

**Winnetka Village Council
REGULAR VIRTUAL MEETING**

Cisco WebEx
July 21, 2020
7:00 PM

AGENDA

In accordance with social distancing requirements and Governor Pritzker's Executive Orders 2020-43 and 2020-44, and Senate Bill 2135, the Winnetka Village Council meeting on Tuesday, July 21, 2020 will be held virtually. The meeting will be livestreamed via the Cisco WebEx platform. At least one representative from the Village will be present at Village Hall in compliance with the Bill, and the virtual meeting will be simulcast at Village Hall for members of the public who do not wish to view the virtual meeting from another location. Pursuant to Executive Orders 2020-43 and 2020-44 issued by the Governor, the number of people who may gather at Village Hall for the meeting is limited due to the mandated social distancing guidelines. Accordingly, the opportunity to view the virtual meeting at Village Hall is available on a "first come, first-served" basis.

The public has two options for observing and participating in this virtual Village Council meeting including the ability to provide oral comments during the meeting.

- 1) Telephone (audio only Call 408 418-9388), when prompted enter the Meeting ID – 1261153604 (Please note there is no additional password or attendee ID required)
- 2) Livestream (both audio and video feed) Download the Cisco WebEx meetings app to your smartphone, tablet or computer and then join Meeting ID:1261153604. Event Password: VC07212020

Public comments should be emailed to contactcouncil@winnetka.org. Public comments received by 6:45 p.m. on Tuesday, July 21, 2020 will be read at the appropriate time during the meeting. General comments for matters not on the agenda will be read at beginning of the meeting under the Public Comment agenda item. Comments specific to a particular agenda item will be read during the discussion of that agenda item. The Village will attempt to have comments received after the meeting has started read at the end of the meeting. Public comment is limited to 200 words or less. Public comments should contain the following information:

- In the subject line – "Village Council Meeting Public Comment"
- Name
- Address (optional)
- Phone (optional)
- Organization or agency representing, if applicable
- General comment or comment on topic of specific agenda item number

All emails received will be acknowledged either during or after the meeting, depending on when they are received. If you do not have access to email, you may leave a message with your public comment at the Village Manager's office at 847-716-3541 or mail to Village Clerk, Village of Winnetka, 510 Green Bay Road, Winnetka, IL 60093.

**Winnetka Village Council
REGULAR VIRTUAL MEETING**

CiscoWebEx
July 21, 2020
7:00 p.m.

AGENDA

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Quorum
 - a) August 4, 2020 Regular Meeting
 - b) August 11, 2020 Study Session
 - c) August 18, 2020 Regular Meeting
- 4) Public Comment
- 5) Reports
- 6) Approval of Agenda
- 7) Consent Agenda
 - a) Approval of Village Council Minutes
 - i) June 16, 20203
 - ii) July 7, 20206
 - b) Approval of Warrant List dated July 3 - 16, 202011
 - c) Resolution No. R-46-2020: Approving Change Order No. 10 to the Contract With B-Max Inc. for Electric Distribution System Work (Adoption)12
- 8) Ordinances and Resolutions
 - a) Ordinance No. MC-3-2020: Amending Sign Regulations to Allow Display Case Signs (Introduction & Adoption)15
 - b) Resolution No. R-47-2020: Amendment to Development Agreement and Restrictive Covenants - 630 Pine Lane (Adoption)57
- 9) Old Business: None.

NOTICE

All agenda materials are available at villageofwinnetka.org (Governance > Agendas & Minutes); the Reference Desk at the Winnetka Library; or in the Manager's Office at Village Hall (2nd floor). Webcasts of the meeting may be viewed on the Internet via a link on the Village's web site: <https://www.villageofwinnetka.org/AgendaCenter>.

The Village of Winnetka, in compliance with the Americans with Disabilities Act, requests that all persons with disabilities who require certain accommodations to allow them to observe and/or participate in this meeting or have questions about the accessibility of the meeting or facilities, contact the Village ADA Coordinator, 510 Green Bay Road, Winnetka, Illinois 60093, 847-716-3545; T.D.D. 847-501-6041.

10) New Business	
a) 547 Lincoln Avenue: Delos Therapy Special Use Permit (Policy Direction)	116
b) Resolution No. R-48-2020: Allowing Outdoor Dining and Service of Liquor During COVID-19 Emergency	213
11) Appointments	
12) Closed Session	
13) Adjournment	

Originally Posted July 16, 2020 – Amended July 17, 2020

NOTICE

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**MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR VIRTUAL MEETING
June 16, 2020**

(Approved: xx)

A record of a legally convened regular meeting of the Council of the Village of Winnetka, which was held virtually on the Cisco WebEx virtual meeting platform Tuesday, June 16, at 7:00 PM.

- 1) Call to Order. President Rintz called the meeting to order at 7:00 PM. Present: Trustees Robert Apatoff, Jack Coladarci, Andrew Cripe, Robert Dearborn, Penfield Lanphier, and John Swierk. Absent: None. Also present: Village Manager Robert Bahan, Assistant Village Manager Kristin Kazenas, Village Attorney Peter Friedman, Community Development Director David Schoon, Fire Chief Alan Berkowsky, and approximately seven persons in the audience.
- 2) Pledge of Allegiance.
- 3) Quorum.
 - a) July 7, 2020 Regular Meeting. All of the Council members present said they expect to attend.
 - b) July 14, 2020 Study Session. All of the Council members present except Trustee Lanphier said they expect to attend.
 - c) July 21, 2020 Regular Meeting. All of the Council members present except Trustee Lanphier said they expect to attend.
- 4) Public Comment.

Gail Schechter, Director of Housing Opportunities & Maintenance for the Elderly, commented that a way to end structural racism is to offer affordable housing to all people regardless of income or race; and she offered to assist with community education on the issue.

