	201					5			
HEATHERFIELD LN 6B (MAP #4)									
38-A5 to 37-A5	213					5			
37-A5 to 43-A5	140					3			
32-A5 to 31-A5	223					3			
31-A5 to 30-A5	75								
45-A5 to 30-A5	159					5			
44-A5 to 30-A5		173				4			
30-A5 to 29-A5	169					2			
29-A5 to 10-A5		122				1			
10-A5 to 9-A5		134				2			
9-A5 to 8-A5		23							
Man hole lining									
Heavy Cleaning							1650		
CCTV and Cleaning only									
LARKDALE DR 4F (MAP #5 AREA 1)									
22-B6 to 21-B6	251					10			
21-B6 to 23-B6		282				8			
23-B6 to 24-B6		288				9			
LARKDALE DR 4G (MAP #6)									
28-B6 to 29-B6	160					5			
28-B6 to 30-B6		340				5			
30-B6 to 31-B6	184					5			
32-B6 to 33-B6		104				1			
34-B6 to 35-B6	125					2			
PALMGREN DR 4F (MAP #5 AREA 2)									
37-B6 to 36-B6	225					4			
36-B6 to 38-B6	378					12			
38-B6 to 39-B6	332					10			
LINCOLN ST 4F (MAP #5 AREA 3)									
27-B6 to 25-B6	325					5			
26-B6 to 25-B6	198					2			
	8"	10"	12"	21"	24"	Sanitary Service Reinstatements	Heavy Cleaning	Protruding Tap	CCTV/cleaning only
Total LF of Sanitary Lining	6431	1466	0	0	0	168	1650	0	0

VILLAGE OF WINNETKA, ILLINOIS

Street Name / map location	8"	10"	12"	21"	24"	Sanitary Service Reinstatements	Heavy cleaning	Protruding Tap	CCTV/cleaning only
Storm Sewer Lining									
Street Name / map location	8"	10"	12"	21"	24"	Sanitary Service Reinstatements	Heavy Cleaning	Protruding Tap	CCTV/cleaning only
GEORGE CT 3F (MAP #7)									
3F-96 to 3F-97			337						
SHERWOOD DR 7B (MAP #8)									
7B-6 to 7B-8			209						
7B-8 to 7B-21			122						
7B-21 to 7B-32				373					
7B-32 to 7B-45				212					
7B-45 to 7B-55				276					
7B-55 to 6B-11					322				
ELMGATE DR 4G (MAP #9 AREA 1)									
4G-15 to 4G-11			277						
4G-3 to 4G10			162						
4G-10 to 4G-11			63						
ROBINCREST LN 4G (MAP #9 AREA 2)									
4G-11 to 4G-22					326				
	8"	10"	12"	21"	24"	Sanitary Service Reinstatements	Heavy Cleaning	Protruding Tap	CCTV/cleaning only
Total LF of Storm Lining	0.00	0.00	1170.00	861.00	648.00	0.00	0.00	0.00	0.00
Total Lining Quantities									
	8"	10"	12"	21"	24"	Sanitary Service Reinstatements	Heavy Cleaning	Protruding Tap	CCTV/cleaning only
Totals for Storm and Sanitary	6,431	1,466	1,170	861	648	168	1,650	0	0

Golf Location Map



RESOLUTION NO. R-37-2018

**A RESOLUTION ASCERTAINING THE PREVAILING RATE OF WAGES
FOR THE CONSTRUCTION OF PUBLIC WORKS
IN THE VILLAGE OF WINNETKA**

WHEREAS, the State of Illinois has enacted the Prevailing Wage Act, 820 ILCS 130/0.01, *et seq.* (“**Act**”); and

WHEREAS, the Act requires the Village of Winnetka (“**Village**”) to investigate and ascertain, during the month of June of each year, the prevailing rate of wages as defined in the Act for laborers, mechanics and other workers in the Village employed in performing the construction of public works for the Village; and

WHEREAS, the Village Council has determined that it will serve and be in the best interest of the Village and its residents to adopt this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: RECITALS. The facts and statements contained in the preamble to this Resolution are found to be true and correct and are hereby adopted as part of this Resolution.

SECTION 2: ASCERTAINMENT AND APPLICATION OF PREVAILING WAGE. To the extent required by the Act, the general prevailing rate of wages in the Village for laborers, mechanics and other workers engaged in construction of public works coming under the jurisdiction of the Village is hereby ascertained to be the same as the prevailing rate of wages for construction in the Cook County area as determined by the Department of Labor of the State of Illinois (“**Department**”) as of September 2017 (which determination is the most recent made by the Department), a copy of which determination is attached to and, by this reference, made a part of this Resolution as **Exhibit A**. As required by the Act, any and all revisions of the prevailing rate of wages by the Department will supersede the Department’s September 2017 determination and apply to any and all public works construction undertaken by the Village.

SECTION 3: CONTRACTOR’S RESPONSIBILITY. Each contractor or subcontractor engaged in construction of public works for the Village to which the general prevailing rate of hourly wages are required by the Act to be paid must submit to the Village a certified payroll on a monthly basis, in accordance with Section 5 of the Act. The certified payroll must consist of a complete copy of those records required to be made and kept by the Act. The certified payroll must be accompanied by a statement signed by the contractor or subcontractor that certifies that: (A) such records are true and accurate; (B) the hourly rate paid is not less than the general prevailing rate of hourly wages required by the Act; and (C) the contractor or subcontractor is aware that filing a certified payroll that he or she knows to be false is a Class A misdemeanor. A general contractor may rely on the certification of a lower tier subcontractor, provided that the general contractor does not knowingly rely upon a subcontractor’s false certification. Upon seven business days’ notice, the contractor and each subcontractor must make available for inspection the records required to be made and kept by the Act: (i) to the Village and its officers and agents, to the Director of the Department and his or her

deputies and agents, and to all other federal, State, or local law enforcement agencies and prosecutors; and (ii) at all reasonable hours at a location within the State.

SECTION 4: DEFINITIONS; APPLICABILITY. The definition of any term appearing in this Resolution that is also defined or used in the Act is the same as in the Act. Nothing contained in this Resolution shall be construed to apply the general prevailing rate of wages as ascertained by this Resolution to any work or employment that is not subject to the requirements of the Act.

SECTION 5: POSTING AND INSPECTION. The Village Clerk is directed to publicly post this determination or any revisions of the prevailing rate of wages in the Village Hall and shall keep a copy available for inspection by any interested party. A copy of this determination or of any revised determination of prevailing rate of wages for Cook County then in effect will be attached to all public works construction contract specifications.

SECTION 6: MAILING UPON REQUEST. The Village Clerk is directed to mail a copy of this determination to any employer, to any association of employers, and to any person or association of employees who have filed their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

SECTION 7: FILING. The Village Clerk is directed to promptly file a certified copy of this Resolution with both the Secretary of State Index Division of the State of Illinois and the Department.

SECTION 8: PUBLICATION. Within 30 days after filing this Resolution in accordance with Section 7 of this Resolution, the Village Clerk is directed to publish a copy of this Resolution in a newspaper of general circulation in the Village, which publication shall be deemed to constitute notice that the determination made by this Resolution is effective and is the determination of the Village.

SECTION 9: EFFECTIVE DATE. This Resolution shall be in full force and effect after its passage and approval according to law.

[SIGNATURE PAGE FOLLOWS]

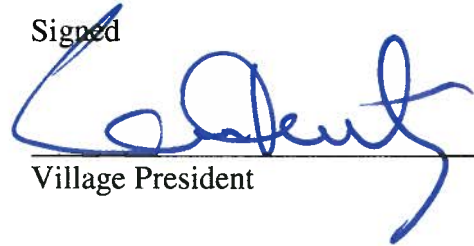
ADOPTED this 19th day of June, 2018, pursuant to the following roll call vote:

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

NAYS: None

ABSENT: Trustee Wedner

Signed


Village President

Countersigned:

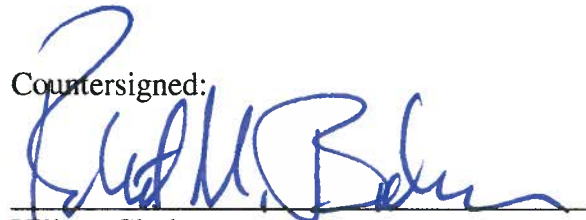

Village Clerk

Exhibit A

Illinois Department of Labor Prevailing Wages for Cook County
September 2017

**Prevailing Wage rates
for Cook County
effective Sept. 1, 2017**

Trade Title	Region	Type	Class	Base Wage	Fore- man Wage	M-F OT	OSA	OSH	H/W	Pension	Vacation	Training
ASBESTOS ABT-GEN	ALL	ALL		41.20	42.20	1.5	1.5	2	14.65	12.32	0.00	0.50
ASBESTOS ABT-MEC	ALL	BLD		37.46	39.96	1.5	1.5	2	11.62	11.06	0.00	0.72
BOILERMAKER	ALL	BLD		48.49	52.86	2	2	2	6.97	19.61	0.00	0.90
BRICK MASON	ALL	BLD		45.38	49.92	1.5	1.5	2	10.45	16.68	0.00	0.90
CARPENTER	ALL	ALL		46.35	48.35	1.5	1.5	2	11.79	18.87	0.00	0.63
CEMENT MASON	ALL	ALL		44.25	46.25	2	1.5	2	14.00	17.16	0.00	0.92
CERAMIC TILE FNSHER	ALL	BLD		38.56	38.56	1.5	1.5	2	10.65	11.18	0.00	0.68
COMM. ELECT.	ALL	BLD		43.10	45.90	1.5	1.5	2	8.88	13.22	1.00	0.85
ELECTRIC PWR EQMT OP	ALL	ALL		50.50	55.50	1.5	1.5	2	11.69	16.69	0.00	3.12
ELECTRIC PWR GRNDMAN	ALL	ALL		39.39	55.50	1.5	1.5	2	9.12	13.02	0.00	2.43
ELECTRIC PWR LINEMAN	ALL	ALL		50.50	55.50	1.5	1.5	2	11.69	16.69	0.00	3.12
ELECTRICIAN	ALL	ALL		47.40	50.40	1.5	1.5	2	14.33	16.10	1.00	1.18
ELEVATOR CONSTRUCTOR	ALL	BLD		51.94	58.43	2	2	2	14.43	14.96	4.16	0.90
FENCE ERECTOR	ALL	ALL		39.58	41.58	1.5	1.5	2	13.40	13.90	0.00	0.40
GLAZIER	ALL	BLD		42.45	43.95	1.5	1.5	2	14.04	20.14	0.00	0.94
HT/FROST INSULATOR	ALL	BLD		50.50	53.00	1.5	1.5	2	12.12	12.96	0.00	0.72
IRON WORKER	ALL	ALL		47.33	49.33	2	2	2	14.15	22.39	0.00	0.35
LABORER	ALL	ALL		41.20	41.95	1.5	1.5	2	14.65	12.32	0.00	0.50
LATHER	ALL	ALL		46.35	48.35	1.5	1.5	2	11.79	18.87	0.00	0.63
MACHINIST	ALL	BLD		47.56	50.06	1.5	1.5	2	7.05	8.95	1.85	1.47
MARBLE FINISHERS	ALL	ALL		33.95	33.95	1.5	1.5	2	10.45	15.52	0.00	0.47
MARBLE MASON	ALL	BLD		44.63	49.09	1.5	1.5	2	10.45	16.28	0.00	0.59
MATERIAL TESTER I	ALL	ALL		31.20	31.20	1.5	1.5	2	14.65	12.32	0.00	0.50
MATERIALS TESTER II	ALL	ALL		36.20	36.20	1.5	1.5	2	14.65	12.32	0.00	0.50
MILLWRIGHT	ALL	ALL		46.35	48.35	1.5	1.5	2	11.79	18.87	0.00	0.63

OPERATING ENGINEER	ALL	BLD	1	50.10	54.10	2	2	2	18.80	14.35	2.00	1.30
OPERATING ENGINEER	ALL	BLD	2	48.80	54.10	2	2	2	18.80	14.35	2.00	1.30
OPERATING ENGINEER	ALL	BLD	3	46.25	54.10	2	2	2	18.80	14.35	2.00	1.30
OPERATING ENGINEER	ALL	BLD	4	44.50	54.10	2	2	2	18.80	14.35	2.00	1.30
OPERATING ENGINEER	ALL	BLD	5	53.85	54.10	2	2	2	18.80	14.35	2.00	1.30
OPERATING ENGINEER	ALL	BLD	6	51.10	54.10	2	2	2	18.80	14.35	2.00	1.30
OPERATING ENGINEER	ALL	BLD	7	53.10	54.10	2	2	2	18.80	14.35	2.00	1.30
OPERATING ENGINEER	ALL	FLT	1	55.90	55.90	1.5	1.5	2	18.05	13.60	1.90	1.30
OPERATING ENGINEER	ALL	FLT	2	54.40	55.90	1.5	1.5	2	18.05	13.60	1.90	1.30
OPERATING ENGINEER	ALL	FLT	3	48.40	55.90	1.5	1.5	2	18.05	13.60	1.90	1.30
OPERATING ENGINEER	ALL	FLT	4	40.25	55.90	1.5	1.5	2	18.05	13.60	1.90	1.30
OPERATING ENGINEER	ALL	FLT	5	57.40	55.90	1.5	1.5	2	18.05	13.60	1.90	1.30
OPERATING ENGINEER	ALL	FLT	6	38.00	55.90	1.5	1.5	2	18.05	13.60	1.90	1.30
OPERATING ENGINEER	ALL	HWY	1	48.30	52.30	1.5	1.5	2	18.80	14.35	2.00	1.30
OPERATING ENGINEER	ALL	HWY	2	47.75	52.30	1.5	1.5	2	18.80	14.35	2.00	1.30
OPERATING ENGINEER	ALL	HWY	3	45.70	52.30	1.5	1.5	2	18.80	14.35	2.00	1.30
OPERATING ENGINEER	ALL	HWY	4	44.30	52.30	1.5	1.5	2	18.80	14.35	2.00	1.30
OPERATING ENGINEER	ALL	HWY	5	43.10	52.30	1.5	1.5	2	18.80	14.35	2.00	1.30
OPERATING ENGINEER	ALL	HWY	6	51.30	52.30	1.5	1.5	2	18.80	14.35	2.00	1.30
OPERATING ENGINEER	ALL	HWY	7	49.30	52.30	1.5	1.5	2	18.80	14.35	2.00	1.30
ORNAMNTL IRON WORKER	ALL	ALL		46.75	49.25	2	2	2	13.90	19.79	0.00	0.75
PAINTER	ALL	ALL		45.55	51.24	1.5	1.5	1.5	11.56	11.44	0.00	1.87
PAINTER SIGNS	ALL	BLD		37.45	42.05	1.5	1.5	2	2.60	3.18	0.00	0.00
PILEDRIIVER	ALL	ALL		46.35	48.35	1.5	1.5	2	11.79	18.87	0.00	0.63
PIPEFITTER	ALL	BLD		47.50	50.50	1.5	1.5	2	10.05	17.85	0.00	2.12
PLASTERER	ALL	BLD		42.75	45.31	1.5	1.5	2	14.00	15.71	0.00	0.89
PLUMBER	ALL	BLD		49.25	52.20	1.5	1.5	2	14.34	13.35	0.00	1.28
ROOFER	ALL	BLD		42.30	45.30	1.5	1.5	2	9.08	12.14	0.00	0.58
SHEETMETAL WORKER	ALL	BLD		43.50	46.98	1.5	1.5	2	11.03	23.43	0.00	0.78
SIGN HANGER	ALL	BLD		31.31	33.81	1.5	1.5	2	4.85	3.28	0.00	0.00

SPRINKLER FITTER	ALL	BLD		47.20	49.20	1.5	1.5	2	12.25	11.55	0.00	0.55
STEEL ERECTOR	ALL	ALL		42.07	44.07	2	2	2	13.45	19.59	0.00	0.35
STONE MASON	ALL	BLD		45.38	49.92	1.5	1.5	2	10.45	16.68	0.00	0.90
TERRAZZO FINISHER	ALL	BLD		40.54	40.54	1.5	1.5	2	10.65	12.76	0.00	0.73
TERRAZZO MASON	ALL	BLD		44.38	47.88	1.5	1.5	2	10.65	14.15	0.00	0.82
TILE MASON	ALL	BLD		45.49	49.49	1.5	1.5	2	10.65	13.88	0.00	0.86
TRAFFIC SAFETY WRKR	ALL	HWY		33.50	35.85	1.5	1.5	2	6.00	7.25	0.00	0.50
TRUCK DRIVER	E	ALL	1	35.60	36.25	1.5	1.5	2	8.56	11.50	0.00	0.15
TRUCK DRIVER	E	ALL	2	35.85	36.25	1.5	1.5	2	8.56	11.50	0.00	0.15
TRUCK DRIVER	E	ALL	3	36.05	36.25	1.5	1.5	2	8.56	11.50	0.00	0.15
TRUCK DRIVER	E	ALL	4	36.25	36.25	1.5	1.5	2	8.56	11.50	0.00	0.15
TRUCK DRIVER	W	ALL	1	35.98	36.53	1.5	1.5	2	8.25	10.14	0.00	0.15
TRUCK DRIVER	W	ALL	2	36.13	36.53	1.5	1.5	2	8.25	10.14	0.00	0.15
TRUCK DRIVER	W	ALL	3	36.33	36.53	1.5	1.5	2	8.25	10.14	0.00	0.15
TRUCK DRIVER	W	ALL	4	36.53	36.53	1.5	1.5	2	8.25	10.14	0.00	0.15
TUCKPOINTER	ALL	BLD		45.42	46.42	1.5	1.5	2	8.32	15.42	0.00	0.80

Legend

M-F OT Unless otherwise noted, OT pay is required for any hour greater than 8 worked each day, Mon through Fri. The number listed is the multiple of the base wage.

OSA Overtime pay required for every hour worked on Saturdays

OSH Overtime pay required for every hour worked on Sundays and Holidays

H/W Health/Welfare benefit

Explanations COOK COUNTY

The following list is considered as those days for which holiday rates of wages for work performed apply: New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day in some classifications/counties. Generally, any of these holidays which fall on a Sunday is celebrated on the following Monday. This then makes work performed on that Monday payable at the appropriate overtime rate for holiday pay. Common practice in a given local may alter certain days of celebration. If in doubt, please check with IDOL.

TRUCK DRIVERS (WEST) - That part of the county West of Barrington Road.

EXPLANATION OF CLASSES

ASBESTOS - GENERAL - removal of asbestos material/mold and hazardous materials from any place in a building, including mechanical systems where those mechanical systems are to be removed. This includes the removal of asbestos materials/mold and hazardous materials from ductwork or pipes in a building when the building is to be demolished at the time or at some close future date. **ASBESTOS - MECHANICAL** - removal of asbestos material from mechanical systems, such as pipes, ducts, and boilers, where the mechanical systems are to remain.

CERAMIC TILE FINISHER

The grouting, cleaning, and polishing of all classes of tile, whether for interior or exterior purposes, all burned, glazed or unglazed products; all composition materials, granite tiles, warning detectable tiles, cement tiles, epoxy composite materials, pavers, glass, mosaics, fiberglass, and all substitute materials, for tile made in tile-like units; all mixtures in tile like form of cement, metals, and other materials that are for and intended for use as a finished floor surface, stair treads, promenade roofs, walks, walls, ceilings, swimming pools, and all other places where tile is to form a finished interior or exterior. The mixing of all setting mortars including but not limited to thin-set mortars, epoxies, wall mud, and any other sand and cement mixtures or adhesives when used in the preparation, installation, repair, or maintenance of tile and/or similar materials. The handling and unloading of all sand, cement, lime, tile, fixtures, equipment, adhesives, or any other materials to be used in the preparation, installation, repair, or maintenance of tile and/or similar materials. Ceramic Tile Finishers shall fill all joints and voids regardless of method on all tile work, particularly and especially after installation of said tile work. Application of any and all protective coverings to all types of tile installations including, but not be limited to, all soap compounds, paper products, tapes, and all polyethylene coverings, plywood, masonite, cardboard, and any new type of products that may be used to protect tile installations, Blastrac equipment, and all floor scarifying equipment used in preparing floors to receive tile. The clean up and removal of all waste and materials. All demolition of existing tile floors and walls to be re-tiled.

COMMUNICATIONS ELECTRICIAN

Installation, operation, inspection, maintenance, repair and service of radio, television, recording, voice sound vision production and reproduction, telephone and telephone interconnect, facsimile, data apparatus, coaxial, fibre optic and wireless equipment, appliances and systems used for the transmission and reception of signals of any nature, business, domestic, commercial, education, entertainment, and residential purposes, including but not limited to, communication and telephone, electronic and sound equipment, fibre optic and data communication systems, and the performance of any task directly related to such installation or service whether at new or existing sites, such tasks to include the placing of wire and cable and electrical power conduit or other raceway work within the equipment room and pulling wire and/or cable through conduit and the installation of any incidental conduit, such that the employees covered hereby can complete any job in full.

MARBLE FINISHER

Loading and unloading trucks, distribution of all materials (all stone, sand, etc.), stocking of floors with material, performing all rigging for heavy work, the handling of all material that may be needed for the installation of such materials, building of scaffolding, polishing if needed, patching, waxing of material if damaged, pointing up, caulking, grouting and cleaning of marble, holding water on diamond or Carborundum blade or saw for setters cutting, use of tub saw or any other saw needed for preparation of material, drilling of holes for wires that anchor material set by setters, mixing up of molding plaster for installation of material, mixing up thin set for the installation of material, mixing up of sand to cement for the installation of material and such other work as may be required in helping a Marble Setter in the handling of all material in the erection or installation of interior marble, slate, travertine, art marble, serpentine, alberene stone, blue stone, granite and other stones (meaning as to stone any foreign or domestic materials as are specified and used in building interiors and exteriors and customarily known as stone in the trade), carrara, sanionyx, vitrolite and similar opaque glass and the laying of all marble tile, terrazzo tile, slate tile and precast tile, steps, risers treads, base, or any other materials that may be used as substitutes for any of the aforementioned materials and which are used on interior and exterior which are installed in a similar manner.

MATERIAL TESTER I: Hand coring and drilling for testing of materials; field inspection of uncured concrete and asphalt.

MATERIAL TESTER II: Field inspection of welds, structural steel, fireproofing, masonry, soil, facade, reinforcing steel, formwork, cured concrete, and concrete and asphalt batch plants; adjusting proportions of bituminous mixtures.

OPERATING ENGINEER - BUILDING

Class 1. Asphalt Plant; Asphalt Spreader; Autograde; Backhoes with Caisson Attachment; Batch Plant; Benoto (requires Two Engineers); Boiler and Throttle Valve; Caisson Rigs; Central Redi-Mix Plant; Combination Back Hoe Front End-loader Machine; Compressor and Throttle Valve; Concrete Breaker (Truck Mounted); Concrete Conveyor; Concrete Conveyor (Truck Mounted); Concrete Paver Over 27E cu. ft; Concrete Paver 27E cu. ft. and Under; Concrete Placer; Concrete Placing Boom; Concrete Pump (Truck Mounted); Concrete Tower; Cranes, All; Cranes, Hammerhead; Cranes, (GCI and similar Type); Creter Crane; Spider Crane; Crusher, Stone, etc.; Derricks, All; Derricks, Traveling; Formless Curb and Gutter Machine; Grader, Elevating; Grouting Machines; Heavy Duty Self-Propelled Transporter or Prime Mover; Highlift Shovels or Front Endloader 2-1/4 yd. and over; Hoists, Elevators, outside type rack and pinion and similar machines; Hoists, One, Two and Three Drum; Hoists, Two Tugger One Floor; Hydraulic Backhoes; Hydraulic Boom Trucks; Hydro Vac (and similar equipment); Locomotives, All; Motor Patrol; Lubrication Technician; Manipulators; Pile Drivers and Skid Rig; Post Hole Digger; Pre-Stress Machine; Pump Cretes Dual Ram; Pump Cretes: Squeeze Cretes-Screw Type Pumps; Gypsum Bulker and Pump; Raised and Blind Hole Drill; Roto Mill Grinder; Scoops - Tractor Drawn; Slip-Form Paver; Straddle Buggies; Operation of Tie Back Machine; Tournapull; Tractor with Boom and Side Boom; Trenching Machines.

Class 2. Boilers; Broom, All Power Propelled; Bulldozers; Concrete Mixer (Two Bag and Over); Conveyor, Portable; Forklift Trucks; Highlift Shovels or Front Endloaders under 2-1/4 yd.; Hoists, Automatic; Hoists, Inside Elevators; Hoists, Sewer Dragging Machine; Hoists, Tugger Single Drum;

Laser Screed; Rock Drill (Self-Propelled); Rock Drill (Truck Mounted); Rollers, All; Steam Generators; Tractors, All; Tractor Drawn Vibratory Roller; Winch Trucks with "A" Frame.

Class 3. Air Compressor; Combination Small Equipment Operator; Generators; Heaters, Mechanical; Hoists, Inside Elevators (remodeling or renovation work); Hydraulic Power Units (Pile Driving, Extracting, and Drilling); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Low Boys; Pumps, Well Points; Welding Machines (2 through 5); Winches, 4 Small Electric Drill Winches.

Class 4. Bobcats and/or other Skid Steer Loaders; Oilers; and Brick Forklift.

Class 5. Assistant Craft Foreman.

Class 6. Gradall.

Class 7. Mechanics; Welders.

OPERATING ENGINEERS - HIGHWAY CONSTRUCTION

Class 1. Asphalt Plant; Asphalt Heater and Planer Combination; Asphalt Heater Scarfire; Asphalt Spreader; Autograder/GOMACO or other similar type machines; ABG Paver; Backhoes with Caisson Attachment; Ballast Regulator; Belt Loader; Caisson Rigs; Car Dumper; Central Redi-Mix Plant; Combination Backhoe Front Endloader Machine, (1 cu. yd. Backhoe Bucket or over or with attachments); Concrete Breaker (Truck Mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Placer; Concrete Tube Float; Cranes, all attachments; Cranes, Tower Cranes of all types; Creter Crane; Spider Crane; Crusher, Stone, etc.; Derricks, All; Derrick Boats; Derricks, Traveling; Dredges; Elevators, Outside type Rack & Pinion and Similar Machines; Formless Curb and Gutter Machine; Grader, Elevating; Grader, Motor Grader, Motor Patrol, Auto Patrol, Form Grader, Pull Grader, Subgrader; Guard Rail Post Driver Truck Mounted; Hoists, One, Two and Three Drum; Heavy Duty Self-Propelled Transporter or Prime Mover; Hydraulic Backhoes; Backhoes with shear attachments up to 40' of boom reach; Lubrication Technician; Manipulators; Mucking Machine; Pile Drivers and Skid Rig; Pre-Stress Machine; Pump Cretes Dual Ram; Rock Drill - Crawler or Skid Rig; Rock Drill - Truck Mounted; Rock/Track Tamper; Roto Mill Grinder; Slip-Form Paver; Snow Melters; Soil Test Drill Rig (Truck Mounted); Straddle Buggies; Hydraulic Telescoping Form (Tunnel); Operation of Tieback Machine; Tractor Drawn Belt Loader; Tractor Drawn Belt Loader (with attached pusher - two engineers); Tractor with Boom; Tractaire with Attachments; Traffic Barrier Transfer Machine; Trenching; Truck Mounted Concrete Pump with Boom; Raised or Blind Hole Drills (Tunnel Shaft); Underground Boring and/or Mining Machines 5 ft. in diameter and over tunnel, etc; Underground Boring and/or Mining Machines under 5 ft. in diameter; Wheel Excavator; Widener (APSCO).

Class 2. Batch Plant; Bituminous Mixer; Boiler and Throttle Valve; Bulldozers; Car Loader Trailing Conveyors; Combination Backhoe Front Endloader Machine (Less than 1 cu. yd. Backhoe Bucket or over or with attachments); Compressor and Throttle Valve; Compressor, Common Receiver (3); Concrete Breaker or Hydro Hammer; Concrete Grinding Machine; Concrete Mixer or Paver 7S Series to and including 27 cu. ft.;

Concrete Spreader; Concrete Curing Machine, Burlap Machine, Belting Machine and Sealing Machine; Concrete Wheel Saw; Conveyor Muck Cars (Haglund or Similar Type); Drills, All; Finishing Machine - Concrete; Highlift Shovels or Front Endloader; Hoist - Sewer Dragging Machine; Hydraulic Boom Trucks (All Attachments); Hydro-Blaster; Hydro Excavating (excluding hose work); Laser Screed; All Locomotives, Dinky; Off-Road Hauling Units (including articulating) Non Self-Loading Ejection Dump; Pump Cretes: Squeeze Cretes - Screw Type Pumps, Gypsum Bulker and Pump; Roller, Asphalt; Rotary Snow Plows; Rototiller, Seaman, etc., self-propelled; Self-Propelled Compactor; Spreader - Chip - Stone, etc.; Scraper - Single/Twin Engine/Push and Pull; Scraper - Prime Mover in Tandem (Regardless of Size); Tractors pulling attachments, Sheeps Foot, Disc, Compactor, etc.; Tug Boats.

Class 3. Boilers; Brooms, All Power Propelled; Cement Supply Tender; Compressor, Common Receiver (2); Concrete Mixer (Two Bag and Over); Conveyor, Portable; Farm-Type Tractors Used for Mowing, Seeding, etc.; Forklift Trucks; Grouting Machine; Hoists, Automatic; Hoists, All Elevators; Hoists, Tugger Single Drum; Jeep Diggers; Low Boys; Pipe Jacking Machines; Post-Hole Digger; Power Saw, Concrete Power Driven; Pug Mills; Rollers, other than Asphalt; Seed and Straw Blower; Steam Generators; Stump Machine; Winch Trucks with "A" Frame; Work Boats; Tamper-Form-Motor Driven.

Class 4. Air Compressor; Combination - Small Equipment Operator; Directional Boring Machine; Generators; Heaters, Mechanical; Hydraulic Power Unit (Pile Driving, Extracting, or Drilling); Light Plants, All (1 through 5); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Vacuum Trucks (excluding hose work); Welding Machines (2 through 5); Winches, 4 Small Electric Drill Winches.

Class 5. SkidSteer Loader (all); Brick Forklifts; Oilers.

Class 6. Field Mechanics and Field Welders

Class 7. Dowell Machine with Air Compressor; Gradall and machines of like nature.

OPERATING ENGINEER - FLOATING

Class 1. Craft Foreman; Master Mechanic; Diver/Wet Tender; Engineer; Engineer (Hydraulic Dredge).

Class 2. Crane/Backhoe Operator; Boat Operator with towing endorsement; Mechanic/Welder; Assistant Engineer (Hydraulic Dredge); Leverman (Hydraulic Dredge); Diver Tender.

Class 3. Deck Equipment Operator, Machineryman, Maintenance of Crane (over 50 ton capacity) or Backhoe (115,000 lbs. or more); Tug/Launch Operator; Loader/Dozer and like equipment on Barge, Breakwater Wall, Slip/Dock, or Scow, Deck Machinery, etc.

Class 4. Deck Equipment Operator, Machineryman/Fireman (4 Equipment Units or More); Off Road Trucks; Deck Hand, Tug Engineer, Crane Maintenance (50 Ton Capacity and Under) or Backhoe Weighing (115,000 pounds or less); Assistant Tug Operator.

For definitions of classifications not otherwise set out, the Department generally has on file such definitions which are available. If a task to be performed is not subject to one of the classifications of pay set out, the Department will upon being contacted state which neighboring county has such a classification and provide such rate, such rate being deemed to exist by reference in this document. If no neighboring county rate applies to the task, the Department shall undertake a special determination, such special determination being then deemed to have existed under this determination. If a project requires these, or any classification not listed, please contact IDOL at 217-782-1710 for wage rates or clarifications.

LANDSCAPING

Landscaping work falls under the existing classifications for laborer, operating engineer and truck driver. The work performed by landscape plantsman and landscape laborer is covered by the existing classification of laborer. The work performed by landscape operators (regardless of equipment used or its size) is covered by the classifications of operating engineer. The work performed by landscape truck drivers (regardless of size of truck driven) is covered by the classifications of truck driver.

MATERIAL TESTER & MATERIAL TESTER/INSPECTOR I AND II

Notwithstanding the difference in the classification title, the classification entitled "Material Tester I" involves the same job duties as the classification entitled "Material Tester/Inspector I". Likewise, the classification entitled "Material Tester II" involves the same job duties as the classification entitled "Material Tester/Inspector II".

2019 SEWER LINING (MPI)
BID OPENING DATE: 4/4/2019

			VISU-SEWER OF ILLINOIS 9014 S. THOMAS AVENUE BRIDGEVIEW, IL 60455		MICHELS PIPE SERVICES 817 MAIN STREET BROWNSVILLE, WI 53006		INSITUFORM TECHNOLOGIES 17988 EDISON AVENUE CHESTERFIELD, MO 63005		HOERR CONSTRUCTION 1416 COUNTY RD 200 NORTH GOODFIELD, IL 61742	
ITEM	UNIT	TOTAL	BID \$/UNIT	PRICE	BID \$/UNIT	PRICE	BID \$/UNIT	PRICE	BID \$/UNIT	PRICE
8" Cured in Place Pipe	LF	1,712	\$31.90	\$54,612.80	\$34.25	\$58,636.00	\$34.08	\$58,344.96	\$34.00	\$58,208.00
8" Cured in Place Pipe (Easement)	LF	3,754	\$34.00	\$127,636.00	\$38.00	\$142,652.00	\$34.41	\$129,175.14	\$36.00	\$135,144.00
9" Cured in Place Pipe	LF	0	\$25.80	\$0.00	\$36.00	\$0.00	\$31.00	\$0.00	\$31.20	\$0.00
10" Cured in Place Pipe	LF	0	\$31.50	\$0.00	\$43.00	\$0.00	\$31.30	\$0.00	\$40.40	\$0.00
12" Cured in Place Pipe	LF	201	\$40.35	\$8,110.35	\$43.50	\$8,743.50	\$39.44	\$7,927.44	\$40.00	\$8,040.00
12" Cured in Place Pipe (Easement)	LF	591	\$46.00	\$27,186.00	\$51.00	\$30,141.00	\$64.50	\$38,119.50	\$42.00	\$24,822.00
21" Cured in Place Pipe (Easement)	LF	0	\$65.50	\$0.00	\$88.00	\$0.00	\$49.84	\$0.00	\$63.00	\$0.00
24" Cured in Place Pipe	LF	0	\$87.50	\$0.00	\$100.50	\$0.00	\$60.40	\$0.00	\$92.00	\$0.00
Reinstatement of Service Laterals - Sanitary Sewer	Each	76	\$75.00	\$5,700.00	\$132.25	\$10,051.00	\$139.11	\$10,572.36	\$100.00	\$7,600.00
Protruding Tap Removal	Each	0	\$500.00	\$0.00	\$450.00	\$0.00	\$793.40	\$0.00	\$500.00	\$0.00
8" End Seals	Each	64	\$115.00	\$7,360.00	\$120.25	\$7,696.00	\$99.35	\$6,358.40	\$100.00	\$6,400.00
10" End Seals	Each	0	\$145.00	\$0.00	\$150.00	\$0.00	\$112.30	\$0.00	\$110.00	\$0.00
12" End Seals	Each	8	\$160.00	\$1,280.00	\$158.00	\$1,264.00	\$122.50	\$980.00	\$120.00	\$960.00
(8"-18") Heavy Cleaning	LF	0	\$3.00	\$0.00	\$16.50	\$0.00	\$8.50	\$0.00	\$4.00	\$0.00
TOTAL (AS CALCULATED)				\$231,885.15		\$259,183.50		\$251,477.80		\$241,174.00
TOTAL (AS READ)										
Notes:										
Insituform Technologies and Hoerr Construction had different "as calculated" and "as read" totals										

Bid Tabulation



Agenda Item Executive Summary

Title: Resolution No. R-51-2019: Brick Paver Maintenance (Adoption)

Presenter: Steven M. Saunders, Director of Public Works/Village Engineer

Agenda Date: 05/21/2019

Consent: ☒ YES ☐ NO

☐ Ordinance
☒ Resolution
☐ Bid Authorization/Award
☐ Policy Direction
☐ Informational Only

Item History:

2019 Budgeted item.

Executive Summary:

The Village entered into a three-year contract with Midwest Brick Paving in 2017 for brick paver maintenance services; 2019 is the final year of the original three-year contract. Over the past two years, staff has completed general paver repairs in the downtown business district up to the annual budgeted amount of \$25,000.

Staff has identified the East and West sides of Lincoln Avenue, north of Elm Street, as priority areas for removal and replacement of individual bricks. The total square footage of the proposed area is 2,732 square feet. The area is slightly larger than in past years; however, the total work area has been noted for numerous repairs.

Removal and replacement of brick pavers will be paid for at the agreed-to bid price of \$15/hour for a total amount not to exceed \$40,980. This work will be paid for from the following budgeted accounts:

1. \$25,000 (Account #100.30.01-543) - Annual Brick Paver Work
2. \$15,980 (Account #420.15.01-650) - Business District Revitalization Fund

Midwest Brick Paving has performed well for the Village over the past two years and staff believes that they will be able to complete the proposed work in a timely and professional manner.

Recommendation:

Consider adopting Resolution No. R-51-2019, awarding a purchase order to Midwest Brick Paving for the removal and replacement of individual bricks for an amount not to exceed \$40,980.

Attachments:

- Resolution No. R-51-2019
- Brick Paver Contract
- Bid Tabulation

RESOLUTION NO. R-51-2019

**A RESOLUTION AUTHORIZING THE REMOVAL
AND REPLACEMENT
OF BRICK PAVERS ALONG THE EAST AND WEST SIDES
OF LINCOLN AVENUE**

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution authorizes the Village of Winnetka ("**Village**") to contract with individuals, associations, and corporations in any manner not prohibited by law or ordinance; and

WHEREAS, the Village sought bids in 2017 to award a three year contract for brick paver maintenance, and the Village Council awarded such contract to Midwest Brickpaving Inc. ("**Vendor**"); and

WHEREAS, the Village has identified a proposed area of 2,732 square feet lying to the East and West of Lincoln Avenue, north of Elm Street as priority locations in need of brick paver removal and replacement ("**Work**"); and

WHEREAS, the Village desires to have the Work performed, in a total amount not to exceed \$40,980.00 ("**Purchase**"); and

WHEREAS, the Village Council has determined that it is in the best interests of the Village and its residents to approve and authorize the Purchase;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: RECITALS. The Village Council adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: APPROVAL OF PURCHASE. The Village Council approves the Purchase of the Work from the Vendor consistent with the terms attached to this Resolution as **Exhibit A** and in a total amount not to exceed \$40,980.00.

SECTION 3: AUTHORIZATION OF PURCHASE. The Village Council authorizes and directs the Village President and Village Clerk to take all actions and to execute all documents necessary to complete the Purchase from the Vendor pursuant to the Contract in a total amount not to exceed \$40,980.00.

SECTION 4: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

[SIGNATURE PAGE FOLLOWS]

ADOPTED this 21st day of May, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk

EXHIBIT A

Contract



Village of Winnetka, Illinois

510 Green Bay Road
Winnetka, IL 60093

BID DESCRIPTION:	BRICK PAVER MAINTENANCE
USER DEPARTMENT:	PUBLIC WORKS

TO ALL PROSPECTIVE BIDDERS:

You are hereby requested to submit your bid for the item(s) or service(s) to be furnished and delivered, shipped F.O.B. delivered, to the address specified herein.

All bids are subject to staff analysis. The Village of Winnetka reserves the right to accept or reject any and all bids received and waive any and all technicalities.

FULL NAME OF BIDDER	Midwest Brickpaving, Inc.
BID CONTACT PERSON	Joel Elfering
TELEPHONE NUMBER	847-838-6550



JOEL ELFERING

847-838-6550 office
847-815-1624 cell
847-838-6552 fax

midwestbrickpaving@msn.com



materials or debris of any kind shall be removed and disposed of by the contractor. The contractor shall ensure that the work area is left in a clean and safe condition.

- **Brick Supply:** Village to supply new Rumbled Full Range Pine Hall brick pavers.
- **Spot Repairs:** Village may request additional work to areas outside of the general scope of the contract on an as needed basis.
- The Contractor shall remove and dispose of existing brick, sand bed and aggregate base material as directed by the Village of Winnetka. On occasion removed brick will be palletized and stored at the Public Works Yards for future reset work.
- The contractor shall provide all necessary pedestrian safety control devices (e.g. barricades, with working lights, safety cones, caution tape, etc.) for the direction of the contract to ensure a safe working area is maintained at all times.

Note: The Contractor shall be required to notify and coordinate with the Village representative a minimum of one week prior to the commencement of any scheduled inspections or services.

Schedule of Prices:

General Labor Rates		Hourly Rate
Remove and Reset Individual Bricks	Per Laborer	\$ 125.00 /hr.
Remove and Replace		\$ 15.00 /SF
Remove and Replace New		\$ 15.00 /SF

Qualifications: Qualified vendors must have a minimum of five years' of experience performing similar duties for large commercial brick paver areas. References for these firms shall be provided at the request of the Village.

Prevailing Wage: This is a Prevailing Wage Act project. All work under this bid shall comply with the Prevailing Wage Rate Act of the State of Illinois (820 ILCS 130/0.01, et set) and as amended by Public Acts 86-799 and 86-693, with rates to be paid in effect at time work is performed. Contractors shall submit certified records to the Village with requests for payment. Contractors shall be responsible for determining local rates throughout the duration of the project.

Payment: Original invoices must be presented for payment in accordance with instructions contained on the Purchase Order including reference to Purchase Order number and submitted to the correct address for processing. The Village shall pay all invoices pursuant to 50 ILCS 505, "Local Government Prompt Payment Act". Invoices containing charges for work subject to the Illinois Prevailing Wage Act (820 ILCS 130/) are required to be accompanied by the applicable Certified Transcript of Payroll form(s) for

2017 BRICK PAVER MAINTENANCE**DATE: MAY 2017****Bid Tab****100-30-01-543**

		MIDWEST BRICKPAVING, INC 18557 W STATE LINE RD ANTIOCH, IL 60002	KRUGEL COBBLES, INC 3337 BERWYN AVE LAKE BLUFF, IL 60044
ITEM	RATE	PRICE	PRICE
REMOVE AND RESET INDIVIDUAL BRICKS	HOURLY	\$125.00/Laborer	\$145.00/Crew
REMOVE AND REPLACE	SQUARE FOOT	\$15.00	\$27.00
REMOVE AND REPLACE NEW	SQUARE FOOT	\$15.00	\$27.00



Agenda Item Executive Summary

Title: Resolution No. R-52-2019: SWANCC Board Appointments (Adoption)

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 05/21/2019

Consent: ☒ YES ☐ NO

☐ Ordinance
☒ Resolution
☐ Bid Authorization/Award
☐ Policy Direction
☐ Informational Only

Item History:

None.

Executive Summary:

The Village of Winnetka is a member of the Solid Waste Agency of Northern Cook County (SWANCC) and is entitled to appoint a director and alternate director to serve on SWANCC's Board of Directors. The terms for the Village's current SWANCC representatives expired on April 30, 2019. Traditionally, the Village President and Village Manager have been appointed to fill these positions, and serve two-year terms. This year, we will also appoint Public Works Analyst Matt Havlik to attend the SWANCC Board meetings as the Village's non-voting delegate.

Recommendation:

Consider adoption of Resolution No. R-52-2019, appointing the Village's representatives to the SWANCC Board of Directors for a two-year term.

Attachments:

Resolution No. R-52-2019

**A RESOLUTION APPOINTING A DIRECTOR
AND ALTERNATE DIRECTOR TO THE
SOLID WASTE AGENCY OF NORTHERN COOK COUNTY**

BE IT RESOLVED by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: The Village of Winnetka is a member of the Solid Waste Agency of Northern Cook County (“the Agency”) and, pursuant to the Agency Agreement establishing the Agency, is entitled to appoint a Director and one or more Alternate Directors to the Board of Directors of the Agency.

SECTION 2: The Village Council hereby appoints Village President Christopher Rintz, as the Village of Winnetka’s Director on the Board of Directors of the Agency, and appoints Village Manager Robert M. Bahan as the Village of Winnetka’s Alternate Director, in each case for a term expiring April 30, 2021, or until his successor is appointed.

SECTION 4: The Village Council also appoints Public Works Analyst Matt Havlik as a non-voting delegate to the Board of Directors meetings for a term expiring April 30, 2021, or until a successor is appointed.

SECTION 4: This Resolution shall be in full force and effect upon passage and approval.

ADOPTED this 21st day of May, 2019, by the following roll call vote of the Council of the Village of Winnetka.

AYES: _____
NAYS: _____
ABSENT: _____

Signed

Village President

Countersigned:

Village Clerk



Agenda Item Executive Summary

Title: Resolution No. R-53-2019: Bulk Rock Salt Purchase (Adoption)

Presenter: Steven M. Saunders, Director of Public Works/Village Engineer

Agenda Date: 05/21/2019

Consent: ☒ YES ☐ NO

☐	Ordinance
☒	Resolution
☒	Bid Authorization/Award
☐	Policy Direction
☐	Informational Only

Item History:

2019 Budget Item for snow and ice operations.

Executive Summary:

The Village once again participated in the Lake County bulk rock salt proposal process for the 2019-2020 snow season. The Lake County Division of Transportation prepared and negotiated the pricing on behalf of the group; a total of 47 local governmental units participated in this year's program. Due to the favorable bid numbers received from Morton Salt last year, Lake County believed that the one-year renewal option in the contract would be the most economical choice for participating members. Morton Salt has said they would agree to the renewal process and the price offered is \$68.94 per ton. This represents a 4.75% increase from last year's price of \$65.66 per ton, but remains below the contract's maximum allowable increase of 5%.

Staff estimates that a purchase of 1,300 tons is sufficient for the 2019-2020 winter season, in addition to the salt currently on hand. A total of 1,300 tons of rock salt at the proposed contract would cost \$89,622 at this year's unit price. The Village has budgeted \$85,000 in Account No. 100.30.25-536. Per the contract, the Village is obligated to purchase at minimum 80% (\$71,697) of its estimated amount, and may procure at maximum 120% of the estimated amount (\$107,546) at the bid price. Staff believes the Village will be able to stay within the budgeted amount.

After meeting the Village's current contractual obligation with Morton Salt, the Village will have in reserves approximately 500 tons of rock salt to enter the 2019-2020 snow season. The Village will typically use between 1400 to 1600 tons of bulk rock salt during an average winter season. This vendor has provided bulk rock salt to the Village in the past and staff believes the vendor will meet the Village's needs.

Recommendation:

Consider approving Resolution No. R-53-2019 for the purchase of bulk rock salt from Morton Salt Company for a price not to exceed the 2019 budgeted amount of \$85,000.

Attachments:

- Resolution No. R-53-2019
- Copy of Original Morton Salt Agreement
- Copy of Bid Tab

RESOLUTION NO. R-53-2019

**A RESOLUTION WAIVING THE BIDDING REQUIREMENTS
FOR THE PURCHASE OF BULK ROCK SALT AND
APPROVING A CONTRACT WITH MORTON SALT, INC.**

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution authorizes the Village of Winnetka ("**Village**") to contract with individuals, associations, and corporations in any manner not prohibited by law or ordinance; and

WHEREAS, Article VII, Section 10 of the 1970 Illinois Constitution and the Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1, *et seq.*, authorize and encourage intergovernmental cooperation; and

WHEREAS, the Village has appropriated funds for the procurement of bulk rock salt ("**Product**"); and

WHEREAS, the Village participated in a joint request for proposals prepared by the Lake County Department of Transportation with other local government units ("**Lake County Group**"), which group jointly requested bids for the purchase of the Product; and

WHEREAS, the Lake County Group received five bids for the purchase and sale of the Product and opened the bids on April 17, 2018; and

WHEREAS, pursuant to Chapter 4.12 of the Village Code and the Village's purchasing manual, the Village Council determined that Morton Salt, Inc. ("**Vendor**"), was the lowest responsible bidder for the purchase of the Product and the Village has been satisfied with the Product provided by the Vendor under the previous year's contract; and

WHEREAS, the Village Council desires to renew and extend the Agreement with Vendor to purchase the Product from Vendor at the unit price of \$68.94 per ton and in a total amount not to exceed \$85,000.00 ("**Agreement**"); and

WHEREAS, the Village Council has determined that it is in the best interests of the Village to (i) waive the bidding requirement pursuant to Section 4.12.010.C of the Village Code and Section IV.3.D of the Village's Purchasing Manual; and (ii) enter into the Contract Extension with the Vendor;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Winnetka, Cook County, Illinois, as follows:

SECTION 1: RECITALS. The Village Council adopts the foregoing recitals as its findings, as if fully set forth herein.

SECTION 2: APPROVAL OF PURCHASE. The Village Council approves the purchase of the Product from Vendor at the unit price of \$68.94 per ton and in a total amount not to exceed \$85,000.00.

May 21, 2019

R-53-2019

SECTION 3: APPROVAL OF AGREEMENT. The Village Council hereby approves the Agreement in substantially the form attached to this Resolution as **Exhibit A** and in a final form approved by the Village Manager.

SECTION 4: AUTHORIZATION TO EXECUTE AGREEMENT. The Village Council hereby authorizes and directs the Village President and the Village Clerk to execute and attest, respectively, on behalf of the Village, the final Agreement.

SECTION 5: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law.

ADOPTED this 21st day of May, 2019, pursuant to the following roll call vote:

AYES: _____
NAYS: _____
ABSENT: _____
ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk

EXHIBIT A
AGREEMENT

May 21, 2019

R-53-2019

VILLAGE OF WINNETKA

CONTRACT
FOR Road Salt

Full Name of Bidder:

Morton Salt
("Bidder")

Principal Office Address:

**444 West Lake Street
Suite 3000
Chicago, IL 60606**

Local Office Address:

444 West Lake Street

Suite 3000

Chicago, IL 60606

Contact Name: **Natosha Hunt-Mobley** Telephone: **(312)807-2552**

TO: Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093
Attention: **Assistant Finance Director**

Bidder warrants and represents that Bidder has reviewed and understood all documents included, referred to, or mentioned in this bound set of documents, including Addenda Nos. _____ NONE (if none, write "NONE") that are securely stapled to the end of this Contract/Bid.

1. Proposal to Deliver Products.

A. Contract and Products. If this Contract/Bid is accepted, then Bidder proposes and agrees that Bidder will deliver to Owner, at the Delivery Address, the products, items, materials, merchandise, supplies, or other items identified in the Request for Bids attached hereto (the "Products") in new, undamaged, and first-quality condition. Bidder further proposes to:

- (1) Labor, Equipment, Materials and Supplies Provide, perform, and complete in the manner specified and described in the Contract/Bid, all necessary work, labor, services, transportation, equipment, materials, supplies, information, data, and other means and items necessary to deliver the Products to Owner in a proper and workmanlike manner.
- (2) Permits Procure and furnish all permits, licenses, and other governmental approvals and authorizations necessary for the Products.
- (3) Bonds and Insurance Procure and furnish all bonds, insurance certificates, and policies of insurance, if any, specified in the Contract/Bid.

(4) Miscellaneous Perform all other things required of Bidder by this Contract/Bid.

B. Performance Standards. If this Contract/Bid is accepted, Bidder proposes and agrees that the Products will comply strictly with the ***Specifications attached hereto as Attachment A and by this reference made a part of this Contract/Bid.*** If this Contract/Bid specifies a Product by brand name or model, that specification is intended to reflect the required performance standards and standard of excellence that Owner requires for the Product. However, Bidder may propose to deliver a Product that is a different brand or model, if Bidder provides with its bid written documentation establishing that the brand or model it proposes to deliver possesses equal quality, durability, functionality, capability, and features as the Product specified.

C. Responsibility for Damage or Loss. If this Contract/Bid is accepted, Bidder proposes and agrees that Bidder will be responsible and liable for, and will promptly and without charge to Owner, repair or replace damage done to and any loss or injury suffered by Owner as a result of Bidder's failure to perform hereunder.

D. Inspection/Testing/Rejection. Owner will have the right to inspect all or any part of the Products. If, in Owner's judgment, all or any part of the Products is defective or damaged or fails to conform strictly to the requirements of this Contract/Bid, then Owner, without limiting its other rights or remedies, may (i) reject such Products, (ii) require Bidder to correct or replace such Products at Bidder's cost, (iii) obtain new Products to replace the Products that are defective, damaged, or nonconforming and charge Bidder with any excess cost incurred thereby, and (iv) cancel all or any part of any order or this Contract/Bid. Products so rejected may be returned or held at Bidder's expense and risk.

2. Contract Price Proposal.

A. Price. If this Contract/Bid is accepted, Bidder proposes and agrees that Bidder will deliver the Products to Owner in accordance with the following Schedule of Prices:

Product Item No.	Description of Product to be delivered to Owner	Quantity of Products to be delivered to Owner	Unit Price of Product	Extension
1	Bulk Rock Salt – Early Delivery (7/15/18-11/1/18) / 80%-120%	1200 Tons	\$65.660	\$78,792.00
2	Bulk Rock Salt – Standard Delivery (After 11/1/18) / 120%-150%	N/A	\$70.660	N/A

If Owner has specified the Quantity of Products to be delivered to Owner in the Request for Bids, then Bidder will take, in full payment for all Products and other matters set forth under Section 1 of this Contract/Bid, including overhead and profit, taxes, royalties, license fees, delivery, contributions and premiums, and compensation to all subcontractors and suppliers, the total Contract Price all items above.

If Owner has not specified the Quantity of Products to be delivered to Owner in the Request for Bids, then Bidder will take, in full payment for all Products and other matters set forth under Section 1 of this Contract/Bid, including overhead and profit, taxes, royalties, license fees, delivery, contributions and premiums, and compensation to all subcontractors and suppliers, a total Contract Price that will be equal to the sum of the Unit Prices (as determined by the above Schedule of Prices) applicable to all Products accepted by Owner.

B. Basis for Determining Prices. It is expressly understood and agreed that:

- (1) All prices stated in the Schedule of Prices are firm and will not be subject to escalation or change;
- (2) Owner is not subject to State or local sales, use, and excise taxes, and no such taxes are included in the Schedule of Prices, and all claims or rights to claim any additional compensation by reason of the payment of any such tax are hereby waived and released;
- (3) All other applicable federal, State, and local taxes of every kind and nature applicable to the Products are included in the Schedule of Prices; and
- (4) If a Quantity of Products to be delivered to Owner is specified in the Request for Bids, such amount is an estimate only. Owner reserves the right to increase or decrease such quantity, and the total Contract Price to be paid will be based on the final quantity determined by Owner for each Product and the actual number of Products that comply with this Contract/Bid that are accepted by Owner. Bidder hereby waives and releases all claims or rights to dispute or complain of any such estimated quantity or to assert that there was any misunderstanding in regard to the number of Products to be delivered.

C. Time of Payment. It is expressly understood and agreed that all payments will be made in accordance with the following schedule:

Upon delivery and acceptance of item(s) by the Owner.

All payments may be subject to deduction or set off by reason of any failure of Bidder to perform under this Contract/Bid.

3. Contract Time Proposal.

If this Contract/Bid is accepted, Bidder proposes and agrees that Bidder will deliver the Products to Owner not later than November 1, 2018 (120% of required quantity).

4. Financial Assurance.

A. Indemnification. If this Contract/Bid is accepted, Bidder proposes and agrees that Bidder will indemnify and defend Owner against all damages, liability, claims, losses, and expenses (including attorneys' fees) that may arise or be alleged to have arisen out of or in connection with Bidder's performance of or failure to perform under this Contract/Bid, including without limitation any failure to meet the representations and warranties set forth in Section 6 of this Contract/Bid.

B. Penalties. If this Contract/Bid is accepted, Bidder proposes and agrees that Bidder will be solely liable for any fines or civil penalties that are imposed by any governmental or quasi-governmental agency or body that may arise or be alleged to have arisen out of or in connection with Bidder's performance of or failure to perform hereunder.

5. Firm Proposal.

All prices and other terms stated in this Contract/Bid are firm and will not be subject to withdrawal, escalation, or change so long as Owner accepts this Contract/Bid within 60 days after the date this sealed Contract/Bid is opened.

6. Bidder's Representations and Warranties.

To induce Owner to accept this Contract/Bid, Bidder hereby represents and warrants as follows:

A. The Products. The Products and all of their components will be of merchantable quality and, for a period of not less than one year after delivery (i) will be free from any latent or patent defects and flaws in workmanship, materials, and design, (ii) will strictly conform to the requirements of this Contract/Bid, including without limitation the performance standards set forth in Subsection 1B of this Contract/Bid, and (iii) will be fit, sufficient, and suitable for the purposes expressed in or reasonably inferred from this Contract/Bid and the warranties expressed herein will be in addition to any other warranties applicable to the Products (including any manufacturer's warranty) or expressed or implied by law which are hereby reserved unto Owner.

B. Compliance with Laws. All Products and all of their components will comply with, and Bidder agrees to be bound by, all applicable federal, state, and local laws, orders, rules, and regulations as they may be modified or amended from time to time. Every provision required by law to be inserted into this Contract/Bid will be deemed to be inserted herein.

C. Not Barred. Bidder is not barred by law from contracting with Owner or with any other unit of state or local government as a result of (i) a delinquency in the payment of any tax administered by the Illinois Department of Revenue unless Bidder is contesting, in accordance with the procedures established by the appropriate revenue act, its liability for the tax or the amount of the tax as set forth in 65 ILCS 5/11-42.1-1, (ii) a violation of either Section 33E-3 or Section 33E-4 of Article 33 of the Criminal Code of 1961, 720 ILCS 5/33E-1 *et seq.*, or (iii) for any other reason.

D. Qualified. Bidder has the requisite experience, ability, inventory, capital, facilities, equipment, plant, organization, and staff to enable Bidder to deliver the Products at the Contract Price and within the Contract Time Proposal set forth above.

7. Acknowledgments.

In submitting this Contract/Bid, Bidder acknowledges and agrees that:

A. Reliance. Owner is relying on all warranties, representations, and statements made by Bidder in this Contract/Bid.

B. Reservation of Rights. Owner reserves the right to reject any and all bids, reserves the right to reject the low price bid, and reserves such other rights as are set forth in the Instructions to Bidders.

C. Acceptance. If this Contract/Bid is accepted, then Bidder will be bound by each and every term, condition, or provision contained in this Contract/Bid and in Owner's written notification of acceptance in the form included in this bound set of documents.

D. Remedies. Each of the rights and remedies reserved to Owner in this Contract/Bid are cumulative and additional to any other or further remedies provided in law or equity or in this Contract/Bid.

E. Time; Days. Time is of the essence for this Contract/Bid. Except where specifically stated otherwise, references in this Contract/Bid to days will be construed to refer to calendar days.

F. No Waiver. No examination, inspection, investigation, test, measurement, review, determination, decision, certificate or approval by Owner, whether before or after Owner's acceptance of this Contract/Bid; nor any information or data supplied by Owner, whether before or after Owner's acceptance of this Contract/Bid; nor any order by Owner for the payment of money; nor any payment for or use, possession, or acceptance of the whole or any part of any Product; nor any extension of time granted by Owner; nor any delay by Owner in exercising any right under this Contract/Bid; nor any other act or omission of Owner will constitute or be deemed to be an acceptance of any defective, damaged, or nonconforming Product; nor operate to waive or otherwise diminish the effect of any representation or warranty made by Bidder or of any requirement or provision of this Contract/Bid or of any remedy, power, or right of Owner.

G. Assignment. Neither this Contract/Bid, nor any interest herein, may be assigned or subcontracted in whole or in part by Bidder except with the prior written consent of Owner.

