

Winnetka Village Council
REGULAR MEETING
Village Hall
510 Green Bay Road
July 16, 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) August 6, 2019 Regular Meeting
 - b) August 20, 2019 Regular Meeting
 - c) September 3, 2019 Regular Meeting
- 4) Public Comment
- 5) Reports
- 6) Approval of Agenda
- 7) Consent Agenda
 - a) Approval of Warrant List dated June 28 – July 11, 20193
 - b) Resolution No. R-64-2019: Approving Letter of Agreement Renewal with AT&T for Village Kiosk at 794 Oak Street (Adoption).....4
- 8) Ordinances and Resolutions
 - a) Ordinance No. M-8-2019: 949 Fischer Landmark Designation (Introduction).....13
 - b) Ordinance No. M-9-2019: 779 Bryant Landmark Designation (Introduction).....83
 - c) Resolution No. R-63-2019: Approving Rejecting Formal Bids and Entering Into a Contract with Epoxy Flooring US, LLC (Adoption).....116
 - d) Resolution No. R-65-2019: Regarding Zoning, Regulation, Licensing, and Possible Prohibition of Recreational Cannabis Businesses (Adoption)..... 148
- 9) New Business
 - a) 688 & 694 Green Bay Road – Willow Trace Residences Planned Development – Concept Plan Review158

10) Old Business

- a) Status of One Winnetka Development and Related Compliance and Property
Maintenance Issues184

11) Appointments

12) Closed Session

13) Adjournment



Agenda Item Executive Summary

Title: Approval of Warrant List Dated June 28 - July 11, 2019

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 07/16/2019

Consent: ☒ YES ☐ NO

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

Item History:

None.

Executive Summary:

The Warrant List dated June 28 - July 11, 2019 was emailed to each Village Council member.

Recommendation:

Consider approving the Warrant List dated June 28 - July 11, 2019.

Attachments:

None.



Agenda Item Executive Summary

Title: Resolution No. R-64-2019: Approving Letter of Agreement Renewal with AT&T for Village Kiosk at 794 Oak Street (Adoption)

Presenter: David Schoon, Community Development Director

Agenda Date: 07/16/19

Consent: ☒ YES ☐ NO

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

Item History:

None.

Executive Summary:

INTRODUCTION

On July 16, 2019, the Village Council is scheduled to consider Resolution No. R-64-2019, Approving the Renewal of the Letter Agreement with Illinois Bell Telephone Company (AT&T) for the Village's use of a Portion of 794 Oak Street. In February 2005 the Village entered into a lease agreement with SBC Ameritech (AT&T) that allowed the Village to construct a kiosk structure at the corner of Oak, Linden and Green Bay Road. The original agreement has a term of fifteen (15) years, which is set to expire on October 31, 2019.

AT&T has agreed to extend the lease for an additional ten-year period through October 31, 2029, with terms and conditions identical to the existing lease, including that the agreement be at no cost to the Village.

PROPERTY DESCRIPTION AND BACKGROUND

The property at 794 Oak Street serves primarily as a switching station for AT&T phone services, with the existing two-story masonry building constructed by Illinois Bell Telephone in 1932.

The Village designed the existing kiosk structure with the assistance of The Lakota Group and a committee of Village residents, non-profit organizations and the Chamber of Commerce. The kiosk structure incorporated details taken from the previously completed Elm Street bridge reconstruction project, including ornamental light poles, which were used on the kiosk to support the poster frames.

Under an agreement with the Winnetka Chamber of Commerce, the Chamber participated in the cost of constructing the kiosk; one of the three poster locations is reserved for Chamber of Commerce

Executive Summary (continued):

messages. The remaining two poster locations are scheduled by the Village for non-profit events held in the community. The community organizations provide the posters, and Village personnel install the posters in the kiosk at no cost to the group.

Recommendation:

Consider adoption of Resolution No. R-64-2019, authorizing the approval of a ten-year extension to the term of the lease with AT&T to allow the Village to continue to have a kiosk at 794 Oak Street.

Attachments:

Attachment A: Resolution No. R-64-2019, Approving the Renewal of the Letter
Agreement with Illinois Bell Telephone Company (AT&T) for Village's Use of a
Portion of 794 Oak Street

Attachment B: Existing 2005 Lease Agreement

ATTACHMENT A

RESOLUTION NO. R-64-2019

**A RESOLUTION APPROVING THE RENEWAL OF THE LETTER AGREEMENT
WITH ILLINOIS BELL TELEPHONE COMPANY (AT&T) FOR
THE VILLAGE'S USE OF A PORTION 794 OAK STREET**

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

WHEREAS, in February 2005, the Village approved a letter agreement ("**Letter Agreement**") with Illinois Bell Telephone Company (AT&T) ("**AT&T**") pursuant to which AT&T permitted the Village to use a portion of the property owned by AT&T and located at 784 Oak Street, Winnetka, Illinois ("**Property**") for the installation of a sign owned by the Village ("**Sign**") for a 15-year term; and

WHEREAS, the Letter Agreement expires on October 31, 2019; and

WHEREAS, the Village desires to renew and extend the Letter Agreement ("**Renewal**") for an additional 10-year term beginning November 1, 2019 and ending October 31, 2029 ("**Renewal Term**"); and

WHEREAS, the Village Council has determined that it is in the best interests of the Village and its residents to enter into the Renewal with AT&T;

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

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

SECTION 2: APPROVAL OF RENEWAL. The Village Council hereby approves the Renewal of the Letter Agreement with AT&T for the Renewal Term.

SECTION 3: AUTHORIZATION OF RENEWAL. The Village Council hereby authorizes and directs the Village President to execute, on behalf of the Village, any and all documentation to effectuate the Renewal approved in Section 2 of this Resolution.

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

[SIGNATURE PAGE FOLLOWS]

July 16, 2019

R-64-2019

ADOPTED this __ day of _____, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed:

Village President

Countersigned:

Village Clerk

July 16, 2019

R-64-2019



225 W. Randolph, 13th floor
Chicago, IL 60606
email: lb2546@att.com

July 1, 2019

Village of Winnetka
c/o Brian Norkus
Assistant Director of Community Development
510 Green Bay Road
Winnetka, Illinois 60093

Re: Letter Agreement ("Agreement") dated January 14, 2005, by and between Illinois Bell Telephone Company ("AT&T") and The Village of Winnetka ("Village") for the Northeast corner of the AT&T property located at 794 Oak Street, Winnetka, Illinois ("Licensed Property")

Mr. Norkus,

The Village has requested permission to renew the existing Agreement. After consideration, AT&T has decided to extend the term of the Agreement for an additional ten (10) years, provided that the Village agrees that all other terms and conditions of the Agreement remain in full force and effect.

The parties agree that the term of the Agreement is extended from November 1, 2019 through October 31, 2029.

All other terms and conditions of the original agreement remain in full force and effect.

Illinois Bell Telephone Company, LLC

Village of Winnetka

By: *Linda M. Benedetto*
Linda M. Benedetto
Manager – IL & WI PM&T

Date: 7-2-19

By: _____

Date: _____

Enabling Resolution # and date:

Attachment

ATTACHMENT B
2005 LEASE



Joseph D. Buckman
Director
Corporate Real Estate

Ameritech Services, Inc.
425 West Randolph Street
Floor 9
Chicago, IL 60606

312.669.2308 Phone
312.669.2192 Fax

January 14, 2005

Village of Winnetka
% Mr. Brian Norkus
Assistant Director Of Community Development
510 Green Bay Road
Winnetka, Illinois 60093

Dear Mr. Norkus:

The Village of Winnetka (VILLAGE) has requested permission to use a portion of Illinois Bell Telephone Company (SBC Illinois) property at 794 Oak Street, Winnetka, Illinois (the Property) for placing a sign advertising various Village events and not for any political purposes. SBC Illinois grants such permission (License) subject to the following terms and conditions:

VILLAGE use of SBC Illinois' Property is limited to the Northeast corner of the Property, which is located at the intersection of Oak and Linden Streets as indicated on Exhibit "A" (Licensed Premises); and, said sign shall be designed similar to that indicated on Exhibit "B". Electrical service may be buried directly to / from the nearest Village Light Pole to said sign. (Said sign, electrical service and appurtenances to be collectively known as "Village's Facilities".)

VILLAGE use of the Property is limited to a fifteen (15) year term from November 1, 2004 through October 31, 2019.

For the purposes herein set out, the Village shall have the right and privilege of reasonable access to the Licensed Premises for the purposes of exercising the rights and privileges conveyed herein.

Village acknowledges its understanding that SBC Illinois maintains sensitive under ground communications facilities in or in the vicinity of the Licensed Premises which, if damaged, could disrupt SBC Illinois communications services to the public and result in costly repairs, injury and possible death to persons. Village shall exercise due care and caution in its use of the Licensed Premises, including hand digging where appropriate, to locate and avoid damage to any underground cables, fibers, pipes, or other facilities. Village shall also have any and all said facilities located prior to any activity on the Licensed Premises.

This License is granted upon the express condition that the Village in the construction and use of the Licensed Premises shall do no unnecessary injury to any trees, shrubs, lawns, buildings, fences, or appurtenances, above or underground, within the Licensed Premises or adjacent thereto, and shall restore the ground building(s), fences, and appurtenances of said Licensed Premises and adjacent areas to substantially its same condition as they were before the start of such construction work undertaken by the Village and / or its agents or contractors, as the case may be.

Notwithstanding the foregoing, the Village also agrees to indemnify and hold the SBC Illinois harmless from and against any and all claims, actions, losses, damages, costs, liabilities or other expenses arising out of the construction of the Village's Facilities, the use of the Licensed Premises by the Village, or the exercise of the rights and privileges granted herein.

This License is subject to the reservation by the SBC Illinois, its successors and assigns, of the right to maintain all existing facilities, if any, or to install additional facilities, used for telecommunications or other purposes, within the Property, including the Licensed Premises. Village agrees to pay SBC Illinois the full cost to protect, relocate, remove, lower or otherwise rearrange any of SBC Illinois's facilities as may be necessary for the Village to exercise the rights and privileges granted in this License. In the event it is reasonably necessary to accommodate proposed construction, maintenance, operation, replacement, expansion, reconstruction or removal of SBC Illinois's facilities on the Property or the Licensed Premises, the Village, at its option and at its sole cost and expense, may: (1) relocate the Village's Facilities to another location on the Licensed Premises or Property mutually agreeable to SBC and the Village; or (2) if feasible in light of SBC's proposed use, protect, lower, adjust, or temporarily remove the Village's Facilities; or (3) at the request of the Village, if feasible in light of SBC's proposed use, SBC shall relocate its proposed use to a location on Property or Licensed Premises not requiring relocation or alteration of the Village's Facilities; or (4) terminate this License and remove the Village's Facilities.

In exercising the rights and privileges granted in this License, the Village shall fully comply with the provisions, of the Illinois Underground Utility Facilities Damage Prevention Act, 220 ILCS 50/1 et. seq., as may be amended or replaced with comparable provisions. After installation of the Village's Facilities, the Licensed Premises shall not be altered in a manner so as to interfere with the operation and maintenance thereof.

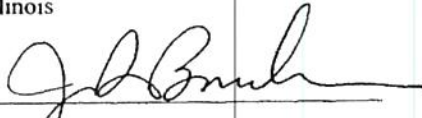
Said License shall not be recorded in the public records. If this License is recorded, it shall become null and void in which event, the Village shall not have any rights to the property in question and shall remove any sign and facilities, which may have been installed.

The Village is required to obtain all necessary permits and zoning required by local authorities.

This License may be terminated by SBC Illinois or the Village with thirty (30) day notice at which time the Village shall remove the Village's Facilities and restore the Licensed Premises to its original condition

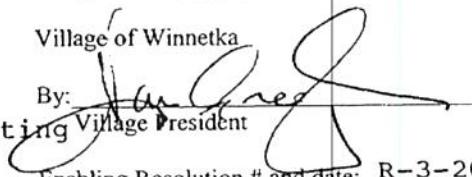
IN WITNESS WHEREOF, SBC Illinois and Village have hereunto set their hands:

SBC Illinois

By: 
Manager Transactions - Corporate Real Estate

Accepted this 1st day of February 2005,

Village of Winnetka

By: 
Acting Village President

Enabling Resolution # and date: R-3-2005, 2/1/05
Title:

This instrument prepared by:
Gerald Friederichs, Senior Attorney

RESOLUTION NO. R-3-2005

**A RESOLUTION AUTHORIZING AN AGREEMENT
BETWEEN THE VILLAGE OF WINNETKA AND SBC COMMUNICATIONS**

WHEREAS, SBC Illinois, is the owner of certain property ("the SBC Property") located at the southwest corner of Oak and Linden Streets in the Village of Winnetka (the "Village"), the northeast corner of which SBC Illinois and its predecessors have informally permitted the Village to use for posting temporary public information signs; and

WHEREAS, SBC Communications and the Village have agreed to the terms of a written agreement whereby SBC Communications will grant an easement in the same area of the SBC Property to allow the Village to improve the signage by installing a kiosk; and

WHEREAS, the terms of the agreement between the Village and SBC Illinois are set forth in the letter attached hereto as Exhibit A/

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

SECTION 1: The foregoing recitals are adopted as the finding of the Village Council, as if fully set forth herein.

SECTION 2: The Village President is hereby authorized and directed to sign, and the Village Clerk to attest, the letter of agreement, substantially in the form set forth in Exhibit A to this Resolution.

SECTION 3: This resolution shall be in full force and effect upon its adoption.

ADOPTED this 1st day of February, 2005, by the following roll call vote of the Council of the Village of Winnetka.

AYES: Trustees Abell, Eilers, Ritchell, Tucker and Woodbury

NAYS: None

ABSENT: President Duhl

Attest:

Debra N. Williams
Village Clerk

Signed:
[Signature]
Acting Village President

February 1, 2005

R-3-2005



Agenda Item Executive Summary

Title: Ordinance No. M-8-2019: 949 Fisher Lane - Landmark Designation (Introduction)

Presenter: David Schoon, Director of Community Development

Agenda Date: 07/16/2019

Consent: ☐ YES ☒ NO

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

Item History:

None.

Executive Summary:

On July 16, the Village Council is scheduled to consider Ordinance No. M-8-2019 in response to an application submitted by Jeffrey and Karen Watts (the "Applicants"). As the owners of the property commonly known as 949 Fisher Lane (the "Subject Property"), the Applicants are requesting that the Subject Property be designated as a locally designated landmark.

The application was considered by the Landmark Preservation Commission (LPC) on March 4, 2019. After hearing from the Applicants, their representatives and no members of the public, a motion to recommend the Village Council designate the Subject Property as a locally designated landmark passed with a vote of 6-0. A report from the LPC to the Village Council outlining the rationale for recommending approval is included as Exhibit B in Ordinance No. M-8-2019. Based on the "System for the Evaluation of Landmarks," the LPC found the level of significance of the Subject Property to be "Unique." The LPC results of the "System for the Evaluation of Landmarks" is included in the LPC report to the Village Council. Additionally, details of the request can be found in the attached February staff report to the LPC (Attachment C).

Subsequent to the LPC meeting in March, the Applicants submitted materials for the LPC to conduct an advisory review of exterior alterations to features that are in need of repair and maintenance. On June 3, 2019, the LPC conducted an advisory review of those exterior alterations and found the work to be appropriate to the preservation of the Subject Property and that the Subject Property continues to meet the criteria for designation as a locally designated landmark. Details of the exterior alterations can be found in the attached May staff report to the LPC (Attachment F).

Attached is a staff report containing more details regarding the request, the LPC's consideration of the application, and additional background information regarding landmark designations.

Recommendation:

Consider introduction of Ordinance No. M-8-2019.

The Ordinance if adopted at subsequent Council meeting would designate the Walter T. and Katherine D. Fisher House at 949 Fisher Lane as a locally designated landmark.

Attachments:

Attachment A: Village Council Agenda Report
Attachment B: Ordinance No. M-8-2019
Attachment C: LPC Staff Report - February 26, 2019
Attachment D: Application Materials
Attachment E: Excerpt of March 4, 2019 LPC Meeting Minutes
Attachment F: LPC Staff Report - May 29, 2019
Attachment G: Excerpt of June 3, 2019 LPC Meeting Minutes
Attachment H: List of Winnetka Landmarks



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: VILLAGE COUNCIL
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: JULY 9, 2019
SUBJECT: M-8-2019: 949 FISHER LANE – LANDMARK DESIGNATION

INTRODUCTION

On July 16, 2019, the Village Council is scheduled to consider the Landmark Preservation Commission (LPC) recommendation regarding an application submitted by the property owners, Jeffrey and Karen Watts, to designate 949 Fisher Lane (the “Subject Property”) as a locally designated landmark.

Local landmark designation requires adoption of an ordinance by the Village Council, after receiving a recommendation and report from the LPC pursuant to an application submitted by the property owner(s). The Village Council shall take one of the following actions: (1) designate the landmark by ordinance; (2) refer the report and recommendation back to the LPC with suggestions for revisions and stating reasons for such action; or (3) deny designation of the landmark.

ADVISORY COMMISSION CONSIDERATION AND RECOMMENDATION

The LPC considered the application for local landmark designation at its meeting on March 4, 2019 (Attachment C contains the staff report and Attachment E contains minutes from that meeting). After hearing from the applicants and their representatives, and no members of the public, a motion to recommend the Village Council designate 949 Fisher Lane as a locally designated landmark passed with a vote of 6-0. Based on the “System for the Evaluation of Landmarks,” the LPC found the level of significance of the Subject Property to be “Unique.” The “System for the Evaluation of Landmarks” is a scoring system used to determine the level of significance. The Commission found the property meets the criteria for designation. In fact, the LPC found the Walter T. and Katherine D. Fisher House at 949 Fisher Lane to be one of the most unique homes in the Village and an outstanding example of International architecture. A report outlining the rationale for recommending approval of the application as well as the LPC results of the “System for the Evaluation of Landmarks” is provided in Exhibit B of Ordinance M-8-2019.

Subsequent to the LPC meeting on March 4, 2019, the property owners submitted materials for the LPC to conduct an advisory review of exterior alterations to features that are in need of repair and maintenance. The work includes the following: (1) painting of railings on the upper floor/roof deck; (2) painting of window and door trim; (3) painting of window glazing; (4) replacement of mortar in certain areas where repairs have been made over the years and does not match; and (5) tuck pointing of parapets. After submitting these materials, the Applicant had discussions with staff regarding whether or not they wanted to continue through the local landmark designation process. In the end they decided to move forward with the designation.

On June 3, 2019, the LPC conducted an advisory review of the exterior alterations described above. After hearing from the applicants, the four voting members present found the exterior alterations appropriate to the preservation of the property and that the property continues to meet the criteria for designation as a locally designated landmark. (Attachment F contains the staff report and Attachment G contains minutes from the June meeting).

ADDITIONAL BACKGROUND INFORMATION

Current Local Landmarks. The last property to be designated as a locally designated landmark was 1153 Asbury Avenue. On June 5, 2012, Ordinance M-8-2012 was adopted by the Village Council designating 1153 Asbury Avenue as a locally designated landmark. Currently, there are 27 properties designated as locally designated landmarks and one property that is a locally certified landmark. A list of landmarks in the Village is provided in Attachment H.

Locally Designated Landmarks vs Locally Certified Landmarks. The owner(s) of a designated landmark, the alteration of which is subject to the advisory review of the LPC, may request that any alteration be subject to the *binding* review of the LPC. Upon approval of such request by the LPC, a declaration shall be recorded by the Village in the office of the Cook County Recorder of Deeds. Upon recordation the designated landmark becomes a certified landmark, and any proposed exterior alterations *require approval* by the LPC prior to the improvements being made. After a designated landmark has been certified, the certification shall not be withdrawn except for an express determination set forth in a resolution of the Village Council. At this time, the applicants are not requesting certified landmark status. The request is to have the property recognized as a designated landmark, which requires an *advisory* review of proposed exterior alterations by the LPC.

State Property Tax Assessment Freeze Program. Given questions that were raised in 2012 when the Village Council last considered an application for landmark designation, the following information regarding the Property Tax Assessment Freeze is being provided as additional background.

The Property Tax Assessment Freeze Program (the “Program”) is administered by the Illinois State Historic Preservation Office (SHPO). The Program freezes the assessed value of a historic, owner-occupied principal residence (base year valuation) for eight years when the owner undertakes a substantial, approved rehabilitation. After eight years, the assessed value is brought back to market level over a period of four years: Year 1 - base valuation plus 25% of the adjustment in value; Year 2 - base year valuation plus 50% of the adjustment in value; Year 3 – base year valuation plus 75% of the adjustment in value; and Year 4 – the then fair current market value.

To qualify for the Program, a property must: (1) be a certified historic structure, either by listing on the National Register of Historic Places individually or in a district, or by local landmark designation in a community with an approved historic preservation ordinance; (2) be a single-family, owner-occupied, principal residence; (3) undergo a rehabilitation that has eligible expenses equal to or exceeding 25% of the property’s fair market value within a two year period; and (4) undergo a rehabilitation that meets the Secretary of the Interior’s “Standards for Rehabilitation.”

It is important to note that not every locally designated landmark qualifies for the Program. Additionally, a property does not need to be designated as a local landmark to qualify for the Program. A property that is listed on the National Register of Historic Places, but not designated as a local landmark, can also apply to the Program. Since 1986, 16 projects in the Village have participated in the Program.

For additional details regarding the application for 949 Fisher Lane, please see the LPC staff reports that are included as Attachments C and F in this report as well as the report from the LPC outlining the rationale for recommending approval of the application (Exhibit B of Ordinance).

RECOMMENDATION

Consider introduction of Ordinance M-8-2019. The Ordinance would designate the Walter T. and Katherine D. Fisher House at 949 Fisher Lane as a locally designated landmark.

ATTACHMENT B

ORDINANCE NO. M-8-2019

AN ORDINANCE DESIGNATING 949 FISHER LANE AS A LANDMARK

WHEREAS, Jeffrey Watts and Karen Watts ("**Owners**") are the owners of the property commonly known as 949 Fisher Lane, 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 improved with a single family home known as the Walter T. and Katherine D. Fisher House ("**Fisher House**"); and

WHEREAS, Chapter 15.64 of the Winnetka Village Code ("**Village Code**"), titled "Landmark Preservation," sets forth standards and procedures for preserving, protecting, enhancing, rehabilitating, and regulating buildings, structures, objects, and places of historical, cultural, or architectural significance ("**Landmark Regulations**"); and

WHEREAS, pursuant to Section 15.64.040 of the Landmark Regulations, the Owners submitted an application for the designation of the Subject Property as a landmark to the Director of Community Development for consideration by the Landmark Preservation Commission ("**Commission**"); and

WHEREAS, pursuant to, and in accordance with, the Landmark Regulations, a duly noticed public hearing of the Commission to consider the Owners' application was held on March 4, 2019; and

WHEREAS, on March 4, 2019, the Commission made findings, which findings are attached as **Exhibit B**, and evaluated the application and the Subject Property using the Village's System for the Evaluation of Landmarks and gave the Subject Property an overall score of 89.8, resulting in the highest rating of "unique"; and

WHEREAS, pursuant to the findings made by the Commission and the overall rating of the Subject Property as unique, the Commission: (i) determined that the Subject Property meets the criteria for the evaluation of landmarks set forth in the Landmark Regulations; and (ii) unanimously recommended that the Village Council designate the Subject Property as a landmark; and

WHEREAS, the Village Council has considered the recommendation of the Commission and has determined that it is in the best interest of the Village and its residents to accept the findings and recommendation of the Commission, which findings are incorporated herein, and approve the designation of the Subject Property as a landmark;

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: LANDMARK DESIGNATION. In accordance with, and pursuant to, Section 15.64.040 of the Village Code, the Village Council hereby designates the Subject Property as a locally designated landmark.

SECTION 3: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

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: July 16, 2019

Passed and Approved: _____, 2019

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

That part of Block 2 in the Hubbard Estate Subdivision in the Northeast Fractional $\frac{1}{4}$ of Section 17, Township 42 North, Range 13, East of the Third Principal Meridian, commencing at a point on the West line of said Block 2, 200 Feet South of the North line thereof, thence East along a line parallel to and 200 Feet South of the North line of Block 2, 245.3 Feet to the Northwest corner of Lot 1 in the Fisher Subdivision of part of Block 2 aforesaid, thence South along the West line of Lot 1 aforesaid, 211 Feet to the Southwest corner of Lot 1 aforesaid, thence Westerly along the Southerly line of Block 2 aforesaid, 322.7 Feet, more or less, to the Southwest corner of said Block 2, thence Northerly along the Westerly line of said Block 2, 123.5 Feet, more or less to the place of beginning, in Cook County, Illinois.

Commonly known as 949 Fisher Lane, Winnetka, Illinois.

PIN: 05-17-200-044-0000

EXHIBIT B
LANDMARK PRESERVATION COMMISSION FINDINGS
(SEE ATTACHED EXHIBIT B)

EXHIBIT B



CONSIDERATION OF LANDMARK ELIGIBILITY

Walter T. and Katherine D. Fisher House
949 Fisher Lane, Winnetka

This report is an integral part of the March 4, 2019 Landmark Preservation Commission meeting minutes and is also compiled based on the submitted application for local landmark designation written by Susan Benjamin and Gwen Sommers Yant of Benjamin Historic Certifications.



Figure 1 – 949 Fisher Lane (May 2019)

Findings of the Commission

Based on the System for the Evaluation of Landmarks contained in Chapter 15.64 of the Village Code titled “Landmark Preservation” (see attached rating sheet), 949 Fisher Lane was rated a “Unique” property with a score of “89.8”.

Architectural Type, Style and Period. The Walter T. and Katherine D. Fisher House was built in 1929 in the International style. The Commission found the house to be a high-style example of an architectural style

that is rare in Winnetka and which retains a high degree of integrity. Few residences were built in the International style in Winnetka or in other villages on the North Shore. Rarer still were large high-style International style houses on large lots, or examples of the style dating from the 1920's.

Based on these facts, the architectural type, style and period of the home were judged to be "extremely rare", with a rating of "5".

Method of Construction. The Fisher House is constructed of brick and is unique due to its planar surfaces, crisp geometry and sparseness of detail. It is constructed of quality materials (ex. copper flashing, steel windows) and exhibits a high quality of craftsmanship (ex. brickwork, interior handrail, terra cotta drinking fountain) and detail (ex. built-ins, door design). The Commission also found the house to be unique in that the major design consideration was based on function, not style. The intent was to design a home that was totally functional for a family of two adults and several children and to embrace outdoor activities, hence the upper level and roof deck. Furthermore, the Fisher House received wide critical acclaim from the architectural, arts and popular presses, being featured in *The Architectural Record* (November, 1929), *The Arts* (February, 1930) and *House Beautiful* (March, 1930).

With regard to rarity in method of construction, the home was judged to be "extremely rare" and therefore rated a "5".

Association with an Historical Event, Person, or Cultural Activity. Walter T. and Katherine D. Fisher were the original owners and owned the property until 1963 when the property was purchased by Edwin M. Bush, Jr. and Susanne Bradley Bush. The estate of Susanne Bradley Bush Wilcox sold the property to the current owners in 2018.

The Fisher House has a strong association with the life and activities of persons who contributed to historic and cultural events – most directly with: (1) owners Walter T. and Katherine D. Fisher who made significant contributions on the local, state and even national levels during the 35 years they resided in the house, (2) architect Howard Fisher, (3) U.S. Secretary of the Interior and Mrs. Walter L. Fisher, the parents of Walter T. Fisher, (4) modern artist Margaret Fisher, and (5) modern dancer/choreographer Ruth Page.

With regard to association with an historical event, person or cultural activity, the Commission rated the home as a "5", association at the state, county or local level.

Association with an Architect or Master Builder. The architect for the Fisher House was Howard Taylor Fisher, the youngest brother of owner Walter T. Fisher. This was the first house by Howard Fisher; he was 25 years old when he designed the home. Howard's design of the Fisher House was considered remarkable and published in many articles and gained praise from the time it was first built. He was ahead of his time, which was noteworthy for an architect of his age. The Fisher House was designed at the time European modernism was just being introduced to the United States. Howard went on to have a distinguished career as an architect, city planner and educator. Howard Fisher became a leading pioneer in the field of prefabricated houses, starting the innovative company General Houses, Inc. The company's first project was on a nearby lot along Winnetka's lakefront. Howard Fisher was recognized with the American Institute of Architects' (AIA) highest honor – election as a Fellow. His importance extends beyond architecture, to city planning, with his involvement in the development of GIS technology.

The Commission rated the home as a "5", association with an architect on a national level.

Established or Familiar Visual Feature. The Fisher House is located at the northeast corner of Fisher Lane and Fisher Crescent Lane. The Commission felt that this is a grand and very unique home that is certainly recognizable in the neighborhood. Therefore, the Commission rated the home as a “symbol of a neighborhood or a conspicuous and familiar structure in the context of the entire Village,” warranting a score of “4”.

Originality. With the exception of a greenhouse that was added above a porch on the southeast corner of the home, which has since been removed, there have not been any structural alterations to the home. In fact, the original steel windows and cork floor all remain. Given the fact there have been no major alterations, the Commission rated the home’s alterations of design integrity as “excellent”, warranting a score of “5”.

Age of Structure. The Fisher House was constructed in 1929, therefore, the home warrants a score of “3”.

Alteration of Surrounding Properties (View from Property). Some homes in the neighborhood have been torn down and replaced with new homes but many of the original prominent homes still remain intact. The Commission determined the existing conditions of the surrounding area to consist of “minor alterations”, which warranted a score of “3”.

Alteration of Original Site (View of Property). The large lot has been heavily landscaped for years; many of the original trees planted by the Fishers remain today. The Commission determined the condition of the site to be “original”, which warranted a score of “5”.

Structural Condition. The Commission determined the structural condition to be “exceptional”, which warranted a score of “5”.

Resolution

The Landmark Preservation Commission found the Walter T. and Katherine D. Fisher House at 949 Fisher Lane to be highly significant and more than satisfy the criteria for local landmark designation. The Commission found the property to be historically significant given its strong association with three generations of the accomplished family of nationally-prominent lawyer, civic reformer and conservationist Walter L. Fisher and his wife Maybel Taylor Fisher. Additionally, the Commission found the Fisher House to be significant due to its association with the architect Howard T. Fisher. Lastly, the Commission found the Fisher House to be architecturally significant based on its sophistication, quality, integrity and rarity of the International style. The Commission found the Fisher House to be one of the most unique homes in the Village and is excited to recommend such an outstanding example of International architecture that maintains remarkable integrity.

Based upon these considerations and the System for Evaluation rating of “Unique”, with a score of “89.8”, the Commission unanimously voted to recommend that the Village Council designate the Walter T. and Katherine D. Fisher House at 949 Fisher Lane as a local landmark.

Respectfully Submitted,

Louise Holland
Katie Comstock
Chris Enck
Laura Good

Joseph Stewart
Beth Ann Papoutsis
Paul Weaver

SYSTEM FOR THE EVALUATION OF LANDMARKS

TIER 1

CATEGORY	FACTORS	POINT VALUE	WEIGHT*	SCORE
Rarity: Architectural Type, Style and Period	-Extremely Rare	⑤	<u>10</u>	<u>50</u>
	-Rare	4		
	-Somewhat Rare	2		
	-Common	0		
Rarity: Method of construction and its application	-Extremely Rare	⑤	<u>1</u>	<u>5</u>
	-Rare	4		
	-Somewhat Rare	2		
	-Common	0		
Association with an Historical Event, Person, or Cultural Activity	-National	5	<u>1</u>	<u>5</u>
	-State, County or Local	⑤		
	-None	0		
Association with an Architect or Master Builder	-National	⑤	<u>1</u>	<u>5</u>
	-State, County or Local	5		
	-Architect or builder identified but of no known importance	1		
	-Architect or builder unknown	0		
Established or Familiar Visual Feature	-Symbol of Village as a whole	5	<u>1</u>	<u>4</u>
	-Symbol of a neighbor- hood or a conspicuous and familiar structure in the context of the entire Village	④		
	-A conspicuous and familiar structure in the context of a neighborhood	3		
	-Not particularly conspicuous or familiar	0		

Tier 1 Score 69
(Add Above 5 lines)

*The (or a) category with the highest point value is given a weight of 10. All other categories are weighted 1.

TIER 2

CATEGORY	FACTORS	POINT VALUE		WEIGHT		SCORE
Alteration of (Originality) Design Integrity	-Excellent	5				
	-Good	4				
	-Fair	3	☐	10	=	50
	-Poor	0				
Age of Structure	-pre-1900	5				
	-1900-1930	3	☐	4	=	12
	-1931-1950	2				
	-1951 to present	1				
Alteration of Surrounding Properties (View from Property)	-Original	5				
	-Minor Alterations	3	☐	4	=	12
	-Major Alterations	0				
Alteration of Original Site (View of Property)	-Original	5				
	-Minor Alterations	3	☐	3	=	15
	-Major Alterations	0				
Structural Condition	-Exceptional	5				
	-Good	3	☐	3	=	15
	-Fair	1				
	-Deteriorated	0				
Tier 2 Score						104
(Add Above 5 Lines)						104
Avg. Tier 2 Score						20.8
(Divide Total by 5)						20.8

69 Tier 1 Score	+	20.8 Avg. Tier 2 Score	=	90.8 Total Score
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Level of Significance

<u>Total Points</u>	<u>Category</u>
80-94	Unique
65-79	Significant
50-64	Important



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: LANDMARK PRESERVATION COMMISSION
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: FEBRUARY 26, 2019
SUBJECT: CASE NO. 19-05-LPC: 949 FISHER LANE - LANDMARK DESIGNATION

INTRODUCTION

On March 4, 2019 the Landmark Preservation Commission (LPC) is scheduled to hold a public hearing on an application submitted by Jeffrey and Karen Watts (the "Applicants") as the owners of the property commonly known as 949 Fisher Lane (the "Subject Property"), to have the Subject Property designated as a local landmark.

A mailed notice was sent to owners of properties contiguous to and across from the Subject Property. As of the date of this memo, staff has not received written comment from the public regarding this application.

The Village Council has final jurisdiction on this request as only the Council has the authority to designate a landmark by ordinance.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 1.18 acres in size, is located at the northeast corner of Fisher Lane and Fisher Crescent Lane and contains a single family residence. The property is zoned R-2 Single Family Residential, and it is surrounded by R-2 Single Family Residential. The Subject Property is identified on a GIS aerial map on the following page (Figure 1).

The Comprehensive Plan designates the Subject Property as appropriate for single family residential development. The zoning of the property is consistent with the Comprehensive Plan.

PROPERTY HISTORY

Constructed in 1929, the residence was designed by Howard Taylor Fisher for Walter Taylor Fisher. According to Village files, no subsequent building permits were issued that would have altered the residence. The Applicants acquired the property in September 2018.

The Applicants have provided a written statement describing the residence and reasons in support of the proposed designation, along with current and older photographs of the Subject Property, all of which are included in this report as Attachment A.

