

Winnetka Village Council
REGULAR MEETING
Village Hall
510 Green Bay Road
November 19, 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) December 3, 2019 Regular Meeting
 - b) December 10, 2019 Study Session
 - c) December 17, 2019 Regular Meeting
- 4) Public Comment
- 5) Reports
- 6) Approval of Agenda
- 7) Consent Agenda
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3) Old Business: None.	
4) New Business: None.	
5) Appointments	
6) Closed Session	
7) Adjournment	

MINUTES
WINNETKA VILLAGE COUNCIL BUDGET MEETING

October 29, 2019

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, October 29, at 8:30 a.m.

- 1) Call to Order. President Rintz called the meeting to order at 8:40 a.m. Present: Trustees Andy Cripe, Robert Dearborn, John Swierk, and Anne Wedner. Absent: Trustee Penny Lanphier. Also in attendance: Village Manager Robert Bahan, Assistant Village Manager Megan Pierce, Finance Director Tim Sloth, Assistant Finance Director Tony Vazquez, Community Development Director David Schoon, Director of Water & Electric Brian Keys, Assistant Director of Water & Electric Giovanni McLean, Public Works Director Steve Saunders, Assistant Director of Public Works Jim Bernahl, Police Chief Marc Hornstein, Deputy Police Chief Brian O'Connell, Fire Chief Alan Berkowsky, Deputy Fire Chief John Ripka, Communications Manager Josie Clark, Public Safety Analyst Matt Timmerberg, Administrative Services Manager Keri Kaup, Accounting Manager Dell Duckworth, and 1 person in the audience.
- 2) Budget Review Topic (2020 budget document previously distributed): President Rintz commended Village staff on the level of detail contained in Winnetka's Budget. It allows for detailed conversations about the Village's spending and helps the Council to be better stewards of Winnetka's resources. Manager Bahan thanked the Finance Director and Department Heads for their diligent work developing the 2020 Budget.
 - a) Budget Overview/2019 (payable in 2020) Tax Levy. Mr. Sloth explained that the proposed 2020 Budget is balanced and fully funded by operating revenues, and does not rely on one-time revenue sources to fund recurring operating expenses. Capital is funded on a "pay as you go" basis whenever possible; and the Village retains its Aaa rating from Moody's. For the sixth year in a row, no property tax levy for existing residents is proposed; an increase on new construction of 1.405% is proposed.
 - b) Capital Improvement Plan Overview. Mr. Sloth said the capital budget for 2020 is \$7.53 million. An estimated \$44.64 million in unfunded Capital projects over the next five years will be discussed in 2020. The impact of the 2020 Budget on a typical Winnetka homeowner is an increase of \$158 in fees paid to the Village.

Mr. Sloth reviewed General Fund revenues, operating expenditures, and transfers to other funds; the allocation of the total Cook County property tax bill that is paid to Winnetka (12.61%); and a history of Winnetka's property tax changes.

Trustee Wedner expressed concern that the Village is erring on the side of not raising enough property tax revenue in light of the Village's pension funding goals. She was also apprehensive about very low staffing levels affecting employee health and morale.

Manager Bahan said the Council will have a robust pension discussion before the end of the year.

Trustee Dearborn pointed out that new pension consolidation legislation from the State will impact Winnetka's public safety pensions, and he expressed concern about protecting the Village's current assets.

The Council discussed the overall 2020 Budget, and commended the Village on its transparency in communicating expenses and costs with residents and businesses.

- c) Police Department. Chief Hornstein reviewed staffing levels, 2019 accomplishments, and 2020 goals, which include: (i) complete the repurposing of office space; (ii) develop a platform to share crime data; (iii) implement electronic crash reporting (iv) establish a business liaison officer; (v) entry-level police testing; and (vi) on-going crime prevention and community relations programs. The Police Department's 2020 budget is proposed to increase 3.02% in 2020, due largely to personnel costs.

Some on the Council expressed concern that recent parking enforcement efforts are alienating visitors to the business districts, and using more warnings was recommended. Chief Hornstein explained that a new ticketing system will allow the Department to better track vehicles in the business district so that only repeat offenders will be targeted.

Trustee Wedner suggested the Village encourage the other taxing bodies in Winnetka to also communicate five and ten year projections on their proposed spending.

- d) Fire Department. Chief Berkowsky reviewed Fire Department staffing, 2019 accomplishments, and 2020 goals, which include: (i) develop an in-house building inventory program to provide structural data in the field; (ii) entry level and promotional firefighter testing; (iii) develop a cost-sharing program with neighboring communities for maintaining the training tower. An increase of 3.9% is proposed for the 2020 Budget.
- e) Public Affairs / Village Manager's Office. Ms. Pierce reviewed the budget areas under the purview of Public Affairs/Village Manager: Administration, Economic Development, Communications, and Human Resources. She reviewed 2019 accomplishments and initiatives for 2020 including: (i) facilitate communication with the business community; (ii) website redesign; (iii) encourage business expansion; (iv) compensation/classification study; entry level Police and Fire testing; and (v) sponsor special events.

Trustee Wedner expressed concern with sponsoring the Winnetka Music Festival since it is now a private venture. She also urged the Village to consider more winter events to bring visitors to the business districts during a typically slow time of year.

Trustee Swierk asked for an accounting of the in-kind expenses to the Music Festival such as extra Police, Fire, and Public Works staffing. Manager Bahan explained that the Council will discuss the Music Festival in detail when the request for funding comes up in January.

The Council discussed economic development funding, legal fees, and costs for Police/Fire entry and promotional testing.

- f) Finance Department. Mr. Sloth reviewed the functions of the Finance Department, noting that department expenditures for 2020 will be decreased 2.56%. He reviewed current staffing levels, 2019 accomplishments, and 2020 goals, which include: (i) prepare and manager 2019 Audit; (ii) prepare 2021 Budget; (iii) manage Village investments; and (iv) implement cyber phishing software and training program.

- g) Public Works Department. Mr. Saunders described the functions of the Public Works Department, which is heavily service-oriented and supported by user fees, and he reviewed current staffing levels. He explained that the Department also administers most of the Village's capital improvement program. He reviewed 2019 accomplishments and 2020 goals, which include: (i) Phase II implementation of the Streetscape and Signage Program, (ii) replacement of the Sidewalk Tractor; (iii) replacement of one leaf vacuum; and (iv) the 2020 Street Rehabilitation Program, which is budgeted at \$1,930,000.

President Rintz called for public comment.

Elisha Gray urged the Village to explicitly fund improvements at the Green Bay Trail (Trail). He also recommended the Village commission an independent report about maximizing the Trail, and developing a partnership with Glencoe's *Friends of the Green Bay Trail*.

Manager Bahan explained that there is no specific budget item for a Trail study; however, the Park District has agreed to split the cost of such a study with the Village. He noted that it also makes sense to have the Comprehensive Plan consultant include the Trail as an element in its overall study of the Village.

Trustee Wedner suggested the Village solicit private funding for improvements to the Trail, much like Chicago and New York did for their respective 606 and 303 high line trails. President Rintz said he would like to devote a Study Session to discussing improvements to the Trail.

- i) Motor Fuel Tax Fund. Mr. Saunders explained that this fund is earmarked for transportation-related capital improvements. It was used in 2019, and will be in 2020, for the rehabilitation of the Cherry and Oak Street bridges. He noted that Federal funds cover 80% of the cost of the bridge improvements, and 20% comes from Winnetka.
- ii) Sanitary Sewer Fund. Mr. Saunders listed projects completed in 2019, gave the status of the most recent inspections and repairs, and listed 2020 goals, including: (i) complete medium and high priority repairs identified in 2018 sewer study; (ii) continue sewer lining and cross connection location efforts; and (iii) assist residents with basement backup problems. The project fund balance is expected to be steady through 2024; however, one last area of town needs its sanitary sewers to be smoke tested (programmed for 2023) which could result in more repairs being identified. The 2020 proposed sewer rate of \$17.63 compares favorably with comparable communities

There was a discussion about the Backflow Prevention Program. Mr. Saunders explained that requests for the reimbursement have significantly declined in the past two years as the number of homes without overhead sewers steadily decreases. He said he was comfortable defunding the program, since Code provisions will still exist for the relief; and temporary funding could be provided in the event a big flood event temporarily drives up demand.

- iii) Refuse Fund. Mr. Saunders reviewed the 2020 service change goals, which were discussed and approved in September. He noted that recent investments in the Refuse fleet have put the Capital budget in good shape for the next five to ten years.
- iv) Fleet Services Fund. Mr. Saunders reviewed 2019 accomplishments and 2020 goals, which include helping to prepare bid specifications for the new sidewalk tractor and leaf vacuums. He noted that the Fleet Services Fund maintains all of the Village's motorized equipment, and revenue is generated from departmental customers.

[The Council took a recess at 11:50AM; the meeting reconvened at 12:50 PM.]

- v) Stormwater Fund. Mr. Saunders listed notable 2019 accomplishments, which include an intergovernmental agreement with New Trier High School for stormwater storage at Duke Childs Field. By the end of the year, agreements are anticipated to be finalized with the Park District and District 36 for stormwater storage projects at the golf course and Crow Island School. Major goals for 2020 include: (i) design engineering and permitting for the Forest Preserves detention project; (ii) design engineering for the Duke Childs Field/Skokie Playfield detention and conveyance projects; and (iii) begin stormwater evaluation for East Winnetka.

President Rintz noted that the Village will have a funding discussion to prepare for the time when project costs exceed the stormwater utility fees. There was a brief discussion about the Boal Parkway improvements; it was agreed that the stormwater discussions will need to take into account stormwater expenditures in all areas of the Village to avoid creating factions within the community.

There was a discussion about the goals of the recommended east Winnetka stormwater evaluation. Mr. Saunders explained that, similar to the southwest Winnetka Vision process, consultants would include design engineering and construction of small neighborhood scale improvements, along with stormwater modeling and solution alternatives.

Trustee Dearborn asked how much of the budgeted \$7 million would be spent in 2020 before shovels hit the ground. Mr. Saunders said the \$7 million only includes construction engineering and permit fees for the Cook County Forest Preserves and the Army Corps of Engineers. He added that he does anticipate starting construction in 2020, as a significant level of engineering detail is needed to get reliable construction cost estimates. If the costs are deemed feasible, the Village will move forward with the permit process.

[Trustee Lanphier arrived at 1:35 PM.]

There was a discussion about the difficulty of trying to coordinate the timing of the Village's stormwater funding needs with capital projects planned by other local taxing agencies. It was agreed that while Winnetka staff strive to keep the Village's varied constituencies in mind, staff at other agencies tend to see their mission more narrowly in terms of their own organization.

Trustee Cripe noted that the Village has thoroughly communicated its stormwater mission and he felt there is a strong consensus in the community that it is the right thing to do.

h) Community Development Department. Mr. Schoon reviewed the functions and staffing levels of the Department and listed major accomplishments for 2019. Chief goals for 2020 include an update of the Comprehensive Plan, development of an electronic document program, and implementation of Phase II of Streetscape. He noted that the budget for 2020 was decreased by 3.4% due to the failure of the One Winnetka planned development to move forward. The Council discussed the time constraints for Community Development staff if and when another planned development application is submitted for the East Elm business district.

i) Business District Revitalization Fund.

Projects for 2020: Phase II Streetscape (Elm Street between Chestnut Street and Green Bay Road); Streetscape engineering for Lincoln Avenue north of Elm Street; and Hubbard Woods design concept streetscape project.

The Council discussed the Village-owned parcel at 93 Green Bay Road, and briefly debated the merits of a potential jurisdictional transfer of Green Bay Road from the State to Winnetka.

Mr. Schoon reviewed the proposed five-year capital improvement plan.

i) Water & Electric Department.

i) Electric Fund. Mr. Keys reviewed staffing levels, which will remain fairly steady in 2020, and reviewed 2019 accomplishments. Noteworthy budget items for 2020 include: (i) Northfield substation improvements; (ii) replacement of aging cable; (iii) and new service installations. A slight purchase power increase will be seen in 2020, after two years of no increases from IMEA. Based on the rate study, fee increases proposed for 2020 will average 2.48% with a +/- 1% bandwidth to smooth the rates across all classifications. A typical resident will pay an additional \$45.16 per year for electric service.

There was a discussion about burying power lines, relocating poles to improve motorist sight lines, and internet/wireless service provision in Winnetka. Mr. Keys explained that the majority of the Village's utility poles are jointly owned with other utilities, which limits control of overhead lines.

ii) Water Fund. Mr. Keys described the department's functions, listed major 2019 accomplishments, and described the key goals for 2020: (i) water main replacement projects; (ii) roof replacement at Water Plant; (iii) new service installations; and (iv) preventative maintenance programs for water system reliability.

Mr. Keys explained that staffing levels will remain relatively flat for 2020, and he noted that water consumption continues to decline due to conservation efforts. Proposed rates for 2020 are based on the Water Main Replacement Study, and increases will result in an additional cost of \$68.16 per year for a typical water customer.

President Rintz took issue with funds being earmarked to perform a water study for a project that mainly benefits the Village of Glencoe, and he recommended a thorough discussion about the benefits of a water system interconnection with Glencoe.

The Council discussed the water main replacement program, which is done not only because the system is aging, but also to upgrade the flow of fire hydrants to assist the Fire Department in an emergency.

President Rintz said the Council would again send a Budget transmittal letter to the community to communicate what the budget is and what it does for the Village.

- 3) Public Comment. None.
- 4) Adjournment. Trustee Swierk, seconded by Trustee Wedner, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 3:37 p.m.

Recording Secretary



Agenda Item Executive Summary

Title: Approval of Warrant List Dated November 1-14, 2019

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 11/19/2019

Consent: ☒ YES ☐ NO

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

Item History:

None.

Executive Summary:

The Warrant List dated November 1-14, 2019 was emailed to each Village Council member.

Recommendation:

Consider approving the Warrant List dated October 11-31, 2019.

Attachments:

None.



Agenda Item Executive Summary

Title: Resolution No. R-85-2019: Appointing the Village Treasurer (Adoption)

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 11/19/2019

Consent: ☒ YES ☐ NO

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

Item History:

Recurs every two years.

Executive Summary:

Section 2.20.010 (A) of the Village Code specifies that the "The Council shall appoint a Village Treasurer, who shall hold office for the term of two years from and after the first Tuesday in the month of May of the year in which the Village President is elected and until a successor has been appointed and qualified."

Finance Director Timothy J. Sloth has served in this position since October, 2015. Resolution No. R-85-2019 provides for his re-appointment until the next year in which the Village President is elected and a successor has been appointed.

Recommendation:

Consider adoption of Resolution No. R-85-2019 appointing Timothy J. Sloth as Village Treasurer.

Attachments:

1. Resolution No. R-85-2019

RESOLUTION NO. R-85-2019

**A RESOLUTION
APPOINTING TIMOTHY SLOTH
AS VILLAGE TREASURER**

WHEREAS, Section 2.20.010 of the Winnetka Village Code authorizes the Village Council to appoint a Village Treasurer for a term of two years from and after the first Tuesday in the month of May of the year in which the Village President is elected, and until a successor has been appointed and qualified; and

WHEREAS, on December 19, 2017, pursuant to Resolution R-79-2017, the Village's Finance Director, Timothy J. Sloth, was appointed to serve as the Village Treasurer; and

WHEREAS, the Village Council desires to reappoint Mr. Sloth to serve as the Village Treasurer; and

WHEREAS, the Village Council has determined that it is in the best interest of the Village to appoint the Village's Finance Director, Timothy J. Sloth, to serve as the Village Treasurer;

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: APPOINTMENT OF VILLAGE TREASURER. The Village Council hereby appoints Finance Director Timothy J. Sloth to serve as Treasurer for the Village of Winnetka effective November 19, 2019, and until: (i) the first Tuesday in the month of May of the next year in which the Village President is elected; and (ii) a successor has been appointed by the Village Council.

SECTION 3: EFFECTIVE DATE. This Resolution will be in full force and effect from and after its passage and approval according to law.

[SIGNATURE PAGE FOLLOWS]

ADOPTED this 19th day of November, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk



Agenda Item Executive Summary

Title: Resolution No. R-86-2019: A Resolution Adopting the Annual Budget for the Fiscal Year Beginning January 1, 2020 and Ending December 31, 2020 (Introduction)

Presenter: Timothy J. Sloth, Director of Finance

Agenda Date: 11/19/2019

Consent: ☐ YES ☒ NO

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

Item History:

The Village Council held a budget meeting on October 29 to review the proposed fiscal year 2020 budget. The proposed FY2020 budget is available on our website at <https://www.villageofwinnetka.org/> and is on file at Village Hall and the Library.

The Resolution adopting the budget is distributed one meeting prior to adoption so the public has an opportunity to review the materials.

Executive Summary:

A Public Hearing on the budget was advertised for tonight in the November 7 edition of the Winnetka Talk. The 2020 Budget will result in an approximately 1.9% increase in costs for municipal services for a typical homeowner consisting of:

No increase in property taxes (12.61% Village portion of tax bills received in 2019)

A 8.5% increase in water charges (\$93 annual cost increase on a \$1,096 annual bill)

A 5.0% increase in sanitary sewer charges (\$21 annual cost increase on a \$412 annual bill)

A 2.2% increase in residential electric charges (\$60 annual cost increase on a \$2,714 annual bill)

Refuse collection fees, vehicle license fees and most other fees and taxes remain unchanged. The Village will consider adoption of this Resolution at the December 3 Council Meeting.

Recommendation:

- 1) Conduct a public hearing on the 2020 Budget.
- 2) Consider introduction of Resolution No. R-86-2019

Attachments:

- 1) Memo to Council
- 2) Resolution No. R-68-2019

MEMORANDUM

TO: VILLAGE COUNCIL
FROM: TIM SLOTH, FINANCE DIRECTOR
DATE: NOVEMBER 19, 2019
SUBJECT: 10/29 COUNCIL BUDGET REVIEW – FOLLOW UP
CC: ROB BAHAN, VILLAGE MANAGER

On October 29th, staff presented the 2020 Proposed Annual Budget and 5-year Capital Improvement Plan to the Village Council. During the meeting, Council provided commentary and raised questions in regards to the budget, most of which were answered during the discussion. Some of the items raised during the meeting required an additional response from Staff. This memo details the broader questions raised and provides a response.

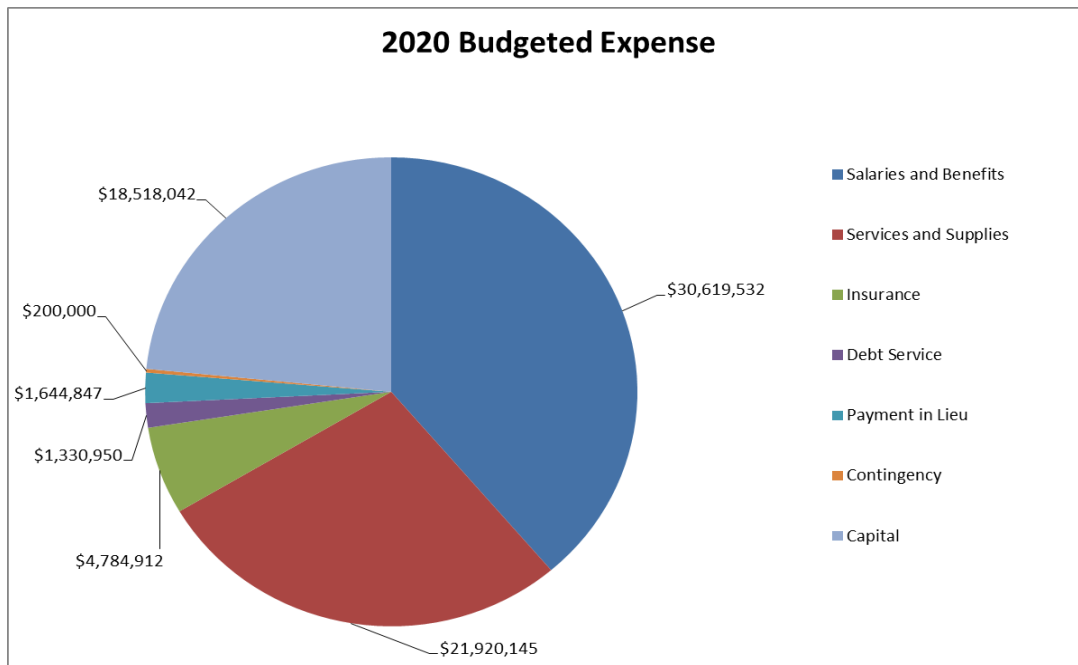
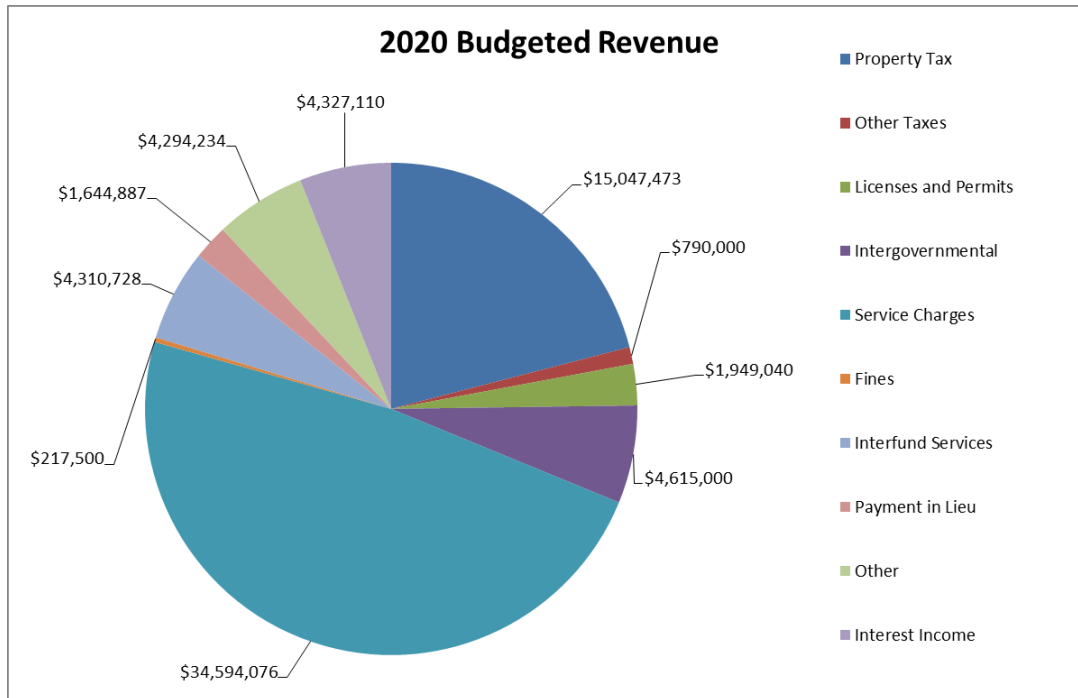
Item 1: It was requested that the budget transmittal email to the community include reasoning as to why we are making certain budget decisions along with the property tax dollar bill graphic shown during the presentation. *Staff prepared a draft of the Council budget transmittal incorporating these suggestions. This was shared with Council on November 6th, and will be sent to the Community on November 14th.*

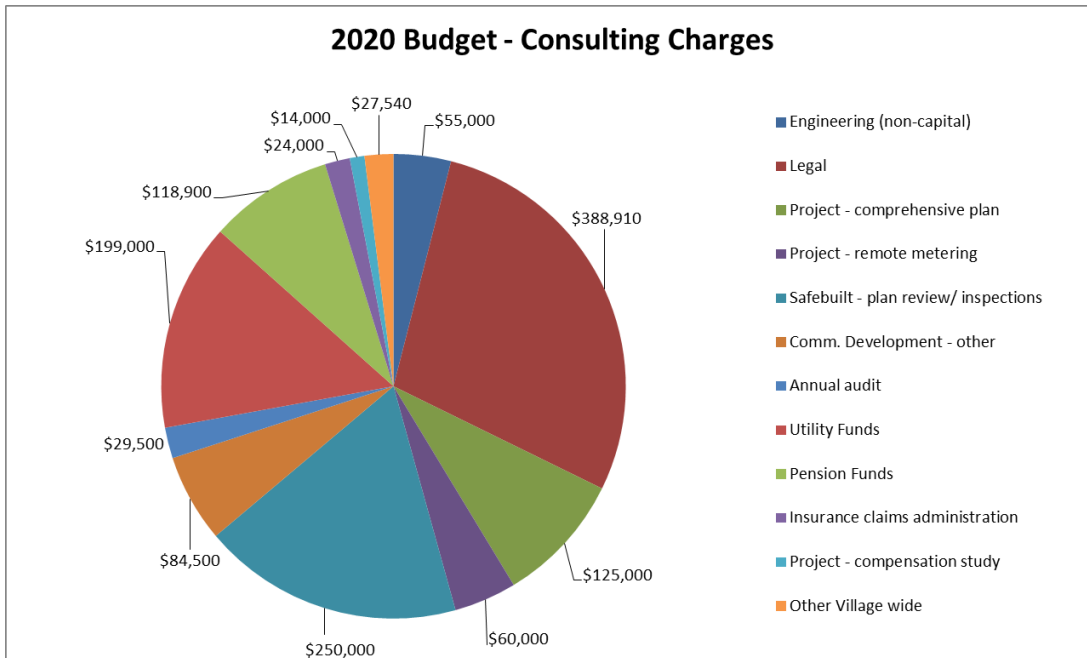
Item 2: There was significant discussion regarding the Green Bay Trail. A member of the public commented that the trail could use some fresh paint, better maintenance and a long term plan. Additional conversation centered on whether the Village could pursue a public / private partnership related to trail improvements and maintenance. It was determined that the best approach would be to start by developing a plan for the trail. *Staff has reached out to the Lakota group to discuss a separate study specific to the Green Bay Trail that can be developed with the Comprehensive Plan project. Additionally, staff has edited the proposed budget specifically earmarking \$15,000 in engineering services for the Green Bay Trail.*

Item 3: During the Motor Fuel Tax Fund (MFT) presentation a question arose as to whether the MFT fund balance was too high and if road related projects in the General fund could be moved into this fund. *Included in the 2020 MFT five year CIP are \$1.5 million in projects that were previously earmarked in the General Fund. At the end of the five year plan there is approximately \$3 million in funds on hand. In future years, we can reasonably draw fund balance down to \$300,000 maintain our fund balance policy. This could free up an additional \$2.7 million or \$540,000 a year over the next five years for road and bridge related projects.*

Item 4: During the stormwater fund presentation there was a question on the timing of stormwater financing. There is \$60.7 million in projects related to stormwater improvements loaded into the 2020 five year CIP. Current funds on hand are sufficient to complete the projects identified for 2020, but the fund goes negative in 2021 and has almost \$45 million in unfunded projects. At the Council meeting it was discussed that anticipate having a financing discussion during Q1 or Q2 of 2020. A question arose as to whether we should change the fund balance policy in the stormwater fund, and whether we should engage financing sources so we are prepared for when this moves forward. Additionally, the Village President stated that the Council has to be cognizant of any potential equity concerns related to the financing of these projects. *Stormwater financing has been on staff's radar for a number of years and has been a frequent topic of discussion with Kevin McCanna, the President of Speer financial who is Village's financial advisor on debt financing. Kevin and I meet in person, talk on the phone or communicate via email on at least a quarterly basis. He is a valuable resource to discuss Village finances as a whole, in addition to debt financing. Kevin is fully aware that stormwater discussions are taking place and is prepared to provide additional assistance when necessary. We anticipate having follow-up discussions on stormwater financing early in 2020 once intergovernmental agreements with the Park District, District 36 and the County are finalized. After meeting with Cook County and engaging in a pricing exercise, the Council will evaluate the various financing strategies and funding options available to the Village. We will also discuss the appropriate level of reserves maintained in the Stormwater fund.*

Item 5: During the Council discussion there was a request to provide additional pie charts to visually represent the data in a different format. A request was also made to breakdown consulting charges and show in a pie chart. *See requested charts below.*





Item 6: During the Water and Electric presentation, a question was raised regarding the amount of capacity credits “lost” due to the extended outage required for the 2019 Turbine #6 overhaul. *The unit was assessed penalties by IMEA in the amount of \$16,469.45. Based on the unit’s expected output, the maximum amount of capacity credits that could have been earned in 2019 is \$264,000. Total annual capacity credits earned by the three steam units and two diesel units is just over \$1.4 million.*

The above questions are the key items that were noted during the October 29th meeting. The next Council meeting on the budget is the Public Hearing scheduled for November 19th. If there are any additional questions before then please feel free to call or email me.