H. Governing Law. This Contract/Bid and all rights of the parties under this Contract/Bid will be interpreted according to the laws of, but not the conflict of law rules of, the State of Illinois.

DATED this 17th date of April 2018

Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "MORTON SALT, INC." IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE FIFTEENTH DAY OF JUNE, A.D. 2016.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL REPORTS HAVE BEEN FILED TO DATE.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "MORTON SALT, INC." WAS INCORPORATED ON THE THIRTIETH DAY OF JULY, A.D. 2010.

AND I DO HEREBY FURTHER CERTIFY THAT THE FRANCHISE TAXES HAVE BEEN PAID TO DATE.



4843561 8300

SR# 20164472676

You may verify this certificate online at corp.delaware.gov/authver.shtml

A handwritten signature of Jeffrey W. Bullock in black ink, written over a horizontal line.

Jeffrey W. Bullock, Secretary of State

Authentication: 202495881

Date: 06-15-16

MORTON SALT, INC. – LIST OF OFFICERS AND DIRECTORS

TITLE	NAME	ADDRESS
Director and Vice Chairman	Jean Louis David	444 W. Lake St. Suite 3000, Chicago, IL 60606
Director	Axel Christian	444 W. Lake St. Suite 3000, Chicago, IL 60606
Director, Chairman, President & Chief Executive Officer	Christian H. Herrmann	444 W. Lake St. Suite 3000, Chicago, IL 60606
Director, Chief Financial Officer, Vice President and Treasurer	Timothy McKean	444 W. Lake St. Suite 3000, Chicago, IL 60606
Vice President and Secretary	Chad E. Walker	444 W. Lake St. Suite 3000, Chicago, IL 60606
Assistant Treasurer	Michael Sands	444 W. Lake St. Suite 3000, Chicago, IL 60606
Assistant Treasurer	John Zuraes	444 W. Lake St. Suite 3000, Chicago, IL 60606
Assistant Secretary	Daniel P. Thompson	444 W. Lake St. Suite 3000, Chicago, IL 60606
Assistant Secretary	Scott A. Schlautman	444 W. Lake St. Suite 3000, Chicago, IL 60606
Assistant Secretary	Winnie J. Kuo	444 W. Lake St. Suite 3000, Chicago, IL 60606

CERTIFICATION

I, Daniel P Thompson, Assistant Secretary of Morton Salt, Inc., a Delaware corporation (the "Company") hereby certify that:

1. Attached hereto is a true and correct copy of a resolution duly adopted on October 1, 2012 by the Board of Directors of the Company; said resolutions not having been amended or revised in any manner and being in full force and effect as of the date hereof.
2. Christian H. Herrmann is a duly elected and acting Chief Executive Officer and President of Morton Salt, Inc. and Timothy McKean is a duly elected and acting Chief Financial Officer, Vice President and Treasurer of Morton Salt, Inc. as of the date hereof, and as such are duly authorized signatories in accordance with the resolution described in 1. above.
3. Attached hereto is a true and correct copy of a delegation of signature authorization signed by Christian H. Herrmann and Timothy McKean.



Daniel P. Thompson
Assistant Secretary
Morton Salt, Inc.

Dated: **MAY 10 2018**

Morton Salt, Inc.
Excerpt from Board of Directors' Meeting
October 1, 2012

RESOLVED, that effective October 1, 2012, any two of the officers of the Corporation holding the positions listed below:

Chief Executive Officer and President;
Chief Financial Officer, Vice President and Treasurer; and,
Vice President, General Counsel and Secretary,

and to the extent delegated in writing, their designees, are hereby authorized, for and in the name and on behalf of the Corporation, and any subsidiary, affiliate or business unit thereof, to execute and deliver any and all applications, agreements, bids, bonds, certifications, notices, proxies, real estate conveyances, reports, stock certificates and other documents which they may deem necessary or advisable in furtherance of the business of the Corporation, subsidiary, affiliate or business unit, as the case may be, provided that two signatures be required on any document executed on behalf of the Corporation: such authorizations to be (i) subject to the limitations set forth in any applicable Board of Directors' resolution or published policy of the Corporation, and (ii) subject to the limitations set forth in any K+S AG policy or procedure; and

FURTHER RESOLVED, that the signatures of any two persons designated pursuant to the above resolution affixed to any document described therein shall constitute certification of his or her authority to execute said document on behalf of the Corporation.

**DELEGATION OF AUTHORITY AND POWER OF ATTORNEY
UNDER THE RESOLUTIONS ADOPTED BY THE BOARD OF DIRECTORS ON OCTOBER 1, 2012
FOR MORTON SALT, INC.**

Pursuant to the authority granted by the Resolutions adopted by the Board of Directors of Morton Salt, Inc. (the "Company") on October 1, 2012 and the subsequent delegation of authority policy adopted by the Company effective May 1, 2017, any two of the following persons, signing together, as specified in the attached document, are authorized to execute and deliver contracts for the sale of bulk deicing ice control ("BDI") products on behalf of the Company. This delegation of authority and power of attorney supersedes any earlier delegations for the Company and remains in effect until the person no longer holds the position listed, or this delegation of authority is superseded, amended or terminated.

Effective Date: May 1, 2017

Morton Salt, Inc.

By: 
Name: Christian M. Herrmann
Title: Chief Executive Officer and President

Morton Salt, Inc.

By: 
Name: Timothy McKean
Title: Chief Financial Officer, Vice President and Treasurer

DELEGATION OF AUTHORITY FOR BULK DEICING/ICE CONTROL CONTRACTS UNDER THE CORPORATE RESOLUTIONS ADOPTED BY THE BOARD OF DIRECTORS OF MORTON SALT, INC. ON OCTOBER 1, 2012

Morton Salt, Inc. requires the signature of two authorized representatives of Morton Salt, Inc. for all of its contracts for the sale of bulk deicing/ice control ("BDI") products, with the first signatory having the requisite dollar authority level to sign.

Effective May 1, 2017, pursuant to the Delegation of Authority and Power of Attorney granted pursuant to the resolutions adopted by the Board of Directors of Morton Salt, Inc. on October 1, 2012 and the subsequent Delegation of Authority policy dated May 1, 2017, any two of the following employees of Morton Salt, Inc. are authorized to execute and deliver contracts and related documents for the sale of bulk-deicing or ice control ("BDI") products based on the total Contract Value, which is defined as the amount of sales revenue for the entire contract term, not including any early termination rights or optional renewal terms:

First or Second signatory: Any of the following individuals may sign as a First Signatory in accordance with their corresponding dollar authority level based on total Contract Value, or as a Second Signatory regardless of their dollar authority level.	
Title/Job Position	Maximum Dollar Authority based on Contract Value
Chief Executive Officer	Unlimited
Chief Financial Officer, Vice President & Treasurer	\$50,000,000
Vice President, General Counsel & Secretary	\$50,000,000
Vice President, Bulk Deicing Sales and Marketing	\$25,000,000
Director, U.S. Government Bulk Deicing Sales and Marketing	\$5,000,000

Second Signatory only: The following individuals may sign <u>only as the Second Signatory</u> , along with a First Signatory from the table above, who has the requisite dollar authority based on total Contract Value.	
Title/Job Position	Authority (no dollar amount)
Manager, US BDI Planning & Reporting	May sign only as second signatory, with a first signatory that has requisite dollar authority
Manager, BDI Innovation & Process Efficiency	May sign only as second signatory, with a first signatory that has requisite dollar authority

2020 PATROL 1 MAINTENANCE SALT BID

	Local Governmental Unit	2020 Quantity: Estimated Usage		2019 Unit Prices			Contact Information	Delivery Location	Bill To Contact/Address
				80% - 120%	120% - 150%	Early Deliver			
Lake County									
1	Lake County Division of Transportation	23,000	tons	\$ 65.39	\$ 70.39	\$ 65.39	Kevin Kerrigan 600 W. Winchester Road Libertyville, IL 60048 Ph: (847) 878-9792 kkerrigan @lakecountyil.gov	600 W. Winchester Road Libertyville, IL 60048	Kevin Kerrigan 600 W. Winchester Road Libertyville, IL 60048 Ph: (847) 878-9792 kkerrigan @lakecountytill.gov
2	Lake County Forest Preserve District	550	tons	\$ 64.97	\$ 69.97	\$ 64.97	Greg Townsend 1899 W. Winchester Road Libertyville, IL 60048 Ph: (847) 968-3412 gtownshne@LCFPD.org	19808 W. Grand Avenue Lindenhurst, IL 60046	Accounts Payable - Jordan Wagner 1899 W. Winchester Road Libertyville, IL 60048 Ph: (847) 968-3226 jpiotrowski@LCFPD.org
Lake County Townships									
3	Antioch Township	1,200	tons	\$66.190	\$ 71.19	\$ 66.19	Eric Ring 933 Bartlett Avenue Antioch, IL 60002 Ph: (847) 395-2070 antiochtownshipwhwy@sbcglobal.net	933 Bartlett Avenue Antioch, IL 60002	Mark Ring 933 Bartlett Avenue Antioch, IL 60002 Ph: (847) 395-2070 antiochtownshipwhwy@sbcglobal.net
4	Avon Township	900	tons	\$66.970	\$ 71.97	\$ 66.97	Bob Kula 389 W. Main Street Hainesville, IL 60073 Ph: (847) 875-5887 bob@avontownship.us	389 W. Main Street Hainesville, IL 60073	Bob Kula 389 W. Main Street Hainesville, IL 60073 Ph: (847) 875-5887 bob@avontownship.us
5	Ela Township	900	tons	\$66.690	\$ 71.69	\$ 66.69	Bill Kruckenberg 23605 Echo Lake Road Lake Zurich, IL 60047 Ph: (847) 438-2371 elahwydept@comcast.net	23605 Echo Lake Road Lake Zurich, IL 60047	Bill Kruckenberg 23605 Echo Lake Road Lake Zurich, IL 60047 Ph: (847) 438-2371 elahwydept@comcast.net

2020 PATROL 1 MAINTENANCE SALT BID

	Local Governmental Unit	2020 Quantity: Estimated Usage		2019 Unit Prices			Contact Information	Delivery Location	Bill To Contact/Address
				80% - 120%	120% - 150%	Early Deliver			
6	Fremont Township	1,300	tons	\$66.690	\$ 71.69	\$ 66.69	Herb Riedel 22376 W. Erhart Road Mundelein, IL 60060 Ph: (224) 475-7131 herbriedel@fremonttownship.com	22376 W. Erhart Road Mundelein, IL 60060	Mike O"Kelly 22376 W. Erhart Road Mundelein, IL 60060 Ph: (847) 223-2848 highway@fremonttownship.com
7	Grant Township	1,800	tons	\$67.030	\$ 72.03	\$ 67.03	Kimber Kiesgen 26535 Molitor Road Ingleside, IL 60041 Ph: (847) 546-7623 road5467@msn.com	26535 Molitor Road Ingleside, IL 60041	Kimber Kiesgen 26535 Molitor Road Ingleside, IL 60041 Ph: (847) 546-7623 road5467@msn.com
8	Lake Villa Township	2,100	tons	\$66.020	\$ 71.02	\$ 66.02	Jane Simi 37822 North Fairfield Road Lake Villa, IL 60046 Ph: (847) 356-5831 lvthwy@comcast.net	37822 North Fairfield Road Lake Villa, IL 60046	Jane Simi 37822 North Fairfield Road Lake Villa, IL 60046 Ph: (847) 356-5831 lvthwy@comcast.net
9	Libertyville Township	1,200	tons	\$66.300	\$ 71.30	\$ 66.30	Martin J. Neal 343 Merrill Court Libertyville, IL 60048 Ph: (847) 362-3350 highwaydepartment@libertyvilletownship.us	343 Merrill Court Libertyville, IL 60048	Martin J. Neal 343 Merrill Court Libertyville, IL 60048 Ph: (847) 362-3350 highwaydepartment@libertyvilletownship.us
10	Newport Township	300	tons	\$71.310	\$ 76.31	\$ 71.31	Rodger Edmonds 39207 Magnetix Boulevard Wadsworth, IL 60083 Ph: (847) 812-9546 newporthighwaydept@gmail.com	39207 Magnetix Boulevard Wadsworth, IL 60083	Toni Edmonds Newport Township Highway Department P.O. Box 312 Russell, IL 60075 Ph: (847) 812-9546 newporthighwaydept@gmail.com

2020 PATROL 1 MAINTENANCE SALT BID

	Local Governmental Unit	2020 Quantity: Estimated Usage		2019 Unit Prices			Contact Information	Delivery Location	Bill To Contact/Address
				80% - 120%	120% - 150%	Early Deliver			
11	Warren Township	3,000	tons	\$66.560	\$ 71.56	\$ 66.56	Amy Sarver 17801 W. Washington Street Gurnee, IL 60031 Ph: (847) 244-1101 Ext.3 highway@warrentownship.net	17801 W. Washiongton Street Gurnee, IL 60031	Amy Sarver 17801 W. Washington Street Gurnee, IL 60031 Ph: (847) 244-1101 Ext.3 highway@warrentownship.net
12	Wauconda Township	800	tons	\$66.920	\$ 71.92	\$ 66.92	Scott Weisbruch 505 W. Bonner Road Wauconda, IL 60084 Ph: (847) 951-9881 Highwaydepartment@waucondatownship.com	505 W. Bonner Road Wauconda, IL 60084	Scott Weisbruch 505 W. Bonner Road Wauconda, IL 60084 Ph: (847) 951-9881 Highwaydepartment@waucondatownship.com
13	Waukegan Township	200	tons	\$73.380	\$ 78.38	\$ 73.38	Arthur Craigen Sr. 36117 N Green Place Waukegan, IL 60087 Ph: (847) 244-4900 acraigen@waukegantownship.com	36117 N Green Place Waukegan, IL 60087	Arthur Craigen Sr. 36117 N Green Place Waukegan, IL 60087 Ph: (847) 244-4900 acraigen@waukegantownship.com
Lake County Communities									
14	Village of Antioch	1,500	tons	\$64.090	\$ 69.09	\$ 64.09	Dennis Heimbrodt 796 Holbek Drive Antioch, IL 60002 Ph: (847) 395-1881 dheimbrodt@antioch.il.gov	796 Holbek Drive Antioch, IL 60002	Dennis Heimbrodt 796 Holbek Drive Antioch, IL 60002 Ph: (847) 395-1881 dheimbrodt@antioch.il.gov
15	Village of Beach Park	600	tons	\$63.720	\$ 68.72	\$ 63.72	Gina Nelson 40185 Glendale Road Beach Park, IL 60099 Ph: (847) 246-6000 gina.nelson@villageofbeachpark.com	40185 Glendale Road Beach Park, IL 60099	Pat Spencer 40185 Glendale Road Beach Park, IL 60099 Ph: (847) 887-9223 pat.spencer@villageofbeachpark.com

2020 PATROL 1 MAINTENANCE SALT BID

	Local Governmental Unit	2020 Quantity: Estimated Usage		2019 Unit Prices			Contact Information	Delivery Location	Bill To Contact/Address
				80% - 120%	120% - 150%	Early Deliver			
16	Village of Buffalo Grove	1,750	tons	\$64.880	\$ 69.88	\$ 64.88	Brett Robinson 51 Raupp Boulevard Buffalo Grove, IL 60089 Ph: (847) 777-6001 brobinson@vbg.org	51 Raupp Boulevard Buffalo Grove, IL 60089	Scott Fontanez 51 Raupp Boulevard Buffalo Grove, IL 60089 Ph: (847) 459-2545 sfontanez@vbg.org

2020 PATROL 1 MAINTENANCE SALT BID

	Local Governmental Unit	2020 Quantity: Estimated Usage		2019 Unit Prices			Contact Information	Delivery Location	Bill To Contact/Address
				80% - 120%	120% - 150%	Early Deliver			
17	Village of Deerfield	1,500	tons	\$64.510	\$ 69.51	\$ 64.51	Robert Phillips 465 Elm Street Deerfield, IL 60015 Ph: (847) 719-7464 rphillips@deerfield.il.us	465 Elm Street Deerfield, IL 60015	Dan Busscher 465 Elm Street Deerfield, IL 60015 Ph: (847) 561-1834 dbusscher@deerfield.il.us
18	Village of Grayslake	2,000	tons	\$65.240	\$ 70.24	\$ 65.24	Daniel Leicht 585 Berry Avenue Grayslake, IL 60030 Ph: (847) 986-3237 dleicht@villageofgrayslake.com	585 Berry Avenue Grayslake, IL 60030	Daniel Leicht 585 Berry Avenue Grayslake, IL 60030 Ph: (847) 986-3237 dleicht@villageofgrayslake.com
19	Village of Gurnee	3,500	tons	\$64.460	\$ 69.46	\$ 64.46	Thomas Rigwood 1151 Kilborne Road Gurnee, IL 60031 Ph: (847) 599-6811 trigwood@village.gurnee.il.us	1151 Kilborne Road Gurnee, IL 60031	Kristine Poisl 1151 Kilborne Road Gurnee, IL 60031 Ph: (847) 599-6801 kristinep@village.gurnee.il.us
20	Village of Hainesville	550	tons	\$72.220	\$ 77.22	\$ 72.22	Mike DePouw 389 West Main Street Hainesville, IL 60073 Ph: (847) 366-4744 mdepouw@hainesville.org	389 West Main Street Hainesville, IL 60073	Mike DePouw 389 West Main Street Hainesville, IL 60073 Ph: (847) 366-4744 mdepouw@hainesville.org
21	City of Highland Park	2,000	tons	\$64.510	\$ 69.51	\$ 64.51	Ramesh Kanapareddy 1150 Half Day Road Highland Park, IL 60035 Ph: (847) 432-0807 rkanapareddy@cityhpil.com	1180 Half Day Road Highland Park, IL 60035	Ron Bannon 1150 Half Day Road Highland Park, IL 60035 Ph: (847) 926-1146 rbannon@cityhpil.com

2020 PATROL 1 MAINTENANCE SALT BID

	Local Governmental Unit	2020 Quantity: Estimated Usage		2019 Unit Prices			Contact Information	Delivery Location	Bill To Contact/Address
				80% - 120%	120% - 150%	Early Deliver			
22	City of Highwood	1,000	tons	\$66.610	\$ 71.61	\$ 66.61	Scott Coren 552 Bank Lane Highland Park, IL 60040 Ph: (847) 302-0087 scoren@cityofhighwood.org	529 Bank Lane Highland Park, IL 60040	Jack Harding 552 Bank Lane Highland Park, IL 60040 Ph: (224) 456-8273
23	Village of Island Lake	400	tons	\$67.840	\$ 72.84	\$ 67.84	Brian Bartnick 3720 Greenleaf Avenue Island Lake, IL 60042 Ph: (847) 526-8767 brian.bartnick@voislk.com	3720 Greenleaf Avenue Island Lake, IL 60042	Dara Villarreal 3720 Greenleaf Avenue Island Lake, IL 60042 Ph: (847) 416-7444 dara.villarreal@voislk.com
24	Village of Kildeer	1,100	tons	\$65.640	\$ 70.64	\$ 65.64	Michael Talbett 21911 Quentin Road, Kildeer, IL 60047 Ph: (847) 438-6000 mtalbett@villageofkildeer.com	500 Rose Road, Lake Zurich, IL 60047	Bill Schuldt 21911 Quentin Road Kildeer, IL 60047 Ph: (847) 438-6000
25	City of Lake Forest	3,600	tons	\$64.880	\$ 69.88	\$ 64.88	Michael Thomas 800 N. Field Drive Lake Forest, IL 60045 Ph: (847) 810-3540 thomasm@cityoflakeforest.com	800 N. Field Drive Lake Forest, IL 60045	Michael Thomas 800 N. Field Drive Lake Forest, IL 60045 Ph: (847) 810-3540 thomasm@cityoflakeforest.com
26	Village of Lake Villa	1,800	tons	\$64.970	\$ 69.97	\$ 64.97	Glenn McCollum 222 South Oakknoll Lake Villa, IL 60046 Ph: (847) 356-6100 gmccollum@lake-villa.org	222 South Oakknoll Lake Villa, IL 60046	Glenn McCollum 222 South Oakknoll Lake Villa, IL 60046 Ph: (847) 356-6100 gmccollum@lake-villa.org

2020 PATROL 1 MAINTENANCE SALT BID

	Local Governmental Unit	2020 Quantity: Estimated Usage		2019 Unit Prices			Contact Information	Delivery Location	Bill To Contact/Address
				80% - 120%	120% - 150%	Early Deliver			
27	Village of Libertyville	2,800	tons	\$65.250	\$ 70.25	\$ 65.25	Michael R. Brady 600 North Avenue Libertyville, IL 60048 Ph: (847) 362-3434 or (847) 344-1360 mbrady@libertyville.com	600 North Avenue Libertyville, IL 60048	Martin Wittrock 118 West Cook Avenue Libertyville, IL 60048 (847) 362-3434 or (847) 344-1451 mwittrock@libertyville.com
28	Village of Lincolnshire	500	tons	\$66.650	\$ 71.65	\$ 66.65	Bradford Woodbury One Olde Half Day Road Lincolnshire, IL 60069 Ph: (847) 913-2381 bwoodbury@lincolnshireil.gov	205 Schelter Road Lincolnshire, IL 60069	Bradford Woodbury One Olde Half Day Road Lincolnshire, IL 60069 Ph: (847) 913-2381 bwoodbury@lincolnshireil.gov
29	Village of Lindenhurst	800	tons	\$64.970	\$ 69.97	\$ 64.97	Charles Hernandez 2060 Grasslake Road Lindenhurst, IL 60046 Ph: (847) 356-1765 chernandez@lindenhurstil.org	2060 Grasslake Road Lindenhurst, IL 60046	Charles Hernandez 2060 Grasslake Road Lindenhurst, IL 60046 Ph: (847) 356-1765 chernandez@lindenhurstil.org
30	Village of Long Grove	1,400	tons	\$66.340	\$ 71.34	\$ 66.34	David Lothspeich 1980 S. Highway 83 Grayslake, IL 60030 Ph: (847) 634-9440 dlothspeich@longgrove.net	Lester's Material Service 1980 S. Highway 83 Grayslake, IL 60030	David Lothspeich 1980 S. Highway 83 Grayslake, IL 60030 Ph: (847) 634-9440 dlothspeich@longgrove.net
31	Village of Mettawa	120	tons	\$65.180	\$ 70.18	\$ 65.18	Bob Irvin 26225 N. Riverwoods Blvd Mettawa, IL 60045 (847) 494-0308 birvin@mettawa.org	800 N. Field Drive Lake Forest, IL 60045 (Lake Froest Facility)	Bob Irvin 26225 N. Riverwoods Blvd Mettawa, IL 60045 (847) 494-0308 birvin@mettawa.org

2020 PATROL 1 MAINTENANCE SALT BID

	Local Governmental Unit	2020 Quantity: Estimated Usage		2019 Unit Prices			Contact Information	Delivery Location	Bill To Contact/Address
				80% - 120%	120% - 150%	Early Deliver			
32	Village of Mundelein	2,400		\$65.250	\$ 70.25	\$ 65.25	Kelsey Langelier 440 E. Crystal Street Mundelein, IL 60060 Ph: (847) 949-3269 klangeler@mundelein.org	440 E. Crystal Street Mundelein, IL 60060	Craig Schaul 440 E. Crystal Street Mundelein, IL 60060 Ph: (847) 949-3272 cschaul@mundelein.org
33	City of North Chicago	500	tons	\$67.210	\$ 72.21	\$ 67.21	Ed Wilmes 1850 Lewis Avenue North Chicago, IL 60064 (847) 504-9298 edwwil@northchicago.org	1421 Renken Avenue North Chicago, IL 60064	Toni Moreino 1850 Lewis Avenue North Chicago, IL 60064 (847) 596-8870 tonmor@northchicago.org
34	City of Park City	150	tons	\$71.280	\$ 76.28	\$ 71.28	Kenneth Magnus 333 Teske Boulevard Park City, IL 60085 Ph: (847) 623-5030 kenneth.magnus@parkcityil.org	333 Teske Boulevard Park City, IL 60085	Kenneth Magnus 333 Teske Boulevard Park City, IL 60085 Ph: (847) 623-5030 kenneth.magnus@parkcityil.org
35	Village of Round Lake	1,600	tons	\$65.920	\$ 70.92	\$ 65.92	Adam Wedoff 751 W. Townline Road Round Lake, IL 60073 Ph: (847) 546-0962 awedoff@eroundlake.com	751 W. Townline Road Round Lake, IL 60073	Adam Wedoff 751 W. Townline Road Round Lake, IL 60073 Ph: (847) 546-0962 awedoff@eroundlake.com
36	Village of Round Lake Beach	1,400	tons	\$68.020	\$ 73.02	\$ 68.02	Scott Hilts 911 Lotus Drive Round Lake Beach, IL 60073 Ph: (847) 546-8752 shilts@rlbeach.org	911 Lotus Drive Round Lake Beach, IL 60073	Scott Hilts 911 Lotus Drive Round Lake Beach, IL 60073 Ph: (847) 546-8752 shilts@rlbeach.org

2020 PATROL 1 MAINTENANCE SALT BID

	Local Governmental Unit	2020 Quantity: Estimated Usage		2019 Unit Prices			Contact Information	Delivery Location	Bill To Contact/Address
				80% - 120%	120% - 150%	Early Deliver			
37	Village of Round Lake Heights	350	tons	\$72.220	\$ 77.22	\$ 72.22	Bud Kowalski 619 West Pontiac Court Round Lake Heights, IL 60073 Ph: (847) 546-1206 mayorlumpkins@comcast.net	619 West Pontiac Court Round Lake Heights, IL 60073	Bud Kowalski 619 West Pontiac Court Round Lake Heights, IL 60073 Ph: (847) 546-1206 mayorlumpkins@comcast.net
38	Village of Vernon Hills	1,600	tons	\$67.350	\$ 72.35	\$ 67.35	Carissa Hansen 490 Greenleaf Drive Vernon Hills, IL 60061 Ph: (847) 367-3726 carissah@vhills.org	490 Greenleaf Drive Vernon Hills, IL 60061	David Brown 490 Greenleaf Drive Vernon Hills, IL 60061 Ph: (847) 918-3544 daveb@vhills.org
39	Village of Wadsworth	800	tons	\$63.960	\$ 68.96	\$ 63.96	Moses Amidei 14155 West Wadsworth Road Wadsworth, IL 60083 Ph: (847) 336-7771 mamidei@villageofwadsworth.org	14155 West Wadsworth Road Wadsworth, IL 60083	Moses Amidei 14155 West Wadsworth Road Wadsworth, IL 60083 Ph: (847) 336-7771 mamidei@villageofwadsworth.org
40	Village of Wauconda	300	tons	\$66.340	\$ 71.34	\$ 66.34	Brad C. Fink 302 Slocum Lake Road Wauconda, IL 60084 Ph: (847) 526-9610 bfink@wauconda-il.gov	302 Slocum Lake Road Wauconda, IL 60084	Connie Watkins 302 Slocum Lake Road Wauconda, IL 60084 Ph: (847) 526-9610 cwatkins@wauconda-il.gov

2020 PATROL 1 MAINTENANCE SALT BID

	Local Governmental Unit	2020 Quantity: Estimated Usage		2019 Unit Prices			Contact Information	Delivery Location	Bill To Contact/Address
				80% - 120%	120% - 150%	Early Deliver			
Cook County Communities									
41	Village of Glencoe	1,180	tons	\$ 68.94	\$ 73.94	\$ 68.94	Don Kirk 1900 Frontage Road Glencoe, IL 60022 Ph: (847) 461-1154 or (224) 216-9150 (cell) dkirk@villageofglencoe.org	1900 Frontage Road Glencoe, IL 60022	Don Kirk 1900 Frontage Road Glencoe, IL 60022 Ph: (847) 461-1154 or (224) 216-9150 (cell) dkirk@villageofglencoe.org
42	Village of Glenview	2,000	tons	\$ 63.90	\$ 68.90	\$ 63.90	Phil Perna 2498 East Lake Avenue Glenview, IL 60026 Ph: (847) 904-4463 pperna@glenview.il.us	2498 East Lake Avenue Glenview, IL 60026	Phil Perna 2498 East Lake Avenue Glenview, IL 60026 Ph: (847) 904-4463 pperna@glenview.il.us
43	Village of Kenilworth	100	tons	\$ 68.94	\$ 73.94	\$ 68.94	Donald Leicht 347 Ivy Court Kenilworth, IL 60043 (847) 257-2354 dleicht@kenilworthil.org	347 Ivy Court Kenilworth, IL 60043	Donald Leicht 347 Ivy Court Kenilworth, IL 60043 (847) 257-2354 dleicht@kenilworthil.org
44	Village of Winnetka	1,300	tons	\$ 68.94	\$ 73.94	\$ 68.94	James Bernahl 1390 Willow Road Winnetka, IL 60093 (847) 716-3261 jbernahl@winnetka.org	1390 Willow Road Winnetka, IL 60093	Mike Mahoney 1390 Willow Road Winnetka, IL 60093 (847) 716-3263 mmahoney@winnetka.org

2020 PATROL 1 MAINTENANCE SALT BID

	Local Governmental Unit	2020 Quantity: Estimated Usage		2019 Unit Prices			Contact Information	Delivery Location	Bill To Contact/Address
				80% - 120%	120% - 150%	Early Deliver			
McHenry County Communities									
45	Village of Cary	2,500	tons	\$ 65.64	\$ 70.64	\$ 65.64	Steve Kopacz 454 Cary Woods Circle Cary, IL 60013 Ph: (847) 980-8840 skopacz@caryillinois.com	454 Cary Woods Circle Cary, IL 60013	Village of Cary finance Dept. 655 Village Hall Drive Cary, IL 60013 Ph: (847) 639-0003 finance@caryillinois.com
46	Village of Fox River Grove	700	tons	\$ 66.34	\$ 71.34	\$ 66.34	John Reese 305 Illinois Street Fox River Grove, IL 60021 Ph: (224) 888-0850 j.reese@foxrivergrove.org	1229 Lincoln Avenue Fox River Grove, IL 60021	Village of Fox River Grove 305 Illinois Street Fox River Grove, IL 60021
47	City of Woodstock	3,500	tons	\$ 65.56	\$ 70.56	\$ 65.56	Jeff Van Landuyt 326 Washington Street Woodstock, IL 60098 Ph: (815) 338-6118 jvanlanduyt@woodstockil.gov	326 Washington Street Woodstock, IL 60098 DO NOT USE THE DAIRY QUEEN ENTRANCES - USE ONLY MARKED PUBLIC WORKS ENTRANCES. DELIVERY HOURS ARE 7:00 AM TO 3:30 PM	Jeff Van Landuyt 326 Washington Street Woodstock, IL 60098 Ph: (815) 338-6118 jvanlanduyt@woodstockil.gov



Agenda Item Executive Summary

Title: Environmental and Forestry Commission 2019 Green Awards

Presenter: Steven M. Saunders, Director of Public Works/Village Engineer

Agenda Date: 05/21/2019

Consent: ☐ YES ☒ NO

☐ Ordinance
☐ Resolution
☐ Bid Authorization/Award
☐ Policy Direction
☒ Informational Only

Item History:

As part of the Village's commitment to sustainability, the Environmental and Forestry Commission (EFC) administered the third annual Green Awards program this year. The Green Awards recognize individuals, properties and households within the community that demonstrate exceptional commitment to sustainable and environmentally-friendly practices.

Executive Summary:

Green Awards are presented for specific categories developed by the EFC: Green Buildings, Recycling/Waste Reduction, Land, Air, Water/Stormwater, Energy, Climate, and Innovation/Other.

Mercedes and Bernardo Sichel of 420 Birch Street were selected for an award in the Water/Stormwater category. After suffering severe basement flooding in 2017, they constructed two commercial-grade pits jointly with three sump pumps and four battery backups; raised their ten window wells to the highest possible level and covered them with new lids; and ran an alternative over-the-ground pipe to direct stormwater from the back of the house to a section of their yard.

Amanda and George Hanley of 855 Auburn Road were selected for an award in the Climate category for constructing six vegetable beds, installing a hoop house, planting edible fruit trees/shrubs, converting to native plantings, and incorporating green outdoor features such as additional LED lights and recycled furnishings.

Recommendation:

Acknowledge 2019 Green Awards to Mercedes and Bernardo Sichel and Amanda and George Hanley.

Attachments:

Mercedes and Bernardo Sichel Application
Amanda and George Hanley Application



WINNETKA ENVIRONMENTAL AND FORESTRY COMMISSION

Chuck Dowding, *Chairperson*
Barry Sylvester
Rosann Park-Jones
David Varca
Chris Foley
Elizabeth Kunkle
Mike Nielsen
Andrew Cripe



GREEN AWARD NOMINATION

Green Awards were developed by the Village's Environmental and Forestry Commission to recognize properties and households within Winnetka that demonstrate exceptional commitment to sustainable and environmentally friendly practices within the Village of Winnetka.

Please complete the following information to nominate a property within Winnetka for a Green Award:

Property Address:	420 Birch Street
Owner:	Mercedes and Bernardo Sichel
Owner's Phone and E-mail:	mercedessichel@gmail.com; 312-982-4075 (cell)

1. **Award Category** (check one):

- ☐ **Climate:** Projects that reduce greenhouse gas emissions, maintain clean and healthful air, and develop resiliency to climate change impacts.
- ☐ **Economic Development:** Project that promote innovation and cultivate local and sustainable development, jobs and businesses.
- ☐ **Energy:** Projects that reduce energy output such as increasing efficiency or utilizing renewable energy.
- ☐ **Land:** Projects that conserve, utilize or restore existing land such as native landscape planting.
- ☐ **Leadership:** Projects that work collaboratively towards a sustainable region or advocate for policies that align with sustainable practices.

- ☐ **Mobility:** Projects that support safe and effective transportation, support efficient transportation that uses resources wisely, integrates sustainability into transportation policies, programs and regulation, or promote public and sustainable transportation choices.
- ☐ **Municipal Operations:** Projects that lead by demonstrating sustainable values and practices, integrate sustainability into all municipal operations, operate a safe, clean and efficient fleet, collect and manage data to advance sustainability.
- ☐ **Sustainable Communities:** Projects that promote cultural vibrancy in the community; foster a culture of health, safety and wellness; increase access to sustainably grown local food; promote a sustainable identity for the community; or cultivate community values based on principles of sustainability.
- ☒ **Water/Stormwater:** Projects that filter stormwater runoff or store stormwater on property such as bioswales, rain gardens or rain barrels.
- ☐ **Waste & Recycling:** Projects that substantially reduce waste or use of recycled material. Such projects may include use of a composter, reusing recycled materials or diverting waste from landfills.
- ☐ **Innovation/Other:** All other projects that do not fit into an above category.

2. **Property Type** (check one):

- ☒ Private
- ☐ Commercial
- ☐ Public

3. **Brief Description of the Project and Benefits** (use extra pages if needed): See attached

4. **Approximate Date of Project Completion:** 2017 - 2018

5. **Name, Address, Phone Number and Email of Nominator:** Liz Kunke, 1303 Holly Lane, Winnipeg

6. **Photos Enclosed**

7. **Signature of Nominator:** _____

8. **Signature of Property Owner:** _____

Please contact Matt Havlik with any questions at (847) 716-3550 or mhavlik@winnetka.org

Please send this form with photos attached and other documentation to:

Matt Havlik
Public Works Analyst
1390 Willow Road
Winnetka, IL 60093

Guidelines:

- You can nominate your own property or as many projects as you like, as long as you get the owner's signature.
- The project must have been completed within the past 5 years.
- Commercial, public or private properties are eligible.
- All applications are reviewed and awarded by members of the Environmental and Forestry Commission.
- Deadline for application is February 28, 2019. Awards are announced at the Village Council meeting closest to April 22nd (Earth Day).

Award Criteria:

Applications will be evaluated by the Village of Winnetka Environmental and Forestry Commission based on how well the projects or initiatives meet the following criteria:

- Positive Impact - The project must have a meaningful and demonstrable impact in Winnetka by helping protect the environment or enhance the quality of life for residents.
- Embraces Innovation/Creativity - The project should reflect a new concept, technology, or practice in Winnetka and should employ new ideas in the industry.
- Overcomes Challenges - The project should explain what challenges were overcome.
- Transferable - The project should be able to be replicated by others in similar situations.
- Demonstrates Initiative - The project should reflect how the individual or group took action to move sustainability forward in their position or community.

The Sichels moved into their home in mid-August 2017 (while the intersection of Birch and Cherry, at the end of their block, was under construction in connection with stormwater work that the Village was undertaking at the time). On October 14, 2017, the entire 3,000 sq. ft. basement in the Sichel home flooded with about 6” of water. This storm brought just over 4” of rain to Winnetka (making it the wettest calendar day since we got almost 7” on July 23, 2011) and quickly moved the Sichels up the learning curve of stormwater remediation.

Over the next month, until right before Thanksgiving, the Sichels undertook a number of remediation efforts, including:

- Drying out the basement area
- Ripping out carpet and one-third of the drywall.
- Installing two commercial-grade pits in the equipment area, jointly with three sump pumps and four battery backups. The first two sump pumps are designed to work in tandem, unless the amount of water is so much that they need to run in parallel. The third sump pump is supposed to kick in if they lose power and/or if the other two cannot do the job by themselves. In the worst case scenario, they could potentially be running all in parallel.
- Raising the existing ten window wells to the highest possible level and putting new lids on them.
- Running an alternative over-the-ground pipe in the back of the house to direct water out of the third sump pump into a section of the yard. The other two sump pumps discharge directly into the Village’s sewer system, but since this system is usually at capacity when it pours and it backs up, it makes no sense to add more water to it at times of emergency.

In the spring and early summer of 2018, the Sichels repaved the walkway to the front door and driveway to add as much inclination as possible leading up to the house. They also graded up all the beds in the east and south side of the house, again to add as much inclination as possible leading up to the house, by adding dirt, replanting edge plants, and placing boulders to contain the new dirt within the beds. Finally, in late summer 2018, they installed a small generator to provide additional backup (besides batteries) to run the sump pumps if needed.





WINNETKA ENVIRONMENTAL AND FORESTRY COMMISSION

Chuck Dowding, *Chairperson*
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Andrew Cripe



GREEN AWARD NOMINATION

Green Awards were developed by the Village's Environmental and Forestry Commission to recognize properties and households within Winnetka that demonstrate exceptional commitment to sustainable and environmentally friendly practices within the Village of Winnetka.

Please complete the following information to nominate a property within Winnetka for a Green Award:

Property Address:	855 Auburn Road
Owner:	Amanda and George Hanley
Owner's Phone and E-mail:	amandahanley@me.com; 847-477-3734 (cell)

1. **Award Category** (check one):

- ☒ **Climate:** Projects that reduce greenhouse gas emissions, maintain clean and healthful air, and develop resiliency to climate change impacts.
- ☐ **Economic Development:** Project that promote innovation and cultivate local and sustainable development, jobs and businesses.
- ☐ **Energy:** Projects that reduce energy output such as increasing efficiency or utilizing renewable energy.
- ☐ **Land:** Projects that conserve, utilize or restore existing land such as native landscape planting.
- ☐ **Leadership:** Projects that work collaboratively towards a sustainable region or advocate for policies that align with sustainable practices.

- ☐ **Mobility:** Projects that support safe and effective transportation, support efficient transportation that uses resources wisely, integrates sustainability into transportation policies, programs and regulation, or promote public and sustainable transportation choices.
- ☐ **Municipal Operations:** Projects that lead by demonstrating sustainable values and practices, integrate sustainability into all municipal operations, operate a safe, clean and efficient fleet, collect and manage data to advance sustainability.
- ☐ **Sustainable Communities:** Projects that promote cultural vibrancy in the community; foster a culture of health, safety and wellness; increase access to sustainably grown local food; promote a sustainable identity for the community; or cultivate community values based on principles of sustainability.
- ☐ **Water/Stormwater:** Projects that filter stormwater runoff or store stormwater on property such as bioswales, rain gardens or rain barrels.
- ☐ **Waste & Recycling:** Projects that substantially reduce waste or use of recycled material. Such projects may include use of a composter, reusing recycled materials or diverting waste from landfills.
- ☐ **Innovation/Other:** All other projects that do not fit into an above category.

2. **Property Type** (check one):

- ☒ Private
- ☐ Commercial
- ☐ Public

3. **Brief Description of the Project and Benefits** (use extra pages if needed): After building a "new" 10 years ago with green elements incorporated in the design, construction, materials, specifically, the Hanleys have added 6 new veg beds including hoop house (around shrubs/trees, converted to more native plantings, made their yard more pollinator/wild outdoor features such as additional LED lights & recycled furnishings.

4. **Approximate Date of Project Completion:** Past 5 years

5. **Name, Address, Phone Number and Email of Nominator:** Liz Kunkle, 1303 Holly Lane, Winnie

6. **Photos Enclosed**

7. **Signature of Nominator:** _____

8. **Signature of Property Owner:** _____

Please contact Matt Havlik with any questions at (847) 716-3550 or mhavlik@winnetka.org

Please send this form with photos attached and other documentation to:

Matt Havlik
Public Works Analyst
1390 Willow Road
Winnetka, IL 60093

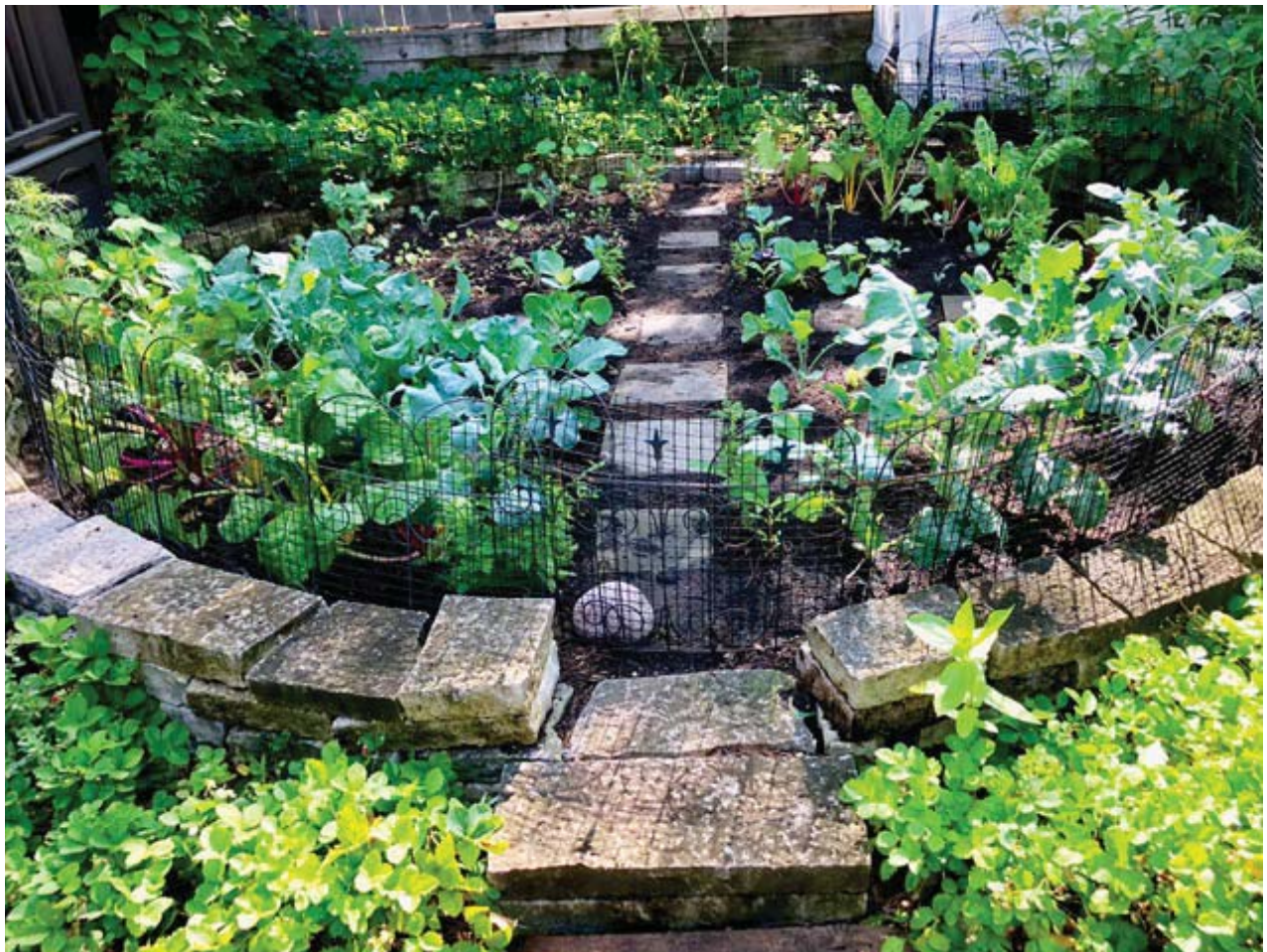
Guidelines:

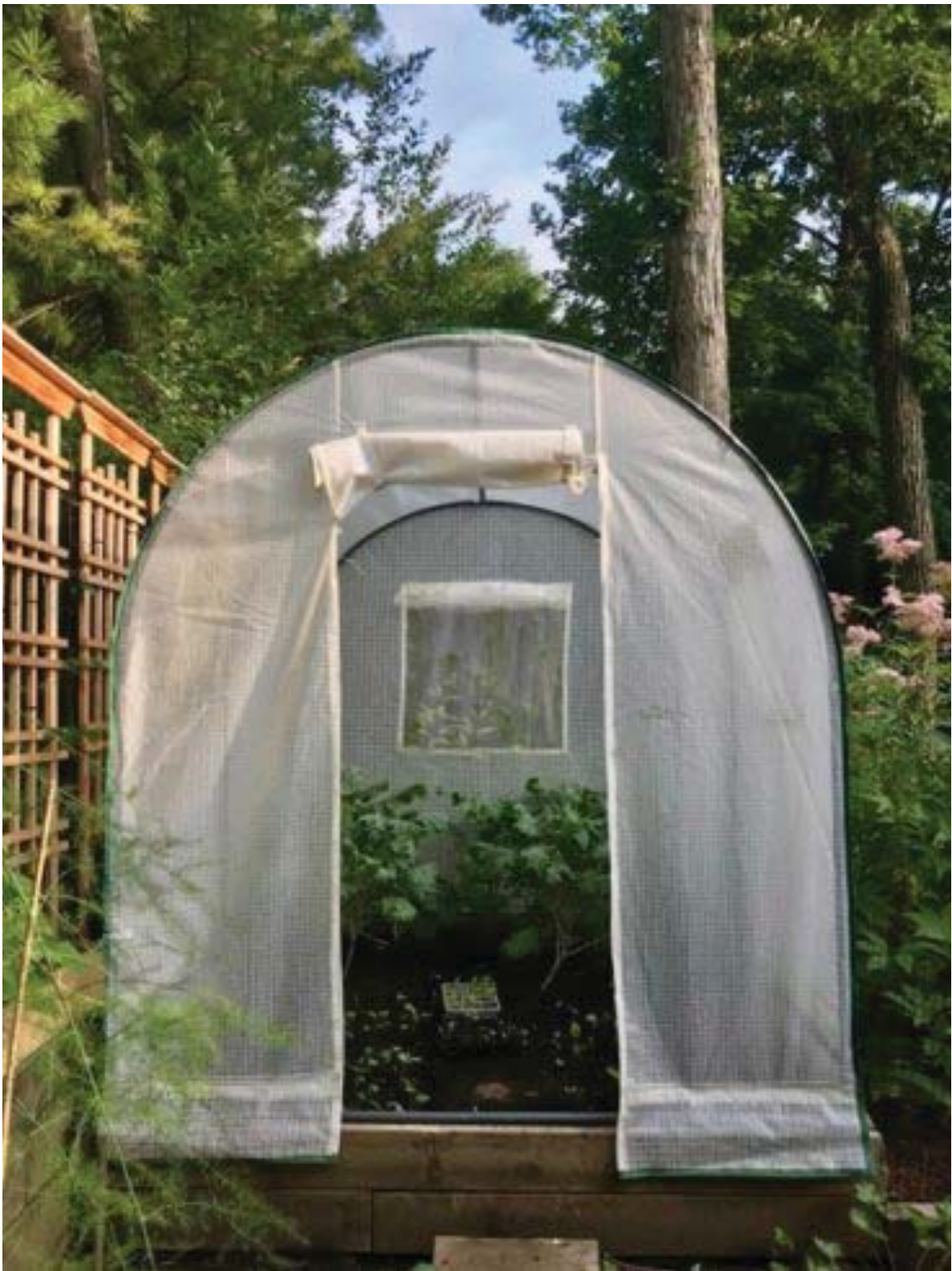
- You can nominate your own property or as many projects as you like, as long as you get the owner's signature.
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- Overcomes Challenges - The project should explain what challenges were overcome.
- Transferable - The project should be able to be replicated by others in similar situations.
- Demonstrates Initiative - The project should reflect how the individual or group took action to move sustainability forward in their position or community.







Agenda Item Executive Summary

Title:

Resolution No. R-37-2019: Approving a Banquet and Reception Hall at 915 Green Bay Road (Public Hearing Continuation)

Presenter:

David Schoon, Community Development Director

Agenda Date:

05/21/2019

☒

Ordinance

☐

Resolution

☐

Bid Authorization/Award

☐

Policy Direction

☐

Informational Only

Consent:☐

YES

☒

NO

Item History:

1/15/2019 - Village Council review of Applicant's original request.

2/19/2019 - Village Council review of Applicant amended request, which did not include a cafe along the street frontage of the building.

3/19/2019 - Village Council scheduled to hold public hearing; which was continued at request of applicant.

4/16/2019 - Village Council held public hearing and continued the public hearing its next meeting, May 7, 2019.

5/7/2019 - Village Council public hearing continued to May 21, 2019

Executive Summary:

On May 21, 2019 the Village Council was scheduled to hold a continued public hearing on the requested zoning relief to allow a banquet facility in the C2 Retail Commercial District and the C2 Commercial Overlay District. Boutique Bites (the "Applicant"), as the potential lessee of the property located at 915 Green Bay Road (the "Subject Property") has requested approval to operate a banquet facility on the Subject Property. In addition, the Council was to consider amendments to the Village's liquor ordinance and the creation of valet parking regulations both of which are necessary to accommodate the Applicant's proposed business operation.

Given that two trustees will not be present at the May 21 Village Council meeting, the Applicant has agreed to a continuance of the public hearing to the June 4, 2019 Village Council meeting.

Staff has mailed a letter to all who received the notice for the public hearing, informing them that the public hearing will be continued to June 4. The public notice sign in front of the Subject Property has also been change to reflect this new date.

Recommendation:

Consider continuing the public hearing on the requested zoning relief to allow a banquet facility in the C2 Retail Commercial District and the C2 Commercial Overlay District to June 4.

Attachments:

Attachment A - May 13, 2019 Applicant Email

David Schoon

From: Elaina Vazquez <elaina@boutiquebites.com>
Sent: Monday, May 13, 2019 3:14 PM
To: David Schoon
Subject: Re: Boutique Bites - Public Hearing Continuation

Hi David,

Based on our communication last week, I'm requesting the public hearing be continued to Tuesday, June 4th. Please let me know if you need anything else.

Thank you,
Elaina

ELAINA VAZQUEZ
Founder :: CEO

BOUTIQUE BITES

224 N. Ada St. | Chicago, IL | 60607

office: (773) 313-3211

[Website](#) | [BRIQUE](#) | [Instagram](#)



Agenda Item Executive Summary

Title: Ordinance No. M-7-2019: 976 Green Bay Road - Robbins Architecture - Special Use Permit (Introduction/Adoption)

Presenter: David Schoon, Director of Community Development

Agenda Date: 05/21/19

Consent: ☐ YES ☒ NO

- ☒ Ordinance
- ☐ Resolution
- ☐ Bid Authorization/Award
- ☐ Policy Direction
- ☐ Informational Only

Item History:

None.

Executive Summary:

On May 21, the Village Council is scheduled to consider Ordinance No. M-7-2019 in response to an application submitted by Celeste Robbins d/b/a Robbins Architecture (the "Applicant"). The Applicant is requesting a Special Use Permit to allow an existing architect's office on the ground floor at 976 Green Bay Road (the "Subject Property"). The Applicant is the current lessee of the Subject Property, which is located within the Commercial Overlay District. The use does not have a retail component and is therefore subject to review as a special use under the C-2 General Retail Commercial Zoning District regulations.

The Applicant has occupied the Subject Property since 2014. Subsequently, it was brought to the Village's attention that the Applicant was operating without a retail component. In 2014, when the Applicant took occupancy of the space, her intent was to have retail space at the front of the commercial space; therefore, a special use permit was not required. The Applicant provided a letter in 2014 noting the intent was to have a retail component as part of the architectural services the business would provide (see Attachment D). Upon notification that a special use permit is required to operate an architect's office, the Applicant submitted the application currently being considered.

The Plan Commission (PC) considered the application on April 3, 2019. After hearing from the Applicant and receiving 15 emails in support of the application, the PC discussed the dilemma of considering another application for a use that did not receive the necessary approval prior to opening within the Commercial Overlay District.

While the PC found the Applicant's space to be an attractive anchor tenant in the Hubbard Woods Business District, some members found the use to be yet another professional services office that would chip away the retail space in the Commercial Overlay District.

Executive Summary (continued):

However, the majority of the PC found the use to be complimentary to other businesses in the Hubbard Woods District; and a different type of use that is not compatible with the Hubbard Woods Design District may not receive a favorable recommendation from the Commission. The PC found the request is consistent with the standards for granting a special use. In particular the PC found the use enhances the continuity, concentration, and pedestrian nature of the area in a manner similar to that of retail uses, and the use provides for display windows, facades and lighting similar in nature and compatible with that provided by retail uses.

Ultimately, the PC recommended, by a vote of 8 to 1, approval of the Special Use Permit. The PC did not recommend any conditions. However, given the Village Council's recent discussions regarding non-retail uses providing display windows compatible with retail uses, staff has included the following condition:

C. Compliance with Plans. So that the Applicant's use of the Subject Property is consistent with the special use standard that display windows, facades, signage and lighting be similar in nature and compatible with that provided by retail uses, the development, use, and maintenance of the architect's office at the Subject Property must be consistent with the Floor Plan and photographs submitted by the Applicant, consisting of five sheets, a copy of which is attached to and, by this reference, made a part of this Ordinance as Exhibit B ("Floor Plan"), except for minor changes approved by the Director of Community Development (within his permitting authority) in accordance with all applicable Village codes, ordinances, and standards.

Details of the request can be found in the attached staff report to the PC. If you would like additional details please reference this report, which is included as Attachment B.

Recommendation:

Consider waiving introduction of Ordinance No. M-7-2019 and consider adoption of the Ordinance OR consider only introduction of Ordinance No. M-7-2019.

The Ordinance would allow the architect's office at 976 Green Bay Road within the C-2 Commercial Overlay District.

Attachments:

Attachment A: Ordinance No. M-7-2019

Attachment B: PC Staff Report

Attachment C: Application Materials

Attachment D: 2014 letter from Applicant regarding use of space

Attachment E: Public Correspondence

Attachment F: Excerpt of draft April 3, 2019 PC meeting minutes

ATTACHMENT A

ORDINANCE NO. M-7-2019

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT
FOR THE OPERATION OF A PROFESSIONAL OFFICE
WITHIN THE C-2 COMMERCIAL OVERLAY DISTRICT OF THE VILLAGE
(976 Green Bay Road)**

WHEREAS, Celeste Robbins, d/b/a Robbins Architecture ("**Applicant**"), is the lessee of the property commonly known as 976 Green Bay Road, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance ("**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 an architect's office at the Subject Property, which qualifies as a "professional office" pursuant to the table of uses set forth in Section 17.46.010 of the Winnetka Zoning Ordinance ("**Zoning Ordinance**"); and

WHEREAS, Marlene Richmond and Kenneth Richmond are the record title owners of the Subject Property (collectively, "**Owner**"); and

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

WHEREAS, on February 20, 2019, 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 professional 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 April 3, 2019, after due notice thereof, the Plan Commission conducted a public hearing on the proposed Special Use Permit and, by a vote of eight in favor and one opposed, recommended that the Village Council approve the Special Use Permit, upon certain conditions; and

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

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

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

SECTION 2: SPECIAL USE PERMIT. Subject to, and contingent upon, the terms and conditions set forth in Section 3 of this Ordinance, the Special Use Permit is hereby granted, pursuant to Chapter 17.56 and Section 17.44.020.B of the Zoning Ordinance and the home rule powers of the Village, to allow the establishment and operation of a professional 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. Compliance with Regulations. The development, use, and maintenance of the Subject Property must comply at all times with all applicable Village codes and ordinances, as they have been or may be amended over time.
- B. Reimbursement of Village Costs. In addition to any other costs, payments, fees, charges, contributions, or dedications required under applicable Village codes, ordinances, resolutions, rules, or regulations, the Applicant must pay to the Village, promptly upon presentation of a written demand or demands therefor, of all fees, costs, and expenses incurred or accrued in connection with the review, negotiation, preparation, consideration, and review of this Ordinance. Payment of all such fees, costs, and expenses for which demand has been made shall be made by a certified or cashier's check. Further, the Applicant must pay upon demand all costs incurred by the Village for publications and recordings required in connection with the aforesaid matters.
- C. Compliance with Plans. So that the Applicant's use of the Subject Property is consistent with the special use standard that display windows, facades, signage and lighting be similar in nature and compatible with that provided by retail uses, the development, use, and maintenance of the architect's office at the Subject Property must be consistent with the Floor Plan and photographs submitted by the Applicant, consisting of five sheets, a copy of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit B ("Floor Plan")**, except for minor changes approved by the Director of Community Development (within his permitting authority) in accordance with all applicable Village codes, ordinances, and standards.

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

SECTION 5: FAILURE TO COMPLY. Upon the failure or refusal of the Applicant or the Owner to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, in addition to all other remedies available to the Village, the Special Use Permit granted in Section 2 of this Ordinance will, at the sole discretion of the Village Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Council may not so revoke the Special Use Permit granted in Section 2 of this Ordinance

unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village Council. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the applicable zoning district and the applicable provisions of the Zoning Ordinance, as the same may be amended from time to time. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

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

SECTION 7: EFFECTIVE DATE.

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

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

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

PASSED this ____ day of _____, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2019.

Signed:

Village President

Countersigned:

Village Clerk

Published by authority of the
President and Board of Trustees
of the Village of Winnetka,
Illinois, this ____ day of _____,
2018.