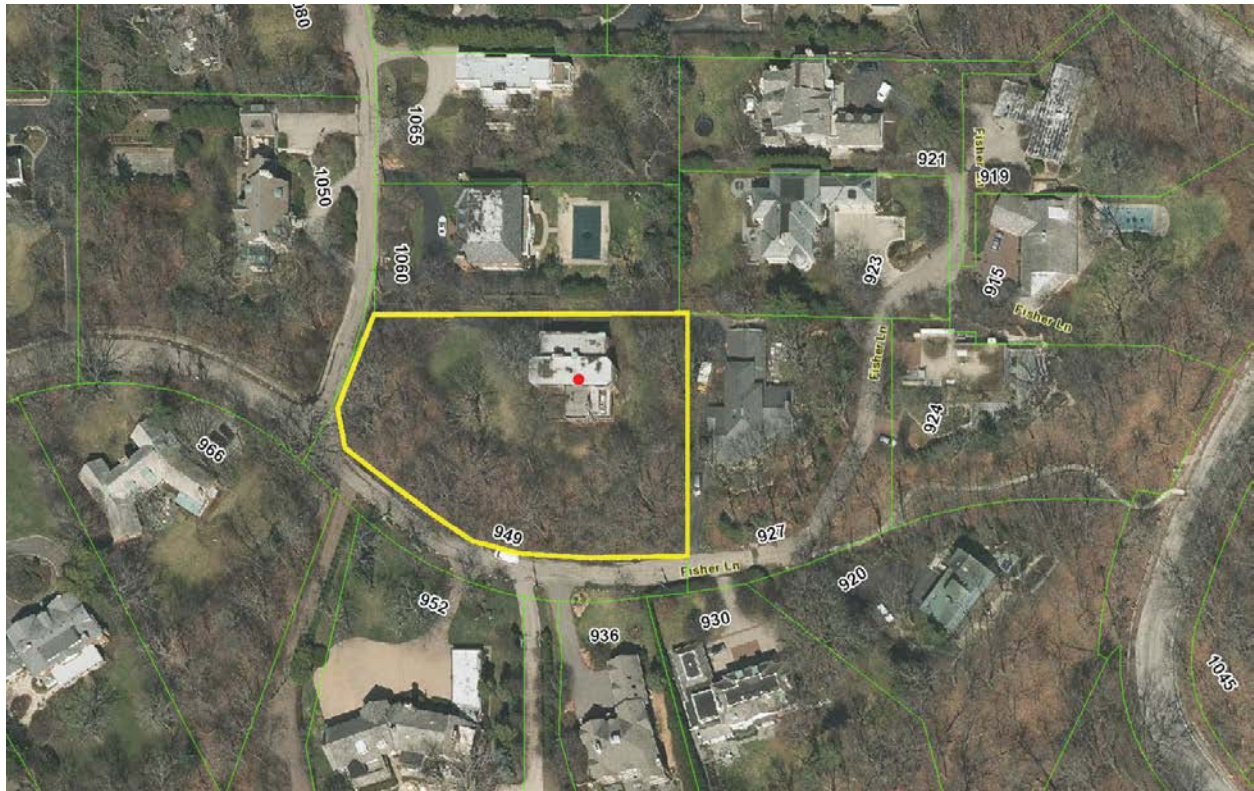


Figure 1 – Subject Property

COMMISSION REVIEW

The LPC is to make findings and a recommendation to the Village Council on the application. Following receipt of testimony at the public hearing, the LPC shall make its determination and recommendation to the Village Council that, based on the evidence received at the public hearing, the Subject Property does or does not meet the criteria for designation. The criteria to consider when evaluating a potential landmark are as follows:

1. General Considerations:
 - a. The structure, building, object or site has significant character, interest or value as part of the historic, cultural or architectural characteristics of the Village, the state or the United States;
 - b. The structure, building, object or site is closely identified with a person or persons who significantly contributed to the culture or development of the Village, the state or the United States;
 - c. The structure, building, object or site is the result of the notable efforts of, or is the only known example of work by, a master builder, designer, architect, architectural firm or artist whose individual accomplishment has influenced the development of the Village, the state or the United States;
 - d. The unique location or singular physical characteristics of the structure, building, object or site make it an established and important visual feature;
 - e. The activities associated with the structure, building, object or site make it a current or former focal point of reference in the Village;
 - f. The structure, building or object is of a type or is associated with a use once common

but now rare, or is a particularly fine or unique example of a utilitarian structure and possesses a high level of integrity or architectural significance.

2. Architectural Significance

- a. The structure, building, object or site represents certain distinguishing characteristics of architecture inherently valuable for the study of a time period, type of property, method of construction or use of indigenous materials;
- b. The structure, building, object or site embodies elements of design, detail, material or craftsmanship of exceptional quality;
- c. The structure, building, object or site exemplifies a particular architectural style in terms of detail, material, and workmanship.
- d. The structure, building, object or site is one of the few remaining examples of a particular architectural style;
- e. The structure, building, object or site is, or is part of, a contiguous grouping that has a sense of cohesiveness expressed through a similarity of style characteristics, time period, type of property, method of construction, or use of indigenous materials, and accents the architectural significance of an area.

3. Historical Significance:

- a. The structure, building, object or site is an exceptional example or an historic or vernacular style, or is one of the few such remaining properties in the Village;
- b. The structure, building, object or site has a strong association with the life or activities of a person, persons, organization or group who significantly contributed to or participated in historic or cultural events;
- c. The structure, building, object or site is associated with a notable historic event.

To assist the LPC in the review of nominations, the Village Council adopted the System for the Evaluation of Landmarks, a copy of which is provided as Attachment B to this report. The System for the Evaluation of Landmarks is consistent with the criteria listed above and is a scoring system to determine the level of significance of the Subject Property.

Additionally, the LPC's recommendation may include an explanation of a significant feature or features of the Subject Property that should be preserved and protected, as well as any other information the LPC may deem pertinent to the determination or recommendation.

FINDINGS

In the attached application materials submitted by the Applicants, the Applicants have provided an evaluation of the Subject Property identifying how the property meets the criteria for landmark designation. Does the LPC find that the Subject Property meets the criteria for designation as a local landmark; and if so, is the LPC prepared to make a recommendation to the Village Council regarding the requested landmark nomination?

In the next section, we ask about information that is important in evaluating landmark requests. For questions that are not relevant, write “none” or “not known”. Please provide sources for your information. Referring to the title and page number of a book is fine. For other documents, it would help to include a photocopy of your source. If the source is Village Hall, simply write what the reference is, for example: “Water hook up – Village Hall.”

1. If known, give the name of the architect
Architectural firm
Designer
And/or builder
Do you have original plans?

Is the property associated with a historical person or group?
Please explain.

Is the property associated with a notable historic event? If so, explain.

2. **Alteration History:** *Please include current photos of all sides of the house and older photos, if available. The “structure files” at the Winnetka Historical Society, may have older photos.*

If known, describe changes made to the outside of the building since it was built. Have important changes been made to the property as viewed from the street in the last fifty years? Please include descriptions of alterations, dates and architects, if known. (Note: Building permit records at Village Hall are helpful)

If known, describe changes over the last fifty years to the original property, not including alterations to the building itself. These changes could include subdivision, fences or new structures added to the property. (Note: Sanborn maps at Village Hall are helpful. Also, many buildings in the Village have been moved from their original sites.)

3. Do you have any other information about the property or anecdotes you’d like to share? This information can be based upon hear-say, so long as you tell us the source.

4. I (We) hereby certify that I (We) am (are) the owner(s) of the property described in the form and wish to make application for designation of this property as a landmark by the Village of Winnetka.

Name(s): Karen and Jeffrey Watts
Signature(s): [Redacted]
Date: 2/10/19
Phone: [Redacted] Fax: [Redacted] Email: [Redacted]

Please forward your completed nomination to:

**Winnetka Landmark Preservation Commission
Village Hall
510 Green Bay Road
Winnetka, Illinois 60093**



LANDMARK NOMINATION

Walter Fisher House

CONTINUATION PAGES

4. PREVIOUS OWNERS

1929-1963

Walter Taylor (1892-1991) and Katharine Dummer Fisher (1892-1961)

The original owners, Walter T. and Katharine D. Fisher, had been married a little more than 10 years when they built 949 Fisher Lane. Over the next 35 years they made significant contributions on the local, state and even national levels while also raising a family of six children¹ in the house.



HOUSE FOR MR. AND MRS. WALTER T. FISHER, WINNETKA, ILLINOIS

The Architectural Record, 1929

¹ Walter T and Katharine D. Fisher's children were Walter, Ethel, John, Roger, Francis (born 1926) and Gerard.

Walter Taylor Fisher was the eldest of eight children² born into a prominent family headed by their cerebral, civic-minded parents Mabel T. (1867-1953) and Walter L. Fisher (1862-1935). A March 16, 1911 *Washington Post* article characterized Walter's mother, the "former Miss Mabel Taylor of Boston," as having "show[n] her progressiveness first by taking a degree in



Mabel Taylor Fisher



Walter Lowrie Fisher

Radcliffe College [before her marriage in 1891]" and "[t]hen becom[ing] a force in the Chicago women's clubs."³ A woman of high expectations and a strong sense of social responsibility, she was proudly described by one of her daughters, "My mother came from Boston. She gave us all our individuality. All the Fishers are damned independent."⁴ The couple was well matched. Walter Lowrie Fisher, was a founder and name partner in the prestigious Chicago law firm Matz, Fisher & Boyden.⁵ He was a well-respected expert in the complexities of elevated and street railways, as well as a high-profile civic reformer and conservationist, who from 1911-

² Walter L and Mabel T Fisher's children were Walter Taylor (born in Chicago, 1892), Arthur (born in Chicago, 1894), Thomas Hart (born in Winnetka, 1896), Frederick Bourne Taylor (born in Winnetka, 1896), Margaret (born in Winnetka, 1898), Howard Taylor (born in Winnetka, 1903) and Ruth (born in Winnetka, 1910). An 8th child died in infancy in 1906.

³ Paul Rhetts, "Walter L. FISHER (1862-1935) m. Mabel TAYLOR (1867-1953)." [A documentary time line]

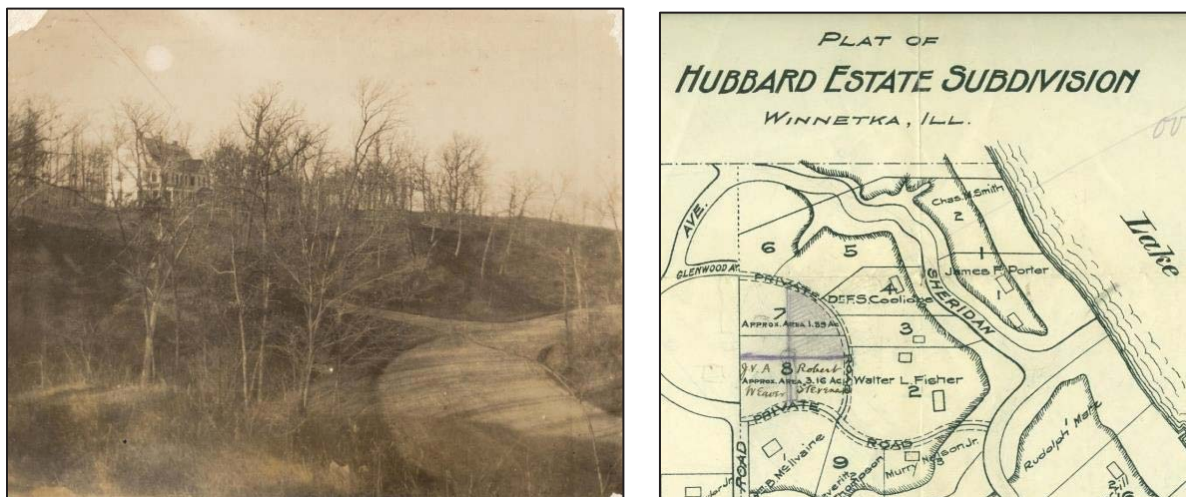
<http://nmsantos.com/Tangled-Branches/Walter%20Fisher/Walter-Fisher.html>.

⁴ Betty Crookes, "Perception, Memory, Color for Fisher Retrospective," [publication name missing] January 15, 1976, p.57. Located in "Fisher Family" file at the Winnetka Historical Society.

⁵ The firm was founded in 1888 as Matz and Fisher. The last name of William C Boyden was added after 1897. All three men built large homes in Winnetka. Rudolph Matz and William Boyden played important roles in founding the Winnetka Community House, and the Community House's theater space bears his name. Laird Bell who joined the firm in 1910 and would become a name partner, also built a large home in Winnetka and played a pivotal role in establishing Skokie School.

1913 served as United States Secretary of the Interior under President William Howard Taft. "With him competence, integrity and courage were everything."⁶

In the mid-1890s⁷ Walter and Mabel Fisher built a large frame summer house at 1060 Sheridan Road in Lakeside (i.e. Hubbard Woods) approximately 200' northeast of where 949 Fisher Lane



1060 Sheridan Road (Images courtesy of Winnetka Historical Society)

now stands. The dramatic multi-acre site atop the bluff had a magnificent view of nearby Lake Michigan. A fellow champion of conservation, Jens Jensen, was hired to design the landscape.⁸ The 1890s began an intensive period of development along Sheridan Road in Winnetka, which became lined with estates by the end of 1920s. Rudolph Matz, Fisher's partner and Winnetka civic leader, owned the lakefront estate caddy-corner across Sheridan Road.

As was common among affluent families at the time, the Fishers also maintained a city house, theirs being in Chicago's Gold Coast at 1313 N State. Nurturing education being of prime importance, the Fishers consciously chose for their son Walter to be educated at the nearby

⁶ Walter T. Fisher, "Walter L. Fisher," *The University of Chicago Law School*, Vol 10, No 1, p. 5. This paper was part of a series on distinguished Chicago lawyers sponsored by the University of Chicago Law School. <http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwiygqS4sqfgAhVILKwKHWJiCMQQFjAAegQIABAB&url=http%3A%2F%2Fchicagounbound.uchicago.edu%2Fcgi%2Fviewcontent.cgi%3Ffilename%3D0%26article%3D1027%26context%3Dlawschoolrecord%26type%3Dadditional&usg=AOvVaw0AcpTdHD9xZtEaogDpoBCf>

⁷ Caroline Thomas Harnsberger, *Winnetka: The Biography of A Village*. (Evanston, IL: The Schori Press, 1977), 11.

⁸ Robert E. Grese, *Jens Jensen: Maker of Natural Parks and Gardens* (Baltimore: The Johns Hopkins University Press, 1992), 203. The list of Jensen projects in Appendix A includes "Fisher, Walter L. (Name of Project), 1914-1915 (Date), Hubbard Woods, IL (Place), Jensen Collection, Art and Architecture Library, University of Michigan, Ann Arbor (Source)."

Latin School, where he graduated in 1909.⁹ Chicago Latin School had been founded in 1888 by prominent Gold Coast parents to provide the content quality of east coast schools and the latest child-centered methods of the new Progressive Education movement. Introduced in the mid-1870s in Quincy, Massachusetts by Francis Parker, progressive education discouraged rote memorization and instead nurtured each child's creativity and inquisitiveness to foster learning. Progressive education principals would be key in the design of Walter Fisher's home twenty years later. The intellectual rigor of Latin propelled Walter on to Harvard for a B.A. (1913) and law degree (1917). The following year he joined his father's law firm Fisher, Boyden, Bell, Boyd & Marshall.¹⁰



Walter Taylor Fisher

Walter T Fisher went on to become a distinguished lawyer and civic leader, serving as president of the City Club of Chicago from 1925-1927 and of the Council on Foreign Relations from 1944-1946,¹¹ as well as the president of a bank owned by clothing workers¹²—Amalgamated Trust & Saving Bank, Chicago, from 1926-1929. Beginning in the late 1930s, he was the principal initiator of the Chicago and Illinois Bar Associations' lawyer referral service providing low-cost legal services. On the state level, he was a trustee of the University of Illinois (1929-1931), and

⁹ *Who's Who in Chicago and Vicinity: The Book of Chicagoans*, (Chicago: The A. N. Marquis Company, 1931), 320.

¹⁰ The name of the law firm went through many permutations during the century-long period Walter L and Walter T Fisher were affiliated with it. Many of the name partners were Winnetkans.

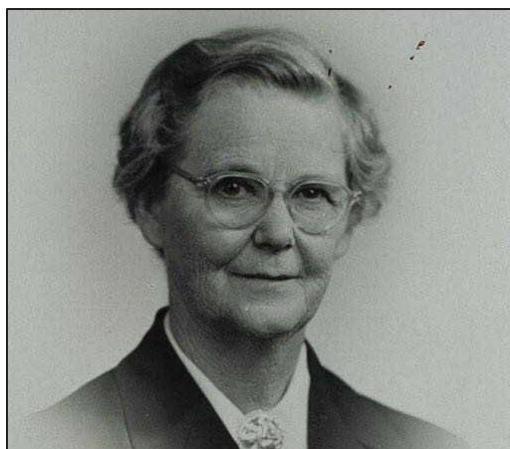
¹¹ Kenan Heise, "Walter T. Fisher, 99, Lawyer, Ex-Chief of ICC," *Chicago Tribune*, August 29, 1991.

<http://www.chicagotribune.com/news/ct-xpm-1991-08-29-9103040565-story.html>

¹² Arthur John Keefe, "What Every Lawyer Doesn't Know," *ABA Journal*, Vol 61, March, 1975, 378-380.

U3U0Bsov7JziunseNw4kGkliCHsdr5w&hl=en&sa=X&ved=2ahUKEwi-kcH3wJngAhVJZawKHZG2Bk4Q6AEwA3oECAgQAQ#v=onepage&q=Adlai%20Stevenson%20Walter%20T%20Fisher&f=false

under Governor Adlai Stevenson served as chair of the Illinois Commerce Commission (1949-1953). Walter T Fisher also served his community, being a trustee of New Trier High School for a decade (1923-1933).¹³



Katharine Dummer Fisher

Katharine Dummer Fisher, his wife, was an intellectual and civic powerhouse in her own right. She was from a wealthy, prominent Chicago family, with pioneer Illinois roots, that was particularly notable for a line of powerful, independent-minded, socially conscious matriarchs.¹⁴ Her parents, William Francis (1852-1929) and Ethel Sturgis Dummer (1866-1954), shared many of the same education, social welfare and civic interests as the Fishers and lived a short distance from them in the affluent area north of the Chicago River. William Dummer was a successful banker whose own father, a lawyer and judge, was a close friend of Abraham Lincoln. With a strong interest in good government, William was active with prominent civic organizations such the Chicago City Club (of which he was a founder) and the Municipal Voter' League¹⁵ (of which Walter Lowrie Fisher was a founder and president). Ethel Sturgis Dummer, Katharine's mother, who came to live at 949 Fisher Lane at the end of her life, was a renowned "pioneer social and civic worker,"¹⁶ whose contributions included being a founder of the Chicago School of Civics and Philanthropy (later known and the University of Chicago School of

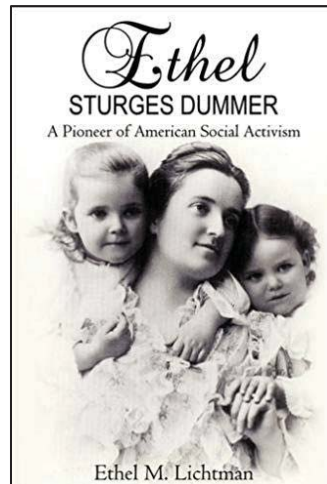
¹³ *Who's Who in Chicago and Vicinity*, (Chicago: The A. N. Marquis Company, 1941), 272.

¹⁴ Lisa M Schmelz, "Remember the Ladies" *At the Lake: Geneva Lakes Area [WI] Magazine*. February 20, 2012. <https://atthelakemagazine.com/remember-sturges-ladies/>

¹⁵ "Sudden Death of Well Known Colorado Man William Dummer: Passes Away at Chicago Home" *Colorado Eagle and Journal*. Vol XVII, No. 2,9, January, 1929. <https://cdnc.ucr.edu/cgi-bin/cdnc?a=d&d=CJ19290109.2.12&e=-----en--20--1--txt-txIN-----1>

¹⁶ "Plan Memorial Services for Mrs. Dummer, 87," *Chicago Tribune*, February 27, 1954, A7. <https://search.proquest.com/hnpchicagotribune/docview/178636807/ABA8D4E050204BE6PQ/1?accountid=6327>

Social Service Administration), a trustee of Hull House¹⁷ and serving on the boards of the Juvenile Protective Association, Women's City Club, University of Chicago Settlement and



National Probations Association. Katharine, like her future husband Walter Fisher, was educated at a prestigious Chicago progressive school, the Francis Parker School near her home. She went on to graduate from Harvard's "sister" school, Radcliffe, in Cambridge, Massachusetts. She and Walter were married in 1915. A family of six children followed.

Katharine devoted time, talent and treasure to issues in Winnetka and well beyond. She served several years as president of the Winnetka Parent-Teacher Association. The developmental education program she organized in 1932 for a group of village 1st graders is recounted with admiration by Carleton Washburn, Winnetka's Public Schools Superintendent and champion of progressive education, in his book, *Winnetka: The History and Significance of an Educational Experiment*.¹⁸ Her abiding interest in children led to her attending the White House Conference on Children in both 1940 and 1950. At the state level, she served on the Advisory Board on Youth and Community Services of the Illinois Department of Public Welfare.¹⁹

Civic awareness engendered Katherine's deeply committed to the League of Women Voters, in which she served as national Treasurer from 1938-1944, president of the Illinois League of Women Voters from 1945-1949, and president of the Winnetka league from 1936-1938. She

¹⁷ Lisa M. Schmelz, "Remember the Ladies" <https://atthelakemagazine.com/remember-sturges-ladies/>

¹⁸ Carleton W. Washburne and Sidney P. Marland, Jr., *Winnetka: The History and Significance of an Educational Experiment*, (Englewood Cliffs, N.J: Prentice Hall Inc., 1963), 58-63.

¹⁹ "Mrs. Fisher, Civic Leader, is Dead at 69: Ex-National Officer of Women Voters," *Chicago Tribune*, August 13, 1961, 32.

also played an active role in the movement for a new Illinois constitution. Katharine died in 1961 and the house at 949 Fisher Lane was sold in 1963.

1963-2018

Edwin Bush Jr. and Susanne Bradley Bush-Wilcox (1925-2018)

The property was purchased in 1963 by Edwin M. Bush, Jr. and Susanne Bradley Bush. The estate of Susanne Bradley Bush Wilcox sold the property to the present owners in 2018.

5. DATE OF CONSTRUCTION

1929

The year 1929 as the date of completion is supported by a number of sources. In his 1930 article, "A House in Winnetka," published in *The Arts*, author Henry-Russell Hitchcock refers to the house as "now just a year old."²⁰ The original building permit in the Village of Winnetka house file for 949 Fisher Lane bears a date of April 24, 1928. One of the sheets of the original plans is dated April 26, 1928. Finally, North Shore directories list Walter T Fisher at 1051 Cherry in 1925, 1926, 1927, and 1928, but at 949 Fisher Lane in 1929.

1. ARCHITECT

Howard Taylor Fisher

Prominent architectural historians have showered the *avant garde* Walter T. Fisher House with praise from the time it was first constructed. In 1929, Henry Russell Hitchcock who would soon co-curate the seismic *Modern Architecture: International Exhibition* at the Museum of Modern Art (1932), wrote in the February, 1930, issue of *The Arts* that "It is nearly the first [house] in America to which the most rigid international standards of contemporary architectural criticism may be applied".²¹

The house had been published in the November 1929, issue of *Architectural Record* featuring photos and floorplans. Its architect Howard Fisher commented, "The house, among all the important tools of the twentieth century, is unique in the inefficiency of its design. The age that has produced the ocean liner, the sky scraper and the zeppelin has as yet done but little toward

²⁰ Henry-Russell Hitchcock, Jr., "A House in Winnetka," *The Arts*, Vol 16, No 6, February, 1930, 403.
https://books.google.com/books?id=ZvZGAQAIAAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false

²¹ Ibid.

solving one of the most important and basic needs of mankind. Of all the productions of our present day, the house alone is considered in terms of the past. We do not ride in Louis XIV stage coaches, or wear Elizabethan ruffles—why then should we live in imitation of Cotswold cottages or French eighteenth -century chateaux?²²

Howard Taylor Fisher (1903-1979) would go on to a distinguished career as an architect, city planner and educator. Born in Winnetka, he was the youngest brother of Walter T. Fisher. Although he had graduated magna cum laude from Harvard in 1926, and had advanced to Harvard's Graduate School of design, Howard Fisher's son recalls that his father hated the Classically-based Beaux Arts education he was receiving there and so dropped out²³ to design a modern house for the forward-thinking, independent-minded Walter and Katharine. The architect's age (25 years old in 1928) was remarkable; equally remarkable was the early date of his design. This was roughly the time that European modernism was introduced to the United States with Richard Neutra's Lovell house in Los Angeles, and five years before Hitchcock and Johnson's



Dr. Philip Lovell House, Los Angeles, 1927-1929, Richard Neutra, architect

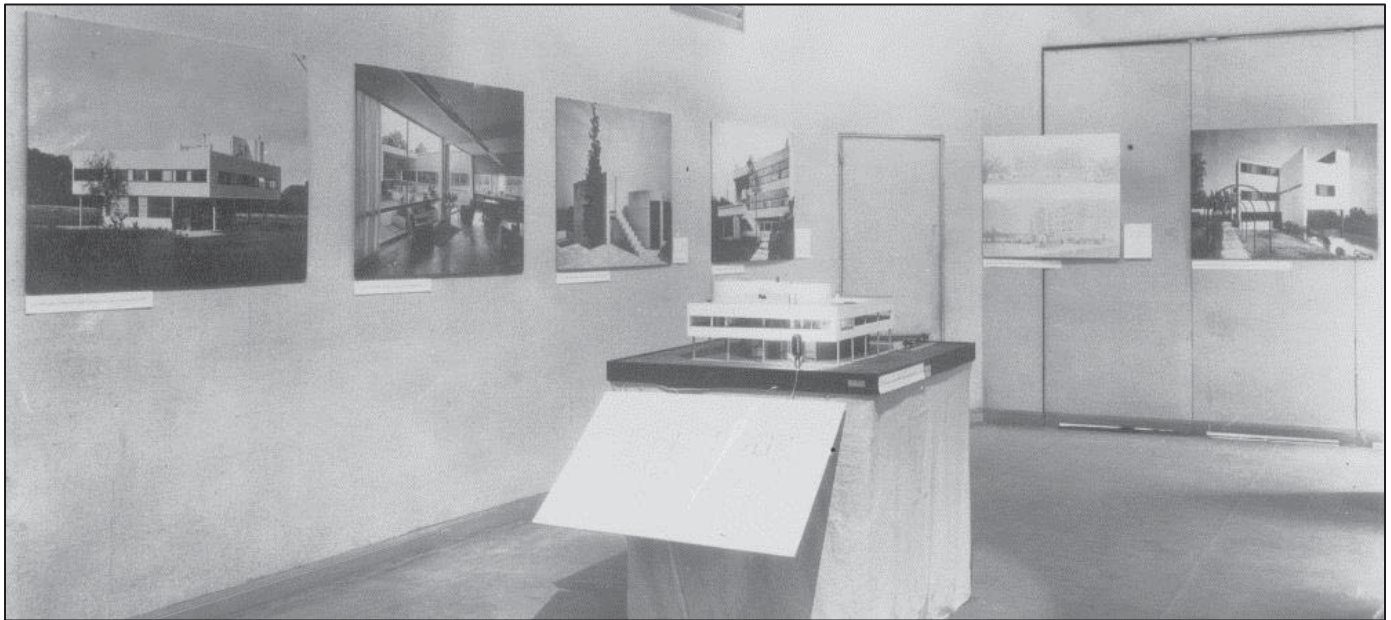
²² H. Ward Jandl, John A Burns and Michael J. Auer, *Yesterday's Houses of Tomorrow: Innovative American Homes: 1850-1950* (Washington, D.C. :National Trust for Historic Preservation, 1991), 157.

²³ Morgan Fisher, e-mail message to architect Stuart Cohen, March 12, 2010.

groundbreaking *Modern Architecture: International Exhibition* at the Museum of Modern Art (MoMA) that introduced European modernism into American architectural practice and defined it as the International Style.

While the architectural community admired the house and appreciated its sophistication, neighbors did not initially understand its ingenuity. One, not realizing who she was talking to, said to Howard's wife, "Oh, you live near the ocean liner."²⁴ The house was extraordinary, and very different than nearby 1920s Colonial Revival houses. It stands three stories, without cornices, window moldings or applied ornament. The major rooms have casement windows that wrap the corners on the diagonal and are flush with the walls--maximizing fresh air and beautiful views.

Because of its planar surfaces, crisp geometry and sparseness of detail, the Fisher House bears a family resemblance to contemporaneous European modern housing by Charles-Édouard Jeanneret, aka Le Corbusier (in France and Germany), Walter Gropius and Mies van der Rohe (in Germany) and J.J. P. Oud (in Holland and Germany) Work by these masters was featured in



Modern Architecture: International Exhibition at MoMA, 1932

the 1932 MoMA exhibition. In the exhibition catalogue, co-curators Hitchcock and architect Philip Johnson laid out the emergent International Style principles—emphasis on volume not

²⁴ Ibid.

mass, regularity as opposed to symmetry, and dependence on the intrinsic elegance of materials, technical perfection and fine proportions as opposed to applied ornament.²⁵

The roots of the International Style can be traced to 1920s Europe in the aftermath of World War I, where a small group of talented original architects that included Mies, Oud, and Gropius sought to create an architecture appropriate to the new, post-war age. Embracing industrialization as key to a better future, they exploited new materials and technologies, such as light structural framing and an expanded use of glass. Seeking to avoid the regional differences they perceived as having precipitated WWI, they choose white stucco sheathing as



Villa Savoye, Poissy, France, 1929 by Le Corbusier

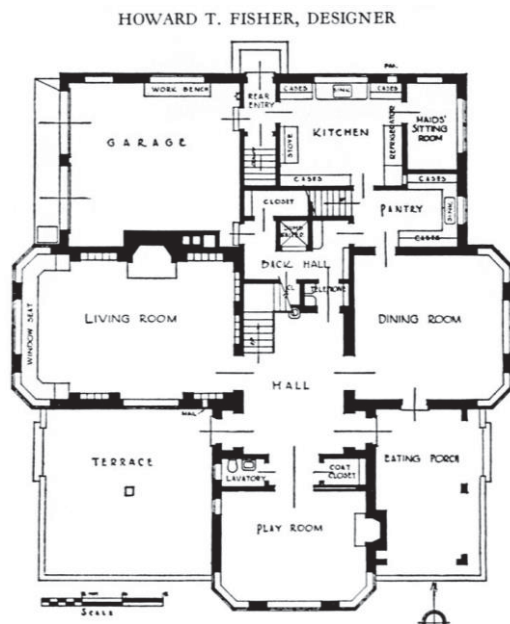
a unifying material. Le Corbusier's idea of a house as a "machine for living" ("*machine a habiter*") was another important concept of the International Style. Functionality was stressing in serving inhabitants needs, with utilitarian architecture that dispensed with merely decorative ornament.

Although the warm red brick of its exterior sets the Fisher House apart from European counterparts and puts it in a Chicago idiom, the house exhibits many International Style characteristics. Howard Fisher, working closely with his sister-in-law Katharine to understand the family's needs, designed a house in which function, not style, was the major design consideration. His intention was to create a totally functional home with a floor plan that would meet the living requirements of a family of two adults, several children and help, that embraced family fun and celebrated enjoyment of outdoor activities. Its exterior design was to reflect only the interior plan; any consideration of historical architecture was irrelevant.

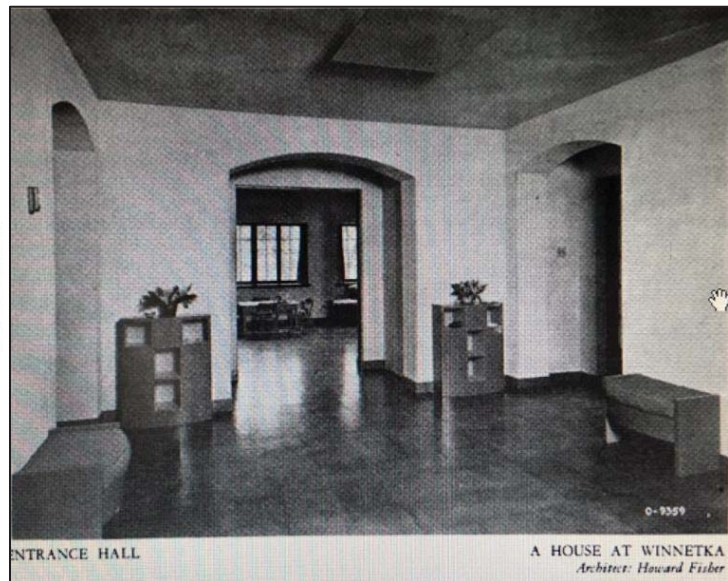
²⁵ Alfred H. Barr, Jr. "Preface", Henry-Russell Hitchcock and Philip Johnson, *The International Style* (New York: W. W. Norton & Company, Inc.), 1966. Originally published under the title *The International Style: Architecture Since 1922* (New York: W.W.Norton & Company, 1932), 13. Barr was Director of the Museum of Modern Art.

The house Fisher designed was clearly child oriented-- a testament to Katharine Fisher's commitment to progressive education. The first floor contained four major rooms—living room, dining room, kitchen, and large playroom. Howard Fisher authored a lengthy illustrated article in the Summer 1929 issue of *Hound & Horn*, a student publication at Harvard that advocated modernism in the arts.²⁶ In it he wrote,

...This house was designed primarily for the children and the play room was given the best location with sun throughout the day. The play room, terrace and porch (with the lavatory and coat closet) constitute a combination specially designed for the use of a small nursery school run by Mrs. Fisher.



First floor plan.



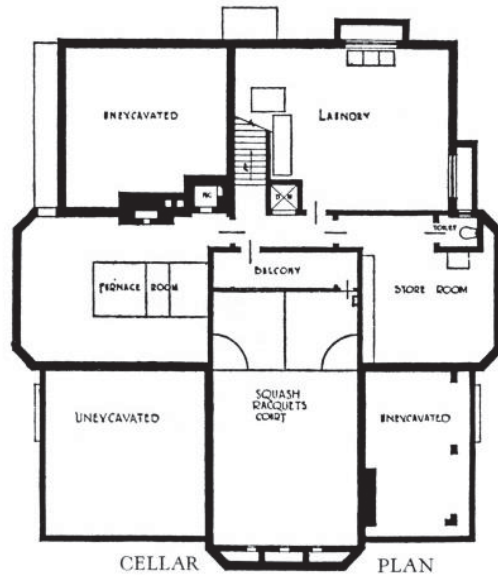
Looking south into the playroom. *The Arts*, 1930

He further explained,

Also with children principally in mind a full-sized squash-racquets court with a balcony was placed in the basement. This is equipped so that it can be used as a children's basket ball court, and contains a swing, a trapeze, and rings. Again primarily for the children is the tile drinking fountain in the front hall.²⁷

²⁶ Joseph Giovanni, "Henry-Russell Hitchcock Dead at 83," *The New York Times*, February 20, 1987, 6. Hitchcock also wrote for *Hound & Horn*, and the obituary notes, "At Harvard, in the 1920's, he was among a coterie of radical intellectuals who wrote for the student publication, *Hound & Horn*, which advocated modernism in the arts."

²⁷ Howard Fisher, "The Modern Dwelling" (Portland, Maine: The Hound & Horn, Inc., 1929), 385-386.



Basement Plan



Drinking fountain in front hall

The interior spaces were colorful, cheerful and inviting, anything but Spartan despite the simplicity of a house where geometry governed the design. Rooms have no moldings and interior doors consist of flat panels. Cabinets under the windows and tables, designed by Fisher, were painted green on the outside and red on the inside. The slightly rough walls were painted



Living Room, *The Arts*, 1930



Living Room, *The Architectural Record*, 1929

a tint of yellow. Furniture upholstery was red and green.²⁸ Laquered cork tile floors running throughout the house were justified as “soft, silent, warm, clean, and easily taken care of. Rugs and carpets—expensive, unsanitary, and difficult to keep clean—are thus eliminated.”²⁹ Howard Fisher’s design is clearly in the spirit of Le Corbusier’s “*machine a habiter*” -- with sharp lines, crisp corners, and flat surfaces that give the house the look of being machine tooled. Fisher saw the machine as a symbol of technology, progress, and modernity, and as such, a means of improving human comfort. Technology within the new house ensured that air from the furnace was “recirculated with a multi-vane fan, cleaned with a viscous oil filter, ozonized, and automatically humidified, [while in] summer, an electric refrigerating unit cools the entire house.”³⁰

The family loved the outdoors, regardless of weather, and the Fisher House design embraces it--with terraces, porches and roof decks. The front door is accessed from a large rectangular

²⁸ “The Home of Mr. and Mrs. Walter T. Fisher: Winnetka, Illinois. Howard T. Fisher, Designer.” *House Beautiful*, March, 1930, p. 317.

²⁹ Howard Fisher, “The Modern Dwelling,” 387.