Next, Ms. Kazenas read a comment from Patrick Hanley, 589 Lincoln Avenue. Mr. Hanley also commented on housing injustice, and he encouraged welcoming residents of all income levels and races to Winnetka.
- 5) Reports:
 - a) Trustees. None.
 - b) Attorney. Attorney Friedman reviewed new amendments to the Open Meetings Act for virtual meetings that require a determination that it is not prudent to have a physical meeting; mandating that at least one staff member be at Village Hall during virtual meetings; and limiting attendance to no more than ten people in the Council Chamber.
 - c) Manager. None.
 - d) Village President. President Rintz read a statement about the new Open Meetings Act amendments affirming that having physical open meetings is not feasible at this time. He commented that the Winnetka protest march on June 15 was civil, respectful, and orderly;

and he commended the Police Department staff for upholding the highest standards in representing the Village. He also urged the community to wear masks when visiting newly-opened stores and restaurants. Finally, he said a review of the completed Phase I and II Streetscape improvement projects would be prepared for discussion at a future Study Session.

- 6) Approval of the Agenda. Trustee Cripe, seconded by Trustee Apatoff, moved to approve the Agenda. By roll call vote, the motion carried. Ayes: Trustees Apatoff, Coladarci, Cripe, Dearborn, Lanphier, and Swierk. Nays: None. Absent: None.

7) Consent Agenda

- a) Village Council Minutes.

i) June 2, 2020 Regular Virtual Meeting.

- b) Approval of Warrant List dated May 29 - June 11, 2020 in the amount of \$1,283,037.57.

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

8) Ordinances and Resolutions.

- a) Resolution No. R-43-2020: 711 Locust/710 Walden Plat of Consolidation. Mr. Schoon reviewed this request for a plat of consolidation in the R-3 Residential Zoning District. The applicants plan to demolish the home at 710 Walden and construct a pool, pool house, garage, and outdoor dining pavilion. A through lot would be created as a result of the consolidation.

Chip Hackley, the project architect, reviewed the project in greater detail, noting that the impact of a through lot on Walden will be mitigated by a curve in the road at the Subject Property. He added the total impervious surface will be decreased overall; and the fencing will be softened with landscaping to improve the visual effect from the sidewalk along Walden Road.

Trustee Lanphier asked what the Village's options are in this case. Attorney Friedman explained that since no zoning relief or exceptions are being requested, and since subdivisions are viewed in a different legislative light than zoning variations, the discretion of the Village is very limited.

After a thorough discussion about the fencing on Walden and potential future construction on the site, the Council agreed to approve the request. There was also consensus to discuss residential design review and accessory structures at a future Study Session.

Trustee Swierk, seconded by Trustee Cripe, moved to adopt Resolution No. R-43-2020. By roll call vote, the motion carried. Ayes: Trustees Apatoff, Coladarci, Cripe, Dearborn, Lanphier, and Swierk. Nays: None. Absent: None.

- 9) Old Business. None.

10) New Business.

- a) 2019 Fire Department Annual Report Presentation. Chief Berkowsky reviewed the Fire Department's annual report from 2019. He explained that the Department's mission statement has been amended twice in the past four years to clearly set out the core purpose of the Department. Chief Berkowsky reviewed staffing, call volume, and response statistics, which have remained largely consistent over the past few years. Response times increased in 2019 – possibly due to implementation of a new CAD system; however, turnout times remained the same. The Chief said further study of the new CAD data points is required before the cause of the increased response times can be fully known.

Winnetka Fire Department performs has a fully staffed Fire Prevention Bureau which conducts fire prevention inspections for Winnetka, Glencoe, Northfield, and Kenilworth. A classroom update was done in 2019, and a new ambulance was purchased, which is performing better than the previous model. The Department has come up with creative ways to keep engaged with the community in light of the social distancing required by the Covid-19 pandemic.

The Council discussed the report with Chief Berkowsky and commended him on another successful year for the Fire Department.

- 11) Motion to Extend Village President's Declaration of Emergency. Attorney Friedman explained that the Village President's emergency declaration is set to expire at the end of this Council meeting unless the Council acts to extend it. This review at each meeting helps the Council determine whether the emergency declaration is still necessary. This would be the fifth extension of the declaration of emergency. President Rintz commented that funds from the CARE Act will be disbursed to municipalities by Cook County; it is possible that only expenses related to emergency declarations will be reimbursed – and lost revenue will not be accounted for. In light of this eventuality, the Village's claim for reimbursement might be looked at in a better light if the declaration is extended for as long as possible.

Trustee Apatoff, seconded by Trustee Lanphier, moved to extend the duration of the declaration of civil emergency originally executed by the Village President on March 17 until a date that is seven days from the date of this motion or until the adjournment of the next regular, special, or emergency meeting of the Council, whichever occurs later. By roll call vote, the motion carried. Ayes: Trustees Apatoff, Coladarci, Cripe, Dearborn, Lanphier, and Swierk. Nays: None. Absent: None.

- 12) Appointments. None.

- 12) Closed Session. None.

- 13) Adjournment. Trustee Dearborn, seconded by Trustee Apatoff, moved to adjourn the meeting. By roll call vote, the motion carried. Ayes: Trustees Apatoff, Coladarci, Cripe, Dearborn, Lanphier, and Swierk. Nays: None. Absent: None. The meeting adjourned at 8:36 PM.

Recording Secretary

**MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
July 7, 2020**

(Approved: xx)

A record of a legally convened regular meeting of the Council of the Village of Winnetka, which was held virtually on the WebEx videoconference platform on Tuesday, July 7, 2020, at 7:00 PM.