Introduced: May 21, 2019

Passed and Approved: _____, 2019

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

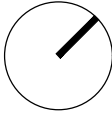
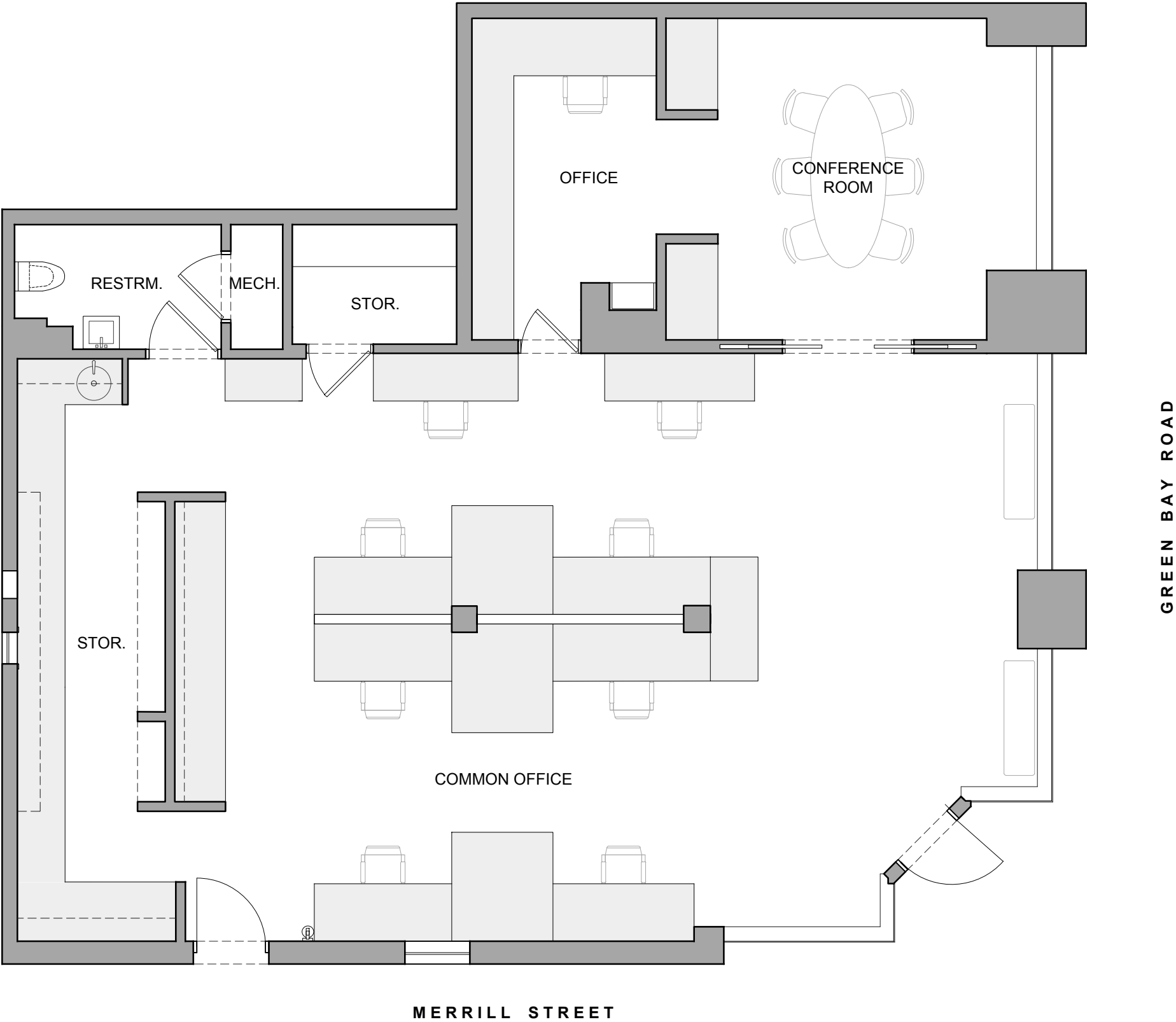
Unit Number 1-S3, in Winnetka Manor Condominium as Delineated on a Survey of the Following Described Real Estate: Lots 6 and 7 in Block 2 in Lakeside Jared Gage's Subdivision of Part of the Northwest 1/4 of the Fractional Section 17 and Part of the East 1/2 of the Southwest 1/4 of Fractional Section 8, Township 42 North, Range 13 East of the Third Principal Meridian, which Survey is Attached as Exhibit "A" to the Declaration of Condominium Recorded as Document Number 90300819, as Amended by Document 90497073, together with Its Undivided Percentage Interest in the Common Elements in Cook County, Illinois.

Commonly known as 976 Green Bay Road, Winnetka, Illinois.

PIN: 05-17-114-011-1029

EXHIBIT B
FLOOR PLAN
(SEE ATTACHED EXHIBIT B)

EXHIBIT B





VIEW FROM GREEN BAY ROAD

RobbinsArchitecture

976 Green Bay Rd Winnetka, Illinois 60093
Tel 847 446 8001 Fax 847 446 8005
www.robins-architecture.com



VIEW FROM SIDEWALK



VIEW OF CONFERENCE ROOM FROM SIDEWALK



VIEW OF COMMON OFFICE FROM SIDEWALK

EXHIBIT C
UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Celeste Robbins, d/b/a Robbins Architecture ("**Applicant**"), desires to operate an architect's office located at 976 Green Bay Road in the Village ("**Subject Property**"); and

WHEREAS, an architect's office at the Subject Property qualifies as a "professional office" pursuant to the table of uses set forth in Section 17.46.010 of the Winnetka Zoning Ordinance ("**Zoning Ordinance**"); and

WHEREAS, Marlene Richmond and Kenneth Richmond (collectively, "**Owner**") are the record title owners of the Subject Property and consents to the operation of an architect's office by Applicant at the Subject Property; and

WHEREAS, Ordinance No. M-7-2019, adopted by the Village Council on _____, 2019 ("**Ordinance**"), grants a special use permit to the Applicant for the operation of a professional 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: _____, 2019

ATTEST: **CELESTE ROBBINS**

By: _____ By: _____

ATTEST: **MARLENE RICHMOND**

By: _____ By: _____

ATTEST: **KENNETH RICHMOND**

By: _____ By: _____



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: PLAN COMMISSION
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: MARCH 27, 2019
SUBJECT: CASE NO. 19-12-SU: 976 GREEN BAY ROAD - ROBBINS ARCHITECTURE
SPECIAL USE PERMIT

INTRODUCTION

On April 3, 2019, the Plan Commission is scheduled to consider an application submitted by Celeste Robbins (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 an architect's office on the ground floor at 976 Green Bay Road (the "Subject Property"). The Applicant is the current lessee of the Subject Property, which is owned by Marlene and Kenneth Richmond (the "Owner").

The Applicant currently operates Robbins Architecture on the Subject Property, and it was brought to the Village's attention that the Applicant was operating an architect office without a retail component. In 2014, when the Applicant took occupancy of the space her intent was to have retail space at the front of the commercial space; therefore, a special use permit was not required. The Applicant provided a letter in 2014 noting the intent was to have a retail component as part of the architectural services the business would provide (see Attachment C).

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 received seven (7) written comments from the public regarding this application. The comments are provided in Attachment B of this report.

PROPERTY DESCRIPTION

The Subject Property is one of the first floor commercial spaces located in the three-story mixed-use building at 976-986 Green Bay Road, located at the northwest corner of Green Bay Road and Merrill Street. *City Kids Dental* (984 Green Bay Road), which received a special use permit in 2017 to operate a dental office in the Commercial Overlay District, is currently the only other tenant in the building. The space immediate north of *City Kids Dental* (986 Green Bay Road) is currently vacant. The space at 976 Green Bay Road has been occupied by the Applicant since 2014. The Subject Property is located within the Village's **Commercial Overlay District**, which places limits on many non-retail uses, including professional offices, such as architects, engineers and attorneys, requiring that they be evaluated by the Plan Commission and Village Council as a special use.

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. As you are aware the Village Council is currently considering further amending the Overlay District regulations. On March 13, 2018 the Village Council began its review of the Overlay District and discussed potential changes to the District. At the request of the Village Council, at the Plan Commission (PC) meeting in April 2018, the Commission participated in an exercise regarding allowed uses in the Overlay District and the boundaries of the District. The Village Council considered the results of the PC's exercise at its July and October 2018 study sessions and further discussed changes to the Overlay District at its meeting on January 15, 2019.

Ultimately, on March 19, 2019 the Village Council conducted a public hearing and approved introduction of Ordinance No. MC-01-2019, an ordinance amending the Zoning Ordinance regarding uses and regulations in the three commercial districts, including amendments to the Overlay District. The Village Council is scheduled to consider adoption of the ordinance on April 4, 2019. Details regarding the amendments can be found in the attached staff report to the Village Council. If you would like additional details, please reference this report, which is included as Attachment D. It is important to note that the changes the Village Council is considering would not impact a request such as this. A special use permit will still be required for a professional office on the ground floor in the Overlay District.

HUBBARD WOODS BUSINESS DISTRICT OVERLAY BOUNDARIES

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, located immediately south of *City Kids Dental* on Green Bay Road.

Gray areas indicate the underlying C-2 General Retail Commercial zoning, which permits 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.

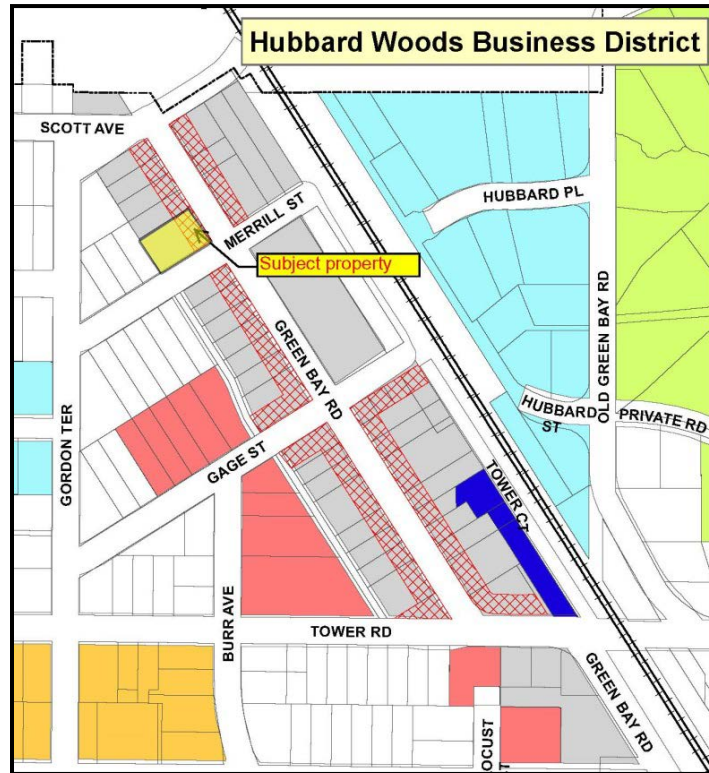


Figure 1 – Hubbard Woods Business District

DESCRIPTION OF REQUEST

As previously noted, the Applicant currently operates Robbins Architecture in the approximately 1,600 square foot space at 976 Green Bay Road. Originally, when the Applicant took occupancy of the space in 2014 her intent was to have retail space at the front of the commercial space; therefore, a special use permit was not required. The Applicant provided a letter in 2014 noting the intent was to have a retail component as part of the architectural services the business would provide, which is included in this report as Attachment C. It was recently brought to the Village's attention that the Applicant was operating an architect's office without a retail component, thus requiring the Applicant to request special use approval.

Upon notification that a special use permit is required to operate an architect's office, the Applicant submitted the application currently being considered by the Plan Commission. The space is pictured in Figures 2 and 3 on the following page.

As represented in the Office Floorplan sheet included in the attached application materials (Attachment A), the space currently has eight (8) work stations in a common office area, a separate private office and a conference room. The Applicant explains in the written explanation how the Applicant finds that the layout of its space and its façade windows are similar in nature and compatible with that provided by retail uses. The Applicant also states that they several weekly meetings with clients, consultants and vendors that do not add any more demand on parking than a typical retail tenant. According to the Applicant, the employees utilize the employee parking spaces available in the Hubbard Woods parking structure, which is a half a block to the north. Due to the low amount of customer parking demand generated by the use, it was determined by staff that a parking study would not be necessary.



Figure 2 – Subject Property



Figure 3 – Subject Property

STANDARDS FOR REVIEW / FINDINGS

Section 17.44 of the Zoning Ordinance provides a series of eleven (11) 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 eleven (11) standards.

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

The Plan Commission recommends **approval [denial]** of the requested special use to allow an architect's office on the ground floor at 976 Green Bay Road within the C-2 Commercial Overlay District, based on the following findings of fact:

"The proposed architect's office is consistent with the Standards for granting of Special Use Permits in the Commercial Overlay District, 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 of a comparison shopping nature;
8. Proposed street frontages providing access to or visibility for one or more special uses shall provide for a minimum interruption in the existing and potential continuity and concentration of retail uses of a comparison shopping nature;
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 of a comparison shopping nature;
10. If a project or building has, proposes or contemplates a mix of retail, office and service-type uses, and the retail portions of the project or building shall be located adjacent to the sidewalk. 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; and

11. 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 of a comparison shopping nature.

In addition, the Commission may also wish to consider if there are any conditions it may want to place on the facility's operation. 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.

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

ATTACHMENT C

APPLICATION FOR SPECIAL USE
C2 Retail Overlay District

Name of Applicant CELESTE ROBBINS

Proposed type of occupancy ARCHITECTS OFFICE

Property Address 976 GREEN BAY RD

Applicant Telephone Number 847-443-0148

Applicant Email address Celeste@robbins-architecture.com

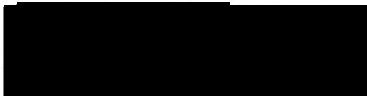
Architect Information: Name, Address, Telephone & Email

Same as above

Attorney Information: Name, Address, Telephone & Email

Explanation of Special Use Requested:

Attach a separate document providing narrative description of proposed business and
Location within C2 Retail Overlay District. Address each of the eleven (11) standards
on page 5


Applicant signature

2-20-19
Date

PROPERTY OWNER ACKNOWLEDGEMENT

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

I consent to the filing of an application for Special Use Permit by

(Applicant name)

Signed: _____
(Property owner)

Date: _____

PROPERTY OWNER ACKNOWLEDGEMENT

I hereby certify that I am the owner of the property at 976 Green Bay RD, and have provided the attached proof of ownership.
(address)

I consent to the filing of an application for Special Use Permit by

CELESTE ROBBINS
(Applicant name)

Signed: _____
(Property owner)

Date: 2/22/19

976 Green Bay Road, Winnetka, IL 60093
Telephone 847 446 8001 Fax 847 446 8005
robbins-architecture.com

Special Use Permit Narrative:

Please find attached an application for a Special Use Permit for 976 Green Bay Road, the current offices of Robbins Architecture. Below I have addressed each of the 11 points that need to be satisfied for a Special Use Permit. In addition to addressing each point, I also would like to provide a narrative to express why I strongly feel that we should be permitted to maintain the architectural office at 976 Green Bay Road.

I think we all share the same goal and understand the importance of the retail fabric in Winnetka. Our retail areas create a center for our town and a sense of community. Having a streetscape encourages people to meet and gather and provides a convenience and meaning in the neighborhood in which they live.

What I would like to address is simply why I feel we should be granted a Special Use Permit. Other than having things for sale, I believe Robbins Architecture supports the goals of the Overlay District.

Beautiful Window Display: Our street visibility is beautiful. We are an architectural firm dedicated to creating warm and livable homes. Our aesthetic ranges from modern to more transitional but regardless of a flat roof or cedar shakes the common denominator is an edited style that feels open, clean and inviting. Our window view sells our brand and tells our story. We take a lot of pride in designing what people see from the street because it needs to convey what we do. As people pass our office, they are able to view photos of our work on display. These photos are changed as projects are updated. It is interesting to see people constantly slowing down as they walk by to view and analyze our projects. In fact, I have seen people pull over and get out of their car to show a spouse a photo. Our window presence is more than photos on display though.

Our lighting is also designed for the street. Our conference room has large illuminated decorative glass panels facing Green Bay Road along with a pendant light over the conference room table. These are not needed for any functional reason, only aesthetics. During the day the sun is flooding our space, providing plenty of natural light during business hours. However, at night when we are typically closed, the lighting tells a story. Lighting is important to our designs and we are demonstrating our proficiency in that area. This artful display brings vibrancy and delight to the street and complements the other retail displays.

Although our original plan to use the front of our office as retail space did not work out, we continue to keep the front space open with a conference room and architectural models on display which adds to the attractive window display.

Supporting Retail in Hubbard Woods: Robbins Architecture participates in The Hubbard Woods Design District. I attend meetings, welcome new shops, advertise, and participate in events such as Art Attack.

We are a business focused on residential design. We have several weekly meetings with clients, consultants and vendors which brings traffic to the retail area. Naturally we direct or bring our visitors to neighboring shops such as Material Possessions and Bedside Manor. We also consistently support the food establishments, such as Once Upon a Bagel, Grateful Bites, Minos, Reprise, and Frank and Betsies for our conferences and meetings.

For the reasons above and the points addressed below, we are asking to be granted a Special Use Permit so that our office can continue to add to the success of the Hubbard Woods area.

1. Our Architectural Office will not endanger the public health, safety, comfort, morals and general welfare. In fact, to the contrary, we have added sprinklers to our space which increases safety.
2. We will not be substantially injurious to the use and enjoyment of others on the property or in the vicinity. We are quiet and the flow of visitors is consistent with retail spaces in the area.
3. We would not impede of normal development or impede on any improvement in the immediate area. We are surrounded by spaces that are vacant, so if anything, our presence adds vibrancy which will help the neighboring spaces.
4. We do not need to provide any additional traffic measures because our space will not increase traffic in any manner different than a retail shop.
5. We do not need an additional drainage, parking or access road.
6. We do conform to village codes other than the fact that we are not retail.
7. We do encourage, facilitate and enhance the pedestrian nature of the area in a manner consistent with retail space.
8. The view into our office is consistent with the Hubbard Woods design District niche. People really enjoy looking at our window display and seeing our office in action. We have a lot of photos both in the window and on the walls to add interest and vibrancy.
9. Our windows provide a street frontage consistent with the retail spaces.
10. We are proposing no retail space as previously requested in March, 2014. The Special Use request is to remain only an architect's office. However, our space does not utilize the front portion with desks or storage. It is a conference room and display.
11. We will not diminish the current parking in the area. We do not add parking because we park in the "A" lot. Client meetings add no more parking than a retail space.

ATTACHMENT D

Robbins Architecture

976 Green Bay Road, Winnetka, IL 60093
Telephone 847 446 8001 Fax 847 446 8005



August 14, 2014

Village of Winnetka,

We have completed the build out at 976 Green Bay Road. This will be a multi-use space with architectural work and retail. The space was renovated from an existing store and to best of our knowledge the space is built to be ADA compliant. Robbins Architecture is responsible for any areas that could be found to be non-compliant and will not hold the Village of Winnetka responsible.

Thank you,



Celeste Robbins

ATTACHMENT E

From: [Ciao Bella Sewing](#)
To: [Ann Klaassen](#)
Cc: [celeste robbins](#)
Subject: Robbins Architecture Special Use Permit - IN SUPPORT OF!
Date: Tuesday, March 05, 2019 8:41:03 AM

Dear Ann,

I hope all is well!

I am sending you an email because I would like to vocalize my support in allowing Robbins Architecture to obtain a special use permit. Overall, Robbins Architecture has added value to the Hubbard Woods Design District. Robbins Architecture is a consistent store front in the Design District. They are a local store and in return, they support other local stores in the area. In addition, it is nice to see such a well designed and visually appealing store front in this area (especially since a lot of the store fronts in the area need some TLC- tender, loving, care). Also, how amazing that Robbins Architecture works with the local schools, including New Trier Architecture Club and Sacred Heart Schools- guiding future creative students in a time when STEM programing is taking over, is needed.

Please let me know if you have any questions. However, I wanted to send a quick email and let you know that I do fully support Robbins Architecture in obtaining a special use permit.

Kind Regards,
Taylor Ioannou
847-456-5720
CiaoBellaSewing.com

From: [REDACTED]
To: [Ann Klaassen](#)
Cc: [Celeste @ Robbins](#)
Subject: Robbins Architecture
Date: Tuesday, March 05, 2019 12:55:29 PM

>

> Dear Ms. Klaassen,

>

> I am writing in support of a Special Use Permit that will allow Robbins Architecture to maintain their space in Hubbard Woods as they currently have it. As a fellow business owner and retailer in the neighborhood for over 25 years we feel very strongly that an architect office is a true benefit to the over all merchant group. In fact, Bedside Manor Ltd and Robbins have worked together on a number of occasions and have shared a number of clients.

>

> Thank you so much,

> Meg Carroll

> Bedside Manor Ltd

> 920 Green Bay Rd

> Winnetka, IL 60093

From: [Scott Dallmeyer](#)
To: [Ann Klaassen](#)
Cc: [Celeste @ Robbins](#)
Subject: Special use permit for Robbins Architecture
Date: Tuesday, March 05, 2019 11:39:34 AM

Ann,

I understand that Robbins Architecture needs to apply for a special use permit. Phototronics heartily and gladly supports issuance of this permit.

Considering the empty commercial spaces in Hubbard Woods, an occupied space contributes to the area. They always show life, even for the evening HWDD events (which might not be expected from a business of that kind). Phototronics is at the "end of the earth" here. The vacancies, and even the park, between us and the heart of the district tend to cut us off from pedestrian shoppers. Even the holiday lighting stops half a block south of us, both sides of the street. Their presence on our block helps connect us to the rest of the area.

Again, considering the vacancies, they are not displacing a retail business that might want to move to Hubbard Woods.

They are a different kind of business that dovetails well with many of the other businesses in the district. They add to the variety in the district, as real estate offices, nail salons and such wouldn't.

In short, a vibrant, active business is an asset where an empty storefront is not.

Yours truly,
Scott Dallmeyer

--

Phototronics
(Photo Future, Inc.)
996 Green Bay Road
Winnetka, IL 60093
847-446-7510

Phototronics
digital imaging 



Virus-free. www.avast.com

From: pam@greenbaycycles.com
To: [Ann Klaassen](#)
Cc: celeste@robbins-architecture.com
Subject: Robbins Architecture
Date: Tuesday, March 05, 2019 7:13:46 PM

Hi Ann,

I understand Celeste Robbins is in the process of applying for a special use permit for her business location. I could not be more pleased to endorse her continued presence in Hubbard Woods in her current location. In addition to being a very attractive and pleasant addition to our street-scape, Robbins Architecture has brought increased foot traffic to the northern end of Hubbard Woods. Celeste and her team have been active, engaged members of our business district. Celeste is a regular participant in HWDD meetings and her office has hosted numerous, lively First Friday events.

As the current President of the Winnetka-Northfield Chamber of Commerce, I am mindful of the need to be attentive to our tax base and the need to provide a strong foundation for our retail businesses, but as a near neighbor to Celeste's office, I am of the opinion that this is a circumstance deserving of exception. Please don't hesitate to contact me if I can provide any further information.

Kind regards,

Pam

Pam Faulkner
Green Bay Cycles
999 Green Bay Road
Winnetka, IL 60093
(847) 446-7433

From: [REDACTED]
To: [Ann Klaassen](#)
Cc: [Celeste @ Robbins](#); peggy@materialpossesions.com
Subject: Special Use Application
Date: Wednesday, March 06, 2019 11:05:06 AM

Dear Ann and Committee,

I have owned and operated Material Possessions for 41 years and I would like to support Celeste Robbin's application for a Special Use Permit.

Celeste has been an excellent neighbor bringing her clients and herself to shop at Material Possessions and other stores in town.

She is professional and always introduces her clients to, not only our store, but to the other stores in HW.

Her store front is clean, well lit, and inviting which adds greatly to the appearance and class of Hubbard Woods. Having a successful business in Hubbard Woods / Winnetka is key to keeping our villages vital and healthy. I wish more stores in our town were as beautiful.

Too many businesses have come and gone, but Celeste's business seems to grow and attract more clients every year.

We are thrilled that she is our neighbor. It could be said that, Celeste is selling her architectural knowledge and talent. Her advice, consultation and drawings are worth buying.

Also, Celeste is committed to enhancing and promoting HWDD and Winnetka. She is active in the community and in the HWDD Association. Her ideas and participation are greatly needed and counted on.

I would be happy to address any questions and concerns you may have for allowing this beautiful Architecture Design Firm to continue to operate on Green Bay Road in Hubbard Woods.

Thank You,

Peggy Swartchild

Material Possessions
954 Green Bay Road
Winnetka, IL 60093

From: [Cynthia Burr](#)
To: [Ann Klaassen](#)
Subject: Robbins Architecture
Date: Thursday, March 07, 2019 12:35:39 PM

Hi Ann,

I understand that Robbins Architecture is applying for a special use permit to operate simply as an architectural office. As a retailer myself in Hubbard Woods, I appreciate the rules surrounding the Overlay district in Winnetka. However, Robbins Architecture is the kind of business we in the neighborhood really value and want to see continue.

Celeste Robbins is a member of our Hubbard Woods Design District Board of Directors, joins in those neighborhood events that make sense for her business, and participates in joint advertising with other businesses in the area. The firm brings interior designers and homeowners into Hubbard Woods, who in turn support other businesses on the street. In addition, Robbins Architecture presents an extremely attractive storefront on a very visible corner of our 3-block retail area. With so many vacant storefronts, we are especially glad to have Robbins Architecture as one of the neighborhood anchors.

Really, I can't say enough positive things about Celeste and her business. I would hope that the Village would quickly grant her permission to continue her business as requested in her current location.

Best,
Cynthia Burr

Cynthia Burr
Owner, Vivid Art Gallery
895 Green Bay Road
Winnetka, IL 60093

p: 224 505-5961
cynthiaburr@vividartgallery.net
www.vividartgallery.net

From: [Celeste Robbins](#)
To: [Ann Klaassen](#)
Cc: [Cynthia Burr](#)
Subject: FW:
Date: Thursday, March 07, 2019 7:54:36 PM

Hi Anne,

I was told that some emails might not be making it to you. Not sure if this one made it to you or not. I hope this is not annoying. I had no idea so many people would take the time to write a note. I am forwarding the one below.

RobbinsArchitecture

Celeste Robbins
Direct. 847-443-0148

From: Mary Ellen Larkin [REDACTED] >
Sent: Thursday, March 07, 2019 12:30 PM
To: -AKlaassen@winnetka.org
Cc: Celeste Robbins <celeste@robbins-architecture.com>
Subject:

Good Morning ,

I have a shop in Hubbard woods for 15 years. I think
an office for Robbins Architecture is a good asset to this area .

This business supports the design district and they have been wonderful neighbors .

Thank You

Mary Ellen Larkin

One Magnificent Shoppe

From: [REDACTED]
To: [Ann Klaassen](#)
Subject: Fwd: Celeste Robbins, Robbins Architecture, 976 Green Bay Road
Date: Thursday, March 28, 2019 8:56:01 AM

Ann, resending, since I goofed spelling Winnetka the first time.

Sent from my iPad

Begin forwarded message:

From: Bruce Linger [REDACTED] >
Date: March 28, 2019 at 8:48:51 AM CDT
To: aklaassen@winnekta.org
Cc: John Golan [REDACTED],
[REDACTED]
Subject: Celeste Robbins, Robbins Architecture, 976 Green Bay Road

We are writing to express our support the application for a special use permit for Celeste's business in Hubbard Woods. We are wholeheartedly in favor of granting this permit. Celeste's storefront is an attractive and thoughtful benefit to the community. We, like other clients, prospective clients, and her business associates, visit her firm on regular basis for meetings, design consultations, and reviews of materials and products. Her corner storefront makes it very convenient for us to either walk or park our car yet take care of other errands in the neighborhood. Celeste's firm employs nine architects who contribute to the Hubbard Woods community through their daily work at her office. We have firsthand participated in Celeste's open house type of events in connection with various community outings such as Art Attack and First Friday's, where Celeste creates a warm and welcoming environment for the many visitors. We believe Celeste's work to put together an attractive and well designed view of the firm's offices from the street and sidewalk contributes favorably to the Hubbard Woods district. It's interesting to note that when we visit the restaurant across the street, there always seem to be other visitors who spend time viewing Celeste's well lit windows on Green Bay, taking time to admire the work and product that enhances the visual appeal of the neighborhood.

We are hopeful that you can grant Celeste this permit...her firm and its location is a gem and asset for Hubbard Woods.

Bruce & Laura Linger
[REDACTED]
Winnetka, IL 60093

From: [REDACTED]
To: [Ann Klaassen](#)
Subject: Robbins archecture
Date: Tuesday, April 02, 2019 2:59:42 PM

I am emailing you to let you know that I support Robbins architecture remaining in the same spot. They are an asset to the Hubbard Woods District. And people enjoy watching them work during the day. As a shop owner and landlord I appreciate their presents.

Dorothy Bickmore

Sent from my iPhone

From: [Gayle Cohen](#)
To: [Ann Klaassen](#)
Subject: Robbins Architecture
Date: Tuesday, April 02, 2019 3:58:14 PM

Hello, I am writing to you in support of keeping Robbins Architecture right where it is - 976 Green Bay Rd., Hubbard Woods. It is a beautiful space, bright and inviting. I believe it is an asset to the area. Celeste is a lovely neighbor and I look forward to having the showroom with us for a long time to come.

Gayle Cohen
Manager
Material Possessions
954 Green Bay Rd.
Winnetka, IL 60093
847/446-8840
847/446-8843 fax

From: [Randi Lamb](#)
To: [Ann Klaassen](#)
Subject: Robbins Architecture
Date: Tuesday, April 02, 2019 3:10:07 PM

Hello, I just wanted to send a quick email showing my support for Robbins Architecture. it is a beautiful space even if it is not retail and we do not need anymore empty store fronts. Please allow Robbins to stay in their space.

Thanks

for your time

Randi

[www,randoons.com](http://www.randoons.com)

962 1/2 Green Bay Rd

Winnetka IL 60093

From: [HWDD](#)
To: [Ann Klaassen](#)
Subject: Robbins Architecture on Green Bay Road
Date: Tuesday, April 02, 2019 3:03:05 PM

Ann - I wanted to tell you that I fully support allowing Robbins Architecture to remain in their current location. Celeste has been an active member in the Design District and a thoughtful neighbor.

Paul Zurowski, Sawbridge Studios

From: [Rare Finds Ltd](#)
To: [Ann Klaassen](#)
Subject: Robbins Architecture
Date: Wednesday, April 03, 2019 8:07:10 PM

Robbins Architecture is a wonderful and vital presence in Hubbard Woods. As a Hubbard Woods merchant and 43 year resident of Winnetka, I completely support her continued presence at her current location. The village has many other real issues to occupy its time and resources.

Sincerely,
Fraida Aland
Rare Finds Ltd.

Sent from my iPhone

From: [Katie Cory](#)
To: [Ann Klaassen](#)
Subject: Robins Architecture
Date: Wednesday, April 03, 2019 11:43:56 AM

Dear Ann,

We at skändal are in support of Robbins Architecture staying in their retail location in The Hubbard Woods Design and Dine District. They are a wonderful and lovely addition to our neighborhood, and Celeste Robbin has been very involved in the success of our merchant association.

--

Katie Cory

Skändal

847-386-7900

Please note that I am out of the office on Mondays

www.shopskandal.com

From: [REDACTED]
To: [Ann Klaassen](#)
Subject: April 3rd - Public Hearing for Special Use Permit
Date: Wednesday, April 03, 2019 3:55:28 PM
Attachments: [image001.png](#)

Re: Public Hearing for Special Use Permit – Robbins Architecture

Dear Ann,

We are writing in regard to supporting the business of Robbins Architecture located at 976 Green Bay Road, Winnetka, IL 60093.

We believe the business of Robbins Architecture not only adds to what we hope to be a continuing thriving area of Winnetka in Hubbard Woods but that it supports many surrounding businesses with their presence. They continue to bring necessary foot traffic to Hubbard Woods. Within their location Robbins Architecture provides added value to a vibrant and beautiful streetscape and serves as an important resource for other initiatives within the community.

Over the past 5 years Robbins Architecture has demonstrated its ability to make tangible contributions to the Hubbard Woods Design District. We believe that Robbins Architecture Firm's commitment to economic sustainability as a small business makes it a valuable asset.

We are in support Celeste Robbins and her entire firm of Robbins Architecture and wish them continued success and growth here in Hubbard Woods.

Jenifer Hoffman
Store Manager
Katherine Lynch
Assistant Manager
Phone: (847) 446-7787



www.winnetkathriftshop.org

ATTACHMENT F

WINNETKA PLAN COMMISSION EXCERPT OF SPECIAL MEETING MINUTES APRIL 3, 2019

Members Present:

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

Non-voting Members Present:

Matt Bradley

Members Absent:

None

Village Staff:

David Schoon, Director of Community Development

Case No. 19-12-SU: 976 Green Bay Road – Robbins Architecture: An application submitted by Celeste Robbins seeking approval of a special use permit to allow an architect's office to continue to operate on the ground floor in the C2 Commercial Overlay District.

Mr. Schoon noted he passed out additional comments which were received since the agenda packet went out. He then stated the subject property is located at the northwest corner of Green Bay Road and Merrill Street in the Hubbard Woods business district which falls within the Commercial Overlay District. Mr. Schoon noted an architect's office is a special use in the district. He then stated the Village Council is considering the overlay district, but the Council is not looking to change how architectural offices are regulated. Mr. Schoon then stated it was brought to the Village's attention the architect's office was occupying space in the overlay district without offering retail goods or going through the special use process.

Mr. Schoon stated in 2014 when the applicant took occupancy of the space, it was to have retail space at the front of the commercial space as is represented in the letter received by the Village dated August 2014 on page 23 of the agenda packet. He stated the practice had been if the use was to provide a certain level of retail sales, it would be allowed as a permitted use. Mr. Schoon stated the Village is moving away from that practice and classifying the use by its predominate activity. He stated the applicant did not install a retail display area which is why they are here and the applicant is requesting approval for an architect's office in the overlay district. Mr. Schoon stated the applicant is being provided the opportunity to seek the relief allowed under the code and the Commission is to evaluate the request based on the special use standards independent of whether or not the applicant is already in the space. He then stated they were provided with photos of the space and the applicant provided a copy of the office floor plan and response to the special use standards. He stated the applicant also provided additional photos of the space. Mr. Schoon stated on page 5 in the agenda packet is the motion recommending either approval or denial for the Commission's consideration. He then asked if they had any questions.

1 Ms. Danley asked how it was brought to the attention of the Village. Mr. Schoon responded it was
2 during the discussion of the overlay district and different uses when it came to someone's recollection
3 that this use did not go through the special use process.

4
5 Mr. Bradley stated for clarification for the definition of retail as it is being used here, the comments
6 mentioned retail goods. He stated as he read the language of the ordinance that encourages retailing
7 of comparison shopping goods and personal services, he asked which service category did an architect's
8 office fall. Mr. Bradley asked if they are talking about retail space being limited to the point of sale of
9 goods inside the storefront or if it can extend to the potential sale of services. Mr. Schoon stated in
10 terms of the applicant, the idea was as a non-retail use. Mr. Bradley asked what potential goods would
11 an architectural firm offer.

12
13 Chairperson Dalman stated at the time, when the applicant came to the Commission before, there was
14 a discussion about furniture. Mr. Schoon confirmed this request did not come before the Commission.
15 Ms. Case stated Benvenuti and Stein sells cabinetry and is considered retail. Mr. Schoon stated if they
16 have a display of goods. Mr. Bradley asked if it is the Village's position that in the ordinance, the retail is
17 specifically limited to goods and not "retailing of comparison shopping goods and personal services" as
18 stated on page 2 of the agenda packet. Mr. Schoon noted personal services did not include an architect's
19 office and in connection with land use terms, he referred to uses such as beauty salons and dry
20 cleaners. He then asked if there were any other questions.

21
22 Mr. Bradley asked if there was any understanding how a similar business is covered in the district akin to
23 the applicant and if a use could have been grandfathered in such as State Farm which represented
24 the same situation. Mr. Schoon responded it could have been grandfathered in or gone through the
25 special use process. Mr. Bradley asked would that qualify under the definition of retail. Mr. Schoon
26 responded the district allows retail and non-retail uses by right or with a special use and
27 an architect's office is allowed as an allowed use subject to special use approval and referred to that
28 particular location and whether the manner it is operating is appropriate. He also stated with regard to
29 how compatible it would be with other retail activity, they do not want to discourage the use but does it
30 help support other retail activity in the area.

31
32 Chairperson Dalman asked if there were any other questions. No additional questions were raised at this
33 time. She then swore in the applicant.

34
35 Celeste Robbins introduced herself to the Commission as the principal and owner of Robbins
36 Architecture where she has practiced for 24 years with 12 years being in Hubbard Woods. She stated
37 they are a firm of nine architects who focus on single family homes with 99% of their work being luxury
38 special architectural homes. Ms. Robbins also stated they have projects all over the country and for their
39 clients here, they tend to be second homes mostly being built for North Shore clients .

40
41 Ms. Robbins stated in terms of what the office is like and what they do, the nine architects include
42 project architects and younger architects. She stated they have clients who come in every day and they
43 are a service-oriented office where they get to know their clients. Ms. Robbins stated being on the
44 ground floor meant clients would drive up to see a hardware sample or show a magazine clipping. She
45 stated she wanted the Commission to understand they have a vibrant and energetic office with people
46 coming and going with regard to meetings, consultants, vendors, etc.

47
48 Ms. Robbins stated as an architect, they are highly concerned with how they present themselves and

1 want the office to set the tone for the projects. She described the aesthetic as warm and clean-lined
2 and edited and they are not buried in paper behind books. Ms. Robbins described them as having a nice
3 presence and they enjoy the interaction between them and people walking down the street. Ms.
4 Robbins stated they have done tours with New Trier kids and are part of the community. She also stated
5 they have photos in the windows which they change and they get a lot people who are driving by and
6 walking who stop in and look.

7
8 Ms. Robbins stated in addition to what they do, she loves Hubbard Woods and is on the Hubbard Woods
9 Design District Board. She noted she advertises with them to help them out and participates in any
10 activities she can. Ms. Robbins then referred to First Friday, etc. and she has been there long enough to
11 watch the vibe of the street go from large retail to small retail and internet. Ms. Robbins stated they
12 want to stay relevant in the community.

13
14 Ms. Robbins then stated with regard to the history of why they are there and not selling retail, she was
15 located down the street in a smaller office and she wanted to stay in the area and liked the space. She
16 then stated at the time in 2013 or 2014, they were not very busy and she thought it would be a great
17 idea to supplement architecturally to do custom vanities and custom hardware. Ms. Robbins then stated
18 they got a project from Northwestern University to do their revitalization of three homes to perform a
19 gut renovation. She described it as a great project and from there, projects kept rolling in and they
20 became very busy. Ms. Robbins stated she did not have the time to include retail sales and wanted to
21 keep doing what they do well. Ms. Robbins then stated while she would rather not sell retail and at the
22 time, the requirement was to keep a certain percentage of the storefront retail with office space behind
23 which is what they have done. She then stated 30% of the office is open with no desks but there is no
24 selling.

25
26 Ms. Robbins also stated a lot of people wrote in support of them and stated it is a nice area where she
27 knows the people in the shops and is engaged with them and they support each other. She stated the
28 general impression is more than the shop people, the general aesthetic and the amount of money and
29 attention they have brought display and presence to the street has been positive during the day and
30 at night. Ms. Robbins stated she liked it to look high end and have a nicely designed street presence. She
31 then stated while she understood the goal of what the overlay district is doing and the challenge of it,
32 she felt they have checked most of the boxes in terms of what they are hoping to accomplish which is
33 to create a community to create activity on the street and have a sense of what it would be like to live in
34 Winnetka. Ms. Robbins reiterated their clients visit the neighboring stores and they are helping to create
35 a sense of community but they are not creating something to buy. She then asked if there were any
36 questions.

37
38 Ms. Danley congratulated the applicant on having a thriving business and described the relationship
39 with the neighbors as great. She stated to go back to the original intent of the concept of retail, in
40 the prior office, there was no retail component. Ms. Danley asked how far down the road did they get
41 with exploring retail. Ms. Robbins responded they drew things to see what to pursue as custom objects
42 and how much variation there would be like changing materials, etc. and graphically, they got that far.
43 She then stated they did not get to the point of pricing and putting items out for sale.

44
45 Chairperson Dalman asked if there were any other questions. She then stated she walked by that corner
46 prior to the relocation from their hidden space on Tower Road. Chairperson Dalman also stated there
47 were several uses in that space prior to the applicant's use. She then stated she appreciated
48 the beautiful storefront which created a nice anchor. Chairperson Dalman stated it is tough since there

1 have been discussions about special uses and professional service offices. She stated they all agree the
2 office is attractive and nice and an anchor for that part of Hubbard Woods which struggled. Ms. Robbins
3 stated in the design district, they tend to understand her corner is important and described the area
4 north of her as a struggle.

5
6 Ms. Danley stated prior to notification by the Village, there is an issue with a special use and asked if
7 they were aware that was a condition of occupying the space. Ms. Robbins stated while they were
8 aware, they were not focused on that and referred to stores closing in the area. She then apologized to
9 the Commission.

10
11 Chairperson Dalman asked if there were any other questions. No additional comments were made at
12 this time. She then stated before a motion is made, she asked for a sense of the temperature of the
13 Commission and described it as a tough decision in that a thriving business is important and the Village
14 is struggling with empty storefronts.

15
16 Mr. Bradley stated he is highly supportive of the application, and the applicant has been fairly
17 transparent about her intentions and the decision not to come forward since they were overwhelmed
18 with other projects and she is here in good faith. He also stated the comments landed well for him in
19 terms of the footprint and visibility. Mr. Bradley stated he lives in Hubbard Woods and walked the street
20 all the time and there is something to the professional services here and anchored more closely to the
21 design district at Hubbard Woods. He then stated a law firm would not have the same connection to the
22 interior design and goods sold in Hubbard Woods and the applicant takes their clients to other stores for
23 retail to shop which is what they want. Mr. Bradley stated although they would not be selling goods but
24 they are taking customers to other locations is in the spirit of what the Hubbard Woods design district is
25 supposed to do. He concluded by stating he would not want to see another empty storefront and the
26 request is a go for him.

27
28 Ms. Danley stated she agreed with Mr. Bradley's comments and the fact they are such good neighbors is
29 significant. She stated the other thing about this request is that they are backing into it and in the long
30 term, if an interior design firm came in, there should be a situation where the tenant is flagged by
31 the owner and real estate agent with regard to the difficulty of the decision to say they can stay in the
32 space. Ms. Danley stated she also did not want to see empty storefronts and is bothered they come to it
33 after the fact and the applicant never had a retail component. She then stated the Commission is put
34 into a position where there is a great tenant and space but that is not always the situation in other
35 spaces where this has happened. Ms. Danley referred to asking for forgiveness versus asking for
36 permission which is a concern to her.

37
38 Ms. Case stated she also agreed with Mr. Bradley's comment and on the street at night, looking into the
39 building is a joy. She then asked Mr. Schoon when the Village Council is going to change the overlay
40 district so they would not come up against these types of issues. Mr. Schoon stated they still allow uses
41 by special use which have to go through the process and referred to the community deciding whether
42 they need to go through the process. He confirmed while this type of use is allowed in the district, but
43 the special use process requires the applicant to demonstrate that the use and how it will operate in this
44 particular location is appropriate. Ms. Case then stated she would be in favor of keeping the business
45 and agreed with Ms. Danley and Mr. Bradley.

46
47 Mr. Golan stated he also agreed. Ms. Danley stated she would hate to see it being backed into and it
48 would be a bad precedent to set, and she would like to think the applicant was honest about the whole

1 thing. She described it as a nice space with neighbors who love her and their clients and which is an
2 asset to the Village. Ms. Danley then stated while she is torn, she thought they should stay.

3
4 Ms. Holland stated she agreed with most of the comments and it is a lovely space. She noted it was
5 previously a baby's furniture store in the space. Ms. Holland also stated if there was a component of
6 custom cabinets, there is a need for that. She then stated the retail overlay district is being chewed at
7 and before you know it, they would be a community of offices and effort was put forth by the Village
8 Council to have a downtown master plan which cost the Village \$300,000. Ms. Holland stated she is
9 worried when looking at the plan, there would be no retail space available and so many offices and she
10 would not vote for the request. She then stated she would salute what they have done and would ask
11 the applicant to put in some type of retail. Ms. Holland then stated it had nothing to do with tax dollars,
12 and they have an ordinance and it has not changed. She reiterated areas are being eaten away by these
13 requests and while she wished the applicant luck and for there to be a retail component, she would not
14 be in support of the request.

15
16 Ms. Orsic stated this is another one like the last one and agreed with Ms. Holland that they are getting
17 into bad territory by giving away bits and pieces of the overlay district. She also stated this is the design
18 district which is working. Ms. Orsic stated they do have the option when things come up to say no if the
19 applicant backed into it and this is one where they would not benefit by getting rid of it. She then stated
20 there are other spaces available for retail use and in this case, it would not benefit anyone to move her
21 out. Ms. Orsic concluded by stating while she agreed with Ms. Holland, she would vote in favor of the
22 request but would vote no if it was not as good of a fit.

23
24 Mr. Vanderlaan commented he liked everything he has heard and seen when you drive by the
25 storefront. He stated to go back initially, when it was said it is an allowed use, it just requires a special
26 use permit approval and in following the letter of the law, he would vote yes. Mr. Vanderlaan then
27 stated to pontificate about the number of these types of requests before the Commission; he referred
28 to last month where there was an interior design firm then Boutique Bites before that. Chairperson
29 Dalman stated to clarify, the latter never came before the Commission and they are since looking at a
30 code amendment. Mr. Vanderlaan then stated the pop-up retail space on Lincoln is what goaded him.
31 He stated he wanted to consider this application on the merits and it would be an allowed use and they
32 want the Commission to think about it as they are going into the Comprehensive Plan that they are not
33 setting a precedent to get away with this by looking at the history of how the Commission voted as long
34 as the applicant is doing good business. Mr. Vanderlaan described it as a dangerous precedent and he
35 would be tempted to vote no and he did not want see a precedent set that anything goes as long as
36 there is a mea culpa after the fact. He stated they should consider it into the broader context and their
37 responsibility to the Village.

38
39 Mr. Foley stated he agreed with the comments made and would be supportive of this request on
40 the merits and the presentation made. He stated the applicant in fact is in the design district and
41 referred to the type of business. Mr. Foley referred to chomping at the bit to make an example of
42 someone, and a dog grooming applicant would not be compatible with the design district area. He
43 concluded by stating he would be in support of the application.

44
45 Mr. Golan stated he was on the Commission the first time they had someone back into it like this. He
46 also stated if there was a firm here looking for a special use permit, he questioned would they grant it
47 and the answer is since they think it would be good for the Village, he would vote for approval with the
48 understanding it is the retail district and tax base.

1 Chairperson Dalman stated to clarify for the record, an interior design firm went into a space and a
2 special use granted. She also stated for the record, the design district is self-designated and marketed by
3 the Chamber of Commerce but it was not officially designated by the Village. Chairperson Dalman asked
4 if the businesses got together and came up with that. Mr. Schoon confirmed that is correct. Chairperson
5 Dalman then described it as brilliant and while they see the benefits of it, it is difficult. She agreed they
6 do not want to create a precedent and brokers and landlords would be incentivized to come in the side
7 door. Chairperson Dalman then stated she is not worried about that in this case and they have the
8 opportunity to address each request on an individual basis. She also stated if they did not feel it is
9 appropriate for the overlay district, they can take the appropriate actions.

10
11 Chairperson Dalman stated Mr. Schoon provided a summary of the manner of the way a use is an
12 allowed use in the retail overlay district as a special use is significant to consider. She then stated while
13 an architect's office may not be compatible with some retail uses, the strength of the
14 applicant's presentation and support of the neighboring businesses indicate the way the business is
15 operated and the way the clients are rooted provided synergy to the other retail uses. Chairperson
16 Dalman also stated the nine employees eat every day and are supporting businesses in walking distance
17 which is significant and they should consider the dollars spent by those working in Winnetka. She also
18 stated it is important to think about criteria no. 11 and that it satisfies them on the merits. Chairperson
19 Dalman stated in particular, the use demonstrates criteria nos. 2 and 9 and the use in this location
20 enhances the continuity, concentration and pedestrian nature of the area in a manner similar to that of
21 other retail uses of a comparison shopping nature and the supportive and synergy of the use is
22 criteria no. 7. Chairperson Dalman then stated the request satisfies all of the criteria to her.

23
24 Chairperson Dalman then stated there are some Commission Members on the fence and suggested they
25 move forward with a proposed motion in the affirmative. She asked if there were any other comments.
26 No additional comments were made at this time. Chairperson Dalman then introduced a motion from
27 the Commission recommending the approval of the requested special use to allow the architect's office
28 on the ground floor and to ratify the existing use there at 976 Green Bay Road within the C-2
29 commercial overlay district based on the findings fact set forth on pages 5 and 6 of the staff report.

30
31 Ms. Danley moved to make the motion as stated by Chairperson Dalman. Mr. Foley seconded the
32 motion. A vote was taken and the motion passed, 8 to 1.

33
34 AYES: Bradley, Case, Dalman, Danley, Foley, Golan, Orsic, Vanderlaan
35 NAYS: Holland

36
37 ***



Agenda Item Executive Summary

Title: Ordinance No. MC-5-2019: Adoption of Model Building Codes & Local Amendments (Introduction)

Presenter: David Schoon, Community Development Director, and Alan Berskowsky, Fire Chief

Agenda Date: 05/21/2019

Consent: ☐ YES ☒ NO

☒ Ordinance
☐ Resolution
☐ Bid Authorization/Award
☐ Policy Direction
☐ Informational Only

Item History:

None

Executive Summary:

On April 4, 2019, the Village Council will consider introduction of Ordinance No. MC-5-2019, an Ordinance Amending "The Winnetka Code," as Amended, to Adopt the 2015 Editions of Various International Code Council Codes and National Fire Protection Association Codes and Standards". This ordinance amends the Village's various building, fire, and safety codes to make them more current.

Attached is a separate staff report further summarizing the proposed model codes and proposed local amendments to these codes.

Recommendation:

Consider introduction of Ordinance No. MC-5-2019, adopting the identified model codes, as amended, as the Building Code of the Village of Winnetka.

Attachments:

Agenda Report

Attachment A: Summary of Model Codes and Proposed Technical and Policy Amendments

Attachment B: Ordinance No. MC-5-2019



MEMORANDUM VILLAGE OF WINNETKA

TO: VILLAGE COUNCIL
FROM: DAVID SCHOON, COMMUNITY DEVELOPER DIRECTOR
ALAN BERKOWSKY, FIRE CHIEF
DATE: MAY 16, 2019
SUBJECT: ORDINANCE NO. MC-5-2019 – UPDATED MODEL BUILDING CODES

INTRODUCTION

On May 21, 2019, the Village Council will consider introduction of Ordinance No. MC-5-2019 (Attachment B). This ordinance amends the Village's various building, fire, and safety codes to make them more current (each is listed on page 3 of this staff report). Municipalities generally do not have resources to develop their own codes, and typically rely on the expertise of national code agencies such as the *International Code Council* (ICC) and *National Fire Protection Association* (NFPA) to evaluate, update and publish various codes in order to remain current with advances in building performance and safety standards, construction techniques and materials. The Village's current building, fire, and safety codes are based on model codes published in 2008-09, and are adopted "as published", together with amendments to meet each community's unique needs or circumstances. These individual model codes will be addressed later, but for ease of reference, this memo refers to them collectively as the Village's "Building Code".

Updating the Building Code is necessary for a few reasons. The model codes that serve as the foundation for the Village's building code are updated on a three-year cycle. This triennial cycle allows for new construction methods and technologies to be incorporated into the codes. A common practice of municipalities is to adopt the model codes on an every other three-year cycle (i.e., approximately every six years). Updating the Building Code not only provides incremental improvement to safeguards for the health, safety and welfare of building occupants, but also allows building owners and contractors to take advantage of advancement in construction materials and methods.

Another reason to update the Building Code is because outdated codes can affect property insurance rates. The Insurance Services Office, Inc. (ISO) uses the Village's current edition of the Building Codes to determine property insurance rates. Outdated codes cause a reduction in points for both the Community Development and Fire Department evaluation process. Insurance rates include flood insurance rates, and the Village is currently going through the Community Rating Survey, which determines flood insurance rates. An up-to-date Building Code is evidence that building and construction in the Village incorporates the latest methods and materials, and thus it provides the greatest protection for life and property.

Ordinance MC-5-2019 includes the adoption and amendment of eight individual model codes published by the International Code Council, seven model codes and publications published by the National Fire Protection Association, as well as plumbing, energy conservation and accessibility codes adopted by the State of Illinois. We should note that the proposed Ordinance adopts more current editions of the model building codes. In the future, Village staff will also be presenting to the Village Council other proposed amendments to Village specific building and development code regulations.

MODEL CODES - CURRENT AND PROPOSED

Each model code consists of a set of regulations that intended to promote consistent, quality construction while at the same time enhancing the safety of building occupants and the general public. Model codes address the design, installation, maintenance, alteration and inspection of various systems, including building, plumbing, mechanical, electrical, and fire prevention. The model codes also address accessibility for persons with disabilities and energy conservation.

Much of building construction in the United States is regulated through a series of model codes published by the *International Code Council* (ICC). In addition to the ICC Codes, another source of model codes used throughout the county is the *National Fire Protection Association* (NFPA) which publishes codes used by most communities, including the National Electrical Code (NEC).

APPLICABLE STATE CODES

Certain states including Illinois promulgate their own codes that regulate construction activity on a statewide basis. Codes which apply to construction throughout the State include the *Illinois Plumbing Code*, the *Illinois Accessibility Code*, and the *Illinois Energy Conservation Code*. The Village is required to adhere to these State Codes, and as such may only adopt amendments which make them more restrictive.

State Code amendments occur on a different cycle from the model code agencies discussed previously. For example, in 2018 the State adopted amendments to the *2018 Illinois Accessibility Code* to make State requirements more closely aligned with national accessibility requirements, as well as to make certain amendments which are more restrictive than national standards.

The 2015 *Illinois Energy Conservation Code* that is currently in effect is currently in review for a possible update, and it is anticipated that it will be updated to new 2018 standards in the coming months. The *Illinois Energy Conservation Code* was first adopted in 2009 to mandate energy conservation standards in communities statewide. This State code is based upon the International Energy Conservation Code with amendments adopted by the State.

The table on the next page compares the current model codes adopted by the Village with the proposed model codes.

CURRENT ADOPTED MODEL CODES COMPARED TO PROPOSED MODEL CODES

MODEL CODE	CURRENT EDITION	PROPOSED EDITION
INTERNATIONAL CODE COUNCIL CODES		
International Building Code (IBC) (Regulates construction on all buildings except for one and two family dwellings and townhouses not more than three stories)	2009	2015
International Residential Code (IRC) (Regulates construction on detached one and two family dwellings and townhouses not more than three stories)	2009	2015
International Mechanical Code (IMC) Regulates the design, installation and maintenance of mechanical systems)	2009	2015
International Fuel Gas Code (IFGC) (Regulates fuel gas distribution piping systems and gas fired appliances)	2009	2015
International Property Maintenance Code (IPMC) (Regulates property maintenance of buildings and structures. Winnetka amendments so that it <u>only applies</u> to commercial properties and residential rental units.)	2009	2015
International Existing Building Code (IEBC) (Regulates repairs, alterations, and additions to all buildings except for one and two family dwellings and townhouses not more than three stories. – Previously part of IBC)	-----	2015
International Swimming Pool and Spa Code (ISPS) (Regulates swimming pools and spas for single family homes)	-----	2015
International Fire Code (IFC) (Regulates conditions hazardous to life and property due to fire, explosion, hazardous material storage and building occupancy)	2009	2015
NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES & STANDARDS		
National Electrical Code (NEC), NFPA 70 (Regulates electrical installations in all buildings)	2008	2014
Life Safety Code, NFPA 101 (Regulates building occupancies, means of egress and fire protection)	2010	2015
Automatic Sprinkler Systems, NFPA Publication 13 (Regulates installation of automatic sprinkler systems in low rise residential occupancies)	2010	2016
Sprinkler Systems in Low-Rise Residential Occupancies, NFPA Publication 13R (Regulates installation of automatic sprinkler systems Low-Rises)	-----	2016
Sprinkler Systems in One- & Two Family Dwellings, NFPA Publication 13D (Regulates installation of automatic sprinkler systems in one- & two- family dwellings)	-----	2016
Standpipe and Hose Systems, NFPA Publication 14 (Regulates installation of standpipes)	2010	2016
National Fire Alarm and Signaling Code, NFPA 72 (Regulates fire alarms and signals)	-----	2016
STATE OF ILLINOIS BUILDING RELATED CODES		
Illinois Energy Conservation Code (IECC) (Regulates the design of energy efficient residential & commercial buildings)	2012	2015 or current edition
Illinois State Plumbing Code (IPC) (Regulates plumbing installations in all buildings)	2014	2014 or current edition
Illinois Accessibility Code, 71 Ill. Admin Code 400 et seq., (IAC) (Regulates construction of building & site improvements for persons with disabilities)	(a)	2018 or current edition

As mentioned one of the ways that model codes achieve protecting the public health, safety and welfare is that they provide uniformity of requirements for the construction industry. Along those same lines the uniformity is achieved due to the fact that neighboring municipalities also have adopted the ICC Codes. Following is a list of neighboring municipalities and the edition of the model building codes under which they currently operate.

CURRENT MODEL CODES ADOPTED BY NEIGHBORING COMMUNITIES & WINNETKA

MODEL CODE	GLENCOE	GLENVIEW ⁽²⁾	HIGHLAND PARK	KENILWORTH ⁽¹⁾	LAKE FOREST	NORTHBROOK ⁽²⁾	NORTHFIELD	WILMETTE	WINNETKA
INTERNATIONAL CODE COUNCIL CODES									
International Building Code (IBC)	2015	2012	2009	2015	2018	2012	2006	2006	2009
International Residential Code (IRC)	2015	2012	2009	2015	2018	2012	2006	2006	2009
International Mechanical Code (IMC)	2015	2012	2009	2015	2018	2012	2006	2006	2009
International Fuel Gas Code (IFGC)	2015	2012	2009	2015	2018	2012			2009
International Property Maintenance Code (IPMC)	2015	2012	2009	2012		2012	2012	2006	2009 ⁽³⁾
International Existing Building Code (IEBC)		2012							–
International Swimming Pool and Spa Code (ISPSA)						2012			–
International Fire Code (IFC)	2015	2012	2009	2015	2018	2012	2009	2006	2009
NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES & STANDARDS									
National Electrical Code (NEC), NFPA 70	2014	2011	2005	2014	2017	2011	2008	2005	2008
Life Safety Code, NFPA 101	2015			2015	2018	2000	2006	2006	2010
Automatic Sprinkler Systems, NFPA Publication 13		2013	2010		2016	2010	X		2010
Sprinkler Systems in Low-Rise Residential Occupancies, NFPA Publication 13R			2010		2016	2010			–
Sprinkler Systems in One- & Two Family Dwellings, NFPA Publication 13D		2013	2010		2016	2010			–
Standpipe and Hose Systems, NFPA Publication 14						2010			2010
National Fire Alarm and Signaling Code, NFPA 72	X	2013	2010		2016	2010			–

(1) This month Kenilworth adopted these editions of the model codes.

(2) Based upon recent conversations, Glenview & Northbrook are studying adopting 2018 ICC codes.

(3) The IPMC does not apply to all residential buildings in Winnetka. In the other communities that have adopted the IPMC, it does.

X – Municipal code references compliance with publication, but does not state specific edition.

LOCAL AMENDMENTS

As mentioned previously, one of the factors that turns a model code into a local building code are the amendments made to it. Amendments allow for a model code to address any number of issues that might be unique to a municipality. Attached is Ordinance MC-5-2019, draft ordinance amending the following chapters of the Municipal Code:

- Chapter 8.04 Security and Fire Detection Systems
- Chapter 15.08 Model Codes Adopted by Reference
- Chapter 15.16 Fire Prevention and Life Safety Codes
- Chapter 15.44 Supplementary Standards and Requirements

The attached documents **track changes from the current language in the Village Code to what staff currently proposes.**

In addition to amending the above chapters, Staff also recommends deleting the following chapters in their entirety, as either the language from those chapters has been relocated elsewhere for clarity, or the language has been deleted due to subject matter (i.e. swimming pools) being addressed in newly published model codes:

- **Chapter 8.08 Fire Safety Code**
(Updates to model fire prevention codes as well as relocation of items to Chapter 15.15 Fire Prevention and Life Safety Codes, allows us to eliminate this Chapter).
- **Chapter 15.56 Private Swimming Pools & Trampolines**
(Adoption of the International Swimming Pool and Spa Code, as well as the relocation of trampoline regulations to Chapter 15.44, allows us to eliminate this Chapter).