RESOLUTION NO. R-86-2019

**A RESOLUTION
ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR
BEGINNING JANUARY 1, 2020
AND ENDING DECEMBER 31, 2020**

WHEREAS, the corporate authorities of the Village of Winnetka (“Village Council”) have previously adopted Sections 8-2-9.1 through 8-2-9.10 of the Illinois Municipal Code, establishing the office of budget officer and authorizing the adoption of the annual budget in lieu of an annual appropriation ordinance; and

WHEREAS, on October 25, 2019, the Village Council placed the proposed, tentative annual budget for the fiscal year beginning January 1, 2020, and ending December 31, 2020, on file at the office of the Village Manager, at the Winnetka Public Library, and on the Village of Winnetka web site (www.villageofwinnetka.org), and has made the proposed, tentative annual budget available for public inspection since that date; and

WHEREAS, on November 19, 2019, pursuant to notice published on Thursday, November 7, 2019 in the Winnetka Talk, a newspaper published and in general circulation in the Village of Winnetka, the Village Council held a public hearing on the proposed tentative annual budget; and

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970, 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, including, but not limited to, the powers (i) to regulate for the protection of the public health, safety, morals and welfare, (ii) to license, (iii) to tax, and (iv) to incur debt; and

WHEREAS, the Village Council finds that establishing an annual budget for the Village, including estimating revenues and recommending expenditures, is a matter pertaining to the affairs of the Village.

NOW, THEREFORE, be it resolved by the Council of the Village of Winnetka as follows:

SECTION 1: The Annual Budget for the Village of Winnetka, which is attached hereto as Exhibit A and is incorporated by reference as if fully set forth herein, is hereby adopted as the Annual Budget for the Village of Winnetka for the Fiscal Year beginning January 1, 2020 and ending December 31, 2020.

SECTION 2: The adoption of the foregoing annual budget shall be in lieu of the appropriation ordinance required in Section 8-2-9 of the Illinois Municipal Code.

SECTION 3: **Home Rule.** This Resolution is adopted 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 4: Effective Date. This resolution shall be in full force and effect immediately upon its adoption.

ADOPTED this ____ day of _____, 2018, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk

Introduced: November 19, 2019

Adopted:

NOTE:

EXHIBIT A IS THE COMPLETE BUDGET DOCUMENT, WHICH, DUE TO ITS SIZE, CANNOT BE REPRODUCED IN FULL IN THESE AGENDA MATERIALS.

THE COMPLETE BUDGET DOCUMENT CAN BE FOUND IN THE FISCAL TRANSPARENCY SECTION OF THE VILLAGE'S WEBSITE WHICH IS LINKED DIRECTLY BELOW:

<https://www.villageofwinnetka.org/government/council-members/fiscal-transparency/>

THE COMPLETE BUDGET ALSO REMAINS AVAILABLE FOR INSPECTION IN THE VILLAGE MANAGER'S OFFICE AND AT THE WINNETKA PUBLIC LIBRARY. THE COMPLETE, FINAL BUDGET WILL BE APPROPRIATELY LABELED AND WILL BE ATTACHED TO AND MAINTAINED WITH THE ORIGINAL BUDGET RESOLUTION FOLLOWING ITS ADOPTION.



Agenda Item Executive Summary

Title: Resolution No. R-87-2019: Utility Rates and Fees (Introduction)

Presenter: Timothy J. Sloth, Director of Finance

Agenda Date: 11/19/2019

Consent: ☐ YES ☒ NO

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

Item History:

The Village Council held a budget meeting on October 29 to review the proposed 2020 budget.

The Village Council sets utility fees annually by resolution during the budget approval process.

Executive Summary:

Due to the projected capital needs of the electric, water, sanitary sewer, and refuse utilities, rate adjustments for each are proposed and incorporated in the FY 2020 budget.

Electric rates derived from the Electric Rate Study conducted in 2016-2017 are implemented in the proposed rate resolution. These rate changes include a 2.2% increase in the base rate for a regular residential customer. As per the rate study, rate adjustments are comprised of changes to the volumetric (kWh) rate and the customer charge.

Water rates derived from the Water Rate Study conducted in 2016-2017 are also implemented in the proposed rate resolution. Incorporated, unincorporated, and special service customers will see a rate increase of 8.5% comprised of changes to the volumetric rate (cu.ft.). The Northfield wholesale rate is set by contract and is subject to rate adjustments outside the budget process.

Sanitary sewer service volumetric rates are increasing by 5% for all customers in order to offset capital improvements such as I/I repair, trenchless lining, follow-up flow monitoring, and continued funding for the sanitary sewer backup reimbursement program.

Refuse and stormwater sewer fees remain unchanged. The Village will consider adoption of this Resolution at the December 3 Council Meeting.

Recommendation:

1) Consider introduction of Resolution No. R-87-2019.

Attachments:

1) Resolution No. R-87-2019

RESOLUTION NO. R-87-2019

A RESOLUTION ESTABLISHING RATES AND FEES

RELATED TO UTILITY SERVICES

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 Section 6 of Article VII of such Constitution, to exercise any power and perform any function pertaining to the government and affairs of the Village, including, but not limited to, the powers (i) to regulate for the protection of the public health, safety, morals and welfare, (ii) to license, (iii) to tax, and (iv) to incur debt; and

WHEREAS, the Village of Winnetka (“Village”) owns, operates, and provides the following services in the Village (collectively, “**Utility Services**”): (i) a water utility that provides water service; (ii) an electric utility that provides electric service; (iii) a public sewer system; (iv) a municipal waste system that provides for the collection, transportation and disposal of refuse and yard waste; and (v) a public stormwater utility to provide stormwater management services; and

WHEREAS, pursuant to its home rule authority and the Illinois Municipal Code, the Village is permitted to charge fees for Utility Services; and

WHEREAS, the President and Village Council have determined that adoption of this Resolution will serve and be in the best interest of the Village of Winnetka;

NOW, THEREFORE, be it resolved by the Council of the Village of Winnetka as follows:

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

SECTION 2: FEES FOR WATER.

A. Water Rates. Each customer using water furnished by the Village of Winnetka Water and Electric Department shall be charged for such service in accordance with the following Schedules of Volumetric Water Rates and Water Customer Charges, as provided in Section 13.04.040 of the Winnetka Village Code:

[Remainder of this page intentionally left blank.]

SCHEDULE OF VOLUMETRIC WATER RATES

<u>Type of Customer</u>	<u>Rate</u>
Service within corporate limits	\$39.75 per 1,000 cubic feet, as metered
Service outside of corporate limits	\$71.15 per 1,000 cubic feet, as metered
Service to Village of Northfield:	Rate established by agreement approved by resolution of the Village Council
Special Service	\$29.80 per 1,000 cubic feet, as metered

SCHEDULE OF WATER CUSTOMER CHARGES

<u>Type of Customer (Meter Size)</u>	<u>Monthly Service Charge</u>
Less than or equal to One Inch (1")	\$9.15
One and One Half Inches (1.5")	\$10.80
Two Inches (2")	\$15.35
Three Inches (3")	\$48.75
Four Inches (4")	\$61.15
Six Inches (6")	\$90.00
Eight Inches (8")	\$123.00

B. Disconnection/Reconnection Fees. The following fees shall be charged and collected for service calls to either disconnect or reconnect service as the result of nonpayment, as provided in Section 13.04.060 of the Winnetka Village Code:

SERVICE DISCONNECTION OR RECONNECTION FEE

<u>Time of Service Call</u>	<u>Fee</u>
During regular business hours (Monday through Friday, except for holidays, from 7:30 a.m. to 3:00 p.m.)	\$95.00 per service dispatch
All other times (evenings, nights, weekends and holidays)	\$448.00 per service dispatch

C. Water Service Tap Fees. The following fees shall be charged for the installation of water connections, as provided in Section 13.04.100 of the Winnetka Village Code:

WATER SERVICE TAP FEES

<u>Water Tap Size</u>	<u>Water Main Size</u>	<u>Fee</u>	<u>Service Included in Fee</u>
1 1/2" or less	All	\$852	Making tap, tapping sleeve, corp. stop, curb stop and box, and inspection
2"	All	\$960	Making tap, tapping sleeve, corp. stop, curb stop and box, and inspection
4"	4"	\$1,535	Making tap, tapping sleeve and valve, and inspection
4"	6"	\$1,775	Making tap, tapping sleeve and valve, and inspection
6"	6"	\$1,880	Making tap, tapping sleeve and valve, and inspection
4"	8"	\$1,880	Making tap, tapping sleeve and valve, and inspection
6"	8"	\$1,985	Making tap, tapping sleeve and valve, and inspection

Water Tap Size	Water Main Size	<u>Fee</u>	<u>Service Included in Fee</u>
8"	8"	\$2,300	Making tap, tapping sleeve and valve, and inspection
4"	10"	\$2,400	Making tap, tapping sleeve and valve, and inspection
6"	10"	\$2,500	Making tap, tapping sleeve and valve, and inspection
8"	10"	\$2,900	Making tap, tapping sleeve and valve, and inspection
4"	12"	\$2,400	Making tap, tapping sleeve and valve, and inspection
6"	12"	\$2,500	Making tap, tapping sleeve and valve, and inspection
8"	12"	\$2,925	Making tap, tapping sleeve and valve, and inspection

For all taps 4" and larger, valve vaults meeting Water and Electric Department specifications must be furnished by the customer's plumber, at the customer's cost. Other size taps may be made only with the consent of the Water and Electric Department, at the customer's cost.

D. Water Meter Fees. The following fees shall be charged for the water meters provided by the Village, as provided in Sections 13.04.030 and 13.04.100 of the Winnetka Village Code:

WATER METER FEES

<u>Meter Size</u>	<u>Cost</u>
5/8"	\$475
3/4"	\$525
1"	\$625
1 1/2"	\$890
2"	\$990

Spreader and valves on both sides of meter must be installed by the customer's plumber, at the customer's cost. Other sizes of meters may be required or permitted, as determined by the Water and Electric Department, based on the characteristics of the proposed service. Such other installations shall require the written approval of the Water and Electric Department and the entire cost of the purchase and installation shall be borne by the customer.

E. Replacement of Touchpad Fees. The following fees shall be charged for replacement of removed touchpads and replacement of the touchpad wiring:

Replacement of Touchpad	\$95.00
Replacement of Touchpad Wiring	\$265.00

F. Temporary Water Service Fees. Pursuant to Section 13.04.150 of the Winnetka Village Code, temporary water service provided during building construction shall be billed at the rate applicable to the use specified in the building permit.

G. Construction Temporary Water Service Fees. Bulk water provided from the fire hydrant located at the Village's Public Works Facility for construction projects will be billed at the unincorporated water rate. The minimum daily charge will be \$50. At the discretion of the Water and Electric Director, the water rate can be waived for contractors performing Village work.

SECTION 3: FEES FOR ELECTRICITY.

A. Definitions. As used in this Section 3, the following terms, phrases and words and their derivations shall have the meanings given in this section, unless the context or use clearly indicates another or different meaning is intended:

Customer Charge: A fixed charge based on the type of service rather than the amount of electricity used.

Demand Charge: A charge based on the rate at which electric energy is delivered, expressed in kilowatts (kW), averaged over a 30-minute period.

Energy Charge: A volume based charge for energy used.

Load Factor: The ratio of energy used to the maximum energy consumption for a given monthly peak demand.

On-peak Demand: A peak demand that occurs between the hours of 3:00 p.m. and 9:00 p.m.

Off-peak Demand: A peak demand that occurs between after 9:00 p.m. and before 3:00 p.m.

Primary Lines: High voltage power lines

Secondary Lines: Low voltage power lines that extend from the high voltage Primary Lines and distribute electricity to individual property lines.

Service Lines: The power lines that extend from the Secondary Lines to the individual meter connections located on each parcel of property that receives electric service.

B. Season Rates. Separate summer and winter rates shall be established for demand charges and energy charges. Pursuant to Section 13.08.150 of the Winnetka Village Code, summer rates shall be in effect for each of the four consecutive months with ending metered dates on or after June 1 of each year.

C. Electric Rates. Each customer using electricity furnished by the Village of Winnetka Water and Electric Department shall be charged for such service in accordance with the following schedule of electric rates, as provided in Section 13.08.040 of the Winnetka Village Code:

1. Customer Charge: Each customer shall be charged a monthly customer charge according to the schedule below:

SCHEDULE OF ELECTRIC CUSTOMER CHARGES

<u>Type of Customer (Rate Code)</u>	<u>Monthly Service Charge</u>	
Rate 1: Residential	\$16.46 Single Phase	\$22.76 Three Phase
Rate 2: Space Heating	\$17.75 Single Phase	\$23.75 Three Phase
Rate 3: Commercial	\$26.50 Single Phase	\$32.80 Three Phase
Rate 4: School and Government (<1000kW)	\$41.50 Single Phase	\$47.80 Three Phase
Rate 4: School and Government (>1000kW)	\$86.50 Single Phase	\$92.80 Three Phase
Rate 6: Water Heating	\$10.00 Single Phase	\$16.30 Three Phase
Rate 7: Large Residential	\$16.46 Single Phase	\$22.76 Three Phase
Rate 8: Street Lights	\$0.00 Single Phase	\$0.00 Three Phase

2. Energy and Demand Charges: In addition to the Customer Charge, each customer shall pay energy and demand charges at the rates set forth in the following Schedule of Energy and Demand Charges:

SCHEDULE OF ENERGY AND DEMAND CHARGES

Rate 1 - Residential: (Section 13.08.080 of the Winnetka Village Code)

Energy Charge

Summer Rate	\$0.1340 per kWh
Winter Rate	\$0.1207 per kWh

Rate 2 - Space Heating Customers: (Section 13.08.090 of the Winnetka Village Code)

Energy Charge

Summer Rate	\$0.1316 per kWh
Winter Rate	
First 750 kWh	\$0.1196 per kWh
All over 750 kWh	\$0.0813 per kWh

Rate 3 - Commercial: (Section 13.08.100 of the Winnetka Village Code)

Demand Charge

Summer Rate	
First 50 kW	\$0.00 per kW
All over 50 kW	\$15.27 per kW
Winter Rate	
First 50 kW	\$0.00 per kW
All over 50 kW	\$13.91 per kW

Energy Charge

Summer Rate	
First 15,000 kWh	\$0.1301 per kWh
All over 15,000 kWh	\$0.0945 per kWh

Winter Rate

First 15,000 kWH	\$0.1181 per kWH
All over 15,000 kWH	\$0.0945 per kWH

Rate 4 - School and Government: (Section 13.08.110 of the Winnetka Village Code)

(a) With an annual peak demand of up to 1,000 kW:

Demand Charge

Summer Rate	\$14.00 per kW
Winter Rate	\$12.00 per kW

Energy Charge

Summer Rate	
First 100,000 kWH	\$0.0814 per kWH
Over 100,000 kWH	\$0.0703 per kWH
Winter Rate	
First 100,000 kWH	\$0.0740 per kWH
Over 100,000 kWH	\$0.0703 per kWH

(b) With an annual peak demand exceeding 1,000 kW:

Demand Charge

Summer Rate

On Peak	\$14.32 per kW
Off Peak	\$9.85 per kW in excess of On Peak Demand

Winter Rate

On Peak	\$12.79 per kW
Off Peak	\$9.85 per kW in excess of On Peak Demand

Energy Charge

Summer Rate

First 100,000 kWH	\$0.0814 per kWH
Over 100,000 kWH	\$0.0703 per kWH

Winter Rate

First 100,000 kWH	\$0.0740 per kWH
Over 100,000 kWH	\$0.0703 per kWH

Load Factor Credit	(\$0.005) per kWH for kWH in excess of 50% based upon the on peak demand
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Rate 6 - Water Heating: (Section 13.08.120 of the Winnetka Village Code)

Energy Charge

Summer Rate	\$0.1268 per kWH
Winter Rate	\$0.1268 per kWH

Rate 7 - Large Residential: (Section 13.08.130 of the Winnetka Village Code)

Demand Charge	
Summer Rate	\$13.20 per kW
Winter Rate	\$11.60 per kW
Energy Charge	
Summer Rate	\$0.1003 per kWh
Winter Rate	\$0.0885 per kWh

Rate 8 - Street Lights: (Section 13.08.140 of the Winnetka Village Code)

Energy Charge	
Summer Rate	\$0.1241 per kWh
Winter Rate	\$0.1241 per kWh

D. Wholesale Power Purchase Cost Adjustment.

1. Wholesale Power Purchase Cost Adjustment formula: The electric system's cost of purchasing power shall be estimated at least once per year. Pursuant to Section 13.08.160 of the Winnetka Village Code, the Wholesale Power Purchase Cost Adjustment shall be calculated as the difference between the estimated annual cost per kWh of purchasing power and the 12 month rolling average cost of power calculated bimonthly. If the actual 12 month rolling average cost of power calculated bimonthly on a per kWh basis exceeds the estimated cost, the shortage shall be recovered by billing all customers at the same amount per kWh in the next bimonthly cycle. If the estimated annual cost per kWh of purchasing power exceeds the actual 12 month rolling average cost of power calculated bimonthly on a per kWh basis, the excess shall be credited to all customers at the same amount per kWh in the next bimonthly cycle.

E. Renewable Energy Production Credit.

1. Terms:
 - a. Eligible Customer. A customer of the Village's Electric Utility who satisfies all of the requirements of Section 13.08.260 of the Winnetka Village Code.
 - b. Renewable Energy Production Credit, or REPC, means the actual credit as calculated pursuant to the formula in subsection 2, below.
 - c. Renewable Energy, or RE, means the amount of energy, measured in kWh, delivered to the Village by an Eligible Customer.

- d. Summer Residential Energy Cost, or SREC, means the energy charge during the defined summer months utilizing the residential rate category (section 13.08.080 of the Winnetka Village Code).
- e. Wholesale Purchase Power Cost, or WPPC, means the allocation on a per kilowatt hour basis of the total annual cost of purchasing power shown in the annual budget line item for “Purchased Power.”

2. Calculation of REPC:

Summer Rate REPC = (RE x SREC)

Winter Rate REPC = (RE x WPPC)

- 3. REPC Carry-forward: If the REPC exceeds the cost of the power and energy billed to the Eligible Customer by the Village in a billing period, the excess REPC will be carried forward from one billing period to the next, except that no amount shall be carried forward past the end of the calendar year and that any amount of energy in kWh reflected in carry-forward credits remaining at the end of the calendar year shall be deemed to have been provided to the Village at no charge.
- 4. No Refunds or Transfers: No Eligible Customer whose electric service is terminated shall be entitled to a refund of any REPC balance, regardless of the reason for the termination of service. Nor shall any Eligible Customer be entitled to transfer any REPC balance to a succeeding customer upon the termination of the Eligible Customer’s electrical service, regardless of the reason for the termination of service. Upon the termination of an Eligible Customer’s electric service, the Eligible Customer’s account shall be closed and any amount of kWh reflected in any REPC balance in existence at the time the account is closed will be deemed to have been provided to the Village, at no charge.

F. Municipally Owned Electric Vehicle Charging Station (for public use). The energy charge for municipally owned electric vehicle charging station (for public use) shall be \$.07 per kWh.

G. Undergrounding Surcharge. Pursuant to Section 13.08.240 of the Winnetka Village Code, the following surcharges are hereby established for the undergrounding of transmission and distribution lines:

RATE U - UNDERGROUNDING SURCHARGE

1. **Surcharge:** Except as provided in subsection (c), each customer located in a Project Area within which the Primary Lines and Secondary Lines are placed underground pursuant to Section 13.08.230 of the Winnetka Village Code shall be subject to an undergrounding surcharge. The surcharge shall be charged monthly until the Applicable Project Cost, plus interest on the unpaid balance at a rate of 7% per annum, is fully paid. The surcharge shall not be charged for more than 60 consecutive months. The surcharge amount shall be as follows:

Surcharge UA Monthly surcharge of \$100 if Applicable Project Cost equals \$5,000 or less.

Surcharge UB Monthly surcharge of \$150 if Applicable Project Cost is greater than \$5,000 but does not exceed \$7,500.

Surcharge UC Monthly surcharge of \$200 if Applicable Project Cost is greater than \$7,500 but does not exceed \$10,000.

Surcharge UD Monthly surcharge of \$250 if Applicable Project Cost is greater than \$10,000 but does not exceed \$12,500.

2. **Definitions:** The following definitions shall be used in determining the undergrounding surcharge:

Project Area: The service area covered by a petition for undergrounding, as determined by the Director of Water and Electric, and shall include the Primary Lines, Secondary Lines and Service Lines within that service area.

Project Costs: All direct costs of undergrounding the Primary Lines and Secondary Lines in the Project Area ("Cost 1"). For customers with overhead Service Lines, the direct costs of undergrounding overhead Service Lines in the Project Area ("Cost 2") shall be included in the Project Costs in addition to Cost 1. Direct costs shall include, but not be limited to, labor, materials, recording of easements and the cost of relocating all related electric utility facilities and equipment, such as pad mount transformers and switch gear.

Project Cost_{UG}: The Project Cost per customer with underground Service Lines, which shall be determined by dividing Cost 1 by the number of customers in the Project Area.

Project Cost_{OH}: The Project Cost per customer with overhead electric service, which shall be determined by dividing Cost 2 by the number of customers in the Project Area with overhead electric service and adding the resulting amount to Project Cost_{UG} .

Applicable Project Cost: The Project Costs as allocated to the individual customers in the Project Area. The Applicable Project Cost for each customer with underground Service Lines shall be Project Cost_{UG}. The Applicable Project Cost for each customer with overhead Service Lines shall be Project Cost_{OH}.

3. **Exceptions to Surcharge**: The undergrounding surcharge shall not be charged to any customer in the Project Area who pays the Applicable Project Costs in full before the project begins.

G. **Disconnection or Reconnection Fee**. The following fees shall be charged and collected for service calls to disconnect or reconnect service as the result of nonpayment, as provided in Section 13.08.060 of the Winnetka Village Code:

SERVICE DISCONNECTION OR RECONNECTION FEE

<u>Time of Service Call</u>	<u>Fee</u>
During regular business hours (Monday through Friday, except for holidays, from 7:30 a.m. to 3:00 p.m.)	\$95.00 per service dispatch
All other times (Evenings, nights, weekends and holidays)	\$448.00 per service dispatch

H. **Replacement Touchpad**. The following fees shall be charged for replacement of removed touchpads and replacement of the touchpad wiring:

Replacement of Touchpad	\$95.00
Replacement of Touchpad Wiring	\$285.00

I. **Removal and Reinstallation of Overhead Service Connection**. The following fee shall be charged and collected for costs to disconnect, remove and reconnect an overhead service conductor for construction activities:

<u>Time of Service Call</u>	<u>Fee</u>
During regular business hours (Monday through Friday, except for holidays, from 7:30 a.m. to 3:00 p.m.)	\$300.00
All other times (Evenings, nights, weekends and holidays)	\$1,004.00

J. Cost of Adding, Upgrading and Underground Electric Services. The costs of installing new electric service, upgrading electric service to increase capacity and converting overhead service to underground service shall be allocated as follows:

Installation and Ownership of Facilities: All existing facilities and equipment, and all facilities and equipment related to new service, upgraded service and underground conversions, up to the meter, shall be owned, operated and maintained by the Village of Winnetka Water and Electric Department. The meter pedestal or meter enclosure shall be provided by the customer, at the customer's expense, and shall be owned and maintained by the customer.

The Water and Electric Department shall install all new electrical service lines, all meters, all service upgrades and all conversions of overhead service to underground service, regardless of the party initiating the conversion, except that the Water and Electric Department shall not perform any work on the customer's side of the meter.

New Service or Increased Load: The following fees shall be charged for installing new or larger electric services:

Installation of a 200 Amp service (Includes conduits for communication conductors)	\$9,800
Installation of a 400 Amp service (Includes conduits for communication conductors)	\$21,000

Installation of three phase service

The costs of providing three phase electric service, including the cost of any necessary relocation, replacement or extension of the primary, secondary lines and transformers to which the service line is connected, shall be paid for by the customer requesting the new or increased three phase service.

If a primary or secondary line must be relocated, replaced or extended in order to install a new service or to increase the load capacity of an existing service, any customer who connects to such primary or secondary line

within five years after the its installation may be required to pay that customer's pro rata share of such costs. The Village Manager, in the exercise of his discretion, may enter into a written agreement with the initial requesting customer and establish terms for the payment of such costs, which may include a recapture provision that provides for the Village to refund such pro rata costs, less administrative costs in the amount of 10% of the recaptured amount, to the initial requesting customer.

Service Lines – Scheduled Conversion to Underground Service: A customer may choose either to maintain overhead service or to convert his service line from overhead service to underground service in conjunction with the Water and Electric Department's planned conversion undergrounding of the primary and secondary lines to which the customer's service line is connected. If the customer elects to maintain overhead service, the Water and Electric Department will install, at no additional cost to the customer, a new pole as close to the service connection as the Department deems possible, placing the service line underground to the pole, installing a service riser to the top of the pole, and connecting an overhead line to the existing service connection.

[Remainder of this page intentionally left blank.]

If the customer elects to place the service line underground, the Water and Electric Department will do so, at no additional cost to the customer, provided the customer purchases the meter enclosure or meter pedestal and makes, at the customer's expense, all alterations necessary to relocate the meter and building service so as to connect to the underground service line in the location specified by the Water and Electric Department.

Underground Service – Customer Requested Conversion: All costs of converting overhead electrical service to underground electrical service, including the cost of any necessary relocation of the primary and secondary lines to which the service line is connected, shall be paid by the customer if it is requested by the customer and the conversion is not done as part of the Water and Electric Department's undergrounding program. If the customer is increasing the size of the service entrance equipment, the customer shall be charged in accordance with rates for New Service or Increased Load for the service connection work. Existing rear lot residential services will be relocated to the front of the building and the service connection shall be at a location specified by the Water & Electric Department. As part of the conversion, an electric meter located within the structure shall be relocated to the outside.

K. Temporary Electric Service. Pursuant to Section 13.08.210 of the Winnetka Village Code, temporary electric service provided during building construction shall be billed at the rate applicable to the use specified in the building permit.

SECTION 4: SANITARY SEWER FEES.

A. Sewer Service Volumetric Rates. Any person owning or occupying premises which are connected to the public sewers within the Village of Winnetka shall pay for such services, as provided in Section 13.12.010 of the Winnetka Village Code, at the rate of \$17.63 per 1,000 cubic feet of water supplied to those premises.

B. Sewer Service Customer Charge. Any person owning or occupying premises which are connected to the public sewers within the Village of Winnetka shall pay for such services, as provided in Section 13.12.010 of the Winnetka Village Code, a customer charge of \$2.00 per month.

C. Fee for Returned Payment. A fee of \$30.00 shall be charged for any payment that is returned to the Village for any reason, including, but not limited to, insufficient funds, account closed, or referred to maker.

SECTION 5: REFUSE FEES.

A. Definitions. All terms defined in Section 8.16.010 of Chapter 8.16 of the Winnetka Village Code, "Garbage and Refuse," shall have the same meaning when used in this Section 5.