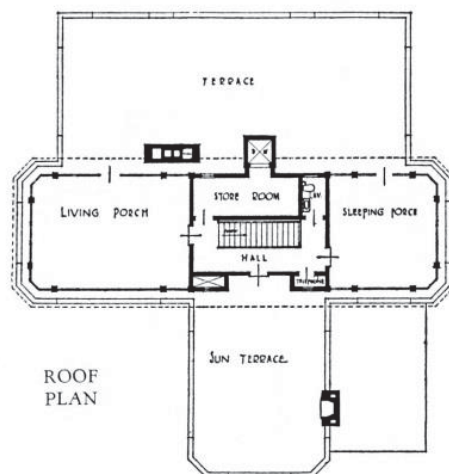
³⁰ *Ibid*, 386.

brick terrace surrounded by a shallow wall that creates an outdoor room. There is a dining porch on the first floor, a sleeping porch off the master bedroom, and on the third floor

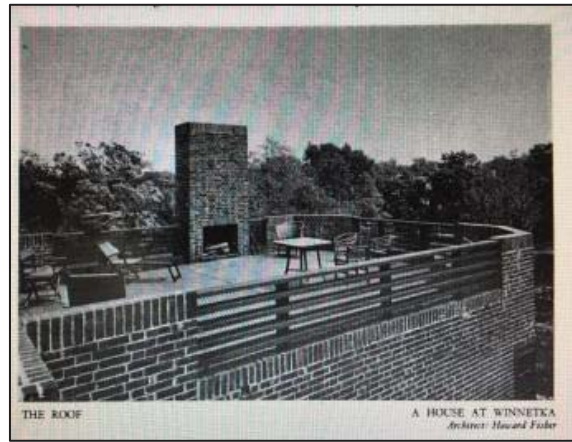
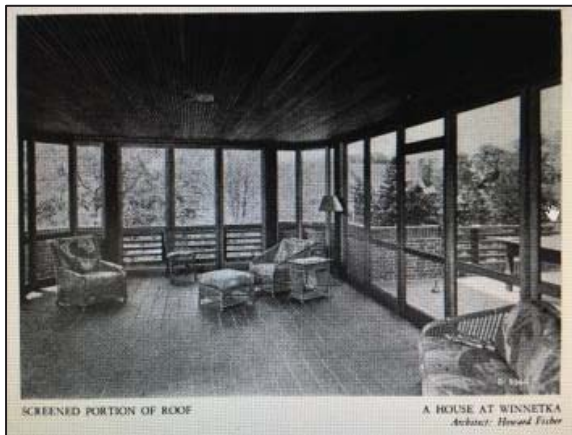


View looking northeast, with front entry at inside corner. *Horn & Hound*, 1929.

there are several outdoor spaces: a living porch, a sleeping porch and a sun terrace with a prominent brick fireplace. Modern European domestic architecture of the 1920s typically featured large roof terraces. The Fisher roof is an outdoor suite, originally accessed by a dumbwaiter that carried food and later converted to an elevator.



Roof plan, *Hound & Horn*, 1929



View of living porch and sun terrace, *The Arts*, 1930.

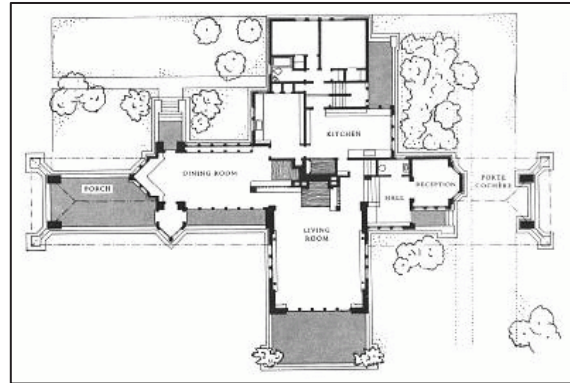
Howard Fisher's son recalled his father telling him that the architects he admired at the time he designed the house were J. J. P. Oud and Frank Lloyd Wright.³¹ Oud's modern brick Worker's Housing located in Hoek van Holland in the Netherlands, for example, dates from 1927.



Worker's Housing, Netherlands, 1927; J.J.P Oud, architect

Outstanding examples of Wright's work, on the other hand, were as close to Fisher Lane as a bicycle ride up Sheridan Road. They include the commandingly sited, cross-plan Ward Willets House (1902) in Highland Park; the ravine-edge William Glasner House (1905) in Glencoe;

³¹ Morgan Fisher, e-mail message to architect Stuart Cohen, February 4, 2005.



Ward Willets House, Highland Park, 1902, Frank Lloyd Wright

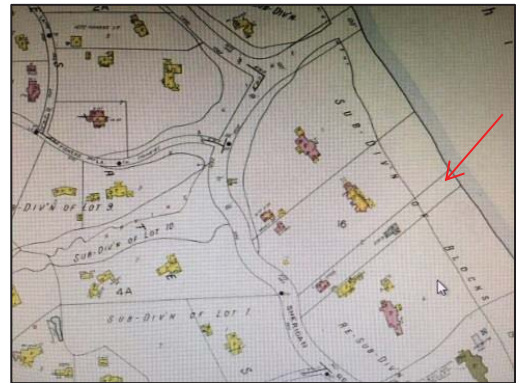
and the concrete Brigham House (1908) in Glencoe—all fronting Sheridan Road. Interestingly, just two blocks off Sheridan Road in Glencoe is the Sherman Booth House (1916), which was designed with a panoramic roof terrace, including a sleeping porch and outdoor fireplace.



Sherman Booth House (front, back), Glencoe, 1916, Frank Lloyd Wright

For Howard Fisher, the house at 949 Fisher Lane marked just the beginning of a varied, cutting-edge career geared to bettering life for the future. His next chapter began in the neighborhood, in 1933, with construction of the first metal prefabricated house by Howard's new company, General Houses, which he had established the previous year. The site was a sliver of a lot on Sheridan Road, south and just across the bluff from the Fisher family compound.³² The client for the 2-bedroom house overlooking Lake Michigan was his sister-in-law, the renowned ballerina and modern dancer Ruth Page (1899-1991). Page and Howard's brother Thomas (1896-1969),

³² The 1939 *Winnetka Directory of Households* lists the address for Thomas H Fisher, the husband of Ruth Page, at 973 Sheridan Road. This address on the 1938 Sanborn map is located 2 lots south and across Sheridan Road from Mabel's Fisher's home at 1060 Sheridan. The Thomas Fisher lot is riparian. Adjacent (to the south of it) is a sliver of a lot with the address 973 ½, at the east (lake end) of which is the outline of a building that appears to be the GH house for Ruth Page. That it is colored grey, the Sanborn map color for metal, is strong additional evidence.



Dancer Ruth Page, Ruth Page House, House location south of Fisher family compound.

a lawyer, had married in 1925, having met and fallen in love during their involvement with Chicago Allied Arts, a new organization that presented small-scale ballet and music performances in Chicago, and had attracted members of many prominent families.³³

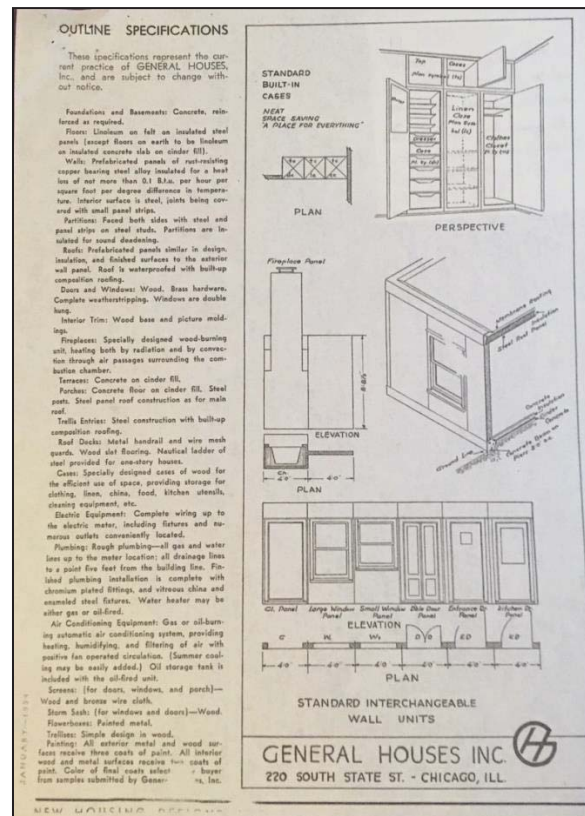
Responding to the scarcities of the Depression and the national housing shortage, Howard, who had been researching construction methods, materials, and low-cost housing,³⁴ produced custom houses using standardized components. Windows, doors, plumbing parts, etc. were produced by various manufacturers and assembled on site on the building's foundation. The major U.S. industries he initially secured was impressive and included Container Corporation of America (insulation), General Electric Company (wiring and appliances), Pittsburgh Plate Glass Company (glass and paint), Pullman Car and Manufacturing Corporation (four-foot-wide pressed-steel panels for walls and "battle-deck" floors and roofs) and Thomas A Edison, Inc. (cement).³⁵

³³Chicago Allied Arts, Inc. Records: 1922-1929. The New York Public Library Archives and Manuscripts.
<http://archives.nypl.org/dan/19805>

³⁴ *Who Was Who*, Vol VII, 1977-1981, 196.

³⁵ H. Ward Jandl, John A Burns and Michael J. Auer, *Yesterday's Houses of Tomorrow: Innovative American Homes: 1850-1950* (Washington, D.C. :National Trust for Historic Preservation, 1991), 164.

The process resembled a General Motors assembly line. Using standard, prefabricated parts brought building costs way down. Models were described in a formula. In Model K2H40, the K



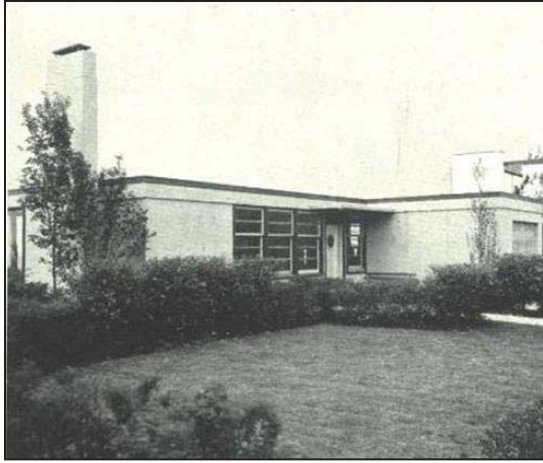
General Houses illustration, *Architectural Record*, January, 1934³⁶

represents the basic house design, 2 is a subdivision of the design, H stands for a hall entrance, 4 indicates there are four beds (in two bedrooms) and O means there is an optional extra room.³⁷ For marketing purposes, the houses were also given names like the “Elmhurst” or the “Barrington”—names of established Chicago suburbs!

Fisher’s General Houses caught the attention of the Museum of Modern Art and Howard’s work was featured, along with that of George Fred Keck and Paul Schweikher (future chair of the Yale School of Architecture, 1953-1958) in an April 1933 MoMA exhibit, “Work of Young Architects in the Middle West.” Included were photographs of the Ruth Page House and a model of the steel house with a flat roof that General Houses built as a model house for the blockbuster 1933 Century of Progress Exposition along Chicago’s lakefront .

³⁶ Ibid, 161.

³⁷ Ibid, 158.



General Houses: Elmhurst K(3)H4DP Model at the 1933 Century of Progress Exposition

The Century of Progress Exposition (aka 1933 World's Fair) afforded tremendous exposure for the new company. So stupendous was the Fair's success, it was extended to 1934. A combined attendance of 38 million people was recorded for the two years. Generally, the fair's most important impact was on the promotion of innovative building products and their potential impact on design.³⁸ An entire section of the exhibition was devoted to houses showcasing modern material like steel and Masonite and houses using traditional materials like brick and lumber in fresh new ways.³⁹ They all were meant to be durable, convenient, livable and inexpensive.⁴⁰ In addition to Fisher, talented modern architects for these model houses included Andrew Rebori, Frazier & Raftery, and George Fred Keck, who designed the House of Tomorrow and Crystal House. Keck subsequently designed numerous highly-acclaimed passive solar houses. The model houses were one of the most popular exhibits. Eleven houses were featured in 1933. Two more demonstration houses were added in 1934-- one of the additional models being by General Houses (GH).

Further success for Howard Fisher followed in the wake of the Fair. The subsequent year, 1935, GH became the first prefabricator to secure a wholesaling relationship with a speculative builder and that same year Howard designed prefabricated houses for Sears, Roebuck and Co.⁴¹ The next year, a GH dwellings became the first prefab steel house to secure a FHA-insured

³⁸ Ibid. P. 213

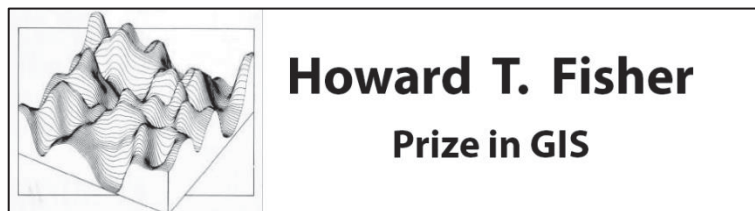
³⁹ Dorothy Raley, Editor, *A Century of Progress Homes and Furnishings* (Chicago: M. A. Ring Company, 1934). Facsimile publication. Delhi, India, books@facsimilepublisher.com, 2018. This book provides detailed information and photographs of the houses as they looked in 1934.

⁴⁰ Ibid, 7.

⁴¹ Stuart Cohen and Susan Benjamin, *North Shore Chicago: Houses of the Lakefront Suburbs, 1890-1940* (New York: Acanthus Press, 2004), 310-311.

loan.⁴² GH Clients included future Illinois governor and presidential candidate Adlai Stevenson and his wife Ellen, who built an International style steel house for their new Libertyville farm c.1936, and the firm served as training ground for many distinguished architects, including Lawrence Perkins, Philip Will and Edward Larrabee Barnes.

In 1940 Howard Fisher left GH to work for the National Housing Agency in Washington D.C. and in the late 1940s resumed his Chicago architectural practice. His career expanded to include city planning, sophisticated computer mapping and teaching at institutions such as McGill, Northwestern and Harvard Universities. Honors included the highest award of the American Institute of Architects (AIA)—that of “Fellow”—conferred in recognition of “significant and lasting contributions to architecture and society and who exemplify architectural excellence.”⁴³ The Howard T Fisher Prize for Excellence in Geographic Information Science (GIS) was established in 1999 by the Harvard University GIS User’s Group to reward student work in this



Field. It memorializes Fisher’s contribution as founder and director of the Laboratory for Computer Graphics and Spatial Analysis at the Harvard University Graduate School of Design, beginning in 1965.⁴⁴

ALTERATION HISTORY

Building

The Howard and Katharine Fisher house retains a remarkably high degree of integrity. The

⁴² Ibid. p 165

⁴³ American Institute of Architects: Fellows. <https://www.aia.org/resources/96806-fellows>

⁴⁴ “Harvard University Graduate School of Design: The Howard T Fisher Prize Awarded for Second Year.” *ESRI News-Fall 2001 ArcNews*. <http://www.esri.com/news/arcnews/fall01articles/howardtfisher.html>

exterior is virtually unaltered except for a greenhouse structure that was installed atop the rear façade's 2nd floor master bedroom balcony.



Front (West) Façade (Fall, 2018)



Side (South) façade (Fall, 2018)



Rear (East) façade (Fall, 2018)



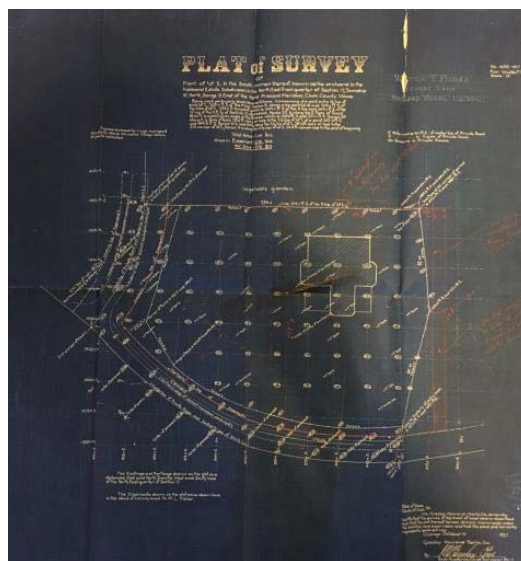
Side (North) façade (Fall, 2018)

Village of Winnetka permit records for the property are summarized below:

Permit Date	Permit Number	Owner	Description
4-24-1928	3367	Walter T. Fisher, 1051 Cherry Lane, Winnetka	2-story, tile and brick veneer residence, garage attached
6-24-1968	21218	E.M. Bush	Water tap—new 1 1/2" street off box used on water leak repair for above
7-2-1996	E96-0201	Suzanne Bush	New 200 AMP underground master socket, new 200 AMP main breaker panel
10-4-1996	H96-0054	Bush	A.C. permit
11-15-1996	E96-0372	Bush	A.C. electrical work
10-4-1999	099-0073	Susanne Bush	Install new roof AES, tear off, install bitumen roof
11-9-2018	RR2018-1176	Karen Watts	Reroof—EDDM flat roof

Site

A 1927 Plat of Survey for 949 Fisher Lane in the Village of Winnetka's house file shows the locations of a variety of trees and shrubs on the property and the location of a vegetable garden immediately north of it. Fruit trees included apple, pear and cherry. Other trees include

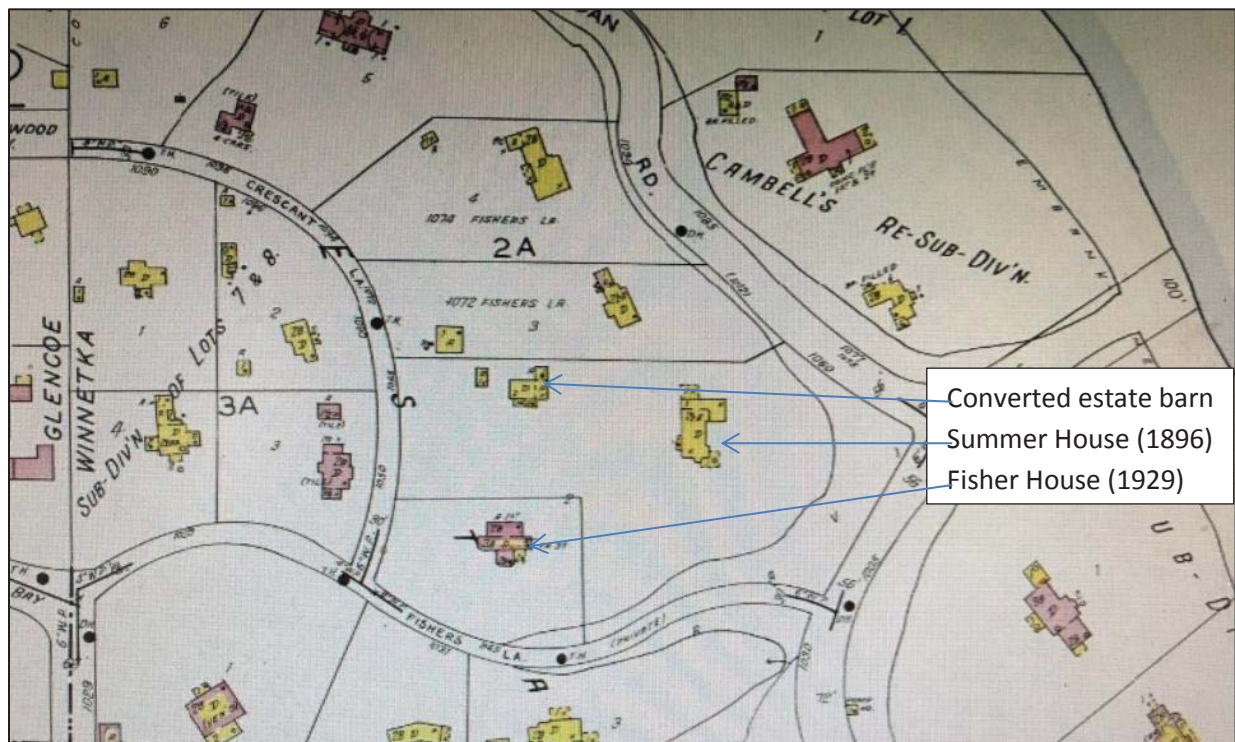


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The Walter T. and Katharine Fisher House was constructed in the southwest quadrant of the multi-acre Walter L and Mabel T Fisher estate. The estate's large summer house (1060 Sheridan Road) is visible in the background of the *Hound & Horn* photograph of the front façade.

In addition to Walter T, three of Walter L. and Mabel's seven children, as adults, chose to live on or near the 1060 Sheridan property. The barn of the original summer house (visible at the left side of the *Hound & Horn* photo of the front facade) was moved toward the northwest corner of the estate and then remodeled c. 1940 by Howard Fisher to serve as a home.⁴⁵ Although it faced Crescent Lane, the barn house had a designated address of 1065 Fisher Lane. Situated on a 1-acre plot that adjoined Walter and Katharine's immediately south, it was planted with a small orchard and hedged garden. It also had a garden shed. Late in her life, aging matriarch Mabel Fisher lived there with her daughter Margaret, an accomplished modern artist and Harvard-trained architect, who never married.⁴⁶ After Mabel's death in 1953, Margaret continued to live in the barn house until her own death in 1990.⁴⁷



1938 Sanborn Map showing Fisher family compound

In the 1940s, Howard Fisher began raising his own family in the original (1896) summer house. His son Morgan (born 1942), who lived in the house, recalled, "The gown-ups understood that it

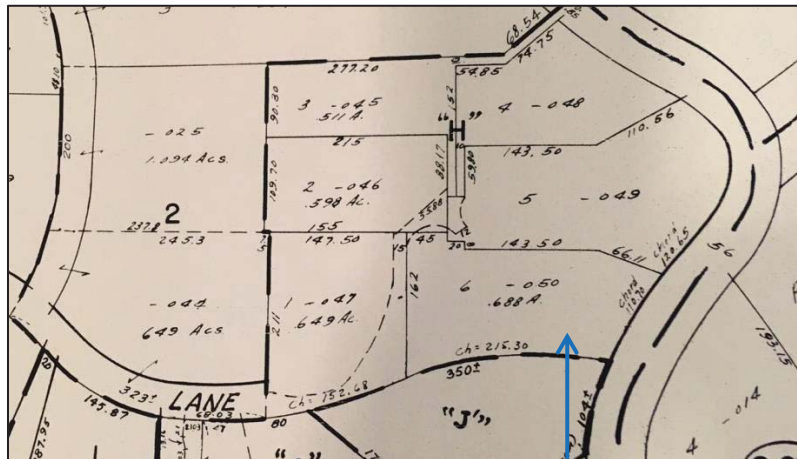
⁴⁵ Morgan Fisher, e-mail message to architect Stuart Cohen, February 4, 2005.

⁴⁶ John R. Clarke, "Margaret Fisher: An American Modernist" *Woman's Art Journal*, Vol 24, No. 1, Spring/Summer 2003, 11-16. https://www.jstor.org/stable/1358801?seq=1#page_scan_tab_contents

⁴⁷ Ibid.

would be torn down when Mabel died, so it was not kept up....[She] died in 1952 [sic, 1953] and the house was in fact torn down."⁴⁸

The year after Mabel's death, the eastern two-thirds of the estate property (i.e. the site of, and land surrounding, the 1896 summer house) was subdivided into six approximately half-acre lots.⁴⁹ Howard Fisher acquired the southernmost lot along Sheridan Road, a dramatic double-sloped site along the bluff, the view from which had captivated his parents when they purchased the property a half-century before. He kept the traditional family address of 1060



Fisher Subdivision, 1954



Howard Fisher House, view northeast, photographed February, 2019

Sheridan Road and built a handsome modern brick house with a flat roof that masterfully responds to its terrain.⁵⁰ His son Morgan's description remains apt today, "It was half in a hillside, so on the side from which you entered it appeared to be one story, but on the downhill

⁴⁸ Morgan Fisher, e-mail message to architect Stuart Cohen, February 4, 2005.

⁴⁹ The six lots constitute "Fisher Subdivision," which was recorded June 11, 1954 as Document 15930849.

⁵⁰ The house remains on its site, but the address is now 924 Fisher Lane.

side it was two.” The house was sold in the mid-1960s when Howard became a professor in the Department of City and Regional Planning at the Graduate School of Design at Harvard.

“My childhood was absolutely magical—my father and a brother and a sister all living right next to each other. Uncle Tom not too far away for a few months each summer. I had no idea how unusual it was and how unusual Winnetka was.”⁵¹ Morgan Fisher described the Fisher family enclave from his child’s perspective “I thought of Fisher Lane and Crescent Lane as a little world unto itself. I think it helped that they were not on a grid, that they curved, that there were no curbs, that neither had sidewalks on both sides. I had a definite sense of passing from a narrow little world into a wider one when I got to the mouth of Fisher Lane where it joined Green Bay Road.”⁵² “When I was a child Fisher Lane continued down the hill to join Sheridan Road, but it was really more a deeply rutted gravel gully than a road. No one who lived in the neighborhood ever drove down this road, but at least once a stranger tried to and somehow came to grief.”⁵³

About his Aunt Katharine and Uncle Walter’s house, he observed, “When I was a child it all seemed perfectly normal to me. Decks on the roof? A fireplace? A squash court in the basement? A dining porch? A sleeping porch? A drinking fountain in the hall? Why not?”⁵⁴

CONCLUSION

The Walter T and Katharine D Fisher House is highly significant and meets multiple considerations and criteria for Winnetka Landmark designation.

General Consideration A: The structure, building, object or site has significant character, interest or value as part of the historic, cultural or architectural characteristics of the Village, the state or the United States.

As noted, virtually as soon as it was completed the Fisher house received wide critical acclaim from the architectural, arts and popular presses, being featured respectively in *The Architectural Record* (November, 1929), *The Arts* (February, 1930) and *House Beautiful* (March, 1930). The house is important as an early residential example of the modernist principles-- developed in Europe in the 1910s and 1920s by a brilliant coterie of *avant garde* architects-- which would come to be called the International style. Perceptive, scholarly architectural critic Henry-Russell Hitchcock recognized the precociousness of the Fisher House’s architect and

⁵¹ Ibid.

⁵² Ibid.

⁵³ Ibid.

⁵⁴ Ibid.

design in his 1930 article, writing “In conclusion, it is worth remarking that this house is the first built by Howard Fisher. It is the more extraordinary, particularly if one compares it with the first actual construction of the great contemporary European architects, built in some cases less than a decade ago, that its virtues should be great and its positive vices so few.”⁵⁵

General Consideration B: The structure, building, object or site is closely identified with a person or persons who significantly contributed to the culture or development of the Village, the state or the United States.

The property has a strong and significant association with 3 generations of the accomplished family of nationally-prominent lawyer, civic reformer and conservationist Walter L Fisher and his wife Mabel Taylor Fisher. Walter L and Mabel Fisher established a country place and began residing on a larger portion of land at the site, beginning in the late 19th century. Village biographer Caroline Harnsberger records with pride that Walter Lowrie Fisher was “[t]he first Winnetka [presidential] cabinet member,”⁵⁶ and includes in her timeline of important Village events the year he built the house (1896) and its astronomical cost (\$20,000).

The estate’s large summer house (1060 Sheridan Road), built early in Walter and Mabel’s marriage, was a frequent and beloved destination for their growing family. By the late 1920s it appears to have become their main residence and thereafter the estate property became a family compound, with the principle street being named Fisher Lane. Walter T, their eldest son, and his wife Katharine built their International style house in the orchard. Both Walter T and Katharine were important civic leaders who made significant contributions in the areas of law, education, social welfare and government during their 30 year’s residence. The house at 949 Fisher Lane was also the final home of one of Chicago’s most influential women of the early 20th century in the field of social service, Ethel Sturgis Dummer, Katharine Fisher’s mother.

Howard Fisher, significant architect and city planner, was the architect of 949 Fisher Lane. He lived many of the formative⁵⁷ and productive years of his career in the 1060 Sheridan Road estate house (as a youth, young man, and raised his family there), and later built his own home on a subdivided lot of the original estate. The converted barn of the estate house, next door to Walter and Katharine, was the long-time home of the recognized modern artist Margaret Fisher, Walter’s younger sister.

⁵⁵ Henry-Russell Hitchcock, Jr., “A House in Winnetka,” *The Arts*, Vol 16, No 6, February, 1930, 403.
https://books.google.com/books?id=ZvZGAQAIAAJ&printsec=frontcover&source=gbg_summary_r&cad=0#v=onepage&q&f=false

⁵⁶ Harnsberger, p. 206.

⁵⁷ The original building permit for the Walter T. Fisher house shows the architect, Howard Fisher, living at 1060 Sheridan Road, the home of his parents Walter L and Mabel Fisher (the original Fisher estate summer house). The 1930 census also lists Howard at this address.

General Consideration C: The structure, building, object or site is the result of the notable efforts of, or is the only known example of work by, a master builder, designer, architect, architectural firm or artist whose individual accomplishment has influenced the development of the Village, the state or the United States.

Architect Howard Taylor Fisher's remarkable design talent was initially showcased in the prescient house built on the 949 Fisher Lane property. During his Winnetka years, Howard Fisher became a leading pioneer in the field of prefabricated houses, starting the innovative company General Houses Inc. and building the company's first project on a nearby lot along Winnetka's lakefront. Howard Fisher was recognized with the American Institute of Architects highest honor---election as a Fellow. His importance extends beyond architecture, to city planning, with his involvement in the development of GIS technology.

General Consideration D: The unique location or singular physical characteristics of the structure, building, object or site make it an established and important visual feature

The significance and strong presence of the building has been documented many time, including the Junior League of Evanston's 1988 publication *An Architectural Album: Chicago: Chicago's North Shore*, the 1989 architectural survey of the Village of Winnetka, the Winnetka Historical Museum's 1990 publication *Winnetka Architecture: Where Past is Present, A Guide to Timeless Styles*, and New York publisher Acanthus Press's 2004 book *North Shore Chicago: Houses of the Lakefront Suburbs, 1890-1940*, authored by Stuart Cohen and Susan Benjamin, with a forward by Franz Schulze.

Architectural Significance: Criteria A,B,C,D

The Walter and Katharine Fisher House is architecturally significant by virtue of its sophistication, quality, integrity, rarity, exemplification of a particular architectural style, and its value for the study of a time period. The house is a high-style example of the International style, set on a generous lot, which retains a high degree of integrity of both architecture and site. The Fisher House is coherent in its overall architectural concept, is constructed of quality materials (ex. copper flashing, steel windows) and exhibits a high quality craftsmanship (ex. brickwork, interior handrail, terra cotta drinking fountain) and detail (ex. built-ins, door design)

The International style is rare among houses in Winnetka. Few such residences were built here or, in fact, in the other suburbs along the North Shore. Rarer still were large high-style International style houses on large lots, or examples of the International style dating from the 1920s. Of the relatively few International style houses that were constructed on the North Shore some, like the Philip Maher House in Lake Bluff (Philip Maher architect, 1938) or the Ruth



Philip Maher House, 1938



Ruth Page House, 1933

Page House in Winnetka (Howard Fisher architect, 1933), have been demolished. Others, like the Charles Dewey Jr. House (James Periera architect, 1940, Lake Bluff) or the Weinfeld House (James Eppenstein architect, 1936, Highland Park), have been extensively remodeled. There are



Charles Dewey, Jr. House, 1940



Weinfeld House, Highland Park, 1936



some intact examples of smaller International style houses on small lots, such as the “Battledock” House (Henry Dubin architect, 1930, Highland Park), however often the smaller



Photographs accompanying this article are by John Shorn



“Battledock” House, Highland Park, 1930.

examples are amalgamations with other modern styles, such as Moderne. As both rare survivor and a rare early high-style example of the International style, the Fisher House is valuable for the study of the development of early modern architecture in the 20th century.

Historical Significance: Criteria B

The Fisher House has a strong association with the life and activities of persons who contributed to historic or cultural events—most directly with owners Walter T. and Katharine D. Fisher, and architect Howard Fisher, but also with U.S. Secretary of the Interior and Mrs. Walter L. Fisher, modern artist Margaret Fisher and modern dancer/choreographer Ruth Page.

In conclusion, the Walter T. and Katharine D. Fisher property, located at 949 Fisher Lane, meets the following Winnetka Landmark Criteria:

1. GENERAL CONSIDERATIONS.

a. The structure, building, object or site has significant character, interest or value as part of the historic, cultural or architectural characteristics of the Village, the state or the United States,

b. The structure, building, object or site is closely identified with a person or persons who significantly contributed to the culture or development of the Village, the state or the United States,

c. The structure, building, object or site is the result of the notable efforts of, or is the only known example of work by, a master builder, designer, architect, architectural firm or artist whose individual accomplishment has influenced the development of the Village, the state or the United States,

d. The unique location or singular physical characteristics of the structure, building, object or site make it an established and important visual feature

2. ARCHITECTURAL SIGNIFICANCE.

a. The structure, building, object or site represents certain distinguishing characteristics of architecture inherently valuable for the study of a time period, type of property, method of construction or use of indigenous materials

b. The structure, building, object or site embodies elements of design, detail, material or craftsmanship of exceptional quality,

c. The structure, building, object or site exemplifies a particular architectural style in terms of detail, material, and nship,

d. The structure, building, object or site is one of the few remaining examples of a particular architectural style

3. HISTORICAL SIGNIFICANCE.

b. The structure, building, object or site has a strong association with the life or activities of a person, persons, organization or group who significantly contributed to or participated in historic or cultural events

ATTACHMENT E

Minutes adopted 04.01.2019

LANDMARK PRESERVATION COMMISSION EXCERPT OF MARCH 4, 2019 MEETING MINUTES

Members Present: Louise Holland, Chairperson
Katie Comstock
Chris Enck
Laura Good
Joseph Stewart
Paul Weaver

Non-Voting Member Present: Bob Dearborn

Members Absent: Beth Ann Papoutsis

Village Staff: Ann Klaassen, Senior Planner
Christopher Marx, Associate Planner

Case No. 19-05: 949 Fisher Lane: Review of local landmark designation application.

Chairperson Holland commented it is one of the finest HAIS reports she has read and described it as a remarkable home and history. Gwen Sommers Yant of Benjamin Historic Certifications introduced herself to the Commission along with Susan Benjamin and the owners, Karen and Jeffrey Watts.

Ms. Yant stated in terms of orientation, the home is situated near the northeast corner of the 1.7 acre lot and the driveway is off Crescent Lane with Fisher Lane being at the southern edge of the property. She stated the footprint of the home is an irregular square with the service portion of the home being at the north end with a terrace on the west and a covered porch on the east and situated with beautiful views to the general landscape. She referred to her PowerPoint presentation and noted the blue outline gives the location of the property in context. She identified it as being near the bluff at the "S" curve of Sheridan Road and to the east is the lake. Ms. Yant noted it was formerly part of the family compound and the home retained its original location and original lot dimensions. She then stated it is a very large home with a strong presence in the landscape.

Ms. Yant stated in the 1920's when the home was conceived, there was a general design fascination with ships, planes and trains and the home looks like a ship with its abstract decks and railings. She stated the relationship with the landscape is sculptural and unlike a typical suburban lot with a clear front, side and rear facades and described it as fluid in space. Ms. Yant stated it also retains a very high degree of integrity and is an excellent example of international style and you can see where the design is balanced rather than symmetrical and responds to the function within. She stated an example of that function is the very large terrace which served as a small nursery school run by Mrs. Fisher. She stated the home displays plainer surfaces and crisp geometry as seen in the corners, window shapes and door vents, all which support the functional aspect of light and air.

Ms. Yant then stated with regard to a radiant twist to the story, part of the beauty of the home is the nature of the material and its coloration which is very lively and bonding. She stated the home simplifies international style in its proportion and technical perfection and lack of applied ornament of historic

1 detail. Ms. Yant identified the south façade on the first floor as the playroom space with a master
2 bedroom above.

3
4 Ms. Yant stated at the rear of the greenhouse was the master bedroom terrace and the greenhouse
5 which caused quite a few leaks and structural problems and was removed and the home reroofed. She
6 then identified the north façade as the service wing. Ms. Yant also stated the roof is a whole other living
7 space which she described as reaching out into the landscape. She informed the Commission the Fishers
8 loved to sleep outdoors and it was designed for it to be uncovered. Ms. Yant then stated the wings
9 facilitate the use of discreet spaces and the upper floor has an open plan and identified a space used for
10 shuffle board. She added it was served by a dumbwaiter.