In addition to the Ordinance accompanying this agenda there is a second attachment (Attachment A) that highlights changes between current adopted model codes and the proposed model codes. The document also highlights the more significant changes included in proposed local amendments.

Ordinance MC-5-2019 shows that local amendments can take several forms. One form of amendment consists of “Exclusions” to model codes. At the beginning of each model code section in Ordinance MC-5-2019, “Section A” there are a number of exclusions to the code. In many of the exclusions there is a statement in parenthesis stating that the section is “Superseded by Section ... of the Village Code” as those sections of the model codes are either covered by Village regulations or another model code to be adopted by the Village.

To provide a summary of the amendments to the model codes they have been grouped into three general categories – (1) administrative, (2) different codes adopted, and (3) technical and policy.

Administrative Amendments These amendments include changes to the administrative sections of the ICC model codes. These sections identify such items as title of the code (e.g. Building Code of the Village of Winnetka), the enforcement agency (e.g. Department of Community Development), the party responsible for appointing the building office (e.g. Village Manager), and the process for appeals (e.g. Building and Zoning Board of Appeals, which the Zoning Board of Appeals also serves as).

We would also include in this group those amendments that reorganize the Building Code. Some of those are noted above with Chapter 8.08 and Chapter 15.56.

Different Codes Adopted Amendments. The International Code Council model code series includes model codes that the Village does not use. For instance, the ICC publishes a model electrical code of its own, the *International Electrical Code*; however, the Village and surrounding communities instead use the *National Electrical Code* published by the National Fire Protection Association. Several amendments included in MC-5-2019 include changes to reflect such choices. Similarly, the International Code Council publishes model codes including the *International Plumbing Code* and the *International Private Sewage Disposal Code*. The Village does not adopt such codes as it must instead follow the State of Illinois Plumbing Code.

Technical and Policy Amendments. The technical and policy amendments are additions and deletions to the model codes to address Winnetka related concerns. As we have reviewed the codes, we have identified local amendments that are no longer needed as the model codes now address them. Other amendments have been proposed to more clearly reflect local practices and policies. Attachment B provides a summary of new local amendments or revisions to existing local amendments to the Building Code.

RECOMMENDATION

Consider introduction of Ordinance MC-5-2019 adopting the identified model codes, as amended, as the Building Code of the Village of Winnetka.

ATTACHMENTS

Attachment A: Summary of Model Codes and Proposed Technical and Policy Amendments

Attachment B: Ordinance MC-5-2019, An Ordinance Amending “The Winnetka Code,” as Amended, to Adopt the 2015 Editions of Various International Code Council Codes and National Fire Protection Association Codes and Standards.

**ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND
PROPOSED NEW LOCAL TECHNICAL & POLICY AMENDMENTS**

MODEL CODE	CURRENT EDITION	PROPOSED EDITION
INTERNATIONAL CODE COUNCIL CODES		
International Building Code (IBC) (Regulates construction on all buildings except for one and two family dwellings and townhouses not more than three stories)	2009	2015
International Residential Code (IRC) (Regulates construction on detached one and two family dwellings and townhouses not more than three stories)	2009	2015
International Mechanical Code (IMC) Regulates the design, installation and maintenance of mechanical systems)	2009	2015
International Fuel Gas Code (IFGC) (Regulates fuel gas distribution piping systems and gas fired appliances)	2009	2015
International Property Maintenance Code (IPMC) (Regulates property maintenance of buildings and structures. Winnetka amendments so that it only applies to commercial properties and residential rental units.)	2009	2015
International Existing Building Code (IEBC) (Regulates repairs, alterations, and additions to all buildings except for one and two family dwellings and townhouses not more than three stories. – Previously part of IBC)	-----	2015
International Swimming Pool and Spa Code (ISPSC) (Regulates swimming pools and spas for single family homes)	-----	2015
International Fire Code (IFC) (Regulates conditions hazardous to life and property due to fire, explosion, hazardous material storage and building occupancy)	2009	2015
NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) CODES & STANDARDS		
National Electrical Code (NEC), NFPA 70 (Regulates electrical installations in all buildings)	2008	2014
Life Safety Code, NFPA 101 (Regulates building occupancies, means of egress and fire protection)	2010	2015
Automatic Sprinkler Systems, NFPA Publication 13 (Regulates installation of automatic sprinkler systems in low rise residential occupancies)	2010	2016
Sprinkler Systems in Low-Rise Residential Occupancies, NFPA Publication 13R (Regulates installation of automatic sprinkler systems Low-Rises)	-----	2016
Sprinkler Systems in One- & Two Family Dwellings, NFPA Publication 13D (Regulates installation of automatic sprinkler systems in one- & two- family dwellings)	-----	2016
Standpipe and Hose Systems, NFPA Publication 14 (Regulates installation of standpipes)	2010	2016
National Fire Alarm and Signaling Code, NFPA 72 (Regulates fire alarms and signals)	-----	2016
STATE OF ILLINOIS BUILDING RELATED CODES		
Illinois Energy Conservation Code (IECC) (Regulates the design of energy efficient residential & commercial buildings)	2012	2015 or current edition
Illinois State Plumbing Code (IPC) (Regulates plumbing installations in all buildings)	2014	2014 or current edition
Illinois Accessibility Code, 71 Ill. Admin Code 400 et seq., (IAC) (Regulates construction of building & site improvements for persons with disabilities)	(a)	2018 or current edition

ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND PROPOSED NEW LOCAL TECHNICAL & POLICY AMENDMENTS

The 2015 Codes represent an update to our existing codes by incorporating life safety provisions that have been added since the adoption of the 2009 ICC code series. Many of the discrepancies in the older codes have been corrected in the new proposed codes.

CHAPTER 15.08 – MODEL CODES ADOPTED BY REFERENCE

15.08.020 Amendments to the International Building Code (IBC), 2015 Edition

The 2015 International Building Code applies to new and altered commercial and multi-family buildings. Model codes published by the International Code Council provide standards for all types of commercial and multi-family buildings, including shopping malls, hospitals, industrial uses, so a large number of code amendments, while important in other communities. The following summary identifies some of changes which may impact new buildings, or alterations of existing commercial and multiple family buildings in Winnetka.

Highlights of Changes from Existing Model Code to Proposed Model Code

1. Commercial elevators and conveying systems now define compliance with the IBC referenced standards and the Illinois Elevator Safety and Regulations Act, promulgated by the Office of the Illinois State Fire Marshal (OSFM).
2. Provisions regulating building height and area limitations have been extensively revised with no change in technical application in order to provide an increased degree of user-friendliness and technical consistency. (Section 503, Tables 504.3 & 504.4)
3. Provisions addressing the minimum required number of means of egress and their arrangement for rooms and spaces as well as stories have been reformatted and relocated. The means of egress requirements for rooms and spaces, along with those for stories, have been consolidated in Chapter 10. (Section 1006 and 1007)

Highlights of New More Significant Local Amendments

- A. Establishes consistency with the existing language in the International Residential Code regarding work exempt from requiring a permit.
- B. Elevator sections of this code now references State of Illinois requirements (Section 3001.2 – Referenced standards and Section 3001.3 Accessibility).
- C. Establishes minimum elevator car sizes to accommodate ambulance stretcher. (Section 3002.4 – Elevator car to accommodate ambulance stretcher).

15.08.030 Amendments to the International Residential Code for One- and Two-Family Dwellings (IRC), 2015 Edition

The 2015 International Residential Code applies to One and Two-Dwelling unit residences, which makes this code the most significant piece of Village governance and enforcement.

Highlights of Changes from Existing Model Code to Proposed Model Code

1. A section has been added that specifically addresses deck construction, which will provide inspectors with specific guidelines for deck construction. (Section R507)

**ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND
PROPOSED NEW LOCAL TECHNICAL & POLICY AMENDMENTS**

2. Amendments to glazing standards adjacent to doors, stairs, and ramps, which require use of tempered safety glass in certain locations where risks of falls are greater. (Section R308)
3. Amendments to stairway dimensional requirements and stair risers (Section R311)
4. Amendments to wall bracing requirements, to improve structural stability and resistance to wind loads (Section R602)
5. Requirements have been added to provide specific guidance for installation of photovoltaic shingles and roof-top mounted photovoltaic systems, including but not limited to provisions of setbacks and clearances from roof edge and valleys to accommodate fire personnel in the event of fire. (Sections R905 and 907)
6. Amendments to mechanical equipment exhaust openings (Section 1602)

Highlights of New More Significant Local Amendments

- A. Establishes a definition of engineered structural components for use in this code. (Section R202 – Definitions) Wood structural components such as wood I-Joists, glue laminated beams and other similar engineered wood products are defined for the purposes of identifying those products which differ from standard dimensional lumber. Due to their construction, such engineered wood products are required to be installed with fire resistant covering such as drywall.
- B. As with the 2009 IRC, the 2015 IRC requires new one- and two-family dwellings to install automatic fire sprinkler systems. With the adoption of the 2009 IRC, the Village excluded the residential fire sprinkler requirement and instead established some alternative minimum standards when not installing automatic sprinklers. With the adoption of the 2015 IRC, the Village staff recommends the automatic residential fire sprinklers be required for all new one- and two-dwelling units. However, the Village is providing an option for those who choose not to install sprinklers. These options include more robust building materials and assemblies that would slow the spread of fire. (Sections R313.2, R302.6.1, R302.12).
- C. The IRC has been amended to require the addition of an emergency escape and rescue opening, such as a below-grade window well when an existing basement undergoes alterations, remodeling that exceeds 33% of the net basement floor area, or when new sleeping rooms are created. (Section R310.6 – Alterations or remodels of existing basements.)
- D. The IRC has been amended to address situations where there is limited access to residential homes with substantial setbacks that are protected with perimeter driveway gates. In such instances, if the fire engine is unable to gain proximal access to the home and has to operate from the street, it requires a more complex hose lay and process. By having closer access to the home, firefighters can use pre-connected hose lays for a quicker attack. It also allows the ambulance to have better access to the patient. (R320.2 Access roads).
- E. Certain appendices of the IRC are being adopted, most of which are used to provide guidance with compliance certain code requirements such as sizing of gas piping, ventilation of appliances, and control of radon.
- F. In addition, to the adoption of Appendices above, the adoption of Appendix U (“Solar Ready Provisions”) will require new homes to be equipped with spare conduit runs between the attic and electrical panel to accommodate future solar energy systems if the homeowner desires such a system in the future.

ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND PROPOSED NEW LOCAL TECHNICAL & POLICY AMENDMENTS

15.08.040 Amendments to the International Mechanical Code, 2015 Edition

The 2015 International Mechanical Code has been updated to include additional safety features.

Highlights of Changes from Existing Model Code to Proposed Model Code

1. ASHREA/ACCA/ANSI Standard 180 is now specified for inspection and maintenance of an HVAC system. (Section 102.3)
2. Basic requirements of ASHRAE 62.2 have been introduced related to mechanical ventilation for Group R-2, R-3 and R-4 buildings three stories or less in height. (Section 403.3)
3. For enclosed parking garages, the ventilation system must operate continuously or must be automatically controlled for intermittent operation utilizing both carbon monoxide and nitrogen dioxide detectors. The option to detect vehicle operation or occupant presence has been deleted. (Section 404.1)
4. Mechanical exhaust cannot create a public nuisance. The adjective “public” was added to “nuisance” to make this requirement more enforceable. The new exception correlates with Section 505.1, exception 1. (Section 501.3)

Highlights of New More Significant Local Amendments

- A. No new significant local amendments.

15.08.050 Amendments to the International Fuel Gas Code, 2015 Edition

The 2015 International Fuel Gas Code has been updated to include additional safety features.

Highlights of Changes from Existing Model Code to Proposed Model Code

1. A change has been made to clarify that the prescriptive combustion air provisions of Section 304 do not apply to appliances having power burners. (Section 304.1)
2. For corrugated stainless-steel tubing (CSST) systems, text has been added to address the allowable length of the bonding jumper wire and the methods of making the bonding connections. (Section 321.1.1)
3. Where portable gas appliances are used outdoors, such as gas grills and patio heaters, the options for connecting to the gas distribution system are practically limited to gas hoses designed for the purpose. Such hoses must comply with ANSI Z21.54. (Section 411.1)
4. New text recognizes the use of dryer exhaust duct power ventilators (DEDPVs) for installations that exceed the allowable exhaust duct length for clothes dryers. (Section 614.5)

Highlights of New More Significant Local Amendments

- A. No new significant local amendments.

**ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND
PROPOSED NEW LOCAL TECHNICAL & POLICY AMENDMENTS**

15.08.060 Amendments to the Illinois Plumbing Code, 2014 or Current Edition

Highlights of Changes from Existing Model Code to Proposed Model Code

1. The Village has been enforcing the 2014 Illinois Plumbing Code since its adoption by the State.

Highlights of New More Significant Local Amendments

- A. The code is amended to reflect the Village's current policy regarding materials for building sewers and water service pipes (Section 890, Appendix A).
- B. Language regarding when it is required to install overhead sewers was clarified. (Amendment 3 - last amendment in this section.)

15.08.070 Amendments to the National Electric Code, 2014 Edition

The 2014 National Electrical Code – NFPA 70 includes significant changes from previous editions, especially for residential dwellings.

Highlights of Changes from Existing Model Code to Proposed Model Code

1. The use of arc-fault circuit interrupter (AFCI) protection has been expanded to other locations within a residential dwelling or unit (Article 310.12(A)).
2. The use of ground-fault circuit interrupter (GFCI) protection has been expanded to other locations within a residential dwelling or unit, such as laundry receptacles and dishwashers (Articles 210.8(A)(10) and 210.8(D)).
3. Outlet(s) for an electric vehicle (EV) charging station must be on a separate branch circuit with no other outlets (Articles 625.44(A) & (B)).

Highlights of New More Significant Local Amendments

- A. Language was added to make it clear than one multiple commercial tenant spaces are combined into a single occupancy space, that the new space can only be served by one electrical service. Also, when a single occupant space is divided into multiple occupant spaces, each occupant space shall be provided with its own electrical service. (Section 230.2 (F) Alterations to Special Occupancies).
- B. The Village's current practice regarding the electric service for new single-family dwellings has been referenced in this section (Section 230.11 – Service for new single-family dwellings and Section 230.43 – Wiring Methods for 100 Volts, Nominal or Less).
- C. The Village's current practice of requiring an external service disconnect for all building or structures has been more clearly codified, but provides an exception for electrical services over 1,000-amps, 3 phase (Section 230.70 (A)(1) - Readily Accessible Location).

ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND PROPOSED NEW LOCAL TECHNICAL & POLICY AMENDMENTS

15.08.080 Amendments to the International Property Maintenance Code (IPMC), 2015 Edition

As drafted by the International Code Council, the model International Property Maintenance Code (IPMC) applies to all residential and nonresidential buildings and properties. When the Village adopted the 2009 IPMC in 2012, the IPMC was adopted to apply to all residential, commercial and mixed use structures and premises **except**: (a) buildings or structures located within any single family zoning district; (b) residential condominium buildings or units; (c) townhouses or one- or two-family residential buildings located in any multi-family or commercial zoning districts. Of the comparable communities listed in the staff report that have adopted the IPMC, the Village of Winnetka is the only community that has such exceptions. In all other communities, the IPMC applies to all residential and nonresidential buildings and properties.

Since the Village's adoption of the IPMC in 2012, the Village has had to deal with property maintenance issues with properties exempted from these code requirements. Staff has done our best using the Village's nuisance regulations, which language is broad and vague, to deal with property maintenance issues. If the IPMC would have applied in these situations, we would have had clearer standards to use to work with property owners regarding structural and safety concerns with their building and property. In the draft Ordinance, staff proposes that the IPMC apply to all residential and nonresidential properties to provide staff with adequate means to address property maintenance issues.

When the IPMC was adopted in 2012, language was included that only allows the Village to conduct an inspection of a property if a complaint has been received. Staff cannot on its own initiate a property maintenance code compliance inspection. As drafted, the proposed Ordinance continues to require a third party complaint.

We should also note that with the adoption of the IPMC in 2019, the Village **eliminated** the following IPMC exterior structure standard: "Peeling, flaking and chipped paint shall be eliminated and surfaces repainted" (Section 304.2). (Note: Of the comparable communities having adopted the IPMC, only Winnetka and Kenilworth have eliminated this standard. And although Lake Forest has not adopted the IPMC, its local property maintenance code classifies "extensive peeling paint" as a public nuisance.) At the time of adoption, Council members expressed concerns regarding enforcing such provisions. Given this previous concern, the proposed Ordinance continues to eliminate this standard.

Highlights of New More Significant Local Amendments

- A. The IPMC has been amended so that it applies to all residential and nonresidential properties.
- B. The IPMC has been amended to be consistent with the Village's tall grass standard found elsewhere in the Village Code. That is grass cannot be taller than 8 inches. (Section 302.4 Weeds)
- C. The fire safety chapter has been amended to reference those Village Code regulations adopted in Chapter 15.16 – Fire Prevention and Safety Codes and Chapter 8.04 – Security and Fire Detections Systems.

15.08.090 Amendments to the Illinois Energy Conservation Code, 2015 or Current Edition

Highlights of Changes from Existing Model Code to Proposed Model Code

1. This State-wide code has been in effect for a couple of years now.

ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND PROPOSED NEW LOCAL TECHNICAL & POLICY AMENDMENTS

Highlights of New More Significant Local Amendments

- A. No new local amendments are proposed.

15.08.100 Amendments to the International Existing Building Code, 2015 Edition.

Building code requirements unique to existing buildings have historically been addressed as a separate chapter of the International Building Code (Chapter 34). With the 2015 IBC code, Chapter 34 has been omitted, in favor of publishing a separate model code, the “2015 Existing Building Code”. The 2015 Existing Building Code provides designers making alterations, remodeling, and maintenance of existing buildings with alternate paths for compliance. The Village will be adopting it to assist with the review of plans and inspections for existing buildings.

Highlights of Changes from Existing Model Code to Proposed Model Code

1. The previous Fire Sprinkler System amended requirement has been relocated to Section 1012.2.1. Where a change in occupancy classification occurs, an automation fire sprinkler system shall be provided in accordance with IBC Chapter 9 and in conformance with MC Section 15.16.050.
2. Under the Prescriptive Compliance Method or Level 1 Alterations, requirements for limits on window openings, similar to those for new construction, are required for replacement windows. Window openings more than 72 inches above the exterior grade and less than 36 inches above the finished floor are required to have control devices that limit the opening so that a four-inch sphere will not pass. (Sections 406.2 and 702.4)
3. Requirement to install fire alarm and detection system with any Level 3 alteration. (Section 904.2)

Highlights of New More Significant Local Amendments

- A. The bulk of the amendments listed in this section relate to adopting local regulations regarding the processing of building permits or references other model or state codes for compliance.

15.08.110 Amendments to the International Swimming Pool and Spa Code, 2015 Edition

The International Swimming Pool and Spa Code is relatively new model. Swimming pool regulations previously were part of an appendix of the International Residential Code (IRC), 2009 Edition, which the Village had not adopted, but had informally used when reviewing swimming pools. The 2015 IRC no longer includes this appendix, as a separate model code has been created for the regulation of swimming pools and spas. This will be the first time the Village adopts this code. This code will only apply to private residential pools. Public pools will continue to be regulated by the state.

Highlights of Changes from Existing Model Code to Proposed Model Code

1. Not applicable.

Highlights of New More Significant Local Amendments

- A. The bulk of the amendments listed in this section relate to adopting local regulations regarding the processing of building permits or references other model or state codes for compliance.

ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND PROPOSED NEW LOCAL TECHNICAL & POLICY AMENDMENTS

- B. The Code requires a barrier at least 48 inches high around a swimming pool. The code has been amended to allow a fence on an adjoining property or building or existing wall to comply with this requirement. If the existing fence or wall is ever removed, the property owner will need to immediately install a code-compliant enclosure. (Section 305.2.1 (5))

15.08.120 Illinois Accessibility Code, 71 Ill. Admin. Code 400, 2018 or Current Edition

Highlights of Changes from Existing Model Code to Proposed Model Code

- 1. Not applicable. The Village must adhere to state requirements. Last year the State adopted a new accessibility code.

Highlights of New More Significant Local Amendments

- A. No local amendments are proposed.
-

Chapter 15.16 – Fire Prevention and Life Safety Code

This chapter has been amended to adopt various appendices of the International Fire Code (IFC), 2015 edition, as well as additional standards published by the National Fire Protection Association (NFPA) to use as guidance when installing fire suppression and warning systems in compliance with IFC and the NFPA Life Safety Code, 2015 edition.

15.16.020 Amendments to the International Fire Code (IFC), 2015 Edition

Highlights of Changes from Existing Model Code to Proposed Model Code

- 1. Adoption of the 2015 IFC will allow the Fire Rescue Department to keep current with changes in the newer technology and processes including: mobile food preparation vehicle requirements, Lockdown plans for schools, carbon monoxide detection requirements, solar photovoltaic power system requirements, outdoor assembly event requirements, and on-demand mobile fueling operations.

Highlights of New More Significant Local Amendments

- A. The IFC has been amended to provide some direction on fire and life safety issues for food trucks and mobile food vendors. These regulations were designed by the National Fire Protection Agency (NFPA) but have not been adopted by the model code as of this 2015 version. (Section 319 – Food Truck and Mobile Food Vendor Prevention Code)
- B. Also a number of new amendments to this chapter are the results of relocating current code requirements to this chapter from Chapter 8.08 – Fire Safety Code (e.g. storage and display of Christmas tree (Section 806.1.4), storage and sales of explosives – Section 5601.3) and possession

**ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND
PROPOSED NEW LOCAL TECHNICAL & POLICY AMENDMENTS**

and sales of fireworks prohibited (Section 5610)). Chapter 8.08 is being deleted due to redundancies.

15.16.030 Amendments to the NFPA 101 Life Safety Code, 2015 Edition

Highlights of Changes from Existing Model Code to Proposed Model Code

1. None

Highlights of New More Significant Local Amendments

- A. None are proposed.

15.16.040 Amendments to the Standards for Installation of Standpipe and Hose Systems, National Fire Protection Association (NFPA) Publication 14, 2016 Edition

Highlights of Changes from Existing Model Code to Proposed Model Code

1. None

Highlights of New More Significant Local Amendments

- A. None are proposed.

Chapter 08.04 – Security and Fire Detection Systems

Highlights of Changes from Existing Model Code to Proposed Model Code

1. Not applicable as this chapter does not contain model codes.

Highlights of New More Significant Local Amendments

- A. The Fire Department is requesting that any new security gates that restrict access to a property install a Fire Department Key Box allowing first responders access to the property. (Section 8.04.010.D)
-

**ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND
PROPOSED NEW LOCAL TECHNICAL & POLICY AMENDMENTS**

Chapter 08.08 – Fire Safety Code

Highlights of Changes from Existing Model Code to Proposed Model Code

1. Not applicable as this chapter does not contain model codes.

Highlights of New More Significant Local Amendments

- A. This chapter is being deleted as certain requirements have been relocated to other chapters of the municipal code and other requirements of this chapter have been incorporated into the model codes, therefore, local amendments are no longer necessary.

Chapter 15.44 - Supplementary Standards and Requirements

Highlights of Changes from Existing Model Code to Proposed Model Code

1. Not applicable as this Chapter does not contain model codes.

Highlights of New More Significant Local Amendments

- A. The display of street numbers on buildings has been centralized in this chapter of the Village Code.
- B. The fees and deposits for moving a building across a public street, alley or public place have more clearly been defined.
- C. The Village had established standards for air conditioners or freestanding cooling devices with a capacity of eight tons or more to regulate noise. The standard required the owner to submit a technical study showing that the equipment with any sound attenuation devices did not exceed the noise standards established by the Illinois Pollution Board. What staff discovered was that each study was recommending the installation of a solid wall or fence at least the height of the equipment in order to reduce transmission of noise to adjacent parcels. For some time now, the Village's practice has been not to require the technical study but the installation of a solid wall or fence the height of the equipment. In addition, this requirement has also been applied to stationary back-up generators. The chapter has been amended to reflect this policy. (Section 15.44.050 – Freestanding heating or cooling devices and stationary generators)
- D. The model building codes allow for alternative materials and equipment; therefore, Section 15.44.080 – Alternative materials and equipment, has been deleted.
- E. This chapter references an antiquated "fire limits" standard that no longer is applicable and the section has been deleted. (Section 15.44.090 – Fire limits)
- F. Private trampoline regulations have been relocated to this chapter from Chapter 15.56 – Private Swimming Pools and Trampolines

**ATTACHMENT A – SUMMARY OF MODEL CODES CHANGES AND
PROPOSED NEW LOCAL TECHNICAL & POLICY AMENDMENTS**

Chapter 15.56 – Private Swimming Pools and Trampolines

Highlights of Changes from Existing Model Code to Proposed Model Code

1. The swimming pool regulations currently incorporated within Chapter 15.56 of the Village are being replaced with the adoption of the 2015 International Swimming Pool and Spa Code discussed earlier.

Highlights of New More Significant Local Amendments

- A. With the adoption of the International Swimming Pool and Spa Code, the private swimming pool regulations are being deleted with the exception of maintenance requirements which are being relocated to Section 15.44.140 of Chapter 15.55 Supplemental Regulations.
- B. The private trampoline regulations are being relocated to Section 15.44.150 – Private trampolines, in Chapter 15.44 – Supplemental Regulations, which allows us to delete Chapter 15.56.

ORDINANCE NO. MC-5-2019

**AN ORDINANCE AMENDING "THE WINNETKA CODE," AS AMENDED,
TO ADOPT THE 2015 EDITIONS OF VARIOUS INTERNATIONAL CODE COUNCIL
CODES AND NATIONAL FIRE PROTECTION ASSOCIATION (NFPA)
CODES AND STANDARDS**

WHEREAS, the Village of Winnetka is a home rule unit of local government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution and the City has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Village has previously adopted, and has amended from time to time, the 2008/2009 editions of the International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Property Maintenance Code, International Existing Building Code, the International Fire Code, and the International Pool and Spa Code, as published by the International Code Council, Inc., and the National Electric Code, Life Safety Code, Standards for Installation of Automatic Sprinkler Systems, Standards for the Installation of Standpipe and Hose Systems, and the National Fire Alarm and Signal Code, as published by the National Fire Protection Association ("**NFPA**") (collectively, "**Codes**"); and

WHEREAS, the Village desires to amend "The Winnetka Code," as amended ("**Village Code**"), to adopt the 2015 and 2016, as applicable, editions of the Codes (collectively, "**Updated Codes**") and remove duplicative or unnecessary provisions; and

WHEREAS, pursuant to Section 1-3-2 of the Illinois Municipal Code, 65 ILCS 5/1-3-2, three copies each of the Updated Codes have been on file in the office of the Village Clerk for more 30 days, and will remain on file for public use, examination, and inspection; and

WHEREAS, pursuant to Section 1-3-2 of the Illinois Municipal Code and the Village's home rule powers, the Village Council has determined that it will serve and be in the best interests of the Village and its residents to amend the Village Code to adopt the Updated Codes with amendments, as set forth in this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF DEERFIELD, LAKE AND COOK COUNTIES, ILLINOIS, as follows:

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

SECTION 2: GENERAL REQUIREMENTS FOR AUTOMATIC ALARM AND FIRE DETECTION SYSTEMS, AND SMOKE DETECTORS. Section 8.04.010, titled "General requirements for automatic alarm and fire detection systems, and smoke detectors," of Article 8, titled "Healthy and Safety," of the Village Code is hereby amended to read as follows:

“Section 8.04.010 General requirements for automatic alarm and fire detection systems, and smoke detectors.

- A. Automatic alarm and fire detection systems. All automatic alarm and fire detection systems shall be subject to the provisions of this Chapter 8.04. In addition, ~~except as provided in Section 15.16.050 (A)(2) of this code,~~ all automatic alarm and fire detection systems shall be installed in accordance with the standards set forth in NFPA Publication 72, National Fire Alarm Code, ~~2010~~ **2016** Edition, in any building used for all occupancies described in subsections ~~(A)(2)(a) through (A)(2)(h)~~ **(A)(1) through (A)(8)** of Section 15.16.050 of this code.
- B. Smoke detectors. Residential smoke detectors shall be supplied and installed in accordance with the "Illinois Smoke Detector Act," 425 ILCS 60/1, et seq., **and the International Residential Code, 2015 edition.** ~~except that an approved smoke detector shall also be installed in each sleeping room. As used in the Illinois Smoke Detector Act, the term "substantially remodeled" means the installation of new electrical wiring throughout the dwelling unit regardless of the cost of such wiring, and any work to repair, restore, renovate, remodel or increase the size of a dwelling unit if the cost of such work exceeds fifty (50) percent of the value of the existing dwelling unit. Notwithstanding any exceptions stated in the Illinois Smoke Detector Act to the contrary, the smoke detectors required for any newly constructed addition to a dwelling unit shall be permanently wired into the addition's AC power line, and if more than one detector is required to be installed in the addition, the detectors shall be wired so that the actuation of one detector will actuate all the detectors in the addition.~~
- C. Exception to fire detection system requirement. No automatic fire detection system shall be required in any room or portion of a building which is equipped with an approved installation of an automatic fire extinguishing system except where it is determined by the Fire Chief that early warning is necessary for life safety.
- D. Emergency key access requirement. The owner of any building or structure that is not a single-family or two-family dwelling and that is protected by an automatic sprinkler system and/or an automatic fire detection system shall purchase, install and maintain an emergency key access system consisting of a locked box of a type and in a location prescribed by the Fire Chief. The key box shall contain:
1. Keys to locked points of ingress whether on the interior or exterior of such building or structure;
 2. Keys to locked mechanical equipment rooms;

Additions are bold and double-underlined; ~~deletions are struck through.~~

3. Keys to locked electrical equipment rooms;
4. Keys to elevator controls;
5. Keys to the fire alarm equipment; and
6. Keys to other areas as directed by the Fire Chief.

E. **Emergency key access to gates. Security gates restricting access to private residences shall provide, install and maintain a “Knox” emergency key access system, with either a key box or key switch, allowing first responders access to the property and residence thereon.**

SECTION 3: DEFINITIONS. Section 8.04.020, titled “Definitions,” of Article 8, titled “Healthy and Safety,” of the Village Code is hereby amended to read as follows:

“Section 8.04.020 Definitions.

For the purpose of this chapter, the following terms shall have the meaning given in this section:

- A. Alarm system. "Alarm system" means manual and automatic electronic equipment, and all components of such equipment including any telephone lines, arranged to detect activity at a premises or produce electronic, visual or audible signals to summon Police or Fire Department response. "Alarm system" includes systems commonly known as "automatic holdup alarm system," "burglar alarm system," "holdup alarm system," "manual alarm system," "fire alarm system," "medical alert alarm system" and "burglary, robbery, trespass alarm," but shall not include a proprietary system.
- B. Alarm system user. "Alarm system user" means any person on whose premises an alarm system is maintained within the Village.
- C. Digital dialer alarm. "Digital dialer alarm" means an alarm that uses a modem to connect to an alarm system receiver instead of using a direct connection through leased lines.
- D. Direct connection system. "Direct connection alarm" means an alarm system that uses an approved Village radio receiver to connect directly to an alarm receiving panel located in the Village's Public Safety Building at ~~410—428 Green Bay Road~~ **Answering Point (911 Center)**. No digital dialer alarm shall be considered a direct connection alarm.
- E. False alarm. "False alarm" means the erroneous activation of an alarm system through mechanical failure, malfunction, improper installation, or the mistake of the alarm system user or the user's agents.
- F. Proprietary system. "Proprietary system" means an alarm system that communicates a signal only within the interior of the protected premises

Additions are bold and double-underlined; ~~deletions are struck through.~~

only to alert persons within the premises in which the alarm system is located.”

SECTION 4: ADOPTION OF MODEL CODES BY REFERENCE. Chapter 15.08, titled “Adoption of Model Codes by Reference,” of Article 15, titled “Building and Construction,” of the Village Code is hereby amended to read as set forth in ***Exhibit A*** attached to and, by this reference, made a part of this Ordinance.

SECTION 5: FIRE PREVENTION AND LIFE SAFETY CODE. Chapter 15.16, titled “Fire Prevention and Life Safety Code,” of Article 15, titled “Building and Construction,” of the Village Code is hereby amended to read as set forth in ***Exhibit B*** attached to and, by this reference, made a part of this Ordinance.

SECTION 6: SUPPLEMENTARY STANDARDS AND REQUIREMENTS. Chapter 15.44, titled “Supplementary Standards and Requirements,” of Article 15, titled “Building and Construction,” of the Village Code is hereby amended to read as set forth in ***Exhibit C*** attached to and, by this reference, made a part of this Ordinance.

SECTION 7: REPEAL OF CHAPTER 8.08 OF THE VILLAGE CODE. Chapter 8.08, titled “Fire Safety Code,” of Title 8, titled “Health and Safety,” of the Village Code is hereby repealed in its entirety and reserved for future use.

SECTION 8: REPEAL OF CHAPTER 15.56 OF THE VILLAGE CODE. Chapter 15.56, titled “Private Swimming Pools and Trampolines,” of Title 15, titled “Buildings and Construction,” of the Village Code is hereby repealed in its entirety and reserved for future use.

SECTION 9: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

[SIGNATURE PAGE FOLLOWS]

PASSED this ____ of _____, 2019, pursuant to the following roll call vote:

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2019.

Signed:

Village President

Countersigned:

Village Clerk

Published by authority of the
President and Board of Trustees
of the Village of Winnetka,
Illinois, this ____ day of
_____,
2019.

Introduced: _____, 2019

Passed and Approved: _____, 2019

EXHIBIT A

CHAPTER 15.08

MODEL CODES ADOPTED BY REFERENCE

Section 15.08.010 Adoption of Model Codes by Reference.

The model codes described in the following subsections A through ~~IM~~ are each adopted by reference pursuant to the home rule authority of the Village of Winnetka under Article VII, Section 6 of the State of Illinois Constitution of 1970, and further pursuant to applicable provisions of the Illinois Municipal Code and the Municipal Adoption of Codes and Records Act, 50 ILCS 220/1 through 220/7, except as modified by the exclusions, amendments and additional provisions set forth in this chapter.

- A. International Building Code, ~~2009~~ **2015** Edition.
- B. International Residential Code for One- and Two-Family Dwellings, ~~2009~~ **2015** Edition.
- C. International Mechanical Code, ~~2009~~ **2015** Edition.
- D. International Fuel Gas Code, ~~2009~~ **2015** Edition.
- E. Illinois Plumbing Code, 77 Ill. Admin. Code 890 *et seq.*, **2014 or current edition**
- F. National Electrical Code, ~~2008~~ **2014** Edition (**NEPA 70**)
- G. International Fire Code, ~~2009~~ **2015** Edition. (See Chapter 15.16)
- H. International Property Maintenance Code, ~~2009~~ **2015** Edition.
- I. ~~International~~ **Illinois** Energy Conservation Code, ~~2012~~ **2015 or current** Edition.
- J. International Existing Building Code, 2015 Edition.**
- K. International Swimming Pool and Spa Code, 2015 Edition.**
- L. Illinois Accessibility Code, 71 Ill. Admin. Code 400 et seq., 2018 or Current Edition**
- ~~M.~~ **J. Metropolitan Water Reclamation District of Greater Chicago Countywide Watershed Management Ordinance, October 2013 July 2014, as amended.**

Section 15.08.020 Amendments to the International Building Code, ~~2009~~ **2015** Edition.

A. **Exclusions.** The following provisions of the International Building Code, ~~2009~~ **2015** Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

- 1. **101.4.4 Property maintenance.** (See WVC Section 15.08.080 ~~for commercial and mixed use property maintenance provisions.~~)
- 2. 103 Department of Building Safety.**
- ~~3.~~ **105.1.1 Annual permit.**
- ~~4.~~ **105.1.2 Annual permit records.**
- ~~4. 105.2.1 Building.~~ One-story detached accessory structures used as tool and storage shed.

Additions are bold and double-underlined; deletions are struck through.

- ~~5. **105.2.2 Building.** Fences not over 6.5 feet high.~~
- ~~6. **105.2.4 Building.** Retaining walls that are not over 4 feet in height as measured from the bottom of the footing to the top of the wall.~~
- ~~7. **Building.** Sidewalks and driveways not more than 30 inches above adjacent grade.~~
- ~~5.8. **105.5 Expiration.** (Superseded by Section 15.32.190 of the Village Code.)~~
- ~~6.9. **105.7 Placement of permit.** (Superseded by Section 15.32.180 of the Village Code.)~~
- ~~7.10. **107.2 Construction documents.** (Superseded by Section 15.32.050 of the Village Code.)~~
- ~~8.11. **107.3.1 Approval of construction documents.** (Superseded by Section 15.32.090 and 15.32.100 of the Village Code.)~~
- ~~9.12. **109.2 Schedule of permit fees.** (Superseded by Section 15.32.020 of the Village Code.)~~
- ~~10.13. **109.4 Work commencing before permit issuance.** (Superseded by Section 15.32.010 of the Village Code.)~~
- ~~11.14. **109.6 Refunds.** (Superseded by Section 15.32.030 of the Village Code.)~~
- ~~15. **907.2.1 through 907.2.9 Use groups.**~~
- ~~**12. Chapter 11 Accessibility.** (Superseded by adoption of the State of Illinois Accessibility Code, 71 Ill. Admin. Code 400 et seq., 2018 or Current Edition; See Village Code Sections 15.08.010 and 15.08.120.)~~
- ~~13.16 **1807.1.4 Permanent wood foundation systems.**~~
- ~~14.17. **1809.12 Timber footings.**~~
- ~~15.18. **Chapter 27 Electrical.** (Superseded by adoption of National Electrical Code, **2014 Edition**; see Village Code Sections 15.08.010(F) and 15.08.070.)~~
- ~~16.19. **Chapter 29 Plumbing.** (Superseded by adoption of State of Illinois Plumbing Code, 2004 **2014 or current** Edition; see Village Code Sections 15.08.010(E) and 15.08.070.)~~

B. **Amendments.** The following provisions of the International Building Code, ~~2009~~ **2015** Edition, are amended for adoption by the Village **and shall read as follows:**

1. **101.1 Title.** These regulations shall be part of the Building Code of the Village of Winnetka. As used in the International Building Code, ~~2009-2015~~ Edition, as adopted and amended by the Village, "this code" shall mean the Building Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term "this code" shall mean the Winnetka Village Code, and the Building Code the Village of Winnetka shall be called the "Building Code."
2. ~~101.4.4~~ **101.4.3 Plumbing.** The provisions of the State of Illinois Plumbing Code, 2004 **2014** Edition, as adopted by reference as provided in this Chapter 15.08, shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a Additions are bold and double-underlined; ~~deletions are struck through~~

water or sewage system and all aspects of a medical gas system. The provisions of the State of Illinois Plumbing Code ~~2004~~2014 Edition, as adopted by reference as provided in this Chapter 15.08, shall apply to private sewage disposal systems.

Whenever a reference is made to the International Plumbing Code, such reference shall be deemed to refer to the applicable section of the Illinois Plumbing Code, as adopted by the Village of Winnetka.

3. **101.4.4 Property Maintenance.** The provisions of the International Property Maintenance Code, ~~2009~~2015 Edition, as adopted by reference and amended in this Chapter 15.08, shall apply to certain existing structures and premises, and shall regulate the equipment, light, ventilation, space heating, sanitation, life and fire safety hazards of such structures and premises; and shall define the responsibilities of owners, operators and occupants and occupancy of such existing premises and structures, as provided in Section 15.08.080 of this Chapter.
4. **102.6 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this building code shall be permitted to continue without change, except as is specifically provided in this code, including this building code, **the International Existing Building Code**, and the International Fire Code as adopted by the Village, and except as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.
5. **103.1 Creation of enforcement agency.** The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is hereby established as the enforcement agency for this building code, and the Director of Community Development shall be known as the building official.
6. **103.2 Appointment.** The building official shall be appointed by the Village Manager.
7. **103.3 Deputies.** Subject to the approval of the Village Manager, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.
8. **104.10 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this building code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reasons make the strict letter of this building code impractical and that the modification is in compliance with the intent and purpose of this building code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of actions granting modifications shall be recorded and entered in the files of the Department of Community Development.
9. **105.2 Work exempt from permit.** Permits shall not be required for the following work.
 - a. **Building**
 - i. ~~a.~~ Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

Additions are bold and double-underlined; ~~deletions are struck through.~~

- ii. ~~b.~~ Construction or installation of temporary motion picture, television and theater stage sets and scenery. Notwithstanding the foregoing, a film production permit shall be required as provided in Chapter 5.20 of the Village Code.
- iii. ~~c.~~ Prefabricated swimming pools that are accessory to a detached one- or two-family dwelling, as applicable in Section 101.2, and that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
- iv. ~~d.~~ Swings and other playground equipment accessory to detached one- and two-family dwellings.
- b. Electrical: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.**
- c. Mechanical:**
 - i. Portable heating appliances.**
 - ii. Portable ventilation appliances.**
 - iii. Portable cooling units.**
 - iv. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.**
 - v. Portable evaporative coolers.**
 - vi. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.**
 - vii. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.**
- d. Plumbing:**
 - i. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.**
 - ii. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.**

Exemptions from the permit requirements of this Building Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the Village Code or any other laws or ordinances of the Village.

10. **107.2.2 Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this building code, all other applicable provisions of the Village Code and the construction documents, and shall be approved prior to the start of system installation. Shop drawings shall contain all

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information as required by the referenced installation standards in Chapter 9 of the International Building Code, ~~2009~~ **2015** Edition.

11. ~~113.21~~ **113.1** **General.** The Building and Zoning Board of Appeals created by Section 3.44.010 of the Village Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code.
12. **115.2.1 Stop work order policy.** The issuance of stop work orders shall be subject to the enforcement provisions set forth in Chapter 15.04 of the Village Code.
13. ~~406.1.4.4 Separation.~~ ~~The sills of all door openings between private garages and adjacent interior spaces shall be raised not less than six (6) inches above the garage floor.~~
- ~~13.~~ **14.** **903.3.5 Water supplies.** Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1 of the International Building Code, ~~2009~~ **2015** Edition. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the State of Illinois Plumbing Code, ~~2004~~ **2014 or current** Edition. Hydrant water flow data used for the design of any sprinkler system shall be witnessed by the Fire Department and shall be no more than six (6) months old.
- ~~14.~~ **15.** **903.4.2 Alarms.** Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. An outside audio/visual device shall be provided and shall be located above the fire department connection.
- ~~15.~~ **16.** **903.4.2.1 Alarm-indicating devices.** All sprinklered buildings shall be provided with audio/visual alarm-indicating devices. The alarm-indicating devices shall be of a sufficient number and power to be seen and heard in all areas of the building.
- ~~16.~~ **17.** **903.4.2.2 Test Valves.** Fire sprinkler system inspector test valves shall be accessible at all times and shall be located no more than 6 feet above the finished floor. On multiple riser systems, each test valve shall be marked to identify which riser and area it tests.
- ~~17.~~ **18.** **903.4.3 Floor control valves.** Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor in high-rise buildings. In multiple story buildings, floor control valves with water flow and tamper switches shall be provided for each floor.
- ~~18.~~ **19.** **903.6 Safety Factor.** Provide a minimum 10% safety factor in the fire protection system hydraulic calculation. The system demand shall be 10% minimum below the seasonal low water flow test supply.
- ~~19.~~ **20.** **903.7 Hydraulic nameplate.** By each hydraulically calculated area, on each drawing, provide a copy of the hydraulic nameplate.

Additions are bold and double-underlined; ~~deletions are struck through.~~

- ~~20,21.~~ **903.8 NFPA standards.** The appendices of all NFPA standards are to be considered as part of each standard and are considered a "shall" requirement and not "should" information.
- ~~21,22.~~ **903.9 Fire alarm systems.** All fire alarm systems shall be of the addressable type and shall be installed per NFPA 72, 2010 **2016** Edition.
- ~~22,23.~~ **903.10 Quick response sprinklers.** All offices, assembly, and residential buildings and areas, except for one- and two- family residential buildings, shall be provided with residential and/or quick response sprinklers.
- ~~23,24.~~ **905.3.1 Building height. Height.** Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access. Notwithstanding the foregoing, standpipes shall be required in all buildings that are more than two (2) stories high and/or more than two (2) stories below grade.
- ~~24,25.~~ **907.2 Where required – new buildings and structures.** An *approved* fire alarm system shall be provided in all use groups, ~~except as specified in Section 907.2.6 of this code, and except for single family detached dwellings.~~ All fire alarm control panels and annunciators shall be installed in locations approved by the Fire Department. All fire alarm panels and annunciators shall be keyed or under a protective plastic locked cover to prevent tampering.
- ~~25,26.~~ ~~907.2.11.1.4~~ **907.2.11.1 Group R-1. Sentence #4.** Smoke detectors shall be installed at the top of every stairwell used for exiting.
- ~~26,27.~~ ~~907.2.11.2.4~~ **907.2.11.2(4) Groups R-2, R-3, R-4 and I-1.** In the R-Use Groups, smoke detectors shall be installed at the top of every stairwell used for exiting.
- ~~27.~~ **1028.5 Access to a Public Way.** The exit discharge shall provide a *paved direct and unobstructed path* to a public way.
- ~~28.~~ **1101.2 Design.** Buildings and facilities shall be designed and constructed to be accessible in accordance with this building code, the State of Illinois Accessibility Code, 1997 Edition and ICC A117.1.
- ~~29.~~ **2302.1.2.1 Fire Protection.** Where prefabricated wood I-joists are used for floor and ceiling assemblies in finished or unfinished spaces or areas in one or two-family dwellings, these assemblies shall be separated from adjacent spaces or areas by fire-resistant material capable to resist a fire exposure equivalent to one hour or more in accordance with fire test procedures as set forth in ASTM E119, as well as in accordance with Underwriters Laboratories (UL) or Factory Mutual (FM) classification standards. Such separation shall not be required for structures that are fully equipped with an automatic sprinkler system designed and installed in accordance with NFPA 13, 2010 Edition.
- ~~30.~~ **2603.2.1 Third Party Approval.** No foam plastic insulation shall be used unless it has been approved by a nationally recognized independent testing agency, such as Underwriters Laboratories or Factory Mutual.

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28. Section 3001.2 Referenced standards. Except as otherwise provided for in the code, the design, construction, installation, alteration, repair and maintenance of elevators and conveying systems and their components shall conform to ASME A17.1/CSA B44, ASME A90.1, ASME B20.1, and ALI ALCTV, the provisions of the Illinois Elevator Safety and Regulation Act, 225 ILCS 312/1 et seq. and Part 1000, Chapter II, Title 41 of the Illinois Administrative Code, entitled "Illinois Elevator Safety Rules," are hereby adopted into this Code by this reference.
29. Section 3001.3 Accessibility. Passenger elevators required to be accessible or to serve as part of an accessible means of egress shall comply with Sections 1009.4 and the Illinois Accessibility Code (71 Ill. Adm. Code 400), current edition.
30. 3002.4 Elevator car to accommodate ambulance stretcher. Where elevators are installed in any building, other than a one- or two-family dwelling, shall provide not fewer than one elevator for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher 24 inches by 84 inches with not less than 5-inch radius corners, in an open horizontal position, plus two (2) attendants and their equipment. The elevator car shall be identified by the international symbol for emergency medical services (Star of Life). The symbol shall not be less than 3 inches in height and shall be placed inside on both sides of the hoistway door frame.
31. Section 3004.4 Personnel and material hoist. Add after last sentence: All miscellaneous hoisting and elevating equipment shall be subjected to tests and inspections as required by the Community Development Director to ensure safe operation.
32. Section 3005.1 Access. Add the following sentence. The approved means is not to be used as a passage way through the space to other areas of the building.
33. Section 3005.4 Machine rooms, control rooms, machinery spaces, and control spaces. Delete Exception #2.
34. 3009.1 Prohibited Operation. The operation of all equipment governed by the provisions of this chapter and hereafter installed, relocated or altered shall be unlawful by persons other than the installer until such equipment has been inspected and tested as herein required and a final certificate of compliance has been issued by the AHJ.
35. 3009.2 Posting Certificates of Compliance: The owner or lessee shall post the current-issued certificate of compliance in a conspicuous place inside the conveyance. A copy of the current issued certificate is acceptable. Please refer to Illinois Elevator Safety Act.
- ~~36.~~ 3306.9.1 Barriers. Prior to commencing any work under a permit that includes the authorization of demolition, excavation, construction of a new structure and/or construction of an addition to an existing structure, the applicant shall erect a fence to enclose the site in a location and manner approved by the building official. The fence shall be no less than six (6) feet in height and shall be located at least 18 inches from any public sidewalk. The fence shall be permanently secured in the ground and shall remain in place until the building

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official approves its removal. When there are no construction personnel at the site, any gate or opening in the fence shall be closed and secured with a lock.

Section 15.08.030 Amendments to the International Residential Code for One- and Two-Family Dwellings, 2009 2015 Edition

A. Exclusions. The following provisions of the International Residential Code for One- and Two-Family Dwellings, 2009 2015 Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. **R105.5 Expiration.** (Superseded by Section 15.32.190 of this code.)
2. **R105.7 Placement of permit.** (Superseded by Section 15.32.180 of the Village Code.)
3. **R106.2 Site plan.** (Superseded by section 15.32.050 of the Village Code.)
4. **R106.3.1 Approval of construction documents.** (Superseded by Sections 15.32.090 and 15.32.100 of the Village Code.)
5. **R108.2 Schedule of permit fees.** (Superseded by Section 15.32.020 of the Village Code.)
6. **R108.6 Refunds.** (Superseded by Section 15.32.030 of the Village Code.)
7. **R108.6 Work commencing before permit issuance.** (Superseded by Section 15.32.010 of the Village Code.)
8. **R109.1.6 Final inspection.** (Superseded by Section 15.32.160 of the Village Code.)
9. **R110.4 Temporary occupancy.** (Superseded by Section ~~15.36.010~~ 15.36.070 of the Village Code.)
10. **R112 Board of Appeals. (Superseded by WVC Chapter 3.44)**
- ~~10. 310.4 Bars, grills, covers and screens.~~
- ~~11. 313.2 One- and two-family dwellings automatic fire system.~~
11. **R321.2 Platform lifts.**
- ~~12. 402.1 Wood foundations.~~
13. **R404.2 Wood foundation walls.**
- ~~14. 1001.11 Fireplace clearance.~~
14. **Part IV – Energy Conservation. (Superseded by Section 15.08.090 of the Village Code).**
15. **Part VII - Plumbing. Chapters 26 through 32. 25 through 33. (Superseded by Section 15.08.060 of the Village Code.)**
16. **Part VIII - Electrical. Chapters 33 through 42. 34 through 42. (Superseded by Section 15.08.070 of the Village Code.)**

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B. **Amendments.** The following provisions of the International Residential Code for One- and Two- Family Dwellings, 2009 2015 Edition, are amended for adoption by the Village **and shall read as follows:**

1. **R101.1 Title.** These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the Village of Winnetka. As used in the International Residential Code for One- and Two- Family Dwellings, 2009 2015 Edition, as adopted and amended by the Village, "this code" shall mean the Residential Code for One- and Two-Family Dwellings of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term "this code" shall mean the Winnetka Village Code, and the Residential Code for One- and Two-Family Dwellings of the Village of Winnetka shall be called the "Dwelling Code."

~~2. **101.2 Scope.** The provisions of this Dwelling Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings, of attached single-family dwellings (townhouses) that are not more than three stories in height and that have a separate means of egress, and of their accessory structures.~~

~~2.3.~~ **R102.7 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this Dwelling Code shall be permitted to continue without change, except as is specifically provided in this code, including this Dwelling Code and the International Fire Code, 2009 2015 Edition, as adopted by the Village, and except as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

~~3.4.~~ **R103.1 Creation of enforcement agency.** The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is hereby established as the enforcement agency for this code and the Director of Community Development shall be known as the building official.

~~4.5.~~ **R103.2 Appointment.** The building official shall be appointed by the Village Manager.

~~5.6.~~ **R103.3 Deputies.** Subject to the approval of the Village Manager, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

~~6.7.~~ **R105.2 Work exempt from permit.** Permits shall not be required for the following work. Exemptions from the permit requirements of this Dwelling Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the Village.

a. Buildings:

- i. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- ii. Construction or installation of temporary motion picture, television and theater stage sets and scenery. Notwithstanding the foregoing, a film production permit shall be required as provided in Chapter 5.20 of the Village Code.
- iii. Prefabricated swimming pools that are accessory to a detached one- or two-family dwelling, as applicable in Section 101.2, and that are less than 24 inches (610 mm)

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deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.

b. Electrical:

- i. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

c. Mechanical:

- i. Portable heating appliances.
- ii. Portable ventilation appliances.
- iii. Portable cooling units.
- iv. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- v. Portable evaporative coolers.
- vi. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
- vii. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

d. Plumbing:

- i. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
- ii. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

7.8-R112.1 General. The Building and Zoning Board of Appeals created by Section 3.44.010 of the Village Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code.

8.9-R114.1 Notice to owner; stop work orders. The issuance of stop work orders shall be subject to the enforcement provisions set forth in Chapter 15.04 of the Village Code.

9.10-R115.1 Prefabricated construction. A certificate of approval by an approved agency shall be furnished with every prefabricated assembly, except where all elements of the assembly are readily accessible to inspection at the site. No element of any prefabricated assembly shall be concealed prior to inspection and approval by the building official. All elements of any prefabricated assembly shall be readily accessible for inspection at the permit site. Prefabricated assemblies shall be inspected at the building site by the building official as required by this code.

10. Section R202 – DEFINITIONS. Add the following definition: ENGINEERED STRUCTURAL COMPONENTS. A prefabricated structural element designed to

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carry structural loads in the form of a joist, beam, girder, header, wall panel and/or stud, used in the construction of a dwelling unit, formed primarily by a system of repetitive wood or cold-formed steel framing members. Examples of wood components are; structural composite lumber, glue laminated beams, truss-type open-web or perforated floor joists, I-joists, end-jointed lumber (without HRA adhesive), structural insulated panels, and wood structural panels.

11. Table R301.2(1) Climatic and Geographic Design Criteria. Insert under each category:

<u>Ground snow load</u>	<u>30 lbs./sq. ft.</u>
<u>Wind Speed</u>	<u>90 miles per hour</u>
<u>Wind Design Topographical effects</u>	<u>0</u>
<u>Special Wind Region</u>	<u>N/A</u>
<u>Wind-borne debris zone</u>	<u>N/A</u>
<u>Seismic Design Category</u>	<u>B</u>
<u>Weathering</u>	<u>Severe</u>
<u>Frost Line Depth</u>	<u>42 below grade</u>
<u>Termite</u>	<u>Moderate to heavy</u>
<u>Winter Design Temperature for Heating Facilities</u>	<u>68 degrees Fahrenheit to -10 degrees Fahrenheit w/50% humidity</u>
<u>Ice Barrier Underlayment Required</u>	<u>Yes</u>
<u>Flood Hazards</u>	<u>N/A</u>
<u>Air Freezing Index</u>	<u>1500</u>
<u>Mean Annual Temperature</u>	<u>50 degrees Fahrenheit</u>

12.11.309.5 Separation Required. 302.6.1 Dwelling-garage fire separation. Where attached private garages do not have an automatic sprinkler system, the garage shall be separated from the residence and its attic area by not less than ½-inch (12.7 mm) 5/8-inch gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than 5/8-inch firecode (15.9 mm) (Type C or X) gypsum board or equivalent. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than ½-inch (12.7 mm) 5/8-inch gypsum board or equivalent. The sills of all door openings between private garages and adjacent interior spaces shall be raised not less than six (6) inches above the garage floor.

13. R302.12. Draftstopping. In combustible construction where there is usable space both above and below the concealed space of a floor/ceiling assembly, draftstops shall be installed so that the area of the concealed space does not exceed 1,000 square feet (or 500 square feet for non-sprinklered dwelling units). Draftstopping shall divide the concealed space into approximately equal areas. Where the assembly is enclosed by a floor membrane above and a ceiling membrane below, draftstopping shall be provided in floor/ceiling assemblies under the following circumstances:

1. Ceiling is suspended under the floor framing.

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2. Floor framing is constructed of truss-type open-web or perforated members.
- ~~12. 310.4.1 Bars, grills, covers and screens on window wells.~~ All window wells, whether to be used as emergency escape or rescue openings or not, shall be fitted with bars, grills, covers, screens, railings or similar devices. All shall be operable from the side of the egress without the use of a key, tool or special knowledge.
14. R310.6 Alterations or remodels of existing basements. An emergency escape and rescue opening is required when existing basements undergo alterations, remodeling that exceed 33% of the net basement floor area, or when new sleeping rooms are created.
15. R313.2 One- and two-family dwelling automatic fire systems. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

Exception:

1. An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential fire sprinkler system.
 2. An automatic residential fire sprinkler system shall not be required for new buildings when all of the following conditions are met:
 - a. When solid dimensional lumber is used to construct the floor/roof/wall-framing systems (i.e. 2"x members), the framing system shall be protected by at least one layer of 5/8-inch gypsum wall board on all ceilings and walls.
 - b. When engineered structural components such as I-joists, glue laminated lumber and open-web floor and roof trusses, to construct any portion of a floor/roof/wall-framing system or assembly, the entire framing system shall be protected by at least one layer of 5/8-inch firecode (Type C or X) gypsum wall board. See definition of 'Engineered Structural Components' in Chapter 2, Section R202 as amended.
 - c. Floor framing constructed of combustible truss-type open-web perforated members shall have draftstops installed so the area of concealed space shall not exceed 500 sq. ft., per Section R302.12 – Draftstopping, as amended by this code.
 - d. Solid wood core doors not less than 1-3/8 inches in thickness or 20-minute rated doors shall be used for doors to bedrooms, dens, studies, offices with closets, mechanical rooms, laundry rooms, and basements.
16. R314.1 General. Smoke alarms shall comply with NFPA 72, Illinois Fire Safety (425 ILCS 60/) Smoke Detector Act, and Section R314. A smoke alarm/detector shall be installed at the top of all interior staircases within a dwelling unit. A smoke alarm/detector shall be installed at the top of a common interior staircase or stairwell when the stair serves two-dwelling or more units.
17. R315.1 General. Carbon monoxide alarms shall comply with Illinois Public Safety (430 ILCS 135/) Carbon Monoxide Alarm Detector Act, and Section R315.

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~~13. **316.6 Specific approval.** Foam plastic insulation not meeting the requirements of Sections R316.3 through R316.5 may be specifically approved on the basis of one of the following approved tests: NFPA 286 with the acceptance criteria of Section R320.9.4, FM4880, UL 723, UL 1040 or UL 1715, or fire tests related to actual end-use configurations. Any foam plastic insulation must be approved by an independent testing agency, either Underwriters Laboratories or Factory Mutual. The specific approval shall be based on the actual end-use configuration and shall be performed on the finished foam plastic assembly in the maximum thickness intended for use. Assemblies tested shall include seams, joints, and other typical details used in the installation of the assembly and shall be tested in the manner intended for use.~~

18. R320.2 Access roads. One or two family dwelling homes with access roads greater than 150 feet (measured from the street access point to the front door of the home) hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus and must comply with the following:

- 1. The access road must be at least 12 feet wide for emergency vehicle access.**
- 2. If a gate is installed or going to be installed, it must provide clearance of 12 feet horizontally and 11 feet vertically.**
- 3. If the gate is secured, a Knox gate and key switch must be installed.**
- 4. The access road shall be engineered to support the superimposed load of a typical emergency response vehicle, unless other provisions are made and approved by the Fire Chief.**

19. R321.1 Elevators and platform lifts. The design, construction, installation, alteration, repair and maintenance of limited-use and limited-application elevators, private residence elevators, private residence inclined elevators, and their components shall conform to ASME A17.1/CSA B44 - Part 5, ASME A17.3, and ASME A18.1.