- 1) Call to Order. President Rintz called the meeting to order at 7:00 PM. Present: Trustees Robert Apatoff, Jack Coladarci, Andrew Cripe, Robert Dearborn, Penfield Lanphier, and John Swierk. Absent: None. Also present: Village Manager Robert Bahan, Assistant Village Manager Kristin Kazenas, Village Attorney Peter Friedman, Community Development Director David Schoon, Director of Water & Electric Brian Keys, and approximately five persons in the audience.
- 2) Pledge of Allegiance. President Rintz led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) July 14, 2020 Study Session. All of the Council members present with the possible exception of Trustee Apatoff said they expect to attend.
 - b) July 21, 2020 Regular Meeting. All of the Council members present said they expect to attend.
- 4) Public Comment.

Ms. Kazenas read comments from Theresa Lukas, owner of Good Grapes at 821 Chestnut Street. Ms. Lukas took issue with how the Village's Special Event Permit applications are administered; and she suggested some changes to the process. In a second written comment, Ms. Lukas questioned how the Winnetka Music Festival benefits the entire business community.

Next Ms. Lukas, who was in attendance via telephone, also gave verbal comments reiterating her written comments about the special use process.

President Rintz explained that a Study Session to discuss the Special Use Permit process is anticipated in the near future.
- 5) Reports:
 - a) Trustees.
 - i) Trustee Lanphier said she attended the 4th of July vehicle parade, which was enthusiastically received; and she commended the Park District for being creative in orchestrating the event.
 - ii) Trustee Apatoff thanked Village employees for working to make the 4th of July reverse parade a success.
 - b) Attorney. None.

- c) Manager. Manager Bahan reported on an electrical outage on July 3 that impacted two circuits and resulted in 1,217 customers being affected. After the Plant Operator performed remote switching, power was restored in approximately eight minutes. A cable fault on the ComEd system was determined to be the cause of the outage, which also damaged Winnetka's switchgear. Village staff worked with ComEd to repair Winnetka's circuits; while the outage duration was only eight minutes, staff spent most of the holiday weekend working to restore capacity to the affected lines. Manager Bahan thanked Electric Department staff and Director Keys for their hard work and singled out the Plant Operator for quickly and accurately performing the remote switching to mitigate the impact on the affected residents.
- d) Village President. President Rintz said on June 23 he appeared in court to represent Winnetka residents in the property maintenance case against the owners of the One Winnetka site. He took the opportunity to explain the negative impact of the site on the surrounding community; the judge appeared empathetic and instructed the attorneys to expedite their schedules to provide relief to the community. A subsequent meeting was attended by Trustee Dearborn, who explained that proposals for the property are expected to be submitted in the very near future. The judge showed interest in determining if any of the proposals are viable or if the building needs to be demolished; however, he seemed reluctant to compel the owners to spend more money maintaining the property if the building is going to be torn down in the near future. President Rintz invited the Council and community members to attend the next hearing, which will be held virtually, to express their concerns over the problems at the site.
- 6) Approval of the Agenda. Trustee Coladarci, seconded by Trustee Lanphier, moved to approve the Agenda. By roll call vote, the motion carried. Ayes: Trustees Apatoff, Coladarci, Cripe, Dearborn, Lanphier, and Swierk. Nays: None. Absent: None.
- 7) Consent Agenda
 - a) Village Council Minutes. None.
 - b) Approval of Warrant List dated June 12 – July 2, 2020 in the amount of \$1,444,236.33.
 - c) Annual Outdoor Seating Permits.
Trustee Dearborn, seconded by Trustee Coladarci, moved to approve the foregoing items on the Consent Agenda by omnibus vote. By roll call vote, the motion carried. Ayes: Trustees Apatoff, Coladarci, Cripe, Dearborn, Lanphier, and Swierk. Nays: None. Absent: None.
- 8) Ordinances and Resolutions.
 - a) Ordinance No. M-9-2020: Approving a Final Plat of Subdivision and Variation – 1165, 1171, and 1177 Ash Street (Introduction & Adoption). Mr. Schoon reviewed this request for subdivision and a zoning variation. The proposal envisions combining three lots with four zoning nonconformities into two lots with one zoning nonconformity. Since the lot width will increase for 1165 Ash Street, the side yard setback also increases, which will necessitate a zoning variation for the home on the Subject Property. The Plan Commission and Zoning Board of Appeals both unanimously recommended approval of the request; five neighbors also sent emails in support of the request. Since both advisory

boards recommended approval after minimal discussion, the approval Ordinance is on the agenda for consideration of a waiver of introduction and immediate adoption.

Trustee Swierk asked for confirmation that no stormwater impacts would result; Mr. Schoon explained that the Public Works director has confirmed that no stormwater improvements exist on the vacant lot.

The applicants and their attorney joined the virtual meeting to confirm their intent to create less density by combining the three existing lots.

The Council unanimously agreed to approve the request, as well as to waive introduction of the approval Ordinance.

Trustee Apatoff, seconded by Trustee Lanphier, moved to waive introduction of Ordinance No. M-9-2020. By roll call vote, the motion carried. Ayes: Trustees Apatoff, Coladarci, Cripe, Dearborn, Lanphier, and Swierk. Nays: None. Absent: None.

Trustee Swierk, seconded by Trustee Lanphier, moved to adopt Ordinance No. M-9-2020. By roll call vote, the motion carried. Ayes: Trustees Apatoff, Coladarci, Cripe, Dearborn, Lanphier, and Swierk. Nays: None. Absent: None.

- b) Ordinance No. M-10-2020: Approving a Variation 700 Elm – Hadley LLC (Introduction & Adoption). Mr. Schoon reviewed this request from impermeable lot coverage requirements to add two new walkways on the Subject Property. The proposed walkways would add 845 square feet of additional impermeable lot coverage. The Zoning Board of Appeals and Design Review Board both unanimously recommended approval of the request. Given that both advisory bodies recommended approval of the request, the approval Ordinance is on the agenda for a waiver of introduction and immediate adoption.