11
12 Ms. Yant then stated with regard to the historical context of the property, it began with Walter Lowrie
13 Fisher who was the son of a minister and his father became the president of a small college. She stated
14 he was also the principal of a law firm and a very significant contributor to Winnetka. Ms. Yant described
15 him as a larger than life municipal reformer who was a prominent conservationist and from 1911-1913,
16 he served as the U.S. Secretary of the Interior under William Taft. Ms. Yant stated in the 1890's, he and
17 he wife bought a large parcel of land which is Lot 2 in the New Hubbard Estates subdivision located near
18 the Hubbard Woods train station which had a dramatic view of the lake. She stated the illustration
19 showed a property owned by his partner, Rudolph Matz of the Community House. Ms. Yant then stated
20 they built a large summer home in the 1890's for \$20,000. She stated it described another part of the
21 multiple ways the home was intricately entwined in Winnetka history. Ms. Yant stated it started the
22 whole spade of development along Sheridan Road through the 1920's. She then stated in 1914, the
23 Fishers hired Jens Jensen who designed landscapes for other North Shore residents. Ms. Yant informed
24 the Commission the Fishers also had a city home on the Gold Coast but this home was where they came
25 on a regular basis and became a beloved destination as the family grew and in the early 1930's, it
26 became their primary residence.

27
28 Ms. Yant stated in the late 1920's, his son, Walter and his wife Katharine were from prominent families
29 whose bios are included in the report. She stated they also had similar upbringings and education and
30 were socially active and civic conscious. Ms. Yant stated Walter Fisher was a member of his father's law
31 firm. She noted the Fisher home was planned in 1927 as identified in the plat of survey in the Village's
32 files and the home was platted in the orchard of the property. Ms. Yant also stated the building permit is
33 in the home file and the building permit was from 1928 from his younger brother who was an architect.

34
35 Ms. Yant then identified an early photo of the home from a 1929 article and she referred to the 1927
36 plat of survey and identified the brown circles as elevations and the locations of the trees. She stated
37 the trees in that landscape correspond to the trees in the photos many of which still remain. Ms. Yant
38 described the design of the home as extraordinary and was immediately recognized in publications
39 starting in 1929. She stated it was pointed out in the article the quality of construction, the conception
40 and skill interpreting the new concepts of modern architecture. Ms. Yant stated in the U.S., she
41 described information on European modernism as sparse and it was only three years after the home
42 was built that the principles of European modernism were explained to a larger audience. She informed
43 the Commission the work of four European leading modernists was showcased and identified examples
44 in an illustration. Ms. Yant stated their work represented an illustration of key concepts of international
45 style, one of which is a house as a "machine for living." She then referred to the geometric shapes
46 and lack of ornament and the rooftop living space.

1 Ms. Yant went on to state Howard Fisher published the home immediately after it was built in Horn &
2 Hound. She then referred to an illustration of the front and rear of the home which underscored
3 the high integrity of what the present home is. Ms. Yant noted it was designed for two adults, six
4 children and helped to embrace family functions and celebrate the enjoyment of outdoor activities. Ms.
5 Yant then stated the first floor contained the living room, dining room, playroom and service spaces. She
6 referred to the nursery school which Mrs. Fisher ran and which she identified where play spilled
7 outdoors on the terrace. Ms. Yant also identified the front hall which had a drinking fountain which is
8 still there.

9
10 Ms. Yant referred to an illustration of the front hall where you can see the very international style with a
11 lack of moldings and strong geometry. She stated the living room is lit from many angles and noted
12 the owners of the home were in possession of the original plans which were passed down from the
13 Fishers to the Bushes and on to the present owners. Ms. Yant indicated there were a large number of
14 drawings which include hand drawings of the cabinetry. She stated in articles written about the home in
15 architectural publications, the text would say how colorful the interior was with the cabinets
16 being painted green on the outside and red inside. Ms. Yant also identified the chair near the fireplace in
17 the drawing.

18
19 Ms. Yant stated the article also talks about the lacquered cork floors which are evident in the living
20 room. She also identified another view of the front living room and noted the walls were yellow and the
21 upholstery was red and green. Ms. Yant stated the basement plan had a racket ball court and balcony as
22 well as the laundry room. She noted the second floor contained mostly bedrooms with the service wing
23 at the north end and stated the whole home is light by a light court from the center. Ms. Yant also
24 identified the roof plan which showed the open sun porch with the fireplace, enclosed sleeping porch
25 and terrace.

26
27 Ms. Yant informed the Commission that Howard Fisher was interested in the work of J.J.P. Oud and
28 Frank Lloyd Wright. She referred to a portfolio released in 1910 which shared Frank Lloyd Wright's work
29 with a worldwide audience and described publications like this as the internet of their age. Ms. Yant
30 noted the Oud portfolio influenced generations of architects and added Oud is not written about much
31 now. She stated there was a limited amount of information available to Howard Fisher. Ms. Yant stated
32 with regard to the two plans, she referred to the organization of the wings, service portion and
33 monumental presence in the generous landscape. She also stated up Sheridan road in Glencoe is
34 the Glasner home by the ravine which had a similar setting. Ms. Yant also referred to the Brigham home
35 in Glencoe in 1908 as well as the Sherman Booth home in Glencoe from 1916. She noted Frank Lloyd
36 Wright explored in 1916 the idea of rooftop living spaces and stated the center wall contained a built-in
37 fireplace and terrace with sleeping porch on one side. Ms. Yant informed the Commission that Booth
38 was also a lawyer, a conservationist and friend of Jens Jensen.

39
40 Ms. Yant stated after the Walter Fisher home, Howard Fisher continued to make significant
41 contributions to architecture and technology and started general homes in 1933 which were mass
42 produced international style homes. She identified the first home of his sister-in-law, Ruth Page on
43 Sheridan Road. Ms. Yant noted the general homes made history at the 1933 World's Fair and are part of
44 the group which created the mapping for GIS.

45
46 Ms. Yant stated the Fisher homes' owners and architects were closely associated with the family
47 compound for decades. She informed the Commission Walter and Katharine Drummer Fisher remained
48 in the home until she died and the home was sold in 1963. Ms. Yant identified the summer home as the

1 yellow U-shaped building at the east end of the lot which was the original summer home where it
2 became the elder Fishers' main home. She stated the barn at the back of the Walter Fisher home
3 was made into a regular home and was moved further west and converted to a single family home by
4 Howard Fisher in 1940 where the Fisher's sister lived until 1990. Ms. Yant then stated after Mabel
5 Fisher's death in 1953, a portion with the summer home was subdivided into 6 lots with Howard Fisher
6 buying one of the sites where he built himself a modern home in 1956 and lived there until the mid-
7 1960's. She described the home you see today as a significant and early rare example of the
8 international style in Winnetka and which is also rare on the North Shore. Ms. Yant stated a few
9 buildings which were on the North Shore have been demolished while others have been remodeled
10 inappropriately. She also stated while there are several smaller homes, most of them are not
11 international style.

12
13 Ms. Yant stated with regard to the landmark criteria, they feel the home meets many of the Winnetka
14 landmark criteria and referred to the General Considerations and Architectural and Historical
15 Significance criteria. She then asked the Commission if they had any questions.

16
17 Chairperson Holland congratulated the owners on the remarkable home and asked the Commission if
18 they had any questions. Ms. Comstock stated she walked by the home and commented it is great and
19 exciting to hear about the history and its architectural significance. She then asked what happened to
20 the squash court. Karen Watts responded it is 15 feet tall and they plan on keeping it and that it is a
21 gymnastics playroom for now. She informed the Commission they also installed a circular staircase. Mr.
22 Watts noted it has a sump pump now and it is now dry and leak proof. He stated they made it
23 flexible for a place to do gymnastics.

24
25 Ms. Comstock asked do they still have the cork floors and Mrs. Watts confirmed that is correct. She
26 stated they found pieces of the original cork floor in the basement. Mrs. Watts noted the floors are
27 original and they will replace them since they are falling apart. She added it is in the bathrooms too.
28 Mrs. Watts described the lacquered covering as very slippery. Mr. Watts described it as quiet, warm and
29 durable and to do anything different would take away from how the home was designed. Ms. Yant
30 commented the home has amazing integrity inside.

31
32 Ms. Comstock then asked what their favorite part of the home is. Mrs. Watts responded it will be
33 the decks when they are fixed and it is warmer. She stated they use every room of the home. Mr. Watts
34 stated invention's quality is known by how obvious it is after afterward and the flow invites you in it. He
35 then described the home as a bear, but livable while they work on it.

36
37 Mr. Enck asked if they can see the lake. Mrs. Watts responded they can when the leaves are down.
38 Chairperson Holland stated the view was discussed in the mid 1990's by the neighbors. She noted the
39 Village has an easement to the lake and the Village used to trim the trees. Chairperson Holland then
40 stated the last home of Howard Fisher is 924 Fisher Lane from which you can see the lake nicely.

41
42 Mr. Stewart asked about the existing furniture. Mrs. Watts stated most of what was in there is gone and
43 the kitchen was repainted. She noted most of the built-ins such as the shelves are there. Mr. Watts
44 stated you can see the lines on the walls for the closet built-ins which are still there and work.

45
46 Mr. Stewart asked about the kitchen. Mrs. Watts responded it is 100% original and not that small. She
47 informed the Commission a stove was added and refrigerator with an extension cord. Mrs. Watts then
48 stated there is another section of cabinets built to match and that it is a pretty good size kitchen.

1 Mr. Enck commented he was excited to see the steel windows were in good condition. Mrs. Watts
2 informed the Commission they talked to window people and decided to keep them. She stated although
3 there was black paint on the glass, the glazing is not bad and they have not been cold in the winter. Mr.
4 Watts stated no corners were cut when the home was built and all of the pipes sit inside the home. He
5 described the maintenance on the windows as deplorable with others holding together nicely. Mrs.
6 Watts added they would get them back into good condition and some were glued shut. Mr. Watts
7 informed the Commission 30 of the frames were lost when the basement leaked and they are in no
8 hurry to do anything to windows which structurally work. Mrs. Watts stated some of the basement
9 windows did not completely shut and they plan to replace and restore the rest. Mr. Watts described it
10 as a decorating opportunity for the window sills and walls which are very thick.

11
12 Mr. Dearborn stated he would be interested in knowing whether influence from the World's
13 Fair influenced Fisher's architecture or vice versa. Ms. Yant responded the World's Fair in 1933 was after
14 this home was built in 1929.

15
16 Chairperson Holland asked if there were any other questions. Ms. Good asked if they would try to retain
17 some of the color schemes of red, green and yellow. Mrs. Watts informed the Commission the second
18 owners wallpapered and painted over paint. She also stated the doors were painted and there is no trim
19 or molding. Mrs. Watts stated they would go back to the color of the doors with modern colors and it
20 would not be primarily red and green. Mr. Watts described it as a colorful, bright home.

21
22 Ms. Good asked if it is pretty rare to have the exterior surface area of brick in the international style. Ms.
23 Yant responded not necessarily and stated European modernists used stucco as the preferred material.
24 Ms. Susan Benjamin stated for those who traveled abroad, they were enamored with Dutch architecture
25 which is brick and that expressionist buildings are brick buildings. She also stated for modernism
26 associated with international style, buildings tended to be white and stucco and there is a lot of color in
27 that building. Ms. Benjamin stated a component of European modernism embraced color and brick and
28 referred to Chicago being a brick city. She added many modernist homes are brick which dated back to
29 Frank Lloyd Wright.

30
31 Ms. Good commented the home is incredible and would be such an asset to the selection of landmarks
32 in Winnetka. Ms. Benjamin commented it is one of the greatest homes in the country. Chairperson
33 Holland suggested the trolley tour can come up Fisher and you would be able to see the home from the
34 fork in the road. She asked if there were any other questions. Chairperson Holland then congratulated
35 the applicants on their choice of saving and living in the beautiful home which is important in the lexicon
36 of modern architecture. She stated there are not many of them and described it as a very special home.
37 Chairperson Holland stated speaking for the Commission; she wished them a lot of joy and happiness in
38 the home and noted they have not had a landmark since 2012. She then stated the Commission would
39 now go through the findings. Ms. Yant added the history of the home is incredible as well. Chairperson
40 Holland then referred to a meeting of the League of Women Voters and described several of its
41 members involved.

42
43 Chairperson Holland referred the Commission to the General Considerations for designating 949 Fisher
44 Lane a landmark. She then read the following criteria: 1(a) the structure, building, object or site has
45 significant character, interest or value as part of the historic, cultural or architectural characteristics of
46 the Village, the state or the United States; 1(b) the structure, building, object or site is closely identified
47 with a person or persons who significantly contributed to the culture or development of the Village, the
48 state or the United States. Ms. Yant noted they went through each of the criteria at the end of the

1 report and the justification for each. Chairperson Holland confirmed they are listed on page nos. 2 and 3
2 of the agenda report. She then read the following criteria: 1(e) the activities associated with the
3 structure, building, object or site make it a current or former focal point of reference in the Village.
4 Chairperson Holland stated it did not meet this criteria. She then read the next criteria: 1(f) the
5 structure, building, site or object is of a type or is associated with a use once common but now rare, or is
6 a particularly fine or unique example of a utilitarian structure and possesses a high level of integrity or
7 architectural significance. She agreed it is true of being a utilitarian structure and possessed a high level
8 of integrity or architectural significance.

9
10 Chairperson Holland then read criteria: 2(a) the structure, building, object or site represents certain
11 distinguishing characteristics of architecture inherently valuable for the study of a time period, type of
12 property, method of construction or use of indigenous materials; 2(b) the structure, building, object or
13 site embodies elements of design, detail, material or craftsmanship of exceptional quality. She referred
14 to the brick work and terraces. Chairperson Holland then read the next criteria: 2(c) the structure,
15 building, object or site exemplifies a particular architectural style in terms of detail, material and
16 workmanship. The Commission Members agreed with the finding. Chairperson Holland read the next
17 criteria: 2(d) the structure, building, object or site is one of the few remaining examples of a particular
18 architectural style. The Commission Members agreed with the finding. Chairperson Holland read the
19 next finding: 2(e) the structure, building, object or site is, or is part of, a contiguous grouping that has a
20 sense of cohesiveness, expressed through a similarity of style characteristics, time period, type of
21 property, method of construction or use of indigenous materials and accents the architectural
22 significance of an era. The Commission Members stated this finding does not apply.

23
24 Chairperson Holland then read the criteria under the Historical Significance section: 3(a) the structure,
25 building, object or site is an exceptional example of an historic or vernacular style, or is one of the few
26 such remaining properties in the Village. The Commission Members agreed with the finding.
27 Chairperson Holland read the next criteria: 3(b) the structure, building, object or site has a strong
28 association with the life or activities of a person, persons, organization or group who significantly
29 contributed to or participated in historic or cultural events. Chairperson Holland referred to the Fishers
30 in Washington, Chicago and Winnetka and confirmed the criteria applies. She then read the last criteria:
31 3(c) the structure, building, object or site is associated with a notable historic event. The Commission
32 Members stated the home did not comply with this finding.

33
34 Chairperson Holland then referred to the System for the Evaluation of Landmarks on page 43. She stated
35 for Tier 1, it related to Rarity: Architectural Type, Style or Period. The Commission Members determined
36 the home to be extremely rare with a point value of 5. Chairperson Holland stated the next category
37 related to Rarity: Method of Construction and its Application. Mr. Enck stated in connection with the
38 application of materials, there is nothing else like it. The Commission Members determined the home to
39 be extremely rare with a point value of 5. Chairperson Holland stated the next category related to
40 Association with an Historical Event, Person or Cultural Activity which includes National, State, County or
41 Local. The Commission Members determined the home to certainly fall under the local and state
42 categories and national where the family is involved. Chairperson Holland stated the next category
43 related to Association with an Architect or Master Builder. The Commission Members determined
44 Howard Fisher to be on the national level with a point value of 5. Chairperson Holland stated the next
45 category related to Established or Familiar Visual Feature. Chairperson Holland stated the home
46 is certainly a visual feature and not hidden although it is not a symbol of the Village as a whole. She
47 stated with regard to it being a conspicuous and familiar structure in the context of the entire Village, it
48 is in its own way with a point value of 4. It was determined the Tier 1 score is a total of 69 with the first

category "Rarity" Architectural Type, Style and Period" given a weight of 10 and the other categories receiving a weight of 1.

Chairperson Holland then stated with regard to Tier 2, the first category related to Alteration of (Originality) Design Integrity. Chairperson Holland stated the windows are original and not much was done to the home except for the greenhouse removal. The Commission Members determined it to be excellent with a point value of 5. Chairperson Holland stated the next category related to Age of Structure which fell into the 1900-1930 category with a point value of 3. Chairperson Holland stated the next category related to Alteration of Surrounding Properties (View from Property). The Commission Members determined it to be minor with a point value of 3. Chairperson Holland stated the next category related to Alteration of Original Site (View of Property). The Commission Members determined it to be original with a point value of 5. Chairperson Holland stated the next category related to Structural Condition. The Commission Members determined it to be exceptional with a point value of 5. The Commission determined the total score to be 89.8 which is unique and is the highest category.

Chairperson Holland congratulated the owners and the home and stated they would be proud to add it to the list of landmarks in Winnetka. She also stated when the new catalog is published to be passed out on the trolley tours, their home would be included. Chairperson Holland then asked for a motion to welcome 949 Fisher Lane as a landmark designation. Ms. Klaassen clarified the Commission is making a recommendation to the Village Council. Chairperson Holland asked for a motion.

A motion was made by Ms. Comstock and seconded by Mr. Weaver to recommend landmark designation of 949 Fisher Lane. A vote was taken and the motion unanimously passed.

AYES: Comstock, Enck, Good, Holland, Stewart, Weaver

NAYS: None

NON-VOTING: Dearborn



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: LANDMARK PRESERVATION COMMISSION
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: MAY 29, 2019
SUBJECT: CASE NO. 19-05-LPC: 949 FISHER LANE - ALTERATIONS

INTRODUCTION

On June 3, 2019, the Landmark Preservation Commission (LPC) is scheduled to consider a request from Jeffrey and Karen Watts (the "Applicants"), for an advisory review of exterior alterations to the property commonly known as 949 Fisher Lane (the "Subject Property").

PREVIOUS APPROVAL

On March 4, 2019, the LPC considered an application submitted by the Applicants to have the Subject Property designated as a locally designated landmark. After hearing from the Applicants and their representatives, by a vote of 6-0, the Commission recommended the Village Council designate the Subject Property as a locally designated landmark. Based on the "System for the Evaluation of Landmarks," the LPC found the level of significance of the Subject Property to be "Unique." For reference, the nomination submitted by the Applicants and the staff report from the March 4 meeting are included in this report as Attachments B and C. Additionally, the result of the Commission's evaluation of the Subject Property is included as Attachment D. Minutes of the March meeting are also provided and included as Attachment E.

PROPOSED PLAN

The Applicants have provided a written explanation along with photos, of certain exterior features that are in need of repair and maintenance (Attachment A). As represented in Figure 1 on the following page, the railings on the upper floor have been removed in order to replace rotting posts. The Applicants explain that the paint on the railings was peeling and they have been repainted to match the window and door trim, which is also peeling and in need of repainting. According to the Applicants, they were able to match the existing brown color at Sherwin Williams. The window and door trim will be repainted the same color, as weather permits. As explained by the Applicant at the March meeting, the window glazing is black and is also peeling. The Applicants will also repaint the window glazing black.

The Applicants have also discovered several areas where mortar has been repaired over the years, with more than four different colors of mortar. In the attached explanation, the Applicants note that they are going to match the new mortar to the grayer mortar on the front of the residence. The mortar on the parapets will be adjusted to match the existing brick in an attempt to have the repairs appear unnoticeable. Lastly, the Applicants have removed ivy in order to preserve the bricks.

It should be noted that the proposed alterations comply with the Zoning Ordinance.



Figure 1 – Subject Property (May 24, 2019)



Front (West) Façade (Fall, 2018)

Figure 2

COMMISSION REVIEW

Exterior alterations of designated landmarks are subject to an advisory review by the LPC. Given the Applicants are in the midst of repairing mortar and repainting certain exterior features of the Subject Property, the LPC should conduct an advisory review of the exterior alterations described above prior to the Village Council considering the LPC's recommendation to designate the Subject Property as a local landmark. The criteria to considering when conducting an advisory review of alterations are as follows:

1. General Standards:

- a. Conformance with the Zoning Ordinance;
- b. Reasonable effort shall be made to use the building, structure, object or site for its originally intended purpose or to provide a compatible use which requires minimal alteration, relocation or demolition;
- c. The distinguishing original qualities or character of a building, structure, object or site should not be destroyed. The alteration, relocation or demolition of any historic material or distinctive architectural feature should be avoided except when necessary to assure an economically viable use of the property;
- d. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site should usually be maintained and preserved;
- e. Deteriorated architectural features should whenever possible be repaired rather than replaced. If replacement is necessary, the new material should match as closely as practicable the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features, where possible, should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings, structures, objects or sites;
- f. The surface cleaning of buildings, structures, objects or sites should be undertaken with the gentlest means possible. Sandblasting and other cleaning methods which will damage the architectural or historic features and building material shall be discouraged.
- g. New buildings and structures and the alterations and relocation of existing buildings or structures shall not be discouraged when such work does not destroy significant historical or architectural features and is compatible with the size, scale, color, material and character of the property or neighborhood.
- h. Alterations, relocations and demolitions which do not affect any significant exterior architectural or historic features of the building, structure, object or site as viewed from a private street, a courtyard open to the public or a public street, place or way should generally be permitted;
- i. Demolition of a designated landmark shall be discouraged if the building, structure or property, as the case may be, is economically viable and can yield reasonable return in its present condition or can be made economically viable and yield reasonable return after completion of appropriate alteration, relocation, renovation or restoration work.

2. Design Guidelines:

- a. Height. The height of any proposed alteration should be compatible with the architectural style and character of the designated landmark.
- b. Proportions of Windows and Doors. The proportions and relationships between doors

and windows should be compatible with the architectural style and character of the designated landmark.

- c. Roof Shape. The design of the roof should be compatible with the architectural style and character of the designated landmark.
- d. Scale. The scale of the structure should be compatible with the architectural style and character of the designated landmark.
- e. Directional Expression. The dominant horizontal or vertical expression of the facades should be compatible with the original architectural style or character of the designated landmark.
- f. Architectural Details. Materials, textures, colors and architectural details should be compatible with the original architectural style or character of the designated landmark.
- g. Appurtenances. Appurtenances including, but not limited to, signs, fences, accessory buildings or structures, permeable and impermeable surfaces should be compatible with the original architectural style or character of the designated landmark.
- h. Other. In addition to the foregoing, the Commission may consider the Secretary of the Interior's Standards for Rehabilitation Guidelines for Rehabilitating Historic Buildings.

FINDINGS

The LPC shall determine whether the proposed alterations will be appropriate or not appropriate to the preservation of the Subject Property. Considering the alterations, does the LPC find that the Subject Property continues to meet the criteria for designation as a locally designated landmark?

If the LPC determines that the proposed alterations are inappropriate, it shall make recommendations to the Applicants concerning changes, if any, in the proposed alterations which would cause the LPC to reconsider its determination and shall confer with the Applicants.

Materials Provided by Applicants

- Repair Railings & Parapets
 - o Issue Identified:

During the roof replacement done shortly after our move in date (roof was leaking) it was discovered that the posts holding the existing railings were completely rotted (Exhibit A) and the brick work needed repairs (Exhibit B).
 - o Process:

To match the existing mortar, we inspected the house. During this process, we noticed that several repairs had been made previously that were not done with the same attention to detail that we were taking. (Exhibit C). We also noted that there were more than 4 different colors of mortar.
 - o Solution:

After discussing the house with multiple masons (some who had worked on historical homes) we decided to match the new mortar to the grayer mortar on the front of the house. Several test patches were made in the back of the house to ensure that we had a good color match. It was also decided that we would adjust that mortar color on the parapets to the existing brick in order to have the repairs look unnoticeable.
- Removed Ivy
 - o We removed all ivy that was creeping up the house structure in order to preserve the bricks.
- Painting (Windows/Rails/Doors)
 - o Issue Identified:

The paint on the window trim, door trim, window glaze and railing is peeling and needing of repainting (Exhibit F).
 - o Process:

We removed a piece of the paint that was peeling from the existing trim paint and took it to Sherwin Williams for a match for the doors, windows and rails. They matched the color and we applied a test patch and determined it was a good match.

The window glaze is black so we purchased a black paint and it matched
 - o Solution:
 - o We have painted the railings, and are in the process of painting the window trim/doors (weather permitting)

EXHIBIT A



EXHIBIT B



EXHIBIT C



EXHIBIT F



ATTACHMENT G

Minutes adopted 07.01.2019

LANDMARK PRESERVATION COMMISSION EXCERPT OF JUNE 3, 2019 MEETING MINUTES

Members Present: Louise Holland, Chairperson
Chris Enck
Laura Good
Beth Ann Papoutsis

Non-Voting Member Present: Jack Coladarci

Members Absent: Katie Comstock
Joseph Stewart
Paul Weaver

Village Staff: David Schoon, Director of Community Development
Ann Klaassen, Senior Planner
Christopher Marx, Associate Planner

Case No. 19-05: 949 Fisher Lane - Advisory review of the alterations to 949 Fisher Lane, previously recommended by the Landmark Preservation Commission for local landmark designation.

Jeff Watts introduced himself as the property owner and informed the Commission his wife wrote the submission. Chairperson Holland stated 949 Fisher Lane is already designated a Village landmark. Ms. Klaassen confirmed it has not officially been designated by the Village Council. Chairperson Holland then stated it will be sent on to the Village Council the first week of July. She noted it had a 89.8 total score which is unique and the applicant is requesting some alterations to the landmark and asked the applicant to explain them.

Mr. Watts stated in the materials, the railings are shown in the photos which are structurally unsound and let in water. He stated they were taken down and are being repaired. Chairperson Holland asked if they would be painted the original color and Mr. Watts confirmed that is correct and noted the railings there were already painted. Chairperson Holland then referred to the window painting and door trim as another alteration and if there would be black paint on the windows which is now brown. Mr. Watts stated that is not correct and the alteration is for maintenance to match the brown color of a chip that fell off. He noted they would be keeping the brown color and the windows would be gloss black on the faded and cracked panes which would be glazed and repainted.

Chairperson Holland asked if the last alteration is the mortar on the brick and parapet. Mr. Watts confirmed 80% would be on the parapet. He then stated the challenge with a brick home which is 95 years old is that the mortar is all different colors and they went with the one closest in color. Mr. Watts then stated as you can see from the photos, it was not optional and the parapets were falling down.

Chairperson Holland then stated under the Commission's review on page 3 of the materials, they did not have to go through all of the General Standards and asked if there were any questions. She stated all of the standards have been met. Mr. Enck asked if they were able to find brick to match the parapet. Mr. Watts responded they reused existing brick out of 50 which were left in the basement. He also stated the irregularity in the brick was easy to match.

1 Chairperson Holland stated with regard to the Design Guidelines, they have not changed any roof
2 shape, scale or expressional architecture details. She stated for the Findings, the Commission is to
3 determine whether the proposed alterations are appropriate or not to the preservation of the subject
4 property and in considering the alterations, does the Commission find that the subject property
5 continues to meet the criteria for designation as a locally designated landmark. The Commission
6 Members all agreed that the proposed alterations are appropriate and that the subject property
7 continues to meet the criteria for designation as a locally designated landmark. Chairperson Holland
8 stated the findings would be attached to the landmark designation and will be finalized by the Village
9 Council in July. She then thanked the applicants for restoring the wonderful home.

10 ***
11

ATTACHMENT H

WINNETKA LANDMARKS

Local Landmarks (in order of designation)

	Address	Architect	Date Built	Style	Date Designated	Ord. No.	Nickname	State of Illinois Program - Property Tax Assessment Freeze	Notes
1	594 Elm St.	L.G. Lyeman	1872	Gothic Revival	04.20.1993	M-361-93			
2	830 Sheridan Rd.		c. 1850	Queen Anne	10.04.1994	M-400-94	Lloyd House, "The Wayside"	Approved 1986 - Ended 1998	National Historic Landmark 1966, Landmarks IL Preservation Easement
3	500 Maple St.	William Aitken, builder	1916	Georgian Revival	11.01.1994	M-406-94			
4	950 Hill Rd.	S.S. Beman	1927	Tudor Revival	05.02.1995	M-424-95	Joseph H. McNabb House		
5	510 Green Bay Rd.	Edwin Clark	1925	Georgian Revival	05.16.1995	M-425-95	Village Hall		
6	11 Indian Hill Rd.		1926	French Revival	11.07.1995	M-442-95	Leroy Kellog House	Approved 1996 - Ended 2007	
7	978 Euclid Ave.		1923	Tudor Revival	05.07.1996	M-455-96	Mrs. Enos Barton House	Approved 1997 - Ended 2008	
8	915 Sheridan Rd.	Samuel Marx	1930	French Revival	06.04.1996	M-460-96	Max Epstein House, "Edgecliffe"		
9	939 Tower Rd.	Fred Keck	1923	Tudor Revival	08.06.1996	M-466-96	Erwin P. Snyder House	Approved 1997 - Ended 2008	
10	930 Fisher Ln.		1904	Colonial Revival	06.02.1998	M-524-98	Murry Nelson House	Approved 1998 - Ended 2009	
11	535 Cherry St.		1929		11.21.2000	M-33-2000		Approved 2000 - Ended 2011	
12	687 Cherry St.	Sam Steffans	1926	Colonial Revival	11.21.2000	M-34-2000		Approved 2001 - Ended 2012	
13	20 Fox Ln.	Stanley Anderson	1936	Georgian Revival	08.21.2001	M-17-2001	Everett D. Graff House	Approved 2001 - Ended 2013	
14	411 Linden St.		c. 1859	Gothic Revival	07.16.2002	M-23-2002	Winnetka Historical Society		
15	902 Greenwood Ave.	Andrew W. Paulson	1928	Swedish	10.15.2002	M-33-2002		Approved 2003 - Ended 2015	
16	94 Mary St.	Howard Van Doren Shaw	1909	Georgian Revival	03.04.2003	M-9-2003		Approved 2003 - Ended 2015	
17	739 Elm St.	Clifford Shopbell	1922	Tudor Revival	07.15.2003	M-28-2003	New Trier Township Office Building		
18	419 Sheridan Rd.	Mayo & Mayo - Ernest & Peter Mayo	1928	French Electric	01.20.2004	M-1-2004	Henry Haven Windsor, Jr. House	Approved 2003 - Ended 2015	
19	1479 Tower Rd.	Andrew W. Paulson	1928	Swedish	11.02.2004	M-27-2004	Red Tile Lodge	Approved 2004 - Ended 2016	
20	455 Birch St.	Charles Haag	1920	Swedish Arts & Crafts	07.19.2005	M-12-2005	Lola Maverick Lloyd House		Certified Local Landmark, National Register, Easements with the National Trust for Historic Preservation
21	630 Pine Ln.				11.07.2006	M-20-2006	Francis Peabody Butler House		Certified Local Landmark RESCINDED
22	1140 Willow Rd.	Alexander McDaniel	c. 1837	Log House	12.04.2007	M-21-2007	Winnetka Historical Society Log House		03.19.2013 - house demolished
23	1345 Trapp Ln.	Howard Van Doren Shaw	1929	Colonial Revival	12.04.2007	M-23-2007	Robert D. Gordon House		National Register
24	592 Cherry St.		1896	Queen Anne	04.01.2008	M-4-2008	Joeseeph R. Gay House	Approved 2008 - Will end 2019	
25	507 Cedar St.		1910	Colonial Revival	04.21.2009	M-8-2009	Jane M. Tittle House	Approved 2009 - Will end 2020	
26	660 Pine St.				06.02.2009	M-12-2009	William Nicholls House	Approved 2009 - Will end 2020	
27	790 Bryant Ave.		1903	Tudor Revival	01.05.2010	M-21-2009	Ernest M. & Jessie W. Kimball House	Approved 2009 - Sold - Ended	
28	545 Oak St.	Frank Polito, architect/Joseph Roti, builder	1937	Federal	01.17.2012	M-1-2012	Dr. Paul W. & Eunice Greeley House		National Register
29	1153 Asbury Ave.	Howard Bowen	1928	Tudor Revival	06.05.2012	M-8-2012	Joeseeph C. Long House		
Properties only on National Register									
1	42 Abbottsford Rd.						Orth House		
2	Crow Island School	Perkins & Will with Eliel and Eero Saarinen							National Historic Landmark (12.14.1990)
3	620 Lincoln Ave.						Winnetka Community House/ Children's Chapel Harkness Outreach Center		
Properties with preservation easements (Landmarks IL)									
1	830 Sheridan Rd.						Lloyd House, "The Wayside"		
2	777 Burr Ave.	David Adler (also listed on National Register)	1937				Louis B. Kuppenheimer, Jr. House		
3	151 Sheridan Rd.	(also listed on National Register)							



Agenda Item Executive Summary

Title: Ordinance No. M-9-2019: 779 Bryant Avenue - Landmark Designation (Introduction)

Presenter: David Schoon, Director of Community Development

Agenda Date: 07/16/2019

Consent: ☐ YES ☒ NO

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

Item History:

None.

Executive Summary:

On July 16, the Village Council is scheduled to consider Ordinance No. M-9-2019 in response to an application submitted by Joan Keller-Evanich and Kevin Evanich (the "Applicants"). As the owners of the property commonly known as 779 Bryant Avenue (the "Subject Property"), the Applicants are requesting that the Subject Property be designated as a locally designated landmark.

The application was considered by the Landmark Preservation Commission (LPC) on June 3, 2019. After hearing from the Applicants, and no members of the public, a motion to recommend the Village Council designate the Subject Property as a locally designated landmark passed with a vote of 4-0. A report from the LPC to the Village Council outlining the rationale for recommending approval is included as Exhibit B in Ordinance No. M-9-2019. Based on the "System for the Evaluation of Landmarks," the LPC found the level of significance of the Subject Property to be "Unique." The LPC results of the "System for the Evaluation of Landmarks" is included in the LPC report to the Village Council. Additionally, details of the request can be found in the attached staff report to the LPC (Attachment C).

Attached is a staff report containing more details regarding the request and the LPC's consideration of the application.

Recommendation:

Consider introduction of Ordinance No. M-9-2019.

The Ordinance if adopted at a subsequent Council meeting would designate the Albert M. and Anna B. Kales House at 779 Bryant Avenue as a locally designated landmark.

Attachments:

Attachment A: Village Council Agenda Report
Attachment B: Ordinance No. M-9-2019
Attachment C: LPC Staff Report - May 29, 2019
Attachment D: Application Materials
Attachment E: Excerpt of June 3, 2019 LPC meeting minutes



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: VILLAGE COUNCIL
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: JULY 9, 2019
SUBJECT: M-9-2019: 779 BRYANT AVENUE – LANDMARK DESIGNATION

INTRODUCTION

On July 16, 2019, the Village Council is scheduled to consider the Landmark Preservation Commission (LPC) recommendation regarding an application submitted by the property owners, Joan Keller-Evanich and Kevin Evanich, to designate 779 Bryant Avenue (the “Subject Property”) as a locally designated landmark.

Local landmark designation requires adoption of an ordinance by the Village Council, after receiving a recommendation and report from the LPC pursuant to an application submitted by the property owner(s). The Village Council shall take one of the following actions: (1) designate the landmark by ordinance; (2) refer the report and recommendation back to the LPC with suggestions for revisions and stating reasons for such action; or (3) deny designation of the landmark.

ADVISORY COMMISSION CONSIDERATION AND RECOMMENDATION

The LPC considered the application for local landmark designation at its meeting on June 3, 2019 (Attachment C contains the staff report and Attachment E contains minutes from that meeting). After hearing from the applicants, and no members of the public, a motion to recommend the Village Council designate 779 Bryant Avenue as a locally designated landmark passed with a vote of 4-0. Based on the “System for the Evaluation of Landmarks,” the LPC found the level of significance of the Subject Property to be “Unique.” The “System for the Evaluation of Landmarks” is a scoring system used to determine the level of significance. The Commission found the property meets the criteria for designation. Furthermore, the LPC found the Albert M. and Anna B. Kales House at 779 Bryant Avenue to be historically significant as well as architecturally significant due to its association with architect Howard Van Doren Shaw. Additionally, the Commission found the Kales House to be an exceptional example of the English Arts & Craft style. A report outlining the rationale for recommending approval of the application as well as the LPC results of the “System for the Evaluation of Landmarks” is provided in Exhibit B of Ordinance M-9-2019.