~~20. 14. **404.1.1.1** **404.1.2.1** Masonry foundation walls.~~ Concrete masonry and clay masonry foundation walls shall be constructed as set forth in Tables R404.1.1(1), R404.1.1(2), R404.1.1(3) and R404.1.1(4) and shall also comply with the applicable provisions of Sections R606, R607 and R608. In buildings assigned to Seismic Design Categories ~~D0, D1 and D2~~ **B**, concreted masonry and clay masonry foundation walls shall also comply with Section R404.1.1, but with not less than two (#2) Number Five (#5) reinforcement bars placed at the top and bottom of any concrete trench, belle, grade beam or formed foundation wall. Rubble stone masonry foundation walls shall be prohibited constructed in accordance with Sections R404.1.8 and R606.2.2. Rubble stone masonry walls shall not be used in Seismic Design Categories D0, D1 and D2.

~~15. **N1101.2 Compliance.** Compliance shall be demonstrated by meeting the requirements of the most recent edition of the *International Energy Conservation Code*. Climate zones from Figure R301.1 or Table R301.1 of the most recent edition of the *International Energy Conservation Code* shall be used in determining the applicable requirements from this chapter.~~

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- ~~16. **2501.2 Application.** In addition to the general administration requirements of Chapter 1 of the Dwelling Code, the administrative provisions of this Chapter 2501 of the Dwelling Code shall also apply to the plumbing requirements of the State of Illinois Plumbing Code, 2004 Edition.~~
- ~~17. **2501.3 Authority.** These rules are promulgated pursuant to authority granted by Section 35 of the Illinois Plumbing License Act (225 ILCS 320/35).~~
- ~~18. **2501.4 Applicability.** These rules govern the design and installation of new plumbing or plumbing systems and the alteration of existing plumbing systems. They apply to all new construction and any remodeling or renovation that alters, renovates or replaces existing plumbing or plumbing systems. These rules do not apply to existing buildings unless the plumbing or plumbing system is being altered, the building use is being changed or the existing plumbing creates a health or safety hazard.~~
- ~~a. If an existing building is changed from one use to another or from one classification to another, as provided in Appendix A, Table B of the Illinois State Plumbing Code, 2004 Edition, it shall be treated as a new building and shall comply with the requirements of this Part for its new use or occupancy.~~
- ~~b. Regardless of the age of the building, where a health or safety hazard exists because of an existing plumbing installation or lack thereof, the owner or his agent shall install additional plumbing or make such corrections as may be necessary to abate the hazard or violation of this part.~~
- ~~19. **Part VIII — Electrical.** The provisions of the National Electrical Code, 2008 Edition, as adopted by reference and amended in this Chapter 15.08, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.~~

21. Appendices Adopted by Reference:

- a. **Appendix A: Sizing & Capacities of Gas Piping**
- b. **Appendix B: Sizing of Venting Systems Serving Appliances Equipped With Draft Hoods, Category 1 Appliances And Appliances Listed For Use With Type B Vents.**
- c. **Appendix C: Exit Terminals of Mechanical Draft and Direct-vent Venting Systems.**
- d. **Appendix F: Radon Control Methods**
- e. **Appendix J: Existing Buildings and Structures**
- f. **Appendix O: Automatic Vehicular Gates**
- g. **Appendix U: Solar Ready Provisions**

Section 15.08.040 Amendments to the International Mechanical Code, 2009 2015 Edition.

A. **Exclusions.** The following provisions of the 2009 2015 International Mechanical Code are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. **104.4 Inspections.** (Superseded by Section 15.32.160 of the Village Code.)

Additions are bold and double-underlined; deletions are struck through.

2. **106.4.3 Expiration.** (Superseded by Section 15.32.190 of the Village Code.)
3. **106.5.1 Work commencing before permit issuance.** (Superseded by Section 15.32.010 of the Village Code.)
4. **106.5.2 Fee schedule.** (Superseded by Section 15.32.020 of the Village Code.)
5. **106.5.3 Fee refunds.** (Superseded by Section 15.32.030 of the Village Code.)

6. Section 109 Means of Appeal. (Superseded by WVC Chapter 3.44)

B. **Amendments.** The following provisions of the 2009 International Mechanical Code are amended for adoption by the Village **and shall read as follows:**

1. **101.1 Title.** These provisions shall be known as the Mechanical Code of the Village of Winnetka. As used in the International Mechanical Code, ~~2009~~ **2015** Edition, as adopted and amended by the Village, "this code" shall mean the Mechanical Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term "this code" shall mean the Winnetka Village Code, and the Mechanical Code of the Village of Winnetka shall be called the "Mechanical Code."
2. **103.1 General.** The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is hereby established as the enforcement agency for this code, and the Director of Community Development shall be known as the building official.
3. **103.2 Appointment.** The building official shall be appointed by the Village Manager.
4. **108.5 Stop work orders.** The issuance of stop work orders shall be subject to the enforcement provisions set forth in Chapter 15.04 of the Village Code.
5. **109.2 Membership of board.** The Building and Zoning Board of Appeals created by Section 3.44.010 of the Village Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code.
6. **301.11 Plumbing connections.** Potable water supply and building drainage system connections to equipment and appliances regulated by this code shall be in accordance with the State of Illinois Plumbing Code, ~~2004~~ **2014 or current** edition.
7. **Chapter 15 Referenced Standards.**
 - a. SIPC-2014, State of Illinois Plumbing Code ~~2004~~ **2014** Edition.
 - b. NEC-2014, National Electrical Code ~~2008~~ **2014** Edition.

Section 15.08.050 Amendments to the International Fuel Gas Code, ~~2009~~ **2015 Edition.**

A. **Exclusions.** The following provisions of the International Fuel Gas Code, ~~2009~~ **2015** Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. ~~106.4.3~~ **106.5.3 Expiration.** (Superseded by Section 15.32.190 of the Village Code.)
2. ~~106.5.2~~ **106.6.2 Fee schedule.** (Superseded by Section 15.32.020 of the Village Code.)

Additions are bold and double-underlined; deletions are struck through.

3. ~~106.5.3~~ **106.6.3 Fee refunds.** (Superseded by Section 15.32.030 of the Village Code.)

4. **109 Means of Appeal.** (Superseded by WVC Chapter 3.44)

4. ~~403.6 Plastic pipe, tubing and fittings.~~

5. ~~403.11 Plastic pipe, joints and fittings.~~

B. **Amendments.** The following provisions of the International Fuel Gas Code, 2009 **2015** Edition, are amended for adoption by the Village **and shall read as follows:**

1. **101.1 Title.** These provisions shall be known as the Fuel Gas Code of the Village of Winnetka. As used in the International Fuel Gas Code, 2009 **2015** Edition, as adopted and amended by the Village, "this code" shall mean the Fuel Gas Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term "this code" shall mean the Winnetka Village Code, and the Fuel Gas Code of the Village of Winnetka shall be called the "Fuel Gas Code."

2. **103.1 General.** The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is hereby established as the enforcement agency for this code, and the Director of Community Development shall be known as the building official.

3. **103.2 Appointment.** The building official shall be appointed by the Village Manager.

4. **103.3 Deputies.** Subject to the approval of the Village Manager, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

5. **108.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws and shall be subject to penalties and fines as provided in Section 15.04.110 of the Village Code.**

~~6.5-~~**108.5 Stop work orders.** The issuance of stop work orders shall be subject to the enforcements provisions set forth in Chapter 15.04 of the Village Code.

~~7.6-~~**109.2 Membership of board.** The Building and Zoning Board of Appeals created by Section 3.44.010 of the Village Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code.

~~8.7-~~**624.1.1 Installation requirements.** The requirements for water heaters relative to sizing, relief valves, drain pans and scald protection shall be in accordance with the State of Illinois Plumbing Code, 2004 Edition **2014 or current edition.**

~~9.8-~~**Chapter 7 8 Referenced Standards.**

a. SIPC-2014, State of Illinois Plumbing Code 2004 **2014** Edition – Section 624.1.1

b. NEC-2014, National Electrical Code 2008 **2014** Edition

Additions are bold and double-underlined; deletions are struck through.

Section 15.08.060 Amendments to the Illinois Plumbing Code

- A. **Exclusions.** The following provisions of the Illinois Plumbing Code, 77 Ill. Admin. Code 890 *et seq.*, 2014 or current edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. None

~~1. Table A, "Approved Materials for Building Sewers" is amended by deleting the following items:~~

- ~~a. 2) Asbestos Cement Pipe.~~
- ~~b. 5) Concrete Pipe~~
- ~~c. 8) Vitrified Clay Pipe~~
- ~~d. 9) Solder~~

~~2. Table A, "Approved Materials for Water Service Pipe" is amended by deleting the following items:~~

- ~~a. 1) ABS Pipe~~
- ~~b. 4) CPVC Pipe~~

~~3. Table A, "Approved Materials for Water Distribution Pipe" is amended by deleting the following Items 2, 7 and 8:~~

- ~~a. 2) CPVC Pipe~~
- ~~b. 7) Poly Butylene Pipe~~
- ~~c. 8) PVC Pipe~~

- B. **Amendments.** The following provisions of the Illinois Plumbing Code, 77 Ill. Admin. Code 890 *et seq.*, 2014 or current edition, are amended, deleted, or modified for adoption by the Village as follows:

1. **Section 890.110, General Regulations—Applicability** is amended by adding the following subsection (c):

890.110 (c) General Regulations. Plumbing and drainage systems in all buildings, public and private, shall be installed in accordance with the provisions of this ordinance by a licensed plumber in accordance with the provisions of the State of Illinois Plumbing License Law. If a plumbing contractor is found to be using unlicensed plumbers, the contractor's plumbing permit will be revoked for the work on which the plumbing contractor was working may be revoked by the Village of Winnetka.

2. **Section 890.120 Definitions** is amended by adding the following definition:

"Plumbing Code." The Illinois Plumbing Code, 77 Ill. Admin. Code 890 *et seq.*, as adopted and amended by the Village, shall be known as the Plumbing Code of the Village of Winnetka. As used in the Illinois Plumbing Code, 77 Ill. Admin. Code 890 *et seq.*, as adopted and amended by the Village, the terms "Part" or "this code" shall mean the Plumbing Code of the Village of Winnetka. As used in the ordinances and codes

Additions are bold and double-underlined; deletions are struck through.

published by the Village, the term "this code" shall mean the Winnetka Village Code, and the Plumbing Code of the Village of Winnetka shall be called the "Plumbing Code."

3. Section 890, Appendix A, Table A, "Approved Materials for Building Sewers" is amended by replacing with the following approved materials:

a. Cast iron, bell and spigot with compression joints

b. Polyvinyl Chloride (PVC), SDR 26

c. Polyvinyl Chloride (PVC) Pipe

Note: Ductile iron pipe ASTM A377 shall be installed for all new sanitary and storm sewer services that penetrate the foundation wall through a sleeve to a point that the piping is being supported on approved load bearing soil or compacted fill

4. Section 890, Appendix A, Table A, "Approved Materials for Water Service Pipe" is amended by replacing with the following approved materials:

a. Copper/Copper Tubing – Type K only – ASTM B 88-2009

b. Ductile Iron, Class 55 or greater

5. Section 890.1190 "Water Supply Control Valves and Meter" is amended by revising note a) to read as follows:

a. A full port shut off valve shall be located near the curb or property line and immediately inside the building, on the inlet and outlet side of the water meter. The inlet side valve shall be a mechanical connection.

C. **Additions.** The Illinois Plumbing Code, 77 Ill. Admin. Code 890 *et seq.*, is further amended for adoption by the Village by adding the following provisions:

~~1. **Potable Water.** Type L copper piping shall be used for potable water.~~

~~2. **Couplings.** Heavy duty 4 band couplings must be used with no hub soil pipe.~~

~~3. **Plumbing Walls.** Plumbing walls where stacks are located must be built with not less than 2 x 6 framing.~~

~~4. **Primer.** Purple primer must be used on all PVC piping.~~

~~5. **Testing.** Gas tests are required if any existing gas lines have been moved.~~

~~6. **Water Service.** For all new construction, including additions and substantial remodeling a minimum 1 inch copper water service is required.~~

~~7. **Existing Conditions.** All nonconforming plumbing installations or materials discovered or revealed during remodeling, renovation, or other alteration projects, shall be corrected in accordance with this code.~~

18. WaterSense Devices. Subject to other provisions of the Illinois Plumbing Code, 77 Ill. Admin. Code 890 *et seq.*, and the Lawn Irrigation Contractor and Lawn Sprinkler System Registration Code, 77 Ill. Admin. Code 892 *et seq.*, all new plumbing fixtures and irrigation controllers installed on properties after September 1, 2015, being the effective date of this ordinance, connected to the Village water supply system shall bear the WaterSense label (as

Additions are bold and double-underlined; deletions are struck through.

designated by the United States Environmental Protection Agency WaterSense Program), when such labeled fixtures are available.

29. Inspections.

a. **Inspections Required.** All plumbing work ~~shall be done by licensed plumbers or sewer contractors and~~ shall be subject to the inspection and approval of the Director of Community Development, ~~or the plumbing inspector under the supervision of the Director of Community Development,~~ **or any other designee of the Director of Community Development.** The plumbing contractor shall be on site when the rough plumbing inspection is conducted **by the Village.**

~~— b. Testing by Plumbing Inspector. All plumbing work shall be tested by the plumbing inspector, in accordance with this code, while all pipes are uncovered in every part. A water test shall be applied to the drainage system in its entirety, or in sections, as completed. A water pressure test for plumbing work shall be applied by closing the lower end of the vertical pipes and filling the pipes to the highest opening above the roof with water. Special provision shall be made to include all joints and connections to the finished line or face of floors or side walls, so that all vents or revents, including lead work, may be tested with the main stacks. The house drain inside any building shall be tested by closing up the drain at the point where it leaves the building, using the clean out wye provided for, and filling the pipes inside the building with water to a height of at least two feet above the highest point of the drainage system.~~

~~— c. Water Supply for Testing. Licensed plumbers will be allowed to leave the water turned into pipes for forty eight (48) hours after completing any work for the purpose of testing the same, at the end of which time they shall immediately cut off the supply, unless otherwise instructed by the Director of the Water and Electric Department. Plumbers are prohibited from turning water on from any service pipe for any other purpose, except on the order of or permission from the Water and Electric Department.~~

~~— d. Additional Inspections. All plumbing work shall be subject to such further inspections and tests as shall be required by the rules and regulations of the Water and Electric Department of the Village. (Prior code § 23.49)~~

3 40. Overhead sewers and other protective measures below ground level. All new buildings constructed after December 31, 1970 with served by a public or private sewer system and all building additions or remodeling consisting of the addition of plumbing fixtures in basements, floors, rooms or occupancy areas below grade and served by a public or private sewer system shall have overhead plumbing with ejector pumps shall have overhead plumbing installed for all new connections to the sanitary sewer facilities.

Section 15.08.070 Amendments to the National Electric Code, 2008 2014 Edition

A. **Exclusions.** The following provisions of the National Electric Code, 2008 2014 Edition, **National Fire Protection Association Publication 70,** are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. Article 230 II. – Overhead Service Conductors

2. Article 320 Armored Cable: Type AC

Additions are bold and double-underlined; deletions are struck through.

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~~3.1.~~——Article 322 Flat Cable Assemblies: Type FC.

~~4.2.~~——Article 324 Flat Conductor Cable: Type FCC.

~~5.3.~~——Article 334 Nonmetallic-sheathed Cable: Types NM, NMC and NMS.

~~6.4.~~——Article 338 Service-Entrance Cable: Types SE and USE.

~~7.5.~~——Article 340 Underground Feeder and Branch-Circuit Cable: Type UF.

~~8.6.~~——Article 362 Electrical Nonmetallic Tubing: Type ENT.

9. Article 378 Nonmetallic Wireways.

10. Article 382 Nonmetallic Extensions.

11. Article 388 Surface Nonmetallic Raceways.

~~12.7.~~Article 394 Concealed Knob and Tube Wiring.

~~13.8.~~Article 396 Messenger Supported Wiring.

14. Article 398 Open Wiring on Insulators.

~~15.9.~~ Article 547 Agricultural Buildings.

~~16.10.~~ Article 550 Mobile Homes, Manufactured Homes, and Mobile Home Parks.

~~17.11.~~ Article 551 Recreational Vehicles and Recreational Vehicle Parks.

~~18.12.~~ Article 553 Floating Buildings.

~~19.13.~~ **Annex H Administration and Enforcement** is amended by deleting the following sections:

- a. **80.2 Definitions.** Chief Electrical Inspector.
- b. **80.15 Electrical Board.** Delete subsections (A) (B) (C) (D) (E) (F) and (H).
- c. **80.19(D) Annual Permits.**
- d. **80.19(F)(3) Inspections.**
- e. **80.19(F)(4) Approvals.**
- ~~f. **230. II Overhead Service-drop conductors.**~~
- ~~g. **320 Armored Cable: Type AC.** Delete entire Article.~~

B. **Amendments.** The following provisions of the National Electric Code, 2008 **2014** Edition, are amended for adoption by the Village **and shall read as follows:**

1. **90.0 Title.** These provisions shall be known as the Electric Code of the Village of Winnetka. As used in the National Electric Code, 2008 **2014** Edition, as adopted and amended by the Village, "this code" shall mean the Electric Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term "this code" shall mean the Winnetka Village Code, and the Electric Code of the Village of Winnetka shall be called the "Electric Code."

Additions are bold and double-underlined; deletions are struck through.

2. ~~200.11~~ **200.12 Use and Identification of Grounded Conductors, Outlets, Switches and Receptacles.** All garage outlets shall be located not less than forty-two (42) inches above the finished floor.

Switches and receptacles in bathrooms shall **not** be located in a minimum of thirty (30) inches from the inside edge of a tub or shower measured horizontally at the floor line, **unless GFCI protected**. Lighting fixtures above, or within two feet of the inside of the tub edge, must have GFCI protection.

Grounded conductors shall be at least the same size as the ungrounded conductors of the same circuit.

3. ~~210.52 (E)(3)(a) Balconies, Decks, and Porches.~~ Receptacle outlet is required at all balconies, decks, and porches that are accessible from inside of a dwelling, regardless of the size of the balcony, deck, or porch.

4. ~~Section 210.52(G) Basements and Garages.~~ For a one-family dwelling, at least one receptacle outlet, in addition to any provided for laundry equipment, shall be installed in each basement and in each attached garage, and in each detached garage with electric power. See 210.8 (A) and (A) (5). Where a portion of the basement is finished into one or more habitable rooms, each separate unfinished portion shall have a receptacle outlet installed in accordance with the section.

A minimum of one (1) switched lighting fixture shall be installed in the immediate area of the top stair tread of all staircases leading to basement areas. A minimum of one (1) switched lighting fixture shall be installed in the area of the lower most stair tread of all staircases that lead to the basement areas.

5. ~~210.52(I) Other Outlets.~~ Other outlets not covered in 220.3(B) (1) through (10) shall be computed based on 180-volt-amperes.

In dwelling occupancies dishwashers and disposals shall have separate disconnecting means under the sink cabinet.

A separate circuit shall be provided for all heating and air conditioning units.

Receptacle outlets adjacent to kitchen sinks may be located a maximum of three (3) feet from the edge of the sink bowl.

- ~~3.6.~~ **230.1 (A) Services, Scope – Overhead or Exposed Wiring.** No overhead or exposed wiring on the exterior of buildings shall be installed except for main service conduits and wiring runs of four feet or less to freestanding cooling units and connections to underground wiring. In all such cases, rigid metal conduit shall be used, except that, where flexible connections are required, liquid tight or flexible metal conduit with a green equipment ground wire may be used.

4. **230.2 (F) Alterations to Special Occupancies. When alterations to existing buildings are made resulting in a change in the number of occupant spaces (or tenant spaces), the following changes shall be made to their services:**

a. When existing buildings with additional services are altered from multiple occupancies and combined into one occupant space all other services shall be removed and reduced to one service.

Additions are bold and double-underlined; deletions are struck through.

- b. When subdividing existing single occupant spaces into multiple occupants, each occupant space shall be provided with its own electrical service. Circuits that originally crossed over into adjacent occupancy spaces shall be removed in their entirety, within the new space.
5. 230.11 Service for new Single-family dwellings. All new single-family detached dwellings shall have a minimum 200-amp single phase service with the main disconnect located at the meter and at the main distribution panel.
- a. All service conductors shall be installed underground.
- b. System design drawings shall be submitted for all services greater than 200 amps at the time of permit application.
- c. Half-size breakers are not approved for use in new construction. In existing residential dwelling units half-size breakers are limited to manufacturer's specifications. Half-size breakers shall not be permitted in existing commercial or industrial units.
6. 230.43 Wiring Methods for 1000 Volts, Nominal, or Less. Service entrance conductors shall be installed in accordance with the applicable requirements of this code covering the type of wiring methods used and shall be limited to the following methods:
- a. Rigid metal conduit (RMC)
- b. Intermediate metal conduit (IMC)
- c. Rigid nonmetallic conduit (RNC)
7. ~~230. VI Service Equipment Disconnecting Means. All new single family detached dwellings shall have a minimum 200 amp single phase service with the main disconnect located at the meter.~~
- ~~7.8.~~ 230.70 (A) (1) Readily Accessible Location. The service disconnecting means shall be installed in accordance with 230.70 (A) (1), (2) and (3). The location of outside meters for single family dwellings must be **The service disconnecting means shall be installed at a readily accessible location on the exterior of all building or structure as determined prior to installation by the Water and Electric Department. Larger electrical services (over 1,000-amps, 3 Ph) can locate the service disconnecting means on the interior within the main distribution panel or switchgear.**
8. 250.64 (A) Aluminum or Copper-Clad Aluminum Conductors. The grounding electrode conductor shall be copper. The use of aluminum or copper clad aluminum for the purpose of grounding is prohibited.
9. ~~300.1(D) Underground Wiring. All underground wiring in buildings, including wiring in sub grade floors, shall be installed in rigid metal conduit. Rigid nonmetallic conduit may be used underground outside of buildings.~~

All interior wiring not required to be flexible and all basement wiring shall be installed in intermediate metal or rigid metal conduit or electrical metallic tubing.

Additions are bold and double-underlined; deletions are struck through.

~~9.10.310.14~~ **Aluminum Conductor Material.** No aluminum or copper-clad aluminum wire shall be used, ~~except as approved for service to an electrical meter.~~

~~10.11.~~ **408.31 Busbars.** Copper bus shall be used in switchboard, panel boards and meter socket enclosures ~~containing more than four sockets.~~

~~11.12.~~ **410.16(C)(6) Luminaries (Fixtures) in Clothes Closets.** In dwelling units, all closets that are at least twenty-three (23) inches deep and all utility rooms and pantries, shall be illuminated.

12. 445.18(A) Disconnection Signage. When stationary generators are provided and installed remotely from the exterior main means of electrical service disconnect, signage identifying the presence of a generator shall be permanently placed immediately next to the building's main means of electrical service disconnect, meter and switch gear, reading as follows: "WARNING! THIS ELECTRICAL SERVICE IS EQUIPPED WITH AN AUTOMATIC BACKUP GENERATOR. REMOVING THE METER OR DISCONNECTING THE SERVICE MAY CAUSE THE GENERATOR TO START WITHOUT NOTICE. GENERATOR LOCATION INDICATES BELOW [] NORTH, [] SOUTH, [] EAST, [] WEST, DO NOT REMOVE THIS DECAL (Electrical contractor's name and phone number)", or similar wording (or color) as approved by the Fire Code Official. Size must have a red or orange border and a minimum size is 4" x 6".

~~13. 680.3 Swimming Pools, Fountains and Similar Installations, Other Articles.~~ Except as modified by this article, wiring and equipment in or adjacent to pools and fountains shall comply with other applicable provisions of this Code, including those provisions identified in Table 680.3. All controls, pumps or lights for a swimming pool, sauna, hot tub or hydro-massage bathtub shall not be used without GFCI protection. All underwater lights shall be twelve (12) volts.

13. 720.12 Low Voltage Wiring. Add new section: Low voltage wiring for residential furnace or HVAC equipment and remote water meter wiring shall be installed in conduit in areas made inaccessible by building construction or where subject to damage.

14. Annex H Administration and Enforcement, Section 80.15 Electrical Board, Subsection (G) Appeals, is amended to provide:

(G) Appeals - Review of Decisions. Any person, firm, or corporation may register an appeal with the Building and Zoning Board of Appeals for a review of any decision of the Electrical Inspector, provided that such appeal is made in writing within fifteen (15) days after such person, firm, or corporation shall have been notified. Upon receipt of such appeal, the Building and Zoning Board of Appeals shall, if requested by the person making the appeal, hold a public hearing and proceed to determine whether the action of the Electrical Inspector complies with this law and, within fifteen (15) days after receipt of the appeal or after holding the hearing, shall make a decision in accordance with its findings.

15. Annex H, Administration and Enforcement, Section 80.27, Inspector's Qualifications, Subsection B(3) and (D) are amended to provide:

Additions are bold and double-underlined; deletions are struck through.

80.27(B)(3) Experience. Be well versed in the National Electric Code 2008 2014 Edition and the amendments hereto.

80.27(D) Revocation and Suspension. The Director of Community Development or the Village Manager shall have the authority to revoke or suspend an inspector's authority to conduct inspections.

C. **Additions.** The National Electric Code, 2008 2014 Edition, is further amended for adoption by the Village by adding the following provisions:

1. **Nonconforming Installations.** All nonconforming electrical installations or matters discovered or revealed during remodeling, renovation, or other alteration projects, shall be corrected in accordance with this code.
2. **Removal of Abandoned Materials.** All abandoned wiring, conductors, conduit systems, raceways, junction boxes, electrical devices, electrical materials, equipment, and the like, shall be completely removed prior to a final electrical inspection.
3. ~~**Circuit Wiring.** Circuits wired with AWG #14 wire, shall be limited to eight (8) outlets or receptacles for general lighting connected to a single circuit. Circuits wired with AWG #12 wire, shall be limited to ten (10) outlets or receptacles for general lighting connected to a single circuit.~~
4. ~~**Wire Size.** Minimum wire size requirements for any installation other than residential shall be AWG #12. Devices and receptacles shall be twenty (20) amp rated.~~
5. ~~**Conductor Installation.** Conductors shall not be installed in any raceway, until wall finishes are applied or mechanical work has been completed with the consent of the electrical inspector.~~
6. ~~**Minimum Box Size.** Minimum sizes for boxes for general lighting outlets shall be 1½ inches deep and 3¾ inches in diameter. Minimum size boxes for switch and receptacles shall be 1½ inches deep and 4 inches square.~~
7. ~~**Box Installations.** Back to back box installations shall not be permitted in any case.~~
- 3.8. **Light Switches.** Stairways, hallways, passageways, corridors, garages, rooms or other areas with more than one (1) entry shall have a sighting outlet switched from all exits and entries.
- 4.9. **Materials and Equipment.** New materials and/or equipment must be used on all installations.
- 5.10. **Final Inspections.** For final inspection purposes, all light fixtures shall have at least one (1) bulb or lamp in each fixture.
- 6.11. **Remodeling.** Existing buildings or structures that either are scheduled for remodeling and/or additions or have been vacated and made available to new tenants shall, prior to occupancy, be required to remove existing electrical equipment and materials that will not be used or that are determined not to conform to the currently adopted code requirements of the Village of Winnetka. Existing wiring, materials and equipment shall be in good condition, without actual or potential hazards or in an unsafe condition. Hazardous or unsafe conditions include, but are not limited to the following: open boxes, unstable raceways, frayed wiring, dried out/flaking insulation on conductors, Additions are bold and double-underlined; deletions are struck through.

improper connections, burned or defective contacts, overloaded circuits, insufficient number of circuit breakers/fuses, defective main breaker/bus bar, non-listed or labeled fixtures or devices or other similar unsafe conditions, and shall be replaced, removed or repaired as provided for by the provisions of the code. Unusable electrical systems and devices in good condition, which will provide safe electric service, may remain in place.

7.12. Smoke Detectors Alarms. In addition to other Village requirements pertaining to smoke alarms ~~detectors~~, the following is required:

a. ~~— A dedicated circuit shall be provided, which shall be permanently wired into a dwelling unit's electric service;~~

a.b. Any circuit dedicated to a smoke alarm system shall have a ~~A "lockout" device~~ shall be installed on the system's circuit protection device to maintain power to the equipment;

b.e. ~~A separate raceway shall be provided for the system's circuit and detector's control wiring, thereby eliminating the interference of circuit conductors and raceways, which may be installed for other equipment or outlets.~~

c.d. ~~Attics and/or closets that contain mechanical equipment, i.e. heating, ventilating, or cooling equipment, shall contain an approved smoke detector.~~

~~e. An automatic fan shutdown device shall be installed in ceiling house fans and attic fans. This shall interconnect the smoke detector system and de-energize the power to the fan thereby discontinuing the induced air flow from one room to another.~~

8.13. Installation of Electric Services. The Water and Electric Department shall install underground services for all new and modified electrical services. ~~The cost of these services will be determined by that department and must be paid prior to installation.~~ **The charge for such service(s) will be in accordance with rates, fees and charges established from time to time by resolution of the Village Council. The cost of these services must be paid prior to installation.** No overhead electrical services shall be installed. Meter pedestals must be installed so that the center of the meter is **forty (40) to** forty-eight (48) inches high, as measured from the adjacent finished grade. Electrical services shall be installed to the most proximate point of the primary structure. All other electrical work shall be performed by a licensed electrician.

9.14. Inspections. All **permitted** electrical work shall be subject to the inspection and approval of the Director of Community Development, or the electrical inspector under the supervision of the Director.

Section 15.08.080 Amendments to the International Property Maintenance Code, 2009 2015 Edition

A. **Exclusions.** The following provisions of the International Property Maintenance Code, 2009 2015 Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. **104.3 Right of entry.** (Superseded by WVC Section 15.04.070)

Additions are bold and double-underlined; ~~deletions are struck through.~~

2. 111 Means of Appeal (Superseded by WVC Chapter 3.44)

2. 111.2 Membership of board. (Superseded by WVC Chapter 3.44)

3. 111.2.1 Alternate members. (Superseded by WVC Chapter 3.44)

4. 111.2.2 Chairman. (Superseded by WVC Chapter 3.44)

5. 111.2.3 Disqualification of member. (Superseded by WVC Chapter 3.44)

6. 111.2.4 Secretary. (Superseded by WVC Chapter 3.44)

7. 111.2.5 Compensation of members. (Superseded by WVC Chapter 3.44)

8. 111.3 Notice of meeting. (Superseded by WVC Chapter 15.72)

9. 111.4 Open hearing. (Superseded by WVC Chapter 15.72)

10. 111.4.1 Procedure. (Superseded by WVC Chapter 15.72)

11. 111.5 Postponed hearing. (Superseded by WVC Chapter 15.72)

12. 111.6 Board decision. (Superseded by WVC Chapter 15.72).

13. 111.6.1 Records and copies. (Superseded by WVC Chapter 15.72)

14. 111.6.2 Administration. (Superseded by WVC Chapter 15.72)

15. 111.7 Court review. (Superseded by WVC Chapter 15.72).

16. 111.8 Stays of enforcement. (Superseded by WVC Chapter 15.72)

317. 112.1 Authority (Superseded by WVC Section 15.04.100)

418. 112.2 Issuance (Superseded by WVC Section 15.04.100)

519. 112.3 Emergencies (Superseded by WVC Section 15.04.100)

620 Section 303 Swimming Pools, Spas and Hot Tubs. (Superseded by Sections 15.08.110
and 15.44.140 of the Village Code)

7.21. Section 308.3.1 Garbage facilities.

8.22. Section 308.2 309.2 Owner.

9.23. Section 403.3 Cooking facilities.

10.24. Section 602.3 Heat supply. Retain text; delete Exception 1 only.

11.25. Sections 702 through 704

B. **Amendments.** The following provisions of the 2009 **2015** Edition of the International Property Maintenance Code are amended for adoption by the Village and shall ~~provide~~ **read** as follows:

1. **101.1 Title.** These regulations shall be part of the Property Maintenance Code of the Village of Winnetka. As used in the International Property Maintenance Code, 2009 **2015** Edition, as adopted and amended by the Village, "this code" shall mean the Property Maintenance Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term "this code" shall

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mean the Winnetka Village Code, and the Property Maintenance Code of the Village of Winnetka shall be called the "Property Maintenance Code."

2. ~~101.2 Scope.~~ Subject to the exceptions stated below, the provisions of this Property Maintenance Code shall apply to all existing residential, commercial and mixed use structures and premises, as defined in this code, and shall constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

Exceptions.

1. ~~The provisions of this Property Maintenance Code shall not apply to any buildings or structures located within any of the single family residential zoning districts established pursuant to Chapter 17.08 of the Village Code.~~
 2. ~~The provisions of this Property Maintenance Code shall not apply to any residential condominium buildings or residential condominium units, regardless of where they are located.~~
 3. ~~The provisions of this Property Maintenance Code shall not apply to any residential condominiums or residential common areas in buildings that have a mixture of residential condominiums and other uses, regardless of where such buildings are located.~~
 4. ~~The provisions of this Property Maintenance Code shall not apply to any owner-occupied townhouses or one or two family residential buildings located in any of the multi-family or commercial zoning districts established pursuant to Chapter 17.08 of the Village Code.~~
23. **101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of the commercial and mixed use structures and premises to which this code applies. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to and change of occupancy in existing buildings shall comply with Title 15 of the Village Code and all other applicable building codes adopted by the Village.
34. **102.1 General.** The provisions of this code shall apply to all matters affecting or relating to commercial and mixed use structures and premises, as set forth in Section 101. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions

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of this code shall apply. Where, in a specific case, different sections of this code or the Village Code specify different requirements, the most restrictive shall govern.

45. **102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of Titles 15 and 16 of the Village Code, including the procedures and provisions of the model codes adopted by reference pursuant to Chapter 15.08 of the Village Code, and all other applicable sections of the Village Code.
56. **102.8 Requirements not covered by code.** Requirements that are necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or that are necessary for the public safety, health and general welfare, but that are not specifically covered by this code, shall be determined by the code official.
67. **103.1 General.** The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is responsible for property maintenance inspection and administration and the executive official in charge thereof, also known as the Director of Community Development, shall be known as the code official.
78. **103.2 Appointment.** The code official shall be appointed by the Village Manager.
89. **103.3 Deputies.** Subject to the approval of the Village Manager and to the provisions of Chapter 2.44 of the Village Code, the code official shall have the authority to appoint one or more deputy code officials, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the code official.
940. **103.5 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be established as provided in Section 15.32.020 of the Village Code.
1044. **104.2 Inspections.** The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. Such inspections may take place only if a complaint respecting said premises has been received by the code official and such complaint, in the opinion of said code official, provides reasonable grounds for belief that a violation exists. All reports of such inspections shall be in writing and shall be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority. Nothing in this section shall be construed as prohibiting or otherwise

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limiting inspections made by the Winnetka Fire Department as part of its regular Fire and Life Safety Code inspection program.

1142. **106.2 Notice of violation.** The code official shall serve a notice of violation or order in accordance with Section 107 of this code and Section 15.04.090 of the Village Code.
1243. **106.3 Prosecution of violation.** Any person who violates a provision of this code shall be subject to the enforcement proceedings, as provided in Chapter 15.04 of the Village Code. Any action taken against a property owner by the authority having jurisdiction on such premises shall also be charged against the real estate upon which the structure is located, and shall be a lien against such real estate.
1344. **106.4 Violation penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws and shall be subject to penalties and fines as provided in Section 15.04.110 of the Village Code.
1445. **107.1 Notice to person responsible.** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in accordance with Section 15.04.090 of the Village Code and in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.
1546. **107.2 Form.** All notices required under Section 107.1 shall comply with Section 15.04.090 of the Village Code.
1647. **110.2 Notices and orders.** All notices and orders shall comply with Section 107 of this code and with Section 15.04.090 of the Village Code.
1748. **111.1 Application for appeal.** Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the Building and Zoning Board of Appeals as provided in Chapter 15.72 of the Village Code.
1849. **112.4 Fines; Failure to Comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fee of not less than \$250 nor more than \$750.

1920. **SECTION 202 GENERAL DEFINITIONS**

HABITABLE SPACE; HABITABLE ROOM. A room or other space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets,

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halls, storage or utility spaces, and similar areas are not considered habitable spaces.

2021. **302.4 Weeds.** All *premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of ~~six (6)~~ **eight (8)** inches. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. All noxious weeds, as defined in Section 8.20.030 (B) of the Village Code, are prohibited and shall be removed or destroyed as provided in said Section 8.20.030 (B).

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property. The cost of such removal shall be a lien against the property, to the extent permitted by law. Such lien shall be recorded against the property as provided in Chapter 8.2 of the Village Code.

2122. **304.1.1 Unsafe Conditions.** The following conditions shall be determined to be unsafe and shall be repaired or replaced to comply with the *International Building Code* **or the International Existing Building Code**, as adopted and amended pursuant to Chapter 15.08 of the Village Code, and with all other applicable provisions of the Village Code. [Paragraphs 1 through 13 of Section 304.1.1 and Exceptions 1 and 2 to Section 304.1.1 are not amended.]

- 2223 **304.2 Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Surfaces designed for stabilization by oxidation are exempt from this requirement.

2324. **304.3 Premises identification.** **See Chapter 15.44.010(C) – Supplementary Standards and Requirements for reference to Display of Street Numbers.** Buildings shall have ~~approved~~ address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.

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2425. **304.13.2 Openable windows.** Every window that can be opened, including every window required for ventilation or for emergency ingress and egress, shall be easily openable and capable of being held in position by window hardware.
2526. **304.14 Insect screens.** Ventilation of commercial food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition. [The Exception to Section 304.14 is not amended.]
2627. **305.1 General.** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition.
2728. **305.1.1 Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* **or the International Existing Building Code**, as adopted and amended pursuant to Chapter 15.08 of the Village Code or with any other applicable provision of the Village Code, as required for existing buildings: [Paragraphs 1 through 6 of Section 305.1.1 and Exceptions 1 and 2 of Section 305.1.1 are not amended.]
2829. **305.3 Interior surfaces.** All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Decayed wood and other defective surface conditions shall be corrected.
2930. **SECTION 308 REFUSE, RUBBISH AND GARBAGE**
3031. **308.1 Accumulation of refuse, rubbish or garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of refuse, rubbish and garbage.
3132. **308.2 Disposal of refuse and rubbish.** Every occupant of a structure shall dispose of all refuse and rubbish in a clean and sanitary manner by placing such rubbish in approved containers that comply with Chapter 8.16 of the Village Code.
3233. **308.2.1 Refuse and rubbish storage facilities.** The owner of every occupied premises shall supply approved covered containers for refuse, and the owner of the premises shall be responsible for the removal of refuse in accordance with Chapter 8.16 of the Village Code.
3334. **308.3 Disposal of garbage and refuse.** Every occupant of a structure shall dispose of garbage and refuse in a clean and sanitary manner by placing such

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garbage or refuse in an approved disposal facility or garbage container that complies with Chapter 8.16 of the Village Code.

3435. **308.3.2 Containers.** The operator of every establishment that produces garbage or refuse shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.
3536. **309.3 Single occupant.** The occupant of a single-tenant nonresidential structure shall be responsible for pest elimination on the premises.
3637. **404.3 Minimum ceiling heights.** Exceptions 1 and 2 are deleted.
3738. **502.4.1 Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or a water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.
3839. **502.5 Public toilet facilities.** Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the Illinois Plumbing Code as adopted and amended pursuant to Chapter 15.08 of the Village Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises that the premises are open to the public.
3940. **503.3 Location of employee toilet facilities.** Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 300 feet from the employees' regular working area. Employee facilities shall either be separate facilities or combined employee and public facilities.
4041. **505.1 General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to the Village of Winnetka Municipal Water Utility in accordance with Chapter 13.04 of the Village Code. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the State of Illinois Plumbing Code, ~~2004~~ 2014 Edition.
4142. **506.1 General.** All plumbing fixtures shall be properly connected to the Village of Winnetka sanitary sewer system in accordance with Chapter 15.24 of the Village Code.
4243. **507.1 General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall comply with the applicable provisions of Chapter 15.24 and 15.68 of the Village Code. Such drainage shall not be discharged in a manner that creates a public nuisance.

Additions are bold and double-underlined; deletions are struck through.

4344. **602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1st through May 31st to maintain a temperature of not less than 68°F in all habitable rooms, bathrooms and toilet rooms.

Exceptions: Exceptions 1 and 2 are deleted.

4445. **602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from October 1st through May 31st to maintain a temperature of not less than 68°F (20°C) during the period the spaces are occupied. The provisions of this section shall not apply to processing, storage and operation areas that require cooling or special temperature conditions, or to areas in which persons are primarily engaged in vigorous physical activities. [Exceptions 1 and 2 to Section 602.4 are not amended.]

4546. **603.1 Mechanical equipment and appliances.** The installation, alteration, repair and replacement of all mechanical equipment and appliances shall be subject to the provisions of the International Mechanical Code, ~~2003~~ **2015** Edition, as adopted and amended pursuant to Chapter 15.08 of the Village Code. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

4647. **604.1 Facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605. Such electrical system shall be properly connected to the Village of Winnetka Municipal Electric Utility in accordance with Chapter 13.08 of the Village Code.

4748. **604.2 Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code, ~~2002~~ **2014** Edition, as adopted and amended pursuant to Chapter 15.08 of the Village Code. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

4849. **701.1 Scope.** The minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided, shall be governed by ~~the provisions of this chapter, and~~ applicable provisions of the Village Code, including the International Fire Code, ~~2003~~ **2015** Edition, and NFPA 101 Life Safety Code, ~~2002~~ **2015** Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapter 15.16 – **Fire Prevention and Safety Codes** of the Village Code ~~and Chapter 8.04 –~~

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Security and Fire Detection Systems of the Village Code, as said chapters are adopted and amended by the Village of Winnetka. In the event of a conflict between these codes, the most restrictive code shall apply.

50. ~~702.1~~ **General.** A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code, 2003 Edition, and NFPA 101 Life Safety Code, 2000 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapter 15.16 of the Village Code.
51. ~~702.2~~ **Aisles.** The required width of aisles in accordance with the International Fire Code, 2003 Edition, and NFPA 101 Life Safety Code, 2000 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapter 15.16 of the Village Code, shall be unobstructed.
52. ~~702.3~~ **Locked doors.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Fire Code, 2003 Edition, and NFPA 101 Life Safety Code, 2000 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapter 15.16 of the Village Code.
53. ~~704.1~~ **General.** All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with applicable provisions of the Village Code, including the International Fire Code, 2003 Edition, and NFPA Publication 72, National Fire Alarm Code, 1996 Edition, NFPA Publication 13, Standards for the Installation of Automatic Sprinkler Systems, 1999 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapters 8.04 and 15.16 of the Village Code. In the event of a conflict between these codes, the most restrictive code shall apply.
54. ~~704.2~~ **Smoke alarms.** Single or multiple station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:
1. ~~On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.~~
 2. ~~In each room used for sleeping purposes.~~
 3. ~~In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level. Single or multiple station smoke alarms~~

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~~shall be installed in other groups in accordance with applicable provisions of the Village Code, including the International Fire Code, 2003 Edition, and NFPA Publication 72, National Fire Alarm Code, 1996 Edition, as said codes are adopted and amended by the Village of Winnetka pursuant to Chapters 8.04 and 15.16 of the Village Code. In the event of a conflict between these codes, the most restrictive code shall apply.~~

C. **Additions.** The International Property Maintenance Code, ~~2003~~ **2015** Edition, is further amended for adoption by the Village by adding the following provisions:

1. 202 General Definitions:
 - a. **REFUSE.** All system waste, as defined in Section 8.16.010 of the Village Code, as well as ashes, manure and yard waste.
 - b. **VILLAGE CODE.** The Winnetka Village Code, as published by the Village of Winnetka, including all amendments thereto.
2. **308.3.3 Grease Disposal.** All food service establishments and all retail food stores shall dispose of grease as provided in Section 8.12.010 of the Village Code.
3. **309.6 Food Services and Retail Food Stores.** All food service establishments and all retail food stores shall comply with the pest control provisions of Section 8.12.200 of the Village Code.

Section 15.08.090 Amendments to ~~International~~ Illinois Energy Conservation Code, 2012 2015 Edition.

A. **Exclusions.** The following provisions of the ~~International Energy Conservation Code, 2012 Edition~~ are excluded from adoption by the Village. **Illinois Energy Conservation Code (71 Ill. Admin. Code 600), as promulgated by the Illinois Capital Development Board, including the 2015 International Energy Conservation Code, and any subsequent amendments adopted by the Capital Development Board thereto, is hereby adopted in its entirety, save and except such portions as are hereinafter excluded or amended.**

Where a range of sections is are listed, the exclusion includes all sections and subsections within the specified range.

1. **104.3 Final inspection.** (Superseded by Section 15.32.160 of the Village Code.)
2. **107.1 Fees.** (Superseded by Section 15.32.020 of the Village Code.)
3. **107.3 Work commencing before permit issuance.** (Superseded by Section 15.32.010 of the Village Code.)
4. **107.5 Refunds.** (Superseded by Section 15.32.030 of the Village Code.)

B. **Amendments.** The following provisions of the ~~International~~ Illinois Energy Conservation Code, 2012-2015 Edition, are amended for adoption by the Village **and shall read as follows:**

Additions are bold and double-underlined; ~~deletions are struck through.~~

May 21, 2019

MC-5-2019

1. **101.1 Title.** These regulations shall be part of the Building Code of the Village of Winnetka and shall be known as the Energy Conservation Code of the Village of Winnetka. As used in the ~~International~~ Illinois Energy Conservation Code, 2012 2015 Edition, as adopted and amended by the Village, "this code" shall mean the Energy Conservation Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term "this code" shall mean the Winnetka Village Code, and the Energy Conservation Code of the Village of Winnetka shall be called the "Energy Conservation Code."
2. **108.2 Stop Work Order - Issuance.** The issuance of stop work orders shall be subject to the enforcement provisions set forth in Chapter 15.04 of the Village Code.
3. **109.1 Board of Appeals – General.** The Building and Zoning Board of Appeals created by Chapter 3.44 of the Village Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code."

Section 15.08.100 Amendments to the International Existing Building Code, 2015 Edition.

A. Exclusions. The following provisions of the International Existing Building Code, 2015 Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. 104.2.1 Preliminary meeting.
2. 104.10.1 Flood hazard areas.
3. 105.1.1 Annual permit.
4. 105.1.2 Annual permit records.
5. 105.5 Expiration. (Superseded by Section 15.32.190 of the Village Code.)
6. 105.7 Placement of permit. (Superseded by Section 15.32.180 of the Village Code.)
7. 106.2 Construction documents. (Superseded by Section 15.32.050 of the Village Code.)
8. 106.3.1 Approval of construction documents. (Superseded by Section 15.32.090 and 15.32.100 of the Village Code.)
9. 108.2 Schedule of permit fees. (Superseded by Section 15.32.020 of the Village Code.)
10. 108.4 Work commencing before permit issuance. (Superseded by Section 15.32.010 of the Village Code.)
11. 108.6 Refunds. (Superseded by Section 15.32.030 of the Village Code.)
12. 112 Board of Appeals. (Superseded by WVC Chapter 3.44)
13. Section 607 Electrical (Superseded by Section 15.08.070 of the Village Code.)
14. Section 609 Plumbing. (Superseded by Section 15.08.060 of the Village Code.)

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15. Section 705 Accessibility (Superseded by adoption of the State of Illinois Accessibility Code, 71 Ill. Admin. Code 400 et seq., 2018 or current Edition; See Village Code Sections 15.08.010 and 15.08.120.)

16. 1501.6.4 Barriers. (See IBC Section 3306.9.1, as amended)

B. Amendments. The following provisions of the International Existing Building Code, 2015 Edition, are amended for adoption by the Village and shall read as follows:

1. 101.1 Title. These regulations shall be part of the Building Code of the Village of Winnetka. As used in the International Existing Building Code, 2015 Edition, as adopted and amended by the Village, "this code" shall mean the Building Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term "this code" shall mean the Winnetka Village Code, and the Building Code the Village of Winnetka shall be called the "Building Code."

2. 101.6 Appendices. Adopted as part of this code are:

- a. Appendix B – Supplementary Accessibility Requirements for Existing Buildings
- b. Appendix C – Guidelines for Wind Retrofit of Existing Buildings.
- c. Resource A – Information on Fire Resistance of Archaic Materials and Assemblies.

3. 103.1 Creation of enforcement agency. The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is hereby established as the enforcement agency for this building code, and the Director of Community Development shall be known as the building official.

4. 103.3 Deputies. Subject to the approval of the Village Manager, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

5. 104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this building code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reasons make the strict letter of this building code impractical and that the modification is in compliance with the intent and purpose of this building code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of actions granting modifications shall be recorded and entered in the files of the Department of Community Development.

6. 105.2 Work exempt from permit. Permits shall not be required for the following work.

a. Building

- i. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

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- ii. Construction or installation of temporary motion picture, television and theater stage sets and scenery. Notwithstanding the foregoing, a film production permit shall be required as provided in Chapter 5.20 of the Village Code.
 - iii. Prefabricated swimming pools that are accessory to a detached one- or two-family dwelling, as applicable in Section 101.2, and that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
 - iv. Swings and other playground equipment accessory to detached one- and two-family dwellings.
- b. Electrical:**
- i. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- c. Mechanical:**
- i. Portable heating appliances.
 - ii. Portable ventilation appliances.
 - iii. Portable cooling units.
 - iv. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
 - v. Portable evaporative coolers.
 - vi. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
 - vii. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- d. Plumbing:**
- i. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
 - ii. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
7. Exemptions from the permit requirements of this Building Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the Village Code or any other laws or ordinances of the Village.
8. 112.1 General. The Building and Zoning Board of Appeals created by Section 3.44.010 of the Village Code shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application

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and interpretation of this building code. Appeals shall be subject to the provisions of Chapter 15.72 of the Village Code.

9. 115.2.1 Stop work order policy. The issuance of stop work orders shall be subject to the enforcement provisions set forth in Chapter 15.04 of the Village Code.
10. 410.8.2 Elevators. Altered elements of existing elevators shall comply with the current provisions of the state of Illinois safety codes and standards for elevators and conveyances.
11. 410.8.3 Platform lifts. Platform (wheelchair) lifts complying with the current provisions of the state of Illinois safety codes and standards for elevators and conveyances shall be permitted as a component of an accessible route.
12. 702.6 Materials and methods. All new work shall comply with materials and methods requirements in the International Building Code, the International Residential Code, the Illinois Energy Conservation Code, the International Mechanical Code, the International Fuel Gas Code and the State of Illinois Plumbing Code, as amended and adopted by the Village, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component or system in the building.
13. 708.1 Minimum requirements. Level 1 alterations to existing buildings or structures are permitted without requiring the entire building or structure to comply with the energy requirements of the International Energy Conservation Code, as amended by the Illinois Energy Conservation Code.
14. 1010.1 Increased Demand. Where the occupancy of an existing building or part of an existing building is changed such that the new occupancy is subject to increased or different plumbing fixture requirements, or to increased water supply requirements in accordance with the current edition of the State of Illinois plumbing code, the new occupancy shall comply with the intent of the respective provisions of the current edition of the State of Illinois plumbing code.
15. 1010.2 Food-Handling Occupancies. If the new occupancy is a food-handling establishment, all existing sanitary waste lines above the food or drink preparation or storage areas shall be panned or otherwise protected to prevent leaking pipes or condensation on pipes from contaminating food or drink. New drainage lines shall not be installed above such areas and shall be protected in accordance with the current edition of the State of Illinois Food Code.
16. 1010.3 Interceptor Required. If the new occupancy will produce grease or oil-laden wastes, interceptors shall be provided as required by the current edition of the State of Illinois Plumbing Code.
17. 1012.2.1 Fire Sprinkler System. Where a change in occupancy classification occurs, that requires an automatic fire sprinkler system to be provided based on the new occupancy in accordance with Chapter 9 of the International Building Code, and in conformance with Section 15.16.050.

Additions are bold and double-underlined; deletions are struck through.

18. 1501.2 Storage and placement. Storage and placement of construction equipment and materials shall be in conformance with Section 3306.9.1 of the International Building Code, as amended and adopted by the Village.

Section 15.08.110 Adoption of the International Swimming Pool and Spa Code.

Adoption of code by reference. The provisions of Chapters 1, 2, 3, 7, 8, 9, and 10 of the International Swimming Pool and Spa Code, 2015 edition, published by the International Code Council, Inc., are hereby adopted by this reference, subject only to the additions, deletions and modifications specifically set forth within this Code.

A. Exclusions. The following provisions of the International Swimming Pool and Spa Code, 2015 edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

1. 104.7 Department records.
2. 105.5 Expiration. (Superseded by Section 15.32.190 of the Village Code.)
3. 105.6 Fees (Superseded by Section 15.32.020 of the Village Code.)
4. 105.6.3 Fee refunds. (Superseded by Section 15.32.030 of the Village Code.)
5. Section 108 Means of Appeals. (Superseded by WVC Chapter 3.44)

B. Amendments. The following provisions of the International Swimming Pool and Spa Code, 2015 edition are amended for adoption by the Village and shall read as follows:

6. 101.1 Title. Insert "the Village of Winnetka, Cook County, Illinois" for "[name of jurisdiction]".
7. 101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of residential swimming pools and residential spas. The pools and spas covered by this code are either permanent or temporary, and shall be only those that are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing or wading.
8. 102.7.2 Illinois Plumbing Code. Whenever a reference is made to the International Plumbing Code, such reference shall be deemed to refer to the applicable section of the Illinois Plumbing code, as adopted by the Village of Winnetka.
9. 103.1 Creation of enforcement agency. The Department of Community Development created pursuant to Chapter 2.44 of the Village Code is hereby established as the enforcement agency for this building code, and the Director of Community Development shall be known as the building code official.
10. 107.3 Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor. If the notice of violation is not complied with, the Code Official may institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction

Additions are bold and double-underlined; deletions are struck through.

made pursuant thereto. Any action taken by the authority having jurisdiction on such premises may be charged against the real estate upon which the structure is located and may be a lien upon such real estate.

11. 107.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws and shall be subject to penalties and fines as provided in Section 15.04.110 of the Village Code.
12. Section 202 Definitions. Add: "Private swimming pool" means a man-made rigid or semi-rigid receptacle for water having a depth at any point greater than eighteen (18) inches, used or intended to be used for swimming, wading or bathing and constructed, installed or maintained in or above the ground, and which is used exclusively by the owner or occupant of the lot or premises in the Village on which it is located, his or her family and his or her guests.
13. 302.1 Electrical. Electrical requirements for residential swimming pools and residential spas shall be in accordance with the National Electrical Code - NFPA 70, 2014 edition, and as applicable in accordance with Section 102.7.
14. 302.2 Water service and drainage. Piping and fittings used for water service, makeup and drainage piping for residential swimming pools and spas shall comply with the State of Illinois Plumbing Code, 2014 or current edition. Fittings shall be approved for installation with the piping installed.
15. 305.1 General. The provisions of this section shall apply to the design of barriers for residential swimming pools and spas. These design controls are intended to provide protection against the potential drowning and near drowning by restricting access to such vessels. These requirements provide an integrated level of protection against potential drowning through the use of physical barriers and warning devices.

Exceptions:

1. Spas and hot tubs with a lockable safety cover that complies with ASTM F 1346.
16. 305.2.1 (5). A fence on an adjoining property or building or existing wall complying with the requirements in this section may be used as part of the enclosure, with the approval of the Community Development Director, if the resultant enclosure is sufficient to make the pool inaccessible to small children. If at any time said existing fence or wall being used as part of the enclosure is removed, the enclosure of the pool shall immediately be made to meet the requirements of the section at the pool owner's expense.

Section 15.08.120 Amendments to the State of Illinois Accessibility Code, 2018 or current edition.

Adoption of code by reference. The provisions of the Illinois Accessibility Code, 71 Ill. Admin. Code 400 et seq., 2018 or current edition, is hereby adopted by this reference as the Accessibility Code of the Village of Winnetka, subject only to the additions, deletions and modifications specifically set forth within this Code.

Additions are bold and double-underlined; deletions are struck through.

A. Exclusions. The following provisions of the Illinois Accessibility Code, 2018 or current edition, are excluded from adoption by the Village:

1. None.

B. Amendments. The following provisions of the Illinois Accessibility Code, 2018 or current edition, are amended from adoption by the Village:

1. None.

EXHIBIT B

CHAPTER 15.16

FIRE PREVENTION AND LIFE SAFETY CODE

Section 15.16.010 Adoption of codes by reference.

A. **Adoption of codes by reference.** The model codes described in the following subsections 1 through 7 are each adopted by reference pursuant to the home rule authority of the Village of Winnetka under Article VII, Section 6 of the State of Illinois Constitution of 1970, and further pursuant to applicable provisions of the Illinois Municipal Code and the Municipal Adoption of Codes and Records Act, 50 ILCS 220/1 through 220/7, except as modified by the exclusions, amendments and additional provisions set forth in this chapter.

1. International Fire Code, ~~2009~~ **2015** Edition, **including the following:**

2. Appendices:

a. Appendix B: Fire-Flow Requirements for Buildings

b. Appendix C: Fire Hydrant Locations and Distribution

c. Appendix D: Fire Apparatus Access Roads

d. Appendix I: Fire Protection Systems - Noncompliant Conditions

3.2. National Fire Protection Association (NFPA) 101 Life Safety Code, ~~2009~~ **2015** Edition.

4.3. Standards for the Installation of Automatic Sprinkler Systems, National Fire Protection Association (NFPA) Publication 13, ~~2010~~ **2016** Edition.

5. Standards for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies, National Fire Protection Association (NFPA) Publication 13R, 2016 Edition.

6. Standards for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, National Fire Protection Association (NFPA) Publication 13D, 2016 Edition.

7.4. Standards for the Installation of Standpipe and Hose Systems, National Fire Protection Association (NFPA) Publication 14, ~~2010~~ **2016** Edition.

8.5. National Fire Alarm Code **and Signal Code**, National Fire Protection Association (NFPA) Publication 72, ~~2012~~ **2016** Edition.

B. **Rules of construction.** In the event any provision of the codes adopted by reference in this chapter conflict with state law, with any other ordinance of the Village, or with any other provision of this code, the provision requiring the highest standard for protection of life or property, as determined by the Fire Chief, shall prevail.

Section 15.16.020 Amendments to the International Fire Code, ~~2009~~ **2015** Edition.

A. **Exclusions.** The following provisions of the International Fire Code, ~~2009~~ **2015** Edition, are excluded from adoption by the Village. Where a range of sections is listed, the exclusion includes all sections and subsections within the specified range.