After a brief Council discussion, Mary Nelson, Chief Operating Officer of Hadley School, explained that the gravel paths will help the school's sight-impaired students find their way. She described the proposed landscaping around the paths, which is intended to keep the site welcoming to the surrounding neighborhood.

The Council was unanimously in support of waiving introduction of the Ordinance.

Trustee Lanphier, seconded by Trustee Dearborn, moved to waive introduction of Ordinance No. M-10-2020. By roll call vote, the motion carried Ayes: Trustees Apatoff, Coladarci, Cripe, Dearborn, Lanphier, and Swierk. Nays: None. Absent: None.

Trustee Dearborn, seconded by Trustee Cripe, moved to adopt Ordinance No. M-10-2020. By roll call vote, the motion carried. Ayes: Trustees Apatoff, Coladarci, Cripe, Dearborn, Lanphier, and Swierk. Nays: None. Absent: None.

- c) Resolution No. R-44-2020: Approving a Contract with Siemens Industry, Inc. for the Purchase of 15kv Switchgear (Adoption). Mr. Keys explained that the project to expand the Northfield electric substation will require the purchase of switchgear and a transformer. The substation expansion will provide contingency power that would augment the power plant's generating capacity in the event of a large power loss at the interconnection point. Completing this project will provide clarity for the Village in future discussions about the benefits of keeping and maintaining the steam generators at the power plant.

Mr. Keys reviewed the system's current power sources and explained that a recent electric rate study confirmed there is financial benefit to the Village in keeping its generating capacity at this time and for the short term. However, due to the age of the equipment, the benefits will be outweighed by maintenance costs in the long-term future. He cautioned that a catastrophic failure of the existing Northfield transformer would require days, weeks, or up to a year to repair or replace, given the long lead time to build a replacement transformer.

Mr. Keys explained that the Northfield substation is designed for two transformers. While a second transformer pad already exists at the site, the addition of a second transformer requires additional equipment, site modifications, and interconnection with ComEd. The transformer is expected to be purchased in 2021, with project completion anticipated in 2022.

Finally, Mr. Keys said the substation expansion will provide: (i) an in-service spare transformer for long-term load growth; (ii) contingency capacity to eliminate the need to rely solely on the power plant for excess generation; and (iii) flexibility for future decisions about the efficacy of keeping the electric plant in operation.

After the Council discussed the substation project with Mr. Keys, he explained the switchgear portion of the project, which is a first step to getting the substation expansion underway.

There being no further discussion or public comment, the Council unanimously agreed to approve the switchgear purchase and the agreement with ComEd for the interconnection services.

Trustee Lanphier, seconded by Trustee Cripe, moved to adopt Resolution No. R-44-2020. By roll call vote, the motion carried. Ayes: Trustees Apatoff, Coladarci, Cripe, Dearborn, Lanphier, and Swierk. Nays: None. Absent: None.

d) Resolution No. R-45-2020: Approving an Agreement with ComEd for the Installation of an Interconnection and Related Services at the Northfield Electric Substation (Adoption).

Trustee Cripe, seconded by Trustee Dearborn, moved to adopt Resolution No. R-45-2020. By roll call vote, the motion carried. Ayes: Trustees Apatoff, Coladarci, Cripe, Dearborn, Lanphier, and Swierk. Nays: None. Absent: None.

9) Old Business. None.

10) New Business. None.

11) Appointments:

- a) Trustee Coladarci, seconded by Trustee Cripe, moved to re-appoint Wes Baumann to another full term on the Board of Fire and Police Commissioners. By roll call vote, the motion carried. Ayes: Trustees Apatoff, Coladarci, Cripe, Dearborn, Lanphier, and Swierk. Nays: None. Absent: None.

12) Closed Session. None.

- 13) Adjournment. Trustee Dearborn, seconded by Trustee Apatoff, moved to adjourn the meeting. By roll call vote, the motion carried. Ayes: Trustees Apatoff, Coladarci, Cripe, Dearborn, Lanphier, and Swierk. Nays: None. Absent: None. The meeting adjourned at 8:23 PM.

Recording Secretary

DRAFT



Agenda Item Executive Summary

Title: Approval of Warrant List Dated July 3-16, 2020

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 07/21/2020

Consent: ☒ YES ☐ NO

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

Item History:

None.

Executive Summary:

The Warrant List dated July 3-15, 2020 was emailed to each Village Council member.

Recommendation:

Consider approving the Warrant List dated July 3-15, 2020.

Attachments:

None.



Agenda Item Executive Summary

Title: Resolution No. R-46-2020: Approving Change Order No. 10 to the Contract With B-Max Inc. for Electric Distribution System Work (Adoption)

Presenter: Brian Keys, Director of Water & Electric

Agenda Date: 07/21/2020

Consent: ☒ YES ☐ NO

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

Item History:

At the April 19, 2016 Village Council Meeting, the Council adopted Resolution No. R-23-2016, approving a contract with B-Max Inc. for directional boring services which included the installation of conduit and equipment pads for the electrical distribution system. The Village Council has previously approved nine change orders (Resolutions No. R-65-2016; R-45-2017; R-76-2017; R-27-2018; R-73-2018; R-41-2019; R-57-2019; R-94-2019; and R-20-2020) to the contract with B-Max Inc.

Executive Summary:

At the February 18, 2020, Village Council Meeting, the Council adopted Resolution No. R-20-2020 to extend the contract with B-Max Inc. for directional boring services. The contract has fixed unit prices for work performed during the period of June 1, 2020 through May 31, 2021. No additional funding authorization was requested by staff at that time, as the Village Council had previously authorized \$200,000 for directional boring services performed after January 1, 2020.