ADDITIONAL BACKGROUND INFORMATION

Locally Designated Landmarks vs Locally Certified Landmarks. The owner(s) of a designated landmark, the alteration of which is subject to the advisory review of the LPC, may request that any alteration be subject to the *binding* review of the LPC. Upon approval of such request by the LPC, a declaration shall be recorded by the Village in the office of the Cook County Recorder of Deeds. Upon recordation the designated landmark becomes a certified landmark, and any proposed exterior alterations *require approval* by the LPC prior to the improvements being made. After a designated landmark has been

certified, the certification shall not be withdrawn except for an express determination set forth in a resolution of the Village Council. At this time, the applicants are not requesting certified landmark status. The request is to have the property recognized as a designated landmark, which requires an *advisory* review of proposed exterior alterations by the LPC.

State Property Tax Assessment Freeze Program. Given questions that were raised in 2012 when the Village Council last considered an application for landmark designation, the following information regarding the Property Tax Assessment Freeze is being provided as additional background.

The Property Tax Assessment Freeze Program (the “Program”) is administered by the Illinois State Historic Preservation Office (SHPO). The Program freezes the assessed value of a historic, owner-occupied principal residence (base year valuation) for eight years when the owner undertakes a substantial, approved rehabilitation. After eight years, the assessed value is brought back to market level over a period of four years: Year 1 - base valuation plus 25% of the adjustment in value; Year 2 - base year valuation plus 50% of the adjustment in value; Year 3 – base year valuation plus 75% of the adjustment in value; and Year 4 – the then fair current market value.

To qualify for the Program, a property must: (1) be a certified historic structure, either by listing on the National Register of Historic Places individually or in a district, or by local landmark designation in a community with an approved historic preservation ordinance; (2) be a single-family, owner-occupied, principal residence; (3) undergo a rehabilitation that has eligible expenses equal to or exceeding 25% of the property’s fair market value within a two year period; and (4) undergo a rehabilitation that meets the Secretary of the Interior’s “Standards for Rehabilitation.”

It is important to note that not every locally designated landmark qualifies for the Program. Additionally, a property does not need to be designated as a local landmark to qualify for the Program. A property that is listed on the National Register of Historic Places, but not designated as a local landmark, can also apply to the Program. Since 1986, 16 projects in the Village have participated in the Program.

For additional details regarding the application for 779 Bryant Avenue, please see the LPC staff report that is included as Attachment C in this report as well as the report from the LPC outlining the rationale for recommending approval of the application (Exhibit B of Ordinance).

RECOMMENDATION

Consider introduction of Ordinance M-9-2019. The Ordinance would designate the Albert M. and Anna B. Kales House at 779 Bryant Avenue as a locally designated landmark.

ATTACHMENT B

ORDINANCE NO. M-9-2019

AN ORDINANCE DESIGNATING 779 BRYANT AVENUE AS A LANDMARK

WHEREAS, Joan Keller-Evanich and Kevin Evanich ("**Owners**") are the owners of the property commonly known as 779 Bryant 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 improved with a single family home and detached garage; and

WHEREAS, Chapter 15.64 of the Winnetka Village Code ("**Village Code**"), titled "Landmark Preservation," sets forth standards and procedures for preserving, protecting, enhancing, rehabilitating, and regulating buildings, structures, objects, and places of historical, cultural, or architectural significance ("**Landmark Regulations**"); and

WHEREAS, pursuant to Section 15.64.040 of the Landmark Regulations, the Owners submitted an application for the designation of the Subject Property as a landmark to the Director of Community Development for consideration by the Landmark Preservation Commission ("**Commission**"); and

WHEREAS, pursuant to, and in accordance with, the Landmark Regulations, a duly noticed public hearing of the Commission to consider the Owners' application was held on June 3, 2019; and

WHEREAS, on June 3, 2019, the Commission made findings, which findings are attached as **Exhibit B**, and evaluated the application and the Subject Property using the Village's System for the Evaluation of Landmarks and gave the Subject Property an overall score of 86.6, resulting in the highest rating of "unique"; and

WHEREAS, pursuant to the findings made by the Commission and the overall rating of the Subject Property as unique, the Commission: (i) determined that the Subject Property meets the criteria for the evaluation of landmarks set forth in the Landmark Regulations; and (ii) unanimously recommended that the Village Council designate the Subject Property as a landmark; and

WHEREAS, the Village Council has considered the recommendation of the Commission and has determined that it is in the best interest of the Village and its residents to accept the findings and recommendation of the Commission, which findings are incorporated herein, and approve the designation of the Subject Property as a landmark;

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: LANDMARK DESIGNATION. In accordance with, and pursuant to, Section 15.64.040 of the Village Code, the Village Council hereby designates the Subject Property as a locally designated landmark.

SECTION 3: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

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: July 16, 2019

Passed and Approved: _____, 2019

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

Parcel 1: The South 35 feet of Lot 4, Lot 5 except that part thereof described as follows: Beginning at the Southeast corner of said Lot 5; thence Southwesterly along the Southerly line of Lot 5 (being also a division line between said Lots 5 and 7) 47.5 feet; thence Northeasterly along a straight line, 51.29 feet to a point on the East line of said Lot 5, 12 feet North of the Southeast corner of said Lot 5; thence South along the East line of said Lot 5, 12 feet to the point of beginning.

Parcel 2: That part of Lot 7 described as follows: Beginning at a point in the Southerly line of Lot 5 of said Subdivision of Blocks 26 and 41 (being also a division line between said Lots 5 and 7) 47.5 feet Westerly of the Southeast corner of said Lot 5; thence Westerly along the Southerly line of said Lot 5, 47.5 feet to the Westerly line of said Lot 7; thence South along the Westerly line of Lot 7, 12 feet; thence Northeasterly along a straight line, 51.29 feet to the point of beginning, all in the Subdivision of Blocks 26 and 41 in Lake View Subdivision (Lake View Subdivision being a Subdivision of the Southeast Quarter of Section 17 and the Southeast Quarter of Section 16, Township 42 North, Range 13, East of the Third Principal Meridian, according to the Plat recorded July 13, 1857, in Book 133, Page 76, as Document Number 889987) in Cook County, Illinois.

Commonly known as 779 Bryant Avenue, Winnetka, Illinois.

PIN: 05-17-409-009-0000

EXHIBIT B
LANDMARK PRESERVATION COMMISSION FINDINGS
(SEE ATTACHED EXHIBIT B)

EXHIBIT B



CONSIDERATION OF LANDMARK ELIGIBILITY

Albert M. and Anna B. Kales House
779 Bryant Avenue, Winnetka

This report is an integral part of the June 3, 2019 Landmark Preservation Commission meeting minutes and is also compiled based on the submitted application for local landmark designation.



Figure 1 – 779 Bryant Avenue

Findings of the Commission

Based on the System for the Evaluation of Landmarks contained in Chapter 15.64 of the Village Code titled “Landmark Preservation” (see attached rating sheet), 779 Bryant Avenue was rated a “Unique” property with a score of “86.6”.

Architectural Type, Style and Period. The Albert M. and Anna B. Kales House was built in 1909 in the English Arts & Crafts style. The Commission found the house to be an exceptional example of an historic or vernacular style. Furthermore, the Commission found the home to be extremely rare since the Village does not have many homes designed by Howard Van Doren Shaw.

Based on these facts, the architectural type, style and period of the home were judged to be “extremely rare”, with a rating of “5”.

Method of Construction. The Kales House is constructed of stucco, which is relatively common in the Village. According to the current property owners, the basement of the Kales House was one of the first poured concrete foundations. Taking that into consideration and based on the date of construction, the Commission rated the rarity in method of construction to be “rare”, warranting a score of “4”.

Association with an Historical Event, Person, or Cultural Activity. The Albert M. and Anna B. Kales House was designed by nationally recognized architect Howard Van Doren Shaw. Based on this fact, the Commission rated the home as a “5”, association at the national level.

Association with an Architect or Master Builder. As previously noted, the architect for the Kales House was Howard Van Doren Shaw. After graduating from Massachusetts Institute of Technology, Shaw returned to Chicago in 1891 and joined the Jenney & Mundie Firm. This firm was a training ground for new architects, such as Daniel Burnham and Louis Sullivan. In 1894 Shaw established his own practice in Chicago. Shaw built a house for his family in Lake Forest in 1897. Soon thereafter he began building many more homes in Lake Forest. These houses exhibited Shaw’s Arts and Crafts style. He soon became the most recognized architect for country houses in Lake Forest in the early 19th century, around the time he designed the Kales House. Shaw focused on American and English styles of the Arts and Crafts style. On many of his homes, Shaw collaborated with renowned landscape architect Jens Jensen. In 1906, Shaw became a member of the American Institute of Architects (AIA) and was made a Fellow the following year. He was awarded the AIA Gold Medal shortly before his death in 1926. Shaw’s students included David Adler and Edward H. Bennett, who became notable architects in their own right.

The Commission rated the home as a “5”, association with an architect on a national level.

Established or Familiar Visual Feature. The Kales House is located on the east side of Bryant Avenue between Lloyd Place and Humboldt Avenue. The Commission felt that this is an exceptional home that is certainly recognizable in the neighborhood. Therefore, the Commission rated the home as “a conspicuous and familiar structure in the context of a neighborhood,” warranting a score of “3”.

Originality. The Kales House has received minor alterations over the years. The Cushman family (property owners from 1920-1945) worked with architect Chester Walcott to enclose open porches on the south façade. The Cassin family (property owners from 1979-1993) replaced the original Shaw “sunken garden” with a swimming pool. The current owners added an architecturally sensitive family room (designed by Behles + Behles) at the rear of the home, mimicking the sunroom, in 2012. The Commission found the alterations to the home to be of high quality and sensitive to the original design of the home and rated the home’s alterations of design integrity as “excellent”, warranting a score of “5”.

Age of Structure. The Kales House was constructed in 1909, therefore, the home warrants a score of “3”.

Alteration of Surrounding Properties (View from Property). Many of the homes in the neighborhood were built after the Kales House in 1909. Some homes in the neighborhood have also been torn down and replaced with new homes. The property is adjacent to the Christ Church property which has remained intact. The Commission determined the existing conditions of the surrounding area to consist of “minor alterations”, which warranted a score of “3”.

Alteration of Original Site (View of Property). The current owners replaced a single frame detached garage with a detached three-car stucco garage, while matching the house in color and design. The only other alteration as viewed from the street was a custom built wood fence that replaced a chain-link fence. The Commission determined the condition of the site to be “minor alterations”, which warranted a score of “3”.

Structural Condition. The Commission determined the structural condition to be “exceptional”, which warranted a score of “5”.

Resolution

The Landmark Preservation Commission found the Albert M. and Anna B. Kales House at 779 Bryant Avenue to be highly significant and more than satisfy the criteria for local landmark designation. The Commission found the property to be historically significant as well as architecturally significant due to its association with architect Howard Van Doren Shaw. Additionally, the Commission found the Kales House to be an exceptional example of the English Arts & Craft style and unique in the Village as there are very few Howard Van Doren Shaw homes remaining in the Village.

Based upon these considerations and the System for Evaluation rating of “Unique”, with a score of “86.6”, the Commission unanimously voted to recommend that the Village Council designate the Albert M. and Anna B. Kales House at 779 Bryant Avenue as a local landmark.

Respectfully Submitted,

Louise Holland
Katie Comstock
Chris Enck
Laura Good
Joseph Stewart
Beth Ann Papoutsis
Paul Weaver

SYSTEM FOR THE EVALUATION OF LANDMARKS

TIER 1

CATEGORY	FACTORS	POINT VALUE	WEIGHT*	SCORE
Rarity: Architectural Type, Style and Period	-Extremely Rare	5	<u>1</u>	<u>5</u>
	-Rare	4		
	-Somewhat Rare	2		
	-Common	0		
Rarity: Method of construction and its application	-Extremely Rare	5	<u>1</u>	<u>4</u>
	-Rare	4		
	-Somewhat Rare	2		
	-Common	0		
Association with an Historical Event, Person, or Cultural Activity	-National	5	<u>1</u>	<u>5</u>
	-State, County or Local	5		
	-None	0		
Association with an Architect or Master Builder	-National	5	<u>10</u>	<u>50</u>
	-State, County or Local	5		
	-Architect or builder identified but of no known importance	1		
	-Architect or builder unknown	0		
Established or Familiar Visual Feature	-Symbol of Village as a whole	5	<u>1</u>	<u>3</u>
	-Symbol of a neighbor- hood or a conspicuous and familiar structure in the context of the entire Village	4		
	-A conspicuous and familiar structure in the context of a neighborhood	3		
	-Not particularly conspicuous or familiar	0		

Tier 1 Score 67
(Add Above 5 lines)

*The (or a) category with the highest point value is given a weight of 10. All other categories are weighted 1.

TIER 2

CATEGORY	FACTORS	POINT VALUE		WEIGHT		SCORE
Alteration of (Originality) Design Integrity	-Excellent	5	x	10	=	<u>50</u>
	-Good	4				
	-Fair	3				
	-Poor	0				
Age of Structure	-pre-1900	5	x	4	=	<u>12</u>
	-1900-1930	3				
	-1931-1950	2				
	-1951 to present	1				
Alteration of Surrounding Properties (View from Property)	-Original	5	x	4	=	<u>12</u>
	-Minor Alterations	3				
	-Major Alterations	0				
Alteration of Original Site (View of Property)	-Original	5	x	3	=	<u>9</u>
	-Minor Alterations	3				
	-Major Alterations	0				
Structural Condition	-Exceptional	5	x	3	=	<u>15</u>
	-Good	3				
	-Fair	1				
	-Deteriorated	0				
Tier 2 Score						<u>98</u>
(Add Above 5 Lines)						
Avg. Tier 2 Score						<u>19.6</u>
(Divide Total by 5)						

<u>67</u>	+	<u>19.6</u>	=	<u>86.6</u>
Tier 1 Score		Avg. Tier 2 Score		Total Score

Level of Significance

<u>Total Points</u>	<u>Category</u>
80-94	Unique
65-79	Significant
50-64	Important



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: LANDMARK PRESERVATION COMMISSION
FROM: CHRISTOPHER MARX, AICP, ASSOCIATE PLANNER
DATE: MAY 29, 2019
SUBJECT: CASE NO. 19-11-LPC: 779 BRYANT AVENUE - LANDMARK DESIGNATION

INTRODUCTION

On June 3, 2019, the Landmark Preservation Commission (LPC) is scheduled to hold a public hearing on an application submitted by Joan Keller-Evanich and Kevin Evanich (the "Applicants") as the owners of the property commonly known as 779 Bryant Avenue (the "Subject Property"), to have the Subject Property designated as a locally designated landmark.

A mailed notice was sent to owners of properties contiguous to and across from the Subject Property. As of the date of this memo, staff has not received written comment from the public regarding this application.

The Village Council has final jurisdiction on this request as only the Council has the authority to designate a landmark by ordinance.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.56 acres in size, is located on the east side of Bryant Avenue between Lloyd Place and Humboldt Avenue and contains a single-family home with a detached garage. The property is zoned R-3 Single Family Residential, and it is surrounded by R-3 Single Family Residential. The Subject Property is identified in Figures 1 and 2 on the following pages.

The Comprehensive Plan designates the Subject Property as appropriate for single family residential development. The zoning of the property is consistent with the Comprehensive Plan.

PROPERTY HISTORY

Constructed in 1909, the residence was designed by Howard Van Doren Shaw for Albert and Anna Bradley Kales. According to Village files, there were several building permits issued in proceeding years that affected the Subject Property:

1. In 1921 a building permit was issued for the original detached garage which was then replaced by a newer garage from a permit issued in 1953;
2. In 1981 a building permit issued for a swimming pool that filled in the sunken garden on the west side of the property.
3. In 2002 a building permit for a new detached garage was issued.

4. In 2012 a building permit was issued for a family room addition on the southeast portion of the house that was designed by Ken Behles of the architectural firm of Behles & Behles.

The Applicants describe the family room addition built in 2012 as architecturally sensitive to the context of the house. The Applicants state that they acquired the property in 1993.

The Applicants have provided written responses to the Landmark Nomination Form describing the residence and its significance with the intention of support for the proposed designation, along with current photographs of the Subject Property, all of which are included in this report as Attachment A.

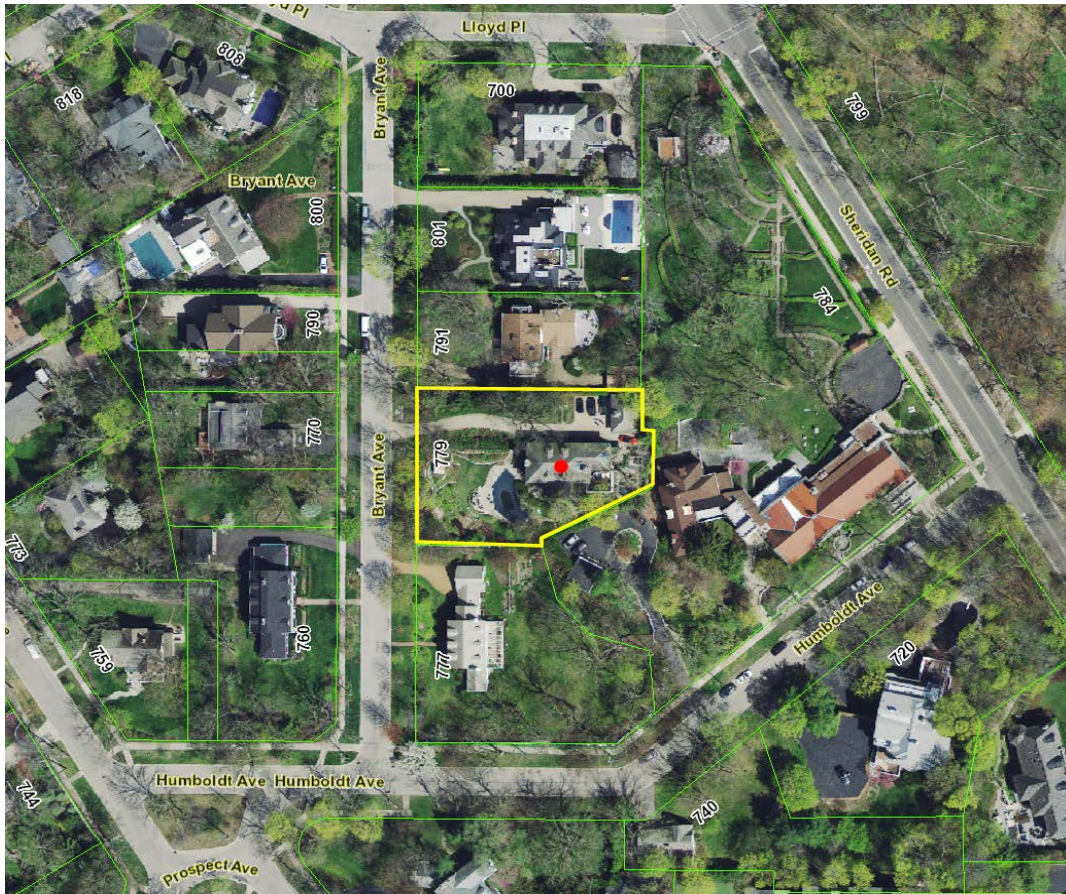


Figure 1 – Subject Property (Aerial)



Figure 2 – Subject Property (visibility from Bryant Avenue)



Figure 3 – Subject Property (visibility from Bryant Avenue)

COMMISSION REVIEW

The LPC is to make findings and a recommendation to the Village Council on the application. Following receipt of testimony at the public hearing, the LPC shall make its determination and recommendation to the Village Council that, based on the evidence received at the public hearing, the Subject Property does or does not meet the criteria for designation. The criteria to consider when evaluating a potential landmark are as follows:

1. General Considerations:

- a. The structure, building, object or site has significant character, interest or value as part of the historic, cultural or architectural characteristics of the Village, the state or the United States;
- b. The structure, building, object or site is closely identified with a person or persons who significantly contributed to the culture or development of the Village, the state or the United States;
- c. The structure, building, object or site is the result of the notable efforts of, or is the only known example of work by, a master builder, designer, architect, architectural firm or artist whose individual accomplishment has influenced the development of the Village, the state or the United States;
- d. The unique location or singular physical characteristics of the structure, building, object or site make it an established and important visual feature;
- e. The activities associated with the structure, building, object or site make it a current or former focal point of reference in the Village;
- f. The structure, building or object is of a type or is associated with a use once common but now rare, or is a particularly fine or unique example of a utilitarian structure and possesses a high level of integrity or architectural significance.

2. Architectural Significance

- a. The structure, building, object or site represents certain distinguishing characteristics of architecture inherently valuable for the study of a time period, type of property, method of construction or use of indigenous materials;
- b. The structure, building, object or site embodies elements of design, detail, material or craftsmanship of exceptional quality;
- c. The structure, building, object or site exemplifies a particular architectural style in terms of detail, material, and workmanship.
- d. The structure, building, object or site is one of the few remaining examples of a particular architectural style;
- e. The structure, building, object or site is, or is part of, a contiguous grouping that has a sense of cohesiveness expressed through a similarity of style characteristics, time period, type of property, method of construction, or use of indigenous materials, and accents the architectural significance of an area.

3. Historical Significance:

- a. The structure, building, object or site is an exceptional example or an historic or vernacular style, or is one of the few such remaining properties in the Village;
- b. The structure, building, object or site has a strong association with the life or activities

of a person, persons, organization or group who significantly contributed to or participated in historic or cultural events;

- c. The structure, building, object or site is associated with a notable historic event.

To assist the LPC in the review of nominations, the Village Council adopted the System for the Evaluation of Landmarks, a copy of which is provided as Attachment B to this report. The System for the Evaluation of Landmarks is consistent with the criteria listed above and is a scoring system to determine the level of significance of the Subject Property.

Additionally, the LPC's recommendation may include an explanation of a significant feature or features of the Subject Property that should be preserved and protected, as well as any other information the LPC may deem pertinent to the determination or recommendation.

CERTIFICATION OF DESIGNATED LANDMARKS

The owner(s) of a designated landmark, the alteration of which is subject to the advisory review of the LPC, may request that any alteration be subject to the *binding* review of the LPC. Upon approval of such request by the LPC, a declaration shall be recorded by the Village in the office of the Cook County Recorder of Deeds. Upon recordation the designated landmark becomes a certified landmark, and any proposed exterior alterations **require approval** by the LPC prior to the improvements being made. After a designated landmark has been certified, the certification shall not be withdrawn except for an express determination set forth in a resolution of the Village Council.

At this time, the Applicants are not requesting certified landmark status. The request is to have the Subject Property recognized as a designated landmark, which **requires an advisory review** of proposed exterior alterations by the LPC. It should be noted that the Applicants' request does not include any exterior alterations.

FINDINGS

In the attached application materials submitted by the Applicants, the Applicants have provided a history of the Subject Property identifying the architect, the ownership history and a description of alterations to the Subject Property. Does the LPC find that the Subject Property meets the criteria for designation as a locally designated landmark; and if so, is the LPC prepared to make a recommendation to the Village Council regarding the requested landmark nomination?



LANDMARK NOMINATION FORM

1. Property owner's name(s) Joan Keller-Evanich and Kevin R. Evanich

2. Street Address: 779 Bryant Avenue Winnetka, IL

3. Property Identification Number (P.I.N.):05-17-409-009-0000

2014 Plat of Survey is attached

4. How long have you owned this property?

We have owned the property since 1993

If you know, list the previous owners of the house and when they owned it. Do you know whether any of the owners had a particular influence on the village's history?

Albert M. Kales and Anna Bradley Kales 1910-1920

Arthur W. and Cora P. Cushman 1920-1945

John R. and Louise D. Rutherford 1945-1963

LeRoy Haskell, Jr. and Marie Antoinette Haskell 1963-1979

Dan and Carol C. Cassin 1979-1993

Kevin R. Evanich and Joan C. Keller-Evanich 1993-present

5. Date of construction: date on blueprints (1909), construction began spring 1909 (p. 37 Diary of Albert M. Kales, copy obtained from Northwestern University School of Law archives)

Landmark Nomination Package Page 1 of 6

In the next section, we ask about information that is important in evaluating landmark requests. For questions that are not relevant, write "none" or "not known". Please provide sources for your information. Referring to the title and page number of a book is fine. For other documents, it would help to include a photocopy of your source. If the source is Village Hall, simply write what the reference is, for example: "Water hook up - Village Hall."

1. If known, give the name of the architect Architectural firm Designer

And/or builder: Howard Van Doren Shaw (see attached bio)

Do you have original plans? We have some blueprints including exterior elevations dated 1909

Is the property associated with a historical person or group? Nothing local but some national impact within the bios of Albert Kales and Marie Antoinette Haskell

Is the property associated with a notable historic event? If so, explain.
No

2. Alteration History: *Please include current photos of all sides of the house and older photos, if available. The "structure files" at the Winnetka Historical Society, may have older photos.*

If known, describe changes made to the outside of the building since it was built. Have important changes been made to the property as viewed from the street in the last fifty years? No changes as viewed from the street except a custom wooden fence replaced a chain link fence.

Please include descriptions of alterations, dates and architects, if known.
The Cushman family, (Chester Walcott architect) enclosed the open porches on the south façade. The Cassin family replaced the original Shaw "sunken garden" with a swimming pool. We added an architecturally sensitive family room mimicking the sunroom in 2012. (Ken Behles of Behles and Behles, architect)

If known, describe changes over the last fifty years to the original property, not including alterations to the building itself. These changes could include subdivision, fences or new structures added to the property.

We replaced a single frame detached garage with a detached 3-car stucco garage (matching house in color and design) in 2001.

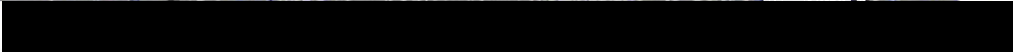
3. Do you have any other information about the property or anecdotes you'd like to share? This information can be based upon hear-say, so long as you tell us the source.

4. I (We) hereby certify that I (We) am (are) the owner(s) of the property described in the form and wish to make application for designation of this property as a landmark by the Village of Winnetka.
Name(s): Kevin R. Evanich and Joan C. Keller-Evanich

Signature(s): _____

4. I (We) hereby certify that I (We) am (are) the owner(s) of the property described in the form and wish to make application for designation of this property as a landmark by the Village of Winnetka.

Name(s): KEVIN EVANICH & JOAN KELLER-EVANICH

Signature(s): 

Date: 5/22/19

Phone:  Fax: _____ Email: 

Please forward your completed nomination to:

**Winnetka Landmark Preservation Commission
Village Hall
510 Green Bay Road
Winnetka, Illinois 60093**

HOWARD VAN DOREN SHAW (b. 1869 in Chicago d. 1926 Baltimore)

Education: Yale B.A. 1890

MIT, Architecture 1891 (completed two year program in one year)

Career: Jenney & Mundie under the direction of William LeBaron Jenney

1894 established his own practice

Practice was turned over to his student David Adler after Shaw's death

Major works:

Ragdale	Lake Forest, IL	1898	Listed on NRHP 1976
Lakeside Press	Chicago	1899	Listed on NRHP 1976
Ryerson Thorne Summer House	Midlothian	1899	NRHP 1997
Second Presbyterian Church	Chicago	1900	Interior NRHP 1974 National Historic Landmark 2013
Louis Swift House	Lake Forest	1900	NRHP 2005
Cliff Dwellers Club	Chicago	1908	
Lake Shore Club	Glencoe	1910	
Albert Kales House	Winnetka	1910	
Market Square	Lake Forest	1916	
Marktown	Indiana	1917	NRHP 1983
Quadrangle Club U of Chicago	Chicago	1920	NRHP 1920
Kappa Kappa Gamma	Urbana	1921	NRHP 2004
McKinlock Court Art Institute	Chicago	1924	
Fourth Presbyterian Church	Chicago	1926	NRHP 1975

Parish buildings

**Sources: The Architecture of Howard Van Doren Shaw by Virginia Greene,
Frank Lloyd Wright and Howard Van Doren Shaw: Two Chicago Architects and their
Clients by Leonard K. Eaton**

Inventing the New American Home by Stuart Cohen

**Concerning Howard Shaw in His Home by his wife Frances Wells Shaw, printed by
The Art Institute of Chicago for the Howard Van Doren Shaw Society**



WIKIPEDIA

Albert M. Kales

Albert Martin Kales (March 11, 1875 – July 26, 1922) was an American lawyer and legal scholar.

With the exception of one year as a visiting instructor at Harvard Law School, he performed most of his scholarly work at Northwestern University School of Law, at which he taught in 1902-1916 and 1917-1922.^[1] He is best known for his 1914 work *Unpopular Government in the United States*, a work that helped pioneer the concept of appointing U.S. judges rather than electing them in a partisan political process. This concept spread in many states and is now commonly called the Missouri Plan, after the name of one of the first states to adopt it.

Biography

Kales was born in 1875 in Chicago. He graduated from Harvard Law in 1899 and was immediately licensed to practice in Illinois. He began teaching property law at Northwestern Law in 1902, and was named a professor in 1910. He continued to practice law privately after achieving this rank, asserting that his personal case load of 6 cases per year did not create a conflict of interest between his teaching load and his private practice, and further asserting that the active practice of law was a necessary element in the ability of a legal scholar to remain relevant. Offered a faculty position at Harvard Law in 1917, he turned down the honor because the school would have required him to lay down his practice. Kales' works related to property law included *Estates and Future Interests*, published in 1920.^[1]

Kales published *Unpopular Government in the United States* in 1914 in opposition to a new class of political operatives whom Kales labeled "politocrats." Political party bosses in his native Cook County, Illinois had devised a reliable way to control the elections of candidates to office, including judges, through the invention of so-called 'bedsheet ballots.' A 'bedsheet ballot' was a lengthy election paper with long lists of candidates for a wide variety of offices to govern a heavily populated area, such as Chicago. Utilizing a combination of game theory and thought experiments, Kales asserted that ordinary voters could not be expected to cast a thoughtful ballot for or against each of the members of a long list of candidates. Kales demanded that his readers face the fact that in any purely "elective" system for the popular selection of judges, the judges would in fact be nominated by political bosses; and that a system of merit selection could actually improve the ties of responsibility between the judiciary and the voters. He set forth several elements necessary for the success of a merit-selection system, of which the principal one is that the person publicly responsible for the appointment should be a single high-profile individual directly elected by popular vote. Examples given were the offices of governor and chief justice. Kales further urged that the ultimate appointer be advised by a professional panel, selected by other judges or by the bar association of the state where the appointment is made.^[2]

Kales died of typhoid fever in 1922^[1] and did not live to see any state adopt a merit selection program for appointment of U.S. judges. As of 2015, however, twenty-seven states and the District of Columbia had enacted statutory or constitutional laws to provide for some form of merit selection. Ironically, Kales' native state of Illinois was not one of them.

References

1. "Kales, Albert Martin. Correspondence on The Rule Against Perpetuities, 1904-1913: Finding Aid" (<http://oasis.lib.harvard.edu/oasis/deliver/~law00184>). *Harvard Law School*. Retrieved 2015-02-10.
 2. Kales, Albert M. (1914). *Unpopular Government in the United States*. Chicago, Ill.: *University of Chicago Press*. pp. 225–51.
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Retrieved from "https://en.wikipedia.org/w/index.php?title=Albert_M._Kales&oldid=776680126"

This page was last edited on 22 April 2017, at 15:52.

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MARIE ANTOINETTE "MIA" HASKELL

Mass for Marie Antoinette Haskell (nee Kerssenbrock) of Vernon Hill, IL, formerly of Winnetka and Glenview, will be said at 10AM Tuesday May 26, at Sacred Heart Church, 1077 Tower Road, Winnetka, IL. Visitation will be held on Monday, May 25, from 4-9 PM at the M. H. Scott & Hebblethwaite Funeral Home, 1240 Waukegan Road, Glenview, IL. Graveside services will be held at 11:30 AM Wednesday, May 27, at Woodlawn Cemetery, Toledo, OH. Local arrangements by the Bennett-Emmett Funeral Home, Secor Rd.

After years of breathing difficulties and heart problems related to emphysema, Mia died peacefully on Wednesday, May 20, in her daughter's home in Mr. Prospect, IL, surrounded by family.

She was born in Kiatovy, Czechoslovakia, the daughter of Count Klement Korff Schmising Kerssenbrock and Countess Marie Anna (nee Waldstein) Kerssenbrock.

During World War II, she was a prisoner in a slave labor camp in Germany. After the war, she worked for the American Underground in Czechoslovakia as a translator. In 1949, facing imminent arrest, she fled the country by crossing over the mountains to Austria. With a student Visa and a scholarship to Barat College in Lake Forest, IL she entered the US in 1950. During the summers she gave lectures for Radio Free Europe and the Crusade for Freedom.

In 1952, President Truman signed a Bill granting her permanent residency in the United States. In 1955 she married her husband Roy, and lived in Winnetka until 1979, when the family moved to Glenview. In 1985, after her husband Roy died in 1983 she was diagnosed with emphysema. After a hospitalization in 1988, she moved to Hawthorne Lakes in Vernon Hills.

In November of 1991 she began to have health problems again. On December 20, 1991 with the help of Senator Paul Simon's office and the Immigration and Naturalization Service, her dream of becoming a US Citizen was fulfilled. The ceremony took place at Lake Forest Hospital. Mia said that becoming a United States Citizen was one of the happiest moments of her life.



WHS Housefiles
1946

AVENUE + 661.05

+ 660.88

+ 660.51

+ 659.94

+ 659.71

+ 659.40

+ 659.02

+ 658.71

C/660.95
G/660.89

C/660.75
G/660.43

C/660.54
D/660.57

C/660.13
G/660.04

C/659.94
G/659.69

C/659.71
G/659.46

C/659.40
G/659.15

C/659.02
G/658.78

C/658.71
G/658.43

FOUND IRON PIPE 5.00' SOUTH & 0.50' EAST

FOUND IRON PIPE 0.24' EAST & 0.24' SOUTH;
ALSO, FOUND IRON ROD 0.33' EAST 0.25' SOUTH

SOUTH LINE OF LOT

CHAIN LINK FENCE 1.01' WEST

PARCEL 1

LOT 5

CHAIN LINK FENCE 2.58' EAST & 0.64' NORTH

(REC. & MEAS.)
135.00'

(REC. & MEAS.)
190.00'

(DEED & MEAS.)
35.00'

(REC. & MEAS.)
10.00'

(MEAS.)
48.00'

(DEED & MEAS.)
102.58'

stockade fence-pine









ATTACHMENT E

Minutes adopted 07.01.2019

LANDMARK PRESERVATION COMMISSION EXCERPT OF JUNE 3, 2019 MEETING MINUTES

Members Present: Louise Holland, Chairperson
Chris Enck
Laura Good
Beth Ann Papoutsis

Non-Voting Member Present: Jack Coladarci

Members Absent: Katie Comstock
Joseph Stewart
Paul Weaver

Village Staff: David Schoon, Director of Community Development
Ann Klaassen, Senior Planner
Christopher Marx, Associate Planner

Case No. 19-11: 779 Bryant Avenue - Review of the application for local landmark designation.

Chairperson Holland noted Joan Evanich is present and stated the Fisher home was the first landmark designated a couple months ago since 2012 and they have not had one since 2012. She then stated the Commission would go through the items and asked what was done to the home. Ms. Evanich informed the Commission she has blueprints which are in the application as well. Chairperson Holland stated the home has not changed on the outside. Ms. Evanich agreed with the exception of the rear addition. She informed the Commission they purchased the home in 1993 which was in terrible shape. Ms. Evanich stated they underwent a huge renovation and restoration and corrected windows which were put into the sunroom on both levels.

Ms. Evanich then stated there was a huge fire at the end of the initial restoration and they rebuilt the home exactly in the same way. She also stated instead of changing the inside, it was restored to its exact original condition which evidenced how committed they are. Ms. Evanich then stated in 2012, an addition was added to the building on the back which cannot be seen from the street. She noted they used Behles and Behles as the architect and the sunroom as a model to do the rear addition including the windows. Chairperson Holland commented the addition is very beautiful.

Chairperson Holland then stated the Commission would go through the review on page 3 of the materials. She read the criteria to consider when evaluating a potential landmark as follows: "The structure, building, object or site has significant character, interest or value as part of the historic, cultural or architectural characteristics of the Village, the State or the United States." Chairperson Holland then stated they did not need to go through all of the considerations and noted Howard Van Doren Shaw is an architect of great note nationally and on the North Shore. She commented they are lucky to still have the home in such perfect condition. Ms. Evanich stated there are two or three of them left in the Village, one of which is on Green Bay Road and the Sibley home which is owned by Christ Church. Chairperson Holland stated the home on Trapp Lane had a lot of renovation and while it is a Winnetka landmark, it is not as unique as Ms. Evanich's home.