B. Commercial Refuse Service Fees. Pursuant to Section 8.16.050 of the Winnetka Village Code, the following monthly fees are hereby established for commercial refuse service, including apartments in commercial buildings:

SCHEDULE OF MONTHLY COMMERCIAL REFUSE SERVICE FEES

<i>Container</i> Volume per Pick-up	Number of Pickups Per Week						
	1	2	3	4	5	6	7
1 Cu.Yd.	\$40	\$72	\$99	\$130	\$155	\$185	\$217
1.5 Cu.Yd.	\$50	\$89	\$132	\$171	\$213	\$252	\$292
2 Cu.Yd.	\$59	\$110	\$164	\$216	\$266	\$318	\$367
3 Cu.Yd.	\$80	\$149	\$219	\$288	\$359	\$427	\$498
4 Cu.Yd.	\$103	\$179	\$274	\$359	\$446	\$481	\$614
5 Cu.Yd.	\$125	\$227	\$328	\$427	\$529	\$529	\$729
6 Cu.Yd.	\$149	\$266	\$383	\$498	\$614	\$729	\$847
1-99 Gal.	\$19	\$25	\$32	\$40	\$46	\$53	\$61
100-180 Gal.	\$25	\$40	\$53	\$72	\$85	\$100	\$116

[Note: Individual accounts will be charged a share of the monthly fees charged based upon the account's proportionate use of the container(s), as determined by the Winnetka Public Works Department.]

C. Residential Refuse Service Fees. Pursuant to Section 8.16.050 of the Winnetka Village Code, the following fees and charges are hereby established for residential refuse service:

SCHEDULE OF RESIDENTIAL REFUSE SERVICE FEES

<u>Service</u>	<u>Charge</u>
One pick-up per week of no more than two garbage cans of household rubbish	\$45.00 per month
Collection of household rubbish or garbage in excess of two garbage cans per pick-up	\$2.25 per sticker (one sticker required for each container)
Subscription service for one additional pick-up each week	\$50.00 per month

D. Charges for Special Refuse Collections. Pursuant to Section 8.16.050 of the Winnetka Village Code, the following rates are hereby established for special refuse collections:

SCHEDULE OF FEES FOR SPECIAL REFUSE COLLECTIONS

<u>Service</u>	<u>Charge</u>
Base Fee for special collections	\$35.00
Bulk pick-ups [Note: Bulk pick-ups are for light refuse other than liquids and yard waste.]	
Bulk pick-ups (<i>continued</i>)	
Up to 1.0 cubic yards	Base Fee
Over 1.0 cubic yards	Base Fee plus \$13.00 for each additional cubic yard or fraction thereof
White goods and other large items [Note: Includes appliances, sofas, etc.]	Base Fee plus \$10.00 for each item
Hard-to-handle refuse [Note: Hard-to-handle refuse includes such miscellaneous rubbish as wood, fencing, carpeting, multiple pieces of furniture and cabinets, and construction materials such as wallboard, plaster and flooring, but shall not include liquids, soil, concrete and asphalt.]	Base Fee plus \$15.00 per cubic yard
Tires and/or tire rims	Base Rate plus Charge per Tire
Charge per tire	
Tire without rim	Base Rate plus \$10.00

Service

Tire with rim
Truck tire without rim
Truck tire with rim

Charge

Base Rate plus \$15.00
Base Rate plus \$20.00
Base Rate plus \$25.00

Carts and roll-off boxes

[Note: Charge is based on container size.
Contents shall not include concrete, soil,
asphalt or liquids]

1.0 cubic yard	\$40.00
1.5 cubic yard	\$50.00
2.0 cubic yard	\$60.00
6.0 cubic yard	\$165.00

E. Yard Waste. Pursuant to Section 8.16.050 of the Winnetka Village Code, the following rates are hereby established for the removal of certain yard waste:

[Remainder of this page intentionally left blank.]

SCHEDULE OF YARD WASTE REMOVAL FEES**Service****Charge**

Removal of yard waste

Customer supplied bags (one sticker
required per bag)

\$2.25 per sticker

Removal of brush, trees, logs and limbs

Diameter of 4 inches or less

First 10 minutes

\$30.00

Each additional minute

\$1.00

Diameter over 4 inches

Charged as hard-to-handle item
(See Section 4)

F. Charges for Miscellaneous Refuse Services. Pursuant to Section 8.16.050 of the Winnetka Village Code, the following rates are hereby established for miscellaneous refuse services and for the purchase of miscellaneous items for use in disposing of refuse:

SCHEDULE OF MISCELLANEOUS FEES

<u>Service or Item</u>	<u>Charge</u>
Small Recycling Carts	\$50.00 each
Large Recycling Carts	\$67.00 each

SECTION 6: STORMWATER SEWER FEES. The fee for stormwater utility service provided in the Village of Winnetka pursuant to Chapter 13.16 of the Winnetka Village Code is hereby established at \$21.83 per month per Equivalent Runoff Unit (ERU), as defined in Section 13.16.04 of the Winnetka Village Code.

SECTION 7: FEE FOR RETURNED PAYMENT. A fee of \$30.00 shall be charged for any payment of fees charged pursuant to this Resolution that is returned to the Village for any reason, including, but not limited to, insufficient funds, account closed, or referred to maker.

SECTION 8: PAYMENT PERIOD; LATE FEES. All bills issued for Utility Services shall be paid in full within the payment period specified in the bill. The payment period shall be established by the Director of Finance, and shall be no less than 21 nor more than 30 days from the date of the issuance of the bill. Pursuant to Sections 13.04.040.B, 13.08.040.B, 13.12.010.B, and 13.16.090.B of the Winnetka Village Code, if any bill for utility service is not paid within the specified payment period, a late payment penalty of 5% of the amount due shall be added to the bill and collected from the user.

SECTION 9: EFFECT OF RESOLUTION. The rates established in this Resolution shall apply to all Utility Service usage that will be billed by the Village on bills with a billing date on or after January 1, 2018.

SECTION 10: REPEALER. Resolution R-74-2017 shall be repealed and shall no longer be in force and effect for all Utility Service usage that will be billed by the Village on bills with a billing date on or after January 1, 2019.

SECTION 11: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law, but in no event prior to January 1, 2019.

ADOPTED this ____ day of _____, 2018, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk

Introduced: November 19, 2019

Adopted:



Agenda Item Executive Summary

Title: Resolution No. R-88-2019: General Fees (Introduction)

Presenter: Timothy J. Sloth, Director of Finance

Agenda Date: 11/19/2019

Consent: ☐ YES ☒ NO

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

Item History:

The Village Council held a budget meeting on October 29 to review the proposed 2020 budget.

The Village Council sets general and building permit fees annually by resolution during the budget approval process.

Executive Summary:

Other than minor adjustments to terminology to match current operational practices and general clean-up in formatting of the resolution, there were no changes in fees that impact existing services provided to residents or incorporated businesses.

The Village Code requires that this Resolution be introduced at a meeting and adopted at a subsequent meeting.

The Village will consider adoption of this resolution at the December 3 Council Meeting.

Recommendation:

1) Consider introduction of Resolution No. R-88-2019.

Attachments:

1) Resolution No. R-88-2019

RESOLUTION NO. R-88-2019

**A RESOLUTION
AMENDING GENERAL, BUILDING, AND
MISCELLANEOUS SERVICE FEES**

WHEREAS, the Village of Winnetka (“Village”) 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 Section 6 of Article VII of such Constitution, to exercise any power and perform any function pertaining to the government and affairs of the Village, including, but not limited to, the powers (i) to regulate for the protection of the public health, safety, morals and welfare, (ii) to license, (iii) to tax, and (iv) to incur debt; and

WHEREAS, pursuant to its home rule authority and the Illinois Municipal Code, the Village is permitted to set rates and charge fees for various permits, licenses and services; and

WHEREAS, the President and Village Council have determined that adoption of this Resolution will serve and be in the best interest of the Village of Winnetka;

NOW, THEREFORE, be it resolved by the Council of the Village of Winnetka as follows:

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

SECTION 2: GENERAL PERMIT, LICENSE AND REGISTRATION FEES. Fees are hereby established for certain permits, licenses and registrations, in the amounts and for the purposes set forth in the following Schedule of General Permit, License and Registration Fees, pursuant to the sections of the Winnetka Village Code (“Code”) referred to therein:

SCHEDULE OF GENERAL PERMIT, LICENSE AND REGISTRATION FEES

Note: Unless otherwise specifically provided in the following Schedule of General Permit, License and Registration Fees (“Schedule”), all annual permits, licenses and registrations provided for in this Schedule are due and payable on or before the beginning of the fiscal year (January 1) of each year, and remain in effect until the end of the fiscal year (December 31).

<u>Type of Permit, License or Registration</u>	<u>Amount of Fee</u>	<u>Code Section</u>
<i>Amusement Devices</i>		5.12.010
Daily	\$15.00	
Annual	\$25.00	
<i>Animals</i>		6.08.010
Dog License (Annual)		
Unspayed Female	\$15.00	
All Other Dogs	\$10.00	

<u>Type of Permit, License or Registration</u>	<u>Amount of Fee</u>	<u>Code Section</u>
<i>Animals (cont'd)</i>		6.08.010
Replacement License	\$2.00	
Taking up or Impounding Dog	\$55.00	
<i>Bicycle Registration</i>	No Fee	10.32.060
<i>Charitable and Political Solicitation</i>	None	5.48.010
<i>Circuses and Carnivals (Daily)</i>	\$100.00	5.52.040
<i>Film Production Application Fees</i>		
Basic Application Processing Fee	\$1,000.00	5.20.070
Additional Application Processing Fee (Per Hour)	\$250.00	5.20.070
<i>Food Dealers</i>		
Restaurant Permit: (Annual, based on seating capacity)		5.24.010
1-20	\$35.00	
21-50	\$45.00	
51-100	\$50.00	
More than 100	\$75.00	
Fast Food/Drive-In	\$75.00	
Food Store Permit (Annual, per cash register)	\$25.00	5.24.010
Temporary Food Dealer (Daily)	\$15.00	5.24.010
Vending Machine Operator Permit (Annual, per machine)	\$15.00	5.24.010
<i>Foresters, Tree Surgeons</i>		5.72.010
Annual License	\$15.00	
<i>Garbage and Refuse Scavenger</i>		8.16.040
Annual License	\$500.00	
<i>Junk Dealers (Annual)</i>		5.32.010
License, Base Fee	\$50.00	
Vehicle Fee (per vehicle)	\$25.00	
<i>Laundries</i>		5.36.010
Annual Fee	\$15.00	
<i>Liquor Licenses</i>		5.09.100
Class A Restaurant (Annual)	\$750.00	

<u>Type of Permit, License or Registration</u>	<u>Amount of Fee</u>	<u>Code Section</u>
Class A-1 Restaurant w/ Limited Bar (Annual)	\$1,000.00	
Class A-2 Restaurant (Annual; Beer & Wine)	\$500.00	
Class A-3 Restaurant w/ Limited Bar (Annual; Beer & Wine)	\$750.00	
Class A-4 Specialty Restaurant (Annual; Wine)	\$500.00	
Class A-5 Specialty Restaurant (Annual; Wine)	\$500.00	
Class B - Grocery Store (Annual)	\$750.00	
Class C - Special Event (Daily)	\$25.00	
Maximum per event more than 2 days	\$75.00	
Class D – Package delivery service/mail (Annual; Retail)	\$150.00	
Class D-1 – Package delivery service/mail (Annual; Wholesale)	\$500.00	
Class E - Limited Food Products Store (Annual; Wine)	\$500.00	
Class E-1 - Limited Food Products Store (Annual; Wine)	\$500.00	
Class E-2 – Specialty Beverage Store (Annual; Wine and Beer)	\$500.00	
Class F Coffee Shop (Annual; Wine and Beer)	\$500.00	
Class P - Park District (Annual)	\$500.00	
Class X – Special Use (Daily)	\$25, Max \$75	
Class Y – Banquet Facilities	\$1,000.00	
Class W Wine Station Ride (eligible for A; A-1; A-2; A-3)	None	
<i>Parades and Processions</i>	None	10.08.060
<i>Pawnbrokers</i>		5.44.010
Annual Fee, per location	\$100.00	
<i>Public Garage and Service Station</i>		5.60.010
Base fee, annual	\$50.00	
For each fuel pump	\$5.00	
<i>Raffle, per event</i>	\$25.00	9.04.040
<i>Second Hand Dealers</i>		5.64.010
Annual Fee, per location	\$25.00	
<i>Special Event</i>		5.66.050
Application Fee	\$35.00	
User Fee	Actual Cost	See Section 7
<i>Taxicab Operator's License</i>	\$2.00	5.68.050

<u>Type of Permit, License or Registration</u>	<u>Amount of Fee</u>	<u>Code Section</u>
<i>Vehicle (Motor) Licenses</i>		10.12.030
Annual Fee	\$40.00	
Semi-Annual Fee (if purchased after 6/30)	\$20.00	
Transfer Fee	\$1.00	

SECTION 3: PARKING PERMIT FEES. Pursuant to Chapter 10.24 of the Winnetka Village Code, titled, "Parking," the following fees are hereby established for parking permits:

SCHEDULE OF PARKING PERMIT FEES

Semi-Annual Parking Permits (Commuter Parking Permits)

Note: Semi-annual parking permits are issued for the periods of January through June and July through December. Purchase and refund amounts are pro-rated based on the month in which the purchase or refund request is made. Only persons who reside in the Village of Winnetka, and who have a current Village vehicle sticker for a vehicle registered with the State to a Winnetka address, are eligible for the resident fee.

Month of Purchase or Refund	Purchase Cost		Refund Amount	
	Resident	Non-Resident	Resident	Non-Resident
January or July	\$100.00	\$220.00	\$83.33	183.33
February or August	83.33	183.33	66.67	146.67
March or September	66.67	146.67	50.00	110.00
April or October	50.00	110.00	33.33	73.33
May or November	33.33	73.33	16.67	36.67
June or December	16.67	36.67	—	—

Annual Parking Permits (Not refundable)

Business District Employee Parking Permit	\$10.00
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Daily Parking Permits (Not refundable)

Commuter Parking Lots	\$3.00
Business District Employee Parking	\$3.00
Banquet Parking Permit	\$3.00

Remote Lot Parking Permits (Public Works Yards)

Semi-annual charge per vehicle	\$120.00
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Note: The Village Manager may issue permits to allow parking on a limited basis at the Village's landfill site, 1390 Willow Road, by businesses located in the Village of Winnetka, including but not limited to the United States Postal Service, for parking of their fleet vehicles, and by businesses located in the Village of Winnetka that are engaged in the retail sale of automobiles, for parking of their sales inventory. The Village Manager shall determine the number and location of such spaces that may be made available on the site may vary from time to time. Such space shall be limited to areas of the site that the Village Manager determines will not

interfere with the Village’s use of the site. Requests for such parking shall be made directly to the Village Manager. Remote parking spaces shall not be available for the general public.

Valet Parking Permit Application

Fee for one calendar year from the	\$250.00
Date of issuance of permit (5.76.030)	

SECTION 4: FEES FOR VEHICLE IMPOUNDMENT AND TOWING. Fees and charges are hereby established for the impoundment, towing and storage of vehicles upon the issuance of a final notice for unpaid parking tickets, as set forth in the following Impoundment and Towing Fee Schedule, pursuant to the sections of the Winnetka Village Code (“Code”) referred to therein:

IMPOUNDMENT AND TOWING FEES

<u>Type of Fee</u>	<u>Fee Amount</u>	<u>Conditions for Payment or Refund</u>
<i>Impoundment</i>	\$200.00	Payment is required prior to release of vehicle. Payment will be refunded if the hearing officer determines that the impoundment was not conducted in accordance with the procedural requirements of Village Code Section 10.24.130.
<i>Towing and/or Storage - Private Contractor</i>	Actual cost as billed by the towing or impounding facility	Payment is required prior to release of towed, removed, relocated and/or stored vehicle. Payment will be refunded if the hearing officer determines that the towing, removal, relocation and/or storage was not conducted in accordance with the procedural requirements of Village Code Section 10.24.130.
<i>Storage on Village Property</i>	\$10.00 per day, per vehicle	Payment is required prior to release of stored vehicle. Payment will be refunded if the hearing officer determines that the storage was not conducted in accordance with the procedural requirements of Village Code Section 10.24.130.

<u>Type of Fee</u>	<u>Fee Amount</u>	<u>Conditions for Payment or Refund</u>
<i>Collateral</i>	100% of the amount of all outstanding fines due, as stated in the final notice.	Payment is required prior to release of impounded, towed, removed, relocated and/or stored vehicle. Payment is also required before a request for a judicial proceeding made pursuant to a “final notice” is processed. Payment will be refunded if, as the result of the dismissal of outstanding or unsettled traffic violation notices, judgments and/or warrants by a court of competent jurisdiction, the impounded or removed vehicle is subject to fewer than five unsatisfied fines for violation of any parking ordinance of the Village.

SECTION 5: MISCELLANEOUS SERVICE FEES. Fees are hereby established for the following certain miscellaneous services and purchase items in the amounts and for the purposes set forth in the following Schedule of General Permit, License and Registration Fees, pursuant to the sections of the Winnetka Village Code (“Code”) referred to therein:

SCHEDULE OF GENERAL PERMIT, LICENSE AND REGISTRATION FEES

<u>Miscellaneous Service Fees</u>	<u>Amount of Fee</u>	<u>Code Section</u>
<i>Ambulance Services - Residents</i>		2.52.040
Advanced Life Support	\$675.00	
Basic Life Support	\$525.00	
Mileage Charge (per loaded patient mile)	\$12.00	
<i>Ambulance Services – Non-Residents</i>		
Advanced Life Support	\$850.00	
Basic Life Support	\$650.00	
Mileage Charge (per loaded patient mile)	\$12.00	
<i>Audit (Print copy)</i>	\$35.00	
<i>Annual Budget (Print copy)</i>	\$35.00	
<i>Certified copies (per certification)</i>	\$1.00	
<i>Comprehensive Plan</i>		
With Maps	\$35.00	
Without Maps	\$8.50	
<i>Copying, Scanning and Printing Charges</i>		

<u>Miscellaneous Service Fees</u>	<u>Amount of Fee</u>	<u>Code Section</u>
In-house copying		
Black & White, 8½" x 11" (per side)	\$0.15	
Black & White, 8½" x 14" (per side)	\$0.15	
Black & White, 11" x 17" (per side)	\$0.50	
Color, 8½" x 11" (per side)	\$0.50	
Color, 8½" x 14" (per side)	\$1.00	
Color, 11" x 17" (per side)	\$1.00	
Out-sourced copying	Actual Cost	
Oversize documents (plats, etc.)	Actual Cost	
CD-ROM (per disk)	\$5.00	
DVD recordings of meetings (per DVD)	\$20.00	
<i>Fire Alarm Monitoring Services</i>	\$61.00	
(direct connections to Village's fire alarm monitoring system only)	per month	
<i>Kenilworth Fire Service</i>		R-9-2017
Annual amount per IGA (2020)	\$531,070.00	
<i>Other, Unspecified Services</i>	Actual Cost	
<i>Street Cleaning</i>	\$550.00	
<i>Unincorporated Fire Service</i>		13.040.120
Annual amount per Contract address	\$1,136.06	
<i>Winnetka Village Code</i>	\$200.00	
<i>Winnetka Zoning Ordinance</i>	\$10.00	

SECTION 7: FEES FOR SPECIAL SERVICES, FILM PRODUCTION AND SPECIAL EVENTS. Services provided or performed in conjunction with film production permits issued pursuant to Chapter 5.20 of the Winnetka Village Code and in conjunction with special event permits issued pursuant to Chapter 5.66 of the Winnetka Village Code shall be subject to the following fee schedule:

SCHEDULE OF SPECIAL SERVICE FEES

Note: The following hourly rates shall be assessed for: (i) all services provided in conjunction with film production and film production permits issued pursuant to Chapter 5.20 of the Village Code; (ii) all services provided in conjunction with film special events and events subject to special events permits issued pursuant to Chapter 5.66 of the Village Code; and (iii) all other non-standard services provided by Village personnel and all other uses of Village equipment not subject to specific fees set out in either this resolution.

<u>Department</u>	<u>Hourly Rate</u>
<i>Village Administration & Finance Departments</i>	

<u>Department</u>	<u>Hourly Rate</u>
Village Manager	\$350
Assistant Village Manager	\$290
Village Attorney	\$350
Department Head	\$290
Supervisory Personnel	\$190
Clerical/Support Staff	\$190
<i>Police Department</i>	
Command Staff (Deputy Chief, Commanders)	\$240
Sergeants	\$190
Patrol Officers	\$160
Support Staff	\$140
Vehicles	\$50
<i>Fire Department</i>	
Command Staff (Deputy Chief, Captains)	\$240
Lieutenants	\$190
Fire Medics	\$160
Support Staff	\$140
Light Vehicles	\$60
Ambulance	\$110
Fire Truck / Engine	\$460
<i>Public Works</i>	
Supervisory	\$190
Engineers	\$190
Maintenance Workers	\$140
Light Trucks	\$60
Medium Trucks	\$90
Heavy Trucks, Refuse Trucks, Street Sweepers	\$130
<i>Community Development</i>	
Assistant Director	\$240
Planners, Architect	\$190
Inspectors	\$160
Clerical / Support Staff	\$140
Vehicles	\$50
<i>Water & Electric</i>	
Assistant Director	\$240
Supervisory	\$190
Plant Operators	\$160
Linemen	\$160
Clerical / Support Staff	\$130
Light Trucks	\$60
Medium Trucks	\$90

Department

Heavy Trucks, Boom Trucks

Hourly Rate

\$130

SECTION 8: BUILDING PERMIT, LICENSE AND REGISTRATION FEES.

Pursuant to the sections of the Winnetka Village Code (“Code”) referred to in the following Schedule Building, Zoning and Construction Activity Fees (“Fee Schedule”), there are hereby established certain permit, license and registration fees, in the amounts and for the purposes set forth in said Fee Schedule:

[Remainder of this page intentionally left blank.]

SCHEDULE OF BUILDING, ZONING AND CONSTRUCTION ACTIVITY FEES

WORK PERFORMED WITHOUT PERMITS (SECTION 15.32.010)

All permit fees for work performed without a required permit shall be double the amount of the fees for the required permits.

PERMIT DEPOSITS (SECTIONS 15.32.020, 15.54.120)

[Note: Deposits must be submitted with permit applications. The Village’s costs, including plan review and re-inspections, will be deducted from deposits. Deposit balances will be retained by the Village until a final certification of occupancy is approved.]

For Building Demolition Permits with site restoration plans	\$3,000
For Construction and Demolition Debris Recycling	\$2,000
For Temporary Certificate of Occupancy	\$3,000
For Tree Replacement (for each inch of DBH)	\$250

PLAN REVIEW FEES (SEC. 15.32.020)

For all Building Permits, other than restrictive building permits:

- 15% of building permit fee, \$70 minimum.

For review of Construction Document Revisions

- \$15 for each review where original building permit was subject to minimum fee, building permit is not required, or revision is for a restrictive building permit.
- \$100 for all reviews of any revision to building permit construction documents that do **not** require zoning, engineering, and/or forestry reviews.
- \$130 for all reviews of any revision to building permit construction documents that require zoning, engineering, and/or forestry reviews

SCHEDULE OF BUILDING, ZONING AND CONSTRUCTION ACTIVITY FEES

for minor revisions (as determined by the Director of Community Development).

- 25% of original plan review fee for all reviews of any major revision to building permit construction documents (as determined by the Director of Community Development).

For engineering review required for building in the flood plain:

- Flood plain development review \$500.00
- LOMR review \$500.00

For plan reviews required for fire and life safety systems (Sec. 15.16.070)

- Fire Department review \$130.00
- Technical review services Actual cost

CONTRACTOR PERMIT BOND (Sec. 15.32.060)

[**Note:** Bond to be payable to the Village of Winnetka; required of all contractors. Pursuant to the Contractor Unified License and Permit Bond Act of 1998, contractor may provide a certified copy of his/its current unified contractor bond in amount of no less than \$50,000, as on file with Cook County Clerk.]

\$20,000

BUILDING PERMIT FEES (Sec. 15.32.020)

Renovations, including remodeling, to existing structures and for other construction activity not specified by Resolution of the Council

- \$30.00 per \$1,000.00 or fraction thereof of the estimated total project cost, \$70.00 minimum.

Construction of new primary structures and additions thereto, including basement and attic areas, whether finished or unfinished, crawl space, attached garages and detached accessory structures, all without deducting for zoning allowances, bonuses or other exceptions

- \$1.30 per horizontal square foot, \$70.00 minimum.

Below Grade Parking Facilities

- \$0.80 per Gross Floor Area square foot.

RESTRICTIVE PERMITS

Canopy/Awning (Sec. 15.44.030) \$70 each

[**Note:** Certificate of Appropriateness of Design may be required.]

Construction Trailers (Sec. 15.32.020) \$220 each

Demolition (Sec. 15.52.020)

- For each accessory structure \$45
- For demolition with building permit application and complete \$16,070

SCHEDULE OF BUILDING, ZONING AND CONSTRUCTION ACTIVITY FEES

construction documents.	
• For demolition with site restoration plan and schedule.	\$16,070
(Note: The \$16,070 includes \$600 reimbursement of payment made by Village of Winnetka to Winnetka Historical Society for research related to demolition of a primary structure)	
Fences (Sec. 15.44.060)	\$65 each
Roofing (Sec. 15.32.020 and 15.44.100)	\$65 each
Signs (Sec. 15.60.140)	
[Note: Signs may require Certificate of Appropriateness of Design.]	
• For each non-illuminated signs	\$60
• For each illuminated sign (includes electrical permit fee)	\$195
Swimming Pools (Sec. 15.56.020)	\$515
[Note: Includes electrical, plumbing and fence permits]	
Tree Enhancement/Tree Protection Plan Review (Sec. 15.28.070)	
• For each review per lot in development site	\$90
Landscape/Tree Replacement Plan Review (Sec. 15.28.050 and 15.28.060)	
• For each review per lot in development site	\$90
Tree Removal Permit Fee (Sec. 15.28.040)	
• For each tree	\$60
ELECTRICAL PERMITS (Sec. 15.32.020 and 15.44.050)	
• Base Fee for All Permits	\$70
• Electrical Fixtures-outlets, receptacles and switches	\$1.10
• Motors over 0.5 hp, per motor	\$25
• New Service or Modifications to Existing Service Entrance Equipment	
[Note: Permit fees are waived if modifications result from Water & Electric Department's scheduled undergrounding program.]	
• Less than 200 amps, per new service or modification	\$50
• 200 amps or more, per new service or modification	\$60
• Temporary Service, per service	
• Overhead	\$340
• Underground	\$680
PLUMBING AND MECHANICAL (HVAC) PERMITS (Sec. 15.32.020 and 15.44.050)	
Plumbing	
• Base Fee for All Plumbing Permits (includes 5 fixtures)	\$70
• Plumbing Fixtures (beginning with the sixth fixture), per fixture	\$10
• Process Piping for Heating System, per unit	\$100
HVAC	

SCHEDULE OF BUILDING, ZONING AND CONSTRUCTION ACTIVITY FEES

[Note: Exterior installations require zoning approval.]