To-date, \$188,297 has been expended for boring work. Staff is requesting additional funding authorization in the amount of \$225,000 for work anticipated during the remainder of 2020. In the event that the additionally authorized funding is expended prior to the year's end, staff will request another funding authorization for the remainder of the year. The cost for any customer-initiated upgrades and/or projects requiring the use of this contractor is assessed to the customer.

The 2020 Electric Fund Budget contains \$475,000 for directional boring services. Of this funding, \$75,000 (account #500.42.31-660) is allocated for system reinforcement and \$400,000 (account 500.42.37-660) is allocated for new business projects initiated by customer requests.

Resolution No. R-46-2020 authorizes a change order to the contract with B-Max Inc. pursuant to the funding authorization.

Recommendation:

Consider adoption of Resolution No. R-46-2020; approving Change Order No. 10 to the contract with B-Max Inc. for electric distribution system work.

Attachments:

Resolution No. R-46-2020

**A RESOLUTION APPROVING
CHANGE ORDER NO. 10 TO THE CONTRACT WITH B-MAX, INC. FOR
ELECTRIC DISTRIBUTION SYSTEM WORK**

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

WHEREAS, on April 19, 2016, the Village Council approved Resolution R-23-2016 authorizing the Village to enter into a contract (***“Contract”***) with B-Max, Inc. (***“Contractor”***) for the performance of directional boring, equipment pad installation, splice box installation, conduit installation, and related work necessary to maintain and support the Village’s electric distribution system (***“Work”***) during the period of June 1, 2016 to May 31, 2017 (***“Term”***); and

WHEREAS, pursuant to Resolution R-20-2020, the Village extended the Term of the Contract through May 31, 2021; which contract locked in pricing through the end of the term; and

WHEREAS, the Village previously approved an expenditure of \$200,000 for Work to be performed this year; and

WHEREAS, the Village has expended \$188,297 this year under the Contract and desires to authorize the expenditure of an additional \$225,000 for additional Work under the current Contract; and

WHEREAS, the Contractor has agreed to do such additional work pursuant to a change order (***“Change Order No. 10”***); and

WHEREAS, pursuant to Sections 4.12.010.A and Sections 4.12.010.C of the Village Code, the Village Council has determined that it is in the best interests of the Village to enter Change Order No. 10 with Contractor;

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

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

SECTION 2: APPROVAL OF CHANGE ORDER NO. 10. The Village Council hereby approves Change Order No. 10 to authorize additional Work from the Contractor pursuant to the terms of the Contract.

SECTION 3: AUTHORIZATION TO EXECUTE CHANGE ORDER NO. 10. The Village Council hereby authorizes and directs the Village President and the Village Clerk to

execute and attest, respectively, on behalf of the Village, Change Order No. 10, which shall be in a final form approved by the Village Manager.

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

ADOPTED this 21st day of July, 2020, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk



Agenda Item Executive Summary

Title: Ordinance No. MC-3-2020: Amending Sign Regulations to Allow Display Case Signs (Introduction & Adoption)

Presenter: David Schoon, Community Development Director

Agenda Date:

07/21/20

Consent:

☐

YES

☒

NO

☒

Ordinance

☐

Resolution

☐

Bid Authorization/Award

☐

Policy Direction

☐

Informational Only

Item History:

February 4, 2020 - The owner of Good Grapes requested that the Council consider allowing display case signs on the exterior of a commercial establishment.

Executive Summary:

INTRODUCTION

On July 21, the Village Council is scheduled to consider Ordinance No. MC-3-2020, Amending Chapter 15.60 of the Winnetka Village Code Concerning Display Case Signs (Attachment 1). This is a Village-initiated application following a request by the owner of Good Grapes at the February 4 Council meeting to consider allowing businesses to install external display case signs on the exterior of the building.

These types of display case signs are often found on the exterior of a restaurant in which the restaurant posts its menu or daily specials. The Council was open to the idea of allowing such signs and directed the Design Review Board to study the request and make a recommendation.

DESIGN REVIEW BOARD

At the June 18 Design Review Board (DRB) meeting, staff reviewed the June 11 staff report regarding potential sign code amendments to allow display case signs (Attachment 2). In the report, staff presented potential amendments to allow such signs. The DRB heard from the owner of Good Grapes and the Chamber of Commerce President.

Board members were supportive of the request but suggested changes to the proposal presented by staff. Given that one often thinks of these display case signs associated with food service establishment, staff's original proposal limited the use to such businesses for sign messages typically associated with food service establishments. The Board desired to allow all commercial establishments to be able to have display case signs. The original proposal also limited the number of times the sign content could change during the day to no more than two. The Board felt that was unnecessary.

At the conclusion of its discussion, by a vote of 4-0, the Board recommended that the Sign Code be amended as follows:

Executive Summary (continued):

Display case signs attached to the exterior wall of buildings housing commercial uses shall be allowed subject to the following standards & limitations:

1. Display case signs shall not require a sign permit nor require a certificate of appropriateness.
2. Display case signs shall consist of a fully enclosed case with a transparent face.
3. A display case shall be limited to no more than one per business.
4. A display case shall: (a) project no more than four inches beyond the face of the wall to which it is mounted; (b) be no larger than six square feet measured from outer edge of case to outer edge of case; and (c) be no more than six feet above grade.
5. The area of the sign shall not be included in the calculation for total wall, window, and awning sign area.
6. The sign message in a display case shall be limited to external illumination only. Backlit illumination is not permitted. Illuminated signs require an electrical permit.
7. The changeable copy message may include but not be limited to the posting of menus, events, services, schedules, etc.
8. A display case shall not cover or interfere with exterior architectural details or windows of the building to which it is attached.
9. A display case must match the primary exterior storefront frame color or be compatible with the overall materials and colors of the façade design.