1 Chairperson Holland read the following criteria in the Architectural Significance category as follows:
2 "The structure, building, object or site represents certain distinguishing characteristics of architecture
3 inherently valuable for the study of a time period, type of property, method of construction or use of
4 indigenous materials...The structure, building, object or site is one of a few remaining examples of a
5 particular architectural style. The structure, building, object or site is, or is part of, a contiguous grouping
6 that has a sense of cohesiveness expressed through a similarity of style characteristics, time period, type
7 of property, method of construction or use of indigenous materials and accents the architectural
8 significance of the area."
9

10 Chairperson Holland stated with regard to the Historical Significance category, she read the following
11 criteria for consideration: "The structure, building, object, or site is an exceptional example or an historic
12 or vernacular style, or is one of the few such remaining properties in the Village. The structure, building,
13 object or site has a strong association with the life or activities of a person, persons, organization or
14 group who significantly contributed to or participated in historic or cultural events."
15

16 Chairperson Holland stated the Commission would now go to the findings and evaluation. She then
17 referred to the System for the Evaluation of Landmarks, Tier 1, Rarity: Architectural Type, Style and
18 Period and asked for the Commission Members' comments. The Commission stated the home is
19 extremely rare since the Village did not have that many Howard Van Doren Shaw homes. Chairperson
20 Holland then referred to Rarity: Method of Construction and its Application. Mr. Coladarci commented a
21 stucco home is relatively common in the Village. Ms. Evanich mentioned the basement portion was one
22 of the first poured concrete foundations that existed. Ms. Papoutsis asked if it would be necessary to
23 consider it relevant to the time period it was constructed. Chairperson Holland noted the home was
24 constructed in 1910 and referred to the building permit issued in 1921. Ms. Evanich informed the
25 Commission that was for the second owners, the Cushmans. She also stated Albert Kale was cited in the
26 application and she has drawings. Ms. Evanich added the Lake Shore Country Club was built in the same
27 year in 1908. Chairperson Holland stated the home would be rated rare.
28

29 Chairperson Holland stated with regard to Association with Historical Event, Person or Cultural Activity,
30 Howard Van Doren Shaw is a nationally recognized architect. She then stated with regard to Association
31 with an Architect or Master Builder, the home fell in the national category. Chairperson Holland stated
32 with regard to the Established or Familiar Visual Feature category, she referred to the home being
33 a symbol of the neighborhood in the context of the entire Village. The Commission voted the home is a
34 conspicuous and familiar structure in the context of a neighborhood with a rating of 3.
35

36 Chairperson Holland asked for a total. Ms. Klaassen asked the Commission to confirm the numbers.
37 Chairperson Holland stated the first Rarity category rated 5, the second Rarity category with regard to
38 Method of Construction rated 4, the Association with Historical Event, Person or Cultural Activity
39 rated 5, Association with an Architect or Master Builder rated 5 and Established or Familiar Visual
40 Feature rated 3. Ms. Klaassen stated the Commission is to give one category a heavier weight and to
41 pick one from the three with the highest score. The Commission decided the Architect category
42 deserved a weight of 10. Ms. Klaassen confirmed the score is 67 for Tier 1.
43

44 Chairperson Holland then stated with regard to Tier 2, she referred to the Alteration of (Originality)
45 Design Integrity category. Mr. Enck stated integrity was maintained even with the rebuilding.
46 Chairperson Holland described it as excellent with a rating of 5. She then stated the age of the structure
47 is 1900-1930 which rated 3. Chairperson Holland then stated with regard to the next category of
48 Alteration of Surrounding Properties (View from Property); it is original since there was nothing else

1 there in 1908. Ms. Evanich noted on their side of the street, there were only two homes and Christ
2 Church. Chairperson Holland stated the view from the property was the original view when it was built
3 which rated 5.

4
5 Chairperson Holland stated the next category is Alteration of Original Site (View of Property). She stated
6 while the home had changes to the back, they were minor alterations. Chairperson Holland then stated
7 the next category of Structural Condition rated exceptional at 5. Ms. Klaassen asked for confirmation for
8 the View from Property category. Chairperson Holland confirmed the view from property is minor with a
9 rating of 3 and the Alteration of Original Site is minor alterations at 3.

10
11 Chairperson Holland stated there is a score of 98 for Tier 2 divided by 5 is 19.6. She then stated the Tier
12 1 score of 67 plus 19.6 for Tier 2 represented a total of 86.6 which falls into the unique category and
13 which is the highest category for a Winnetka landmark. She then congratulated the applicants and
14 thanked Ms. Evanich for submitting their home for landmarking which must be approved by the Village
15 Council. Mr. Schoon indicated it may be done at the first meeting in July and they will be notified.

16 ***
17



Agenda Item Executive Summary

Title:

Resolution No. R-63-2019: Approving Rejecting Formal Bids and Entering Into a Contract with Epoxy Flooring US, LLC (Adoption)

Presenter:

Alan Berkowsky, Fire Chief

Agenda Date:

07/16/2019

Consent:☐

YES

☒

NO

☐

Ordinance

☒

Resolution

☐

Bid Authorization/Award

☐

Policy Direction

☐

Informational Only

Item History:

None.

Executive Summary:

The Fire Department apparatus floor is original to the building constructed in the 1960's. The unique tiled floor lies over a concrete slab with the exception of the southeast corner which is above the Police Department's gun range. Over the years, we have tried to repair various damaged sections. Recently, we have noticed a number of hollow spots below the tiles. The hollow spots are becoming more prevalent due to the cement foundation pulling away from the flooring. Ultimately, the tiles need to be removed, concrete repaired and the floor re-leveled and refinished.

The Fire Department is requesting the Village Council to approve the attached resolution which formally rejects a single bid from Request for Proposal #18-026 issued on November 26, 2018. That RFP generated a single bid of \$80,600 which was over the proposed budget of \$50,000. We had a meeting with sole bidder who expressed concern over what may be under the tile flooring and the cost for additional repairs. We also contacted the other companies who had provided preliminary estimates last year. They did not bid for several reasons-- stating the job was too small for the amount of documentation needed or they did not want to participate in the prevailing wage requirements.

As a result, the Village Attorney suggested we contact three bidders, get quotes from them directly and enter into a contract with the approval of the Village Council. After careful selection, Epoxy Flooring US, LLC provided a quote of \$64,000 including the prevailing wage requirements. They are also agreeable to the Village's contractual requirements. Thus, we are requesting that the Village Council reject the bid process and allow us to enter into a contract with Epoxy Flooring US, LLC. The additional funding will come from a building maintenance line-item account as well as some additional funding from the Foreign Fire Tax Board. A more detailed memo is included in this packet.

Recommendation:

Consider adoption of Resolution No. R-63-2019, approving the rejection of RFP #18-026 and allowing the Fire Department to enter into a contract with Epoxy Flooring US, LLC in the amount of \$64,000 for the removal of the tiled apparatus floor and replacing it with an epoxy floor finish.

Attachments:

- Memo for Fire Chief Berkowsky
- Resolution No. R-63-2019

MEMORANDUM

TO: ROBERT BAHAN, VILLAGE MANAGER
FROM: ALAN J. BERKOWSKY, FIRE CHIEF
DATE: JULY 10, 2019
SUBJECT: FIRE DEPARTMENT APPARATUS FLOOR REPLACEMENT

Background

In the 2018 budget process, we had requested \$50,000 funding in the 2019 Capital Improvement Budget for the replacement of the apparatus bay tiled flooring. Half the funding was to be from the Capital Improvement Budget and the other half from the Foreign Fire Tax Fund. The flooring is original to the building which was constructed in the 1960's. Tiled apparatus flooring is unusual for a fire station. The tile has held up well over the years, but has been significantly failing over the last five years. Several areas have been retiled or patched by the Firefighters and tradesmen; however, there are numerous hollow spots below the tiles. Simply stated, the tile is holding up the apparatus. In many spots, there is a ½" to 1" gap between the concrete base and the tile.

Most fire stations today have an epoxy floor finish which provides some water proofing and holds up to constant motion of vehicles leaving and returning to the station. In order to budget for this floor replacement, we spoke to other fire departments that have recently had their apparatus floors redone with an epoxy finish. They stated the cost was in the area of \$35,000. We asked one contractor to provide us with a preliminary estimate and it too was in the neighborhood of \$35,000. Subsequently, we determined that prevailing wage was not included and further examination of the current condition of our apparatus floor added additional costs for concrete restoration.

Process

In November of 2018, we developed and RFP and went out for bids for this project anticipating an award and start date of March or April of this year. Only one bid in the amount of \$80,600 was received from Matrix Flooring (West Chicago, IL). This was \$30,600 over the budgeted amount. We met with the contractor who stated he could not lower the cost due to the size of the flooring and the unknown condition of the concrete slab. We did a survey of the companies that did not bid. The reasons they stated included:

- Too complicated of a process for a job of this size.
- Did not want to participate in the prevailing wage requirements.

We spoke to Attorney Ben Schuster from Holland & Knight who stated we should attempt to negotiate a price directly with the companies. We were able to get the following quotes:

Epoxy Flooring US, LLC	\$ 64,000
Broadleaf Inc.	\$ 69,140 (concrete repairs limited to pits and divots)
Matrix Flooring	\$ 80,600
Art Low Systems	\$129,256

Epoxy Flooring US, LLC. was the lowest bid which included prevailing wage and agreed to our contract language as presented. Epoxy Flooring US, LLC is located in Buffalo Grove, Illinois. Reference checks were all positive. The process will take approximately a week to ten days to complete. During the process, reserve equipment will be relocated to the Public Works Facility and front-line equipment will be parked outside on the apron for immediate response from Station 28. The life expectancy of the epoxy flooring can be up to 20 years if properly maintained.

Funding

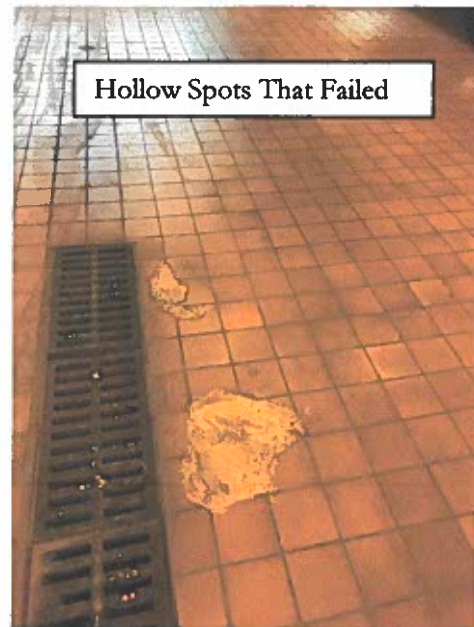
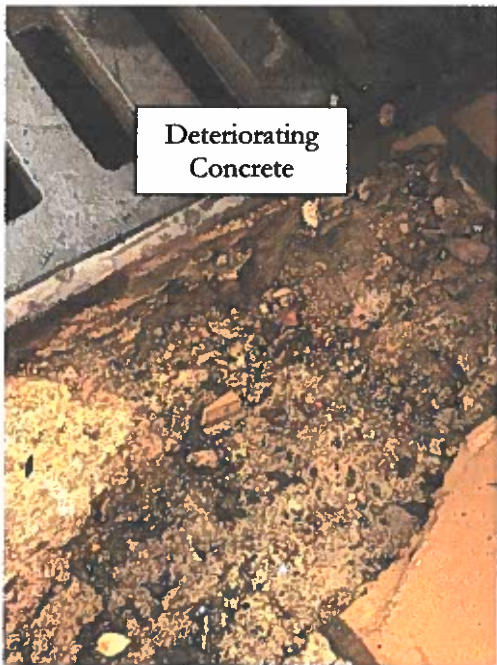
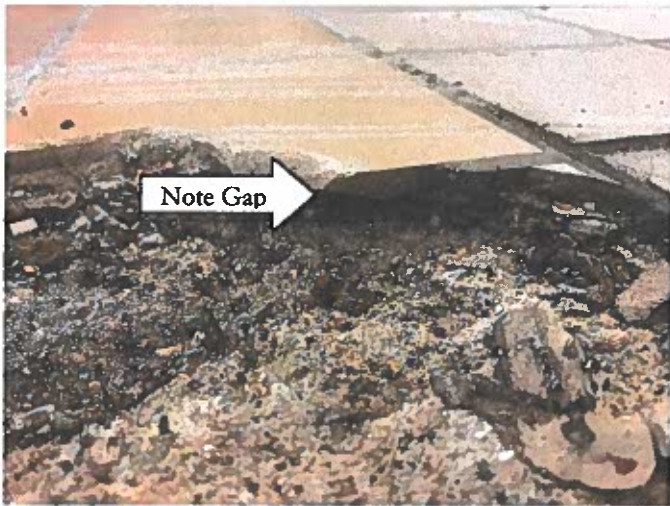
The original amount allocated was \$50,000. This was split between the Capital Improvement Plan and the Foreign Fire Tax Fund. Since, the price came in at \$64,000 additional funding is needed. \$10,000 of additional funding will come from the Fire Department's Building Maintenance line-item account. At their May 20th meeting, the Foreign Fire Tax Fund approved an additional \$10,000 (for a total of \$35,000) from the fund. The total of the allocations (\$70,000) will provide us with a 10% contingency.

Action Requested

Since a RFP was issued, it will need to be formally rejected. Thus the attached Resolution rejects the formal bidding process and recognizes the negotiated price of \$64,000 with Epoxy Flooring, US, LLC. Also included is the contract signed by Epoxy Flooring US, LLC.

Conclusion

It is important to note that, until all the tile is removed, we will not know the condition of the concrete slab. However, our Village Engineer Steve Saunders and the contractor feel some concrete restoration will be needed but most of the repairs can be achieved with the leveling compound included in the proposal. However, if the concrete slab is faulty, we would rather know about it and repair it accordingly rather than having bigger issues in the future. Staff from the Fire Department will be present to answer any questions that Council might have.



RESOLUTION NO. R-63-2019

**A RESOLUTION REJECTING BIDS, WAIVING BIDDING, AND
AWARDING A CONTRACT FOR THE APPARATUS FLOORING PROJECT**

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

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

WHEREAS, the Village issued Bid # 18-026 ("**Request for Bids**") for the purchase and installation of new apparatus flooring (collectively, "**Work**"); and

WHEREAS, the Village received one bid ("**Bid**") for the Work which was opened on December 21, 2018; and

WHEREAS, after reviewing the Bid, Village staff determined that the pricing was not advantageous to the Village; and

WHEREAS, Village staff has recommended that the Village reject the Bid; and

WHEREAS, the Village has been able to negotiate a contract with Epoxy Flooring US, LLC ("**Contractor**") for the Work in an amount not to exceed \$64,000.00 ("**Contract**"), which pricing is more consistent with the Village's desired pricing for the Work; and

WHEREAS, pursuant to the Village's home rule authority, the Village Council has determined that it is in the best interests of the Village to: (i) reject the Bid; (ii) waive the bidding requirement for the procurement of the Work pursuant to Section 4.12.010.C of the Village Code and Section IV.3.D of the Village's Purchasing Manual; and (iii) enter into the Contract with Contractor; and

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: REJECTION OF BIDS. The Village Council hereby rejects the Bids for the Work received in response to the Request for Bids issued by the Village and directs the Village Manager, or his designee, to inform the bidders thereof.

SECTION 3: WAIVER OF COMPETITIVE BIDDING. Pursuant to Section 4.12.010.C of the Village Code, Section IV.3.D of the Village's Purchasing Manual, and the Village's home rule authority, the Village Council waives the requirement of competitive bidding for the procurement of the Work.

SECTION 4: APPROVAL OF CONTRACT. Pursuant to the Village's home rule authority, the Village Council hereby approves the Contract with Contractor in substantially the form attached to this Resolution as **Exhibit A**, in an amount not to exceed \$64,000.00, and in a final form approved by the Village Attorney.

SECTION 5: AUTHORIZATION TO EXECUTE CONTRACT. The Village Council hereby authorizes and directs the Village President and the Village Clerk to execute and attest, respectively, on behalf of the Village, the final Contract.

SECTION 6: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval by the vote of two-thirds of the Trustees.

ADOPTED this 16th day of July, 2019, pursuant to the following roll call vote:

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

Signed

Village President

Countersigned:

Village Clerk

EXHIBIT A
CONTRACT

VILLAGE OF WINNETKA
CONTRACT FOR
REPLACEMENT OF FIRE STATION BAY FLOOR

Full Name of Contractor: **Epoxy Flooring US LLC ("Contractor")**

Principal Office Address: **1118 Windbrooke Dr. Unit 202 Buffalo Grove, IL60089**

Contact Person: **Michael Vaknin** Telephone Number: **773-447-0786, 847-962-8610**

TO: Village of Winnetka ("**Village**")
510 Green Bay Road
Winnetka, Illinois 60093
Attention:

1. Work

A. Contract and Work. Contractor shall, at its sole cost and expense, provide, perform, and complete, in the manner specified and described, and upon the terms and conditions set forth in this Contract, to all of the following, all of which is herein referred to as the "Work":

1. Labor, Equipment, Materials, and Supplies. Provide, perform, and complete, in the manner specified and described in this Contract, all necessary work, labor, services, transportation, equipment, materials, supplies, information, data, and other means and items necessary for:

Replacement of the fire station bay floor located at 428 Green Bay Road, Winnetka, Illinois ("**Work Site**"), all as more fully detailed in the proposal attached hereto and incorporated herein as **Exhibit A ("Work")**.

2. Permits. Procure and furnish all permits, licenses, and other governmental approvals and authorizations necessary in connection therewith;
3. Bonds and Insurance. Procure and furnish all bonds and all insurance certificates and policies of insurance specified in this Contract;
4. Taxes. Pay all applicable federal, state, and local taxes;
5. Miscellaneous. Do all other things required of Contractor by this Contract; and
6. Quality. Provide, perform, and complete all of the foregoing in a proper and workmanlike manner, consistent with the standards of recognized professional firms in performing Work of a similar nature, in full compliance with, and as required by or pursuant, to this

Contract, and with the greatest economy, efficiency, and expedition consistent therewith, with only new, undamaged, and first quality equipment, materials, and supplies.

B. Performance Standards. Contractor agrees that all Work shall be fully provided, performed, and completed in accordance with the specifications in Exhibit A.

C. Responsibility for Damage or Loss. Contractor proposes, and agrees, that Contractor shall be responsible and liable for, and shall promptly and without charge to Village repair or replace, any damage done to, and any loss or injury suffered by, the Village, the Work, the Work Site, or other property or persons as a result of the Work.

D. Inspection/Testing/Rejection. Village shall have the right to inspect all or any part of the Work and to reject all or any part of the Work that is, in Village's judgment, defective or damaged or that in any way fails to conform strictly to the requirements of this Contract and the Village, without limiting its other rights or remedies, may require correction or replacement at Contractor's cost, perform or have performed all Work necessary to complete or correct all or any part of the Work that is defective, damaged, or nonconforming and charge Contractor with any excess cost incurred thereby, or cancel all or any part of any order or this Contract. Work so rejected may be returned or held at Contractor's expense and risk.

2. Contract Price

The Contractor shall take in full payment for all Work and other matters set forth under Section 1 above, including overhead and profit; taxes, contributions, and premiums; and compensation to all subcontractors and suppliers, the compensation set forth below.

A. SCHEDULE OF PRICES

For providing, performing, and completing all Work, the total Contract Price of:

TOTAL CONTRACT PRICE:

\$64,000.00

B. BASIS FOR DETERMINING PRICES

It is expressly understood and agreed that:

1. All prices stated in the Schedule of Prices are firm and shall not be subject to escalation or change;
2. The Village is not subject to state or local sales, use, and excise taxes, that no such taxes are included in the Schedule of Prices, and that all claim or right to claim any additional compensation by reason of the payment of any such tax is hereby waived and released; and
3. All other applicable federal, state, and local taxes of every kind and nature applicable to the Work are included in the Schedule of Prices.

C. TIME OF PAYMENT

It is expressly understood and agreed that all payments shall be within 60 days after receiving an invoice from Contractor and the Work is completed.

All payments may be subject to deduction or setoff by reason of any failure of Contractor to perform under this Contract. Each payment shall include Contractor's certification of the value of, and partial or final waivers of lien covering, all Work for which payment is then requested and Contractor's certification that all prior payments have been properly applied to the payment or reimbursement of the costs with respect to which they were paid.

3. Contract Time

Contractor shall commence the Work in accordance with a schedule agreed to between Contractor and the Village provided Contractor shall have furnished to the Village all bonds and all insurance certificates and policies of insurance specified in this Contract ("**Commencement Date**"). Contractor shall perform the Work diligently and continuously and shall complete the Work not later than September 1, 2019 ("**Time of Performance**"). The Village may modify the Time of Performance at any time upon 15 days prior written notice to the Contractor. Delays caused by the Village

shall extend the Time of Performance; provided, however, that Contractor shall be responsible for completion of all Work within the Time of Performance, notwithstanding any strike or other work stoppage by employees of either Contractor or of the Village.

4. Financial Assurance

A. Bonds. Contractor proposes, and agrees, that Contractor shall provide a Performance Bond and a Labor and Material Payment Bond, on forms provided by, or otherwise acceptable to, the Village, from a surety company acceptable to the Village, each in the penal sum of the Contract Price, within 10 days following the execution of this Contract by both parties.

B. Insurance. Contractor shall provide certificates and policies of insurance evidencing the minimum insurance coverages and limits set forth below within 10 days following the execution of this Contract by both parties. Such policies shall be in form, and from companies, acceptable to the Village. The insurance coverages and limits set forth below shall be deemed to be minimum coverages and limits and shall not be construed in any way as a limitation on Contractor's duty to carry adequate insurance or on Contractor's liability for losses or damages under this Contract. The minimum insurance coverages and limits that shall be maintained at all times while providing, performing, or completing the Work are as follows:

1. Workers' Compensation and Employer's Liability

Limits shall not be less than:

Worker's Compensation: Statutory

Employer's Liability: \$500,000 ea. accident-injury
\$500,000 ea. employee-disease
\$500,000 disease-policy

Such insurance shall evidence that coverage applies to the State of Illinois.

2. Comprehensive Motor Vehicle Liability

Limits for vehicles owned, non-owned or rented shall not be less than:

\$1,000,000 Bodily Injury and Property Damage Combined Single Limit

3. Comprehensive General Liability

Limits shall not be less than:

\$1,000,000 Bodily Injury and Property Damage Combined Single Limit.

Coverage is to be written on an "occurrence" basis.

Coverage to include:

- Premises Operations
- Products/Completed Operations
- Independent Contractors
- Personal Injury (with Employment Exclusion deleted)
- Broad Form Property Damage Endorsement
- "X," "C," and "U"
- Contractual Liability

Contractual Liability coverage shall specifically include the indemnification set forth below.

4. Umbrella Liability

Limits shall not be less than:

\$2,000,000 Bodily Injury and Property Damage Combined Single Limit.

This Policy shall apply in excess of the limits stated in 1, 2, and 3 above.

C. Indemnification. Contractor shall indemnify and save harmless the Village against all damages, liability, claims, losses, and expenses (including attorneys' fee) that may arise, or be alleged to have arisen, out of or in connection with Contractor's performance of, or failure to perform, the Work or any part thereof, or any failure to meet the representations and warranties set forth in Section 5 of this Contract.

D. Penalties. Contractor shall be solely liable for any fines or civil penalties that are imposed by any governmental or quasi-governmental agency or body that may arise, or be alleged to have arisen, out of or in connection with Contractor's performance of, or failure to perform, the Work or any part thereof.

5. Contractor's Representations and Warranties

Contractor hereby represents and warrants as follows:

A. The Work. The Work, and all of its components, shall strictly conform to the requirements of this Contract, including, without limitation, the performance standards set forth in Subsection 1B of this Contract; and shall be fit, sufficient, and suitable for the purposes expressed in, or reasonably inferred from, this Contract and the warranties expressed herein shall be in addition to any other warranties expressed or implied by law, which are hereby reserved unto the Village.

B. Compliance with Laws. The Work, and all of its components, shall be provided, performed, and completed in compliance with, and Contractor agrees to be bound by, all applicable federal, state, and local laws, orders, rules, and regulations, as they may be modified or amended from time to time, including without limitation the Prevailing Wage Act, 820 ILCS 130/0.01 *et seq.* (in furtherance of which, a copy of Village's ordinance ascertaining the prevailing rate of wages, in effect as of the date of this Contract, has been attached as an Appendix to this Contract; if the Illinois Department of Labor revises the prevailing rate of hourly wages to be paid, the revised rate shall apply to this Contract); any other prevailing wage laws; any statutes requiring preference to laborers of specified classes; any statutes prohibiting discrimination because of, or requiring affirmative action based on, race, creed, color, national origin, age, sex, or other prohibited classification; and any statutes regarding safety or the performance of the Work. Further, Contractor shall have a written sexual harassment policy in compliance with Section 2-105 of the Illinois Human Rights Act during the course of the work.

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

D. Qualified. Contractor has the requisite experience, ability, capital, facilities, plant, organization, and staff to enable Contractor to perform the Work successfully and promptly and to commence and complete the Work within the Contract Price and Contract Time set forth above.

6. Acknowledgements

Contractor acknowledges and agrees that:

A. Reliance. The Village is relying on all warranties, representations, and statements made by Contractor in this Contract.

B. Remedies. Each of the rights and remedies reserved to the Village in this Contract shall be cumulative and additional to any other or further remedies provided in law or equity or in this Contract.

C. Time. Time is of the essence in the performance of all terms and provisions of this Contract and, except where stated otherwise references in this Contract to days shall be construed to refer to calendar days and time.

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

E. Severability. It is hereby expressed to be the intent of the parties to this Contract that should any provision, covenant, agreement, or portion of this Contract or its application to any Person or property be held invalid by a court of competent jurisdiction, the remaining provisions of this Contract and the validity, enforceability, and application to any Person or property shall not be impaired thereby, but the remaining provisions shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Contract to the greatest extent permitted by applicable law.

F. Amendments and Modifications. No amendment or modification to this Contract shall be effective until it is reduced to writing and approved and executed by the corporate authorities of the parties in accordance with all applicable statutory procedures.

G. Assignment. Neither this Contract, nor any interest herein, shall be assigned or subcontracted, in whole or in part, by Contractor except upon the prior written consent of the Village.

H. Governing Law. This Contract shall be governed by, construed and enforced in accordance with the internal laws, but not the conflicts of laws rules, of the State of Illinois.

I. Certified Payrolls. Contractor shall, in accordance with Section 5 of the Illinois Prevailing Wage

Act, 820 ILCS 130/5, submit to the Village, on a monthly basis, a certified payroll. The certified payroll shall consist of a complete copy of those records required to be made and kept by the Prevailing Wage Act. The certified payroll shall be accompanied by a statement signed by the Contractor or subcontractor which certifies that: (1) such records are true and accurate; (2) the hourly rate paid is not less than the general prevailing rate of hourly wages required by the Prevailing Wage Act; and (3) Contractor or subcontractor is aware that filing a certified payroll that he or she knows to be false is a Class B misdemeanor. A general contractor may rely upon the certification of a lower tier subcontractor, provided that the general contractor does not knowingly rely upon a subcontractor's false certification. Upon two business days' notice, Contractor and each subcontractor shall make available for inspection the records required to be made and kept by the Act: (i) to the Village, its officers and agents, and to the Director of the Illinois Department of Labor and his or hers deputies and agents; and (ii) at all reasonable hours at a location within this State.

J. Conflicts of Interest. Contractor represents and certifies that, to the best of its knowledge, (1) no elected or appointed Village official, employee or agent has a personal financial interest in the business of the Contractor or in this Contract, or has personally received payment or other consideration for this Contract; (2) as of the date of this Contract, neither Contractor nor any person employed or associated with Contractor has any interest that would conflict in any manner or degree with the performance of the obligations under this Contract; and (3) neither Contractor nor any person employed by or associated with Contractor shall at any time during the term of this Contract obtain or acquire any interest that would conflict in any manner or degree with the performance of the obligations under this Contract.

K. Third Party Beneficiaries. No claim as a third party beneficiary under this Contract by any person, firm, or corporation shall be made or be valid against the Village.

L. Conflicts: Exhibits. If any term or provision in this Agreement conflicts with any term or provision of an attachment or exhibit to this Contract, the terms and provisions of this Contract shall control.

DATED this 14th day of May, 2019.

[SIGNATURE PAGE FOLLOWS]

ATTEST:

VILLAGE OF WINNETKA

By: _____
Village Clerk

By: _____
Village Manager

ATTEST:

Epoxy Flooring US LLC - Michael Vaknin

By: Michael Vaknin 5/14/19

By: Michael Vaknin 5/14/19

Title: owner / GM

Its: owner / GM

EXHIBIT A
SPECIFICATIONS

Apparatus Bay Floor

The 6X6 tile shall be removed down to the concrete subsurface. Any damaged concrete shall be repaired with appropriate material for durability and longevity. The Floor shall then be "built-up" with epoxy cement to the level of the old tiles and flush with existing floor drains. A new 1/8 inch epoxy finish shall be the final layer with a 6 inch troweled up cove around the perimeter. The new epoxy floor shall extend outward past the overhead doors to cover the concrete aprons. Five bays shall have a 4 inch wide yellow stripe installed that will aid in parking the vehicles.

Additional Requirements:

1. Provide a timetable from start to completion and how you would minimize any down time for the use of the apparatus bay area.
2. Provide 3 References
3. Provide spec sheets with life-expectancy of product being used.
4. Provide an explanation on how you prepare the area to minimize noise, odors and dust.
5. Provide a sample of available colors.

Note:

Price is to be all inclusive for all equipment, forms, labor, material, tools, machinery, personal protection equipment (PPE) and incidentals for the completion of the project and reporting requirements.

END OF SPECIFICATION

APPENDIX
PREVAILING WAGE ORDINANCE

RESOLUTION NO. R-37-2018

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

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

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

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

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

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

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

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

June 19, 2018

R-37-2018

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

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

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

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

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

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

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

[SIGNATURE PAGE FOLLOWS]

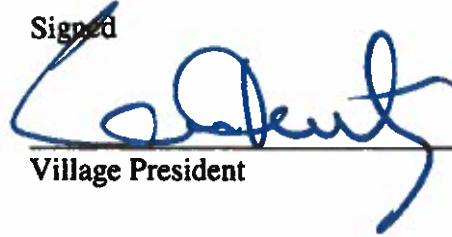
ADOPTED this 19th day of June, 2018, pursuant to the following roll call vote:

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

NAYS: None

ABSENT: Trustee Wedner

Signed



Village President

Countersigned:



Village Clerk

June 19, 2018

R-37-2018

Exhibit A

Illinois Department of Labor Prevailing Wages for Cook County
September 2017

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

Trade Title	Region	Type	Class	Base Wage	Fore- man Wage	M-F OT	OSA	OSH	H/W	Pension	Vacation	Training
ASBESTOS ABT-GEN	ALL	ALL		41.20	42.20	1.5	1.5	2	14.65	12.32	0.00	0.50
ASBESTOS ABT-MEC	ALL	BLD		37.46	39.96	1.5	1.5	2	11.62	11.06	0.00	0.72
BOILERMAKER	ALL	BLD		48.49	52.86	2	2	2	6.97	19.61	0.00	0.90
BRICK MASON	ALL	BLD		45.38	49.92	1.5	1.5	2	10.45	16.68	0.00	0.90
CARPENTER	ALL	ALL		46.35	48.35	1.5	1.5	2	11.79	18.87	0.00	0.63
CEMENT MASON	ALL	ALL		44.25	46.25	2	1.5	2	14.00	17.16	0.00	0.92
CERAMIC TILE FNISHER	ALL	BLD		38.56	38.56	1.5	1.5	2	10.65	11.18	0.00	0.68
COMM. ELECT.	ALL	BLD		43.10	45.90	1.5	1.5	2	8.88	13.22	1.00	0.85
ELECTRIC PWR EQMT OP	ALL	ALL		50.50	55.50	1.5	1.5	2	11.69	16.69	0.00	3.12
ELECTRIC PWR GRNDMAN	ALL	ALL		39.39	55.50	1.5	1.5	2	9.12	13.02	0.00	2.43
ELECTRIC PWR LINEMAN	ALL	ALL		50.50	55.50	1.5	1.5	2	11.69	16.69	0.00	3.12
ELECTRICIAN	ALL	ALL		47.40	50.40	1.5	1.5	2	14.33	16.10	1.00	1.18
ELEVATOR CONSTRUCTOR	ALL	BLD		51.94	58.43	2	2	2	14.43	14.96	4.16	0.90
FENCE ERECTOR	ALL	ALL		39.58	41.58	1.5	1.5	2	13.40	13.90	0.00	0.40
GLAZIER	ALL	BLD		42.45	43.95	1.5	1.5	2	14.04	20.14	0.00	0.94
HT/FROST INSULATOR	ALL	BLD		50.50	53.00	1.5	1.5	2	12.12	12.96	0.00	0.72
IRON WORKER	ALL	ALL		47.33	49.33	2	2	2	14.15	22.39	0.00	0.35
LABORER	ALL	ALL		41.20	41.95	1.5	1.5	2	14.65	12.32	0.00	0.50
LATHER	ALL	ALL		46.35	48.35	1.5	1.5	2	11.79	18.87	0.00	0.63
MACHINIST	ALL	BLD		37.56	50.06	1.5	1.5	2	7.05	8.95	1.85	1.47
MARBLE FINISHERS	ALL	ALL		33.95	33.95	1.5	1.5	2	10.45	15.52	0.00	0.47
MARBLE MASON	ALL	BLD		44.63	49.09	1.5	1.5	2	10.45	16.28	0.00	0.59
MATERIAL TESTER I	ALL	ALL		31.20	31.20	1.5	1.5	2	14.65	12.32	0.00	0.50
MATERIALS TESTER II	ALL	ALL		36.20	36.20	1.5	1.5	2	14.65	12.32	0.00	0.50
MILLWRIGHT	ALL	ALL		46.35	48.35	1.5	1.5	2	11.79	18.87	0.00	0.63

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

SPRINKLER FITTER	ALL	BLD		47.20	49.20	1.5	1.5	2	12.25	11.55	0.00	0.55
STEEL ERECTOR	ALL	ALL		42.07	44.07	2	2	2	13.45	19.59	0.00	0.35
STONE MASON	ALL	BLD		45.38	49.92	1.5	1.5	2	10.45	16.68	0.00	0.90
TERRAZZO FINISHER	ALL	BLD		40.54	40.54	1.5	1.5	2	10.65	12.76	0.00	0.73
TERRAZZO MASON	ALL	BLD		44.38	47.88	1.5	1.5	2	10.65	14.15	0.00	0.82
TILE MASON	ALL	BLD		45.49	49.49	1.5	1.5	2	10.65	13.88	0.00	0.86
TRAFFIC SAFETY WRKR	ALL	HWY		33.50	35.83	1.5	1.5	2	6.00	7.25	0.00	0.50
TRUCK DRIVER	E	ALL	1	35.60	36.25	1.5	1.5	2	8.56	11.50	0.00	0.15
TRUCK DRIVER	E	ALL	2	35.85	36.25	1.5	1.5	2	8.56	11.50	0.00	0.15
TRUCK DRIVER	E	ALL	3	36.05	36.25	1.5	1.5	2	8.56	11.50	0.00	0.15
TRUCK DRIVER	E	ALL	4	36.25	36.25	1.5	1.5	2	8.56	11.50	0.00	0.15
TRUCK DRIVER	W	ALL	1	35.98	36.53	1.5	1.5	2	8.25	10.14	0.00	0.15
TRUCK DRIVER	W	ALL	2	36.13	36.53	1.5	1.5	2	8.25	10.14	0.00	0.15
TRUCK DRIVER	W	ALL	3	36.33	36.53	1.5	1.5	2	8.25	10.14	0.00	0.15
TRUCK DRIVER	W	ALL	4	36.53	36.53	1.5	1.5	2	8.25	10.14	0.00	0.15
TUCK POINTER	ALL	BLD		45.42	46.42	1.5	1.5	2	8.32	15.42	0.00	0.80

Legend

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

OSA Overtime pay required for every hour worked on Saturdays

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

H/W Health/Welfare benefit

Explanations COOK COUNTY

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

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

EXPLANATION OF CLASSES

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

CERAMIC TILE FINISHER

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

COMMUNICATIONS ELECTRICIAN

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

MARBLE FINISHER

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

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

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

OPERATING ENGINEER - BUILDING

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

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

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

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

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

Class 5. Assistant Craft Foreman.

Class 6. Gradall.

Class 7. Mechanics; Welders.