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|---|-------|
| • Base Fee for all HVAC Permits | \$70 |
| • For replacement of duct work only, per unit | \$45 |
| • For totally new system, per unit | \$90 |
| • For each roof-top unit, new or replacement | \$100 |
| • For each new or replacement AC unit, if total capacity on the property is 8 tons or more. | \$100 |
| • For minor heating/cooling/ventilation system items, per unit. | \$25 |

Irrigation

- | | |
|----------------------|--------|
| • Base Fee | \$80 |
| • Per Sprinkler Head | \$0.90 |

SCHEDULE OF BUILDING, ZONING AND CONSTRUCTION ACTIVITY FEES

MISCELLANEOUS FEES

Construction & Demolition Debris (Sec. 15.54.080)	\$250
Development Agreement • Base Fee (Sec. 15.32.080(K))	\$1,500
[Note: Base Fee includes standard staff review time and 3 hours of Village Attorney time.]	
Development Agreement • Supplemental Fee (Sec.15.32.080(K))	Variable,
All Village costs in excess of those included in the Base Fee shall be based upon the actual time spent by the Village, plus costs incurred, and shall be incorporated into the Development Agreement.	based on Staff time
Fire Prevention Permit (Sec. 15.16.040)	\$130
Partial Permits (Sec. 15.32.110)	\$150
Permit Renewal (Sec. 15.32.200)	50% of total original building permit fee
Stop Work Order (Sec. 15.04.100)	
• 1 st Stop Work Order	\$250
• 2 nd Stop Work Order	\$500
• 3 rd Stop work Order	\$750
Temporary Certificate of Occupancy (Sec. 15.36.010)	\$275
Village Attorney Services (Sec. 5.66.040)	\$350 per hour,
For non-standard services related to post-approval implementation or amendment of development agreements, subdivisions and planned developments	½ hour increments

PETITION FILING FEES

Administrative Appeals	
• Building Code Appeals (Sec. 15.72.010)	\$350
• Zoning Appeals (Sec. 17.72.010)	\$450
Certificate of Appropriateness of Design (Sec. 15.40.010)	
• For each new primary structure or addition thereto	\$450
• For each existing structure	\$125
• For each application for signs, canopies, or awnings	\$55
Consolidation of Land into single parcel (Sec. 16.08.010)	\$550
Driveway Variation (Sec. 12.12.010 and 15.44.040)	\$265
Flood Plain Variation (Sec. 15.68.100)	\$715
Sign Variation (Sec. 15.60.250)	\$220

SCHEDULE OF BUILDING, ZONING AND CONSTRUCTION ACTIVITY FEES

Special Use Permit (Sec. 17.56.010)	\$935
Subdivision of Land – Base Fee (Sec. 16.04.040) [Note: Base Fee includes standard staff review time and 3 hours of Village Attorney time.]	\$935
Subdivision of Land • Supplemental Fee (Sec. 15.32.080(K)) All Village costs in excess of those included in the Base Fee shall be based upon the actual time spent by the Village, plus costs incurred. For projects requiring a Development Agreement, the supplemental fee shall be incorporated into the Development Agreement.	Variable, based on Staff time
Zoning Map Amendment (Sec. 17.72.040)	\$800
Zoning Planned Development (Chapter 17.58)	\$935
Zoning Special Use (Chapter 17.56)	\$935
Zoning Text Amendment (Sec. 17.72.040)	\$800
Zoning Variation by Zoning Administrator (Minor Variation) (Sec. 17.60.015)	\$250
Zoning Variation by Zoning Board of Appeals (Standard Variation) (Sec. 17.60.020)	\$400
Zoning Variation by Ordinance (Major Variation)(Sec. 17.60.030)	\$800
STREETS, SIDEWALKS, DRIVEWAYS AND OTHER IMPERMEABLE SURFACES (Sec. 12.04.110)	
Driveway curb cut, new or enlarged (Sec. 12.12.010) [Note: Includes right-of-way excavation fee.]	\$200
Right-of-way Excavation and/or Occupation, per excavation/occupation (Sec. 12.16.010 and 12.20.010)	\$125
Sewer, per sewer line type (Sec. 15.24.090)	\$150
Impermeable Surfaces (including driveways, sidewalks, patios, etc.) (Sec. 12.08.010)	\$75
Street Replacement (Sec. 12.04.20) • Noncompliance fee	\$5,000

[Remainder of this page intentionally left blank.]

SECTION 9: DETERMINATION OF CONSTRUCTION COSTS. In setting any fee based on the cost of construction, the Director of Community Development may use any of the following methods:

- A. An estimate furnished by the permit applicant;
- B. A certification of the cost of construction from a licensed architect or a registered structural or professional engineer;
- C. An affidavit from the owner or the owner's agent setting forth the estimated cost of the proposed work; or
- D. A calculation to be made by the Director of Community Development, based on the most current edition of the RS Means Square Foot Costs Book.

SECTION 10: FEE FOR RETURNED PAYMENTS. A fee of \$30.00 shall be charged for any payment of fees charged pursuant to this Resolution that is returned to the Village for any reason (excluding building permits), including, but not limited to, insufficient funds, account closed, or referred to maker.

SECTION 11: FEE FOR RETURNED BUILDING PERMIT PAYMENTS. A fee in the amount of \$150.00 or 5% of the building permit fee, whichever is greater, shall be charged for any payment that is returned to the Village for any reason, including, but not limited to, insufficient funds, account closed, or referred to maker.

SECTION 12: REPEALER. Resolution R-75-2017 shall be, and is hereby, repealed and shall no longer be in force and effect from and after the passage of this Resolution and approval according to law.

SECTION 13: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law, but in no event prior to January 1, 2019.

ADOPTED this ____ day of _____, 2018, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk

Introduced: November 20, 2018

Adopted:



Agenda Item Executive Summary

Title: Property Tax Levy and Abatement Ordinances

Presenter: Timothy J. Sloth, Director of Finance

Agenda Date: 11/19/2019

Consent: ☐ YES ☒ NO

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

Item History:

The Council has reviewed the proposed 2020 Budget and the funding provided by property taxes to balance the budget. The proposed 2019 property tax levy will generate \$15,047,473 for Village operations, an increase of \$208,488 or 1.405% from the prior year. Because new development is estimated at 1.405%, most residents will see no increase in the property taxes they pay to the Village.

Executive Summary:

The 2019 property tax levy sets the amount of revenue to be raised from property taxes to fund Village operations. In Illinois, property taxes are paid a year in arrears. This means that the amount of money requested for the 2019 property tax levy will be received by the Village in 2020.

In addition to the tax levy ordinance for general operations, the Village has one special service area with a separate tax levy paid only by persons in that special service area.

The Village issued General Obligation bonds in the amount of \$9.0 million in 2013 and \$7.5 million in 2014 to fund stormwater improvements. It is the intention of the Village to abate the property tax levy for these bonds each year and to pay the principal and interest from stormwater utility fees. There are adequate funds on hand to allow for the abatement of the 2019 property tax levy related to these General Obligation bond issues.

Recommendation:

1) Consider introduction of the general property tax levy (Ordinance No. M-18-2019), one special service area tax levy (Ordinance No. M-19-2019), and two tax abatement ordinances (Ordinance Nos. M-20-2019 and M-21-2019).

Attachments:

- 1) Property Tax Levy Calculations Spreadsheet
- 2) Schedule of Special Service Area Financing
- 3) Ordinance No. M-18-2019: 2019 Tax Levy Ordinance
- 4) Ordinance No. M-19-2019: SSA No. 3 Tax Levy Ordinance
- 5) Ordinance No. M-20-2019: Tax Abatement Ordinance (GO Series 2013 - \$9,000,000 bond issue)
- 6) Ordinance No. M-21-2019: Tax Abatement Ordinance (GO Series 2014 - \$7,500,000 bond issue)

Village of Winnetka

Schedule of Property Tax Levy Calculations

Tax Levy Category	Column A 2018 Actual Tax Levy	Column B 2019 Proposed Tax Levy	Column C (Column B - A) Dollar Change	C/A*100 Percent Change
<u>General Fund:</u>				
Corporate	\$10,399,944	\$10,258,709	(\$141,235)	-1.358%
Business District Revitalization	\$1,100,000	\$1,100,000	\$0	0.000%
<u>Other Funds:</u>				
Police Pension	\$1,519,805	\$1,720,195	\$200,390	13.185%
Fire Pension	\$1,819,236	\$1,968,569	\$149,333	8.209%
Total Village-wide Tax Levy	\$14,838,985	\$15,047,473	\$208,488	1.405%
Less: Projected New Development @ 1.405%		(\$208,488)	(\$208,488)	-1.405%
Existing Tax Payer Increase	\$14,838,985	\$14,838,985	\$0	0.000%

Increase (Decrease) Based on Total Property Tax Bill
--

Total Property Taxes Paid 100.00%	Other Taxing Distr. 87.39%	Village 12.61%	0.0% Change / Village
\$10,000	\$8,739	\$1,261	\$0
\$15,000	\$13,108	\$1,892	\$0
\$20,000	\$17,478	\$2,522	\$0
\$25,000	\$21,847	\$3,153	\$0
\$30,000	\$26,217	\$3,783	\$0
\$35,000	\$30,586	\$4,414	\$0
\$40,000	\$34,956	\$5,044	\$0
\$50,000	\$43,695	\$6,305	\$0
\$60,000	\$52,434	\$7,566	\$0

**Village of Winnetka
Schedule of Special Service Area Financing
Interest Rate**

4.00%

	SSA #3 Trapp Lane est cost
SSA Principal Amount for Homeowners	\$ 255,000.00
Limit in Ordinances Approving SSA	\$ 315,947.50
Term of Repayments in Years	10
Debt Retirement Schedule	
2011 Tax Levy	
Beginning Principal	\$ 255,000.00
Interest @ 4%	\$ 10,200.00
Principal repaid	\$ 25,500.00
Interest and Principal for YR	\$ 35,700.00
Ending Principal	\$ 229,500.00
2012 Tax Levy	
Beginning Principal	\$ 229,500.00
Interest @ 4%	\$ 9,180.00
Principal repaid	\$ 25,500.00
Interest and Principal for YR	\$ 34,680.00
Ending Principal	\$ 204,000.00
2013 Tax Levy	
Beginning Principal	\$ 204,000.00
Interest @ 4%	\$ 8,160.00
Principal repaid	\$ 25,500.00
Interest and Principal for YR	\$ 33,660.00
Ending Principal	\$ 178,500.00
2014 Tax Levy	
Beginning Principal	\$ 178,500.00
Interest @ 4%	\$ 7,140.00
Principal repaid	\$ 25,500.00
Interest and Principal for YR	\$ 32,640.00
Ending Principal	\$ 153,000.00
2015 Tax Levy	
Beginning Principal	\$ 153,000.00
Interest @ 4%	\$ 6,120.00
Principal repaid	\$ 25,500.00
Interest and Principal for YR	\$ 31,620.00
Ending Principal	\$ 127,500.00
2016 Tax Levy	
Beginning Principal	\$ 127,500.00
Interest @ 4%	\$ 5,100.00
Principal repaid	\$ 25,500.00
Interest and Principal for YR	\$ 30,600.00
Ending Principal	\$ 102,000.00

2017 Tax Levy	
Beginning Principal	\$ 102,000.00
Interest @ 4%	\$ 4,080.00
Principal repaid	<u>\$ 25,500.00</u>
Interest and Principal for YR	<u>\$ 29,580.00</u>
Ending Principal	\$ 76,500.00
2018 Tax Levy	
Beginning Principal	\$ 76,500.00
Interest @ 4%	\$ 3,060.00
Principal repaid	<u>\$ 25,500.00</u>
Interest and Principal for YR	<u>\$ 28,560.00</u>
Ending Principal	\$ 51,000.00
2019 Tax Levy	
Beginning Principal	\$ 51,000.00
Interest @ 4%	\$ 2,040.00
Principal repaid	<u>\$ 25,500.00</u>
Interest and Principal for YR	<u>\$ 27,540.00</u>
Ending Principal	\$ 25,500.00

AN ORDINANCE LEVYING TAXES FOR THE YEAR 2019

WHEREAS, the Village of Winnetka (“Village”) is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and, pursuant thereto, 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, including the power to tax; and

WHEREAS, on December 4, 2018, the Council of the Village of Winnetka (“Village Council”) adopted Resolution No. R-67-2018, which budgeted \$31,073,327 to meet the expenses and liabilities of the Village for general corporate purposes and retirement fund contributions for the fiscal year beginning January 1, 2019, and ending December 31, 2019; and

WHEREAS, pursuant to page 497 of the budget approved on December 4, 2018, the Village Council has made its preliminary estimate of the 2019 levy, estimating that it is necessary to raise Fourteen Million Nine Hundred Fifty-Seven Thousand Six Hundred Ninety Seven Dollars (\$14,957,697) by taxation of taxable property within the Village for general corporate purposes and for retirement fund contributions for the fiscal year beginning January 1, 2019, and ending December 31, 2019; and

WHEREAS, at its October 29, 2019 meeting, the Village Council, upon evaluation of the proposed fiscal year 2020 annual budget, directed the staff to present a 2019 property tax levy for consideration at the December 3, 2019, Village Council meeting, said property tax levy to be in the amount of Fifteen Million Forty Seven Thousand Four Hundred Seventy-Three Dollars (\$15,047,473), Eighty Nine Thousand Seven Hundred Seventy-Six Dollars (\$89,776) more than was estimated to be necessary to be raised by taxation of taxable property within the Village for general corporate purposes and for retirement fund contributions for the fiscal year beginning January 1, 2019, and ending December 31, 2019; and

NOW, THEREFORE, be it ordained by the President and Board of Trustees of the Village of Winnetka, as follows:

SECTION 1: That the foregoing recitals are hereby adopted as the findings of the Council of the Village of Winnetka, as fully set forth herein.

SECTION 2: That in order to meet the expenses and liabilities of the Village of Winnetka for the fiscal year beginning January 1, 2019, and ending December 31, 2019, for general corporate purposes and for retirement fund contributions, there is hereby levied upon all of the taxable property within the corporate limits of the Village of Winnetka subject to taxation for the current year, as assessed and equalized for the year 2019, the sum of Fifteen Million Forty Seven Thousand Four Hundred Seventy-Three Dollars (\$15,047,473), which is to be collected from the levy of the Village of Winnetka for the year 2019 for all purposes heretofore budgeted.

2019 TAX LEVY SUMMARY

General Fund	Amount Budgeted	Amount To Be Raised By Tax Levy
For General Corporate Purposes		
Public Affairs	\$ 252,747	\$ 112,028.00
Manager's Office	\$ 1,425,360	\$ 631,780.00
Finance Department	\$ 1,578,514	\$ 699,665.00
Police	\$ 7,587,984	\$ 3,363,317.00
Fire	\$ 6,144,175	\$ 2,723,360.00
Community Development	\$ 1,799,335	\$ 797,542.00
Public Works	\$ 4,380,777	\$ 1,941,747.00
Capital Expenses	\$ 2,457,500	\$ 1,089,270.00
General Fund Transfers	\$ 550,000	-
Totals for General Fund	\$ 26,176,392	\$ 11,358,709
For Retirement Fund Contributions		
For Police Pension Fund	\$ 2,380,786	\$ 1,720,195
For Fire Pension Fund	\$ 2,516,149	\$ 1,968,569
Totals for Retirement Fund Contributions	\$ 4,896,935	\$ 3,688,764
Total Amount Budgeted	\$ 31,073,327	
Total Amount of Levy		\$ 15,047,473

SECTION 3: That there is hereby certified to the County Clerk of Cook County, Illinois, the several sums above, constituting said total amount, and the total amount of Fifteen Million Forty Seven Thousand Four Hundred Seventy-Three Dollars (\$15,047,473), which is the total amount the Village of Winnetka requires to be raised by taxation for the current fiscal year of the Village, and that, on or before the time required by law, the Village Clerk shall file a certified copy of this Ordinance with the County Clerk of Cook County, Illinois, whereupon it shall be the duty of said County Clerk to levy taxes for the year 2019 on all properties subject to taxation within the Village of Winnetka, in accordance with the provisions of this Ordinance.

SECTION 4: This Ordinance is adopted 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 ____ day of _____, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk

Introduced: November 19, 2019

Adopted:

**AN ORDINANCE
LEVYING TAXES FOR THE YEAR 2019
FOR VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS
SPECIAL SERVICE AREA NO. 3**

WHEREAS, the Village of Winnetka (“Village”) is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and, pursuant thereto, 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, including the power to tax; and

WHEREAS, Village of Winnetka Special Service Area No. 3 has been established pursuant to Ordinance M-6-2010, adopted by the Council of the Village of Winnetka (“Village Council”) on April 20, 2010, and Ordinance M-13-2010, adopted by the Village Council on July 20, 2010, to provide for certain special services within the territory described in said ordinances, such special services consisting of the construction of a storm sewer, the reconstruction and repaving of Trapp Lane, the construction of a cul-de-sac at the terminus of Trapp Lane and the construction of related appurtenances (“Special Services”), all in conjunction with the dedication of Trapp Lane as a public right of way; and

WHEREAS, the Village Council have determined that, in the interest of the health, safety and welfare of the Village and its residents, it is appropriate to adopt an ordinance levying taxes within Special Service Area No. 3; and

WHEREAS, the construction of the improvements in Special Service Area No. 3 were in excess of Two Hundred Fifty-Five Thousand Dollars (\$255,000.00); and

WHEREAS, the total term of repayment of the project costs for Special Service Area No. 3 is 10 years and the 2019 Tax Levy is for Year Nine of Ten; and

WHEREAS, the Village Council have determined that the total amount to be raised by the levy of taxes on taxable property within Special Service Area No. 3 for the cost of providing such Special Services for the fiscal year beginning January 1, 2019, and ending December 31, 2019 is Twenty-Seven Thousand Five Hundred Forty Dollars (\$27,540).

NOW, THEREFORE, be it ordained by the President and Board of Trustees of the Village of Winnetka, as follows:

SECTION 1: That the foregoing recitals are hereby adopted as the findings of the Council of the Village of Winnetka, as fully set forth herein.

SECTION 2: That in order to meet the cost of providing the above-described Special Services within Special Service Area No. 3 for the fiscal year beginning January 1, 2019, and ending December 31, 2019, there is hereby levied upon all of the taxable property within Village of Winnetka Special Service Area No. 3 subject to taxation for the current year, as assessed and equalized for the year 2019, the sum of Twenty-Seven Thousand Five Hundred Forty Dollars (\$27,540), which is to be collected from the levy of the Village of Winnetka for the year 2019 for the purposes heretofore budgeted.

SECTION 3: That there is hereby certified to the County Clerk of Cook County, Illinois, the several sums above, constituting said total amount, and the total amount of Twenty-Seven Thousand Five Hundred Forty Dollars (\$27,540), which is the total amount the Village of Winnetka requires to be raised by taxation to meet the costs of Special Service Area No. 3 for the current fiscal year of the Village, and that, on or before the time required by law, the Village Clerk shall file a certified copy of this Ordinance with the County Clerk of Cook County, Illinois, whereupon it shall be the duty of said County Clerk to levy taxes for the year 2019 on all properties subject to taxation within Village of Winnetka Special Service Area No. 3, in accordance with the provisions of this Ordinance.

SECTION 4: Each provision of this Ordinance is severable. If any provision of this Ordinance or the application of any provision of this Ordinance to any person or circumstance is held invalid, then the remainder of this Ordinance and the application of the provisions of this Ordinance to other persons or circumstances shall not be affected thereby and shall remain valid, enforceable and otherwise in full force and effect.

SECTION 5: This Ordinance is adopted 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 6: This Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

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

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk

Introduced: November 19, 2019

Adopted:

**AN ORDINANCE
ABATING THE TAX HERETOFORE LEVIED
FOR THE YEAR 2019
TO PAY THE PRINCIPAL OF AND INTEREST ON
\$9,000,000 GENERAL OBLIGATION BONDS, SERIES 2013,
OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS**

WHEREAS, the Village of Winnetka (“Village”) is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and, pursuant thereto, 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, including the power to tax; and

WHEREAS, the Council of the Village of Winnetka, Cook County, Illinois (the “Village Council”), by Ordinance Number M-15-2013, adopted on the 5th day of November, 2013 (the “Ordinance”), did provide for the issue of \$9,000,000 General Obligation Bonds, Series 2013 (the “Bonds”), for the financing of certain improvements to the stormwater system of the Village and for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Bonds; and

WHEREAS, the Village has deposited sufficient funds in the appropriate fund pursuant to the Ordinance, for the purpose of paying the principal of and interest on the Bonds up to and including December 15, 2019; and

WHEREAS, it is necessary and in the best interests of the Village that the tax heretofore levied for the year 2019 to pay the principal of and interest on the Bonds be abated.

NOW, THEREFORE, be it ordained by the President and Board of Trustees of the Village of Winnetka, as follows:

SECTION 1: Abatement of Tax. The tax heretofore levied for the year 2019 of Two Hundred Forty Three Thousand Two-Hundred Fifty Dollars (\$243,250.00) in Ordinance Number M-15-2013 to pay the principal of and interest on \$9,000,000 General Obligation Bonds, Series 2013, of the Village of Winnetka, Cook County, Illinois, is hereby abated in its entirety.

SECTION 2: Filing of Ordinance. Forthwith upon the adoption of this Ordinance, the Village Clerk shall file a certified copy hereof with the County Clerk of the County of Cook, Illinois, and it shall be the duty of said County Clerk to abate said tax levied for the year 2019 in accordance with the provisions hereof.

SECTION 3: Home Rule. This Ordinance is adopted 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.

[Remainder of this page intentionally left blank.]

SECTION 4: Effective Date. That this Ordinance shall be in full force and effect from and its passage, approval, and posting as provided by law.

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

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk

Introduced: November 19, 2019

Adopted:

**AN ORDINANCE
ABATING THE TAX HERETOFORE LEVIED
FOR THE YEAR 2019
TO PAY THE PRINCIPAL OF AND INTEREST ON
\$7,500,000 GENERAL OBLIGATION BONDS, SERIES 2014,
OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS**

WHEREAS, the Village of Winnetka (“Village”) is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and, pursuant thereto, 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, including the power to tax; and

WHEREAS, the Council of the Village of Winnetka, Cook County, Illinois (the “Village Council”), by Ordinance Number M-16-2013, adopted on the 3rd day of December, 2013 (the “Ordinance”), did provide for the issue of \$7,500,000 General Obligation Bonds, Series 2014 (the “Bonds”), for the financing of certain improvements to the stormwater system of the Village and for the levy and collection of a direct annual tax sufficient to pay the principal of and interest on the Bonds; and

WHEREAS, the Village has deposited sufficient funds in the appropriate fund pursuant to the Ordinance, for the purpose of paying the principal of and interest on the Bonds up to and including December 15, 2019; and

WHEREAS, it is necessary and in the best interests of the Village that the tax heretofore levied for the year 2018 to pay the principal of and interest on the Bonds be abated.

NOW, THEREFORE, be it ordained by the President and Board of Trustees of the Village of Winnetka, as follows:

SECTION 1: Abatement of Tax. The tax heretofore levied for the year 2019 of One Million Sixty-Five Thousand One-Hundred Dollars (\$1,065,100.00) in Ordinance Number M-16-2013 to pay the principal and interest on \$7,500,000 General Obligation Bonds, Series 2014, of the Village of Winnetka, Cook County, Illinois, is hereby abated in its entirety.

SECTION 2: Filing of Ordinance. Forthwith upon the adoption of this Ordinance, the Village Clerk shall file a certified copy hereof with the County Clerk of the County of Cook, Illinois, and it shall be the duty of said County Clerk to abate said tax levied for the year 2019 in accordance with the provisions hereof.

SECTION 3: Home Rule. This Ordinance is adopted 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.

[Remainder of this page intentionally left blank.]

SECTION 4: **Effective Date.** This Ordinance shall be in full force and effect from and its passage, approval, and posting as provided by law.

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

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk

Introduced: November 19, 2019

Adopted:



Agenda Item Executive Summary

Title: Ordinance M-22-2019: Amending a Special Use Ordinance for a Parking Lot at 454-462 Winnetka Avenue (Introduction & Adoption) 

Presenter: David Schoon, Director of Community Development

Agenda Date: 11/19/19

Consent: ☐ YES ☒ NO

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

Item History:

None.

Executive Summary:

On November 19, the Village Council is scheduled to consider Ordinance M-22-2019 in response to an application submitted by Sabovic Properties LLC (the “Applicant”), the owner of the property at 454-462 Winnetka Avenue (the “Subject Property”). The Applicant requests approval of an amendment to his Special Use Permit, which allows a parking lot in the C-1 Neighborhood Commercial District. The Applicant is requesting an amendment to allow the leasing of parking spaces to non-tenants and tenant affiliates on the Subject Property. The Applicant originally requested the ability to lease 16 parking spaces to non-tenants and tenant affiliates, but during the review by the Zoning Board of Appeals (ZBA) the Applicant agreed to lease only 12 parking spaces to such users.

BACKGROUND

In October 2001, the Village Council adopted Ordinance M-27-2001 granting a Special Use Permit and a variation to allow the renovation and redevelopment of the Subject Property, which included replacing and expanding the gravel parking lot with a paved surface but without the required five-foot landscape buffer. The parking lot approved in 2001 is the subject of this application. The Ordinance strictly stated that “none of the parking spaces shall be used by or rented to any person who is not either a resident of the building, a commercial tenant of the building, or an employee of a commercial tenant of the building.” A copy of this ordinance is included in Attachment 2.

ZONING BOARD OF APPEALS & PLAN COMMISSION REVIEW

The application was considered by the Zoning Board of Appeals (ZBA) on October 14, and by the Plan Commission on October 23. No written comments were received from the public concerning the request and only one member of the public spoke at the ZBA meeting. The ZBA recommended approval of an amendment to the existing Special Use Permit to allow the leasing of 12 existing parking spaces to non-tenants and tenant affiliates on the Subject Property.

Executive Summary (continued):

During the ZBA review, the Applicant noted that the site contained two additional parking spaces not shown on the submitted site plan or identified in the parking study. After the ZBA meeting, Public Works and Community Development staff reviewed the site and determined only one of the additional spaces was code-compliant. This information was shared with the Plan Commission; so when the Commission reviewed the request, the Commission recommended approval of the requested amendment to the Special Use Permit to allow the leasing of 12 parking spaces to non-tenants and tenant affiliates on the Subject Property subject to the following conditions: (1) the parking space labeled "Space A" in Figure 4 on page 5 of the staff report to the Plan Commission must be removed from the site; and (2) the parking space labeled "Space B" in Figure 4 on page 5 of that same staff report must be posted with a "Compact Car Only" sign; and (3) leases to non-tenants and tenant affiliates must contain a 30-day termination clause to allow the rental of parking spaces to future residents, commercial tenants, or employees of a commercial tenant of the building. The Applicant has agreed to these conditions.

Details of the request can be found in the attached staff report to the Plan Commission (Attachment 2), and in the excerpts of minutes from the ZBA and PC meetings.

Recommendation:

Consider waiving introduction and adopting Ordinance M-22-2019 OR consider only introduction of Ordinance M-22-2019.

The Ordinance would approve an amendment to the existing Special Use Permit to allow the leasing of 12 parking spaces to non-tenants and tenant-affiliates on the Subject Property.

Attachments:

Attachment 1: Ordinance M-22-2019

Attachment 2: Plan Commission Staff Report and Attachments

Attachment 3: Excerpt of draft October 14, 2019 ZBA meeting minutes

Attachment 4: Excerpt of draft October 23, 2019 PC meeting minutes

ORDINANCE NO. M-22-2019

**AN ORDINANCE AMENDING A SPECIAL USE ORDINANCE
FOR THE OPERATION OF A PARKING LOT WITHIN THE
C-1 NEIGHBORHOOD COMMERCIAL DISTRICT OF THE VILLAGE
(454-462 Winnetka Avenue)**

WHEREAS, Sabovic Properties LLC, an Illinois limited liability company ("***Applicant***"), is the owner of the property commonly known as 454-462 Winnetka Avenue, Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance ("***Subject Property***"); and

WHEREAS, the Subject Property is located within the C-1 Neighborhood Commercial District ("***C-1 District***"); and

WHEREAS, on October 16, 2001, the Council of the Village of Winnetka ("***Village Council***") approved Ordinance No. M-27-2001 ("***Special Use Ordinance***") granting the Applicant (i) a special use permit for the redevelopment of the Subject Property with a parking lot at street level, and (ii) a variation for the expansion and paving of a parking lot without the required landscape buffer; and

WHEREAS, the approvals of the special use permit and variation granted by the Special Use Ordinance were conditioned on the Subject Property not being used to rent parking spaces to anyone but residents, commercial tenants, and employees of the Subject Property; and

WHEREAS, the Applicant now desires to rent parking spaces on the Subject Property to individuals other than residents, commercial tenants, or employees of the Subject Property; and

WHEREAS, on September 11, 2019, the Applicant filed an application for an amendment to its special use permit pursuant to Section 17.40.020.B and Chapter 17.56 of the "Winnetka Zoning Ordinance," as amended ("***Zoning Ordinance***") to allow the rental of parking spaces to non-tenants or non-employees on the Subject Property ("***Special Use Amendment***"); and

WHEREAS, on October 14, 2019, after due notice thereof, the Zoning Board of Appeals ("***ZBA***") conducted a public hearing on the Special Use Amendment and, by the unanimous vote of the five members then present, recommended that the Village Council approve the Requested Relief; and

WHEREAS, on October 23, 2019, after due notice thereof, the Plan Commission met to consider whether approval of the Special Use Amendment is consistent with "Winnetka 2020," the Winnetka comprehensive plan ("***Comprehensive Plan***") and standards for special uses, and found, by the unanimous vote of the six voting members then present, that approval of the Special Use Amendment is consistent with the Comprehensive Plan and standards for special uses; and

WHEREAS, the Village Council has determined that approval of the Special Use Amendment satisfies the standards for the approval of special use permits within the C-1 District set

forth in Chapter 17.56 and Section 17.40.020.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: APPROVAL OF SPECIAL USE AMENDMENT. Subject to, and contingent upon, the terms and conditions set forth in Section 3 of this Ordinance, the Special Use Amendment is hereby granted, pursuant to Chapter 17.56 and Section 17.40.020.B of the Zoning Ordinance and the home rule powers of the Village.