Since the DRB recommendation, staff has incorporated one additional change into the proposed amendment. Given that a display case sign is a type of changeable copy sign, staff wanted to make it clear that a display case sign does not include signs in which the sign message is made of individual letters, but that the sign message must be displayed on one or more sheets of paper.

Recommendation:

Given the unanimous recommendation of the Design Review Board, consider waiving introduction of Ordinance No. MC-3-2020 and immediate adoption

OR

consider only introduction of Ordinance No. MC-3-2020.

The Ordinance would amend the sign regulations to allow exterior display case signs.

Attachments:

Attachment 1: Ordinance No. MC-3-2020

Attachment 2: Staff Report and Minutes Excerpts for the June 18, 2020 Design Review Board Discussion Regarding a Text Amendment to Allow Display Case Signs.

ORDINANCE NO. MC-3-2020

**AN ORDINANCE AMENDING CHAPTER 15.60 OF THE WINNETKA
VILLAGE CODE CONCERNING DISPLAY CASE SIGNS**

WHEREAS, the Village of Winnetka is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970 and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Chapter 15.60 of the Winnetka Village Code, as amended ("***Village Code***"), regulates the erection, enlargement, expansion, alteration, operation, maintenance, relocation, and removal of all signs within the Village that are visible from any street, sidewalk, or public or private common space; and

WHEREAS, Section 15.60.060 of the Village Code prohibits changeable copy signs with only a few exceptions, none of which include display case signs that are permanently attached to the exterior of a building ("***Display Case Signs***"); and

WHEREAS, on June 18, 2020 the Design Review Board of the Village considered an amendment to Village Code to allow Display Case Signs ("***Proposed Amendments***") and voted to recommend that the Village Council adopt the Proposed Amendments; and

WHEREAS, the Village Council has determined that adoption of the Proposed Amendments as set forth in this Ordinance is in the best interests of the Village;

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

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

SECTION 2: AMENDMENT TO SECTION 15.60.050 OF THE VILLAGE CODE. Section 15.60.050, titled "Definitions," of Chapter 15.60, titled "Signs," of the Village Code shall be amended to read as follows:

"Section 15.60.050 Definitions.

A. Terms Defined in Other Ordinances and Codes. Terms used in this chapter, but not otherwise defined, shall have meanings ascribed to them in the Zoning Ordinance, Building Code or this code.

B. Definitions. For the purposes of this chapter, certain words and phrases are defined as follows:

* * *

{00115879.2}
July 21, 2020

MC-3-2020

Additions are bold and double-underlined; ~~deletions are struck through~~

“Display case sign” means a changeable sign attached to the exterior wall of a building, the message of which is communicated by the posting of one or more sheets of paper and not by individual characters, letters, or illustrations.

* * *

SECTION 3: AMENDMENT TO SECTION 15.60.60 OF THE VILLAGE CODE.

Subsection D of Section 15.60.060, titled “Prohibited signs,” of Chapter 15.60, titled “Signs,” of the Village Code shall be amended to read as follows:

“Section 15.60.06 Prohibited signs.

* * *

D. Changeable copy signs, other than gasoline price signs erected at automobile service stations, incidental signs, portable menu board signs displayed in accordance with Section 15.60.080 J, **display case signs in accordance with Section 15.60.080 M**, and that portion of bulletin board signs erected in accordance with Section 15.60.110(A)(5) of this chapter;

* * *

SECTION 4: AMENDMENT TO SECTION 15.60.080 OF THE VILLAGE CODE.

Section 15.60.080, titled “Signs allowed without a permit,” of Chapter 15.60, titled “Signs,” of the Village Code shall be amended to read as follows:

“Section 15.60.080 Signs allowed without a permit.

The following signs shall be allowed without a permit; provided that the sign is not prohibited by Section 15.60.060 of this chapter and that it complies with Section 15.60.130 of this chapter.

* * *

M. Display case signs on commercial establishments, subject to the following limitations:

1. Only one display case sign is allowed per commercial establishment.

{00115879.2}
July 21, 2020

MC-3-2020

Additions are bold and double-underlined; ~~deletions are struck through~~

2. Display case signs must be fully enclosed with a transparent front face.
3. The signs shall (a) project no more than four inches beyond the face of the wall to which it is mounted, (b) be no larger than six square feet measured from outer edge of the case to outer edge of the case, and (c) shall be mounted or hung no more than six feet above grade.
4. Display case signs are prohibited from using any type of backlit illuminations, and may use external illumination subject to the permitting requirements of Section 15.08.070 of this Code.
5. Display case signs may not cover or interfere with exterior architectural details or windows of the building to which it is attached.
6. Display case signs must either match the primary exterior storefront frame color or be compatible with the overall materials and colors of the building façade design as determined by the Director.

* * *

SECTION 5: AMENDMENT TO SECTION 15.60.120 OF THE VILLAGE CODE.

Subsection B, titled “Regulations,” of Section 15.60.120, titled “Commercial signs,” of Chapter 15.60, titled “Signs,” of the Village Code shall be amended to read as follows:

“Section 15.60.120 Commercial signs.

A. Defined. All signs not included or regulated in Sections 15.60.080, 15.60.090, 15.60.100 and 15.60.110 and not exempt pursuant to Section 15.60.070 shall be deemed to be commercial signs for the purposes of this chapter, regardless of the zoning district in which the signs are located.