Additions are bold and double-underlined; ~~deletions are struck through.~~

1. ~~108.1 Board of appeals established.~~ **Section 108 Board of Appeals (Superseded by WVC Chapter 3.44)**

2. **3404.2.13.1.4 Tanks abandoned in place.**

B. **Amendments.** The following provisions of the International Fire Code, ~~2009~~ **2015** Edition are amended for adoption by the Village **and shall read as follows:**

1. **101.1 Title.** These regulations shall be known as the Fire Code of the Village of Winnetka. As used in the International Fire Code, ~~2009~~ **2015** Edition, as adopted and amended by the Village, "this code" shall mean the Fire Code of the Village of Winnetka. As used in the ordinances and codes published by the Village, the term "this code" shall mean the Winnetka Village Code, and the Fire Code of the Village of Winnetka shall be called the "Fire Code."

2. **105.3.1 Expiration.**

10. An operational permit shall remain in effect until reissued, renewed, or revoked, or for such a period of time as specified in the permit.

11. The length of time during which any construction permit issued for work under the Fire Code remains in effect shall be determined pursuant to Sections **15.32.190** of the Village Code.

3. **111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine in accordance with Section 1.08.010 of the Village Code.**

4. **112.1 Authority to disconnect service utilities. The fire code official shall have the authority to authorize disconnection of utility service to the building, structure or system in order to safely execute emergency operations or to eliminate an immediate hazard. The fire code official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The owner or occupant of the building, structure or service system shall be notified as soon as practical thereafter.**

5. **Section 202 General Definitions, Food Truck and Mobile Food Vendor: A vendor with a self-contained food service operation, located in a readily movable motorized wheeled vehicle, towed vehicle or food cart, used to store, prepare, display and/or serve food intended for individual portion service.**

6.3-307.4.3 Outdoor fires; outdoor fireplaces, outdoor pizza ovens and fire pits.

- a. Outdoor fires in general. All outdoor fires, recreational or otherwise, shall be subject to the following requirements:
 - i. All outdoor fires shall be under continuous competent supervision.
 - ii. No outdoor fire, including but not limited to, fires in outdoor fireplaces, outdoor pizza ovens, fire pits and similar devices, shall be used in such a manner or location that it causes any building fire alarm to activate or that it otherwise creates a hazardous or objectionable condition.

Additions are bold and double-underlined; ~~deletions are struck through.~~

- iii. All outdoor pizza ovens must be equipped with a chimney with a spark arrestor installed in good working condition.
- b. Outdoor fireplaces, outdoor pizza ovens and fire pits. All portable outdoor fireplaces, outdoor pizza ovens, fire pits and similar devices, and all such devices that are permanently installed, shall be located and operated at least fifteen (15) feet from any building. Notwithstanding the foregoing, the operation of a permanent outdoor fireplace, outdoor pizza oven, fire pit or similar device that was lawfully installed before July 17, 2012, shall be permitted, provided that such operation complies with the above Section 307.4.3.a.
- c. Authority to extinguish. The code official is authorized to order the extinguishment of any outdoor fire that is not in compliance with this code or that otherwise creates a hazardous or objectionable condition.

C. **Additions.** The International Fire Code, 2009 2015 Edition, is further amended by adding the following new provisions:

1. Section 319 FOOD TRUCK AND MOBILE FOOD VENDOR PREVENTION CODE Add the following subsections and paragraphs:

a. 319.1 General safety. The following requirements shall apply:

- i. Obtain proper permits from the Village.**
- ii. A 10# ABC Fire extinguisher is required for all food trucks.**
- iii. Workers must be knowledgeable in operations of fire protection systems, utility shut-offs, emergency procedures and access to fire/police.**
- iv. A K-Type extinguisher is required for any grease cooking operation.**
- v. Food truck to provide a 10 foot clearance from all buildings, other vehicles and combustible materials. Variations require approval of a Fire Department Official.**
- vi. All exhaust from the truck or generator shall be directed away from and a minimum of 10 feet from any intake, opening or means of egress.**
- vii. A fire department access road must be maintained.**
- viii. The use of a tent or canopy will require a separate permit.**

b. 319.2 Generator safety. The following requirements shall apply:

- i. All fuel tanks are to be filled to proper capacity for continuous service prior to the start of the event.**
- ii. Generators shall be shut-down and cooled prior to refueling.**
- iii. All electrical appliances and generators shall comply with the Electrical Code (NEPA70 - 2014).**
- iv. Generators attached to the vehicles shall be enclosed in a vented housing and away from public access.**
- v. Cords in the walkways or exit paths must be covered to prevent trips/falls.**
- vi. Generators shall be properly grounded.**

c. 319.3 LPG Gas safety. The following requirements shall apply:

Additions are bold and double-underlined; deletions are struck through.

- i. All gas shut-offs shall be readily accessible.
- ii. LPG tanks shall be stored in the upright position and secured to prevent from falling over.
- iii. All LPG tanks shall be inspected for leaks prior to use.
- iv. No LPG tank is permitted to be stored in the vehicle during operations.
- v. Tanks stored outside the vehicle should be 10 feet from any building, combustible materials or any other vehicle.
- vi. Keep LPG tanks out of direct sunlight and from general public access.
- vi. All LPG lines and fittings must be listed for LPG use.

d. 319.4 Wood/charcoal cooking. The following requirements shall apply:

- i. Wood/charcoal shall be stored not less than 3 feet from cooking area.
- ii. Fuel should not be stored near food supply, combustible materials, ignition sources or chemicals.
- iii. Ashes must be placed into a closed metal container a minimum of 3 feet from the cooking area.
- iv. Ashes should not be disposed of in public waste containers.

- 2. 505.3 Premise identification - rear and side access. See Chapter 15.44.010(C) – Supplementary Standards and Requirements for reference to Display of Street Numbers. In addition to the premises identification in Section 505.1, all buildings except for one and two family dwellings shall have their address posted on any rear and/or side door. The signage shall include the address, the name of the street and business name or building name. The sign shall be installed at a height of approximately five feet (5') above the standing surface. The sign shall be installed immediately to the side of the door so it is visible with the door in the open or closed position. All other installation locations shall be approved by the Fire Chief or his designee.
- 3. ~~607.5 Elevator size.~~ Elevator installations in any building other than a one or two family dwelling shall include at least one elevator that is designed to accommodate an ambulance stretcher in a horizontal position, plus two (2) attendants.
- 3. 806.1.4 Storage and display of Christmas trees. Christmas trees stored or displayed for sale shall be outside of buildings at a distance of at least ten (10) feet from any building or structure, except that such trees may be stored closer to a blank masonry wall with the permission of the owner of such wall. No Christmas trees may be stored or displayed within thirty-five (35) feet of any gasoline pump. Trees remaining on hand after December 25th of any year shall be removed from the premises not later than December 31st of the same year.
- 4. 905.3.1 Applicability of Standpipe and Hose System Regulations. A standpipe and hose system, installed in accordance with the standards set forth in Standard for the Installation of Standpipe and Hose Systems, NFPA Publication 14, 2015 Edition, shall be installed in all buildings, other than one- and two-family dwellings, that are more than two stories in height, regardless of the height of any such buildings measured in linear terms, such as feet or meters.

Additions are bold and double-underlined; deletions are struck through.

5. 5601.3 Storage and sale of explosives. No person shall have, store, sell, transport or give away to any user or consumer any gunpowder, dynamite, blasting powder, nitroglycerine, rocket fuel or any other explosive of like nature, within the limits of the Village, except that this regulation shall not prohibit the storage of loaded shells for small arms nor the hand loading of small arms ammunition for private personal use (but not for resale), or use by law-enforcing agencies.
6. 5601.4 Use of explosives. No person shall use or discharge any gunpowder, dynamite, blasting powder, nitroglycerine, rocket fuel or other explosive of like nature, within the limits of the Village, excepting for blasting operations in accordance with the terms and conditions of a permit to be issued by the fire code official in his or her reasonable discretion.
7. Section 5610 Possession and sales of fireworks prohibited.
- a. Possession and Sale Prohibited. No person shall possess, sell, offer for sale, loan or give away, to any retail dealer, consumer or user in the Village, any article or substance of an explosive nature designed or intended to be used as fireworks, including but not limited to any toy pistol, toy gun, toy cannon, blank cartridge, firecracker, sparkler, rocket, torpedo squib or colored fire, except in accordance with a permit for a supervised public display issued by the Village Manager pursuant to rules and regulations adopted by the Council.
- b. Use. No person shall use, give away, offer for sale, sell, fire, discharge or set off within the limits of the Village any article, or any substance of any explosive nature, including without limitation blank cartridges, firecrackers, sparklers and colored fire designed or intended to be used as fireworks except in accordance with a permit for supervised public display issued by the Village Manager pursuant to rules and regulations adopted by the Council. Sky lanterns are prohibited to be used within the Village. Storage of fireworks for permitted public display shall be in accordance with the 2015 International Fire Code, and shall be limited to a period of not more than fifteen (15) days prior to date of use.
- c. Violations and penalties. Any person who violates this section shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00).
8. 6109.15 LP-gas cylinder exchange for resale. Add: paragraph 5. The outside storage of LPG containers pending their use, sale or resale, including containers stored outside as part of a cylinder exchange program, shall not exceed a combined total of 120 gallons (twenty-four 25-pound cylinders) water capacity.

Section 15.16.030 Amendments to the NFPA 101 Life Safety Code, 2009 2015 Edition.

A. **Amendments.** The following provisions of the NFPA 101 Life Safety Code, 2009 2015 Edition are amended for adoption by the Village and shall read as follows:

1. **1.1.1 Title.** The NFPA 101 Life Safety Code, 2009 2015 Edition, shall be known as the Life Safety Code of the Village of Winnetka.

Additions are bold and double-underlined; deletions are struck through.

May 21, 2019

MC-5-2019

2. **1.3 Application.**

1.3.5 Restoration of damaged buildings. Whenever any existing building is damaged by fire or other cause to the extent that the cost of restoration to its condition immediately prior to the occurrence shall exceed fifty (50) percent of the cost of the restoration of the entire building new or whenever alterations or additions are made to any existing building which are equivalent to more than fifty (50) percent of the value of such building, the construction or alteration shall include all changes necessary to bring the building into conformity with the Life Safety Code. Costs determined under this paragraph shall be determined in the same manner such costs are determined for nonconforming buildings under Chapter 17.64 of this code.

3. **7.2.1.4.2.1 Exit Doors.** Exit doors shall be installed to swing with exit travel, regardless of the number of persons served, in any building used for an occupancy described in subsection A of Section 15.16.080 of this chapter, except where the Fire Chief has determined that compliance is unreasonably difficult to accomplish and that non-compliance does not pose a life safety hazard.

Section 15.16.040 Amendments to the Standards for Installation of Standpipe and Hose Systems, National Fire Protection Association (NFPA) Publication 14, 2010 2016 Edition.

A. **Amendments.** The following provisions of the Standard for Installation of Standpipe and Hose Systems, National Fire Protection Association (NFPA) Publication 14, 2010 2016 Edition are amended for adoption by the Village.

1. **Title.** The Standard for the Installation of Standpipe and Hose Systems, 2010 2016 Edition, also known as NFPA Publication 14, shall be known as Standpipe and Hose System Regulations of the Village of Winnetka.
2. ~~**Applicability of Standpipe and Hose System Regulations.** A standpipe and hose system, installed in accordance with the standards set forth in Standard for the Installation of Standpipe and Hose Systems, NFPA Publication 14, 2010 Edition, shall be installed in all buildings, other than one and two family dwellings, that are more than two stories in height, regardless of the height of any such buildings measured in linear terms, such as feet or meters.~~

Section 15.16.050 Fire Sprinkler Requirements.

A. **Applicability.** Except as provided in Section 15.16.050 (B) of this code, automatic fire sprinkler systems, installed in accordance with the standards set forth in NFPA Publication 13, Standard for the Installation of Sprinkler Systems, 2010 2016 Edition, or alternate similar fire suppression systems as approved by the Fire Chief or his designee, shall be installed in all buildings used for the following occupancies:

1. Assembly occupancy used for gathering together six or more persons;
2. Any occupancy where there is an activity involving the use of flammable liquids or gases or where flammable or combustible finishes are applied;
3. Mercantile occupancy;

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4. Institutional occupancy;
5. Multifamily residential occupancy;
6. Educational occupancy;
7. Business occupancy; or
8. Storage occupancy.

B. **Exceptions.** The requirements of Section 15.16.050.A of this code shall not apply to any building that has same use or occupancy as the use or occupancy that was in existence in the building prior to the effective date of the amendment of this Section being February 15, 1977.

C. **Fee rebate.** Any building owner, other than a unit of government, who files, during the period beginning January 1, 2016 and ending December 31, 2021, with the Village the permit applications and other submittals necessary to install an automatic fire sprinkler system may obtain a rebate of the Village's applicable plan review fees, water service tap fee, water meter fee, street replacement fees, and right-of-way excavation fee, as those fees may be amended from time to time by the Village Council. Eligible building owners may apply for these fee rebates after the Village Fire Chief or his designee approves the automatic fire sprinkler system installed within the building.

D. **Deferred installation of water service.** If the installation of a new automatic fire sprinkler system within a building, other than a building owned by a unit of government, requires installation of a new water service line connecting the building to a Village water main, the owner of the building may defer installation of the new water service line subject to, and contingent upon, all of the following conditions:

1. Before installation of the automatic fire sprinkler system, the building owner must execute and deliver to the Village an agreement in a form provided by the Village and providing, among other things, that the building owner must: (a) construct and install the new water service line in accordance with all applicable Village ordinances and other applicable laws within five (5) years after the effective date of the agreement, (b) acknowledge that the Village may revoke and refuse to issue any certificate of occupancy for the building if the building owner fails to comply with any of the provisions of the agreement, and (c) authorize the Village to record the agreement with the Cook County Recorder of Deeds against the property on which the building is located.
2. A certificate of occupancy will not be issued for the building unless and until the building owner installs the automatic fire sprinkler system within the building in accordance with the requirements of Section 15.16.050.A of this code and all plans and other submittals filed with, and approved by, the Village, and this certificate of occupancy shall be subject to completion of the necessary water service line in accordance with the requirements of the agreement described in Section 15.16.050.D.1 of this code.
3. At all times before completion of the new water service line and its approval by the Village in accordance with all applicable Village ordinances and other

Additions are bold and double-underlined; ~~deletions are struck through.~~

applicable law, the building must be equipped with a fire alarm system that complies with all Village ordinances and other laws applicable to a building that is not equipped with a fire sprinkler system.

E. **Permitted temporary occupancies.** A building owner of a building subject to Section 15.16.050 .B of this code, may apply to the Village Fire Chief for a temporary certificate of occupancy for a ninety (90)-day use or occupancy of the building that differs from the use or occupancy that was in existence in the building on February 15, 1977. The Village Fire Chief or his designee may issue such a temporary certificate of occupancy without requiring the owner to install a new automatic fire sprinkler system, subject to, and contingent upon, the following conditions:

1. Before commencement of the temporary use or occupancy, the building owner must execute and deliver to the Village an agreement in a form provided by the Village and providing, among other things, that the building owner must: (a) cease the temporary use or occupancy no later than ninety (90) days after the day it commences; and (b) acknowledge that the Village may revoke and refuse to issue any certificate of occupancy for the building if the building owner fails to comply with any of the provisions of the agreement.
2. Not more than one (1) temporary certificate occupancy may be approved pursuant to this Section 15.16.050.E of this code for the same building in any three hundred sixty-five (365)-day period.
3. If a temporary use or occupancy approved pursuant to this Section 15.16.050.E does not cease within ninety (90) days after it commences: (a) the building owner will be subject to a fine in the amount of \$250.00 for each day that the temporary use or occupancy continues after the expiration of the temporary certificate of occupancy, (b) the Village Fire Chief or his designee may cause the building to be vacated, (c) Section 15.16.050.B of this code will no longer apply to the building, and (d) the Village will not issue any certificate of occupancy for any future use or occupancy of the building unless and until the building owner installs an automatic fire sprinkler system within the building that complies with the requirements of Section 15.16.050.A of this code.
4. No decision by the Village Fire Chief or his designee pursuant to this Section 15.16.050.E may be appealed pursuant to Section 15.16.090 of this code.

F. **Terms.** The terms used in this section shall have the same meanings as those terms have in the Fire Prevention Code and the Life Safety Code adopted by this chapter.

Additions are bold and double-underlined; deletions are struck through.

EXHIBIT C

CHAPTER 15.44

SUPPLEMENTARY STANDARDS AND REQUIREMENTS

Section 15.44.010 Numbering buildings.

A. Base Lines.

1. All lots or buildings located on north and south streets in the Village or on streets running in a northerly and southerly direction shall be numbered northerly from a line running east and west one thousand (1,000) feet south of and parallel with the south section line extended of Sections 21 and 22, Township 42 north, Range 13 east, of the third P.M., Cook County, Illinois as a base line, beginning with the number one and increasing towards the north or northerly.
2. All lots or buildings located on east and west streets in the Village or on streets running in an easterly and westerly direction shall be numbered westerly from a line running north and south two thousand (2,000) feet east of and parallel with the east section line extended of Sections 21 and 22, Township 42 north, Range 13 east, of the third P.M., Cook County, Illinois as a base line, beginning with the number one, and increasing toward the west or westerly.

B. Assignment of Numbers.

1. Numbers shall be assigned to lots and buildings as set forth in the Street Numbering Atlas on file in the office of the Director of Public Works. Such atlas is referred to and adopted and made a part of this section as fully as if set forth in full herein. The even numbers shall be assigned to the southerly and westerly sides of streets, and odd numbers to the northerly and easterly sides of streets.
2. The Director of Community Development shall assign to each lot or building its proper number and shall notify the owner or occupant.

C. Display of Street Numbers. ~~Numbers assigned shall be displayed on the street side of each building by the owner or occupancy within thirty (30) days after notice from the Director of Community Development. The figures of building numbers shall be not less than four (4) inches in height, shall be of such character as to be distinctly and easily read and shall be placed in a conspicuous place on the street side of the premises to which they are assigned.~~

- 1. Assigned numbers for new and existing buildings shall be provided with approved address identification. The address identification shall be legible and places in a position that is visible from the street or road fronting the property and displayed by the owner or occupant within thirty (30) days after notice from the Director of Community Development. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches high with a minimum stroke width of 1/2 inch. Where access is by means of a private road and the building cannot be viewed from the**

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public way, a monument, pole or other sign or means shall be used to identify the structure.

2. In addition to the premise's identification, all buildings except for one- and two-family dwellings shall have their address posted on any rear and/or side door. The signage shall include the address, the name of the street and business name or building name. The sign shall be installed at a height of approximately five (5) feet above the standing surface. The sign shall be installed immediately to the side of the door, so it is visible with the door in the open or closed position. All other installation locations shall be approved by the Fire Chief or his designee.

3. Address identification shall be maintained.

Section 15.44.020 Moving buildings.

- A. Permit. No building shall be moved on or across any public street, alley or other public place within the Village by any person except upon a permit issued by the Village through the Director of Public Works.
- B. Application for Permit. Application for such permit, ~~on forms provided by~~ in a form acceptable to the Village, shall describe the building to be moved, where located, the place to which it is to be moved, the route to be taken, the time probably required for such moving and each other information as the Director of Public Works deems necessary.
- C. Standards for Issuance of Permit. Upon consideration of the application and such inspection as the Director of Public Works may deem necessary, and upon receipt of all required fees and deposits, the Director of Public Works shall issue the permit; provided that, the Director determines that the applicant has complied with all other provisions of this section, and that:
 1. The proposed move will not be detrimental to the public safety or welfare;
 2. The proposed move will not damage private, Village or public utility property without the consent of the owner; and
 3. The work proposed to be done is in accordance with this code, and that the necessary permits under this code have been issued.
- D. Fees and Deposits. ~~Prior to the issuance of a permit to move a building, the applicant shall pay to the Village a fee for the occupancy of the street(s) through which the building is proposed to be moved. The fee shall be determined by the Director of Public Works by applying a daily rate to the estimated number of days required to move the building. In addition to the fee and the right-of-way restoration deposit required by Section 12.04.120 of this code, prior to the issuance of a permit to move a building, the applicant shall also make a deposit to the Village, in an amount determined by the Director of Public Works as sufficient to reimburse the Village and any public utility company for the cost of removing and replacing all overhead wires, cables and appurtenances, and for the making of necessary repairs to such overhead wires, cables and appurtenances, and to reimburse the Village for any damage that might occur to any public structure in any street,~~

Additions are bold and double-underlined; ~~deletions are struck through.~~

~~alley or public place over which the building may be moved.~~ **The applicant shall pay a non-refundable application processing fee of \$250.00 at the time the moving of a building application request is filed. Upon completion of moving the building, the Director of Public Works shall prepare a detailed account of all services provided for the moving of the building and shall set the final user fee using the rates, fees and charges established as provided in this Chapter, plus a ten percent (10%) non-refundable administrative fee. The Village shall provide the authorized and responsible person identified in the application request with a copy of the detailed account of services and an invoice for the expenses. The balance of the expenses shall become due and payable immediately upon its receipt.**

1. Use of Village Personnel. The rates charged for the use of Village personnel shall be fixed from time to time by resolution of the Village Council.

2. Use of Village Equipment. The rates charged for the use of Village equipment shall be fixed from time to time by resolution of the Village Council.

3. Use of Village Rights-of-Way. The rates charged for the use of Village rights-of-way property shall be at the rates set forth in this section, based on the extent of interference with or disruption of the normal use and operation of the Village right-of-way.

a. For the total closure of any public street or right-of-way for any block or part of a block, the cost shall be fifty dollars (\$50.00) per hour.

b. For the partial closure or obstruction of any public street or right-of-way within any block, the cost shall be twenty-five dollars (\$25.00) per hour.

4. Use of Village Supplies and Materials. The cost of materials to repair overhead wires, cables and appurtenances as well as costs of materials to repair any damage that might occur to any Village street, alley or public place over which the building may be moved.

E. Appeal. In the event the Director of Public Works denies a request to issue a permit to move a building, the Director's decision shall be subject to review by the Village Council, upon the written request of the applicant. If the Village Council finds the application to be in compliance with the requirements of this section, it shall adopt a resolution directing the issuance of such permit.

F. Liability Insurance. No permit to move a building shall be issued unless the applicant has first obtained liability insurance in a form and amount acceptable to the Director of Public Works and Village Attorney, which insurance shall indemnify the Village against any loss, costs or damages resulting from any injury to any of the workers or employees of the person engaged in the moving of the building, and indemnifying the Village against any loss, costs or damages resulting from any injury suffered by any other person or damage to any property resulting from the moving of the building.

G. Occupation of Streets. No building moved shall be permitted to stand or remain in the intersection of any street, or of any street and public alley, or upon any railroad crossing at any time during the course of its removal.

Additions are bold and double-underlined; ~~deletions are struck through.~~

- H. Lights. From dusk until sunrise on each night while a building being moved remains on the public streets or alleys of the Village, the person to whom such permit is issued shall maintain at the center and each end of such building adequate warning lights.
- I. Care of Pavements. It is unlawful for any person moving a building to drive stakes in any pavement, public alley or at any railroad or railway crossing.
- J. Supervision of Work. If the terms of the permit are not fully complied with, the Director of Public Works shall have the authority to stop such work and to direct and supervise the completion of such work in accordance with the terms of the permit or to take such action as may be necessary in any emergency which may arise. Such actions shall be at the applicant's expense and the deposit required may be applied toward payment of such expenses."

Section 15.44.030 Awnings and Rigid Canopies

- A. Permit Required. No person shall install, erect, construct or replace an awning or rigid canopy (other than one attached to a single-family dwelling or a building or structure accessory to such single-family dwelling) without first obtaining a permit from the Director pursuant to this chapter and Section 12.24.010 of this code, and also obtains a certificate of appropriateness of design from the Design Review Board, as provided in this title. The fee for such permit shall be set from time to time by resolution of the Village Council.
- B. Application for Permit. Application for such permit shall be made on forms provided by the Director. The fee for such permit shall be set from time to time by resolution of the Village Council.

Section 15.44.040 Impermeable Surfaces

- A. Permit Required. No person shall construct any impermeable surface, as defined in Section 17.04.030 of this code, without first obtaining a permit from the Director.
- B. Application for Permit. Application for such permit shall be made on forms provided by the Director. The fee for such permit shall be set from time to time by resolution of the Village Council.

Section 15.44.050 Freestanding heating or cooling devices and stationary generators

- A. Definitions. For the purpose of this section the term "freestanding heating or cooling device" means any device designed to collect, store or produce heat or cooling, including solar heating or water heating devices, heat pumps and air conditioning units not enclosed within a building or accessory building, but does not include a portable window air conditioner. **Also, for the purpose of this chapter, a "stationary generator" shall be defined as a piece of permanent equipment that produces auxiliary, standby or backup electrical power to a whole building/structure or a portion thereof.** A

Additions are bold and double-underlined; ~~deletions are struck through.~~

"freestanding heating or cooling device" and a "stationary generator" are each is deemed to be a "building" as that term is used in the Zoning Ordinance.

- B. Permit Required. No person shall install or replace any freestanding heating or cooling device or any stationary generator within the Village without first obtaining a permit from the Director.
- C. Applications for Permit. Application for such permit shall be made on forms provided by the Director. The fee for such permit shall be set from time to time by resolution of the Village Council.
- D. Standard for Permits. Any application for a permit to install or replace one or more air conditioners or freestanding cooling devices having a total capacity of eight tons or more or to install a stationary generator shall be made on a printed form provided by the Director. The application shall include plans detailing that the equipment for which the permit is sought will be screened on all four sides by a solid fence or wall at least the height of the equipment being screened, in order to reduce transmission of noise to adjacent parcels. be signed by the owner and shall be accompanied by technical submissions prepared and signed by a qualified professional, so as to establish either:

1. ~~That the manufacturer's sound power ratings for such air conditioner(s) or cooling device(s), when converted to decibels (dB), do not exceed the standards of the Illinois Pollution Control Board, as set forth in the Illinois Administrative Code, Title 35, Subtitle H, Chapter I, Sections 901.102(a) and (b) as amended; or~~
2. ~~That the air conditioner(s) or cooling device(s) will be placed in such a location and equipped with such sound attenuation devices that the operation of the air conditioner will not exceed the noise emission standards of the Illinois Pollution Control Board. All measurements of sound pressure levels shall be made at the property line of the receiving land.~~

~~For purposes of this subsection D the term "Class A land" in the noise emission standards of the Illinois Pollution Control Board means land lawfully used for residential purposes, regardless of its zoning classification.~~

~~The Director may request any additional information he or she deems necessary to establish that the proposed air conditioner meets the foregoing standards. The applicant shall bear all costs incurred by the Village in determining whether the air conditioner or cooling device complies or will comply with the noise emission standards.~~

- E. Temporary Permits: Weather Emergency. At any time from December 1st through March 31st, or in the event of a weather emergency, the Director may issue a temporary permit, which shall expire no later than the first day of May immediately following its issuance, to allow for the installation of a combined heating and cooling device or generator otherwise subject to the permit standards of subsection D of this section; provided that, the combined heating and cooling device or the generator is being installed to replace a combined heating and cooling unit of equal or lesser size or a generator that has failed and cannot be repaired; and provided further that, as soon as weather conditions permit, the owner of the property on which the combined heating and cooling device or generator is being installed proceeds to provide a solid fence or wall as required in

Additions are bold and double-underlined; deletions are struck through.

~~such documentation and to install such sound attenuation devices as may be necessary to bring the combined heating and cooling device into compliance with the permit standards of subsection D of this section. For purposes of this subsection, a weather emergency shall exist: (1) on any day when the National Weather Service forecast for the following twenty-four (24) hours for the Chicago metropolitan area includes a forecast that the temperature will be thirty-two (32) degrees Fahrenheit or below; or (2) on any day preceding a holiday or a weekend when such a forecast indicates that the temperature will be thirty-two (32) degrees Fahrenheit or below during the holiday or weekend.~~

Section 15.44.060 Fences.

- A. Permit Required. No person shall install, erect, construct or replace any fence or wall within the Village without first obtaining a permit from the Director.
- B. Application for Permit. Application for such permit shall be made on forms provided by the Director. The fee for such permit shall be set from time to time by resolution of the Village Council.

Section 15.44.070 Disposition of approved construction documents.

Approved construction documents for all new structures or additions to existing structures, except for one and two-family dwellings and their accessory structures, shall remain on file permanently in the Department after completion and compliance of the permit work. The Director may dispose of or return approved construction documents for one and two-family dwellings six months after completion and compliance of the permit work.

Section 15.44.080 ~~Alternative materials and equipment.~~ (Repealed)

~~The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed in this chapter; provided that, such alternative has been approved. An alternative material or method of construction shall be approved by the Director upon the submission of evidence that performance of the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the code in quality, strength, effectiveness, fire resistance, durability and safety. Such evidence may consist of certification by an agency of the federal government, or of adequate reports and test data from a recognized impartial testing laboratory, or of proven and authoritative service records.~~

Section 15.44.090 ~~Fire limits.~~ (Repealed)

- ~~A. Establishment; Boundaries. There is established an area designated as the "fire limits," which shall coincide with and include all of the real estate included in any Commercial, Industrial, and Multifamily Residential zoning districts established by the Zoning Ordinance, except those parcels of real estate located in any Multifamily Residential District but used only for one or two family occupancy.~~
- ~~B. Damaged Structures Within Fire Limits. Any structure of frame construction within the fire limits which has been damaged by fire or other cause, to an extent greater than fifty (50) percent of its value shall not be repaired or replaced, except by a structure of other than frame construction. A frame structure which has been damaged by fire or other cause to an extent not greater than fifty (50) percent of its value may be repaired; provided, there is no~~

Additions are bold and double-underlined; ~~deletions are struck through.~~

~~increase in the size of such structure over its original dimensions; and provided further that, combustible roof coverings shall not be used.~~

- ~~C. Projections Beyond Exterior Walls. Roof decks, eaves, permanent awnings or similar permanent projections which extend beyond the exterior wall of any structure within the fire limits, and beyond the exterior wall of any multifamily structure located anywhere in the Village, shall be constructed of noncombustible materials.~~

Section 15.44.100 Roof materials.

All structures other than one and two-family dwellings shall have no less than a Class A or Class B roof covering, as classified in accordance with standards of the American Society for Testing and Materials (ASTM). All one or two-family dwellings shall have no less than a Class C roof covering as classified in accordance with the standards of the ASTM. Permits shall be required for the installation and replacement of roofing materials. All roofing contractors shall be licensed by the state.

Section 15.44.110 (Repealed.)

Section 15.44.120 Private garages. (Repealed)

- ~~A. Any private garage located within ten (10) feet of any one and two-family residence shall have all walls and ceilings of one-hour fire resistance.~~
- ~~B. Any private garage located in any basement or beneath any habitable room of a one or two-family dwelling shall be separated from all adjacent interior spaces by fire partitions and complete floor/ceiling assemblies which are not less than a one-hour fire-resistant rating. All wall openings between private garages and adjacent interior spaces shall be provided with complete assemblies of a minimum one-hour fire-resistant rating and all sills of openings shall be raised not less than six inches above the garage floor, or a minimum six-inch gas curb may be provided. All basement entrances shall be at least six inches above the garage floor or completely surrounded with a gas curb.~~
- ~~C. A private garage one story in height attached to a one or two-family dwelling shall be of a minimum one-hour fire-resistant construction and all wall openings shall be provided with complete assemblies of a minimum one-hour fire-resistant rate. All sills of openings shall be raised not less than six inches above the garage floor, or a minimum six-inch gas curb may be provided. All basement entrances shall be at least six inches above the garage floor or completely surrounded with a gas curb.~~
- ~~D. A private garage connected to a residence by a concealed space or breezeway ten (10) feet or less in length shall be completely separated from the concealed space or breezeway and residence with a minimum one-hour fire-resistant wall which extends through any attic area, including the roof structure, and all wall openings shall be provided with complete assemblies of a minimum one-hour fire-resistant rating.~~

Section 15.44.130 Boiler and furnace rooms. (Repealed)

~~Boilers or furnaces in all structures shall be separated from adjacent interior areas of the structures by walls, and floor and ceiling assemblies, having a minimum one-hour fire-resistant rating. A pneumatic self-closing device shall be installed on all doors. All wall openings shall have a minimum one-hour fire-resistant rating.~~

Additions are bold and double-underlined; ~~deletions are struck through.~~

Section 15.44.140 Safe and sanitary conditions.

It shall be the duty of every owner or occupant of a structure to maintain it in good repair, structural soundness, and safe and sanitary conditions so as to not pose a threat to the public health, safety or welfare. **It shall also be the duty of every owner or occupant of a swimming pool or spa as defined in Section 15.08.110 to maintain and operate it in such a manner as to be clean and sanitary at all times.**

Section 15.44.150 Private trampolines.

- A. Permit Required. No person shall erect or install or cause to be erected or installed a private trampoline that is either in the ground or permanently anchored to the ground on any premises within the Village without a permit from the Director of Community Development. A written application for such permit shall be filed with the Director and shall be accompanied by plans and specifications sufficiently detailed to enable determination of compliance with the requirements of this chapter.**
- B. Enclosures required. Every owner, purchaser under contract, lessee, tenant or licensee of a lot or premises upon which a private trampoline is situated shall maintain at all times on such lot or premises a fence or other structure completely surrounding such trampoline. The fence shall be at least four feet high, with no horizontal gaps or apertures larger than four inches. Such fence shall be no less than ten (10) feet away from any edge of the trampoline.**
- C. Gates or doors. All gates or doors opening through a fence or enclosure maintained in accordance with this section shall be equipped with self-closing and self-closing latching devices placed at the top of such gates or doors and made inaccessible to small children. Such devices shall be so designed as to be capable of keeping such doors or gates securely closed at all times when not in actual use; provided, however, that the door of any dwelling forming a part of the enclosure need not be so equipped. (Ord. MC-192-97 § 22, 1997; prior code § 29.04)**
- D. Enforcement. The Director of Community Development shall enforce this chapter. For this purpose the Director of Community Development and any inspectors appointed by that Director are authorized to enter any private premises within the Village to inspect any private trampoline at any reasonable hour. (Ord. MC-192-97 § 23, 1997; prior code § 29.06)**

Additions are bold and double-underlined; deletions are struck through.



Agenda Item Executive Summary

Title: Coldwell Banker Special Use Review - 564-68 Lincoln Avenue (Ordinance No. M-10-2017)

Presenter: David Schoon, Community Development Director

Agenda Date: 05/21/2019

Consent: ☐ YES ☒ NO

☐	Ordinance
☐	Resolution
☐	Bid Authorization/Award
☒	Policy Direction
☐	Informational Only

Item History:

12/5/17 - Council adopted 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

Executive Summary:

On May 21, the Village Council is scheduled to review use of the space at 564-68 Lincoln Avenue (the "Subject Property") by Coldwell Banker (the "Applicant"), in particular the use of the "Pop-Up Retail Area." The Council directed staff to invite the Applicant to a future Council meeting to explain how the use of the Pop-up Retail Area complies with 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 (Attachment A). Council members found that the Pop-Up Retail Area was not being operated in compliance with the Ordinance or in the spirit of what was discussed when the Council approved the special use.

Attached is a separate staff report summarizing the Council's approval of Ordinance No. M-10-2017.

Recommendation:

Council is scheduled to hear from the Applicant regarding its operation of the Pop-Up Retail Area and its compliance with Ordinance No. M-10-2017. The Council should determine if the Applicant's use of the Pop-Up Retail Area is in compliance with the Ordinance, and if not, provide direction to staff regarding how it wishes to proceed with enforcement of the Ordinance.

Attachments:

Village Staff Report dated May 16, 2019

Attachment 1: April 11, 2019, Letter from Village Staff to Applicant

Attachment 2: Applicant's May 14, 2019, Submittal

Attachment 3: 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

Attachment 4: Village Council Materials for Consideration of Real Estate Office Special Use Permit (2017)

Attachment 5: Design Review Minutes and Report (February 15, 2018)



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: VILLAGE COUNCIL
FROM: DAVID SCHOON, DIRECTOR
DATE: MAY 16, 2019
SUBJECT: COLDWELL BANKER SPECIAL USE REVIEW – 568 LINCOLN AVENUE
ORDINANCE M-10-2017

On May 21, 2019, the Village Council is scheduled to review use of the space at 564-68 Lincoln Avenue (the “Subject Property”) by Coldwell Banker (the “Applicant”), in particular the use of the “Pop-Up Retail Area.” The Council directed staff to invite the Applicant to a future Council meeting to explain how the use of the Pop-up Retail Area complies with 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 (Attachment 3). Council members found that the Pop-Up Retail Area was not being operated in compliance with the Ordinance or in the spirit of what was discussed before the Council, when the Council approved the special use. Staff would note that since adoption of the ordinance, we have reached out to the Applicant in terms of offering assistance with marketing the space as well as her compliance with the special use permit ordinance.

VILLAGE COUNCIL APPROVAL AND COMPLIANCE

In 2017, after the Plan Commission forwarded a recommendation of approval, by a vote of 6-4, the Village Council considered the Applicant’s request to expand its existing real estate office of approximately 8,000 square feet to include a 1,339-square foot space that occupied frontage along Lincoln Avenue. After discussing the request, the Village Council adopted Ordinance M-1-2017, granting approval to the real estate office to expand its office into the Overlay District. (It should be noted that the existing real estate space at that time was located outside of the Overlay District; and therefore, was a permitted use and had not required Village Council approval). (See Attachment 4 for the Plan Commission and Village Council minutes and staff reports regarding this item.)

On April 11, 2019, staff sent a letter to the Applicant requesting the Applicant’s appearance at the May 21 Village Council meeting (Attachment 1). In that letter the Applicant was requested to address how it is complying with Section 3, Conditions, of the Ordinance, which includes the following conditions:

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.
 - 1. 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.

2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

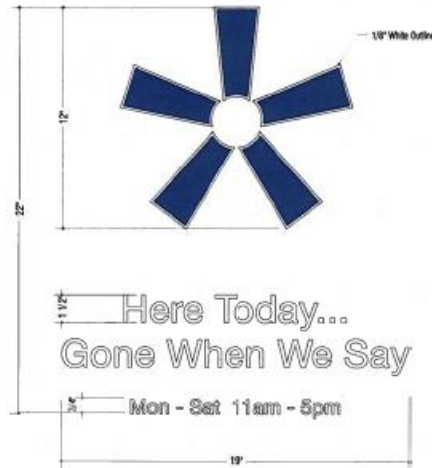
The following page contains the floor plan that was an Exhibit B to the adopted ordinance.

The April 11 letter to the Applicant specially requested that the Applicant provide the following information:

- Provide a list of businesses that have occupied the Pop-Up Retail Area since March 1, 2018, including the dates that they occupied the space. If the Pop-Up Retail Area was not occupied by a pop-up tenant for an extended period of time, please explain why.
- Document the efforts the Applicant has taken to “actively and continuously market the Pop-Up Retail Area to Vendors” and what steps the Applicant has taken to 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 has provided a written response to the April 11, 2019, letter (Attachment 2)

In addition to the Council approval of the special use, the Applicant did appear before the Design Review Board for approval for signage for the Pop-Up Retail Area (Attachment 5). The approved signage for the Pop-Up Retail, which has not been installed, included the following:



SPECIAL USE ENFORCEMENT PROVISIONS

As with all special use ordinances, the ordinance granting approval to the Applicant contains the following provision:

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.

If after hearing from the Applicant at the May 21 meeting, the Council finds that the Applicant does not comply with the approved special use permit, the Council will want to determine if it wishes to enforce this provision of the special use permit ordinance.

SUMMARY

At the May 21, 2019, Village Council meeting, the Council is scheduled to hear from the Applicant regarding its efforts to comply with 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,

specifically, the operation of the Pop-Up Retail Area. Staff suggests that the Council consider the following questions as it considers this issue:

1. Does the Council find that the Applicant has been operating the Pop-Up Retail Area in compliance with the approved special use? If not, what action would the Council like to take?

The actions could include:

- a. Provide the applicant with additional time to bring the Pop-Up Retail Area into compliance with the approved special use permit conditions;
- b. Consider potential revisions to the approved special use permit conditions in response to the Applicant's submittal and presentation; or
- c. Direct staff to begin the necessary steps to revoke the special use permit.

The Applicant and staff will be present at the May 21 meeting to answer any questions.

ATTACHMENTS

Attachment 1: April 11, 2019, Letter from Village Staff to Applicant

Attachment 2: Applicant's May 14, 2019, Submittal

Attachment 3: 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

Attachment 4: Village Council Materials for Consideration of Real Estate Office Special Use Permit (2017)

Attachment 5: Design Review Report and Minutes (February 6, 2018)



Community Development Department
847-716-3527

SENT CERTIFIED AND FIRST CLASS MAIL

April 11, 2019

Karen Arenson
Coldwell Banker
568 Lincoln Avenue
Winnetka, IL 60093

RE: Notice of Violation
- Coldwell Banker Special Use Permit – 564-68 Lincoln Avenue (Ordinance No. M-10-2017)

Dear Ms. Arenson:

The purpose of this letter is to inform you that your use of the space at 564-68 Lincoln Avenue, in particular your use of the "Pop-Up Retail Area," is not in compliance with 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. A copy of the ordinance is attached. The Village Council requests that you attend the Tuesday, May 21, 2019 Village Council meeting which starts at 7:00 p.m. in the Village Hall Council Chambers. You are requested to address how you are complying with Section 3, Conditions, of the Ordinance, specifically:

- Please provide a list of businesses that have occupied the Pop-Up Retail Area since March 1, 2018, including the dates that they occupied the space. If the Pop-Up Retail Area was not occupied by a pop-up tenant for an extended period of time, please explain why.
- Please document the efforts you have taken to "actively and continuously market the Pop-Up Retail Area to Vendors" and what steps you have taken to 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. "
- Please describe how the Pop-Up Retail Area layout and signage informs shoppers walking by the space that they may go into the space, view and purchase products for sale, including the smart home products or other luxury home related products that you are to have on display between pop-up tenants.
- Also, please provide a description of the typical arrangement you have with pop-up tenants for use of the space (e.g. lease terms, rents/fees, etc.).

510 Green Bay Road, Winnetka, Illinois 60093

April 10, 2019
Page 2

Please call me at 847-716-3526 to discuss your attendance at the May 21, 2019, Village Council meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "David Schoon", with a long horizontal flourish extending to the right.

David Schoon, Director
Community Development

cc: Robert Bahan, Village Manager
Peter Friedman, Village Attorney
Brian Norkus, Assistant Community Development Director

Updates on the Dates of and Vendors of the Pop-Up Retail Space in the 564-6 Lincoln Space

Below is a fairly detailed record of the various pop-up vendors that we have had in the space since it was created on 3/1/2018. Some dates are estimated as I do not have record of the permits pulled and the satisfaction of those permits. In addition, I have included the various images of some of the promotional pieces we've used online and in emails to generate interest in the space.

12/7/2017	Letter was written and sent specifying the variance conditions by which the proposal was passed by the board.
12/11/2017	Coldwell Banker notified its landlord and construction third parties that the variance was approved. No bids for work or work could commence on the build-out until the new lease was signed and amended. Approval had to be granted in 2017, as the capital expenditure was approved for that fiscal year, so all attention was focused on the build-out approvals.
12/2017	Construction Permits submitted to the Village
1/15/2018	Construction in the new space commenced in order to hit the opening date deadline of March 1, 2018, per the Unconditional Agreement. Signage approved Fire Inspection failed and then passed
2/1-28	Several e-blasts sent out to agents' contacts promoting the availability of the space All of the vendors in the first 6 months were from the eblasts to clients / sphere
3/1- 11	The first pop-up space was opened to Big Sky Handmade Jewelry. 2 weeks
3/14	St Patrick's Day & Launch celebration
3/15-22	Private Label Custom Jeans pop-up 1 week
3/23 – 4/2	Spring Break – NO ONE INTERESTED
4/5 – 12	CABi Clothing – 1 week
4/10	Chamber Meeting – flyers distributed about the space – Mike (Village Employee very helpful in promoting it)
4/11	Winnetka Chamber Recognition Lunch – flyers handed out to market the availability of the space

May	Struggled to find people – had a few interested and then cancelled
5/19-20	Two Day Art Show – Anna Crovetti
6/6-12	Children’s Toys – tie in with Winnetka Children’s Fair – Wild Child (from Glencoe) while expanding
6/13-25	NO ONE INTERESTED – Graduations, summer starting
6/27- 7/2	SPF Clothing Distributor – Mott50
7/9 – 8/30	Under Construction – permit pulled – tying in the two spaces – smoke detectors disconnected, no tenants allowed in the space.
8/20	Floured Apron was interested but we didn’t have occupancy yet, so had to turn them away – when we came back to them (several times), they were no longer interested
8/30 – 9/12	Labor Day and Rosh Hashana – NO ONE INTERESTED
9/15 – 22	Slack’s Jams & Jellies (Wisconsin)
9/22	Winnetka Wine Walk
10/1-7	Interior Designer / Stager – Susan Sullivan
10/24-28	Knot Standard
11/24 – 27	Glow – skin products
11/27-30	Knot Standard
12/5-12	J Hilburn – Men’s Custom Clothing
12/12 – 12/31	Had two who cancelled (Kidoodles & Initial It) & then NO ONE INTERESTED (even though I thought it would be super busy!)

2019

1/5- 9	PureGourmandise
1/24-2/6	Art Show
2/7 – 2/14	Florist – Lupco
2/25 – 3/8	Big Sky Handmade jewelry
3/9 – 3/14	Katie Tingle Clothing (from City)
3/15 – 5/3	SPRING BREAK – NO ONE INTERESTED
5/3-5	Viaistrozzi – pre-packaged chocolates / food
5/5 – 5/11	Rebecca – Grandma Fannie’s soaps (before Mother’s Day)
5/31- 6/5	Local flower arranger (tying in with graduation) – Elissa Polston / Leslie Graham

When this was proposed, it was to be a joint effort with the Village to try to promote the Village as a place people would want to set up retail businesses. It was initially proposed as a partnership with the Village.

- I received promotion and assistance from the Chamber
- I received no assistance from the Village Business Development staff, Mike and Cindy. I have not received one referral or seen any promotion of the space, as was part of the proposal, even though it is not included in the Unconditional Agreement.
- One of our first vendors put an A-frame (sandwich) sign out front to promote her business and was given a ticket by the Village, and yet there are signs out there all the time promoting the MedSpa in the basement of the same building.

We have made every effort to comply.

- We have had a steady stream of retail in the space but have run into the same issues that the Village is having: retail is moving online.
- People were not wanting to move their items to the space. They wanted to just have it in the window which we knew was not enough to satisfy the requirements.
- We adjusted along the way, trying to reach more people, appeal to more people and have more variety.
 - We started out charging and then shifted to offering it for less and finally to offering it for free.
 - We started marketing it through email blasts to our clients and spheres
 - That brought in some, but not enough
 - We moved to Facebook Groups as well
 - That brought nothing
 - We started using NextDoor
 - That has brought nothing to date
 - We are keeping it in front of the Chamber, continuing eblasts, and NextDoor promotions
- This was always known to be a work in progress, trying to build up momentum, but there are definitely dead times of the year when people are not interested in setting up shop – not something we would have known prior to trying this out.
- We are 15 months into this with 2 months when we were unable to have anything in there due to construction. We have essentially not even had a full year of knowing the seasonal components of this.
- By nature we are not a retail company. We are certainly trying to make this work.
 - We designed a room up from as a dressing room
 - We've set up nothing permanent in that space in order to allow all sorts of retail entities to use the space.
 - We have provided tables, stools, the fireplace mantel, glassed shelving – all for displays
 - We lowered and reduced the size of our signage in the front window in order to provide more space for the vendor



Gone When We Say

Initial Social Media Images – it was being run by a third-party planner who promoted the space for us.

She failed to generate traction and we cancelled her involvement in April 2018.



POP-UP RETAIL RENTAL SPECS & REQUIREMENTS



SPACE & LOCATION

130 SF | HIGH FOOT-TRAFFIC LOCATION
FRONT WINDOW EXPOSURE
DOWNTOWN WINNETKA

REQUIREMENTS

- MUST SIGN CBBB CONTRACT FOR SPACE
- MUST BE RETAIL BUSINESS SPECIALIZING IN HOME-ORIENTED, LUXURY, CLOTHING OR DESIGN PRODUCTS (NO FOOD PRODUCTS)
- MUST NAME COLDWELL BANKER RESIDENTIAL BROKERAGE AS AN INSURED ON INSURANCE & PROVIDE PROOF OF SUCH



YOUR BRAND HERE!

POP-UP SPACE AVAILABLE

TEST DRIVE THE WINNETKA
MARKET FOR YOUR BRAND! FREE!

47.446.4000

PROPERTY OWNED BY A
REALTOR

One-Sheet created for hand-out at the front desk, distributed at Winnetka Chamber meetings, and the Recognition Lunch 2018.

Sent out in our mailings to our clients with our documentation – September 2018 & January 2019

Facebook Post on Winnetka Moms Spot Group Page – September 2018 – December 2018

Multiple posts / various dates

VILLAGE OF WINNETKA
COOK COUNTY, ILLINOIS

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)**

PASSED AND APPROVED by the
President and Board of Trustees
of the Village of Winnetka,
Cook County, Illinois, this
5th day of December, 2017.

PUBLISHED IN PAMPHLET FORM
by authority of the President
and Board of Trustees of the
Village of Winnetka, Cook
County, Illinois, this 6th day of
December, 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.**
 - 1. 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.
 - 2. 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.
 - 3. 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.

4. 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.
 5. 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.
 6. 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.
 7. 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.

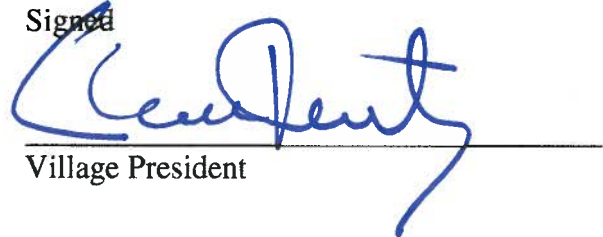
PASSED this 5th day of December, 2017, pursuant to the following roll call vote:

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

NAYS: None

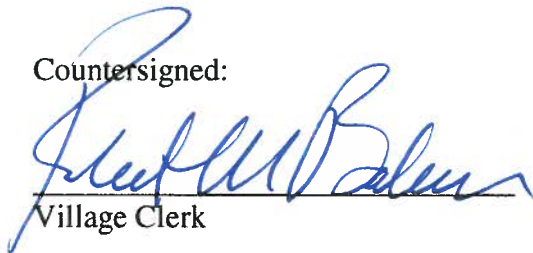
ABSENT: None

Signed



Village President

Countersigned:



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

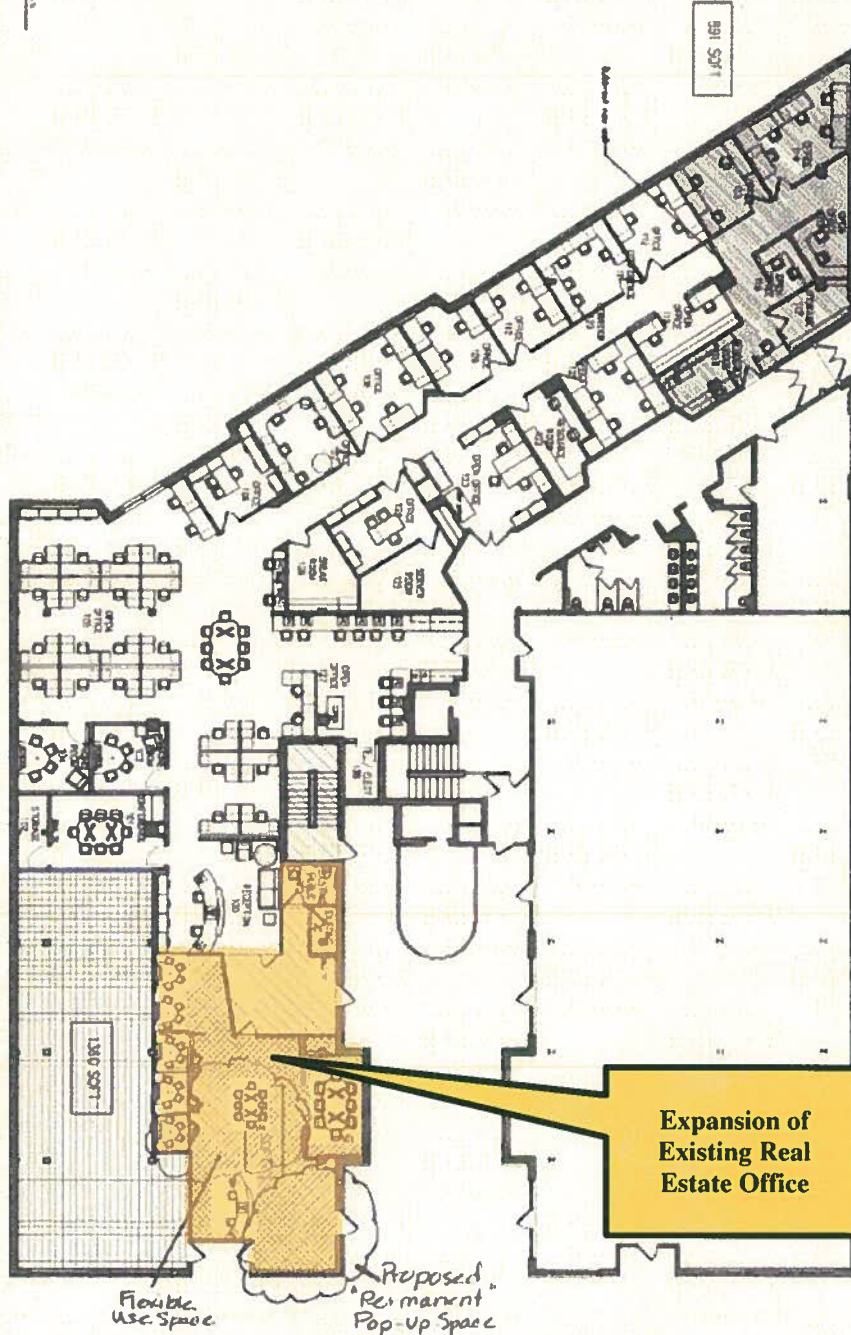
EXHIBIT B
FLOOR PLAN
(SEE ATTACHED EXHIBIT B)

COLDWELL BANKER
BANKER

NFT LLC
2215 Sanders Road, Suite 200
Northbrook, IL 60062
Ph: 847.313.6716
Fax: 847.307.4893

PROJECT:
WINNETKA
550 5721 Lincoln
Winnetka, IL

DATE: 08/09/13
REVISION:
DRAWN BY: E. V. GOR
SCALE: 1/8" = 1'-0"
SHEET NO.
FURNITURE
PLAN



**Expansion of
Existing Real
Estate Office**

Flexible
Use Space

Proposed
Permanent
Pop-up Space

991 SGT

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 December 5, 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:

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: _____, 2017

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

By: _____ By: _____
Its: _____ Its: _____

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

By: _____ By: _____
Its: _____ Its: _____

Attachment 4

**MINUTES EXCERPTS
WINNETKA VILLAGE COUNCIL
REGULAR MEETING**

November 7, 2017

(Approved: November 21, 2017)

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

Call to Order.

President Rintz called the meeting to order at 7:01 p.m. Present: Trustees Andrew Cripe, Robert Dearborn, Penfield Lanphier, Scott Myers, John Swierk, and Kristin Ziv. Absent: None. Also present: Village Manager Robert Bahan, Assistant Village Manager Megan Pierce, Village Attorney Peter M. Friedman, Community Development Director David Schoon, Director of Water & Electric Brian Keys, and approximately 45 persons in the audience.

Ordinance No. M-10-2017: 564 Lincoln Avenue – Special Use Permit for Expansion of Real Estate Office Within the Commercial Overlay District (Introduction). Mr. Schoon reviewed the third SUP request of the evening, to allow expansion of existing Coldwell Banker offices in the Galleria building to an area within the C2 Commercial Overlay District. The applicant received approval for an SUP in 2010 to expand into adjacent office space in the Galleria, but did not complete the expansion within 18 months, and the SUP expired.

Karen Aronson, Coldwell Banker, explained that her office promotes the Village of Winnetka. Her staff patronizes local restaurants and recommends local services to their clients. She noted that her office is the only real estate office in the Village without street frontage, and they need the visibility.

The Council asked a few questions, and then President Rintz called for public comment.

Louise Holland, 545 Oak and Landmarks Preservation Commission Chair. Ms. Holland said allowing an office use at the subject location depresses the retail shops across the street and also works against the Downtown Master Plan and a potential Tax Increment Financing district for downtown revitalization. Josh Keating, owner of Stacked and Folded. Mr. Keating said he supports the SUP request, as Coldwell Banker brings a lot of business to the area.

Terry Dason, Winnetka-Northfield Chamber of Commerce Director. Ms. Dason spoke in support of the SUP, as Coldwell Banker supports and promotes the Village, and serves on the Chamber's Board of Directors.

The Council discussed the request. Trustees Cripe, Swierk and Ziv were in favor of granting the SUP, as it would be an expansion of an existing office; and the request is a small one on the edge of the Overlay District. Trustees Dearborn, Lanphier and Myers did not agree, as they felt it would bring little foot traffic to the area, and the wider discussion about the C2 Commercial Overlay District should take place before this particular exception is granted.

President Rintz explained that he would be the tie-breaking vote in this instance, and he was conflicted about the request due to the 2010 SUP process and subsequent abandonment of the permit by Coldwell Banker. Nevertheless, he said he was inclined to vote in favor, given the general ambivalence about the Overlay District in the community.

Trustee Ziv, seconded by Trustee Cripe, moved to introduce Ordinance No. M-10-2017. By roll call vote, the motion carried. Ayes: Trustees Cripe, Swierk, Ziv and President Rintz. Nays: Trustees Dearborn, Lanphier and Myers. Absent: None.

MINUTES EXCERPTS
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
November 21, 2017
(Approved: December 5, 2017)

A record of a legally convened regular meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, November 21, 2017, at 7:00 p.m.

Call to Order.

President Rintz called the meeting to order at 7:02 p.m. Present: Trustees Andrew Cripe, Robert Dearborn, Penfield Lanphier, Scott Myers, John Swierk, and Kristin Ziv. Absent: None. Also present: Village Manager Robert Bahan, Assistant Village Manager Megan Pierce, Village Attorney Peter M. Friedman, Community Development Director David Schoon, Director of Water & Electric Brian Keys, Finance Director Tim Sloth, Assistant Finance Director Nick Mostardo, and approximately 15 persons in the audience.

Ordinances and Resolutions.

Ordinance No. M-10-2017: 564 Lincoln Avenue – Special Use Permit for expansion of Real Estate Office within the Commercial Overlay District (Adoption or Amendment). Mr. Schoon noted that this request for a special use permit, introduced at the October 17 Council meeting, had been modified to include a retail element.

Karen Arenson, Coldwell Banker. Ms. Aronsen explained that, in an effort to appeal to the Council, community and retail neighbors, and to increase foot traffic in the areas, she is proposing a modification to the special use permit application to provide a popup retail area in the expanded office space. Nearly 12 feet of street frontage will be dedicated to the concept. She described some of the interested retailers, and noted that this is a unique opportunity that is not being done anywhere else.

The Council asked questions and briefly discussed the concept, and then President Rintz called for public comment.

Louise Holland, 545 Oak Street and LPC Chair. Ms. Holland said while it is an innovative idea, she would object to granting the special use request, and she expressed concern about the continued requests for special uses in the Overlay District. She cautioned against chipping away at the Overlay District until the Downtown Master Plan is implemented and the Council has a thorough discussion about whether to change or eliminate the Overlay.