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

- A. **Compliance with Regulations.** The development, use, and maintenance of the Subject Property must comply at all times with all applicable Village codes and ordinances, as they have been or may be amended over time.
- B. **Reimbursement of Village Costs.** In addition to any other costs, payments, fees, charges, contributions, or dedications required under applicable Village codes, ordinances, resolutions, rules, or regulations, the Applicant must pay to the Village, promptly upon presentation of a written demand or demands therefor, of all fees, costs, and expenses incurred or accrued in connection with the review, negotiation, preparation, consideration, and review of this Ordinance. Payment of all such fees, costs, and expenses for which demand has been made shall be made by a certified or cashier's check. Further, the Applicant must pay upon demand all costs incurred by the Village for publications and recordings required in connection with the aforesaid matters.
- C. **Compliance with Plans.** The development, use, and maintenance of the Parking Lot at the Subject Property must be in strict accordance with the Parking Plan submitted by the Applicant, a copy of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit B (“Parking Plan”)**, except for minor changes and site work approved by the Director of Community Development (within his permitting authority) in accordance with all applicable Village codes, ordinances, and standards.
- D. **Parking Space Restrictions.** The Subject Property may only be used subject to the following parking space restrictions:
 - 1. The Applicant may only rent twelve spaces to non-tenants or non-employees at any given time, and the leases for such spaces must be written such that the Applicant has the ability to terminate the leases with 30-day notice so as to make the spaces available for residents, commercial tenants, or employees of the Subject Property;

2. The Applicant must post a sign in the parking space noted as Space B in the Parking Plan that provides, "Compact Cars Only," and may not rent out such space in a manner that is inconsistent with such posted notice; and
3. The Applicant may not rent or otherwise cause a vehicle to be parked in the parking space noted as Space A in the Parking Plan.

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 and each of its heirs, representatives, successors, and assigns.

SECTION 5: FAILURE TO COMPLY. Upon the failure or refusal of the Applicant 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 Amendment 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 Amendment 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 further amendments to the Special Use 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 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 ____ 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 _____,
2019.

Introduced: November 19, 2019

Passed and Approved: _____, 2019

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

PARCEL 1:

THAT PART OF LOT 6 LYING EASTERLY OF A LINE DRAWN PARALLEL TO AND 45 FEET NORTHEASTERLY FROM (MEASURED THE RIGHT ANGLES TO), THE WESTERLY LINE OF SAID LOT 6 IN OWNERS SUBDIVISION OF LOTS 1,2,3,4 AND 5 IN BLOCK 3, OF TEMPEL'S RESUBDIVISION OF THAT PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST• OF THE CHICAGO AND MILWAUKEE ELECTRIC RAILWAY RIGHT OF WAY AND NORTH OF THE VILLAGE LIMITS OF KENILWORTH, COOK COUNTY, ILLINOIS; IN BOOK OF PLATS 98, PAGE 9, FILED AS DOCUMENT 4133672.

PARCEL 2:

LOT 7 AND 8 (EXCEPT THE WEST 45 FEET OF THE NORTH 56.16 FEET OF LOT 8 AND' EXCEPT ALL THAT PART OF LOT 7 AND LOT 8 (EXCEPT THE NORTH 56:16 FEET OF SAID LOT 8) LYING WESTERLY OF A LINE DRAWN PARALLEL TO AND 45 FEET NORTHEASTERLY OF THE SOUTHWESTERLY LINE OF LOT 7 (MEASURED AT RIGHT

ANGLES) IN OWNERS SUBDIVISION OF LOTS 1,2,3,4 AND 5 IN BLOCK 3, OF TEMPEL'S RESUBDIVISION OF THAT PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST• OF THE CHICAGO AND MILWAUKEE ELECTRIC RAILWAY RIGHT OF WAY AND NORTH OF THE VILLAGE LIMITS OF KENILWORTH, COOK COUNTY, ILLINOIS; IN BOOK OF PLATS 98, PAGE 9, FILED AS DOCUMENT 4133672.♦♦

PARCEL 3:

THAT PART OF LOT 6, LOT 7 AND LOT 8(EXCEPT THE NORTH 56.16 FEET OF SAID LOT 8) IN OWNERS SUBDIVISION LYING WESTERLY OF A LINE DRAWN PARALLEL TO AND 45 FEET NORTHEASTERLY OF THE SOUTHWESTERLY LINE OF LOT 7 (MEASURED AT RIGHT ANGLES) AND LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT A POINT IN THE SOUTHERLY LINE OF SAID LOT 6, DISTANT 10 FEET EASTERLY OF MEASURED AT RIGHT ANGLES TO THE SOUTHWESTERLY LINE OF SAID SUBDIVISION; THENCE NORTHWESTERLY ON A STRAIGHT LINE PARALLEL WITH AND 10.0 FEET EASTERLY OF MEASURED AT RIGHT ANGLES, TO THE SOUTHWESTERLY LINE OF SAID SUBDIVISION, 187.52 FEET TO A POINT; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 8.75 FEET TO A POINT IN A LINE WHICH IS PARALLEL WITH AND 1.25 FEET EASTERLY OF, MEASURED AT RIGHT ANGLES TO THE SOUTHWESTERLY LINE OF SAID SUBDIVISION; THENCE NORTHWESTERLY ALONG THE LAST DESCRIBED PARALLEL STRAIGHT LINE TO AN INTERSECTION WITH THE WEST LINE OF SAID LOT 8, SAID WEST LINE BEING ALSO THE EAST LINE OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 42 NORTH, RANGE 13

EAST OF THE THIRD PRINCIPLE MERIDIAN, IN OWNERS SUBDIVISION OF LOTS 1,2, 3,4 AND 5 IN BLOCK 3 OF TEMPEL'S RESUBDIVISION OF THAT PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST• OF THE CHICAGO AND MILWAUKEE ELECTRIC RAILWAY RIGHT OF WAY AND NORTH OF THE VILLAGE LIMITS OF KENILWORTH, COOK COUNTY, ILLINOIS; IN BOOK OF PLATS 98, PAGE 9, FILED AS DOCUMENT 4133672.♦♦

PARCEL 4:

ALL THAT PART OF -THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EASTERLY OF A LINE DRAWN PARALLEL WITH AND 41.25 FEET EASTERLY OF THE EASTERLY RIGHT OF WAY OF THE CHICAGO NORTHWESTERN RAILWAY COMPANY, MEASURED AT RIGHT ANGLES THERETO.

PARCEL 5:

THE WEST 45 FEET OF THE NORTH 56.16 FEET OF LOT 8 IN OWNER'S SUBDIVISION (HEREINAFTER DESCRIBED) THAT PART OF LOT 6, LOT 7 AND LOT 8 (EXCEPT THE NORTH 56.16 FEET OF SAID LOT 8) IN OWNERS SUBDIVISION LYING WESTERLY OF A LINE DRAWN PARALLEL TO AND 45 FEET NORTHEASTERLY OF THE SOUTHWESTERLY LINE OF LOT 7 (MEASURED AT RIGHT ANGLES) AND LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT A POINT IN THE SOUTHERLY LINE OF SAID LOT 6, DISTANT 10.0 FEET EASTERLY OF MEASURED AT RIGHT ANGLES TO THE SOUTHWESTERLY LINE OF SAID SUBDIVISION; THENCE NORTHWESTERLY ON A STRAIGHT LINE PARALLEL WITH AND 10.0 FEET EASTERLY OF MEASURED AT RIGHT ANGLES, TO THB SOUTHWESTERLY LINE OF SAID SUBDIVISION, 187.52 FEET TO A POINT; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 8.75 FEET TO A POINT IN LINE WHICH IS PARALLEL WITH AND 1.25 FEET EASTERLY OF, MEASURED AT RIGHT ANGLES TO THE SOUTHWESTERLY LINE OF SAID. SUBDIVISION; THENCE NORTHWESTERLY ALONG THE LAST DESCRIBED PARALLEL STRAIGHT LINE TO AN INTERSECTION WITH THE WEST LINE OF SAID LOT 8, SAID WEST LINE BEING ALSO THE EAST LINE OF THB NORTHWEST'^ 1/4 OF SECTION 28, TOWNSHIP 42 NORTH; RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN OWNERS SUBDIVISION OF LOTS 1,2,3,4 AND 5 IN BLOCK 3 OF TEMPEL'S RESUBDIVISION OF THAT PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST• OF THE CHICAGO AND MILWAUKEE ELECTRIC RAILWAY RIGHT OF WAY AND NORTH OF THE VILLAGE LIMITS OF KENILWORTH, COOK COUNTY, ILLINOIS; IN BOOK OF PLATS 98, PAGE 9, FILED AS DOCUMENT 4133672.

Commonly known as 454-462 Winnetka Avenue, Winnetka, Illinois.

PIN: 05-28-200-001; 05-28-200-002; 05-28-200-039; 05-28-103-117

The site plan shows a property bounded by Winnetka Avenue to the south and a vertical line labeled 'TOWN LOT CORNER' to the west. An 'EXISTING STRUCTURE' is shown in the lower-left portion of the lot. A large area of the lot is designated for parking, with several spaces marked with red diagonal lines. A callout box points to these spaces, stating: 'Twelve parking spaces that may be leased to individuals other than residents, commercial tenants, or employees of the Subject Property'. Another callout box points to a specific area within the parking lot, labeled 'Space A'. A third callout box points to another area within the parking lot, labeled 'Space B'. A fourth callout box points to a small area labeled 'Compact Only'. The plan also shows various setbacks and easements, including a '10' SIDE SETBACK' and a '10' FRONT SETBACK'.

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Sabovic Properties LLC, an Illinois limited liability company ("**Applicant**"), desires to operate a parking lot located at 454-462 Winnetka Avenue in the Village ("**Subject Property**"); and

WHEREAS, on October 16, 2001, the Council of the Village of Winnetka ("**Village Council**") approved Ordinance No. M-27-2001 ("**Special Use Ordinance**") granting the Applicant (i) a special use permit for the redevelopment of the Subject Property with a parking lot at street level, and (ii) a variation for the expansion and paving of a parking lot without the required landscape buffer; and

WHEREAS, the approvals of the special use permit and variation granted by the Special Use Ordinance were conditioned on the Subject Property not being used to rent parking spaces to anyone but residents, commercial tenants, and employees of the Subject Property; and

WHEREAS, Ordinance No. M-22-2019, adopted by the Village Council on November 19, 2019 ("**Ordinance**"), grants an amendment to the Special Use Ordinance to permit the Applicant to rent parking spaces on the Subject Property to individuals other than residents, commercial tenants, or employees of the Subject Property ("**Special Use Amendment**"); 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 has 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 does hereby agree and covenants as follows:

1. The Applicant hereby unconditionally agrees to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Applicant acknowledges 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 acknowledges and agrees 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 against damage or injury of any kind and at any time.

4. The Applicant hereby agrees 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 Amendment for the Subject Property.

5. The Applicant hereby agrees 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: **SABOVIC PROPERTIES LLC**

By: _____ By: _____

Its: _____



MEMORANDUM VILLAGE OF WINNETKA

TO: PLAN COMMISSION
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: OCTOBER 17, 2019
SUBJECT: CASE NO. 19-26-SU: 454-462 WINNETKA AVENUE - PARKING LOT - SPECIAL USE PERMIT

INTRODUCTION

On October 23, 2019, the Plan Commission is scheduled to consider an application submitted by Sabovic Properties LLC (the "Applicant") as the owner of the property at 454-462 Winnetka Avenue (the "Subject Property"). The Applicant requests approval of an amendment to an existing Special Use Permit allowing a parking lot in the C-1 Neighborhood Commercial District. The Applicant is requesting the following relief:

1. Approval of an amendment to an existing **Special Use Permit** to allow leasing parking spaces to non-tenants and tenant affiliates on the Subject Property.

A sign has been posted on the Subject Property indicating the time and date of the Plan Commission meeting. A mailed notice has been sent to property owners within 250 feet in compliance with the Zoning Ordinance. As of the date of this memo, staff has not received any written comment from the public regarding this application.

As will be discussed later in this report the Applicant originally requested the ability to lease 16 parking spaces to non-tenants and tenant affiliates, but during the review by the Zoning Board of Appeals the applicant agreed to lease only 12 parking spaces to such users.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.76 acres in size, is located on the south side of Winnetka Avenue, between Tempel Court and the Union Pacific Railroad tracks, and contains an existing three-story mixed-use building. Figures 1 through 3 on the following pages identify the Subject Property.

The property is zoned C-1 Neighborhood Commercial, and it is bordered by R-5 Single Family Residential to the north, R-4 Single Family Residential to the south, and B-1 Multifamily Residential to the east (represented on Figure 4 later in this report). The Comprehensive Plan designates the Subject Property as appropriate for "Mixed Use" development (Attachment A). The zoning of the property is consistent with the Comprehensive Plan.

PROPERTY HISTORY AND PREVIOUS ZONING APPLICATIONS

There are three previous zoning cases on file for the Subject Property:

1. In 1967, a variation was granted to permit the conversion of a second floor dentist office to a residence which exceeded the apartment density of 36 units per acre (the Subject Property has increased in area through acquisition since that variation request);
2. In 1997, a request was submitted by a contract purchaser to rezone the property to B-2 Multifamily Residential, together with requested variations from unit density limitations, front yard setback, corner yard setback, side yard setback, building height and lot coverage requirements. The Village Council denied the requested rezoning and variations; and
3. Ordinance M-27-2001 was adopted in October 2001 by the Village Council, granting a Special Use Permit and a variation to allow the renovation and redevelopment of the Subject Property, which included replacing and expanding the gravel parking lot with a paved surface but without the required five-foot landscape buffer. The Ordinance strictly stated that *“none of the parking spaces shall be used by or rented to any person who is not either a resident of the building, a commercial tenant of the building, or an employee of a commercial tenant of the building.”* (The parking lot approved in 2001 is the subject of this application). Ordinance M-27-2001 is included in this report as Attachment E; the meeting minutes of the October 16, 2001 Village Council meeting are also provided as Attachment F.

At the time Ordinance M-27-2001 was adopted, the Zoning Ordinance required all on-site parking to be provided below grade level, except that street level and above street level parking may be permitted subject to approval of a Special Use Permit. At the time the special use permit was approved, the Zoning Code required 2¼ spaces per dwelling unit, provided that such parking was not required for units in existence prior to February 3, 1998. Additionally, the zoning regulations provided for the increase in building area or residential dwelling units by up to 15% (3 units in this instance) without triggering the new parking standard. Also, the Zoning Code did not require parking spaces for the first floor commercial space. Technically, the Zoning Code did not require the provision of a specific number of parking spaces for the uses in the building at the time the special use permit was approved

In April 2019, Village staff received a complaint from a commercial tenant on the Subject Property regarding parking spaces being rented to New Trier students, in violation of Ordinance M-27-2001. Subsequently, a violation notice was sent to the property owner. In July 2019, Village staff met with the Applicant to discuss the violation and the special use permit process. The Applicant was informed that they must either cease leasing parking spaces to non-tenants and tenant affiliates or request an amendment to the existing special use permit. The Applicant decided to proceed with the request to amend the special use permit and commissioned a parking study. On September 11, 2019, the Applicant submitted the special use permit application that is currently before the Commission.



Figure 1 – Subject Property



Figure 2 – Subject Property – Southern Portion of Parking Lot



Figure 3 – Aerial Map

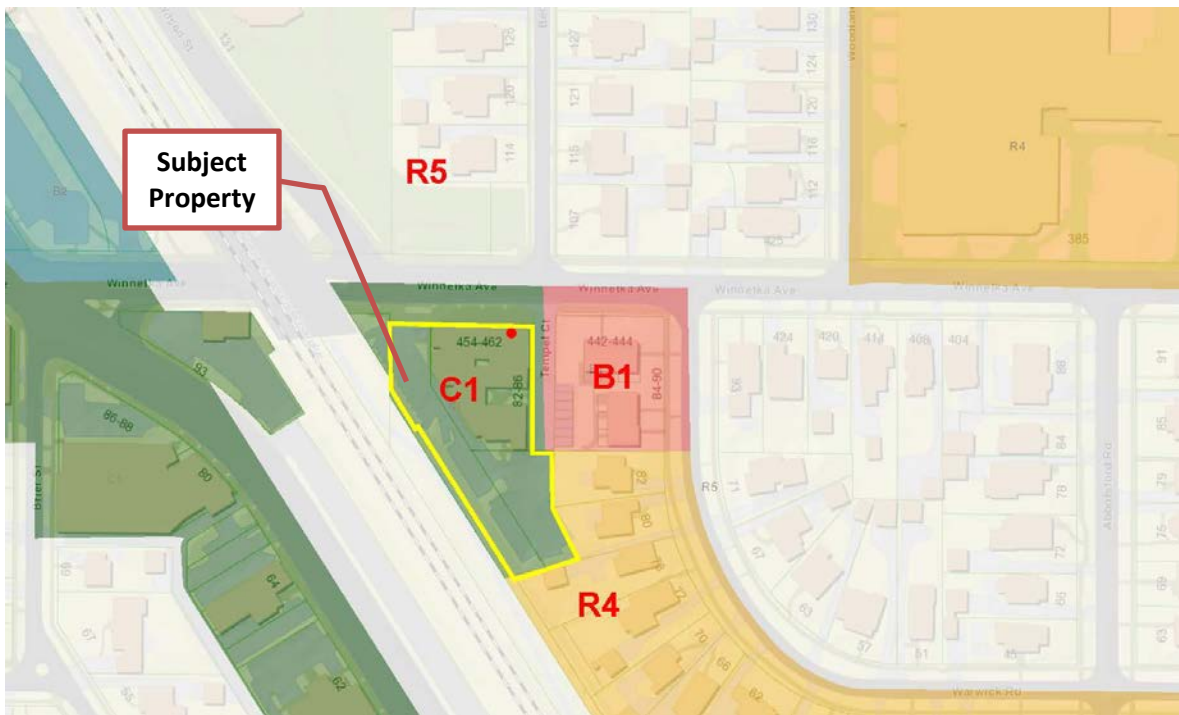


Figure 4 – Zoning Map

CONSIDERATION BY OTHER ADVISORY BOARDS/COMMISSIONS

The Zoning Board of Appeals considered the request on October 14, 2019. At the ZBA meeting the Applicant's legal counsel informed the ZBA that the existing parking lot contained 41 parking spaces, rather than the 39 spaces considered in the parking study conducted by KLOA and approved with the adoption of Ordinance M-27-2001. After hearing additional testimony from the Applicant, his legal counsel, and one member of the public who spoke in support of the request, the ZBA discussed the

appropriate number of parking spaces the Applicant should be allowed to lease to non-tenants. Ultimately, the ZBA voted 5-0 to recommend approval of an amendment to the existing special use granted by Ordinance M-27-2001 in order to allow the leasing of 12 existing parking spaces to non-tenants and tenant affiliates on the Subject Property.

Since the ZBA meeting on October 14, Village staff visited the site with the Applicant to verify the location of the two additional parking spaces that were not included in the original special use permit granted in 2001. Figure 4 below identifies the two additional parking spaces in question. After consulting with James Bernahl, Assistant Director of Public Works, it was determined that when Space A is occupied it is difficult for large vehicles (particularly garbage trucks) to maneuver around the curved drive aisle onto the public right-of-way, Tempel Court, which serves two-way traffic. The location of Space B also makes it tight to maneuver the curved drive aisle. However, if Space B is designated as "Compact Only" it is acceptable. Therefore, Village staff informed the Applicant that the stripping for Space A must be removed. Space B may remain, but it must be signed as "Compact Only."

The Applicant has provided an amended site plan identifying 40 parking spaces, with Space A being eliminated and Space B identified as "Compact Only." Additionally, the Applicant has confirmed that he is in agreement with the ZBA's recommendation to allow the leasing of 12 existing parking spaces rather than the 16 of his original request. An excerpt of the amended site plan is provided in Figure 6 later in this report. The written confirmation from the Applicant and the amended site plan are also included in this report as Attachment C.

The Special Use Permit is subject to final approval by the Village Council.



Figure 4 – Aerial of Existing Parking Lot

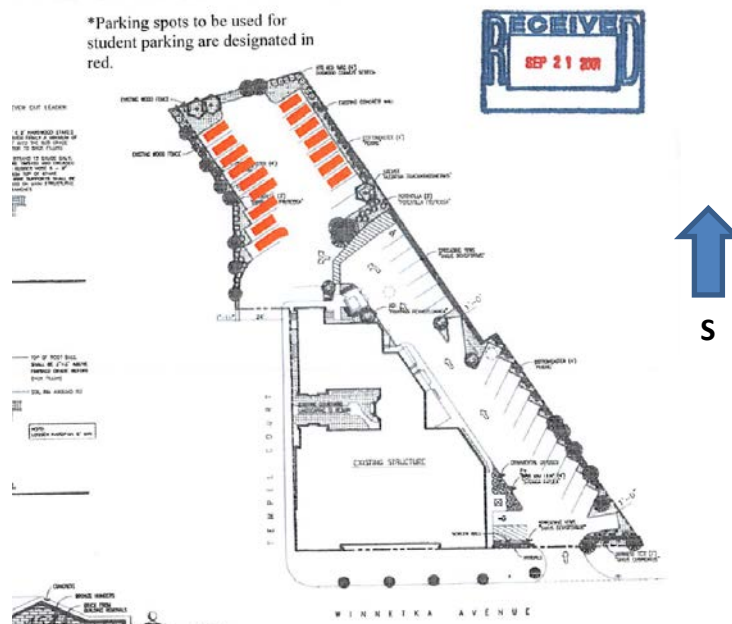
PROPOSED PLAN

The proposed plan does not include any changes to the existing building or other improvements on the Subject Property itself; rather the Applicant is requesting the ability to lease existing parking spaces to non-tenants and tenant affiliates. As previously explained, the Applicant's original request was to lease 16 existing parking spaces. Figure 5 on the following page is an excerpt of the original site plan submitted by the Applicant identifying the location of the original 16 parking spaces. As represented on both the original site plan and the amended site plan (Figure 6), the parking spaces the Applicant is requesting permission to lease are located in the southern portion of the Subject Property. The amended site plan also represents that 9 of the 12 parking spaces it would lease to non-tenants or tenant affiliates would be located along the east side of the parking lot and the remaining three (3) would be located on the west side of the parking lot. This area is identified in Figure 2 earlier in this report.

The building itself contains approximately 5,600 square feet of office space and 25 apartments. According to the parking study conducted by KLOA on July 25, 2019 (when the high school was not in session), approximately 2,100 square feet (37.5%) of the office space and two (8%) of the apartments were vacant. The parking study points out that the number of spaces available for leasing to non-tenants is a function of having current vacancies in the building. The parking study is included in the attached application materials as Attachment D.

Village Engineer Steve Saunders evaluated the parking study by KLOA and had the following comments and suggestions:

1. Given the building is partially occupied; consideration should be given to limiting the number of spaces for lease to non-tenants.
2. The parking study, when increased for full occupancy, indicates a minimum number of available vacant spaces as low as 7. Whereas the Applicant is requesting the ability to lease 16 spaces.
3. Based on the findings of the parking study, perhaps a condition to allow the leasing of 8 parking spaces is appropriate.



REQUESTED ZONING CONSIDERATION

The Applicant is requesting approval of an amendment to an existing Special Use Permit to allow leasing of 12 existing parking spaces to non-tenants and tenant affiliates on the Subject Property. The Plan Commission is charged with evaluating Special Uses for consistency with the Comprehensive Plan, as well as the six standards for granting special use permits.

One of the objectives of the Comprehensive Plan is to “ensure that commercial, institutional and residential development is appropriate to the character of and minimizes the adverse impact on its surrounding neighborhood.” The draft recommendation below lists other relevant objectives from the Comprehensive Plan. An excerpt of the Comprehensive Plan is included in this report as Attachment B.

FINDINGS

The Plan Commission is to consider whether or not the requested amendment to the existing special use granted by Ordinance M-27-2001 to allow the leasing of 12 existing parking spaces to non-tenants and tenant affiliates on the Subject Property is consistent with the Village’s Comprehensive Plan and with the Village’s special use permit 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 amendment to the existing special use granted by Ordinance M-27-2001 in order **to allow the leasing of 12 existing parking spaces to non-tenants and tenant affiliates on the Subject Property**, based on the following findings of fact:

1. “The proposed leasing of parking spaces to non-tenants and tenant affiliates **is [is not]** consistent with the Comprehensive Plan’s Land Use Map designation of the Subject Property as appropriate for “Mixed Use” development and consistent with the following objectives of Chapter II of the Comprehensive Plan:
 - a. to “Ensure that commercial, institutional and residential development is appropriate to the character of and minimizes the adverse impact on its surrounding neighborhood;”
 - b. to “Ensure safe and attractive access to educational and community institutions. Pursue improvements that address public safety as well as traffic, congestion and parking;” and
 - c. to “Provide for adequate parking in commercial areas.”
2. “The proposed leasing of parking spaces to non-tenants and tenant affiliates **is [is not]** consistent with the Standards for the granting of Special Use Permits, as follows:
 - a. That the establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare;
 - b. That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;

- c. That the establishment of the special use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;
- d. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public ways;
- e. That adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the special use exist or are to be provided; and
- f. That the special use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes.”

[This approval is conditioned on the following:

- 1. The parking space labeled “Space A” in Figure 4 on page 5 of this staff report must be removed.**
- 2. The parking space labeled “Space B” in Figure 4 on page 5 of this staff report must be posted with a “Compact Car Only” sign.]**

In addition, if the Plan Commission recommends approval of the requested special use, it may wish to consider if there are any additional conditions that it may want to place on the use and operation of the parking spaces. If the Commission chooses to place additional conditions as part of its recommendation, it will want to include the conditions at the end of its findings of fact.

ATTACHMENTS

Attachment A: Comprehensive Plan Land Use Map

Attachment B: Comprehensive Plan Excerpt (Chapter Two – Goals and Objectives)

Attachment C: Amended Site Plan and Written Agreement received October 16, 2019

Attachment D: Application Materials

Attachment E: Ordinance M-27-2001, adopted October 16, 2001

Attachment F: Excerpt of October 16, 2001 Village Council Meeting Minutes



Village of WINNETKA

Comprehensive Plan Update: 2020

Land Use Plan Indian Hill Planning Sub-Area

Map
13

LEGEND

- Single Family Residential
- Townhouse Residential
- Multi-Family Residential
- Commercial
- Office
- Park / Open Space
- Public / Semi-Public
- Transportation / Utilities
- P Public Parking
- Vacant
- Mixed Use
(may include all uses allowed in the applicable zoning district)
- Green Bay Road Corridor
- Planning Sub-Area
- Urban Design Feature

Scale in Feet
0 50 100 200 400

- Village of Winnetka
- Other Municipal Boundaries
- Road
- Private Road
- Unimproved R.O.W.
- Railroad
- Property Line
- Lake / River
- Adjacent Municipality
- Pedestrian Tunnel
- Railroad Station

June 30, 1999

	THOMPSON DYKE & ASSOCIATES, LTD.		
Land Planning Landscape Architecture Urban Planning	800 Maple Hill, Suite 200 Winnetka, Illinois 60093-4000	Telephone: 847.272.6000 FAX: 847.272.6001 E-Mail: info@tda.com	

CHAPTER II: VISION, GOALS AND OBJECTIVES

2.1 A 2020 VISION FOR WINNETKA

As a basis for the development of goals, objectives and policies for Winnetka, a vision was developed to convey the desirable characteristics of the Village:

...a village in a natural setting committed to its tradition of residential neighborhoods, citizen involvement, local shops and educational excellence...