B. Regulations. Commercial signs of any type not prohibited by Section 15.60.060 may be displayed, subject to obtaining a permit pursuant to this chapter; provided, they comply with the following regulations and the general standards set forth in Section 15.60.130:

1. Wall Signs and Window Signs.

* * *

{00115879.2}
July 21, 2020

MC-3-2020

Additions are bold and double-underlined; ~~deletions are struck through~~

- e. For each street exposure the total area of all window signs, wall signs and awning signs other than exempt signs, ~~and~~ permitted directional signs, display case signs, and incidental signs of this section, shall not exceed fifteen (15) percent of the total area of street exposure.

* * *

SECTION 6: SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 7: EFFECTIVE DATE. This Ordinance will be in full force and effect upon its passage and approval in the manner provided by law.

[SIGNATURE PAGE FOLLOWS]

PASSED this ____ of _____, 2020, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED this ____ day of _____, 2020.

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 _____,
2020.

Introduced: _____, 2020

Passed and Approved: _____, 2020

{00115879.2}
July 21, 2020

MC-3-2020

Additions are bold and double-underlined; ~~deletions are struck through~~



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: DESIGN REVIEW BOARD
FROM: DAVID SCHOON, COMMUNITY DEVELOPMENT DIRECTOR
DATE: JUNE 11, 2020
SUBJECT: SIGN CODE AMENDMENT - DISPLAY CASE SIGNS

INTRODUCTION

On June 18, 2020, the Design Review Board is scheduled to consider a Village-initiated application to amend Chapter 15.60 Signs of the Winnetka Village Code to allow display case signs on the exterior of a building. At the February 4, 2020, Council meeting, the owner of Good Grapes on Chestnut Street requested that the Council consider allowing businesses to install external display case signs which would allow a business to post changeable messages on the exterior of the building (Attachment A). These types of display case signs are often found on the exterior of a restaurant in which the restaurant posts its menu or daily specials. The Council was open to the idea of allowing such signs and directed the Design Review Board to study the request and make a recommendation (Attachment B).



The owner of Good Grapes is interested in an external display case of 6 square feet to promote events, share general information and promote specials for her shop.

CURRENT SIGN REGULATIONS REGARDING SIGNS WITH CHANGEABLE MESSAGES

Display case signs are a form of a changeable copy sign in that the sign message can change, which could be as often as once a day or as infrequent as several months. Attachment C contains a copy of Chapter 15.60, Signs, of the Village Code. Section 15.60.050 Definitions, defines the following two types of signs that allow for changeable copy:

- a) "Changeable copy sign" means a sign other than a bulletin board, all or part of which uses characters, letters or illustrations that can be changed or rearranged without altering the face or

the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign, and not a changeable copy sign for purposes of this code.

- b) *"Bulletin board" means a permanent sign that identifies an institution or organization on whose premises it is located and which contains greetings, announcements of events, hours, or similar messages which may consist of changeable letters.*

Section 15.50.060, Prohibited signs, prohibits most types of changeable copy signs with a few exceptions:

D. Changeable copy signs, other than gasoline price signs erected at automobile service stations, incidental signs, portable menu board signs displayed in accordance with Section 15.60.080 J, and that portion of bulletin board signs erected in accordance with Section 15.60.110(A)(5) of this chapter.

This section of the code specifically allows changeable copy signs that include gasoline signs, incidental signs, portable menu board signs and bulletin board signs. The Village does not allow electronic changeable copy signs as the Village prohibits animated signs, which is defined as:

"Animated sign" means a sign that uses flashing or moving parts, bright color or light, or movement of any kind. Examples of such signs include pennants, banners, streamers, balloons, search lights, beacons and flashing lights.

An "incidental sign" is defined as follows:

"Incidental sign" means a small sign, emblem or decal informing the public of goods, facilities or services available on the premises, such as a credit card sign or a sign indicating hours of business; provided, the cumulative area of such signs on any premise does not exceed one square foot.

Incidental signs that do not exceed one square foot in area are allowed without requiring a sign permit (Section 15.60.080 (I)). It should be noted that if a sign does not require a sign permit, it also generally does not require review and approval by the Design Review Board.

Section 15.60.110(A)(5) lists *"Bulletin board and changeable copy signs"* as permitted types of signs for religious, philanthropic, civic, charitable or private educational institution or organization or any private club. **Commercial uses are not allowed to have bulletin board or changeable copy signs, unless they are one of the exceptions listed above.**

DISPLAY CABINET SIGN REGULATIONS

Examples from Other Communities. Village staff has reviewed sign regulations from other communities. Many communities have regulations regarding menu display boards associated with drive-through restaurants, but staff has only been able to find a few that have specific regulations regarding menu display cases found on exterior walls of business establishments.

Glencoe does not allow changeable message signs, and while Northfield does not have anything in its Code that would allow a display case sign, the Architectural Commission could consider a request for such a sign.

Some communities allows display case signs, but for only specific businesses. Wilmette for example allows "restaurant menu signs":

Restaurant Menu Signs. Restaurant menu signs containing the current menu or special offered by

restaurant are exempt from sign permit requirements. Restaurant menu signs must be wall or window signs and are limited to four (4) square feet in sign area. This does not apply to menu board signs for drive-through uses.

Naperville allows a “pedestrian wall sign”, which is defined as:

A type of Wall Sign designed and installed specifically for pedestrian viewing, often enclosed in a glass frame, including but not limited to menus, events, services, schedules, etc.”

A permit is not required for a pedestrian wall sign, and such a sign is limited to a maximum of six (6) feet in area.