OPERATING ENGINEERS - HIGHWAY CONSTRUCTION

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

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

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

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

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

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

Class 6. Field Mechanics and Field Welders

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

OPERATING ENGINEER - FLOATING

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

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

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

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

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

LANDSCAPING

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

MATERIAL TESTER & MATERIAL TESTER/INSPECTOR I AND II

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

CONTRACT FOR EPOXY FLOOR COATING

05/08/19

City of Winnetka - desire to contract with, **Epoxy Flooring US LLC**, to perform certain work on property located at: **Winnetka Fire Department 428 Green Bay Rd, Winnetka, IL 60093**.

1. JOB DESCRIPTION

The work described under this agreement consists of work to be performed by the Contractor **Epoxy Flooring US LLC** to apply an epoxy floor coating with optional decorative flake system to the concrete floor at: **428 Green Bay Rd, Winnetka, IL 60093** as follows:

2. ELECTRIC/WASTE/EQUIPMENT

A. Winnetka Fire Department will provide:

- Three Phase 240V 60 Amp electrical power within 200 feet of areas to be grinded.
- Seven (7) 110V 20 Amp electrical outlets.
- Construction waste area / dumpster, for concrete grind dust, empty cans, rollers, etc.

B. Epoxy Flooring US LLC will provide:

- 2 head or 4 head counter rotating variable speed Approved Floor Grinder with at least 600 pounds down pressure.
- Dust extraction system, pre-separator, and squeegee attachments with minimum flow rating of 322 cubic feet per minute.
- Grinding Heads:
 - 1. Metal bonded 25 and/or 40 grits.
- Grinding Pads for Edges
 - 1. 25 and/or 40, grits.
- Hand Grinder with dust extraction attachment and pads.
- Control Joint and Saw Cut Filler, two-part filler or polyurea as specified by construction manager.
- (If specified) Floor striping material and layout to specify by owner/architect.

3. EXECUTIONS

3.1 PREPARATION

- A. Installer shall examine and approve concrete substrate for conditions affecting performance of finish.
- B. Verify that base slab meets finish and surface profile and moisture requirements.
- C. General Contractor / Business Owner / Manager should provide floor clean of materials and debris.

D. Protect adjacent surfaces as required to prevent damage by the concrete prep procedure.

E. Setup grinding machine, dust extraction system, tooling, and generator.

F. Ensure concrete is cured to accept prep and epoxy applications.

G. Applicator shall examine the areas and conditions under which work of this section will be provided and the General Contractor / Business Owner / Manager shall correct conditions detrimental to the timely and proper completion of the work and the Applicator shall not proceed until unsatisfactory conditions are resolved.

3.2 APPLICATION: 4,327 Sq. Ft

A. Remove all tiles.

B. Grind the top of the concrete floor to remove all contaminates, imperfections and until there is a uniform scratch pattern. Vacuum the floor thoroughly.

C. Fill cracks and holes with filler products such as epoxy mortar or polyurea.

D. Trowel build 6" cove over 115 Linear ft perimeter.

E. Grind the repaired areas and vacuum the floor thoroughly.

F. Raise floor with Ardex TRM (transportation repair mortar) to within 1/16" bellow drains upper level.

G. Sand / grind the entire new raised floor.

H. Vacuum the floor thoroughly.

I. Apply Poxi-Rock 100% Solids (Color to be determined) primer coat.

J. Full Broadcast Silica sand blend over wet primer to rejection. at rate of 1/2 Lb/Sq.Ft. Allow to cure 12-24 hours at $\geq 70^{\circ}\text{F}$.

K. Apply Chem-Rock LV 100% Solids (Color to be determined) top coat at rate of 80-100 Sq.Ft/Gallon. Allow to cure 12-24 hours at $\geq 70^{\circ}\text{F}$.

3.3 PROTECTION

A. Facility shall protect the floors from damage until substantial completion.

3.4 CLEANUP

A. Epoxy Flooring US LLC will provide 3 mils 42-gallon trash bags and will enclose all dumped products and leave the unit broom-cleaned and all construction debris removed.

4. PAYMENT TERMS: 4,327 Sq. Ft.

Pricing based upon completion of work within a single phase.

Remove all tiles, and raise the floor to 1/16" bellow the drains upper level.....\$30,000.00

Main Apparatus area (4,327 Sq.Ft + 115 Lin ft cove).....\$35,265.00

4" wide Yellow Lines (350 Lin Ft).....\$1,190.00

Total(adjusted).....\$64,000.00

Price is based on completion within one phase.

Price is based on Illinois prevailing labor wages.

Optional completion of work within 2 phases add additional \$3,500.00 to total contract price.

In exchange for the specified work, Business Owner / Manager agrees to pay the Contractor a fixed price of
(Sixty Four Thousand Dollars) as follows:

- First payment of 50% of total contract amount is due upon acceptance and signing of this proposal.
- Remaining 50% is due upon completion of all work, cleanup and satisfactory walkthrough by Business Owner / Manager and Contractor.

Any changes, alterations or deviations from the above specifications involving extra cost of material or labor will become an additional charge over the fixed price shown above. Those changes must be in writing and agreed to by both, Business Owner / Manager and Contractor prior to the execution of work.

5. TIME OF PERFORMANCE

The work specified shall be:

Started on or about: _____.

Completed on or about: _____.

Started and completed as follows: Started as soon as all materials (I.e.: Epoxy / Polyaspartics, Joint and Crack Fillers,) become available and all permits and licenses have been secured by Contractor. Business Owner / Manager would like to have all work completed no later than _____.

6. INDEPENDENT CONTRACT STATUS

It is agreed that Contractor shall perform the specified work as an independent contract. Contractor:

Maintains his or her own independent business.

Shall use his or her own tools and equipment

Shall perform the work independent of Business Owner / Manager supervision, being responsible only for satisfactory completion of the work.

Contractor may use subcontractors but shall be solely responsible for supervising their work and for the quality of the work they produce.

7. LIABILITY WAIVER

If contractor and / or his employees are injured in the course of performing the specific work, Business Owner / Manager shall be exempt from liability for those injuries to the fullest extent allowed by law.

8. PERMITS AND APPROVALS

Contractor shall be responsible for determining which permits are necessary and for obtaining the permits.

Business Owner / Manager shall pay for all state and local permits necessary for performing the specific work.

9. LIENS AND WAIVER OF LIENS

NOT APPLICABLE

10. MATERIALS

All materials shall be new, in compliance with all applicable laws and codes, and shall be covered by a manufacturer's warranty if appropriate.

11. WHAT CONSTITUTES COMPLETION

The work specified in Clause 1 shall be considered completed upon approval of Business Owner / Manager, provided that Business Owner / Manager approval shall not be unreasonably withheld. Substantial performance of the specified work in a workmanlike manner shall be considered sufficient grounds for Contractor to require final payment by Business Owner / Manager, except as provided in Clause 9 (Liens and Waiver of Liens).

12. LIMITED WARRANTIES

Contractor will complete the specified work in a substantial and workmanlike manner according to standard practices prevalent in Contractor's trade. Contractor warrants that:

- The specified work will have complied with all applicable building codes and regulations.
- The labor and materials provided as part of the specified work will be free from defects.
- Additional warranties offered by the Contractor are as follows:
- Warranties for labor from the bottom up for a period of one (1) year. **(Damage caused by owner not covered under warranty.)** Manufactures warranties apply.

13. CHANGE ORDER (Mid-Performance Amendments)

The Contractor and Business Owner / Manager recognize that:

- Business Owner / Manager may desire a mid-job change in the specifications that would add time and cost to the specified work possibly inconvenience to the Contractor; or
- Other provisions of the contract may be difficult to carry out because of unforeseen events, such as a materials shortage or a labor strike.

If these or other events beyond the control of the parties reasonable require adjustments to this contract, the parties shall make a good faith attempt to agree on all necessary particulars. Such agreements shall be put in writing, signed by the parties and added to this contract.

14. INDEMNIFICATION CLAUSE

Contractor agrees to:

Hold harmless and indemnify Business Owner / Manager for all damages, costs and attorney fees that arise out of harm caused to Contractor, subcontractors and other third parties, known and unknown, by Contractor's performance of the specified work, except as follows:

Obtain adequate business liability insurance that will cover Job and any injuries to subcontractors or employees.

15. SITE MAINTENANCE

Contractor agrees to be bound by the following conditions when performing the specified work:

- Contractor shall perform the specified work 7 days per week, unless otherwise negotiated with Business Owner / Manager.
- At the end of each day's work, Contractor's equipment shall be stored in the following location: Area provided by Business Owner / Manager.
- At the end of each day's work, Contractor agrees to clean all debris from the work area and leave all facilities in good working order.
- Contractor agrees to confine all work-related activity, materials and products, including dust and debris, to the perimeter of unit at: **428 Green Bay Rd, Winnetka, IL.**

16. ADDITIONAL AGREEMENTS & AMENDMENTS

A. Business owner and Contractor additionally agree that: _____

B. All agreements between Business Owner and Contractor related to the specified work are incorporated in this contract. Any modification to the contract shall be in writing.

Business Owner / Manager:

Mr. John Colpaert

Dated: _____

Contractor:

Michael Vaknin

Mr. Michael Vaknin
GM

Dated: May 8th, 2019

Bidder: **Epoxy Flooring US LLC**

By: Michael Vaknin
Title: General Manager

Specialty: Polished Concrete &
Epoxy Floor Coatings

Valid until: May 2019

Business Address:

1118 Windbrooke Dr Unit 202
Buffalo Grove, IL 60089

Telephone: 773-447-0786
847-962-8610

E-mail address: Mike@csifloor.com
www.epoxyflooringus.com



Agenda Item Executive Summary

Title: Resolution No. R-65-2019: Regarding the Zoning, Regulation, Licensing, and Possible Prohibition of Recreational Cannabis Businesses (Adoption)

Presenter: Peter Friedman, Village Attorney & David Schoon, Community Development Director

Agenda Date: 07/16/19

Consent: ☐ YES ☒ NO

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

Item History:

None

Executive Summary:

On July 16, 2019, the Village Council is scheduled to consider adopting a “Red Flag” resolution regarding recreational cannabis. At that meeting, the Village Attorney and staff will be presenting information concerning the “Cannabis Regulation and Tax Act”, which the governor recently signed. In general terms, the Cannabis Regulation and Tax Act legalizes the sale and possession of recreational cannabis products for those persons over the age of 21 in Illinois. The Act takes effect on January 1, 2020.

The attached memorandum from the Village Attorney outlines some of the key elements of the Cannabis Regulation and Tax Act pertaining to the regulations that may be imposed by local governments. Key elements include:

1. The ability to establish zoning regulations that either prohibit dispensaries and other cannabis related businesses or allows them with reasonable regulations, including establishing certain operational and location standards (distance from schools, parks, etc.);
2. Establish limits or prohibitions regarding on-premises consumption of cannabis products in dispensaries; and
3. Provide an opportunity to impose a local sales tax of up to 3% of the purchase price on sales in a local dispensary.

The Village Attorney has prepared a “red flag” resolution that formally initiates a process of the Village considering amendments to the Zoning Code and evaluating the merits of establishing a local sales tax on cannabis products.

Zoning Code Amendments. Any amendments to the Zoning Code require a public hearing. Under our Code, the public hearing may be held by the Village Council or by one of the Council’s advisory bodies. The attached resolution directs the Plan Commission to a public hearing on potential Zoning Code amendments.

If a consensus of the Village Council believes that we should prohibit Cannabis businesses in the Village, it would be helpful to provide that information to the Plan Commission. Likewise, if a consensus of the Village Council believes that we should consider amending our Zoning Code to allow recreational cannabis

Executive Summary (continued):

businesses, in particular dispensaries, in the Village, it would be helpful to provide the Plan Commission with that policy direction as well. Section 2 of Resolution No. R-65-2019 asks the Plan Commission to hold a public hearing on the following questions:

- A. Whether all or some Cannabis Businesses should be prohibited in the Village;
- B. If allowed in the Village, what zoning districts should Cannabis Businesses be allowed to operate in;
- C. If allowed in a particular zoning district, should Cannabis Businesses be classified as a permitted or special use;
- D. What specific operating conditions should be applied to Cannabis Businesses as a condition of receiving a special use; and
- E. Whether, and under what conditions, should on-premises consumption of recreational Cannabis be allowed in a dispensary?

If Council members have any thoughts or comments regarding these questions, it would be helpful if you would share them at the meeting so that they may be included in the minutes to provide the Plan Commission with guidance in terms of what Council members would be willing to consider as acceptable regulation of cannabis businesses, if any.

Local Sales Tax. In addition to the question of zoning regulations, the Village Council may also wish to discuss the merits of having the allowable local sales tax on cannabis sales in the Village. The up to 3% local sales tax on recreational cannabis sales would be an additional revenue source for the Village.

Recommendation:

The Village Council is scheduled to consider adoption of Resolution No. R-65-2019, Regarding the Zoning, Regulation, Licensing, and Possible Prohibition of Recreational Cannabis Businesses.

Attachments:

Attachment A – Village Attorney Friedman Memorandum dated July 10, 2019

Attachment B – Resolution No. R-65-2019, A Resolution Regarding the Zoning, Regulation, Licensing, and Possible Prohibition of Recreational Cannabis Businesses

Holland & Knight

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Peter M. Friedman
312.578.6566
peter.friedman@hklaw.com

Memorandum

Date: July 10, 2019

To: President Rintz and Village Council
Robert Bahan, Village Manager
David Schoon, Director of Community Development

From: Peter M. Friedman
Benjamin L. Schuster

Re: “Red Flag” Resolution for Recreational Cannabis Businesses

On May 31, 2019, the General Assembly approved House Bill 1438, the “Cannabis Regulation and Tax Act” (the “**Act**”). Governor Pritzker signed the Act into law on June 25, 2019. The Act legalizes the sale, possession, and use of cannabis for recreational purposes by persons over the age of 21 in Illinois. The Act takes effect on January 1, 2020.

One of the key decisions that municipalities must make in light of the Act is whether to prohibit the retail sale of cannabis within their respective corporate boundaries. To ensure that such a prohibition is effective, amendments to local codes, including zoning regulations, are ordinarily necessary. Zoning code amendments require a public hearing and adoption of a text amendment ordinance. In order to allow ample time for the required public hearing and Village Council review and consideration of appropriate cannabis-related regulations, we recommend that the Village Council adopt the attached resolution (which we call a “red flag” resolution) to formally commence the zoning amendment process.

We have made this same recommendation to all of our local government clients, regardless of whether they intend to prohibit, or allow and regulate, local cannabis sales. In addition to whatever limitations may exist under existing code provisions, the red flag resolution provides another layer of protection against the legal impact of any permit applications that may be filed prior to adoption by the Village of specific text amendments in response to the enactment of the Act.

Currently, the Village’s Zoning Ordinance is clear that unless a specific use is listed as a permitted, special, or temporary use in a particular district, the use is not allowed. The Zoning Ordinance does not currently allow for facilities that either produce or offer for retail sale cannabis to the recreational market. Thus, under the Zoning Ordinance’s standards for interpretation, the lack of defined uses for recreational cannabis cultivation centers or dispensaries means that such uses are prohibited in the Village. *However*, a prospective Cannabis

applicant could attempt to argue that recreational cannabis uses could fall within other listed uses that are permitted (often, as of right) in the Village, such as “Pharmacies,” “Drug Stores,” or “Florist Shop.” The red flag resolution is designed to allow the Village time to cut off any of these types of arguments.

Accordingly, to avoid any future confusion or disputes, we have prepared the draft red flag resolution that directs the commencement of a formal Zoning Ordinance amendment process to define, classify, and if the Village desires, to prohibit recreation cannabis businesses, or, if the Village Council directs, to allow and impose permissible regulatory conditions on their operation. The red flag resolution recognizes that the Zoning Ordinance does not directly and explicitly address the regulation of recreational cannabis businesses, and authorizes and directs the Village’s Plan Commission to promptly conduct a public hearing on possible Zoning Ordinance amendments.

The resolution calls for the Plan Commission to schedule a public hearing no later than 90 days after the effective date of the resolution. Pursuant to Section 17.72.040 of the Zoning Ordinance, the Village Council may also hold a public hearing itself instead of assigning this task to the Plan Commission. Under applicable Illinois law, adoption of the red flag resolution will protect the Village against claims by prospective applicants of “vested rights.”

To assist in the Village’s preparation for a public hearing and text amendment process, we have attached to this Memorandum key definitions from the Act that should be incorporated into the Zoning Ordinance (**Exhibit A**) as well as some general guidelines on the Village’s zoning authority with regard to recreational cannabis businesses (**Exhibit B**). We recommend that these Exhibits be provided for review and consideration at the text amendment public hearing.

The Act also allows municipalities (home rule and non-home rule) to impose a retailer occupation tax on the sale of recreational cannabis in an amount up to 3.0% of the retail purchase price (so long as it is imposed in quarter percentage amounts). In conjunction with the Village’s zoning review, the Village Council should consider whether and to what level it wants to impose a local sales tax on cannabis -- if the Village desires to permit recreational cannabis businesses to operate within the Village.

Exhibit A

Key Definitions from Cannabis Regulation and Tax Act

"Cannabis" means marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act. "Cannabis" also means concentrate and cannabis-infused products.

"Cannabis business establishment" means a cultivation center, craft grower, processing organization, dispensing organization, or transporting organization.

"Craft grower" means a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization. A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering state. The Department of Agriculture may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity, and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area. A craft grower may share premises with a processing organization or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

"Cultivation center" means a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, process, transport (unless otherwise limited by this Act), and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.

"Dispensary" means a facility operated by a dispensing organization at which activities licensed by this Act may occur.

"Dispensing organization" means a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients

and caregivers. As used in this Act, dispensary organization shall include a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Pilot Program Act or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

"Infuser organization" or **"infuser"** means a facility operated by an organization or business that is licensed by the Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product.

"Processing organization" or **"processor"** means a facility operated by an organization or business that is licensed by the Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product.

Exhibit B

Local Authority Guidelines

From Section 55-25 of the Act “Local Ordinances”: (emphasis added)

“Section 55-25. Local ordinances. Unless otherwise provided under this Act or otherwise in accordance with State law:

(1) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact reasonable Zoning Codes or resolutions, not in conflict with this Act or rules adopted pursuant to this Act, regulating cannabis business establishments. No unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may prohibit home cultivation or unreasonably prohibit use of cannabis authorized by this Act.

(2) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact ordinances or rules not in conflict with this Act or with rules adopted pursuant to this Act governing the time, place, manner, and number of cannabis business establishment operations, including minimum distance limitations between cannabis business establishments and locations it deems sensitive, including colleges and universities, through the use of conditional use permits. A unit of local government, including a home rule unit, may establish civil penalties for violation of an ordinance or rules governing the time, place, and manner of operation of a cannabis business establishment or a conditional use permit in the jurisdiction of the unit of local government. No unit of local government, including a home rule unit or non-home rule county within an unincorporated territory of the county, may unreasonably restrict the time, place, manner, and number of cannabis business establishment operations authorized by this Act.

(3) A unit of local government, including a home rule unit, or any non-home rule county within the unincorporated territory of the county may regulate the on-premises consumption of cannabis at or in a cannabis business establishment within its jurisdiction in a manner consistent with this Act. A cannabis business establishment or other entity authorized or permitted by a unit of local government to allow on-site consumption shall not be deemed a public place within the meaning of the Smoke Free Illinois Act.

(4) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may not regulate the activities described in paragraph (1), (2), or (3) in a manner more restrictive than the regulation of those activities by the State under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(5) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact ordinances to prohibit or significantly limit a cannabis business establishment's location.

RESOLUTION NO. R-65-2019

**A RESOLUTION REGARDING THE ZONING, REGULATION, LICENSING,
AND POSSIBLE PROHIBITION OF RECREATIONAL CANNABIS BUSINESSES**

WHEREAS, on June 6, 2019, Illinois General Assembly passed, and on June 25, 2019, the Governor signed into law, House Bill 1438, titled the "Cannabis Regulation and Tax Act" ("**Act**"), legalizing the sale, possession and use of cannabis sativa and its derivatives and subspecies ("**Cannabis**") for recreational purposes by adults over age 21 starting January 1, 2020; and

WHEREAS, the Act grants limited authority to municipalities to regulate commercial cannabis facilities, including cultivation centers, dispensaries (retail operations), infusers, processors, and craft growers intending to serve recreational customers (collectively, "**Cannabis Businesses**"); and

WHEREAS, the Act authorizes municipalities to completely prohibit the location and operation of Cannabis Businesses, restrict Cannabis Businesses to specific zoning districts, require Cannabis Businesses to obtain special use permits to operate, and condition the grant of a special use permit on compliance with certain regulatory restrictions; and

WHEREAS, the Act also allows municipalities to (i) impose a local retailer occupation tax of up to 3.0 percent of the retail purchase price of Cannabis ("**Local Sales Tax**"), and (ii) determine whether and under what conditions Cannabis Businesses may allow for on-premises consumption of Cannabis; and

WHEREAS, the Village has a long tradition of utilizing its zoning and planning authority to ensure that compatible uses are maintained in its various neighborhoods; and

WHEREAS, the "Winnetka Zoning Ordinance" ("**Zoning Ordinance**"), does not plainly address uses that would encompass Cannabis Businesses; and

WHEREAS, in the absence of explicit provisions in the Zoning Ordinance that authorize the use of property for recreational Cannabis Businesses, recreational Cannabis Businesses are currently prohibited in the Village in all zoning districts; and

WHEREAS, the Village Council has determined that it is in the best interest of the Village and its residents to direct the Village Plan Commission to evaluate the classification of Cannabis Businesses and recommend to the Village Council whether any, some, or all types of Cannabis Businesses should be allowed by special use permit under the Zoning Ordinance, as well as such other regulations as may be necessary, important, or beneficial to the Village and its residents, including, without limitation, whether and under what conditions should on-premises consumption of recreational Cannabis be allowed;

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: DIRECTION TO PLAN COMMISSION; NOTICE TO PUBLIC. The Plan Commission is hereby directed to hold a public hearing on the following questions:

- A. Whether all or some Cannabis Business should be prohibited in the Village;
- B. If allowed in the Village, what zoning districts should Cannabis Businesses be allowed to operate in;
- C. If allowed in a particular zoning district, should Cannabis Businesses be classified as a permitted or special use;
- D. What specific operating conditions should be applied to Cannabis Businesses as a condition of receiving a special use, specifically related to operational regulations for any Cannabis Dispensary, which under the Act are the establishments that will be authorized to sell recreational Cannabis at retail; and
- E. Whether, and under what conditions, should on-premises consumption of recreational Cannabis be allowed.

The notice of such hearing shall be given as required by law within 90 days after the effective date of this Resolution. The public shall be deemed to have notice that the Village is considering Zoning Ordinance amendments regarding Cannabis Businesses as of the effective date of this Resolution.

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

[SIGNATURE PAGE FOLLOWS]

ADOPTED this 16th day of July, 2019, pursuant to the following roll call vote:

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

Signed

Village President

Countersigned:

Village Clerk



Agenda Item Executive Summary

Title: 688 & 694 Green Bay Road - Willow Trace Residences Planned Development - Concept Plan Review

Presenter: David Schoon, Director of Community Development

Agenda Date: 07/16/2019

Consent: ☐ YES ☒ NO

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

Item History:

None.

Executive Summary:

On July 16, 2019, the Village Council is scheduled to consider an application filed by Swanson Development, LLC, as the contract purchaser of the properties located at 688 Green Bay Road and 694 Green Bay Road. The Applicant has submitted a Planned Development Concept Plan application to develop a six (6) unit multi-family residential project. See attached agenda report for details.

The purpose of the concept plan application is to broadly acquaint the Council with the Applicant's proposal and provide the Applicant with any preliminary views or concerns Council members may have early in the process prior to the Applicant expending the funds necessary to prepare the documentation required for a preliminary plan application.

During the concept plan review stage, Council members may make any comments, suggestions or recommendations regarding the concept plan they deem necessary or appropriate. However, no final or binding action is taken at this preliminary conceptual review. Any views expressed during the Council's review of the concept plan are only preliminary and advisory and only the individual views of the member expressing them. Nothing said or done during the concept review shall be deemed to create, or to prejudice, any rights of the Applicant or to obligate the Council to approve or deny any preliminary plan application.

Recommendation:

Staff recommends that the Village Council review the Applicant's concept plan application, and that Council members provide individual comments, suggestions or recommendations on the proposed six (6) unit multi-family development at 688 and 694 Green Bay Road.

Attachments:

Village Council Agenda Report
Attachment A: Application Materials
Attachment B: Photographs of Area Properties



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: VILLAGE COUNCIL
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: JULY 9, 2019
SUBJECT: 688 & 694 GREEN BAY ROAD - WILLOW TRACE RESIDENCES -
PLANNED DEVELOPMENT - CONCEPT PLAN REVIEW

INTRODUCTION

On July 16, 2019, the Village Council is scheduled to consider an application filed by Swanson Development, LLC (the "Applicant"), as the contract purchaser of the properties located at 688 Green Bay Road and 694 Green Bay Road (the "Subject Property"). The Applicant has submitted a Planned Development Concept Plan application to develop a six (6) unit multi-family residential project.

The purpose of the Village Council's review of the concept plan application is to broadly acquaint the Council with the Applicant's proposal and provide the Applicant with any preliminary views or concerns members of the Council may have early in the process when adjustments are still possible and prior to the Applicant expending the funds necessary to prepare the complete documentation required for a preliminary plan application.

After hearing the comments and suggestions from the Village Council, if the Applicant decides to proceed with the project, the Applicant will need to submit a preliminary planned development application with all the required documents for consideration by the Planned Development Commission and the Design Review Board. Property owners within 250 feet of the Subject Property will be notified of these meetings by mail notice, a notice will be published in the *Winnetka Current*, and a sign will be posted on the Subject Property. Once the advisory bodies have completed their respective reviews, the Village Council will consider the advisory bodies' findings and recommendations on the preliminary plan and vote to grant, deny or modify the planned development application, or the Village Council may return the matter to the Planned Development Commission or Design Review Board for further consideration and findings. Provided the preliminary plan is approved by the Village Council, a final plan shall be submitted for the Village Council's consideration and substantially conform to the approved preliminary plan.

PROPERTY DESCRIPTION

The Subject Property, which is approximately 0.35 acres (15,175 square feet) in size, is located on the west side of Green Bay Road between Pine Street and Westmoor Road. Currently, there is a vacant single family residence on the 688 Green Bay Road parcel and the 694 Green Bay Road parcel is vacant. Figures 1 through 4 on the following pages identify the Subject Property.



Figure 1 – Subject Property (688 Green Bay Road)



Figure 2 – Subject Property (694 Green Bay Road - looking southwest from Green Bay Road)



Figure 3 – Aerial Map

The Land Use Plan Map of the 2020 Comprehensive Plan designates the Subject Property as appropriate for “Townhouse Residential” development, which is generally a lower-density transitional area between commercial districts and single family neighborhoods. The Land Use Plan Map designates the property to the south along Green Bay Road as appropriate for “Multi-Family Residential” and to the north as appropriate for “Townhouse Residential”.



Figure 4 – Comprehensive Plan Land Use Map

The property is zoned B-1 Multifamily Residential, and it is bordered by B-1 Multifamily Residential to the north, B-2 Multifamily Residential to the south, and R-3 Single Family Residential to the west (represented in Figure 5 below). Along Green Bay Road to the south there are multi-family structures and to the north are a duplex building, a townhouse development, and a multi-family building. Immediately to the west are two single family homes (see Attachment B for photographs). The B1 District allows multi-family structures at a density no greater than 18 units per acre, which for the Subject Property would be 6 units.



Figure 5 – Zoning Map

Given the Subject Property is on the boundary of two Comprehensive Plan land use designations, the Applicant's proposed use of the Subject Property as a multi-family residential development is generally consistent with the Comprehensive Plan land use designation and the B-1 zoning district.

PROPERTY HISTORY

The Subject Property was the subject of a code enforcement complaint regarding the condition of the former residence located at 694 Green Bay Road dating back to 2016. The department handled the nuisance violation with the Village Prosecutor through the court system, which culminated in the demolition of the single-family residence on the 694 Green Bay Road parcel last year.

PROPOSED PLAN

The proposed development of the Subject Property, referred to as the Willow Trace Residences, consists of six (6) luxury flats, each measuring approximately 2,200 square feet, in three stories with 12 enclosed below grade parking spaces. The plan also includes a fourth story that would consist of owner storage space and a common indoor lounge area as well as a roof deck and garden. In addition to providing 12 enclosed parking spaces for owners, two guest parking spaces would be provided at the rear of the property, with additional street parking available on Green Bay Road.

The Applicant describes the proposed architectural design of the development as English Country Manor style. As described in the attached narrative provided by the Applicant and included in this report as Attachment A, the exterior materials would include reddish/brown face brick and limestone trim and water table on all four elevations. The window frames would be black with simulated divided lite muntins. The units would also include private balconies that would be faced with wood trim and include black wrought iron rails, balustrades and spindles. The pitched roof elements would be DaVinci artificial slate shingles with copper decorative finials, gutters and downspouts.

ZONING RELIEF

Based upon staff's initial review of the materials submitted to date, the following subdivision and zoning relief has been identified; **additional relief may be necessary as the plans evolve and become more detailed:**

- A. Plat of Consolidation – 688 Green Bay Road and 694 Green Bay Road will need to be consolidated into one single lot of record.
- B. Maximum Building Size – the consolidated lot area of 15,175 square feet allows a maximum gross floor area (GFA) of 12,140 square feet. As currently proposed, the building consists of approximately 22,957 square feet of gross floor area, requiring a variation of 10,817 square feet (89.1%). The following is a breakdown of how the building area was calculated:
 - a. First, second and third floors – 15,528 square feet
 - b. Balconies – 891 square feet
 - c. Fourth floor (enclosed storage and lounge) – 1,362 square feet
 - d. Basement (parking) – 5,176 square feet (the basement is included in the GFA because as currently drawn the first floor is more than 2.5 feet above existing grade).
- C. Maximum Building Height – the proposed building height is 50.5 feet and four (4) stories, whereas the maximum permitted building height is 35 feet and 2½-stories. The dimension of 50.5 feet is measured from the first floor to the highest point of the decorative gable at the center of the building. The height to the top of the flat roof of the enclosed storage and lounge area on the fourth floor would be 47 feet. The proposed design also includes four corner tower roof elements that would be 45.17 feet in height with a parapet between the four corners that would be 39.33 feet in height. It is relevant to note that the proposed units include 10-foot ceiling heights for each floor level, which according to the Applicant is a standard design requirement for north shore residences in this market.
- D. Principal Roof Form – the proposed design incorporates pitched roof gables at the four corners of the building as well as the center, however, the primary roof design is that of a flat roof. The Zoning Ordinance prohibits flat roofs, shed roofs, mansard roofs, butterfly roofs, domed roofs and the like.
- E. Façade Articulation - At this preliminary level of review, staff is unable to verify compliance with the articulation requirement. The requirement is intended to assure that the apparent scale of the building is compatible with the scale of near-by single family development by requiring no exterior wall be unarticulated for a distance greater than 50 feet. The Zoning Ordinance requires the distance in the plane of the walls be at least four (4) feet.

Items B-E above would require the Village Council to approve exceptions to these zoning requirements. The Applicant has yet to identify compensating benefits for the proposed development that would support the granting of the exceptions. The Applicant would need to do that during the formal

preliminary application process.

The proposed plan complies with the intensity of use of lot regulations as well as the minimum required setbacks. That being said, it is important to note that the proposed development will have to meet all storm water regulations. A preliminary engineering plan will need to be submitted with the preliminary plans and will be reviewed by Village Engineering staff for compliance.

For this preliminary conceptual review, the Applicant has provided a site plan, first floor plan, roof plan, east and south building elevations, and renderings along with a narrative description of the proposed development, which are all included in Attachment A.

CONSIDERATION BY VILLAGE COUNCIL

Any member of the Village Council may make any comments, suggestions or recommendations regarding the concept plan they deem necessary or appropriate. However, no final or binding action is taken at this preliminary conceptual review. Any views expressed during the Village Council's review of the concept plan are only preliminary and advisory and only the individual views of the member expressing them. Nothing said or done during the concept review shall be deemed to create, or to prejudice, any rights of the Applicant or to obligate the Village Council to approve or deny any preliminary plan application.

RECOMMENDATION

At the July 16, 2019 Village Council meeting, staff recommends that the Village Council review the Applicant's concept plan application, and that Council members provide individual comments, suggestions or recommendations on the proposed six (6) unit multi-family development at 688 and 694 Green Bay Road.

ATTACHMENTS

Attachment A: Application Materials

Attachment B: Photographs of Area Properties

PD-C

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

PLANNED DEVELOPMENT
CONCEPT PLAN APPLICATION

This application addresses the first step of the Village's planned development public review process. **Prior to submittal of this form** and accompanying project details, an applicant is **required** to meet with the Community Development Department staff to discuss the planned development requirements and procedures.

Once this application is received, Village staff will schedule a presentation of the application materials to the Village Council at a regular Council meeting. The purpose of the concept plan presentation to the Council is to broadly acquaint the Village Council with the applicant's proposal and provide the applicant with any preliminary views or concerns that members of the Village Council may have at a time in the process when positions are still flexible, adjustment is still possible, and prior to the time when the applicant is required to expend the funds necessary to prepare the complete documentation required for a preliminary plan application.

At the meeting at which the concept plan application is considered, any member of the Village Council may make any comments, suggestions or recommendations regarding the concept plan application deemed necessary or appropriate by that member; provided, however, that no final or binding action shall be taken with respect to any concept plan application. Any views expressed in the course of the Village Council's review of any concept plan application shall be deemed to be only preliminary and advisory and only the individual views of the member expressing them. Nothing said or done in the course of such review shall be deemed to create, or to prejudice, any rights of the applicant or to obligate the Village Council, or any member of it, to approve or deny any preliminary plan application following full consideration thereof as required by this Code.

The following materials are the minimum required for the processing of a concept plan review by the Village of Winnetka's Village Council. There is no filing fee for the concept plan review; however, review of a submitted formal *preliminary planned development* application will require payment of a filing fee(s). If you have questions regarding the completion of this process contact the Community Development Department at (847) 716-3525.

Current Property Owner Information

Legal Name: CCF Winnetka LLC

Primary Contact: Clark Golumbo

Address: 216 W. Ohio St., 5th Floor

City, State, Zip: Chicago, IL 60654

Phone No. 312 620-1100

Email: clark@ccfbridgeloans.com

Applicant Information

Legal Name: Swanson Development LLC

Primary Contact: Rick Swanson

Company: Swanson Development LLC

Address: 1930 Amberley Court

City, State, Zip: Lake Forest, IL 60045

Phone No: 847 757-3975

Email: rick@rmswanson.com

PLANNED DEVELOPMENT – CONCEPT PLAN REVIEW APPLICATION

Property Information *(if more than one parcel is involved in the request please include the information for all parcels)*Site Location/Address: 688 & 694 Green Bay Rd.

Parcel Identification Number(s) (PIN): _____

Dimensions and Size of Parcel(s): 2-parcels, 50'-0" x 150'-0" Gross lot area:15,0000 sfCurrent Zoning: B-1 MultifamilyCurrent Use of the Property: single-family/vacant lotApplicant's Current Interest in Property: Contract Purchaser**REQUIRED MATERIALS FOR SUBMISSION**

The Applicant must provide 1 hard copy and 1 electronic copy (.pdf), of the following information to Village staff at least two weeks prior to the Village Council meeting date. The Council meets on the 1st and 3rd Tuesdays of the month.