Dan Burns, leasing agent for the Galleria building. Mr. Burns expressed support for the proposal as it could provide a vision to bring new concepts into the Overlay District. He added that the Winnetka Galleria Condominium Board is also in favor of the request.

The Council discussed the popup retail concept, and were nearly unanimous in their support of the idea and of incorporating it into the special use permit.

Attorney Friedman said the proposal could be incorporated into the Ordinance by amending it to include Attachment E from the agenda materials.

Trustee Myers, seconded by Trustee Cripe, moved to amend Ordinance No. M-10-2017 to incorporate Attachment E, on pp. 242-244 of the Agenda Materials. By voice vote, the motion carried.

MINUTES EXCERPTS
WINNETKA VILLAGE COUNCIL
REGULAR MEETING

December 5, 2017

(Approved: December 19, 2017)

A record of a legally convened regular meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, December 5, 2017, at 7:00 p.m.

Call to Order.

President Rintz called the meeting to order at 7:00 p.m. Present: Trustees Andrew Cripe, Robert Dearborn, Penfield Lanphier, Scott Myers, John Swierk, and Kristin Ziv. Absent: None. Also present: Village Manager Robert Bahan, Assistant Village Manager Megan Pierce, Village Attorney Peter M. Friedman, Community Development Director David Schoon, Director of Water & Electric Brian Keys, Finance Director Tim Sloth, Assistant Finance Director Nick Mostardo, and approximately 5 persons in the audience.

Ordinances and Resolutions.

Ordinance No. M-10-2017: 564 Lincoln Avenue – Coldwell Banker Special Use Permit (Adoption). Mr. Schoon explained that the Subject Ordinance was introduced at the Council's November 7 Regular Meeting, and then amended at the November 21 Regular Meeting, based upon the applicant's modified request. He described the amendments to the approval Ordinance, which is up for final discussion and adoption.

Trustee Lanphier commented that the pop-up retail element is an interesting idea, but given that the Overlay District will be discussed in the near future, it might make sense to hold off and examine the pop-up retail concept at that time

Trustee Myers said this is a great opportunity to test a new idea, and he noted that the results could help inform the upcoming conversation on the Overlay District.

There was a brief Council discussion, and no public comment on the Ordinance.

Trustee Ziv, seconded by Trustee Cripe, moved to adopt Ordinance No. M-10-2017. By roll call vote, the motion carried. Ayes: Trustees Cripe, Dearborn, Lanphier, Myers, Swierk, and Ziv. Nays: None. Absent: None.



Agenda Item Executive Summary

Title: Ordinance No. M-10-2017: 564 Lincoln Avenue – Coldwell Banker Special Use Permit (Adoption)

Presenter: David Schoon, Director of Community Development

Agenda Date: 12/05/17

Consent: ☐ YES ☒ NO

- ☒ Ordinance
- ☐ Resolution
- ☐ Bid Authorization/Award
- ☐ Policy Direction
- ☐ Informational Only

Item History:

November 7, 2017 - The Village Council reviewed the application, heard from the Petitioner, heard from members of the public, and approved introduction of Ordinance No. M-10-2017.

November 21, 2017 - The Village Council reviewed an amended proposal by the Petitioner and directed Staff to amend Ordinance No. M-10-2017 to incorporate a pop-up retail store area for consideration at a future Council meeting (please refer to the last two paragraphs in the Executive Summary).

Executive Summary:

INTRODUCTION

On December 5, 2017, the Village Council is scheduled to consider adoption of an amended Ordinance M-10-2017 regarding a request from Coldwell Banker Residential Brokerage (the "Petitioner"), as prospective lessee of the commercial space at 564 Lincoln Avenue (the "Subject Property"). The Petitioner is seeking a Special Use Permit to permit expansion of Coldwell Banker's existing offices to include additional area located on the ground floor within the C-2 Commercial Overlay District.

The Subject Property is located within the Winnetka Galleria building on the west side of Lincoln Avenue. Coldwell Banker currently occupies approximately 8,000 square feet at the rear of the Galleria building, which is located more than 50 feet from the front street line and outside of the Overlay District. The Petitioner proposes to expand and occupy an additional 1,339 square feet. The subject property is currently vacant, previously occupied by A Perry Homes.

It should be noted that on March 16, 2010 the Village Council adopted Ordinance M-4-2010, which granted a Special Use Permit to allow Coldwell Banker to occupy office space on the north side of the Winnetka Galleria building at 572 Lincoln Avenue within the Overlay District Overlay. (Note: The current request is to occupy space on the south side of the Winnetka Galleria.) The applicant did not move forward with that the expansion authorized by Ordinance M-4-2010, and the approval lapsed when the occupancy did not occur within 18 months of approval.

RECOMMENDATIONS OF PLAN COMMISSION

The Plan Commission considered the current application at a special meeting on October 11, 2017. After receiving no public comment, the Plan Commission closed public comment and discussed the application. Commission members who spoke in favor of the application noted that Coldwell Banker is an existing use and that the proposed 1,339 square foot expansion would not significantly increase employee count or parking demand.

Executive Summary (continued):

Other Commission members expressed concern regarding the current difficulty parking on Lincoln Avenue and the perception that office uses on Lincoln Avenue put pressure on parking availability to the detriment of nearby retailers and restaurants. In addition, some Commission members expressed concern that a real estate office does not promote pedestrian activity in the form of visitor foot traffic to benefit other nearby businesses. On October 11, 2017, the Plan Commission adopted, by a vote of 6-4 (one voting member and one non-voting member absent) to adopt findings in support of the application and to recommend approval of the special use permit to the Village Council. The staff report and minutes from the October 11 Plan Commission meeting are included for reference.

At the November 21 Village Council meeting, the Petitioner submitted an amended proposal (Attachment E) to incorporate a "pop-up" retail sales area within its expanded space along the street frontage. The space would be made available at no charge to third-party businesses to display and sell their goods. At that meeting the Council directed staff to work with the Petitioner to further refine the concept and incorporate it into the special use permit ordinance for the Council's consideration at a future meeting.

Included for consideration, at the December 5 meeting, is an amended Ordinance No. M-10-2017 incorporating the "pop-up" retail area concept. The amendments to the Ordinance or noted as tracked changes; the bulk of the amendments are in Section 3. Also, in response to a question from a Village Council member, Section 5 addresses what action the Village could take should the applicant not comply with requirements of the special use permit ordinance.

Recommendation:

Consider adoption of amended Ordinance No. M-10-2017, granting a Special Use Permit to allow Coldwell Banker Residential Brokerage to occupy an additional 1,339 square feet, which would include a pop-up retail area, at 564 Lincoln Avenue located within the Overlay District.

Attachments:

Attachment A: Amended Ordinance No. M-10-2017
Attachment B: Plan Commission Agenda Report – October 11, 2017 meeting
Attachment C: Plan Commission Draft Minutes – October 11, 2017 meeting
Attachment D: Village Council Ordinance No. M-4-2010, adopted March 16, 2010
Attachment E: November 16, 2017, Amended Proposal from Petitioner

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

~~November 21,~~ December 5, 2017

M-10-2017

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 ~~de~~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 ~~expanded~~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.
 1. 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.
 2. 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.
 3. 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.

4. 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.
5. 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.
6. 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.
7. 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. ~~B.~~ 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. ~~C.~~ 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. ~~D.~~ 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.

| ~~{SIGNATURE PAGE FOLLOWS}~~

| ~~November 21,~~ December 5, 2017

M-10-2017

PASSED this ____ day of _____, 2017, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2017.

Signed:

Village President

Countersigned:

Village Clerk

Published by authority of the
President and Board of Trustees
of the Village of Winnetka,
Illinois, this ____ day of _____,
2017.

Introduced: November 7, 2017

Passed and Approved: _____, 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.

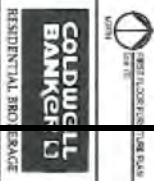
PARCEL 3:

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)



NRT LLC
2215 Sweeney Road, Suite 300
Northbrook, IL 60062
PH: 847.313.6716
FAX: 847.307.4855

PROJECT:
WINNETKA
592-572 Lincoln
Winnetka, IL

DATE: 08/09/13
REVISION:
DRAWN BY: E. Vassar
SCALE: 1/8" = 1'-0"
SHEET NO.
FURNITURE
PLAN



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:

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: _____, 2017

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

By: _____ By: _____
Its: _____ Its: _____

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

By: _____ By: _____
Its: _____ Its: _____

**PLAN COMMISSION
AGENDA REPORT**

Attachment B
Plan Commission
Agenda Report

SUBJECT: 564 Lincoln Avenue – Coldwell Banker Real Estate Office
Case No. 17-22-SU
(1) Special Use Permit: Real Estate Office

DATE: October 3, 2017

PREPARED BY: Ann Klaassen, Planning Assistant
Brian Norkus, Assistant Director of Community Development

On October 11, 2017 the Plan Commission is scheduled to consider an application submitted by *Coldwell Banker Residential Brokerage*, (the “Petitioner”), 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. The applicant is currently a tenant in the Winnetka Galleria building and is proposing to expand its presence in the Galleria building in the space at 564 Lincoln Avenue (the “Subject Property”).

PROPERTY DESCRIPTION

The Subject Property is located on the south side of Lincoln Avenue, north of its intersection with Elm Street. The space is currently vacant and was most recently occupied by *A Perry Homes*. The space currently occupied by *Coldwell Banker Real Estate* is located more than 50 feet from Lincoln Avenue, and as such is located outside of the Overlay District. The proposed expansion would result in a portion of the applicant’s office being located within the *Commercial Overlay District*, with the proposed expansion requiring consideration as a Special Use Permit.

It should be noted in 2010, the Petitioner did receive Village Council approval to occupy the Subject Property. At that time, the Petitioner decided not to proceed forward with occupying the space.

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.

In January 2017 the Village Council adopted a *Downtown Master Plan*, which included within its recommendations a call for review of the Overlay District boundaries and use limitations to assure that they are consistent with current development trends and community goals. An excerpt of the adopted Downtown Master Plan (*Attachment D*) provides additional background on the recommended review.

ELM STREET BUSINESS DISTRICT OVERLAY BOUNDARIES

A map depicting the zoning classification of the Elm Street Business District is included as *Figure 1* below. The subject property is highlighted yellow.

Gray areas indicate the underlying C-2 Commercial zoning, which permits 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 area represents those portions 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 depth of 50 feet from the front property line.

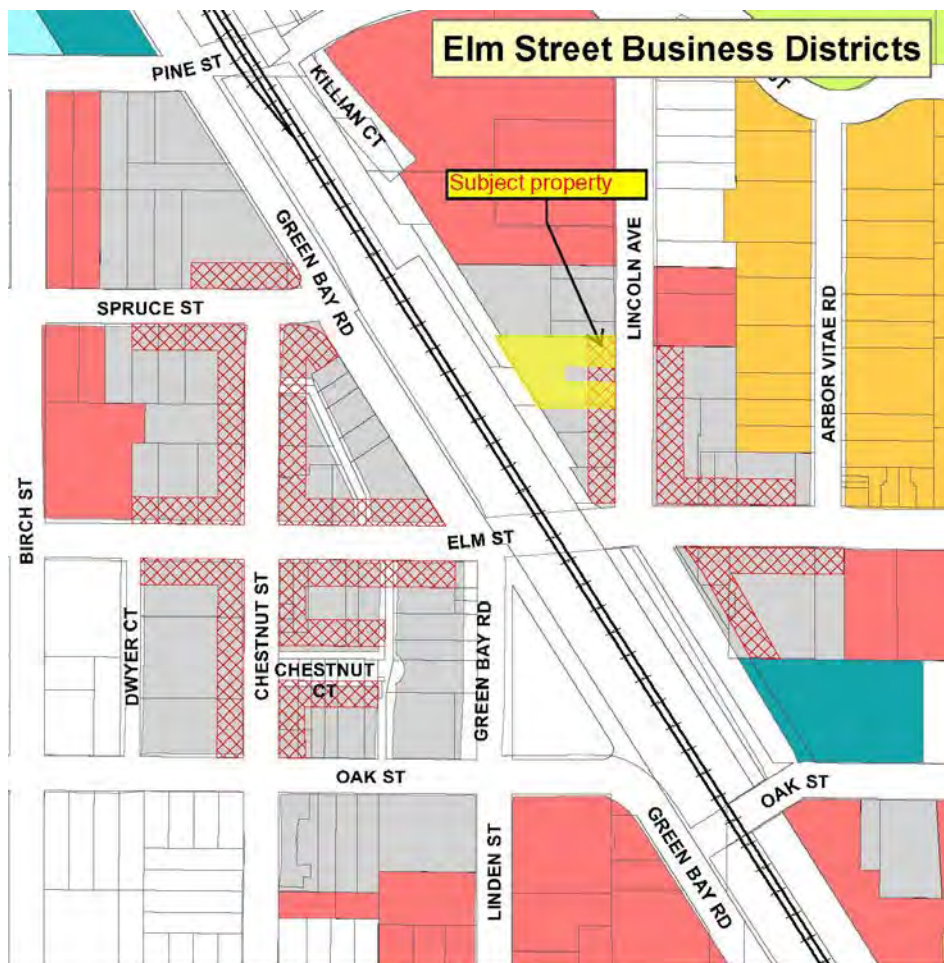


Figure 1

DESCRIPTION OF REQUEST

The applicant currently occupies approximately 8,000 square feet located at the rear of the Galleria building, and located outside the Overlay District. The current application proposes to expand Coldwell Banker's offices by occupying an additional 1,339 s.f. (See [Figure 2](#) and [Figure 3](#))

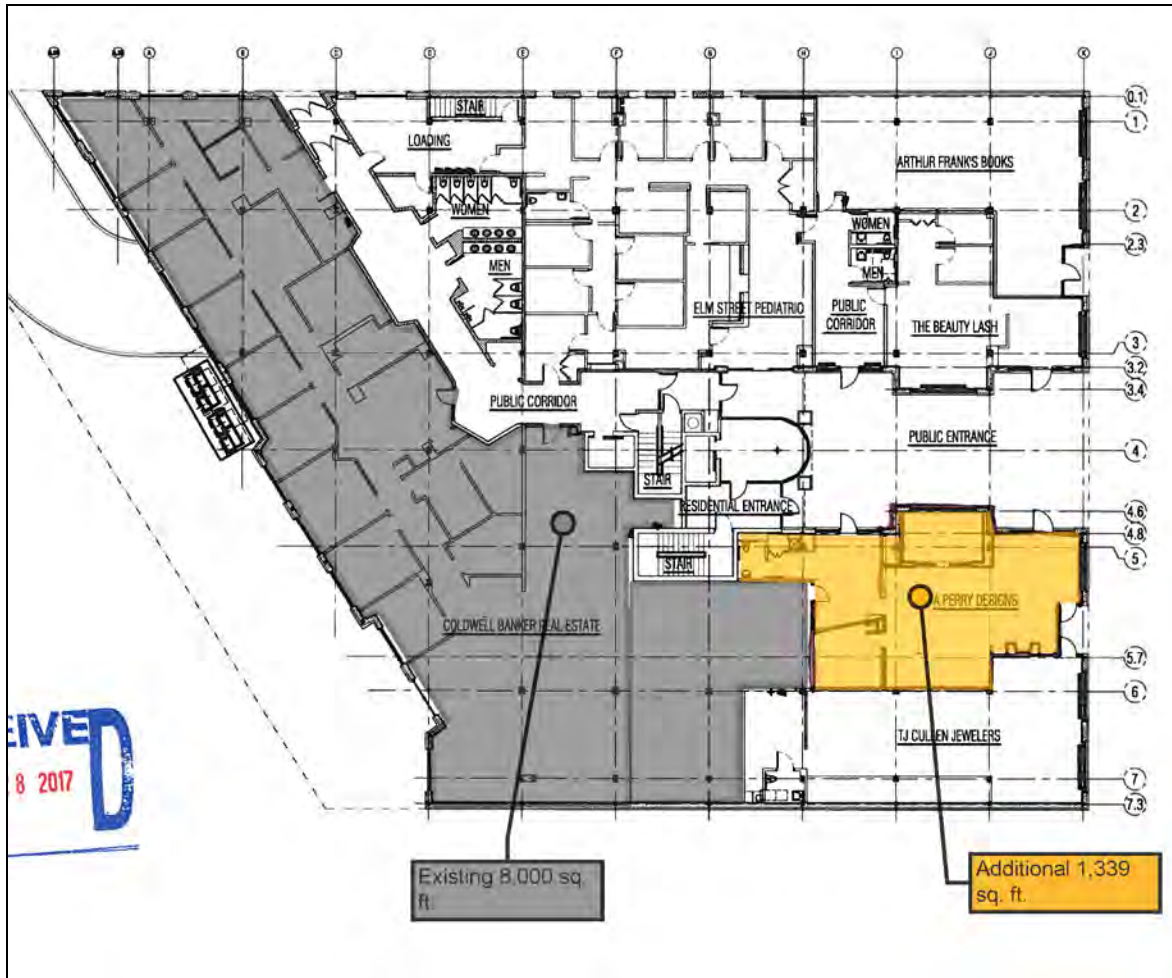


Figure 2



Figure 3

The attached application materials (*Attachment B*) note that the proposed expansion will allow for an increase in full time employees from 5 to 6 employees, and an increase in the projected typical (“average”) number of agents in the facility at one time from 10 to 12 agents. The applicant’s narrative goes on to explain that existing employees are adequately served by existing parking in the area.

Due to the fact this is an expansion of an existing business and in light of the minimal increase in staffing, the customarily required traffic and parking study was waived after review by the Community Development Department and Village Engineer Steve Saunders.

On-street parking is currently provided on Lincoln Avenue, with additional off-street parking is currently available in the Village’s Lincoln Avenue surface lot immediately adjacent to the rear of the Galleria building. The Galleria building is also served by underground private parking. Village Engineer Steve Saunders has evaluated the proposed Special Use and issued his comments to the Plan Commission in a memorandum dated September 15, 2017 (*Attachment C*).

STANDARDS FOR EVALUATION

Section 17.44 of the Zoning Ordinance provides a series of eleven (11) standards for the evaluation of Special Use applications within the Retail Overlay District, providing 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 eleven standards.

RECOMMENDATION

Draft findings have been prepared for consideration by the Plan Commission (*Attachment A*) based on the eleven standards established by Section 17.44 of the Zoning Ordinance.

Upon completion of public comment regarding the request, the Plan Commission should evaluate the request for consistency with the eleven standards addressed by the applicant, and issue findings as the petition's consistency with those standards. The Commission may consider the eleven standards and issue findings individually or by omnibus vote.

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

ATTACHMENTS

Attachment A: Draft Findings

Attachment B: Application Materials

Attachment C: Village Engineer Steve Saunders' Memo

Attachment D: 2016 Downtown Master Plan excerpt

Attachment A - Draft Plan Commission Findings

DRAFT

Findings of the Winnetka Plan Commission

**Coldwell Banker Real Estate
564 Lincoln Avenue
Special Use Permit**

After considering the application and testimony, the Plan Commission makes its findings as follows:

*That the proposed sales center and management office to be located within the C2 Commercial (Retail) Overlay District **[is/is not]** consistent with the eleven (11) standards of Chapter 17.44 of the Zoning Ordinance, as outlined below:*

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 of a comparison shopping nature;
8. Proposed street frontages providing access to or visibility for one or more special uses shall provide for a minimum interruption in the existing and potential continuity and concentration of retail uses of a comparison shopping nature;
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 of a comparison shopping nature;

10. If a project or building has, proposes or contemplates a mix of retail, office and service-type uses, and the retail portions of the project or building shall be located adjacent to the sidewalk. 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;
11. 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 of a comparison shopping nature.

RESOLUTION

NOW THEREFORE BE IT RESOLVED that the Winnetka Plan Commission finds that the proposed Special Use Permit application for the property at 564 Lincoln Avenue **(is/is not)** consistent with the standards for Special Use Permits.

Passed by a vote of ____ in favor and ____opposed.

Date: October 11, 2017

**Attachment B -
Application Materials**

Case No. 17-22-SU



**APPLICATION FOR SPECIAL USE
C2 Retail Overlay District**

Name of Applicant Coldwell Banker Residential Brokerage

Proposed type of occupancy Residential Brokerage

Property Address 564 Lincoln

Applicant Telephone Number (847) 446-4000

Applicant Email address Karen.Arenson@cbexchange.com

Architect Information: Name, Address, Telephone & Email

Coldwell Banker Residential Brokerage

Karen.Arenson@cbexchange.com

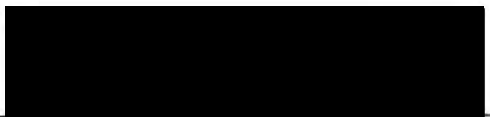
Attorney Information: Name, Address, Telephone & Email

Coldwell Banker Residential Brokerage

Karen.Arenson@cbexchange.com

Explanation of Special Use Requested:

Attach a separate document providing narrative description of proposed business and
Location within C2 Retail Overlay District. Address each of the eleven (11) standards
on page 5


Applicant signature

8/28/17
Date

Proposed Use. The expansion of Coldwell Banker is a residential brokerage which has been established in this community for many years. Our business deals in the high-end luxury market and the first-time starter home and everything in between. We bring in clients with income and funds as patrons of the surrounding retail businesses in the immediate downtown area of Winnetka.

We would like to expand into the front space on the street simply to expand our current space for more visibility, better ease for our clientele, and to provide more space for those who are already in our current space. We have agents tripled up on desks. And while we have become more mobile in our operation, workspace is still a premium.

Hours of Operation have not changed since we moved into 568 Lincoln Avenue:

M-F 9:00 – 5:30
Sat 9:30 – 5:00
Sun 10:00 – 4:00

Peak Hours for Employees and brokers:

Mondays 9:00 – 12:00

Other days, early morning and late afternoon are heavier than between 10:00-3:00, which are our quietest hours.

Expansion of Premises. As of the Expansion Commencement Date (as hereinafter defined), the Premises shall expand to include (a) 1,339 rentable square feet, consisting of the remaining east portion of the Condominium Unit C-2 (the “Remainder Space”), and (b) 832 rentable square feet of the lower level storage space in Condominium Unit C-8 (the “Storage Space”) (collectively the Remainder Space and the Storage Space, the “Expansion Space”).

From and after the Expansion Commencement Date, the Original Premises and the Expansion Space, taken together, shall be known as the Premises, and all reference to the Premises in the Lease be referring to the Original Premise and the Expansion Space taken together.

As of the Expansion Commencement Date, the Premises shall consist of 9,369 rentable square feet.

In addition, two extra underground parking places are included with the proposed space which would alleviate two spots in the A lot usage for our administrative staff.

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;
 - The Special Use will re-establish a street presence for our existing real estate operation and will not require any build out or ongoing maintenance that would be harmful to 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;
 - Our current location has been part of the community for many years, with us also residing in various street locations previously without injury or impediment to other property in the immediate vicinity, and will not do so going forward
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;
 - We will use the existing footprint and will not impede any other improvements by neighbors in immediate vicinity or otherwise
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;
 - We will not create disruption that would cause congestion for pedestrians or vehicles, and will safely observe all ingress and egress guidelines
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;
 - This is an expansion of our current space for better visibility on the street and to provide more space to current occupants, who have currently have adequate parking, utilities, access roads, drainage and other facilities
6. That the Special Use in all other respects conforms to the applicable regulations of this and other village ordinances and codes;
 - We will use professional architects, planners and contractors to conform to all 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 of a comparison shopping nature;
 - Our business deals in the high-end market place of the village, bringing in clients with income and funds to be patrons of surrounding retail businesses in the immediate area, as will our brokers who are also patrons of the community in their own right



8. Proposed street frontages providing access to or visibility for one or more special uses shall provide for a minimum interruption in the existing and potential continuity and concentration of retail uses of a comparison shopping nature;

- We will use existing street frontage to display signage, which will have minimal interruption in continuity and concentration for surrounding retail fronts

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 of a comparison shopping nature;

- We will create and install any and all signage in accordance with village rules and permits

10. If a project or building has, proposes or contemplates a mix of retail, office and service type uses, and the retail portions of the project or building shall be located adjacent to the sidewalk. 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;

- We will develop our frontage and gross floor area with typical hours of operation and in accordance with all village rules and permits

11. 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 of a comparison shopping nature.

- We are moving into a frontage location for better visibility to the community with the same traffic that we currently have, not adding any additional capacity that would diminish the availability of parking for clientele of surrounding retail businesses

Coldwell Banker Proposal to acquire the former A. Perry Space in the Galleria

Parking | Traffic Impact



2009 Conditions

Full Time Employees	5
Average # of Agents	12
Average # of Clients	2
TOTAL AVERAGE PARKING DEMAND	19
Maximum # of Agents	45
Maximum # of Clients	8
TOTAL MAXIMUM PARKING DEMAND	58

2017 Conditions

Full Time Employees	5
Average # of Agents	10
Average # of Clients	2
TOTAL AVERAGE PARKING DEMAND	17
Maximum # of Agents	40
Maximum # of Clients	6
TOTAL MAXIMUM PARKING DEMAND	58

NET AVERAGE CHANGE

-2

NET MAXIMUM CHANGE

-8

Proposed Conditions – remain the same

Full Time Employees	6
Average # of Agents	12
Average # of Clients	2
TOTAL AVERAGE PARKING DEMAND	20
Maximum # of Agents	45
Maximum # of Clients	8
TOTAL MAXIMUM PARKING DEMAND	58

NET AVERAGE IMPACT

+1

NET MAXIMUM IMPACT

0

OLD version

From: Jim S [mailto:sayjamesj@aol.com]
 Sent: Friday, May 22, 2009 4:54 PM
 To: O'Rourke, Patrick
 Cc: Schnoll, Jordan; Ryan, Charles
 Subject: Re: CB - Galleria -

Ok. The Village Engineer has been forwarded a presentationally modified version of your numbers.

Thanks for getting this done and everyone have a fun and safe holiday weekend.

Best,

James J. Saycegh
 Absolute Equity LLC

570 Lincoln Avenue
 Suite #5
 Winnetka, IL 60093
 847.343.5653 P
 773.880.9816 F

RECEIVED
 AUG 28 2017
 BY: _____

-----Original Message-----

From: O'Rourke, Patrick <Patrick.O'Rourke@icheckexchange.com>
 To: Jim S <sayjamesj@aol.com>
 Cc: Schnoll, Jordan <jchnoll@ebeworldwide.com>; Ryan, Charles <Charles.Ryan@nrtcentral.com>
 Sent: Fri, 22 May 2009 4:08 pm
 Subject: CB - Galleria -

Existing Conditions

	CB North	CB South	Total
Full Time Employees	5	5	10
Avg. Number of Agents	8	8	16
Avg. Number of Clients	1	1	2
Total Avg. Parking Demand			
=0 A	14	14	28

	CB North	CB South	Total
Full Time Employees	5	5	10
Max Number of Agents	35	30	65
Max Number of Clients	5	4	9
Total Max Parking Demand	45	39	84

Proposed Conditions

	CB Main	Total
Full Time Employees	5	5
Avg. Number of Agents	12	12
Avg. Number of Clients	2	2
Total Avg. Parking Demand		
	19	19

Net Average Impact

-9

	CB Main	Total
Full Time Employees	5	5
Max Number of Agents	45	45
Max Number of Clients	8	8
Total Max Parking Demand	58	58

Net Maximum Impact

- 26

I think this will allow you to present your data in a way that will clearly and reasonably state the impact of consolidating the two offices. Thank you.

Steve

Steven M. Saunders

Director of Public Works/Village Engineer
 Village of Winnetka
 1390 Willow Road
 Winnetka, IL 60093
 (8...
 (8... (facsimile)
 ssaunders@winnetka.org

5/27/2009

remains
the same
(should not
be shaded)

891 SQ FT

3 agent
desks to
accommodate
existing agents.

SEE
CLOSE-UP
FOR
CURRENT
BUILD-OUT

door locked
wall removed

door locked

primary
door

reception
existing
fireplace
non-
functioning

existing
walls & doors
remain

RECEIVED
AUG 28 2017
BY: _____



FIRST FLOOR FURNITURE PLAN
Scale: 1/8" = 1'-0"



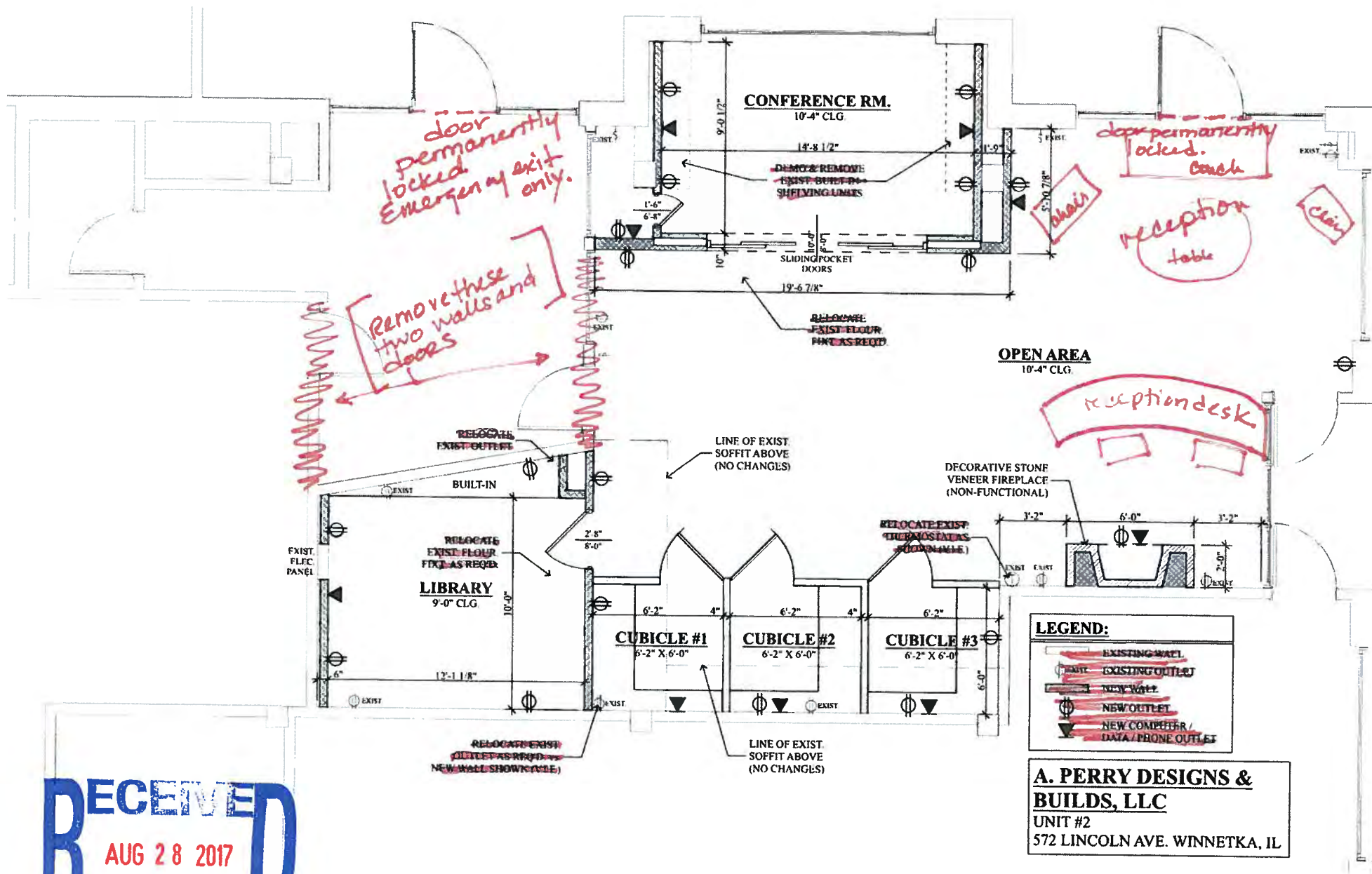
RESIDENTIAL BROKERAGE

NRT LLC
2215 Sanders Road, Suite 300
Northbrook, IL 60062
PH: 847.313.6716
Fax: 847.307.4865

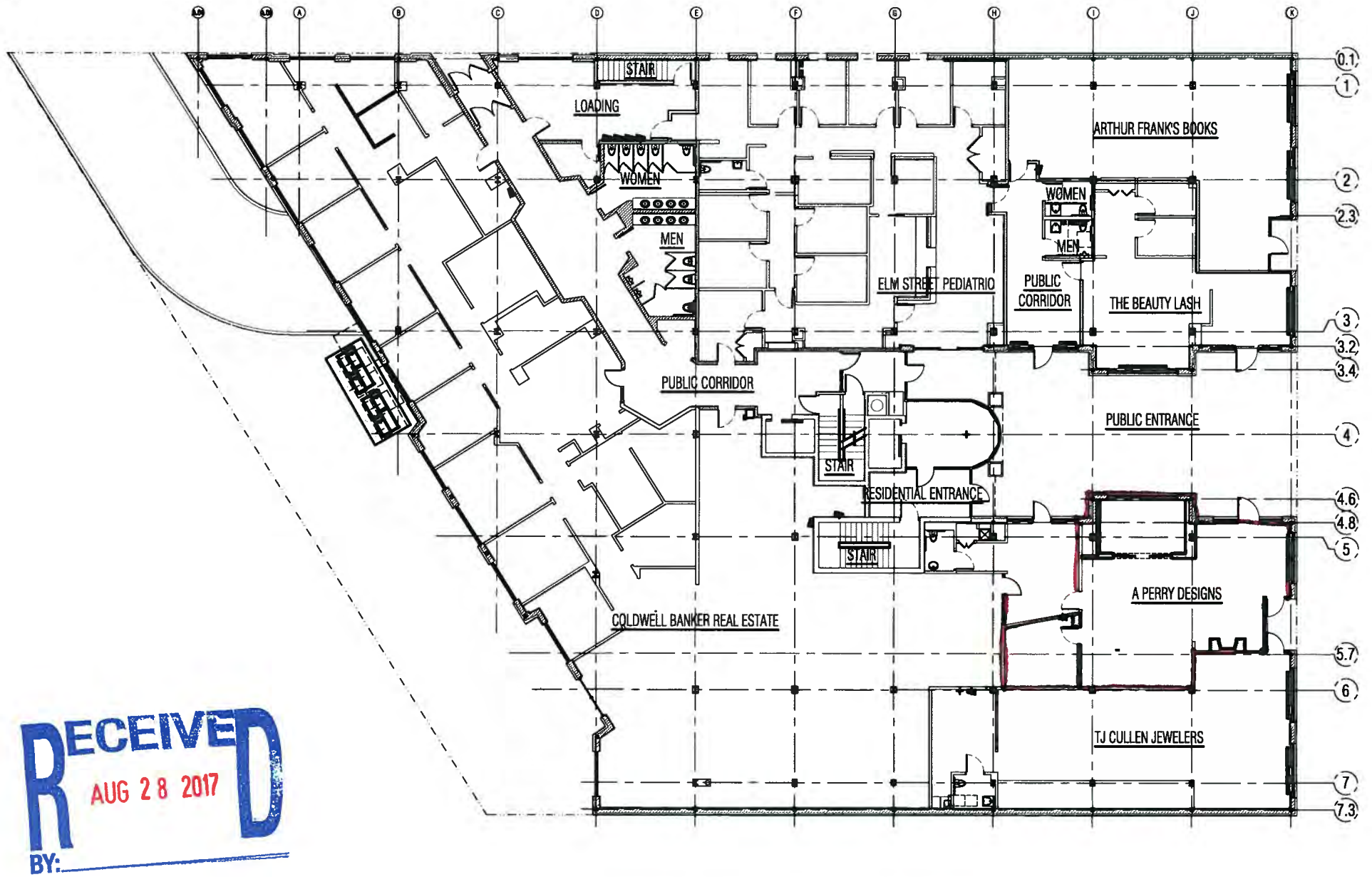
PROJECT:
WINNETKA
562-572 Lincoln
Winnetka, IL

DATE: 09/05/13
REVISION:
DRAWN BY: E. Visser
SCALE: 1/8" = 1'-0"

SHEET NO.
FURNITURE
PLAN



RECEIVED
AUG 28 2017
BY: _____



Memorandum

To: Winnetka Plan Commission
CC: Ann Klaassen
From: Steven M. Saunders, Director of Public Works/Village Engineer
Date: September 18, 2017
Re: Special Use Permit Application – 564 Lincoln Avenue: Coldwell Banker
Office Expansion

I have reviewed the Special Use permit application to allow expansion of an existing Coldwell Banker Residential Brokerage office at 564 Lincoln Avenue, in the C2 Retail Overlay District. The proposed location is on the west side of Lincoln Avenue, in the Winnetka Galleria development. 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 Lincoln Avenue, and in the Village-owned Lincoln Avenue parking lot. The application materials indicate that the proposed expansion includes window space in the Lincoln Avenue frontage of the building. The proposed expansion will increase the space by 2,171 square feet, including 882 square feet of lower level storage space, and includes an additional two spaces in the underground parking garage. The applicant has stated in their materials that the purpose of the proposed expansion is “for better visibility to the community with the same traffic that we currently have, not adding any additional capacity that would diminish the availability of parking for clientele of surrounding retail businesses.”

Coldwell Banker has supplied information on the number of employees, agents, and clients in the office, using the 2009 number, current (2017) numbers, and proposed numbers. They anticipate one additional full-time employee and two additional agents on average, and a maximum of five additional agents and two additional clients. It is my opinion that these anticipated staffing and customer levels should create no adverse impact on parking or traffic, and ample parking exists for this proposed special use.

GENERAL RECOMMENDATIONS

CODE AMENDMENTS

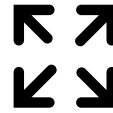
Recent changes to the Zoning Ordinance are recognized as a sound step in creating a development approval process more in keeping with the practices of business district users and supporting Village development objectives. Based on input from the Downtown Master Plan process and technical evaluation of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

- **1. REDUCE / CLARIFY STANDARDS FOR ZONING ENTITLEMENT:** Per the Village Zoning Ordinance, Special Uses, Planned Unit Development, and Variations must be considered against a set of established standards to affirm that the proposed use or development is appropriate for the Village and the location where it will be located. The Winnetka Zoning Ordinance has multiple sets of standards for each of these approvals that must be addressed. In practical application, these multiple sets of standards lack focus and can be applied subjectively. This makes the approval process confusing for the applicant and Village officials, and does not constructively add value to the approval process or ultimate development. The standards should be consolidated and clarified without diminishing the regulatory control the Village maintains over proposed developments or its expectations for their quality.

- **2. REVISE THE COMMERCIAL OVERLAY DISTRICT:** Winnetka's C-2 Overlay zoning district regulates the uses (businesses) permitted in the core parts of the Elm Street and Hubbard Woods business districts. It permits fewer types of businesses than the underlying C-2 District, primarily allowing retail and personal service businesses on the first floor with the intent of supporting an active commercial street front. However, it has been noted during the planning process that lifestyles have changed in recent years and a notable level of activity is also generated by other types of uses. Recognizing this change and incorporating it into downtown zoning can advance stronger business districts. For this regulatory tool to be better in step with the direction of this Plan, four aspects of the C-2 Overlay should be changed, as noted on the following page.

CODE AMENDMENTS

□ **2. REVISE THE COMMERCIAL OVERLAY DISTRICT (CONTINUED):**

**1. PERMITTED USES:**

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

2. SPECIAL USES:

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

3. OVERLAY BOUNDARY:

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

4. OVERLAY TITLE:

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

WINNETKA PLAN COMMISSION
EXCERPT OF SPECIAL MEETING MINUTES
OCTOBER 11, 2017

Members Present:

Tina Dalman, Chairperson
Mamie Case
Jack Coladarci
John Golan
Louise Holland
Matt Hulsizer
Keta McCarthy
Bridget Orsic
John Thomas
Joni Johnson

Members Absent:

Jeanne Morette
Kristen Ziv

Village Staff:

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

Case No. 17-22-SU: Consideration of Special Use Permit Request by Coldwell Banker Real Estate to Permit a Real Estate Office on the Ground Floor Within the C2(Retail) Overlay District at 564 Lincoln Avenue

Chairperson Dalman asked Mr. Norkus for a summary.

Mr. Norkus stated that the applicant for this case is seeking to expand its current offices in The Winnetka Galleria building. He noted that they would occupy the now vacant space at 564 Lincoln Avenue. Mr. Norkus identified the property location on the east side of Lincoln Avenue north of Elm. Mr. Norkus informed the Commission that Coldwell Banker occupies 8,000 square feet of The Winnetka Galleria as shown on page 3 of the materials. He referred to the area shown in dark gray in the floor plan illustration. Mr. Norkus then noted that the existing space is located more than 50 feet from the Lincoln Avenue property line and located outside of the retail overlay district.

Mr. Norkus then stated that the map on page 2 of the agenda report highlights the location of The Winnetka Galleria building with regard to the retail overlay district boundaries. He informed the Commission that the Galleria is at the north end of the overlay district and that the building north of the Galleria is not within the overlay district. Mr. Norkus then referred to the same patterns carried across in the illustration.

1 Mr. Norkus stated that the Coldwell Banker proposed expansion would occupy an additional
2 1,339 square feet of ground floor space of The Winnetka Galleria as shown on the illustration in
3 yellow. He noted that the applicant has provided additional information on the anticipated
4 additional employee count to allow the Village staff to evaluate the proposed special use on the
5 availability of parking. Mr. Norkus stated that for this location, on the street, there is parking on
6 Lincoln Avenue and the Lincoln Avenue off-street lot to the west of the Galleria. Mr. Norkus
7 also stated that the Galleria has private onsite parking in a location below grade and that the
8 project provides a certain amount of parking for both the residences and tenants. He also stated
9 that the materials indicate their right to use a certain number of below grade spaces.

10
11 Mr. Norkus went on to state that the application notes the modest expansion will result in two
12 additional agents on average in the office as a result of the expansion. He informed the
13 Commission that the Village Engineer provided his review and comment on the application and
14 that it concludes that the proposal would have a minimal impact on the availability of parking in
15 the area. Mr. Norkus concluded that there would be the same issue with regard to how the
16 Commission is to apply the standards and asked the Commission Members if they had any
17 questions.

18
19 Chairperson Dalman also asked the Commission if they had any questions.

20
21 Ms. Holland asked were any other landlords and owners on Lincoln Avenue questioned as to this
22 special use. Mr. Norkus confirmed that a notice was sent to the property owners within 500 feet
23 of the Galleria which included all of Lincoln Avenue. He then informed the Commission that
24 they have received no written response on this application.

25
26 Mr. Bradley asked what is the vacancy and how long for that building. Mr. Norkus responded
27 that the subject space was vacant for an estimated 1 to 2 years.

28
29 Ms. McCarthy asked what was there before. Mr. Norkus stated that Perry Homes was permitted
30 as an architectural design firm which did retail sales as part of their approval.

31
32 Chairperson Dalman asked if there were any other questions for Mr. Norkus. No additional
33 questions were raised by the Commission at this time. She then stated that the applicant would
34 now make their presentation and swore in those that would be speaking to this matter.

35
36 Karen Arenson introduced herself to the Commission as the management broker at Coldwell
37 Banker at 568 Lincoln Avenue and that the request is to consider and approve their petition to
38 expand into the space which was vacated by Perry Homes. She stated that Coldwell Banker has
39 been part of the community for 20 years. Ms. Arenson informed the Commission that they used
40 to have two spaces on Lincoln Avenue, one in the overlay district and one which was not. She
41 then stated that in 2012, they merged into the back space at the Galleria and commented that they
42 love it there.

43
44 Ms. Arenson stated that they love their neighbors and condominium neighbors and expressed a
45 desire to move forward and take care of the space at Galleria which would be quiet and not a
46 restaurant. She also stated that they work well with the neighbors including the real estate

1 neighbors around them. Ms. Arenson then stated that as far as they consider themselves in terms
2 of their role, she stated that there is a disjoint with real estate in general and that people see them
3 as ambassadors to the Village and the North Shore. She stated that when people move here from
4 the city and other suburbs, they are their first stop when they come to the Village.

5
6 Ms. Arenson also stated that they are the biggest proponent of the lifestyles of the community
7 and that they take their clients to restaurants and that they go to the doctors, dentists, etc. and
8 retail across the street. She then stated that there is a great amount of street traffic into their
9 office and estimated that they see 20 clients per week. Ms. Arenson informed the Commission
10 that their agents live nearby and also provide street traffic. She added that they are active in the
11 community and give back in terms of children fairs, horse carriages, etc. and that they have been
12 involved on the Chamber of Commerce for years contributing back to retail in favor of the retail
13 district.

14
15 Ms. Arenson went on to state that as far as the proposed expansion, they would not be adding
16 additional personnel and noted that one person has left since the petition was filed. She also
17 stated that there is current parking underground and that they have three parking spots and have
18 five full time personnel. Ms. Arenson then stated that if they get the additional front space, they
19 would have two more additional underground parking spots and that all of their employees use
20 off-street parking and that there would be no additional agents added.

21
22 Ms. Arenson then stated that in terms of the visual impact, they already have a blade sign and
23 that there would be no additional signage. She then stated that they have seen Hoffman put up a
24 sign in their window and that their signage would be no bigger than theirs. Ms. Arenson noted
25 that it would be a frosted Coldwell Banker sign and that they would be taking away the lit sign in
26 the back. She described Perry Homes as having a beautiful space and that they would be leaving
27 the fireplace and living room façade. Ms. Arenson informed the Commission that they would not
28 be putting in desks in the front except for the reception desk and that they would be putting in a
29 conference room. She stated that they would use the space in a similar manner and that it is their
30 hope to entertain the community with events to bring people in the back area. Ms. Arenson
31 reiterated that there would be minimal signage and that there would be no hanging signs in the
32 front window. She concluded by stating that they aspire to continue to provide the Village
33 support and would work with the neighbors and be the best ambassadors of all they have to offer
34 in Winnetka.

35
36 Chairperson Dalman asked if there were any questions.

37
38 Ms. Johnson stated that in 2010, they received approval and did not move forward. Ms. Arenson
39 referred to the crash and financial constraints. Ms. Holland informed the Commission that there
40 was another reason why Coldwell Banker did not move forward. She then stated that when the
41 Village crafted the special use permit, Coldwell Banker had to indemnify the Village if the
42 Village was sued by the owner's of the then Coldwell Banker space on Lincoln Avenue. Ms.
43 Holland stated that O'Rourke agreed to indemnify Winnetka while Coldwell Banker National did
44 not. Ms. Arenson agreed that is correct.

45
46 Ms. Holland stated that is why she asked if the landlords on Lincoln Avenue were notified. She

1 stated that in 2010, people were up in arms about a real estate office and that this would be the
2 exact same space on the other side of the courtyard.

3
4 Ms. Johnson stated that she was on the ZBA and was a liaison to the Commission then. She
5 referred to Coldwell Banker's landlord and that it was the space to the south that was threatening
6 to sue.

7
8 Ms. Arenson informed the Commission that she was in the other building and was not involved
9 then. She also stated that Coldwell Banker moved into the former Merrill Lynch space back there
10 and then they moved. Ms. Arenson stated that the 2010 proposal was to move forward from that.

11
12 Ms. McCarthy questioned whether the issue was relevant regarding the lawsuit.

13
14 Ms. Holland stated that the Commission concern at that time was that one of the major reasons
15 was that Coldwell wanted to move and that they did not need more space. She referred to the
16 internet and digital world taking over the real estate industry. She wondered why in the digital
17 world did they need more space.

18
19 Ms. Arenson responded that it is because in the digital world, in person communication among
20 real estate agents is more important than ever. She informed the Commission that they come in
21 and use the community computers and like the ability to be together. Ms. Arenson noted that the
22 computers are filled every day for collaboration and communication. Ms. Arenson also informed
23 the Commission that they buy 10 parking passes for the employees.

24
25 Ms. McCarthy asked Ms. Arenson if they have sales meetings. Ms. Arenson responded on
26 Monday morning before the retail overlay district opens, they have one hour meetings sometimes
27 until 10:15 or 10:30 a.m. She noted that their staff uses underground parking.

28
29 Ms. Johnson referred to the beauty lash space which is the same size they are seeking now. Mr.
30 Norkus stated that he is not certain about the size of the beauty lash space but that it appears
31 smaller than the subject space. Ms. Arenson agreed that it is slightly smaller.

32
33 Chairperson Dalman stated that she is confused and that the application materials indicate that
34 they would have a staff increase which is the reason for the need for the additional space. She
35 asked Ms. Arenson if they are saying that the amount of employees is flat and that there would
36 be no additional employees.

37
38 Ms. Arenson responded that they thought there might be one additional person but there is not
39 going to be. She noted that they put in the application three months ago and that their staffing has
40 changed since then.

41
42 Chairperson Dalman stated that she is curious and that the request seemed to be going against the
43 trend for brokerage reducing its footprint. She asked if it is partly that the agents do not have
44 their own computers.

45
46 Ms. Arenson stated that there are lots of trends now. She stated that they still have clients face-

1 to-face and that they are also handling checks and walk ins. Ms. Arenson then stated that with
2 regard to the pendulum swing, it used to be very digital and remote and now agents more and
3 more want to be to back together again which is why they want community events in the area.
4 Ms. Arenson also stated that Conlon discussed having gatherings in the space and that they
5 would use the same concept as them. She informed the Commission that there would be
6 informative seminars in the evening. Ms. Arenson then stated that the agents like the sense of
7 community in the office and referred to the pendulum which has swung back to the center and
8 that the agents like to be in the office. She added that with regard to pre-MLS listings, they are
9 able find out about them before they are put on the MLS. She stated that the trend of the constant
10 pendulum is flying against the face of what it was 4 or 5 years ago.

11
12 Chairperson Dalman stated that they appreciated their presence in Winnetka and what they do for
13 the community. She stated that the challenge is that they have the overlay district and that based
14 on what Ms. Arenson is saying, there would only be 20 clients [per week] and no traffic other
15 than employees.

16
17 Ms. Arenson informed the Commission that there would be agents in and out of the office daily
18 and that the average is 12 per day except for Monday. She then assured the Commission that they
19 come in and out and grab lunch with their clients. Ms. Arenson stated that you can see that there
20 is a lot of foot traffic if you watch their doors.

21
22 Ms. Johnson stated that if the request is approved by the Village Council, she asked if they
23 planned to do what the brokerage firm at Elm and Chestnut has done with the windows having
24 pictures of the homes they are listing. Ms. Arenson confirmed that they will not do that. She
25 then stated that the signage would be white frosted and that there would be no signs of homes in
26 the windows. Ms. Arenson also stated that there would be no agent desks in the front windows
27 and that it will be open space where you can see the receptionist and couch, two chairs and two
28 staff members in the back. She informed the Commission that the window be half frosted and
29 that there would be a conference room as well and a table there. Ms. Arenson stated that you
30 would see people and the décor.

31
32 Ms. Holland stated that in connection with the existing 8,000 square feet, they would be adding
33 1,339 square feet which would make it close to 10,000 square feet. She stated that with regard to
34 Lincoln Avenue, she is there daily trying to find parking. Ms. Holland then questioned whether
35 they have talked to the tenants who say that is because of the real estate offices. She stated that
36 coupled with what would be happening south of them across Elm for the next 2 to 3 years, there
37 would be hundreds of people coming to the area for a number of reasons and that she doubted
38 that the contractors would hold everything on their site. Ms. Holland then stated that these are
39 public parking spaces and that density and the parking problem will be overwhelming. She stated
40 that she cannot vote in favor of the request for that reason and added that now as a resident, you
41 cannot find a parking space.

42
43 Ms. Arenson stated that she appreciated the frustration with parking and that it would be no
44 different than what they have in taking one more person off of the street. She reiterated that they
45 buy passes for all of their agents and that a majority of them come in the back door from the
46 parking lot. Ms. Arenson also stated that they go to the shops which is what they want and that

1 they want the density to feed the retailers. She then stated that they do not want density because
2 people cannot park.

3
4 Ms. Holland described that as a particularly serious problem. She then stated that she applauded
5 the Village which refurbished the parking lot nearby. Ms. Holland also stated that they have the
6 Community House, commuter parking and employee parking and described the situation as a
7 constant battle. She added that the nursery school is also there. Ms. Holland then stated that as a
8 resident and given what would happen south on Elm, she would not vote in favor even though
9 they do a great job.

10
11 Mr. Thomas stated that Mr. Saunders says that the application anticipated the staff and levels
12 would have no adverse impact on parking or traffic. He then stated that as Ms. Holland points
13 out, there is already a parking issue in the area and that with One Winnetka, it would be an even
14 bigger problem for the whole area. Mr. Thomas then suggested that the Village think hard about
15 the expansion of the garage parking now so that in 5 years, there would be no problem on Elm.

16
17 Chairperson Dalman asked if there were any other questions for the applicant.

18
19 Ms. Case referred to when Ms. Arenson is no longer the head of this office who stated that she
20 would not put up signage of homes and that someone who is her successor may have a different
21 view and plaster homes in the windows.

22
23 Ms. Arenson informed the Commission that as far as history has indicated, they have had the
24 space at 552 Lincoln and 586 Lincoln and when both were theirs, they have never had signs of
25 homes in the windows. She added that it is not done in their offices in other communities either.

26
27 Chairperson Dalman asked if there were any other questions. No additional questions were raised
28 by the Commission at this time. She then asked if there were any questions from the audience.
29 No questions were raised by the audience at this time. Chairperson Dalman stated that they
30 would now close the public hearing portion of the meeting and open the matter for discussion by
31 the Commission.

32
33 Ms. McCarthy stated that she had a question for the Commission or Mr. Norkus and asked is
34 there another viable alternative rather than a real estate office. She stated that is the issue and that
35 if they do not want Coldwell Banker, then who. Ms. McCarthy also asked would this space be
36 available to others who would want it as retail.

37
38 Ms. Johnson stated that down the street in the other courtyard building, there is now a diet store
39 where there is very little foot traffic. She noted that they did not need a special use permit since
40 they sell diet products. Ms. Johnson then stated that the store on the flip side of the courtyard did
41 need a special use permit since it is a rehab place with physical therapy in the window. She
42 informed the Commission that at the hearing stage, they were told that the physical therapy
43 would be in private rooms and that is not the case. Ms. Johnson stated that is further in the
44 overlay district. She then stated that it is difficult and that they know that each space is unique.
45 Ms. Johnson stated that space was approved a few years ago and commented that this is a more
46 attractive space although it is not retail and referred to if a retail tenant would have moved in.

1 She also stated that Jack Perry Homes did not need a special use. Ms. Johnson then referred to
2 the way in which the Village classifies a special use and retail uses, she questioned whether a
3 beauty lash establishment is considered a traditional retail use. Ms. Johnson added that she did
4 not see Jack Perry Homes generating a lot of foot traffic and they did not need a special use. She
5 concluded by stating that she would be in favor of the recommendation but that she could be
6 persuaded otherwise.

7
8 Chairperson Dalman asked if there were any other comments.

9
10 Ms. Orsic informed the Commission that she worked for @Properties and Coldwell Banker does
11 a lot of personal services in that area. She stated that they bring a bustle of activity in and out and
12 that she did not think that the proposed expansion would require additional parking. Ms. Orsic
13 commented that she would prefer to have retail and that is a stretch and that it seemed that there
14 is personal service already, which did not add to the parking problem.

15
16 Mr. Golan asked has the Village done a study of how they are using all of the these parking
17 spots. He stated that he did not see anyone in any of the stores and asked who is using all of the
18 parking. Mr. Norkus stated that the Village studied parking in a global sense for East and West
19 Elm but did not look at specific stretches to determine who the users were. He informed the
20 Commission that they looked at the percentage of parking occupied during a peak period and
21 noted that East Elm is the highest use in terms of parking on the street compared to West Elm.

22
23 Mr. Golan stated that it would be useful to know who is using the parking spots since the realtors
24 are saying that it is not them yet the parking spots are all full. He asked what can they do to
25 improve the situation and added that in Hubbard Woods, parking is not used much.

26
27 Ms. Holland stated that the police are there and that it was complained that customers cannot get
28 into the stores. She stated that the police enforce 90 minute parking limitations by license plates
29 and that tickets are given.

30
31 Mr. Thomas stated that in the middle of the day, restaurants take up a lot of parking.

32
33 Mr. Bradley stated that to comment on parking, he finds that it is hard to park there as well. He
34 then stated that they cannot hold a landlord hostage and say that they cannot lease their space at
35 all. Mr. Bradley then referred to the One Winnetka offer to add more parking spots then was
36 preliminarily approved, and that it may have been a mistake in hindsight not to approve the
37 additional parking. He stated that although he is somewhat concerned about the request, he
38 would be in favor of this request and referred to the conversation on the previous application and
39 asked what is the difference between this and the previous application.

40
41 Ms. Orsic stated that she had the same conflict and that one would have less foot traffic once all
42 of the units are sold whereas a real estate office would have employees in and out permanently.
43 She stated that there is going to be foot traffic and they would be using the surrounding
44 businesses.

45
46 Mr. Bradley stated that he did not know what the rules are on a high level and reiterated that he

1 would vote in favor although he struggled with that piece.

2
3 Mr. Coladarci stated that the difference for this one is that they would be replacing an architect's
4 office which did not generate a huge amount of foot traffic. He stated that this request would be
5 giving them a presence on the street. Mr. Coladarci then stated that One Winnetka is saying that
6 they only have so many places to sell and that the model aspect of One Winnetka would
7 disappear in 5 years and they would be down to having an office with one or two people. Mr.
8 Coladarci stated that for this place, there is going to be people, but that there would be no change
9 in the number of agents with there still being a Monday meeting problem whether they extend to
10 the street or not. He concluded by stating that he would rather see a store selling retail.

11
12 Mr. Bradley stated that the agents shop and then eat and that it is the other way now. He also
13 stated granted, people would shop at the stores.

14
15 Mr. Coladarci stated that each case is a new case and the factors are different. He stated that even
16 though they look the same on the face, there is enough of a difference and that they can be
17 consistent enough if they rule differently.

18
19 Chairperson Dalman stated that she is struggling with the request and that the applicant already
20 has a special use permit and that they would be taking additional space. She then stated that that
21 they already have foot traffic and that they would be granting this additional special use. Ms.
22 Arenson confirmed that they do not already have a special use permit.

23
24 Chairperson Dalman then stated that it is already an existing use and that they would not be
25 intensifying the use and that the foot traffic is already there. She then referred to it being in a
26 different category of taking 1,300 square feet of retail and not bringing more employees in or
27 intensifying the use.

28
29 Ms. Holland stated that the other issue is that if the request is approved, that from the inception
30 on the west side of Lincoln every use to the jewelry store will be a special use. She stated that
31 they also have a real estate office on the south side of The Galleria and referred to the vote to put
32 in a physician's office on the north side and that next to that is Mr. Weaver which has been
33 empty for 15 years and then a bank. Ms. Holland stated that the Weaver building is at the end of
34 the overlay district and is not in the overlay district. She stated that this would be a tremendous
35 disservice and that the retailers on the west side could use another retailer to anchor that 1,300
36 square feet. Ms. Holland described it as a bad planning decision and that it would not be good for
37 retail. She stated that these retail spaces do not rent overnight, especially since The Galleria
38 represented newer construction and that the cost per square foot is much higher than it is across
39 the street. She also stated that with regard to the elimination of retail found in Winnetka, that is
40 the reason the overlay district was created in the late 1980's. Ms. Holland added that when real
41 estate goes in, it does not go out and that it will be there as a real estate office. She then stated
42 that half of the west side of the street is non-retail.

43
44 Ms. Johnson stated that the pediatric doctor was a special use and asked what is the reason to
45 recommend approval for that. Ms. Case indicated that it may have been an expansion of an
46 existing business.