2.2 COMMUNITY GOALS

Purpose and Formulation Procedure

Goals and objectives provide the foundation for the Plan recommendations. *Goals* are long-range ideals that set the framework for public policy. *Objectives* are more specific, representing opportunities for achieving goals.

The goals and objectives that follow were prepared for the Village as a whole and are designed to achieve the ideals expressed in the Vision Statement.

Community goals appear below. Objectives designed to support these goals are listed in the remainder of this chapter under each community goal heading. *Goals, objectives and policies relating to the Green Bay Road Corridor and its four business districts appear in Chapter Five.*

Village Character and Appearance: Preserve and enhance those public assets, public lands, natural resources and architecturally significant structures that create the attractive appearance and peaceful, single-family residential character of the Village.

Residential Areas: Preserve a high-quality residential community. Encourage a range of housing types and sizes to meet the needs of residents of all ages.

Local Government: Plan for and provide appropriate government facilities and services that will accommodate the needs of the Village. Encourage a high degree of citizen concern for and participation in local government.

Educational and Community Institutions: Support educational excellence and the enrichment of Winnetka's religious and cultural environment.

Parks, Open Space, Recreation and Environment: Preserve or expand the quantity, quality and distribution of open space and recreational opportunities. Protect the Village's natural features and environmental resources.

Transportation: Provide for safe pedestrian, bicycle and vehicular movement consistent with the scale and peaceful character of the Village.

Growth Management: 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 (streets, parking, utilities, sewers) and other community resources (schools, parks, recreational facilities, etc.). Provide for Village expansion via annexation if deemed appropriate.

2.3 VILLAGE CHARACTER AND APPEARANCE

Goal: Preserve and enhance those public assets, public lands, natural resources and architecturally significant structures that create the attractive appearance and peaceful, single-family residential character of the Village.

Objectives

1. Ensure that commercial, institutional and residential development is appropriate to the character of and minimizes the adverse impact on its surrounding neighborhood.
2. Place overhead utility lines underground along major streets: Willow, Sheridan, Green Bay, Hibbard, Winnetka/Hill, Elm and Tower by 2010. Place other utility lines underground, beginning with parks and open spaces, after the major streets are completed.
3. Recognize the critical role of the Village's historic architecture in defining Winnetka's unique character in public, institutional, commercial and residential areas and encourage its preservation.
4. Require the screening and buffering of off-street parking lots while considering the safety of pedestrians and motorists.
5. Continue to implement and supplement the Village's tree planting program on all public rights-of-way. Encourage tree planting on private property.
6. Encourage landscaping of public and private properties that complements and enhances the mature character of existing plantings and provides a buffer as an alternative to walls and fences.
7. Encourage organizations, schools, religious institutions, businesses and citizens in their efforts to beautify the Village.
8. Strictly enforce the Village's sign regulations and minimize the number of regulatory signs.
9. Encourage and cooperate with METRA to improve the appearance and function of the three train stations in the Village and to improve the appearance of the railroad right-of-way.
10. Encourage and cooperate with PACE to improve the appearance, safety and function of bus stop shelters.

11. Reduce and control light pollution, preserving property rights for natural light and controlling the use and location of artificial lighting.
12. Reduce and control noise pollution.
13. Use high quality design and materials when constructing public improvements. Enhance the beauty of the improvements with appropriate decorative details, artwork or sculpture.

2.4 RESIDENTIAL AREAS

Goal: Preserve a high-quality residential community. Encourage a range of housing types and sizes to meet the needs of residents of all ages.

GENERAL RESIDENTIAL OBJECTIVES

1. Maintain the Village's traditional dwelling density patterns by limiting the scale and density allowed in developments and renovations.
2. Require any new residential development and redevelopment to provide adequate and appropriate landscaping and, where appropriate, to preserve existing vegetation.
3. Encourage residential development that provides an appropriate transition between low-density and higher-density areas.

SINGLE-FAMILY RESIDENCE OBJECTIVES

1. Preserve the predominant defining character of Winnetka as a community for owner-occupied high quality single-family residences. Maintain the proportion of single-family detached housing in excess of 80 percent of the total Village housing units.
2. Retain the character of existing residential neighborhoods. Assure that new construction and additions to existing houses respect the scale of neighboring houses, setbacks, open spaces, parkway trees and the pedestrian orientation of the neighborhoods.
3. Protect residential neighborhoods and homes from the encroachment of incompatible land uses and traffic patterns.
4. Encourage the preservation of older houses that contribute to the character of the neighborhood through additions and improvements as an alternative to new house construction.
5. Maintain the quiet ambience of residential neighborhoods.

MULTIPLE-FAMILY RESIDENCE OBJECTIVES

1. Ensure that multiple-family development provides a variety of housing choices for

- residents of all ages.
2. Ensure that the density of multiple-family development provides an appropriate transition to adjacent single-family neighborhoods.
 3. Ensure that multiple-family buildings complement adjacent single-family residences in scale and architectural style and that architectural styles complement the historic character of the village.
 4. Require that multiple-family development be of high quality materials and design, combined with adequately screened or underground parking and substantial landscaping.
 5. Encourage an appropriate number of rental units compatible with the predominantly single-family residential character of the Village.
 6. Study the possibility of bringing an assisted-care facility for senior citizens to Winnetka.

2.5 LOCAL GOVERNMENT

Goal: Plan for and provide appropriate government facilities and services that will accommodate the needs of the Village. Encourage a high degree of citizen concern for and participation in local government.

Objectives

1. Encourage local governmental bodies to help implement the community goals and objectives in this document.
2. Maintain and encourage the location of public buildings in the Village Center to provide centralized and convenient services.
3. Maintain and upgrade the Village's infrastructure in keeping with Village character and high community standards.
4. If the water plant and electric plant are no longer needed to provide electric power or water service to the Village, a re-use plan should be drafted for the property to serve public purposes.
5. Ensure that municipal buildings and properties exhibit design excellence that respects the character and enhances the appearance of the Village.
6. Ensure that the closed landfill on Willow Road is effectively managed and attractively landscaped.
7. Encourage on-going study and cooperation to bring the latest telecommunication technologies to the Village, while preserving the Village's appearance.

2.6 EDUCATIONAL AND COMMUNITY INSTITUTIONS

Goal: Support educational excellence and the enrichment of Winnetka's religious and cultural environment.

Objectives

1. Recognize the critical importance of educational, religious and other community institutions to Village residents.
2. Maintain an atmosphere in which diverse cultural, educational and religious organizations may flourish and in which special activities for residents of all ages may be enhanced.
3. Engage in a public process that balances institutional goals and minimizes any adverse impact to the character of the adjacent residential neighborhood.
4. Recognize that standards of educational excellence may change with time, thus necessitating changes in physical and financial resources.
5. Ensure safe and attractive access to educational and community institutions. Pursue improvements that address public safety as well as traffic, congestion and parking.
6. Cooperate with school districts to make school facilities available for other community needs and emphasize this dual use in future planning and design.
7. Encourage the continued vitality of the Winnetka Community House as a community facility for a variety of programs accessible to all residents.
8. Encourage the preservation of the excellent facilities, central location and availability of the Winnetka-Northfield Public Library District resources.

2.7 PARKS, OPEN SPACE, RECREATION AND ENVIRONMENT

Goal: Preserve or expand the quantity, quality and distribution of open space and recreational opportunities. Protect our natural features and environmental resources.

Objectives

1. Increase the amount of property that is designated as public or private open space to preserve the natural character of the community.
2. Provide, where possible, open space (public, semi-public or private) between low-density and higher-density land uses.
3. Preserve and enhance natural features such as ravines, woodlands, bluffs, beaches and the Lake Michigan shoreline.

4. Preserve significant trees and encourage new tree planting on public and private properties to the greatest extent possible.
5. Support the development of recreational facilities to meet the needs of residents of all ages.
6. Engage in a public process that balances institutional goals and minimizes any adverse impact to the character of the adjacent residential neighborhood.
7. Encourage the Cook County Forest Preserve District to improve the natural appearance of the public right-of-way and the property adjacent to Willow Road, Forest Way and Tower Road, west of Forest Way.
8. Foster greater cooperation among all institutions--private and public--in the joint use of their recreational facilities.
9. Encourage the preservation of open space inside and outside the Village.

2.8 TRANSPORTATION

Goal: Provide for safe pedestrian, bicycle and vehicular movement consistent with the scale and peaceful character of the Village.

Objectives

1. Improve major streets, especially their intersections, to enhance traffic flow, safety and appearance, as well as use by pedestrians and bicyclists.
2. Ensure safe, efficient and convenient access to all areas of the Village.
3. Develop comprehensive programs to promote traffic safety and to slow traffic.
4. Explore ways to decrease the flow of regional traffic through the Village.
5. Promote alternatives to motor vehicles such as bicycling and walking.
6. Enhance and expand the Village's bike route system.
7. Restrict "cut-through" truck traffic in residential neighborhoods and regional truck traffic on village thoroughfares.
8. Ensure good condition of streets, curbs and sidewalks.
9. Encourage the maintenance and improvement of a rapid and comfortable commuter service to and from all three Village train stations.
10. Foster improvement in public transportation and cooperate with adjacent communities in anticipating future needs and means.

11. **Provide for adequate parking in commercial areas.** Require people who work in the commercial districts to park in employee-designated off-street or underground parking areas.
12. Provide adequate off-street or underground parking for Winnetka commuters.
13. Enhance the overall appearance and environmental quality of public rights-of-way, including the railroad right-of-way.
14. Provide ease of access to the Edens Expressway (Interstate 94).

2.9 GROWTH MANAGEMENT

Goal: 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 (streets, parking, utilities, sewers) and other community resources (schools, parks, recreational facilities, etc.). Provide for Village expansion via annexation if deemed appropriate.

Objectives

1. 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.
2. Ensure that annexation of properties will not adversely affect the Village's ability to service existing residences and businesses. Continue to review those unincorporated areas within the jurisdictional planning area that draw upon Village services and resources and ensure that any proposed annexation is compatible with the character of the Village.
3. Ensure that the Village keeps informed about neighboring communities' plans for growth, changes in existing infrastructure or for new infrastructure.

From: [REDACTED]
To: [Ann Klaassen](#); [Amro Shamaileh](#); [Marut Shah](#)
Cc: [Hajdar Sabovic](#)
Subject: External: 460 Winnetka modified site plan and agreement
Date: Wednesday, October 16, 2019 11:00:09 PM
Attachments: [IMG_3787.jpg](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Ann,

The attached site plan shows exactly 40 parking spaces. I have marked which spaces would be allocated to outsiders and have also marked the one additional 40th parking space as "Compact Only". Please let me know if this will work.

Furthermore, please have this email serve as verification that I, Dako Sabovic, am in agreement with the ZBA's recommendation to allow the leasing of 12 parking spaces.

Thanks,
Dako.



Sent from my iPhone

2040 N. Harlem Avenue
Elmwood Park, IL 60707

466 Central Avenue, Suite 34
Northfield, IL 60093



847.916.7800
847.916.7899
info@mstlawfirm.com
www.mstlawfirm.com

MOHAMMED, SHAMAILEH & TABAHI, LLC

September 5, 2019

Amro Shamaileh
D: 847.916.7830
ashamaileh@mstlawfirm.com

VIA PERSONAL DELIVERY & EMAIL

Ann Klaassen
Village of Winnetka
510 Green Bay Road
Winnetka, IL 60093
aklaassen@winnetka.org

Re: 454-462 Winnetka Ave – Special Use Permit

Dear Ms. Klaassen:

Please be advised that we represent Sabovic Properties LLC (“Sabovic Properties”). Please find enclosed Sabovic Properties’ application for a special use permit to allow for non-tenant parking at the property commonly known as 454-462 Winnetka Avenue. In addition to the application, we have also included 1) a narrative describing the special use; 2) the deed proving Sabovic Properties’ ownership; 3) a traffic study performed by Kenig, Lindgren, O’Hara, Aboona, Inc.; 4) Plat of Survey; and 5) a site plan identifying the parking spots Sabovic Properties intends to rent.

Please advise if you require any additional documents or explanation.

Sincerely,

Amro Shamaileh

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL USE PERMIT APPLICATION

Case No. 19-26-SU

Property Information

Site Address: 454-461 Winnetka Avenue, Winnetka, IL 60093

Applicant Information

Name: Sabovic Properties LLC

Primary Contact: Hajdar Sabovic

Address: [REDACTED]

City, State, ZIP: Chicago, IL 60660

Phone No. [REDACTED]

Email: [REDACTED]

Architect Information

Name: _____

Primary Contact: _____

Address: _____

City, State, ZIP: _____

Phone No. _____

Email: _____

Owner Information

Name: Sabovic Properties LLC

Primary Contact: Hajdar Sabovic

Address: [REDACTED]

City, State, ZIP: Chicago, IL 60660

Phone No. [REDACTED]

Email: [REDACTED]

Attorney Information

Name: MST Law

Primary Contact: Amro Shamaileh

Address: 2040 N Harlem Ave

City, State, Zip: Elmwood Park, IL 60707

Phone No. 847-916-7800

Email: ashamaileh@mstlawfirm.com

Applicant Signature: [REDACTED]

Property Owner Signature: [REDACTED]

Date: 9/9/19

Date: 9/9/19



SPECIAL USE NARRATIVE

Applicant seeks permission from the Village of Winnetka to allow Applicant to lease 16 parking spaces to non-tenants and tenant affiliates. These parking spaces are located on the southern portion of the property on a separate parcel from the building. As the parking spaces already exist and the special use requested does not alter the purpose of the use of the property, the special use, if permitted, will not be detrimental, injurious or otherwise negatively impact the neighboring properties. Broadening the allowable use of the parking spaces will provide Winnetka residents and employees access to otherwise unused parking spaces and increase the number of off-street parking spaces in an area where parking demand exceeds supply. Several Winnetka residents have approached Applicant seeking to rent the unused parking spaces. The enclosed traffic study provides that at peak hours, 19 parking spaces were available. In all respects, the Special Use Permit, if granted, would ease the hardship Winnetka residents face by providing easily accessible and economically feasible alternative parking. Additionally, the proposed Special Use complies with the Special Use Permit Standards as follows:

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

Firstly, the Special Use does not alter, decrease, or modify the pre-existing parking spaces. The Village of Winnetka through Ordinance No. M-27-2001 recognize the need for additional parking spaces in the vicinity surrounding New Trier High School. Secondly, as noted in the Parking Study, the current parking utilization of Applicant's property during peak hours allows for the Applicant's proposed Special Use. The Special Use will only serve to increase public safety and comfort as it will reduce on-street parking, pedestrian traffic and burdensome commute times.

2. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity nor diminish or impair their property values.

The proposed Special Use has the potential of reducing pedestrian and vehicular congestion directly leading to the increase in enjoyment of neighboring properties. Furthermore, the Special Use does not call for a modification of the layout of the current Property. The Applicant will be providing a much-needed service to Winnetka residents by adding additional parking options, the proposed Special Use can only result in an increase in property value and enjoyment of the nearby properties.

3. The establishment of the special use will not impede the normal and orderly development or improvement of other property.

The Special Use is not seeking the additional parking spaces or development of the land. The Village of Winnetka already approved the parking spaces assuming that the parking spaces would be utilized. Currently, approximately 19 spaces lay vacant during peak hours. The special use will allow the Applicant's Property to fulfill its intended purpose. Moreover, the Special Use does not have any possibility of impede other properties, as all ingress and egress of Vehicles will be on Applicant's Property.

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;

The parking lot has already been created to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion and has been approved by the Village. Given that the parking lot lay vacant approximately 48% during peak hours, increasing parking capacity by allowing the Special Use will not substantially deviate from the Village approved current use of the parking. Furthermore, the special use application does not request any modification to the ingress or egress.

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; and

As per the 2001 Ordinance and Special Use approved by the Village of Winnetka, the existing parking structure was constructed in compliance with applicable Village Code requirements. Therefore, all requirements necessary for the operation of the special use have been in existence for a period of 18 years. The proposed Special Use simply provides for the utilization of parking spaces that lay vacant. Moreover, it is in the beneficial interest of Winnetka residents that new trier students be allowed to utilize such spaces for the following reasons: a) Students will be allowed to park in a well-maintained area, which will minimize vehicular street-side congestion and on-street parking; and b) the designated parking spaces will provide a solution to the supply and demand issues affecting the overall area.

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

The special use request only requires that the current classification of potential tenant of parking spaces be broadened to fulfil the demand of Winnetka residents and in all other respects confirms to the applicable regulations.

MEMORANDUM TO: Hajdar Sabovic
Sabovic Properties

FROM: Michael A. Werthmann, PE, PTOE
Principal

DATE: October 14, 2019

SUBJECT: Parking Study
460 Winnetka Avenue Mixed-Use Building
Winnetka, Illinois

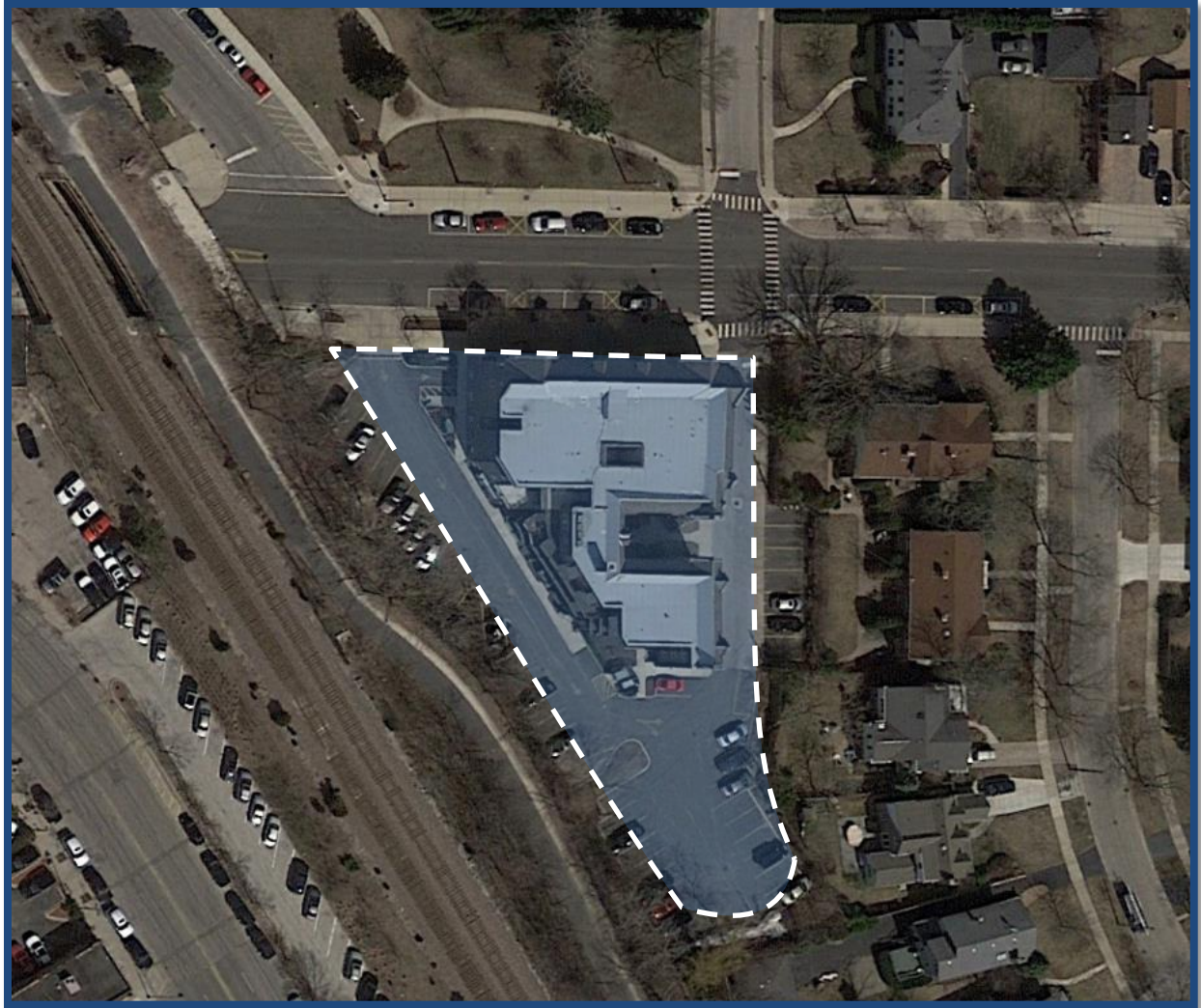
This memorandum presents the findings of a parking study conducted by Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA, Inc.) for the existing mixed-use building located at 460 Winnetka Avenue in Winnetka, Illinois. The building is located on the south side of Winnetka Avenue just east of the Union Pacific railroad tracks and contains a total of approximately 5,600 square feet of office space, 25 apartments, and 39 parking spaces. Currently approximately 3,500 square feet of the office space and 23 apartments are occupied. **Figure 1** shows an aerial view of the building.

The purpose of this study was to assess the adequacy of the parking supply in accommodating the building and determine if any unoccupied parking spaces are available during weekday days. The following tasks were undertaken:

- Parking occupancy surveys were conducted by KLOA, Inc. at the mixed-use building on one weekday.
- The observed existing parking demand was increased to represent a fully occupied building.
- The adequacy of the available parking was compared to the projected peak parking demand to determine if any unoccupied spaces were available.

Parking Occupancy Surveys

In order to determine the existing parking demand, parking occupancy surveys were conducted at the existing building on Tuesday, July 16, 2019. The parking surveys were performed every 15 minutes from 10:00 A.M. to 3:00 P.M. and the results of the parking surveys are summarized in **Table 1**. From the table it can be seen that the building had a peak parking demand of 20 vehicles occurring at 11:45 A.M. and 12:00 noon. Only 51 percent of the parking spaces were occupied and 19 spaces were unoccupied.



Aerial View of Building

Figure 1

Table 1

EXISTING PARKING SURVEYS – TUESDAY, JULY 16, 2019

Time	Parked Vehicles	Unoccupied Parking Spaces
Inventory	39	
10:00 AM	14	25
10:15 AM	15	24
10:30 AM	15	24
10:45 AM	15	24
11:00 AM	15	24
11:15 AM	16	23
11:30 AM	18	21
11:45 AM	20	19
12:00 PM	20	19
12:15 PM	17	22
12:30 PM	14	25
12:45 PM	15	24
1:00 PM	13	26
1:15 PM	15	24
1:30 PM	16	23
1:45 PM	15	24
2:00 PM	15	24
2:15 PM	17	22
2:30 PM	18	21
2:45 PM	19	20
3:00 PM	18	21

Projected Parking Demand

As discussed previously, approximately 2,100 square feet of the office space and two of the apartments are currently vacant. The estimated parking demand of the vacant space in the building was estimated based on the office and residential parking rates and time of day factors provided in the Urban Land Institute (ULI) *Shared Parking Manual*, 2nd Edition. To provide a conservative (worst-case) analysis, the medical/dental office parking rates were used, as they have higher trip rates than the general office parking rates. In addition, no reduction in the office or the apartment parking rates were assumed due to the proximity of the building to the Indian Hill Metra train station, which is located less than a block from the subject building. **Table 2** shows the existing parking demand, the projected parking demand for the vacant space, and the total projected parking demand.

From Table 2 it can be seen that the building is projected to have a peak parking demand of 32 vehicles. With a total of 39 parking spaces, 82 percent of the parking spaces will be occupied with seven parking spaces unoccupied.

Table 2

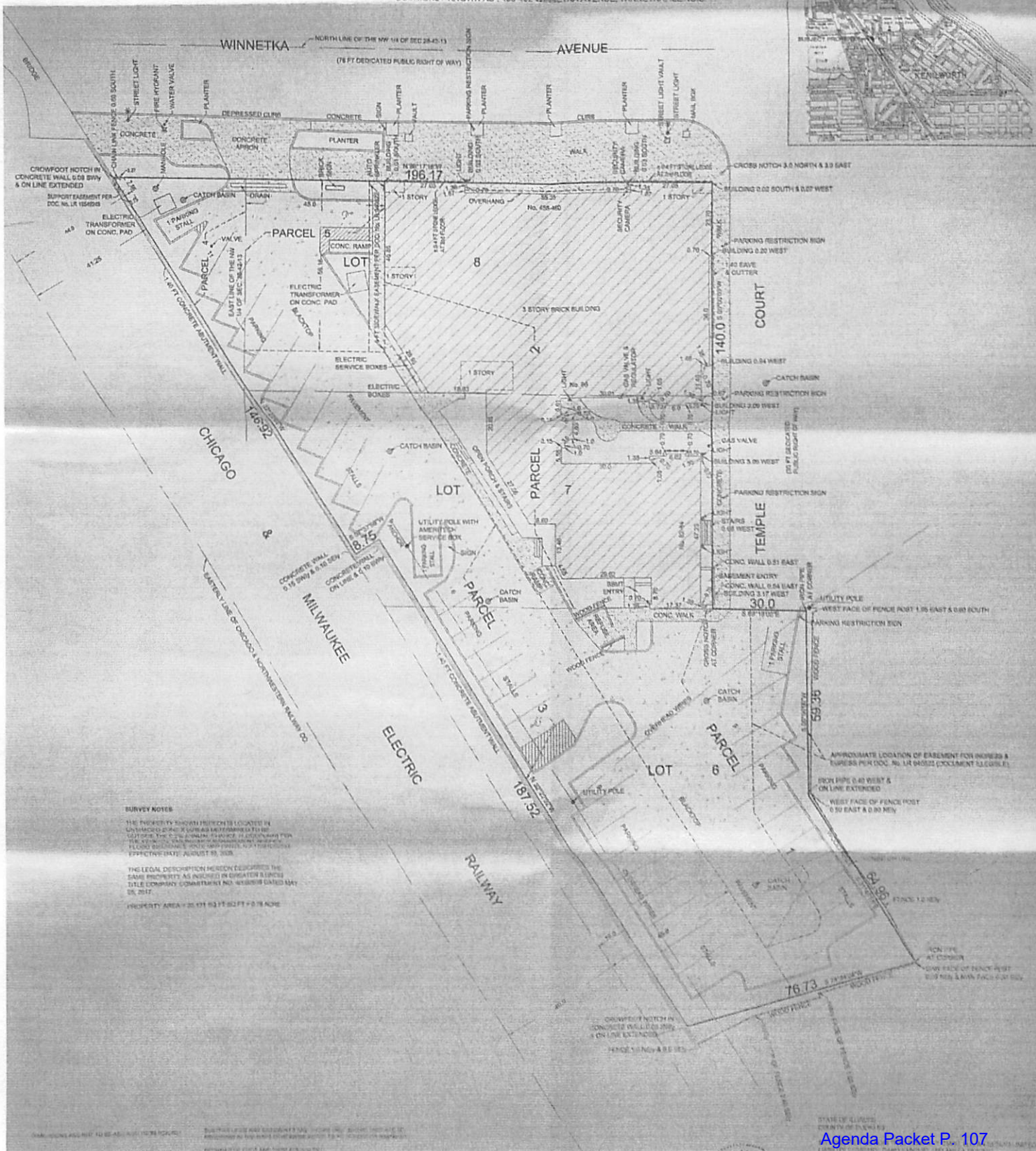
PROJECTED TOTAL PARKING DEMAND AT FULL OCCUPANCY

Time	Projected Parking Demand			Unoccupied Parking Spaces	
	Existing	Vacant Office Space	Vacant Apartments		Total
Inventory	39				
10:00 AM	14	10	2	26	13
10:15 AM	15	10	2	27	12
10:30 AM	15	10	2	27	12
10:45 AM	15	10	2	27	12
11:00 AM	15	10	2	27	12
11:15 AM	16	10	2	28	11
11:30 AM	18	10	2	30	9
11:45 AM	20	10	2	32	7
12:00 PM	20	5	2	27	12
12:15 PM	17	5	2	24	15
12:30 PM	14	5	2	21	18
12:45 PM	15	5	2	22	17
1:00 PM	13	8	2	23	16
1:15 PM	15	8	2	25	14
1:30 PM	16	8	2	26	13
1:45 PM	15	8	2	25	14
2:00 PM	15	10	2	27	12
2:15 PM	17	10	2	29	10
2:30 PM	18	10	2	30	9
2:45 PM	19	10	2	31	8
3:00 PM	18	10	2	30	9

0 15 30
GRAPHIC SCALE IN FEET

[illegible][illegible]

COMMONLY KNOWN AS : 458-467 WINNETKA AVENUE, WINNETKA, ILLINOIS

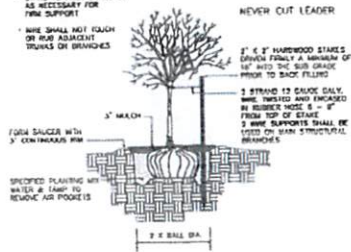


*Parking spots to be used for student parking are designated in red.