- ☒ If the Applicant is **not** the owner of the subject property, the current property owner must submit written authorization allowing the Applicant to pursue the requested action. This letter must be received by Village Staff prior to placing an item on the Village Council agenda.
- ☒ A sketch site plan drawn to scale showing the general layout of proposed buildings and land uses within the property, as well as the general location of vehicular parking and circulation areas and pedestrian circulation systems. Showing the context of the site plan in relationship to surrounding parcels and land uses as well as the adjacent street and sidewalk network would be helpful.
- ☐ A narrative describing the general scale, use and character of the proposed development, including the proposed categories of land uses for property. The narrative should also include a general outline of the project's overall building footprint, impermeable surface area and gross floor area, as well as a summary of the anticipated number and size of **residential** units and parking spaces for a residential development and the number, type and size of proposed uses, as well as anticipated parking areas for commercial developments;
- ☒ A general visual description or images of the architectural style of the proposed development;
- ☐ List of zoning and subdivision exceptions that the planned development requires for approval;
- ☐ The general location and extent of compensating benefits as required by Section 17.58.120 B; the following is a non-exclusive list: (1) the provision of community amenities for public use, such as plazas, malls, formal gardens, places to congregate, outdoor seating, and pedestrian facilities; (2) the preservation of existing historic features; (3) The dedication and provision of public open space and public recreational amenities, such as recreational open space, including accessory buildings, jogging trails, playgrounds, and similar recreational facilities; (4) the adaptive reuse of existing buildings; (5) the provision of public car and/or bike share facilities; (6) the provision of off-street public parking spaces; (7) the provision of affordable housing units; (8) the incorporation of building and site elements that enhance the environment and increase sustainability; and (9) the provision of uses, spaces, or infrastructure that provide a benefit to the public and which there is a demonstrated public need.
- ☐ The nature, scope and extent of public dedications, improvements or contributions to be provided by the applicant; and
- ☐ Applicant's qualifications to carry out the proposed development.



216 W. Ohio St, 5th Floor Chicago, IL 60654 | phone: 312.620.1100 | fax: 866.218.0048 | info@ccfbridgeloans.com | www.ccfbridgeloans.com

June 3, 2019

Sir or Madam,

CCF Winnetka, LLC is the owner of the two properties located at 688-694 Green Bay Rd, Winnetka, IL and Continuum Capital Funding LLC, as the manager of the property for the property owner, acknowledge and approve of Rick Swanson of R.M. Swanson Architect submitting an application for a six-unit residential development on these properties.

Please feel free to call us if you should have any questions.

Sincerely, A



Clark Golembo

Manager, Continuum Capital Funding LLC, the manager of CCF Winnetka LLC



1930 Amberley Court
Lake Forest, Illinois 60045
(847) 457-6770 direct
(847) 757-3975 mobile
rick@rmswanson.com

May 16, 2019

David Schoon
Community Development
Planning Division
Village of Winnetka
510 Green Bay Rd.
Winnetka, IL 60093

Re: 688 & 694 Green Bay Rd.

Mr. Schoon,

We respectfully request the Village of Winnetka's careful consideration of our proposed multi-family residential project at 688 & 694 Green Bay Road. There were two existing single-family residences on the respective parcels. One of the two has been demolished and the other to be demolished as a condition of our approval process. The properties are currently zoned B-1 Multi-family and will be consolidated as one lot under this zoning designation. We have reviewed the regulations for this zoning district and will comply with all requirements except two, which we intend to seek variances.

The proposed building will be comprised of 6- luxury 2,200 sf flats in 3-stories with 12-below ground parking spaces and a fourth story for owner storage space and common area indoor lounge. The fourth story will also include a 700-sf roof deck and garden. Two guest parking spaces will be provided in the rear with additional street parking available on Green Bay Rd. Ceiling heights will be 10'-0" for each floor to meet consumer demand and provide a more historically correct placement of fenestration to the exterior of the building.

The proposed architectural design vernacular embraces the English Country Manor style, which is consistent with the Village's aesthetic character. Exterior materials will include reddish/brown face brick and limestone trim and water table on all four elevations. The window frames will be black with simulated divided lite muntins and private balconies will be faced with wood trim and include black wrought iron rails, balustrades and spindles. The pitched roof elements will be Da Vinci artificial slate shingles with copper decorative finials, gutters and downspouts.

We will be requesting variances for the following:

Maximum Floor Area Ratio: The current B-1 zoning designation allows a maximum floor area (FAR) of 80% of the gross lot area. For this site, we have 15,175 sf of lot area, which would provide 12,140 sf of allowable floor area. The total proposed gross area of floor 1 thru 3 is 15,528 sf not including the balconies, which total 891 sf. The gross floor area of the proposed storage and lounge on the 4th floor is 1,362 sf. The

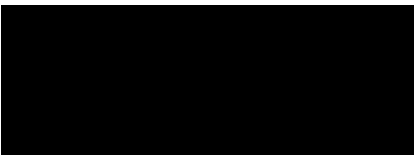
gross area of the underground Garage is 5,176 sf, which may or may not be counted based on exposure of mass above existing grade. The total gross area of the proposed building is 17,781 sf (109% of lot area) including 1st thru 4th floor and open balconies. The gross area would increase to 22,957 sf (151% of the lot area) if 100% of the underground garage were to be counted. We are providing all floor area information to properly vet the mass of each building component to determine what elements truly create the appearance of mass and scale. While we believe the Garage space to be visually benign, any area that is greater than 3'-0" above existing grade to the first-floor elevation must be included per current design guidelines. Our proposed design is approximately 3'-0" above existing grade and will ultimately be affected by how the final engineering of the site is ultimately reconciled. However, there are areas on the west elevation that must be technically considered in the floor area and we will work proactively with the Village to embrace the spirit of FAR language in the ordinance.

Maximum Building Height: The current maximum allowable building height for this zoning classification is 35'-0" from the first-floor elevation to the highest point of the proposed structure. Our plan proposes a 50'-6" height from the first-floor elevation to the peak of the highest gable elements located on the north and south facades. The corner tower roof elements will be 45'-2" to the peaks. The parapet will be 39'-4" using the same method of measurement. That portion of the roof mass measuring 50'-6" is decorative gable; intentionally located in the center of the building to screen from the east and west view perspectives. As a result, the streetscape mass that will be visible is dominated by the 39'-4" parapet and framed on each corner by the 5'-2" pitched roof elements. Note that we are also proposing 10'-0" ceiling heights for each of the floors, which is a standard design requirement for north shore residences in this market. Village code also provides that principal roof forms provide connection between the eaves. We attempted to creatively utilize this mass by discreetly placing the mass away from the street view and providing logical purpose by way of storage and roof access.

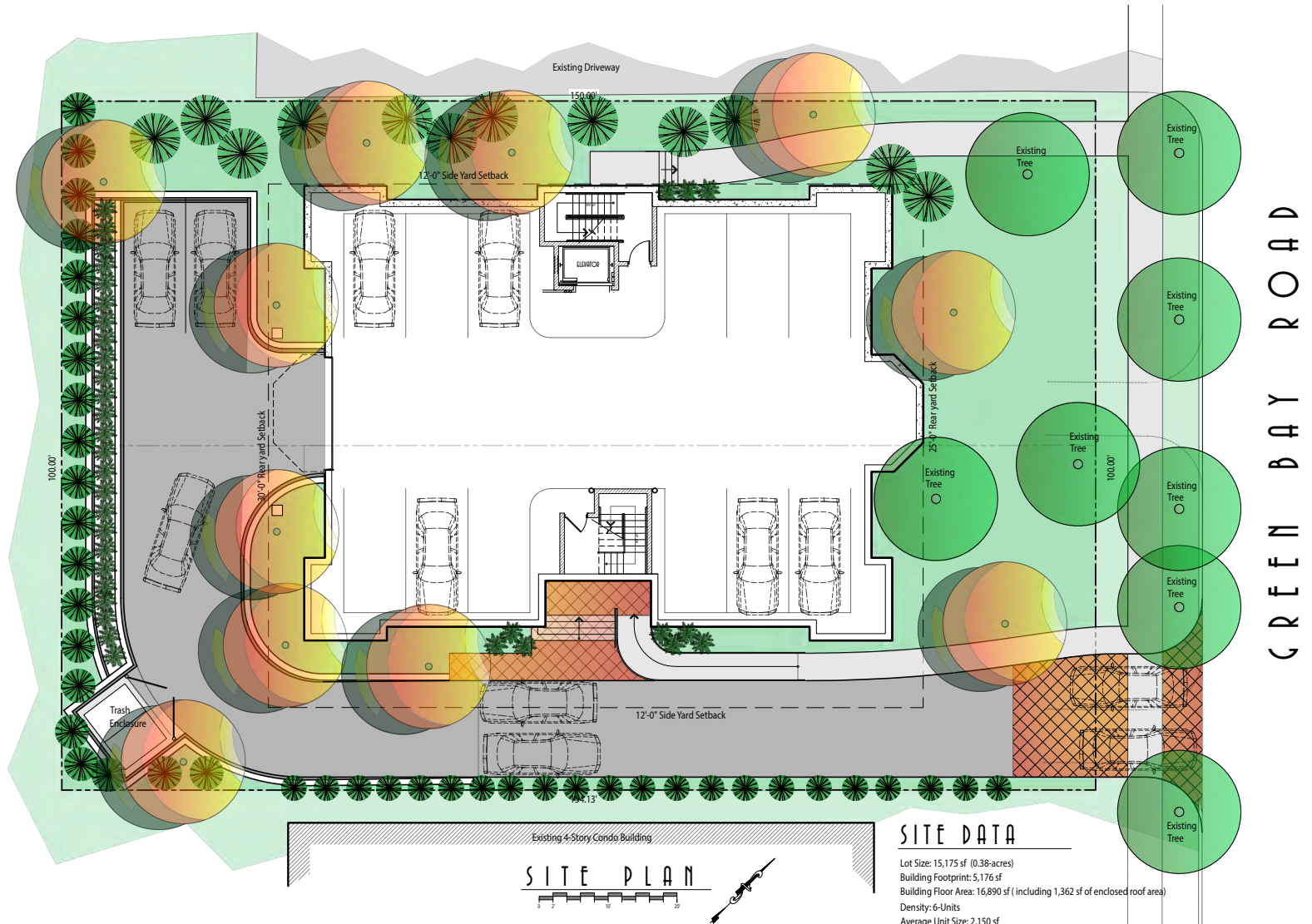
We have also given thought to the compensating benefits our project will provide to the community. Some projects offer more than others based on location and scope. Our proposed building will provide significant improvement to the Green Bay Road streetscape by removing unsightly structures and further enhance the gateway to Winnetka from the north. This will include architecture that is consistent with the aesthetic character of the community and safer access to the site. All site improvements will be privately owned and not require dedication and or perpetual maintenance to the Village. Public utilities are available and will adequately serve this project.

We appreciate this opportunity to present our project to the Village Council and look forward to discussing this in more detail with you on July 16th.

Respectfully,



Rick Swanson AIA, NCARB
Managing Member





WILLOW TRACE RESIDENCES

688 GREEN BAY RD, WINNETKA, ILLINOIS

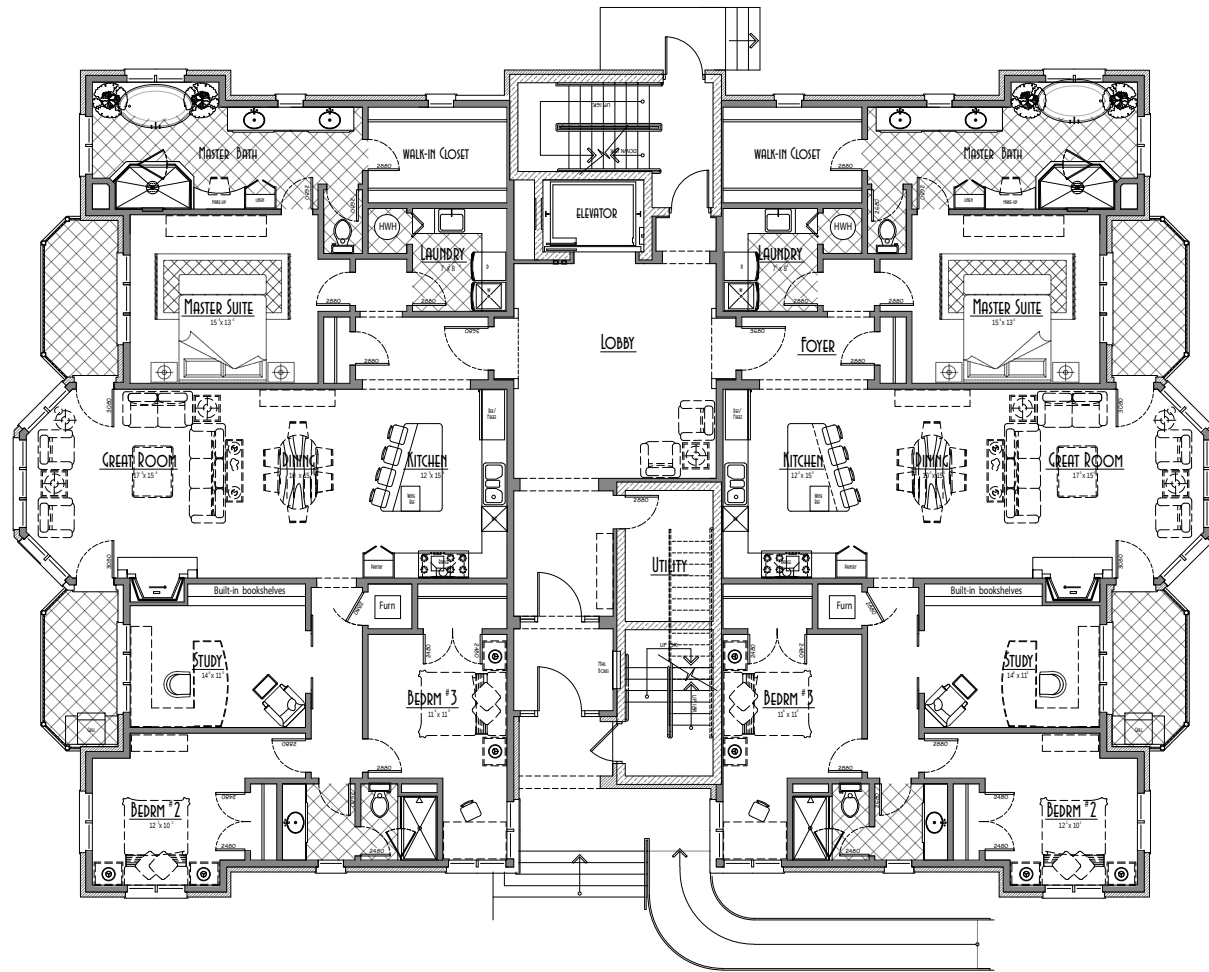
RM
SWANSON
ARCHITECTS
1930 ARMBLEY COURT
LAKE FOREST, ILLINOIS 60045
PHONE: (847) 457-6770
FAX: (847) 655-8851

May 12, 2019



WILLOW TRACE RESIDENCES

688 GREEN BAY RD, WINNETKA, ILLINOIS



FIRST FLOOR PLAN

WILLOW TRACE RESIDENCES

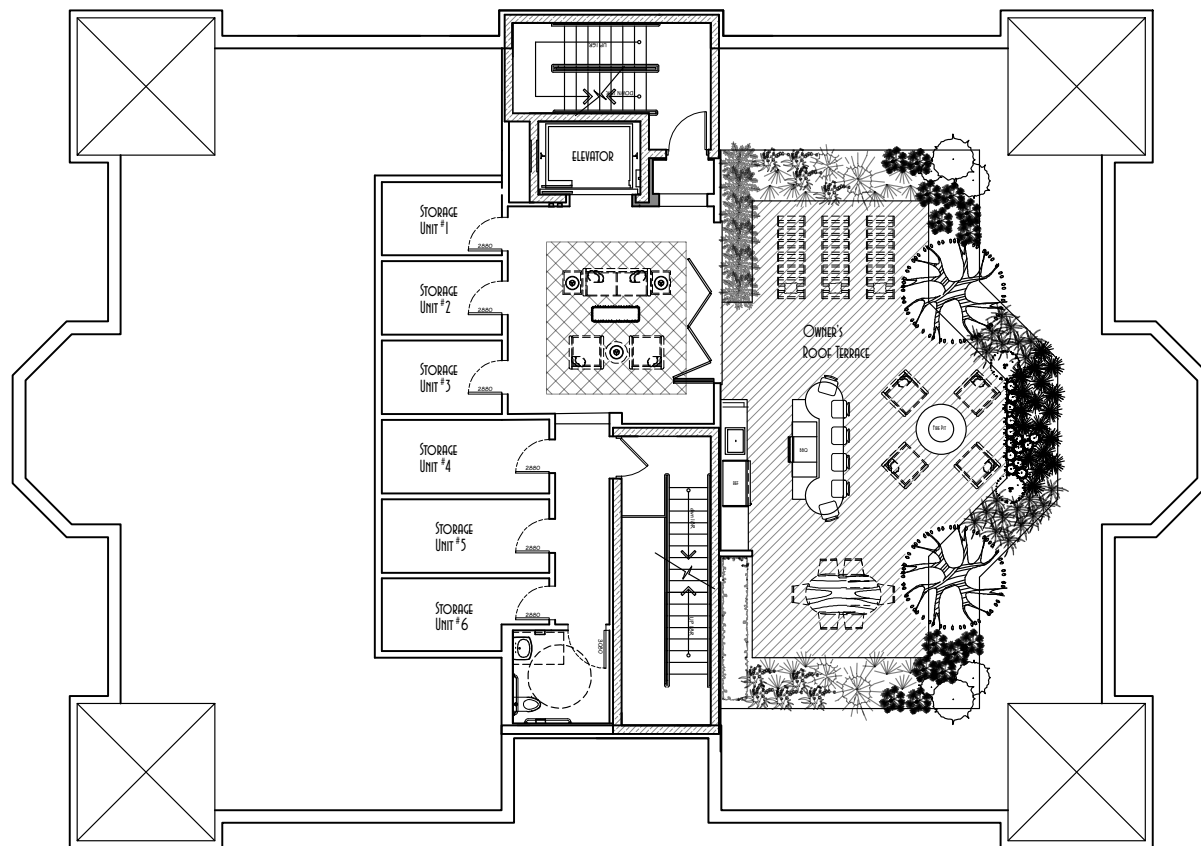
688 GREEN BAY RD, WINNETKA, ILLINOIS

RM
SWANSON
ARCHITECTS

1100 N. HENRY CORNE
1000 N. HENRY CORNE
1000 N. HENRY CORNE
1000 N. HENRY CORNE

May 12, 2018

Condominium Unit Floor Area: 2,150 sf



ROOF FLOOR PLAN

WILLOW TRACE RESIDENCES

688 GREEN BAY RD, WINNETKA, ILLINOIS

RM
SWANSON
ARCHITECTS

1900 SPRING CREEK
LAKESHORE, ILLINOIS 60066
PHONE: (847) 451-6300
FAX: (847) 451-6881

May 9, 2018













ATTACHMENT B - PHOTOGRAPHS OF AREA PROPERTIES



Figure 6 – 696-698 Green Bay Road (duplex building to north)



Figure 7 – 700-708 Green Bay Road (townhouses to north)



Figure 8 – 720 Green Bay Road (multi-family building to north)



Figure 9 – 680 Green Bay Road (multi-family building to south)



Figure 10 – Winnetka Mews (multi-family building to south)



Figure 11 – 677 and 681 Walden Road (single family homes to west)



Agenda Item Executive Summary

Title: Status of One Winnetka Development and Related Compliance and Property Maintenance Issues

Presenter: Peter Friedman, Village Attorney

Agenda Date: 07/16/2019

Consent: ☐ YES ☐ NO

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

Item History:

On October 16, 2018, the Village approved an Amended and Restated Development Agreement, a Planned Development Ordinance (No. M-13-2018), and related subdivision and other approvals authorizing the proposed One Winnetka development ("Approval Documents").

Executive Summary:

The One Winnetka development is currently not in compliance with two important provisions of the Approval Documents.

First, under the Development Agreement the Developer was required to provide to the Village a third-party financial guaranty on or before November 20, 2018. Despite several notices and an opportunity to cure, to date the Village has not received the required guaranty. Thus, an Event of Default exists under the Development Agreement. Under the Development Agreement, the Village is authorized to, among other remedies, terminate the Development Agreement whenever an Event of Default exists and has not been cured.

Second, the Developer was required to close on the Conney's property and record the approved subdivision plat on or before December 31, 2018 ("Recording Deadline"). The Developer was unable to meet this deadline. The Developer invoked the ability under the Approval Documents to extend the Recording Deadline by a total of 180 days, or until June 28, 2019. To date, the Developer has not closed on the Conney's property and thus has also not recorded the final plat of subdivision. Under the Planned Development Ordinance and the Resolution approving the subdivision plat, the Developer's failure to satisfy the Recording Deadline authorizes the Village Council, by resolution duly adopted, to revoke the Planned Development and subdivision approvals.

In addition, the One Winnetka properties are not being maintained in compliance with applicable Village property maintenance and life safety regulations. There are ongoing violations of the Village Code resulting from the failure to properly maintain the structures at 511-515 Lincoln Avenue, 714-732 Elm Street, and 740 Elm Street. Village staff has determined that the properties have not been properly maintained and remain in an unsafe condition and in an unfit state for human occupancy. As a result, we have filed a complaint in Cook County Circuit Court seeking a court order and other relief that will require that the properties be brought into compliance with Village and other applicable codes and regulations.

We have attached our last notices regarding (i) the Event of Default and Recording Deadline noncompliance and (ii) the condition of the properties.

At the July 16 Board meeting, we will provide a more thorough oral report to the Council regarding all of these matters so the Council can consider next steps.

Recommendation:

The Village Council should consider its options in response to the Status of the One Winnetka development and related compliance and property maintenance issues.

Attachments:

Village Attorney July 2, 2019 letter
Village Attorney June 20, 2019 letter

Holland & Knight

150 North Riverside Plaza, Suite 2700 | Chicago, IL 60606 | T 312.263.3600 | F 312.578.6666
Holland & Knight LLP | www.hklaw.com

Peter Friedman
(312) 578-6566
peter.friedman@hklaw.com

July 2, 2019

***Via Email (dtrandel@springbankreg.com)
and UPS Overnight Delivery***

David Trandel
SB One Winnetka, LLC and SB Winnetka, LLC
c/o Springbank Capital Advisors, LLC
730 W. Randolph Street, Suite 500
Chicago, IL 60603

***Re: Event of Default Under Amended and Restated Development Agreement
Failure to Meet Recording Deadline Under Zoning Approvals***

Dear Mr. Trandel:

On January 31, 2019, we informed you that an Event of Default exists under the October 16, 2018 Amended and Restated Development Agreement ("**Agreement**") because SB One Winnetka, LLC and SB Winnetka, LLC (collectively, "**Developer**") failed to meet the obligations under Section 10.K of the Agreement.

Section 10.K of the Agreement provides, in part, as follows:

Within 25 business days after approval of the Final PD Ordinance, the Developer shall deliver to the Village the original, fully executed, Limited Guaranty of Completion as set forth in **Exhibit Q** to this Agreement, or such other security approved by the Village, from a third-party guarantor ("**Guarantor**") together with a (i) certified financial statement of the Guarantor, prepared in accordance with generally accepted accounting principles, demonstrating that the Guarantor meets the financial standards set forth in paragraph 10.K.2 of this Agreement ("**Financial Standards**"), and (ii) a statement from an independent accountant certifying to the Village that the Guarantor meets the Financial Standards.

This Event of Default has not been cured to date.

In addition, the Developer has not fulfilled its timing obligations under (i) Ordinance M-13-218, an Ordinance Granting Final Approval of a Planned Development ("**Planned Development Ordinance**"); and (ii) Resolution R-57-2018, a Resolution Approving a Final Plat of Subdivision ("**Subdivision Resolution**").

Section 13.B. of the Planned Development Ordinance provides:

- B. At the option of the Village Council by resolution duly adopted, this Ordinance shall be of no force or effect and shall be rendered null and void in the event that:

[...]

2. The Final Plat is not recorded with the Cook County Recorder of Deeds by December 31, 2018 (**"Recording Deadline"**); provided that the Recording Deadline may be extended by Developer for two 90-day periods by providing written notice to the Village in the event that Developer is unable to close on the 736 Elm Street Property.

Section 7.B of the Subdivision Resolution provides:

- B. At the option of the Village Council by resolution duly adopted, this Resolution shall be of no force or effect and shall be rendered null and void in the event that the Final Plat is not recorded with the Cook County Recorder of Deeds by December 31, 2018 (**"Recording Deadline"**); provided that the Recording Deadline may be extended by Developer for two 90-day periods by providing written notice to the Village in the event that Developer is unable to close on the 736 Elm Street Property.

The Developer must obtain ownership of the 736 Elm Street Property (**"Conney's Property"**) as a precondition of recording the final plat of subdivision for the One Winnetka development. The Developer has extended the Recording Deadline twice: (i) first to March 31, 2019, and (ii) then to June 29, 2019.

Despite it exercising both 90-day extensions, the Developer has now missed the June 29, 2019 Recording Deadline because it has failed to close on its purchase of the Conney's Property and record the final plat of subdivision.

Earlier this month, the Village President advised you that it would be necessary for you to report on the status of the development directly to the Village Council at its July 16 regular meeting. The Village President also advised that representatives from your lender, prospective equity partners, and Conney's should also attend that meeting. Additionally, you should provide the Village with the final executed purchase and sale agreement with Conney's and the final documents related to the financing that will support the development.

Without this consolidated report, the related deal documents, and without the report including specific and demonstrably realistic time frames (i) to bring the development into compliance with the approval documents and (ii) to proceed with the construction of the development, the Council may well move to terminate the Agreement, the Planned Development Ordinance, and the Subdivision Resolution. If the Village Council declares the Planned Development Ordinance and Subdivision Resolution null and void, zoning approvals for the development would require a new public hearing process and consideration of a new planned development and related approvals by the Village Council.

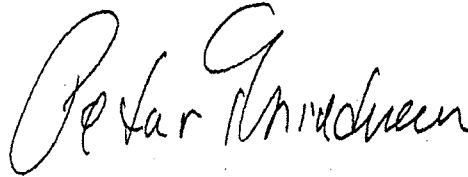
Mr. David Trandel

July 2, 2019

Page 3

Please note that all of the requested documents and materials, and any additional information that you would like to provide to the Council, must be submitted to the Village on or before July 8 in order to be distributed to the Council for the July 16 meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Friedman". The signature is fluid and cursive, with the first name "Peter" being more prominent than the last name "Friedman".

Peter M. Friedman

PMF/ljd

cc: Rob Neumann (robert.neumann@comcast.net)
610 Sheridan Road
Winnetka, Illinois 60093

Glenn L. Udell (gudell@bupdlaw.com)
Brown, Udell, Pomerantz & Delrahim, LTD
225 West Illinois, Suite 300
Chicago, Illinois 60654

Holland & Knight

131 South Dearborn Street, 30th Floor | Chicago, IL 60603 | T 312.263.3600 | F 312.578.6666
Holland & Knight LLP | www.hklaw.com

Peter M. Friedman
312.578.6566
peter.friedman@hklaw.com

June 20, 2019

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED,
AND FIRST CLASS MAIL**

To: Parties on Attached Service List

Re: ***Notice of Unsafe Property Complaint***
511-515 Lincoln Avenue, 714-732 Elm Street, 740 Elm Street, Winnetka, Illinois
Cook County, PIN Numbers 05-21-109-017-0000, 05-20-213-005-0000, 05-21-109-012-
0000, 05-21-109-003-0000, 05-20-213-006-0000, 05-21-109-020-0000, 05-20-213-004-
0000

My firm serves as Village Attorney for The Village of Winnetka (the "***Village***"). The Village has directed us to contact you concerning the ongoing violations of the Winnetka Village Code (the "***Village Code***") resulting from the failure to properly maintain the structures at 511-515 Lincoln Avenue, 714-732 Elm Street, and 740 Elm Street, Winnetka, Illinois 60093 (the "***Property***"). The Property has been and remains in an unsafe condition and unfit state for human occupancy pursuant to 65 ILCS 5/11-31-1, Sections 110.1, 110.1.1, 110.3, 110.4, 311.2.2, 311.3, and 901.6 of the 2009 International Fire Code as adopted by Section(s) 15.16.010 of the Village Code, and Section 116.1 of the 2009 International Property Maintenance Code ("IPMC"), adopted pursuant to Section 15.08.080 of the Village Code, all as further described in the attached Exhibit A.

Pursuant to 65 ILCS 5/11-31-1, this letter serves as notice to the owner and other persons interested in the Property that no earlier than 15 days from the date of this notice, if the conditions listed in the attached inspection report are not remedied, the Village intends to file with the Circuit Court of Cook County a complaint requesting authority to remediate the unsafe conditions at the Property pursuant to all available remedies under 65 ILCS 5/11-31-1 and all associated relief, including without limitation fines in the amount of \$750.00 per violation, per day, assessed from the date the violations first existed on the Property.

Please be aware that in addition to the fines described above, costs incurred by the Village with regard to the abatement of the unsafe structure(s) and nuisance (including all costs related to the abatement, court costs, attorney's fees, and other related costs) will be recoverable by the Village. These costs will act as a lien on the Property and have priority over all other interests pursuant to 65 ILCS 5/11-31-1(a).

Please contact me or my colleague Andrew Fiske (312-928-6006) as soon as possible to discuss this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Friedman". The signature is fluid and cursive, with the first name "Peter" being more prominent than the last name "Friedman".

Peter M. Friedman

ANF
Enclosure

#68699174_v1

Cc: Robert Bahan, Village Manager, Village of Winnetka
Alan Berkowsky, Fire Chief, Village of Winnetka
David Schoon, Director of Community Development, Village of Winnetka

SERVICE LIST

SB One Winnetka, LLC c/o FR Registered Agt Services Inc., its Agent 2801 Lakeside Dr., Ste 207 Bannockburn, IL 60015 SB One Winnetka, LLC Attention: David Trandel c/o Springbank Capital Advisors, LLC 730 West Randolph Street, Suite 500 Chicago, IL 60661	SB Winnetka, LLC c/o FR Registered Agt Services Inc., its Agent 2801 Lakeside Dr., Ste 207 Bannockburn, IL 60015 SB Winnetka, LLC Attention: David Trandel c/o Springbank Capital Advisors 730 West Randolph Street, Suite 500 Chicago, IL 60661
Elm Street Pharmacy, LLC c/o Mark Jacobs, its Agent 736 Elm Street Winnetka, IL 60093	Rob Neumann 610 Sheridan Road Winnetka, IL 60093
Bridgeview Bank Group 7940 S. Harlem Avenue Bridgeview, IL 60455	Signature Bank 6400 N. Northwest Chicago, IL 60631
T2 Winnetka I, LLC c/o The Corporation Trust Co., Agent Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	Romspen Mortgage Limited Partnership 162 Cumberland Street, Suite 300 Toronto, Ontario M5R 3N5
Sowlat Engineers, P.C. c/o Khorsrow Sowlat, its Agent 233 N. Michigan Ave., Suite 1720 Chicago, IL 60601	HomeServices of Illinois, LLC c/o CT Corporation System, its Agent 208 South LaSalle Street, Suite 814 Chicago, IL 60604
Okrent Kisiel Associates Inc. c/o George v. Kisiel, its Agent 122 S. Michigan Ave. Ste 1200 Chicago, IL 60603	Lucien LaGrange Studio, LLC c/o Alfredo O. Marr, its Agent 730 West Randolph Street, Suite 500 Chicago, IL 60661
First American Bank 1650 Louis Avenue Elk Grove Village, IL 60007	Conney's Pharmacy, Inc. c/o Michael E. Braude, its Agent 650 Dundee Road Ste 456 Northbrook, IL 60062



REPORT OF ONGOING VIOLATIONS

This property report for the property at 511-515 Lincoln Avenue, 714-732 Elm Street, and 736-740 Elm Street, Winnetka, Illinois, Winnetka, Illinois 60093 ("Property") is issued pursuant to the Winnetka Village Code ("Village Code") to inform you that the undersigned code official(s) has grounds to believe the Property is in violation of one or more building, fire or life safety codes. Referenced International Codes: the 2009 International Fire Code ("IFC"), as adopted pursuant to Section 15.16.020 of the Village Code, the 2009 International Property Maintenance Code ("IPMC"), adopted pursuant to Section 15.08.080 of the Village Code.

The violations described below have been ongoing since approximately December 2018. There is no reason to believe based on the condition of the Property as of the date of this notice that any of the violations described below have been remedied. It is the Village's belief that all of the violations below continue to exist and that the interior of the structures on the Property have continued to deteriorate, including without limitation that the structures are open to the weather and to animals and birds. Bacterial growth previously observed within the structures and now visible from the street would continue to grow under these conditions.

As described below, the Village believes that these continuing violations at the Property demonstrate, without limitation, that the Property is unfit for human occupancy, unsafe, insecure, and endangers the public health, safety and welfare. The description of violations below is not an exhaustive list of all potential violations currently in existence at the Property, and the Village expressly reserves the right to assert claims for relief for these and any other violations determined to exist at the Property.

Numerous attempts have been made by the Village to seek compliance with these continuing violations and the owner of the Property has failed to comply.

DESCRIPTION OF FINDINGS OF VIOLATIONS

IFC 110.1 General. If during the inspection of a premises, a building or structure or any building system, in whole or in part, constitutes a clear and imminent threat to human life, safety or health, the fire code official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.	Multiple buildings have broken pipes, broken windows, and holes in the roof causing large amounts of water damage and mold growth throughout the structure.
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and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.	
IFC 110.1.1 Unsafe conditions. Structures or existing that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant structure which is not secured against unauthorized entry as required by section 311 shall be deemed unsafe.	• The structures have not been maintained and secured properly leading to water damage and a large amount of mold growth throughout that is hazardous to firefighters and police officers who need to enter the structures due to calls of trespassers, broken pipes, animal and bird complaints, or any similar issues.
IFC 110.3 Summary abatement. Where conditions exist that are deemed hazardous to life and property, the fire code official or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this code.	• Bacterial growth issues need to be remediated
IFC 110.4 Abatement. The owner, operator or occupant of a building or premise deemed unsafe by the fire code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition, or other approved action.	• Bacterial growth issues need to be remediated
IFC 311.2.2 Fire Protection. Fire alarm, sprinkler and stand pipe systems shall be maintained in an operable condition at all times.	• Fire alarm and/or sprinkler systems on all properties are inoperable or out of service with outstanding fire alarm monitoring bills. • 513-515 Lincoln – fire alarm and sprinkler system are out of service – all conditions • 740 Elm – fire alarm system inoperable • 714-716 Elm – fire alarm out of service –



	fire trouble • 718-732 Elm – fire alarm out of service - all conditions
IFC 311.3 Removal of combustibles. Persons owning, or in charge or control of, a vacant building or portion thereof, shall remove therefrom all accumulations of combustible materials, flammable or combustible waste or rubbish and shall securely lock or otherwise secure doors, windows and other openings to prevent entry from unauthorized persons. The premise shall be maintained clear of waste or hazardous materials.	• All properties have combustible materials and/or rubbish stored inside.
IFC 901.6 Inspection testing and maintenance. Fire detection, alarm and extinguishing systems shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. Fire protection systems shall be inspected tested and maintained in accordance with NFPA 72.	• Most properties experienced multiple broken water pipes due to lack of heat over the winter months. • 511 Lincoln – broken sprinkler and water pipes • 513-515 Lincoln – broken sprinkler and water pipes • 740 Elm – broken water pipes • 714-716 Elm – broken water pipes • 718-732 Elm – broken sprinkler and water pipes
IPMC 116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as	• The structures at the Property are unsafe, insanitary, constitute a fire hazard, and are dangerous to human life or the public welfare • The structures at the Property are inadequately maintained and are open to the elements • The structures at the Property are vacant and are not secured against entry



provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.	
IPMC 304.7 Roof and drainage. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.	• Roofs are leaking evidenced by presence of moisture, bacterial growth, and decaying ceiling tiles.
IPMC 304.13 Window, skylight, and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair, and weather tight. IPMC 304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.	• Many windows are broken and boarded up. Some of the boarded up windows contain openings that allow rain/snow and birds to enter the buildings.
IPMC 305.3 Interior Surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean, and sanitary condition. Decayed wood and other defective surface conditions shall be corrected.	• Bacterial growth is occurring on wall and ceiling surfaces. • Drop ceiling tiles are deteriorating and falling to the floor.
IPMC 308.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.	• Rubbish has accumulated on floors of building spaces.
IPMC 604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible	• Given the leaking roof and the broken sprinkler heads, electrical equipment has been exposed to water and should be



cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the International Building Code.

examined to determine its compliance with Code.

Based on the above findings, the undersigned code officer(s) find the above-described Property to be unsafe and unfit for human occupancy and dangerous to the life, health, property or the safety of the public including, without limitation, because the Property does not the minimum safeguards to provide protection or warning in the event of a fire and the structures on the Property are damaged, decayed, dilapidated, unsanitary, remain open to the elements, and it is unreasonable to repair those structures.


Alan Berkowsky, Fire Chief

6-19-19
Date


David Schoon
Director of Community Development

6-19-19
Date