1 Mr. Golan stated that they cannot penalize Coldwell Banker because of a decision made in the
2 past and described this as the last little island of the overlay district. He stated that they have
3 made serial decisions over the years and that this is the last spot. Mr. Golan added that the other
4 side of the street is vibrant.

5
6 Ms. Holland stated that she talked to three different stores on the east side and described it as bad
7 planning from a retail aspect.

8
9 Mr. Bradley referred to retail just moving to the south and that there would be 34,000 square feet
10 of retail coming in.

11
12 Ms. Holland stated that One Winnetka may want Illinois Bone and Joint and that we cannot
13 predict that.

14
15 Mr. Thomas stated that they are going in circles again.

16
17 Chairperson Dalman asked if there were any other additional comments and stated that she is
18 concerned that finding no. 7 of the 11 findings is challenged to be met. She then stated that to
19 her, if this expansion is allowing additional foot traffic, they are not saying that with the revised
20 information. Chairperson Dalman stated that she is troubled with the compliance with criteria no.
21 7 and that she cannot support the request for that reason. She then asked the Commission if they
22 are prepared to move forward with a motion or additional discussion.

23
24 Mr. Golan stated that finding no. 4 was talked about the most and that there is a lot of congestion
25 there now. Chairperson Dalman stated that the problem with that is that the Village Engineer
26 indicated that there would be no issue. Mr. Norkus stated that part of that might have been
27 drawing conclusions specific to increment to the current conditions.

28
29 Mr. Thomas stated that the Village Engineer said it would not be a problem and that he would
30 tend to say since he wrote the report that he believes there would not be traffic issues and that he
31 is the expert and he would buy what he says.

32
33 Chairperson Dalman stated that Mr. Norkus' point is well taken and that they are to evaluate the
34 increment of additional employees. She noted that the existing use is not going away and that
35 they are not intensifying the use. Chairperson Dalman indicated that they may add staff in the
36 future. She then asked if there were other concerns on any specific criteria. No additional
37 comments were made by the Commission at this time.

38
39 Chairperson Dalman then stated that the Commission would proceed with a motion and that it
40 sounded like there is division. She then asked if there is some support for the recommendation of
41 approval of the special use permit for this additional space which would be a motion in the
42 affirmative.

43
44 Mr. Golan stated that they see a lot of special use permits for real estate offices. He stated that if
45 they approved them all, he asked if there has been one which was not approved. Mr. Golan then
46 stated that if this is not viable for the reasons that Ms. Holland mentioned, for consistency, they

1 should come up with good reasons why they are approving it.

2
3 Chairperson Dalman stated that she agreed with Mr. Golan's comments. She stated that there is a
4 sense that a majority of the Commission Members feel they could support the recommendation
5 of approval of a special use. Chairperson Dalman then stated that if there are others who have
6 concerns, to provide the basis for those concerns.
7

8 Ms. Holland informed the Commission that there have been applications which were denied and
9 referred in particular to Jean Wright on Chestnut who asked to have a small conference room
10 added to the back. She also stated Conlon Realty went into where Continental Realty was. Mr.
11 Golan stated that they approved Sotheby's.
12

13 Ms. Holland then stated that there have been other requests for spaces not in the overlay district
14 and referred to the Grand Foods lot which is 100 feet back from the sidewalk and that is not in
15 the overlay district. She also stated that there are exceptions and referred to how Coldwell
16 Banker moved to the rear of The Galleria because it was more than 100 feet back and that now it
17 is 50 feet back since the ordinance was changed to allowed more flexibility. Ms. Holland
18 described the sidewalk as crucial for shoppers which is why she was opposed to the parking lot
19 next to Mrs. Greens.
20

21 Chairperson Dalman stated that given the late hour, it sounds like the best thing to do is to
22 present a motion in the affirmative and see how it goes. She stated that she is seeking a motion
23 for the approval of the findings of the Commission regarding Coldwell Banker's application for a
24 special use permit for the location at 564 Lincoln to allow a proposed sales center and
25 management office to be located in the C2 commercial overlay district and that it is consistent
26 with the 11 standards of Chapter 17.44 of the zoning ordinance.
27

28 A motion was made by Mr. Thomas and seconded by Mr. Golan.
29

30 Ms. Orsic stated that she is new here and noted that she worked for @Properties and did not
31 know if that is relevant or perceived as a conflict. Mr. Schoon stated that it would be an issue if
32 she had a financial interest and asked Ms. Orsic if she is disclosing that she is a realtor.
33

34 Ms. Orsic confirmed that is correct.
35

36 Ms. McCarthy stated that she is not in favor.
37

38 Chairperson Dalman also stated that she is not in favor.
39

40 A vote was taken and the motion passed, 6 to 4.
41

42 AYES: Coladarci, Golan, Hulsizer, Johnson, Orsic, Thomas

43 NAYS: Case, Dalman, Holland, McCarthy
44

45 **Findings of the Winnetka Plan Commission**
46 **Coldwell Banker Real Estate**

**564 Lincoln Avenue
Special Use Permit**

After considering the application and testimony, the Plan Commission makes its findings as follows:

That the proposed real estate office to be located within the C2 Commercial (Retail) Overlay District is consistent with the eleven (11) standards of Chapter 17.44 of the Zoning Ordinance, as outlined below:

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 of a comparison shopping nature;
8. Proposed street frontages providing access to or visibility for one or more special uses shall provide for a minimum interruption in the existing and potential continuity and concentration of retail uses of a comparison shopping nature;
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 of a comparison shopping nature;
10. If a project or building has, proposes or contemplates a mix of retail, office and service-type uses, and the retail portions of the project or building shall be located adjacent to the sidewalk. The minimum frontage for each retail use adjacent to the sidewalk shall be

1 twenty (20) feet with a minimum gross floor area of four hundred (400) square feet. In
2 addition, such retail space shall be devoted to active retail merchandising which
3 maintains typical and customary hours of operation;
4

- 5 11. The proposed location and operation of the proposed special use shall not significantly
6 diminish the availability of parking for district clientele wishing to patronize existing
7 retail businesses of a comparison shopping nature.
8

9 **RESOLUTION**

10
11 NOW THEREFORE BE IT RESOLVED that the Winnetka Plan Commission finds that
12 the proposed Special Use Permit application for the property at 564 Lincoln Avenue is consistent
13 with the standards for Special Use Permits.
14

15 Passed by a vote of six in favor and four opposed.
16
17

Village of Winnetka, IL Ordinances and Resolutions

ORDINANCE NO. M-4-2010

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A REAL ESTATE OFFICE WITHIN THE C-2 OVERLAY DISTRICT (572 Lincoln Avenue)

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, pursuant to which it has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the government and affairs of the Village; and

WHEREAS, the Council of the Village of Winnetka ("Village Council") find that establishing standards for the use and development of lands and buildings within the Village and establishing and applying criteria for variations from those standards are matters pertaining to the affairs of the Village; and

WHEREAS, Anitfield Finance Company, LLC, is the owner of the following described real estate (the "Subject Property"), which is commonly known as 552-572 Lincoln Avenue:

Lot 1 in Cummins Winnetka Galleria Consolidation, being a subdivision of Lot 6 in Lewis D. Webster's Resubdivision of Block 11 (except the North 75 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, Range 13 East of the Third Principal Meridian, according to the plat of said Cummins Winnetka Galleria Consolidation recorded January 27, 1999 as Document Number 99087636, in Cook County, Illinois; and

WHEREAS, the Subject Property is located in the East Elm business district, on the west side of Lincoln Avenue between Elm Street and Pine Street, in the C-2 Retail Overlay Zoning District provided for in Chapter 17.44 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code; and

WHEREAS, the Subject Property backs up to a public walkway that runs due northwest, parallel to the Union Pacific Railroad right-of-way; and

WHEREAS, the Subject Property is improved with a 2½-story, mixed use building that was constructed in 1999; and

WHEREAS, the building on the Subject Property is designed with a center courtyard that is approximately 28 feet wide and 55 feet deep, with retail space on the north and south sides of the courtyard and an elevator lobby in the center of the west end of the courtyard that provides access to lower level space, to residential condominiums on the second and third floors, to office space at the rear of the building and to the public walkway and Lincoln Avenue Parking Lot; and

WHEREAS, the two portions of the building to the north and south sides of the courtyard each have (i) a total of 50 feet of street exposure directly on Lincoln Avenue, and (ii) display windows that extend approximately 55 feet, from the Lincoln Avenue street frontage to the elevator lobby; and

WHEREAS, pursuant to Section 17.44.010(B) of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code, certain uses are permitted only as special uses in the C-2 Overlay Zoning District when they are located within 50 feet of a public street; and

WHEREAS, uses that are permitted as special uses in the C-2 Overlay District are enumerated in Chapter 17.46 of the Winnetka Zoning Ordinance; and

WHEREAS, on May 8, 2009, the Subject Property's owner, Anitfield Finance Company, LLC ("Anitfield"), and a proposed tenant, Coldwell Banker Residential Real Estate, LLC ("Coldwell Banker")

(collectively, the “Applicants”), jointly filed an application for a special use permit pursuant to Section 17.44.010 (B)(2) of the Winnetka Zoning Ordinance, to allow a real estate sales office to occupy the entire space on the north side of the courtyard; and

WHEREAS, the stated purpose of the proposed special use is to allow Coldwell Banker to consolidate its two Winnetka offices into a single location; and

WHEREAS, both of the Coldwell Banker offices are located on the same block as the Subject Property, with the office identified as “Coldwell Banker South” being at 552 Lincoln Avenue, within the C-2 Retail Overlay District, and the office identified as “Coldwell Banker North” being at 586 Lincoln Avenue, outside of the C-2 retail Overlay District; and

WHEREAS, on May 27, 2009, on due notice thereof, the Plan Commission convened to consider the requested special use, at which time the eleven members of the Plan Commission then present, by a vote of seven to four, found the proposed special use to be consistent with the Comprehensive Plan and recommended that it be approved; and

WHEREAS, on June 8, 2009, on due notice thereof, the Zoning Board of Appeals held a public hearing to consider the special use permit and the five members then present, by a vote of three to two, voted to recommend against approval of the request; and

WHEREAS, prior to having their request presented to the Village Council the Applicants requested that the case be remanded to the Zoning Board of Appeals and Plan Commission in order to provide additional testimony; and

WHEREAS, on August 26, 2009, on due notice thereof, the Plan Commission reconvened and, after vacating its earlier findings and recommendation, reopened the record and received further information from the Applicants; and

WHEREAS, after receiving the Applicants’ additional information, hearing comment and arguments for and against the requested special use, the eight members of the Plan Commission then present, by a vote of seven to one, found that the proposed special use permit is not consistent with the Comprehensive Plan and recommended against approval; and

WHEREAS, following several continuance requests from the Applicants, the Zoning Board, on November 9, 2009, vacated its earlier findings and recommendation, reopened the record and received further evidence and arguments from the Applicants; and

WHEREAS, after receiving the Applicants’ additional evidence, hearing comment and arguments for and against the requested special use, the six members of the Zoning Board of Appeals then present, by a vote of three to three, failed to recommend approval of the requested special use permit; and

WHEREAS, in the absence of favorable recommendations from the Zoning Board of Appeals and the Plan Commission, the application for special use was placed on the Village Council’s December 16, 2010, regular meeting agenda for consideration and policy direction; and

WHEREAS, at the end of the Village Council’s discussion on December 16, 2010, the matter was laid on the table to allow the Applicants an opportunity to modify their plans in response to concerns expressed by the Village Council; and

WHEREAS, on February 16, 2010, at the request of the Applicants, the matter was again placed on the Village Council’s agenda for consideration and policy direction, at which time the Applicants presented two modified plans: (i) a plan identified as “Exhibit 1,” which divides the space on the north side of the courtyard into a 553-square foot retail space at the courtyard, with windows along Lincoln Avenue and the courtyard, with the remaining 4,238 square feet being designated as office space for Coldwell Banker; and (ii) a plan identified as “Exhibit 2,” which provides for 551 square feet of retail space at the north end of the building, along Lincoln Avenue, with the remaining 4,240 square feet, located at the corner of the courtyard

and behind the retail space, with windows along Lincoln Avenue and the entire depth of the courtyard, being designated as space for Coldwell Banker; and

WHEREAS, the separate proceedings before the Zoning Board of Appeals and the Plan Commission both included questioning of the applicant by members of the Zoning Board of Appeals and the Plan Commission; and

WHEREAS, the owners of the two properties where Coldwell Banker's offices are currently located, as well as the owner of the property directly to the north of the Subject Property, which is outside of the C-2 Retail Overlay District, have expressed their opposition to the proposed special use, while other neighboring businesses have expressed support for the requested special use; and

WHEREAS, no other owners of property located within 250 feet of the Subject Property submitted any evidence or requested an opportunity to cross-examine witnesses at either the Zoning Board of Appeals hearing or the Plan Commission meeting; and

WHEREAS, the proceedings of the Zoning Board of Appeals and Plan Commission conformed with all requirements of their procedural rules, the Winnetka Village Code and applicable statutes of the State of Illinois; and

WHEREAS, the record contains citizen comments both favoring and opposing the proposed special use, and the Village Council has similarly received mixed comments on the request; and

WHEREAS, on March 2, 2010, the Village Council received letters purporting to be signed by the owners of eight parcels of property within 250 feet of the Subject Property, objecting to the proposed special use; and

WHEREAS, the letters of protest were not signed or acknowledged in front of a notary public and the Council gave the eight owners until March 8, 2010, to submit notarized letters of objection and gave the applicants until March 11, 2010 to submit a response to the protests; and

WHEREAS, on Monday, March 8, 2010, the same eight persons resubmitted letters of protest, each bearing the signature and stamped seal of a notary public; and

WHEREAS, only one of the resubmitted letters contain a statement of the notary, as required by the Illinois Notary Public Act stating the date the letter was signed and that the letter was signed or acknowledged in front of the notary; and

WHEREAS, the applicants have submitted a response asserting that some of the eight signatures are not the signatures of the actual owners of record and that the number of letters submitted is less than 20% of the property owners within 250 feet of the Subject Property; and

WHEREAS, it is unnecessary to determine (i) how many of the signatures are signatures of the actual owners and (ii) how many parcels of property are located within 250 feet of the Subject Property, because the letters of protest establish that there are at least eight owners of parcels of property within 250 feet of the Subject Property, and the single properly notarized letter is less than 20% of those owners; and

WHEREAS, the Village Council has therefore not received written, acknowledged objections to the proposed special use from at least 20% of the property owners within 250 feet of the Subject Property; and

WHEREAS, special uses granted pursuant to Section 17.44.010(B) are subject to the conditions and requirements set forth in Chapter 17.44 of the Winnetka Zoning Ordinance and are further subject to the conditions and requirements pertaining to special uses set forth in Chapter 17.56 of the Winnetka Zoning Ordinance; and

WHEREAS, the portion of the building on the north side of the courtyard is at the edge of the C-2 Retail Overlay District; and

WHEREAS, there is a total of approximately 5,500 square feet of retail space on the south side of the courtyard, which is currently divided into two spaces: (i) a 1,500-square foot space at the southernmost part of the building that is occupied by a jeweler and has its entrance and display windows directly on Lincoln Avenue, and (ii) 4,000 square feet of vacant retail space that is located adjacent to the courtyard and has entrances and windows both on Lincoln Avenue and on the south side of the courtyard; and

WHEREAS, the vacant space on the south side of the courtyard has been occupied from time to time by retail uses and, after a salon and day spa vacated the space in 2005, was the subject of Ordinance M-2-2008, which was passed on February 7, 2008, and granted a special use permit to allow that space on the south side of the courtyard to be reconfigured into three spaces: (i) a retail space directly on Lincoln Avenue at the south end of the building, in space commonly known as 552 Lincoln Avenue; (ii) a second retail space in the front 35-2/3 feet of the building, adjacent to 552 Lincoln Avenue, with frontage on Lincoln Avenue and the courtyard; and (iii) a medical office with space that extended approximately 66.03 feet from the rear of the retail spaces to the rear building line; and

WHEREAS, the second retail space and the medical offices permitted pursuant to Ordinance M-2-2008 have never been occupied and the special use granted pursuant to that Ordinance has expired; and

WHEREAS, there is a total of approximately 5,210 square feet of retail space on the north side of the courtyard, with entrances and windows both along the 50-foot Lincoln Avenue frontage and on the north side of the courtyard; and

WHEREAS, the space on the north side of the courtyard has been occupied from time to time by retail businesses, but is currently vacant; and

WHEREAS, the proposed special use would allow Coldwell Banker South, a non-retail use that already exists within the C-2 Retail Overlay District pursuant to a special use permit, to move to the periphery of the C-2 Retail Overlay District; and

WHEREAS, subject to the terms and conditions of this Ordinance, the proposed special use, as modified by the plans depicted in Exhibit 1 and considered by the Village Council on February 16, 2010, is consistent with the additional standards of Section 17.44.020 (B)(2)(b) that apply to requests for office uses within the C-2 Retail Overlay District in that (i) it is being requested for an established business that will generate foot traffic through the courtyard and past the adjoining retail spaces throughout the business day, (ii) it will restore space that fronts on Lincoln Avenue to retail use, and (iii) it will shift the parking demand for Coldwell Banker's employees from the street in the core of the C-2 Retail Overlay District to off-street parking at the fringe of the commercial district, thereby increasing the availability of on-street parking for retail customers; and

WHEREAS, Coldwell Banker South, the business for which the special use is being sought, already exists within the C-2 Retail Overlay and the Village Engineer has determined that the proposed relocation to the Subject Property will not have a substantial impact on traffic and parking; and

WHEREAS, subject to the terms and conditions of this Ordinance, the proposed special use will neither endanger nor be detrimental to the public health, safety, comfort, morals or general welfare, in that relocating the existing Coldwell Banker South office at the fringe of the C-2 Retail Overlay will for a continuous line of retail uses from Elm Street to the courtyard of the Subject Property, while providing for compatible office uses; and

WHEREAS, subject to the terms and conditions of this Ordinance, the proposed special use, as depicted in Exhibit 1, will not either substantially diminish or impair property values in the immediate vicinity, in that it maintains the retail appearance of the Subject Property (i) by providing for a 553-square foot retail space in a prime location, with windows at the corner of the courtyard, which maximizes visibility by making the retail space visible to pedestrians approaching from the north or viewing the Property from across the street, and by making the retail space easily visible to pedestrians walking north on Lincoln Avenue well before they reach the Subject Property, (ii) by shifting the Coldwell Banker street frontage to the very edge of the

C-2 Retail overlay District, and (iii) by making the Coldwell Banker courtyard presence subordinate to the retail space; and

WHEREAS, although only 14 feet and 2 inches of the retail space proposed in Exhibit 1 fronts on the public sidewalk of Lincoln Avenue, the space has an additional 34 feet and 3-1/2 inches of adjoining windows in the open, public courtyard, which is also adjacent to and directly accessible from the public sidewalk, and the retail space proposed in Exhibit 1 thereby meets the standard established by Section 17.44.020 (B)(2)(b)(iv), which requires a minimum of 400 square feet of retail space and 20 feet of frontage adjacent to the sidewalk; and

WHEREAS, subject to the terms and conditions of this Ordinance, the proposed special use will not be substantially injurious to the use and enjoyment of land in the immediate vicinity for uses permitted by right in the C-2 Retail Overlay Zoning District, because the proposed special use will facilitate the leasing of retail space at the building's street frontage, and the Coldwell Banker South real estate sales office has proven to be compatible with the other retail uses in the vicinity; and

WHEREAS, subject to the terms and conditions of this Ordinance, adequate measures have been taken to provide ingress and egress in a manner that minimizes pedestrian and vehicular traffic congestion in the public ways, in that the front and rear exits of the building will be maintained, and the reconfigured space will continue to use the existing streets, sidewalks and access routes to the Subject Property; and

WHEREAS, subject to the terms and conditions of this Ordinance, adequate parking, utilities, access roads, drainage and other facilities necessary for the operation of the special use already exist; and

WHEREAS, because the proposed special use will not change the appearance of the immediate vicinity, it is consistent with the Winnetka 2020 objective to "ensure that commercial, institutional, and residential development is appropriate to the character of and minimizes the adverse impact on its surrounding neighborhood;" and

WHEREAS, because of its minimal intensity and the pre-existing infrastructure, the proposed special use is consistent with the Winnetka 2020 objectives to: (a) "limit commercial, institutional and residential development within the Village to minimize potentially adverse impacts on adjacent residential neighborhoods and to prevent the need for significant increases in infrastructure and other community resources;" (b) "ensure that development proposals minimize the potential adverse impact they might have on residential neighborhoods, including the impact on pedestrian character, on-site parking, traffic patterns, congestion, open space, storm water management and Village infrastructure;" and (c) "ensure that new development does not decrease the public parking supply, particularly on-street parking that supports retail use;" and

WHEREAS, the proposed special use is consistent with the Winnetka 2020 goal to "provide for a wide range of office/service and retail commercial land uses and development within the existing business districts in the Corridor;" and

WHEREAS, based on all of the foregoing, and subject to the terms and conditions of this Ordinance, the proposed special use, as modified by the plans considered by the Village Council on February 16, 2010, satisfies both the general standards for special uses set forth in section 17.56.010 (L) of the Winnetka Zoning Ordinance and the additional standards of Section 17.44.020 (B)(2)(b) that apply to requests for office uses within the C-2 Retail Overlay District.

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

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

SECTION 2: Pursuant to Section 17.44.010(B)(2) and Section 17.56.010 of the Winnetka Zoning Ordinance, and subject to the terms and conditions hereinafter set forth, a special use is hereby granted to the Subject Property, commonly known as 562-572 Lincoln Avenue, Winnetka, Illinois, and located in the

C-2 General Retail Commercial Overlay Zoning District provided in Chapter 17.44 of the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code, to allow the space on the north side of the courtyard to be reconfigured with approximately 550 square feet of retail space adjacent to Lincoln Avenue and the remainder of the space being permitted for the relocated real estate sales office of Coldwell Banker Real Estate Services, LLC, all as depicted in the plans submitted by the applicant, in accordance with the plans and elevations submitted with the application, as modified by the depiction in Exhibit 1, as presented to the Village Council at the regular meeting on February 16, 2010.

SECTION 3: The special use permit hereby granted is subject to the following conditions:

A. The reconfigured office space on the north side of the courtyard (the “Permitted Office Space”) shall be solely for the use of Coldwell Banker Real Estate Services, LLC as a real estate sales office. No other non-retail use, including another real estate sales office, shall be permitted in the Permitted Office Space without first obtaining a special use permit as provided in the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code.

B. The special use granted by this Ordinance is for the specific purpose of accommodating the relocation of Coldwell Bank South by moving it from its current location at 552 Lincoln Avenue to the periphery of the C-2 Overlay District. Notwithstanding the foregoing, the real estate sales office of Coldwell Banker North shall be entitled to consolidate its operations in the Permitted Office Space with Coldwell Banker South upon the expiration of the lease for the space currently occupied by Coldwell Banker North at 586 Lincoln Avenue.

C. Coldwell Banker Real Estate Services, LLC, shall not be permitted to occupy any other space within the C-2 Retail Overlay District. Under no circumstances shall Coldwell Banker North be permitted to move into the Permitted Office Space before Coldwell Banker South or in place of Coldwell Banker South.

D. If Coldwell Banker South renews its lease for the space it currently occupies at 552 Lincoln Avenue, or if it signs a lease for or relocates the Coldwell Banker South office to any other location in the Village, the special use granted pursuant to this Ordinance shall become null and void.

E. Within 30 days after the effective date of this Ordinance, Anitfield shall sign and record a restrictive covenant, in a form acceptable to the Village Attorney, agreeing that the retail space created by the reconfiguration of the north side of the courtyard and the vacant space on the south side of the courtyard that lies within the C-2 Retail Overlay District shall be used only for uses permitted by the Winnetka Zoning Ordinance and that such space shall not be the subject of any building application, zoning application or advertising for the use of said space for any purpose other than a use permitted pursuant to Section 17.42.010 (A) of the Winnetka Zoning Ordinance.

F. Within 30 days after the effective date of this Ordinance, Anitfield and Coldwell Banker shall sign an agreement accepting the terms of a parking and parking enforcement plan, substantially in the form presented in the January 25, 2010, letter from Coldwell Banker submitted as Exhibit 5. The agreement shall be in a form acceptable to the Village Attorney and shall include provisions that: (i) reserve the Village’s right to adopt ordinances establishing parking regulations, including without limitation, ordinances that impose other or more stringent parking regulations, that increase fines, or that modify parking enforcement methods; (ii) require the terms of the agreement to be incorporated into the lease between Anitfield and Coldwell banker; (iii) make compliance with the terms of the parking enforcement plan a condition of employment for all Coldwell Banker employees at the Permitted Office Space; and (iv) make compliance with the terms of the parking enforcement plan a condition of employment for all Coldwell Banker contracts with real estate agents who work from that site.

G. Within 30 days after the effective date of this Ordinance, Anitfield and Coldwell Banker shall each sign an agreement, in a form acceptable to the Village Attorney, agreeing to hold harmless and indemnify the Village, its officers, agents and employees, against any lawsuit, loss, claim or damages, including attorneys fees, incurred by the Village, its officers or employees, arising in any way from claims made by the owners of the properties currently occupied by Coldwell Banker 552 and 586 Lincoln, arising from the Village’s

grant of the special use permit, or implementation thereof, pursuant to this Ordinance. The hold harmless agreement shall remain in effect for five years from the effective date of this Ordinance.

H. Within 30 days after the effective date of this Ordinance, Anitfield and Coldwell Banker shall each sign an agreement, in a form acceptable to the Village Attorney, waiving any claims they may have against the Village arising from the Village's grant of the special use pursuant to this Ordinance. The waiver shall remain in effect for five years from the effective date of this Ordinance.

I. No building permits shall be issued for the construction of the reconfigured space on the north side of the courtyard of the Subject Property unless and until Anitfield and Coldwell Banker have fully complied with subsections E, F, G and H of this Section 4 and have delivered duly executed and, where applicable, recorded copies of the required documents to the Village.

J. The stipulations, conditions and restrictions set forth in the foregoing Section 3 of this Ordinance may be modified or revised from time to time by the Village Council following public notice and hearing, following the procedures specified in Section 17.56 of the Winnetka Village Code for processing special use applications.

K. In addition to the foregoing, the special use granted pursuant to this Ordinance shall be subject to expiration or termination as provided in Section 17.56.010 (K) of the Winnetka Zoning Ordinance.

SECTION 4 : 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 5: This Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

PASSED this 16th day of March, 2010, pursuant to the following roll call vote:

AYES: Trustees Rintz, Poor, Spinney and President Tucker

NAYS: Trustees Pedian, Greable and Johnson

ABSENT: None

APPROVED this 16th day of March, 2010.

Signed:

s/Jessica B. Tucker

Village President

Countersigned:

s/Douglas G. Williams

Village Clerk

Introduced: March 2, 2010

Posted: March 3, 2010

Passed and Approved: March 16, 2010

Posted: March 18, 2010

Provide a written explanation describing the proposed use. Including hours of operation, in particular at what time of day the peak number of employees and clients are expected on site, square footage of the existing space as well as the square footage of the proposed expansion.

AMENDED PROPOSED USE for the potentially newly acquired space at 564 Lincoln Avenue for Coldwell Banker:

In an effort to work within the letter of and, more importantly, the spirit of the retail overlay district, we have amended our petition for the variance such that our acquisition of the additional space would include a flexible use retail space within our facility.

Coldwell Banker Residential Brokerage is proposing to provide the front corner of the proposed space, which fronts both Lincoln Avenue and the courtyard of the Galleria Building, with over 12' of window space facing the public consumers, to retail establishments on a monthly basis in a "pop-up" fashion.

It is our intent to market our available space to high-end, luxury, preferably home-based, but not exclusively, retailers and providers in an effort to bring consumers into our space to "see, feel, touch & experience" the pop-up's brand which might otherwise not be as available to the consumer.

Our retail world has changed. It is not as much filled with the mom and pop stores as it is with the big box stores, online stores and big box online stores. However, the advantage that local retail space affords the public is the ability to interact with and experience the item or service in question. It is with that shift in mind, that we want to offer our space to local businesses in order for them to create a temporary opportunity for the public to experience their product.

In addition to marketing to current small and in-home retailers and providers, we hope to partner with the Village of Winnetka and the Department of Economic Development to find businesses that would like to "test drive" their business within Winnetka before having to commit to a full lease. This would be a unique opportunity that Winnetka alone would be able to offer to high-end retailers who want to determine if Winnetka is the right Village for them or if the consumers will embrace them. We would welcome any high-end, luxury-related businesses that were presented to us by the Village to fill any upcoming available vacancies.

In order to encourage consumers to find these pop-up stores, we would have two forms of marketing. We will provide a portion of our allotted signage to be dedicated to promoting the monthly pop-up tenant. We will ensure that ALL signage complies with the signage code regulations. We will work with the Design Review Board to create a signage (for the Lincoln Avenue window) which will comply with the regulations and create a sophisticated look to invite the public in to the retail space. We will have an area on the sign which allows for the vendor/retailer to have their signage / logo added to our sign on a temporary basis (at their expense, but that we order to ensure compliance) such as a window cling sticker. The intent is to encourage the public to come in to our space and visit the retailer there.

In addition to the street signage in our window, the retailer utilizing our space would be required by us, in exchange for the free rent of our space, to market that they are going to be or are in our

location and open for business, encouraging tremendous foot traffic and hopefully subsequent sales, not only for these temporary tenants, but also for our surrounding retail neighbors.

The Space: At a very minimum, the retail space we would make available to these vendors would be the front corner space between the front door, the window along Lincoln Avenue, the window along the courtyard back to the conference room wall and spilling slightly into the “Open Area,” as shown on the attached diagram. Depending upon the vendor/retailer, as well as upon the client requirements on any given day, the vendors may be able to utilize the open area space, the conference room space and a few of the cubicles as well. For example, if the vendor for a particular month is a clothing vendor, they may need the use of the cubicles to provide dressing rooms, and we would make that available on a flexible use basis, depending upon the broker/client requirements at any given time.

The Retailers: As this concept was evolving, the types of retailers who might be interested in this kind of arrangement grew. In our Lincoln Park office, we already have this concept in place for local artists. Every other month, a new artist comes in and showcases and sells his/her artwork. We can see that as an opportunity in this space. In addition to artists, there are several other viable opportunities. For example, there are smart home vendors who can showcase and sell the latest in in-home, high-end SMART technology. There are numerous designers who work from non-storefront spaces who would love to showcase their wares, their décor and their services to the consumers. In addition, other viable options include landscape companies like Red Spade or Chalet or the Organic Gardener, High-end designer jewelry or accessory companies who provide locally, but may not have a store frontage, such as Stella & Dot, CaBi, Krissy DiPaolo jewelry, and many others.

Retailer Responsibilities: The retailers would be responsible for providing us their logo for signage, for sending out their own marketing to promote their existence within this space, collaborating upon a social media campaign which co-brands the two businesses, working within our hours of operation, use a Lot A parking pass for their employee, provide an employee or representative who mans the retail space during business hours, and handle all sales transactions independent of Coldwell Banker while abiding by the terms established by Coldwell Banker for the space they would be utilizing.

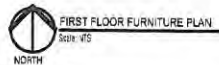
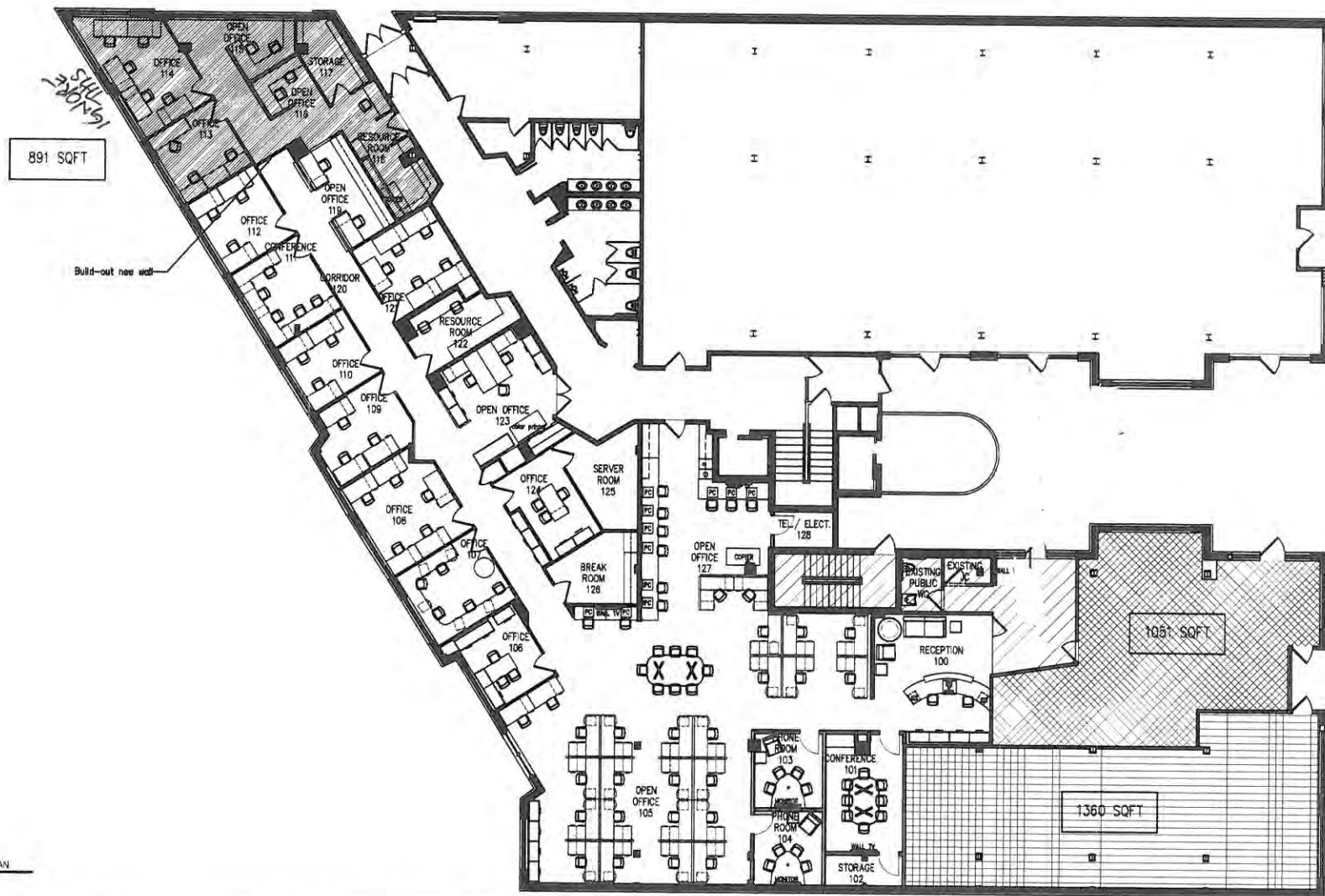
The Limitations: We do not want to limit the types of retailers / vendors who could utilize this amazing opportunity, however our own corporate constraints will not permit us to have food concessions of any nature, nor will they permit live animal establishments. In addition, due to liability, our employees would not be allowed to physically move any of the vendors’ materials or assist in any of their sales beyond answering simple questions and directing them to the vendor representative.

Limiting Vacancy: It is our full intent to have the space filled most of the days of each month. We recognize that there will be moving days and less desirable times of the year which will be difficult to fill, but we believe that this will become an opportunity that smaller businesses will be vying for and competing for as a means to grow their business and build their consumer brand awareness. Initially, we will be marketing this opportunity by word of mouth. In just one day, we garnered 4 businesses which are interested in taking a month each in our space. We believe

that the word will spread. However, we will further that momentum through direct marketing to those businesses that we feel would benefit from our exposure and that fit within our high-end/designer or luxury brand awareness model.

If, for some reason, we were unable to acquire a tenant for a particular time period (August comes to mind), we would offer to the current tenant that they stay longer as there is no expense incurred by them, it is unlikely that they would turn this down. And yet, if they did, then we would offer to the next tenant that they move their materials in early. This again is of no extra cost to the tenant. And finally, if neither of those options is available, we would move nice seating chairs and a couch (possibly) into the space until was filled by the next tenant (similar in look to what was there when A. Perry was in the same space.

Everything mentioned above is our intent. It is truly borne of a desire to work with the Village, to promote our retail neighbors, and to contribute to the economic vibrancy of Winnetka. It is also a sincere effort to work within the spirit of the retail overlay district. We have every intention of fulfilling our obligations as we are presenting them here. There will, however, be circumstances beyond our control. While it is our intent to have the space filled essentially for the entire month by a retailer until the next business fills the next month's time slot. That said, there will be occasions when there will be days in between the tenants when there is not retail on location. We will do our best to limit those days. In addition, we promise to work with the Village to find those who are seeking the opportunity to "test drive" the village for their business. We believe that this proposal is a win for the Village, a win for our retail neighbors, a win for the retail pop-up businesses and a win for us as well, since we too benefit from increased foot traffic and visibility.



COLDWELL BANKER
RESIDENTIAL BROKERAGE

NRT LLC
2215 Sanders Road, Suite 300
Northbrook, IL 60062
PH: 847.313.6716
Fax: 847.307.4885

PROJECT:
WINNETKA
562-572 Lincoln
Winnetka, IL

DATE: 09/05/13

REVISION:

DRAWN BY: E. Visser

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

SHEET NO.

FURNITURE
PLAN



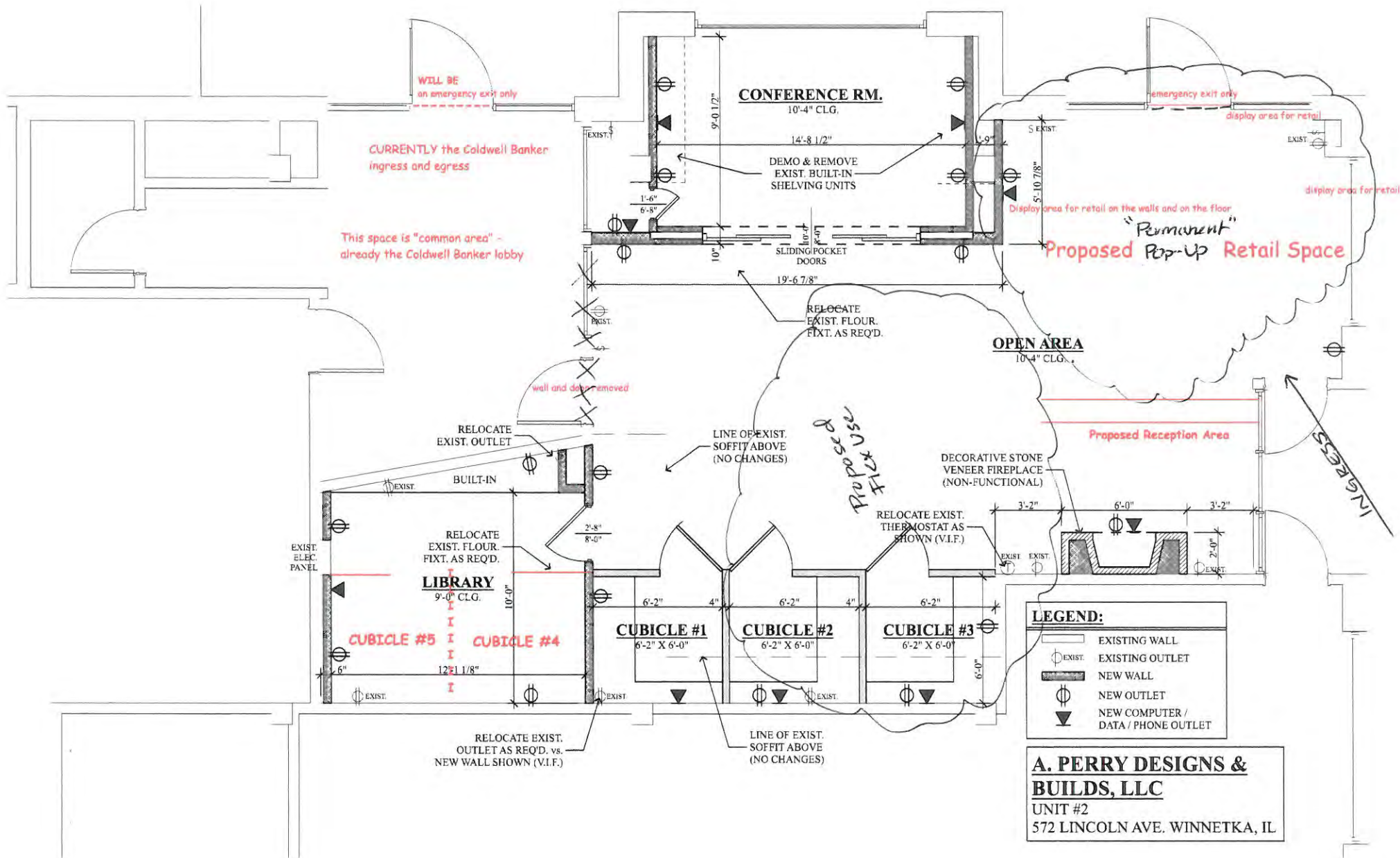
COLDWELL BANKER
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NRT LLC
2215 Sanders Road, Suite 300
Northbrook, IL 60062
PH: 847.313.6716
Fax: 847.307.4865

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Winnetka, IL

DATE: 09/05/13
REVISION:
DRAWN BY: E. Visser
SCALE: 1/8" = 1'-0"

SHEET NO.
FURNITURE
PLAN



JOIN US FOR WINE & CHEESE & ART



CLARK ELLITHORPE CELLITHORPE@COMCAST.NET

COLLEEN L. CONLEY COLLEEN@VERTICALWEBMEDIA.COM

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JOANNA PINSKY JOANNA PINSKY@MSN.COM

JUDITH ROSTON FREILICH ROSTONFREILICH@GMAIL.COM



RESIDENTIAL BROKERAGE

THURSDAY, NOVEMBER 16 | 5:00PM — 7:00PM

1910 N CLYBOURN AVE, CHICAGO

MEET WITH THE LOCAL ARTIST, COLLEAGUES, AND NEW NEIGHBORS, ARTWORKS ON LOAN TO COLDWELL BANKER FOR VIEWING AND PURCHASE

RSVP: KENNETH SCRUGGS 312-475-4012 OR EMAIL KENNETH.SCRUGGS@CBEXCHANGE.COM

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Winnetka Design Review Board/Sign Board of Appeal – Minute Excerpt
February 15, 2018

Members Present:

Kirk Albinson, Chairman
Michael Klaskin
Brad McLane
Maggie Meiners

Members Absent:

Brooke Kelly
Paul Konstant
Michael Ritter

Village Staff:

Brian Norkus, Assistant Director of Community
Development

Call to Order:

Chairman Albinson called the meeting to order at 7:04 p.m.

Chairman Albinson welcomed Maggie Meiners to the Board.

**568 Lincoln Avenue - Coldwell Banker: Consideration of Sign Permit for Proposed Window
Signs at Pop-Up Retail Space**

Ann Lee, the Construction Project Manager for Coldwell Banker, stated the request is a sign application with a vinyl treatment for their expanded area. She noted they have been using the center of the rear of the space and are now extending out to Lincoln Avenue with the understanding they have a dual purpose in this area with the retail pop-up function in addition to having meeting and overflow space for their agents. She also stated they are proposing dual branding in the same color scheme as Coldwell Banker would use to communicate out the retail pop-up function.

Mr. McLane asked for clarification of the demand for the pop-up retail portion. Ms. Lee responded the demand would vary which is the nature of the pop-up aspect and their branch manager, Karen, has worked with a number of people to book out the space in advance starting March 1st. She added their lease is done and renovation is underway. Ms. Lee stated there would be clothing, jewelry, etc. Ms. Lee stated they would put dual branding in the primary window facing Lincoln Avenue and there are two new doors near the alcove door and to put a Coldwell Banker vinyl sign on that door for identification and off of the courtyard, there is another door which would contain a sign for that piece of retail. She stated they want to keep it as clean as possible and consistent with their other locations. Ms. Lee informed the Board as they complete the front space and have that area open as well in a few weeks, to direct people to use the front doors as opposed to the center doors. She noted the rear access from the back parking lot would not change and the blade sign would not change.

1 Mr. McLane referred to Mr. Norkus' notation the proposed sign complies with the design
2 guidelines.

3
4 Ms. Meiners asked if the "Here Today" wording is the logo for the pop-up. Ms. Lee confirmed
5 that is correct and that logo represented the program brand name with the users who come in
6 and out as the surprise in that you have to go in to find out what is being sold this week.

7
8 Mr. Klaskin asked Ms. Lee how long would the pop-up program run or if it would run in
9 perpetuity. Ms. Lee stated it would run as long as it is required. She added it is tied into a
10 requirement for the retail overlay for Lincoln Avenue and would continue for as long as that
11 lasted or changes are made. Ms. Lee stated they could not take down the retail functionality
12 unless the rest of the Village changed the law with regard to retail usage of the front side of the
13 building.

14
15 Mr. Norkus noted approval of the special use permit was conditioned on the continued
16 operation of the pop-up retail shop as called for in the floor plans. He stated to eliminate that
17 would require an amendment to the special use permit and approval by the Village Council.

18
19 Chairman Albinson asked if there were any other comments or a motion. Mr. Klaskin moved to
20 issue a Certificate of Appropriateness to approve the request as presented. The motion was
21 seconded. A vote was taken and the motion was unanimously passed.

22
23 AYES: Albinson, Klaskin, McLane, Meiners

24 NAYS: None



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: DESIGN REVIEW BOARD
FROM: BRIAN NORKUS
DATE: February 6, 2018
SUBJECT: 568 Lincoln Avenue- Coldwell Banker-Sign for “Pop-Up” Retail Space

INTRODUCTION

On February 15, 2018 the Design Review Board is scheduled to consider the attached application filed by Coldwell Banker Real Estate (the “Applicant”) requesting the approval of the attached sign permit application for the property at 568 Lincoln Avenue (the “Subject Property”). The scope of work consists of the installation of vinyl window decal signage for the “pop up” retail use that was recently approved for Special Use Permit by the Village Council.

ADDITIONAL BACKGROUND

A large portion of Lincoln Avenue commercial property, including the subject property, is located within the Village’s “C-2 Retail Overlay” zoning district, which places zoning limits on non-retail uses such as offices, when located adjacent to public sidewalks. Such limits are intended to maintain a pedestrian friendly retail shopping district, promoting retail uses while at the same time limiting non-retail uses so as maintain a healthy balance of retail and service uses within the district.

On December 5, 2017 the Village Council granted a Special Use Permit to Coldwell Banker Real Estate to expand their current offices in the Winnetka Galleria building, bringing their offices into space adjacent to the Lincoln Avenue sidewalk. Coldwell Banker has agreed as part of its Special Use Permit approval to set-aside a portion of the additional floor space for use by individual “pop-up” retail merchants and shops which would operate on a short term basis (i.e., 30-90 days) throughout the year.

Coldwell Banker has supplied the attached plans demonstrating how the pop-up shop would be advertised, with proposed window graphics are intended to call attention the retailer within the space.

SIGN CODE COMPLIANCE - Window graphics depicted in the attached plans measure a total of 5.18 square feet, occupying a total of 10% of window glass area (10% is the maximum permitted coverage). Note that because the graphics depicted in the attached plans are at the maximum sign area, no additional window graphics would be permitted to be displayed within the window area shown.

Specific dimensions are shown on the attached submittal materials. Samples of the vinyl will be available at the meeting.

AWNING CODE COMPLIANCE – No awnings are proposed.

DESIGN GUIDELINES ANALYSIS – The proposed decal sign complies with the Design Guidelines.

SUMMARY - The applicant requests that the Board approve the window sign as proposed.

Should the DRB approve the proposed sign, the applicant would first need to receive sign permits from staff prior to beginning the installation of the sign.

ATTACHMENTS

Attachment A: Application Materials Submitted by Applicant

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

SIGN PERMIT APPLICATION

RECEIVED
JAN 25 2018
BY: _____

Tenant/Lessee

Name of Business: <u>Coldwell Banker</u>		Primary contact name: <u>Karen Aronson</u>	Phone: <u>847-446-4000 / 773-501-6201</u>
Street Address: <u>568-572 Lincoln Avenue</u>			Fax:
City <u>Winnetka</u>	State <u>IL</u>	Zip Code <u>60093</u>	Email: <u>Karen.Aronson@cbexchange.com</u>

Sign Company

Name of Sign Company: <u>Kieffer Signs</u>		Primary contact name: <u>Jim Wood</u>	Phone: <u>877-543-3337 off.</u> <u>224-415-1343 cell</u>
Street Address: <u>585 Bond Street</u>			Fax:
City <u>Lincolnshire</u>	State <u>IL</u>	Zip Code <u>60069</u>	Email: <u>jwood@koeffersigns.com</u>

Property Owner

Name of Company: <u>562-72 Lincoln Avenue, LLC</u>		Primary contact name: <u>Dan Burns</u>	Phone: <u>847 512 3180</u>
Street Address: <u>8000 Maryland Av. Suite 240</u>			Fax:
City <u>St. Louis</u>	State <u>MO</u>	Zip Code <u>63105</u>	Email: <u>dburns@dsprycapitalllc.com</u>

Sign type(s):
(Check all that apply) ☒ window graphics ☐ wall-mounted sign ☐ ground-mounted sign
☐ projecting sign ☐ other _____

Additional description of sign type and materials

vinyl
non illuminated 2D flat logo for pop up retail
use (*per approved sign) and standard blue
Coldwell Banker banner (vinyl) at the bottom
of the window

#SBC-2018-045 \$55 Review Fee

OFFICE USE ONLY	PERMIT FEE (\$60/\$195 per sign)
CONDITIONS OF APPROVAL: _____	



**COLDWELL
BANKER**
RESIDENTIAL BROKERAGE

NRT LLC
2215 Sanders Road, Suite 300
Northbrook, IL 60062
PH: 847.313.6716
Fax: 847.307.4865

PROJECT:
WINNETKA
562-572 Lincoln
Winnetka, IL

DATE: 09/06/13

REVISION:

DRAWN BY: E. Vissor

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

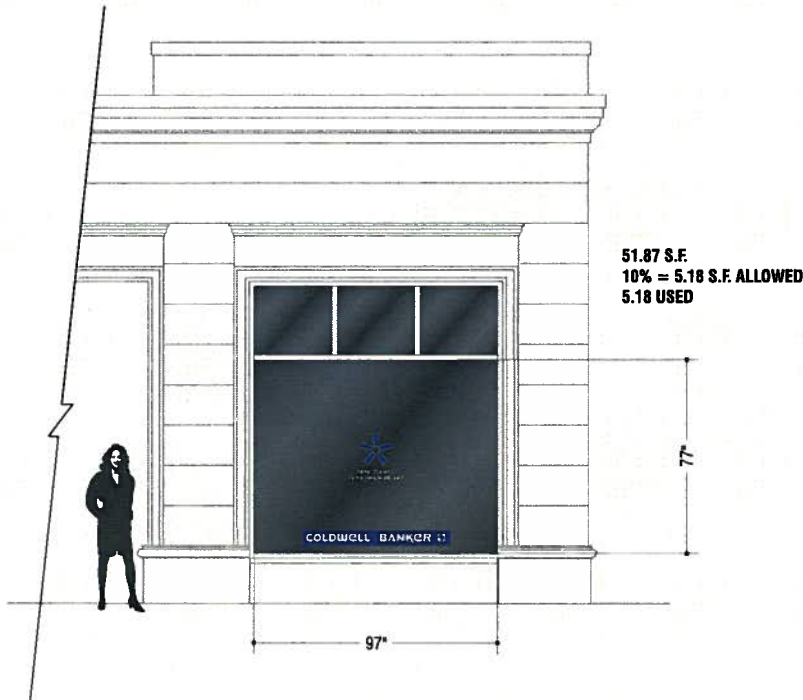
SHEET NO.

**FURNITURE
PLAN**

**COLDWELL
BANKER** 

RECEIVED
FEB - 6 2018
BY: _____

Vinyl Window Graphic
Sign **1**



Window Elevation

1/4" = 1'-0"



2.72 S.F.



2.46 S.F.

3/4" = 1'-0"

General Specifications

Computer Cut Vinyl Applied to First Surface Glass

 Coldwell Banker Blue (PMS 280)

 3M Matte White

Winnetka, IL

 **Kieffer | Starlite**
National Sign Manufacturers and Consultants

ACCOUNT: **COLDWELL
BANKER**
LOCATION: **Winnetka, IL (568 Lincoln Ave.)**
ADCT. REP: **Jim Wood** DESIGNER: **MSO**
DATE: **01/31/18**



PRODUCTION PROCESSING

Material: _____
Job # _____
-001 _____
-002 _____
-003 _____
-004 _____
-005 _____

REVISIONS:

 Reduce to 10% of
 Blue Backed
 _____
 _____
 _____
 _____

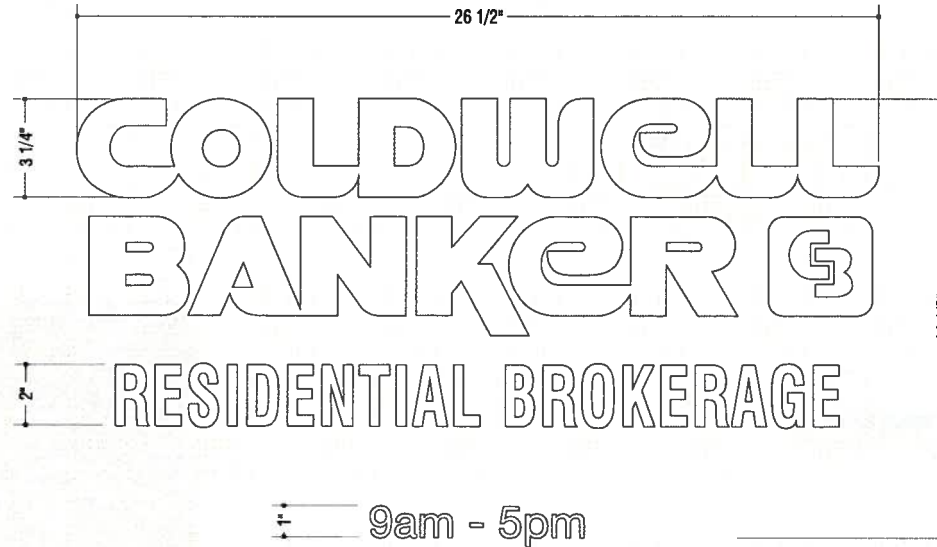
DETAILS & DATE:

MSO 2-5-18
MSO 2-5-18

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585 Bond Street, Lincolnshire, Illinois 60069
PHONE: (877) 543-3337 FAX: (847) 520-1543
www.kieffersigns.com

B74251



3" = 1'-0"

General Specifications

Computer Cut Vinyl Applied to First Surface Glass

☐ 3M Matte White

Winnetka, IL



ACCOUNT: **COLDWELL
BANKER** 

LOCATION: **Winnetka, IL (568 Lincoln Ave.)**

ACCT. REP: **Jim Wood**

DATE: **01/31/16**

DESIGNER: **MSO**



PRODUCTION PROCESSING

Material Name

Job #

Job #

Job #

Job #

Job #

REVISIONS:

1

2

3

4

5

6

DETAILS & DATE:

1

2

3

4

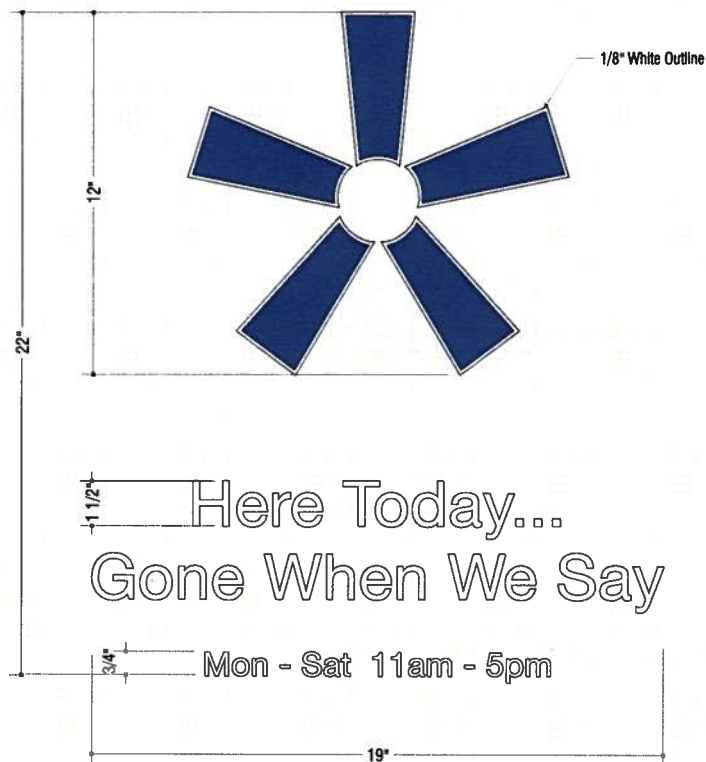
5

6

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www.kieffersigns.com

B74251A



General Specifications

Computer Cut Vinyl Applied to First Surface Glass

 Coldwell Banker Blue (PMS 280)

 3M Matte White

3" = 1'-0"

Here Today...
Gone When We Say

Mon - Sat 11am - 5pm

Winnetka, IL

 **Kieffer | Starlite**
National Sign Manufacturers and Consultants

ACCOUNT: **COLDWELL
BANKER**

LOCATION: **Winnetka, IL (568 Lincoln Ave.)**

ACCT. REP: **Jim Wood**

DESIGNER: **MSO**

DATE: **01/31/18**



PRODUCTION PROCESSING

Kieffer Item # _____
Job # _____
-001 _____
-002 _____
-003 _____
-004 _____
-005 _____

REVISIONS:

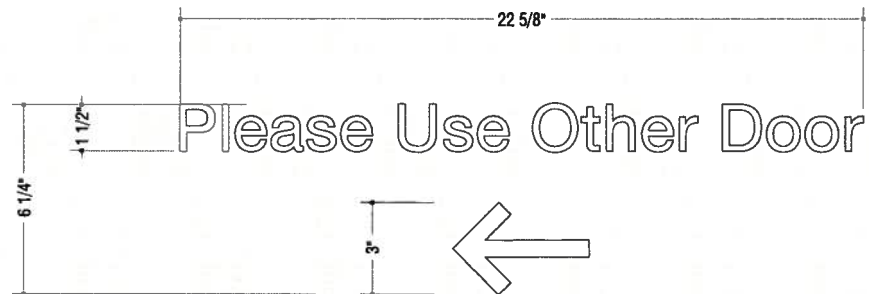
 _____
 _____
 _____
 _____
 _____

INITIALS & DATE:

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www.kieffersigns.com

B74251B



3" = 1'-0"

General Specifications

Computer Cut Vinyl Applied to First Surface Glass

☐ 3M Matte White

Winnetka, IL



ACCOUNT: **COLDWELL
BANKER** 
LOCATION: **Winnetka, IL (568 Lincoln Ave.)**
ACCT. REP: **Jim Wood** DESIGNER: **MSO**
DATE: **01/31/18**



PRODUCTION PROCESSING
Kieffer Trade # _____
Job # _____
-001 _____
-002 _____
-004 _____
-005 _____

REVISIONS:
▲ _____
▲ _____
▲ _____
▲ _____
▲ _____
▲ _____
▲ _____

INITIALS & DATE:

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www.kieffersigns.com

B74251C



**Vinyl to Remain As Is
No Action Required**

Winnetka, IL