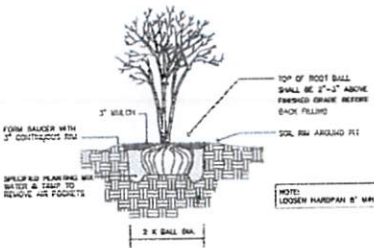
NOTE:

- STAKE TO FIRST BRANCHES AS NECESSARY FOR FIRM SUPPORT
- WIRE SHALL NOT TOUCH OR RUB ADJACENT STUNKS OR BRANCHES



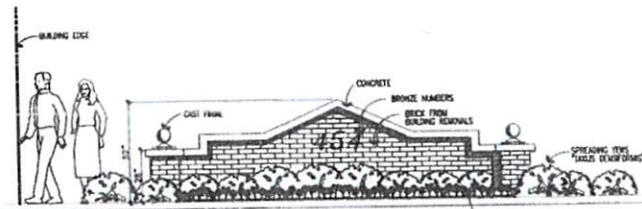
TREE PLANTING DETAIL

SCALE: NOT TO SCALE



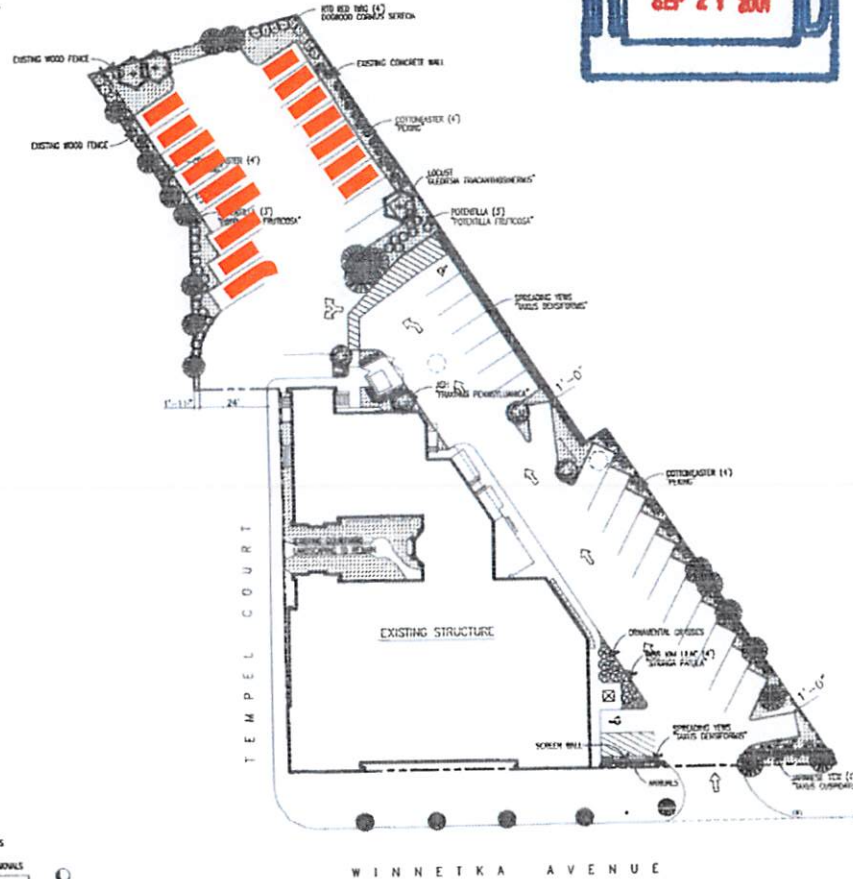
SHRUB PLANTING DETAIL

SCALE: NOT TO SCALE



SCREEN WALL

NOT TO SCALE



LANDSCAPING PLAN

THIS SITE PLAN IS BASED ON THE PLAN OF SURVEY PREPARED BY JOHN P. VICE DATED NOVEMBER 18, 1999.
SCALE: 1"=20'

LANDSCAPE SCHEDULE			
SYMBOL	DESCRIPTION	SIZE	QUANTITY
	ORNAMENTAL GRASSES		
	SHRUB		
	ANNUAL PLANTING		
	POTENTILLA FRUTICOSA	2'-0" H.	25
	POTENTILLA FRUTICOSA	4'-0" H.	15
	POTENTILLA FRUTICOSA	3'-0" H.	13
	POTENTILLA FRUTICOSA	4'-0" H.	30
	POTENTILLA FRUTICOSA	2'-0" H.	70
	POTENTILLA FRUTICOSA	4'-0" H.	8
	POTENTILLA FRUTICOSA	8' CAL.	3
	POTENTILLA FRUTICOSA	8' CAL.	1
	POTENTILLA FRUTICOSA	-	24
	POTENTILLA FRUTICOSA	8' CAL.	<2>

NOTES

1. NO PLANTING SHALL BE INSTALLED UNTIL ALL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
2. LANDSCAPE CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS ON PROPERTY.
3. REPAIR DAMAGE TO PROPERTY FROM PLANTING AT NO COST TO OWNER.
4. LANDSCAPE CONTRACTOR SHALL GUARANTEE NEW PLANT MATERIAL FOR ONE YEAR FROM THE TIME OF ACCEPTANCE BY OWNER.
5. ALL PLANTINGS SHALL BE PROVIDED WITH HARD WOOD BARK (NON-FLOATING TYPE).

OFFICE SUITES

454 WINNETKA ROAD

LANDSCAPING PLAN

ROBERT A. MURPHY ARCHITECTS, LTD.

1000 W. 10TH AVENUE, SUITE 100, DENVER, CO 80202

DATE: _____

BY: _____

L1

ORDINANCE NO. M-27-2001**AN ORDINANCE GRANTING A SPECIAL USE PERMIT AND A VARIATION IN THE APPLICATION OF THE ZONING ORDINANCE OF THE VILLAGE OF WINNETKA, COOK COUNTY, ILLINOIS (452-462 Winnetka Avenue and 82-86 Tempel Court)**

WHEREAS, there has been presented to the Council of the Village of Winnetka, Cook County, Illinois, the request of the owner of the following described real estate (the "Subject Property"):

PARCEL 1: That part of Lot 6 lying Easterly of a line drawn parallel to and 45 feet Northeasterly from (measured at right angles to) the Westerly line of said Lot 6 in Owners Subdivision of Lots 1, 2, 3, 4 and 5 in Block 3 of Tempel's Resubdivision of that part of the West half of the Northeast quarter of Section 28, Township 42 North, Range 13 East of the Third Principal Meridian, lying East of the Chicago and Milwaukee Electric Railway right of way and North of the Village limits of Kenilworth, Cook County, Illinois, in Book of Plats 98, Page 9, filed as Document 4133672.

PARCEL 2: Lot 7 and 8 (except the West 45 feet of the North 56.16 feet of Lot 8 and except all that part of Lot 7 and Lot 8 (except the North 56.16 feet of said Lot 8) lying Westerly of a line drawn parallel to and 45 feet Northeasterly of the Southwesterly line of Lot 7 (measured at right angles) in Owners Subdivision of Lots 1, 2, 3, 4 and 5 in Block 3 of Tempel's Resubdivision of that part of the West half of the Northeast quarter of Section 28, Township 42 North, Range 13 East of the Third Principal Meridian, lying East of the Chicago and Milwaukee Electric Railway right of way and North of the Village limits of Kenilworth, Cook County, Illinois, in Book of Plats 98, Page 9, filed as Document 4133672.

PARCEL 3: That part of Lot 6, Lot 7 and Lot 8 (except the North 56.16 feet of said Lot 8) in Owners Subdivision lying Westerly of a line drawn parallel to and 45 feet Northeasterly of the southwesterly line of Lot 7 (measured at right angles) and lying Easterly of the following described line: Commencing at a point in the southerly line of said Lot 6, Distant 10.0 feet Easterly of (measured at right angles to) the Southwesterly line of said Subdivision, 187.52 feet to a point; thence Southwesterly at right angles to the last described course, 8.75 feet to a point in a line which is parallel with and 1.25 feet Easterly of, measured at right angles to the Southwesterly line of said Subdivision; thence Northwesterly along the last described parallel straight line to an intersection with the West line of said Lot 8, said West line being also the East line of the Northwest quarter of Section 28, Township 42 North, Range 13 East of the Third Principal Meridian, Owners Subdivision of Lots 1, 2, 3, 4 and 5 in Block 3 of Tempel's Resubdivision of that part of the West half of the Northeast quarter of Section 28, Township 42 North, Range 13 East of the Third Principal Meridian, lying East of the Chicago and Milwaukee Electric Railway right of way and North of the Village limits of Kenilworth, Cook County, Illinois, in Book of Plats 98, Page 9, filed as Document 4133672.

PARCEL 4: All that part of the Northwest quarter of Section 28, Township 42 North, Range 13 East of the Third Principal Meridian, lying Easterly of a line drawn parallel with and 41.25 feet Easterly of the Easterly right of way of the Chicago Northwestern Railway Company, measured at right angles thereto.

PARCEL 5: The West 45 feet of the North 56.16 feet of Lot 8 in Owner's Subdivision (Hereinafter described) that part of Lot 6, Lot 7 and Lot 8 (except the North 56.16 feet of said Lot 8) in Owner's Subdivision lying Westerly of a line drawn parallel to and 45 feet Northeasterly of the Southwesterly line of Lot 7 (measured at right angles) and lying Easterly of the following described line: Commencing at a point in the Southerly line of said Lot 6, Distant 10.0 feet Easterly of measured at right angles to the Southwesterly line of said subdivision; thence Northwesterly on a straight line parallel with and 10.0 feet Easterly of measured at right angles, to the Southwesterly line of said subdivision, 187.52 feet to a point, thence Southwesterly at right angles to the last described course, 8.75 feet to a point in a line which is parallel with and 1.35 feet Easterly of, measured at right angles to the Southwesterly line of said subdivision, thence Northwesterly along the last described parallel straight line to an intersection with the West line of said Lot 8, said West line being also the East line of the Northwest quarter of Section 28, Township 42 North, Range 13 East of the Third Principal Meridian, in Owners Subdivision of Lots 1, 2, 3, 4 and 5 in Block 3 of Tempel's Resubdivision of that part of the West half of the Northeast quarter of Section 28, Township 42 North, Range 13 East of the Third Principal Meridian, lying East of the Chicago and Milwaukee Electric Railway right of way and North of the Village limits of Kenilworth, Cook County, Illinois, in Book of Plats 98, Page 9, filed as Document 4133672,

commonly known, collectively, as 452-462 Winnetka Avenue and 82-86 Tempel Court, Winnetka, Illinois, and located in the C-1 Commercial Zoning District provided in the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code, for a special use permit pursuant to Chapter 17.56 of the Winnetka Zoning Ordinance, for the construction of a parking lot at grade level; and

WHEREAS, the owner of the Subject Property has also submitted an application for a variation from the landscaping requirements of Section 17.40.010(O) of the Winnetka Zoning Ordinance, to allow a reduced landscape buffer along the east and west property lines, although a landscape buffer of 5.0 feet is required, resulting in a variation of 4 feet (80%), to permit the parking area to be located within one foot of the property line on the Subject Property; and

WHEREAS, the special use permit and variation are being sought in conjunction with the renovation and redevelopment of the existing building on the Subject Property, which will replace existing retail commercial space on the first floor with 27 office spaces, will renovate the 25 residential apartments on the second floor, and will add two new apartments in the attic space; and

WHEREAS, the existing building on the subject Property was built in 1920 as a mixed use building with retail commercial space on the first floor and offices and apartments on the second floor; and

WHEREAS, the commercial space on the first floor has been vacant for several years; and attempts to redevelop the first floor as commercial space have not been successful; and

WHEREAS, on August 22, 2001, on due notice thereof, the Plan Commission met to consider the request for the special use permit and, by the favorable vote of the nine members then in attendance, has found that the proposed redevelopment of the Subject Property is consistent with 27 of 30 applicable provisions of *Winnetka 2020*, The Winnetka Comprehensive Plan, and has recommended that the Village Council grant the special use permit; and

WHEREAS, on September 10, 2001, on due notice thereof, the Zoning Board of Appeals conducted a public hearing on the special use and requested variation and, by the favorable vote of the five members then present, has reported to the Council recommending that the requested variation be granted; and

WHEREAS, on September 18, 2001, the Village Council adopted Resolution R-34-2001, granting a certificate of appropriateness that approved the design and materials for the exterior building renovations and approved the proposed landscape plan; and

WHEREAS, the existing building is currently served by a grade-level, gravel parking lot that has no drainage facilities; and

WHEREAS, the proposed changes to the parking lot will add pavement, drainage and stormwater detention, and will increase the number of parking spaces from approximately 29 marked spaces to 39 spaces; and

WHEREAS, although the proposed number of parking spaces does not meet the zoning ordinance's requirement to provide 2¼ spaces per residential unit, no variation is required for the parking because the building was constructed before 1998 and because the number of residential units requiring parking is being increased less than 15%; and

WHEREAS, there are practical difficulties and unique hardships associated with carrying out the strict application of the Zoning Ordinance with respect to the landscape buffer required for the Subject Property in that: (a) the Subject Property is an irregularly shaped parcel that abuts the east side of the Union Pacific Railroad right-of-way embankment south of the Winnetka Avenue right-of-way; (b) the proposed redevelopment of the Subject Property involves preserving the existing building, which precludes expanding the size of the parking area; (c) the proposed reduction in the size of the landscape buffer will allow the applicant to maximize the number of off-street parking spaces that can be provided; (d) the on-street parking spaces located along the south side of Winnetka Avenue adjacent to the Subject Property are short-term parking spaces; and (e) all the parking spaces along the north side of Winnetka Avenue across from the Subject Property, all of the spaces along the east side of Wilson Avenue on the south side of Winnetka Avenue, have been reserved for use by New Trier High School on school days pursuant to an agreement with the Village of Winnetka; and

WHEREAS, the Subject Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the Zoning Ordinance, because providing a full, 5-foot wide landscaped buffer around the perimeter of the parking lot would reduce the number of available parking spaces and impede ingress and egress to the spaces, which would deter potential tenants from renting space in the building; and

WHEREAS, the requested variation will not alter the essential character of the neighborhood, because it will preserve and improve the appearance of the existing building, which has been a fixture in the neighborhood for approximately 80 years; and

WHEREAS, the requested variation will not impair an adequate supply of light and air because it does not affect the building footprint or building height; and

WHEREAS, the requested landscape variation will not increase the hazard from fire and other dangers to the Subject Property, because it does not affect the building structure, the renovation of which will comply with all applicable building and fire protection codes, and because the variation will allow maximum configuration of the parking, thereby increasing the Subject Property's accessibility by emergency vehicles; and

WHEREAS, there is no evidence that the requested variation will not diminish the taxable value of land and buildings throughout the Village, and the taxable value of the Subject Property may be increased because of the proposed improvements; and

WHEREAS, the requested landscape buffer variation will not contribute to congestion on the public streets, because: (a) it will allow the number of useable parking spaces on the Subject Property to be increased to 39; and (b) the proposed office uses will not generate as much traffic as retail commercial uses in the same space; and

WHEREAS, there is no evidence that the requested landscape buffer variation will otherwise impair the public health, safety, comfort, morals, and welfare of the inhabitants of the Village; and

WHEREAS, the requested variation is in harmony with the general purpose and intent of the Winnetka Zoning Ordinance, in that it provides landscaping on the Subject Property to the extent it is reasonably possible, while supporting the renovation, restoration and rehabilitation of a structurally sound existing building while maintaining the existing scale and appearance of the community and protecting established trees and landscaping; and

WHEREAS, there is no evidence that the public health, safety, comfort, morals and welfare of the inhabitants of the Village will be impaired by the grade level parking lot and

WHEREAS, the proposed exterior parking at ground level will benefit the public health, safety, comfort and welfare of the inhabitants of the Village in that: (a) it will increase the number of off-street parking spaces in an area where parking demand exceeds supply; (b) it will provide adequate drainage for the parking area; and (c) it will improve the appearance of the Subject Property; and

WHEREAS, the proposed ground level parking will further benefit the public health, safety, comfort and welfare of the inhabitants of the Village because it can be constructed without excavating a substantial portion of the Subject Property, thereby reducing the impact of the construction activity and equipment on Winnetka Avenue, which is a heavy traffic area near New Trier High School; and

WHEREAS, the proposed ground level parking area will further benefit the public health, safety, comfort and welfare of the inhabitants of the Village, because it will improve the flow of traffic as it enters and leaves the Subject Property; and

WHEREAS, there is no evidence that the proposed ground level parking will otherwise impair the public health, safety, comfort, morals, and welfare of the inhabitants of the Village; and

WHEREAS, the increased number of parking spaces provided by the proposed ground level parking will help to reduce the demand for parking demand in the streets and parking lots in the immediate vicinity; and

WHEREAS, there is no evidence that the proposed ground level parking, if constructed in accordance with the conditions set forth in this ordinance, will be substantially injurious to the use and enjoyment of other property in the immediate vicinity; and

WHEREAS, there is no evidence that construction of the proposed ground level parking subject to the terms and conditions of this ordinance will impede the normal and orderly development or improvement of other property in the immediate vicinity; and

WHEREAS, 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 proposed off-street parking is configured so as to avoid, to the extent possible, interfering with pedestrian and vehicular traffic; and

WHEREAS, adequate utilities, access roads, drainage and other facilities necessary for the operation of the proposed special use on the Subject Property will be provided when the proposed ground level parking is constructed in compliance with applicable Village Code requirements; and

WHEREAS, the proposed ground level parking, when constructed in accordance with the terms and conditions of this ordinance, will conform to the applicable regulations of the Zoning Ordinance and the Winnetka Village Code.

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

SECTION 1 : That 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: Subject to the terms and conditions hereinafter set forth, there is hereby granted to the Subject Property, commonly known, collectively, as 452-462 Winnetka Avenue and 82-86 Tempel Court, Winnetka, Illinois, and located in the C-1 Commercial Zoning District provided in the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code, a variation from the landscaping requirements of Section 17.40.010(O) of the Winnetka Zoning Ordinance, to allow a reduced landscape buffer along the west property lines, although a landscape buffer of 5.0 feet is required, resulting in a variation of 4 feet (80%), to permit the parking area to be located within one foot of the west property line on the Subject Property, so as to maintain the full, 5.0-foot landscape buffer adjacent to the single-family properties to the east, all in accordance with the plans, materials and elevations submitted with the application for special use permit, as modified and depicted in the landscape and parking plans approved by the Village Council in Resolution R-34-2001.

SECTION 3: Subject to the terms and conditions hereinafter set forth, there is hereby granted to the Subject Property, commonly known, collectively, as 452-462 Winnetka Avenue and 82-86 Tempel Court, Winnetka, Illinois, and located in the C-1 Commercial Zoning District provided in the Winnetka Zoning Ordinance, Title 17 of the Winnetka Village Code, a special use permit as provided in Chapter 17.56 of the Winnetka Zoning Ordinance, to allow the construction of parking lot at grade level,

in accordance with the plans, materials and elevations submitted with the application for special use permit, and in accordance with the landscape and parking plans approved in Resolution R-34-2001.

SECTION 4: That the variation and special use hereby granted are subject to the following conditions: (a) the proposed construction shall commence within 12 months after the effective date of this Ordinance; (b) none of the parking spaces shall be used by or rented to any person who is not either a resident of the building, a commercial tenant of the building, or an employee of a commercial tenant of the building; (c) in assigning parking spaces, the owner and its agents shall give first priority to residential tenants, except that no more than two parking spaces shall be reserved for any one apartment; and (d) the owner and its agents shall be responsible for posting all necessary notices and otherwise providing for the enforcement of the foregoing parking restrictions.

SECTION 5: The stipulations, conditions and restrictions set forth in the foregoing Section 4 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.

SECTION 6: This Ordinance shall take effect immediately upon passage, approval and posting.

ADOPTED this 16th day of October, 2001, pursuant to the following roll call vote:

AYES: Trustees Aquilino, Brower, Greenough, Powell, Presser and Woodbury

NAYS: None

ABSENT: None

APPROVED this 16th day of October, 2001.

Signed:

/s/Michael F. Duhl

Village President

Countersigned:

/s/Douglas G. Williams

Village Clerk

Introduced: October 2, 2001

Posted: October 3, 2001

Passed and Approved: October 16, 2001

Posted: October 17, 2001

October 16, 2001

**MINUTES
WINNETKA VILLAGE COUNCIL REGULAR MEETING**

(Adopted November 6, 2001)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chamber on Tuesday, October 16, 2001, at 7:30 p.m.

1. Call to Order.

President Michael Duhl called the meeting to order at 7:30 p.m. Present: Trustees Barbara Aquilino, Hugh Brower, Nan Greenough, John Powell, Stephen Presser and Edmund Woodbury. Absent: None. Also present: Village Attorney Katherine Janega, Assistant Community Development Director Brian Norkus, Director of Public Works Steven Saunders and about 36 persons in the audience.

2. Pledge of Allegiance.

President Duhl led the group in pledging allegiance to the flag.

3. Approval of the Agenda.

The Council approved the Agenda as drafted.

4. Quorum

- a) November 6, 2001, Regular Meeting. All of the Trustees present indicated that they expected to attend.
- b) November 13, 2001, Study Session. All of the Trustees present indicated that they expected to attend.

5. President Duhl introduced Deputy Police Chief Eric Bennett, who will be serving as the Village's Interim Chief while the Village Manager conducts a national search for a replacement for Chief Gallagher.

6. Village Council Minutes.

- a) October 2, 2001, Regular Meeting. Trustee Presser moved to adopt the minutes as drafted. Trustee Aquilino seconded the motion. By voice vote, the motion carried unanimously.

7. Public Comment and Questions.

Mollybelle Berish commented on the progress of the installation of benches at the Village's train stations. She also inquired whether a meeting scheduled among the various Village board presidents and the boards' chief operating officers constituted a public meeting. Both President Duhl and Attorney Janega informed her that it is not a meeting, as defined in the Open Meetings Act and, therefore, is not subject to that Act.

8. Ordinances and Resolutions.

- a) Ordinance No. M-25-2001 - Zoning Variation: 266 Linden Street - Adoption. Trustee Aquilino, seconded by Trustee Powell, moved to adopt the ordinance granting a GFA variation to allow for a stair enclosure addition. By roll call vote, the motion carried unanimously. Ayes: Trustees: Aquilino, Powell, Woodbury, Greenough, Brower, and Presser. Nays: None. Absent: None
- b) Ordinance No. M-26-2001 - Zoning Variation: 649 Locust Street - Adoption. Trustee Presser, seconded by Trustee Greenough, moved to adopt the ordinance granting a side yard variation. By roll call vote, the motion carried unanimously. Ayes: Trustees Presser, Aquilino, Powell, Woodbury, Greenough, and Brower. Nays: None. Absent: None.
- c) Ordinance No. M-27-2001- Special Use Permit and Zoning Variation: 452-458 Winnetka Avenue/82-86 Tempel Court - Adoption. Attorney Janega briefly summarized action on this issue and reviewed recent correspondence from the applicant agreeing to give residents the first priority on parking. She also commented on amendments drafted into the ordinance as a result of Council's discussion at the last meeting.

Trustee Woodbury again urged that the ordinance specify a designated number of spaces for residential parking. He voiced concern that the number of vehicles associated with office tenants will exceed that predicted by the applicant, resulting in residents being

forced on to the street where there is no parking available.

Dave Kase, the applicant, expressed confidence in their projections and reiterated his commitment to make residential parking the first priority. He noted that at present no shared parking program has been instituted, but that there will be numbered, assigned spaces, with specific passes issued for them.

Trustees Aquilino and Greenough voiced concern that resident assigned spaces might sit unutilized during the day and expressed the belief that market pricing would probably take care of any problems. Most of the Trustees concurred.

Following further discussion about whether spaces should be reserved, Attorney Janega suggested deleting the condition requiring spaces to be reserved for patrons and guests. She also suggested inserting a new Section 5, to add a condition to the Special Use Permit reserving the right of the Council to reexamine and modify the parking conditions in the future if experience makes that necessary.

Trustee Presser, seconded by Trustee Greenough, moved to amend the ordinance as shown in the agenda materials, with further changes as discussed. By voice vote, the motion carried unanimously.

Trustee Greenough, seconded by Trustee Aquilino, moved to the ordinance granting a Special Use Permit and landscape variation. By roll vote, the motion carried unanimously. Ayes: Trustees Greenough, Brower, Presser, Aquilino, Powell, and Woodbury. Nays: None. Absent: None.

d) Resolution No. R-36-2001 - Remote Parking Lot Fees - Adoption. Manager Williams explained that this resolution would permit the Village Manager to issue permits to allow parking on a limited basis at the Village's landfill site by businesses located in the Village. He said that the number of spaces and areas used will not interfere with the Village's use of the site. The resolution establishes a semi-annual charge per vehicle of \$120.00. He noted that this is below the threshold that triggers the Cook County Parking Tax.

Trustee Powell, seconded by Trustee Aquilino, moved to adopt the resolution. By roll call vote, the motion carried unanimously. Ayes: Powell, Woodbury, Greenough, Brower, Presser and Aquilino. Nays: None. Absent: None.

e) Ordinance No. MC-10-2001 - Amends Zoning Ordinance as it Pertains to Non-essential Public Uses - Policy Direction. Attorney Janega explained the genesis of the term "non-essential public uses." She said that this preliminary draft ordinance had been prepared at Council's direction after the October 9th study session, to clarify the use of the term by adding a definition of the term to the Zoning Ordinance. She noted that amending the Zoning Ordinance requires a public hearing, which historically has been conducted by the Village Council, sitting as a Committee of the Whole. She reported that notice would be published for such a hearing to be held on November 6, 2001, should the Council decide to proceed with considering the amendment.

Trustee Presser, seconded by Trustee Woodbury, moved to designate the Village Council, sitting as a Committee of the Whole, as the body before which the proposed zoning amendment should be heard and to set the hearing date for Tuesday, November 6, 2001. By roll call vote, the motion carried unanimously. Ayes: Trustees Presser, Aquilino, Powell, Woodbury, Greenough, and Brower. Nays: None. Absent: None.

f) Ordinance No. M-28-2001 - Special Use Permit & Variation: 411 Linden - Introduction.

Attorney Janega reviewed the draft ordinance prepared after the October 9th study session at which Council determined that the Historical Society is eligible to apply for a special use permit and that it had met the standards for both the special use permit and the requested rear yard setback variation. She explained that the draft contains an extensive recital of the Council's findings, grants the special use and variation, and imposes several conditions, as discussed on October 9th. In addition, it provides for ongoing evaluation of the impact and reserves the right of the Council to modify and revise those conditions from time to time as necessitated by experience.

President Duhl indicated that the Council would discuss the draft an item at a time with the goal of introducing an orally amended draft at this meeting. He pointed out that there will be a new draft, incorporating comments made this evening, for review at the next meeting. Mr. Duhl invited the audience to make remarks about the conditions as the discussion progressed.

President Duhl then led a discussion of the conditions, one at a time.

There were no comments with regard to the construction timeframe.

After extensive discussion about exterior lighting and signage, it was decided to have both aspects be subject to final review by the Village Council after consideration and recommendation by the Design Review Board. It was agreed that the condition that exterior security lighting be consistent with that of a single-family residence and be operated by motion sensors and/or timers; and the

WINNETKA ZONING BOARD OF APPEALS MEETING MINUTES - EXCERPT
OCTOBER 14, 2019 – 7:00 P.M.

Zoning Board Members Present:

Matt Bradley, Chairman
Sarah Balassa
E. Gene Greable
Wally Greenough
Lynn Hadley

Zoning Board Members Absent:

Kim Handler

Village Staff:

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

Case No. 19-25-SU: 454-462 Winnetka Avenue: An application submitted by Sabovic Properties LLC seeking approval of an amendment to an existing special use permit which allows a parking lot but prohibits the leasing or use of the parking spaces to any person who is not a resident of the building, a commercial tenant of the building, or an employee of a commercial tenant of the building at 454-462 Winnetka Avenue. The requested zoning relief would allow the leasing of existing parking spaces to non-tenants and tenant affiliates. The Village Council has final jurisdiction on this request.

Ms. Klaassen stated Sabovic Properties LLC is the owner of the property at 454-462 Winnetka Avenue and has filed an application of approval seeking amendment to an existing special use permit to allow the leasing of 16 spaces to non-tenants and tenant affiliates of the subject property. She stated the subject property is located on the south side of Winnetka Avenue and Temple Court and the UP railroad tracks. Ms. Klaassen stated the site contains an existing 3 story mixed use building.

Ms. Klaassen then stated in October 2001, the Village Council adopted Ordinance M-27-2001 for a special use and a variation to allow the renovation and redevelopment of the subject property which included replacing and expanding a gravel parking lot with a paved surface but without requiring the required 5 foot landscape buffer. She noted the ordinance strictly stated that none of the parking spaces shall be used by or rented to any person who is not either a resident of the building, a commercial tenant of the building or an employee of a commercial tenant of the building. Ms. Klaassen stated in April, Village staff received a complaint from a commercial tenant of the subject property regarding parking spaces being rented to New Trier students in violation of the approved special use. She stated subsequently, a violation notice was sent to the owner and in July, Village staff met with the applicant to discuss the violation and special use process. Ms. Klaassen stated the applicant was informed to either cease leasing parking spaces to non-tenants or tenant affiliates or to request an amendment to the existing special use permit. She stated the applicant decided to proceed with the request to amend the special use permit and commission a parking study. Ms. Klaassen noted the proposed plan does not include any changes to the existing building or any other existing improvements on the site and rather, the applicant is requesting the ability to lease 16 existing parking spaces to non-tenant and tenant affiliates.

Ms. Klaassen stated the applicant provided a site plan locating the 16 parking spaces in question which are designated in red. She stated the existing parking lot consists of 39 parking spaces and the building itself contains approximately 5,600 square feet of office space and 25 apartments. Ms. Klaassen then stated according to the KLOA parking study on July 25, 2019, approximately 2,100 square feet or 37% of the office space and two of the apartments (8%) were vacant at the time of the study. She stated the parking study points out that the number of spaces available for leasing to non-tenants is a function of having vacancies in the building. Ms. Klaassen stated for increased or full occupancy, the parking study indicates a minimum number of available vacant spaces are 7.

1 Ms. Klaassen stated the PC is scheduled to consider this request on October 23, 2019 and the special use permit is
2 subject to final approval of the Village Council. She stated the Board is charged with evaluating special uses for
3 consistency with the standards for granting special uses. Ms. Klaassen then stated following public comment and
4 Board discussion, the Board may make a motion to recommend to the Village Council regarding the requested
5 relief. She stated a draft motion is provided on page 6 of the agenda report. Ms. Klaassen then asked if there were
6 any questions.

7
8 Chairman Bradley asked Ms. Klaassen to speak to the specific requirements that were put upon the applicant at
9 the time the ordinance was passed that the spaces be limited to the parkers in question at the time. Ms. Klaassen
10 stated there was concern the spaces were being rented to people residing on site that were possibly a conflict if
11 they had the same medical use in there or there may not be enough parking for the building's residents. She stated
12 this discussion came up at the Village Council level in 2001. Chairman Bradley stated that with regard to guidance
13 from the Village staff that they either cease violating the ordinance or apply for a special use to allow it, he asked if
14 that was after Village staff became aware from tenant complaints. Ms. Klaassen confirmed that is correct.

15
16 Mr. Greable asked what did tenant affiliates mean. Ms. Klaassen stated the applicant wanted the ability to rent
17 them to whoever signed a lease rather than someone currently residing in one of the residential units, someone
18 renting one of the office spaces, or someone working for one of the commercial tenants. Mr. Greenough asked for
19 specifics in connection with the tenant complaints received. Ms. Klaassen stated there was concern there was not
20 convenient parking for the commercial tenant or no parking at all since they were being rented to New Trier
21 students as opposed to the ability of being able to park onsite. Mr. Greenough stated he spoke to one of the
22 trustees as to the rationale for the decision which was they did not want to push tenant parking onto the street.
23 Ms. Hadley stated when it comes to the commercial tenants, she asked if there are specified parking spots. Ms.
24 Klaassen responded the applicant can answer that question. Ms. Hadley asked if the spaces ceased being rented
25 after the applicant received notice of the violation. Ms. Klaassen stated they are not supposed to be renting the
26 spaces.

27
28 Chairman Bradley then swore in the applicants. Dako Sabovic introduced himself as the property owner. Amro
29 Shamialeh introduced himself as counsel for the applicant. Mr. Sabovic stated he focused the application on
30 framing why it would be in the best interest of the Village to allow parking in the unused spaces. He then clarified
31 the parking study was incorrect in that there are 41 spots as opposed to 39 indicated in the report. Mr. Sabovic
32 also stated the projection provided by KLOA says they are using the worst case scenario in taking the medical office
33 and its traffic and applying it to every unit which he commented is not reasonable. He noted at maximum capacity,
34 less than half of the parking spots are used. He stated with 52 units in the building, at maximum capacity, 20 spots
35 are being used.

36
37 Mr. Sabovic stated even with a 52 unit building, it would be unreasonable to expect 100% occupancy at any point
38 in time and they would be clearly above the 16 figure they requested in the special use application. He then stated
39 they are open to having a conversation as to whether 16 spots is the right number. Chairman Bradley asked how
40 many spaces did they rent to New Trier students and Mr. Sabovic responded 16. He noted a former tenant may
41 have been the one who made the complaint. It was asked if the complaint was not because there were no spots
42 available but the complainant did not get the spot he wanted. Mr. Sabovic confirmed that is correct. He also stated
43 of the commercial tenant units, they have 12 tenants and there are 8 or 9 empty office spaces. Mr. Greenough
44 asked who did the parking for Temple Court belong to. Mr. Sabovic stated that parking is for the town houses
45 located to the east of the Subject Property.

46
47 Chairman Bradley then asked if there is no time restriction on parking and Mr. Sabovic responded by stating that
48 the New Trier students have to be out of the parking space by 5pm with the exception of those who have sports
49 activities. He also stated weekend parking is not allowed. Chairman Bradley asked how the restrictions are
50 specified to the students. Mr. Sabovic responded there is a one page lease with the students. Chairman Bradley
51 then asked if there would ever be a situation where the deeded spaces are unavailable to New Trier students in

1 the event of full occupancy. Mr. Sabovic responded never. Mr. Shamialeh stated for his law practice office, he only
2 went to the office when he had a meeting.
3

4 Ms. Hadley asked if their 16 figure did not include the leased spaces in the summer. Mr. Sabovic confirmed that is
5 correct. Ms. Hadley stated the best case scenario for parking did not leave them 16+ spaces except between 12:30
6 pm and 1pm. Mr. Sabovic stated it would not make sense for them to assume the other 10 units are going to be
7 occupied. Ms. Hadley stated the Board has to assume they will have maximum occupancy. Mr. Sabovic stated they
8 are not stating they are not trying to get to maximum capacity, but the building would never be 100% occupied at
9 one time. He also stated the tenants they normally get are not medical offices and for that to be taken into
10 account in terms of the occupied spaces. Ms. Hadley asked if the Board can recommend the amount be amended
11 for less spaces and Chairman Bradley confirmed that is correct. Mr. Sabovic reminded the Board it would be a
12 benefit to the Village and provide a service to Winnetka if the excess parking spaces are leased to New Trier
13 students .
14

15 Chairman Bradley stated that would be weighed during the Board's discussion and the applicant did provide a
16 mitigating benefit to the noise and chaos of New Trier parking and if there is a public benefit provided by making
17 the spaces available to them since they would otherwise be sitting vacant. He asked if the allowed 16 leased spots
18 to non-tenants intended to codify the 16 existing leaseholds they would have. Mr. Sabovic confirmed there are 15
19 spaces being rented and he would not intentionally cause chaos with tenants being unavailable to find parking.
20

21 Ms. Hadley asked if the site plan is not accurate in that it indicated there are 41 spaces and she counted 39. Mr.
22 Shamialeh identified the two other spaces, one near the fence and another in a blind spot. Mr. Greenough referred
23 to his concern with regard to traffic studies and stated he drove by the area today when there are no students and
24 asked if the New Trier students are parking in those spaces or not. He noted most of the 16 spaces were filled. Mr.
25 Sabovic stated he was there this morning and there is nothing to specify they cannot park there on a holiday.
26

27 Chairman Bradley asked if there were any other questions.
28

29 Mr. Greenough stated if the Board recommended approval for only 7 or 8 spaces, he asked what would the
30 applicant's reaction be. Mr. Sabovic stated with vacancies in commercial spaces, he did not see why they cannot be
31 rented and he would prefer to rent 16 spaces as opposed to 8 and the room is available.
32

33 Mike Pollard, 82 Temple Court, stated he lived there for 4 years and has not experienced any problem parking. He
34 stated he understood the request to rent the spaces and referred to increased taxes on the property. He stated his
35 rent has increased substantially over the last 4 years and he would be in favor of the request. He added there is
36 always parking there and students are always able to find parking. He then stated there are people who live in the
37 building who do not have vehicles.
38

39 Chairman Bradley asked if there were any other questions. Mr. Greable asked Mr. Sabovic how he identified the
40 New Trier students. Mr. Sabovic confirmed they have a special sticker. Ms. Balassa asked if there have been any
41 issues with students and accidents with other vehicles parked there. Mr. Sabovic responded never. Chairman
42 Bradley then called the matter in for discussion.
43

44 Chairman Bradley referred to the standards on page 6 as to whether the applicant has sufficiently met the
45 standards. Mr. Greenough stated he is leaning toward recommending approval only for 9 spaces on the east side
46 of the lot which has the closest access to New Trier. He then stated while the building is not fully occupied, the
47 standards are to assume it would be full and adequate space is needed for tenants and residents. Mr. Greenough
48 then stated the students would have to either find somewhere else to park or have parents drive them with the
49 residents and tenants of the building not having that same flexibility which would make the situation worse.
50

1 Ms. Balassa stated in a lease with the students, she asked how long the term could be and assumed it is for the
2 entire school year. She then stated if they were to limit it to 9 spaces, for the remaining spaces, they could make
3 them subject to a future tenant coming in and the space would revert back to the tenant of the building. Chairman
4 Bradley stated that suggestion might complicate matters. Ms. Hadley stated tying the number of spaces to
5 occupancy would put the onus on the owner or Village to verify the percentage occupancy.
6

7 Chairman Bradley indicated it appeared there are two Board Members in support of recommending approval with
8 a reduction in the number of spaces. Ms. Hadley then suggested a figure higher than 9. She also stated given the
9 intensity of use of the building and offices not having a lot of customer traffic and proximity to the train station,
10 she would be more comfortable in they did not hit the max and it should be closer to the 16 figure.
11

12 Mr. Schoon informed the Board with regard to the two additional spaces, the applicant's special use only approved
13 39 spaces which is not in compliance and was just discovered at this meeting. Chairman Bradley asked Mr. Schoon
14 if it made sense to continue further deliberations until the situation is clarified. Mr. Schoon stated if the Board is
15 making a recommendation based on there being 41 spaces then they may want to continue until that number of
16 spaces is clarified. Chairman Bradley suggested they move the matter to the November meeting. Mr. Greenough
17 stated the PC has to review the request before it is sent to the Village Council and asked if the applicant should be
18 held up by the Board? Ms. Hadley stated the Board cannot approve the resolution for 39 spaces if there are 41
19 spaces. Mr. Greenough stated the approval can be based on 39 spaces. Ms. Balassa stated the approval should be
20 based on what the special use allowed at the time it was issued for 39 spaces. Mr. Schoon confirmed the Board can
21 make a recommendation based on 39 spaces. Chairman Bradley stated the clerical record needed to be corrected.
22 Mr. Greenough added he would like to see a traffic study for an additional day of parking.
23

24 Chairman Bradley asked if the Board should ask the applicant to withdraw the current application and resubmit to
25 the Board in November with the corrected special use permit. Mr. Schoon stated the Board can ask that they want
26 to know how many parking spaces there are and the applicant would need to amend their request for 41 spaces
27 and if there is a majority of the Board which wanted an additional parking study, the results of that parking study
28 would need to be made at a future meeting. Mr. Greable stated it should be done for a day during the school year.
29 Chairman Bradley stated he did not want to put the burden on the applicant to perform another parking study and
30 referred to the defined number of spaces to be allocated to students. He stated either way, it would be a benefit in
31 that they would be adding spaces as opposed to losing them. Mr. Sabovic stated he would be ready to move
32 forward with this petition. Ms. Hadley confirmed it would be for 39 spaces. Mr. Schoon stated staff cannot
33 determine whether the 2 spaces are code compliant and referred to whether the Board is making a
34 recommendation based on 39 spaces. Ms. Hadley stated she would be less inclined to approve 16 spaces if there
35 are only 39 spaces total. Mr. Greable stated the Village Engineer recommended 8 spaces and KLOA recommended
36 7 and he would prefer the figure be either one of those.
37

38 Chairman Bradley stated with regard to the information the Board was provided in the application for 39 spaces of
39 which 16 they are asking to be leasable to non-tenants, there is support from the Board for a motion
40 recommending approval of the special use on the condition that the number be less than 16 unless the application
41 is modified with new information which recently came to light. He stated otherwise, the next step would be to
42 withdraw the application since they do not have an accurate petition before the Board and to rectify the number
43 of spaces. Mr. Sabovic stated they are confident with the 16 figure and reiterated the benefit to the Village. He
44 asked if 12 spaces can be approved for now with the potential for a request for additional spaces at a later date.
45 Chairman Bradley agreed no one is in favor of space sitting vacant and there is a need for students to park there
46 safely and affordably. He then stated with regard to the 2 spaces coming into play after the fact, he presumed they
47 would be held for tenant parking as opposed to leasehold parking. Mr. Sabovic stated that would be fine.
48 Chairman Bradley confirmed the Village would have to codify the spaces are code compliant. He also stated in
49 going up to 41 spaces, the 2 additional spaces would have to be reserved for tenants or leaseholds. Chairman
50 Bradley informed the applicant they can move forward with a recommendation of approval from this Board which
51 states the special use permit would be approved on the condition the leases available to non-tenants and tenant

1 affiliates is maxed at 12. Mr. Greenough stated he would be in favor of 9 spaces on the east side of the lot for New
2 Trier students.
3

4 Chairman Bradley stated it would be to the applicant's benefit to be able to move forward. The Board Members
5 discussed the different numbers they would be comfortable with. Chairman Bradley confirmed the Board is ready
6 to move forward with a recommendation for approval of the special use permit on the condition that only 12
7 spaces be leased to non-tenants or tenant affiliates noting the Board is not the final decision maker and the
8 request would go on to the Village Council. Mr. Sabovic agreed that would be fine.
9

10 Chairman Bradley then asked for a motion. Ms. Hadley moved to recommend approval of the special use permit
11 with the condition that the request for 16 spaces be reduced to 12 spaces. The motion was seconded by Mr.
12 Greenough. A vote was taken and the motion unanimously passed.

13 AYES: Balassa, Bradley, Greable, Greenough, Hadley

14 NAYS: None
15

DRAFT

WINNETKA PLAN COMMISSION MEETING MINUTES EXCERPT
OCTOBER 23, 2019

Members Present:

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

Non-voting Members Present:

Matthew Bradley

Members Absent:

Tina Dalman
Layla Danley

Non-voting Members Absent:

John Swierk

Village Staff:

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

Village Attorney:

Ben Schuster

Case No. 19-26-SU: 454-462 Winnetka Avenue: An application submitted by Sabovic Properties LLC seeking approval of an amendment to an existing Special Use Permit which allows a parking lot but prohibits the leasing or use of the parking spaces to any person who is not a resident of the building, a commercial tenant of the building, or an employee of a commercial tenant of the building at 454-462 Winnetka Avenue. The requested relief would allow the leasing of existing parking spaces to non-tenants and tenant affiliates. The Village Council has final jurisdiction on this request.

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

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

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

1
2 Ms. Klaassen then stated since the ZBA meeting, Village staff met with the applicant to verify the location of the
3 two additional parking spaces not included in the original special use and after consulting with James Bernal, the
4 Assistant Director of Public Works, it was determined that when Space A is occupied, it is difficult for larger
5 vehicles to maneuver the drive aisle to Temple Court. Ms. Klaassen also stated that Space B is also tight when
6 trying to maneuver the same drive aisle. She noted Space B is designated "compact only" and it was determined
7 that the striping for Space A must be removed and Space B must be assigned for compact parking only. Ms.
8 Klaassen stated the applicant provided an amended site plan identifying those two parking spaces with Space A
9 either eliminated or Space B identified as compact only. She stated the applicant has also confirmed he is in
10 agreement with the ZBA's recommendation to allow the leasing of 12 spaces rather than 16 spaces in the original
11 request.

12
13 Ms. Klaassen stated as identified on the amended site plan, the spaces the applicant is requesting to lease are
14 located in the southern portion of the lot and marked in red. She informed the Commission the building itself
15 contains approximately 5,500 square feet of office space and 25 apartments. Ms. Klaassen then stated according
16 to the KLOA parking study on July 25, 2019, approximately 2,100 square feet or 37% of the office space and two of
17 the apartments or 8% were vacant. She stated the parking study points out the number of available parking spaces
18 available for leasing to non-tenant is a function of having current vacancies in the building and when increased for
19 full capacity, the parking study identifies the minimum number of available spaces are as low as 7.

20
21 Ms. Klaassen stated the Commission is to consider whether or not the requested amendment to the existing
22 special use to allow the leasing of 12 spaces is consistent with the Comprehensive Plan and the six standards for
23 granting a special use. She then stated following public comment and Commission discussion, the Commission may
24 make a recommendation to the Village Council regarding the requested relief. Ms. Klaassen noted a draft motion is
25 included on page nos. 8 and 9 of the agenda report. She informed the Commission the draft motion includes the
26 two conditions that Space A be removed as identified on page 5 of the report as well as Space B being identified as
27 "compact only." Ms. Klaassen then asked if there were any questions.

28
29 Chairman Golan asked if the neighbors within the appropriate distance receive adequate notification for this
30 hearing. Ms. Klaassen responded they sent notice for both the ZBA and Commission meetings to all owners within
31 250 feet as well as notice being published in the newspaper. Chairman Golan noted there are no neighbors present
32 to speak. Ms. Klaassen pointed out there was a building resident who spoke in support of the request at the ZBA
33 meeting.

34
35 Ms. Orsic asked if the spaces are being leased out, would that be a disincentive to someone trying to lease the
36 building for retail for example. It was determined the owner would answer. Chairman Golan asked if in the original
37 plan, the 12 spaces were all in the back of the lot. Ms. Klaassen confirmed all 16 were in the back and referred to
38 the original plan. She also confirmed in the amended plan, most of them are on the east with 3 spaces on the west
39 side. Ms. Klaassen also confirmed the change was made to identify the general area of where the leased parkers
40 would park.

41
42 Chairman Golan then swore in those speaking to this matter.

43
44 Amro Shamaileh introduced himself as counsel for the owner, Dako Sabovic. Mr. Shamaileh stated they went to
45 the ZBA with the belief there is room for 16 spaces and following discussion, they agreed to amend the total to 12.
46 He also stated a resident came in to support the request at the 16 figure. Mr. Shamaileh then stated as far as the
47 benefit to Winnetka, it was adequately addressed in their application and he would focus his presentation on the
48 issue of whether there would be congestion, the issue of the parking spaces and whether it would be a
49 disincentive.

50
51 Chairman Golan asked Mr. Shamaileh to readdress the issue of how it would be a benefit for Winnetka. Mr.
52 Shamaileh responded they all know there is a problem with New Trier parking and they want to lease the parking
53 spaces to the students. He then stated the property is sitting empty which is a prime spot in Winnetka and with
54 regard to the type of tenants the office building is getting are for tenants who tend not to come to the building
55 very often thus leaving available parking spaces. Mr. Shamaileh also stated there is .5 parking spaces per unit being

1 used and described it as a waste of space if it cannot be used for this benefit. He also stated it would take
2 vehicles off the street and public parking as well as reduce the number of illegal parking tickets. Mr. Shamaileh
3 added the property would make more money, along with better property value and taxes would go up. He
4 concluded it would be an all-around good use of prime Winnetka real estate.
5

6 Ms. Orsic stated when it was discussed with the ZBA, if someone is coming to look at the property, she asked if
7 they will say they need more parking space or if there was a clause if a business wanted to come in and more space
8 is needed. She also asked if there were any disincentives. Mr. Shamaileh responded it is an office building and is
9 not similar to Walgreen's and the building would contain small office tenants such as an attorney or financial
10 advisor with occasional meeting with clients. He also stated with regard to the types of tenants who would be
11 interested, the parking study shows they are not ones taking up the parking spots.
12

13 Mr. Sabovic stated with the exception of one office, there are meetings there once a week for a student mental
14 health organization which are the only tenants who wanted more than two spaces. He informed the Commission
15 currently, half of the tenants do not want parking and those that want parking are charged \$50 per month and
16 confirmed there are only 10 residents and estimated 10 commercial tenants occupy parking with over half spaces
17 remaining empty. Mr. Sabovic then stated for the New Trier students, there are one year leases with a clause to
18 give them 30 days' notice and their fees are refunded with the space being given back. Mr. Shamaileh added they
19 are willing to pay for parking and if a tenant wanted to move in, they would let the owner know they
20 would pay for the spot and it did not have to be used for New Trier students only. Mr. Sabovic also stated there
21 are not assigned spaces and he would inform them were to park at the beginning of the school year.
22

23 Mr. Vanderlaan stated his questions related to page 17, item 11 and the consideration of providing adequate
24 parking in the commercial areas and to make sure he understood how the proposal would work and the impact on
25 any commercial tenants. He stated the applicant is proposing to lease spaces to New Trier students and asked if
26 there would be a day and time limit Monday to Friday or it would be an open ended lease for use all weekend. Mr.
27 Sabovic responded it would only be for weekdays and there are a few children in extracurricular activities which
28 would stay until 6 or 7pm. Mr. Vanderlaan then stated for the 25 apartments, he asked if there is one space
29 allocated per apartment. Mr. Sabovic stated he assumed there would be one space per apartment and the tenant
30 would be required to pay for that space. Mr. Vanderlaan then stated if there are 40 spaces, 25 apartments with 12
31 of those going to non-tenant leasing, that would leave only 3 spaces to accommodate commercial tenants. He also
32 stated with regard to the parking study, the request started with a commercial tenant complaint. Mr. Sabovic
33 informed the Commission the tenant was a previous tenant who wanted to see his car from his window.
34

35 Ms. Case stated for the residential tenants, parking is extra and not included with the residential lease. She asked
36 with the commercial tenants, is that part of their lease. Mr. Sabovic confirmed that is correct and they allow one
37 space per office. He indicated some commercial tenants have two offices with the second office being used for
38 clients. He also stated 60% of the offices are unoccupied and they have 8 have vacancies out of 27 offices.
39

40 Chairman Golan asked who is the typical residential renter. Mr. Sabovic responded divorcees, seniors and with the
41 exception of only one tenant, no one else has children. Chairman Golan then asked what is the average size of a
42 rental unit. Mr. Sabovic responded one bedroom units measured 650 square feet and most of the apartments are
43 one bedroom units and 2 two bedroom units which were previously one large one bedroom unit. He also stated
44 there are two studios and the rest are one bedroom units. Chairman Golan asked if there were any other
45 questions. No additional questions were raised at this time. He then called the matter in for discussion.
46

47 Mr. Bradley confirmed he would not be voting given the applicant's request was also presented to the ZBA, which
48 asked many of the same questions as the Commission. He stated the KLOA parking and the request of the
49 applicant gave them pause with regard to balancing the public benefit of leasing the spaces which are otherwise
50 vacant to be utilized by everyone and they were in favor of that which would get those vehicles off the street and
51 cure congestion in creative ways. Mr. Bradley stated they wanted them to be able to maximize the use of the
52 spaces. He then stated in connection with the parking study and considering what could happen if the building is
53 fully loaded with commercial and residential tenants, they were worried about that situation creating a capacity
54 problem noting that the special use should be for a predominately office use. He then stated they are in the
55 position because of a tenant complaint which was taken into consideration. Mr. Bradley stated they made a

1 judgment to compromise and they were not aware about the restructuring of what spaces were eliminated. He
2 concluded by stating for parking, it would be sitting largely open based on the KLOA study and he is in support.
3

4 Mr. Vanderlaan agreed the parking study was helpful along with the ZBA comments. He stated he is concerned
5 about overcapacity but based on the current reality, he would be comfortable not letting the space go to waste.
6 Mr. Vanderlaan also stated they heard if there is the potential if it started to fill up with tenants and vehicles and
7 commercial tenants who need more space, a 30 day notice can be served to non-tenant leaseholders. He stated he
8 would suggest putting it into their recommendation that if the demographic changes down the road, there must
9 be an out-clause for the tenants to make use of space.
10

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

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

31 Chairman Golan also stated if the Commission went through the six specific items related to the special use permit
32 and the Comprehensive Plan, he asked if the spaces can preferentially be leased to Winnetka residents since they
33 want things which are beneficial to the Village. Ms. Orsic suggested it should be for any car to be off the street
34 which would be a benefit to the Village. Ms. Case agreed. Mr. Bradley stated the applicant is already doing it and
35 has 12 leases with New Trier students.
36

37 Chairman Golan stated the Commission can either go through the items or someone can make a motion as
38 indicated on page nos. 8 and 9. Ms. Klaassen stated the Commission is to make sure there is no public comment.
39 Chairman Golan asked if there was any public comment and no comments were made at this time.
40

41 Ms. Orsic moved to approve the request pursuant to the findings on page 8 and stated the Commission
42 recommends approval of the special use amendment to the existing special use granted by Ordinance M-27-2001
43 in order to allow leasing of 12 existing parking spaces to non-tenants and tenant affiliates on the subject property
44 subject to parking leases to non-tenants of the building containing a 30-day termination clause to allow the rental
45 of the parking spaces to future residents, commercial tenants and employees of businesses in the building. Mr.
46 Vanderlaan added a stipulation that parking spot A be removed and parking spot B be labeled "Compact Car
47 Only." Ms. Orsic accepted the addition to her motion.
48

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

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

52 NAYS: None

53 NON-VOTING: Bradley