Park Ridge allows “pricing boards” as follows:

Pricing Boards are allowed in Commercial Districts subject to the following:

- 1. One Pricing Board is allowed per property.*
- 2. If a drive through is permitted on the property, then the pricing board may be freestanding so long as it is located in the area between the building and the drive through lane.*
- 3. A pricing board may be part of an otherwise permitted wall sign or ground sign, but shall be included in the calculating the total amount of signage and may not be more than 25% of the total amount of the sign face.*
- 4. The pricing board may have a mechanical movement capability, including electronic scrolling. Price changes may not be made more twice in any 24 hour period.*

Barrington, IL, has some of the more specific “exterior display case” standards. A permit is not required for an exterior display case sign, unless illuminated, when erected or displayed as set forth below and in accordance with all other requirements of the zoning district in which they are located. All signs that are illuminated shall require a permit.

TYPE	NUMBER OF SIGNS	MAXIMUM SIZE	MAXIMUM HEIGHT	OTHER
Exterior Display Cases	1 per building	6 sq. ft.	6 ft.	a. All such signs shall be fully enclosed in a glass-fronted case. b. No display case may project more than six (6) inches beyond the face of the wall to which it is mounted. c. Displays shall be limited to external illumination only. Backlit illumination is not permitted. d. Display Cases are only permitted for restaurant uses.

Appropriate Maximum Size of Display Case Sign. Nearly all the communities the specifically allow “display case signs” also limit the sign area for such sign. In considering allowing such signs, the Board will need to determine what size is appropriate for a display case sign. For reference, staff provides the following table to show the sizes and area of various standard paper sizes.

Paper Size	1 Sheet	2x1 Sheets	2x2 Sheets
8 ½" x 11" (letter)	0.65 sf	1.30 sf	2.60 sf
with 2" border	1.30 sf	2.19 sf	3.80 sf
8 ½" x 14" (legal)	0.83 sf	1.66 sf	3.31 sf
with 2" border	1.57 sf	2.63 sf	4.67 sf
11" x 17" (ledger)	1.30 sf	2.60 sf	5.20 sf
with 2" outer trim	2.19 sf	3.65 sf	6.87 sf

(1) 2 x1 represent two sheets side by side for a total of two sheets, and
2 x 2 represents 2 rows of two sheets for a total of 4 sheets.

Land Uses Allowed Display Case Signs. As previously noted, sign regulations often limited what type of businesses are allowed display case signs. Typically it is a restaurant. Given that Good Grapes is not a restaurant (it is classified instead as a "specialty food and beverage shop"), the Board will want to determine what group of businesses such signs should be limited to, if limited at all.

Section 17.46.010 Table of Uses of the Zoning Ordinance lists the types of food and beverage uses allowed in the Village's commercial districts. Limiting display case signs to this group of businesses is one option the Board may wish to consider.

F. FOOD AND BEVERAGE SERVICE USES			
	C-1 District	C-2 District	Commercial Overlay District
Brew pub	NO	P	P
Catering establishment with no retail or restaurant component	P	P	SU
Ice cream or frozen desert shop	P	P	P
Restaurant, drive-in	SU	SU	SU
Restaurant, fast food (See Section 17.44.030B)	SU	SU	SU
Restaurant, limited service/fast casual	P	P	P
Restaurant, standard	P	P	P
Specialty food and beverage shop with seating	P	P	P

Though typically found at a restaurant, other businesses, such as a spa or salon, may also wish to install a display case sign to list its services on the exterior of the building wall.

Maximum Total Wall/Window Sign Area.

Section 15.60.120, Commercial signs, contains the following standard that limits the maximum total amount of wall, window, and awning signage:

e. For each street exposure the total area of all window signs, wall signs and awning signs other than exempt signs, and permitted directional signs and incidental signs of this section, shall not exceed fifteen (15) percent of the total area of street exposure.

The sign area for permitted directional and incidental signs is not included in the calculation for the total amount of window, wall and awning sign area allowed on each street exposure. The Board will need to determine if it wishes to also exempt display case signage from this total sign area limitation.

SUMMARY

Based upon information gathered from other municipalities to date and the request by the owner of Good Grapes, staff proposes the following standards for a display case sign:

Display case signs attached to the exterior wall of buildings housing food and beverage service uses as allowed by the Winnetka Zoning Ordinance, shall be allowed subject to the following standards & limitations:

1. Display case signs shall not require a sign permit nor require a certificate of appropriateness.
2. Display case signs shall consist of a fully enclosed case with a transparent face.
3. A display case shall be limited to no more than one per business.
4. A display case shall (a) project no more than four (4) inches beyond the face of the wall to which it is mounted, (b) be no larger than six (6) square feet measured from outer edge of case to outer edge of case, and (c) be no more than six (6) feet above grade.
5. The area of the sign shall not be included in the calculation for total wall, window, and awning sign area.
6. The sign message in a display case shall be limited to external illumination only. Backlit illumination is not permitted. Illuminated signs require an electrical permit.
7. Only a current menu, specials offered by the food or beverage service establishment, or an event to occur at the food or beverage service establishment shall be displayed in a display case, and the sign message may change no more than two times per day.
8. A display case shall not cover or interfere with exterior architectural details or windows of the building to which it is attached.
9. A display case must match the primary exterior storefront frame color or be compatible with the overall materials and colors of the façade design.

If a proposed display case sign did not comply with of these standards, an applicant could request a sign code variation of any of the standards. Such a request would need to be reviewed and approved by the Design Review Board.

The Design Review Board has been requested to make a recommendation to the Village Council regarding a text amendment to allow display case signs. As the Board considers allowing such signs, the Board may wish to consider the following questions:

1. Does the Board find it appropriate to allow display case signs in the Village?
2. If the Board does find it appropriate to allow display case signs, what should be the standards for allowing such signs:
 - a. What types of businesses should be allowed such signs?
 - b. What should a business be allowed to post in display case signs?
 - c. What should be the maximum sign area of such signs, measured from outer edge of case to outer edge of case?

- d. Should the area of a display case sign be included in the calculations for maximum total wall, window, and awning sign area? Or should display case sign area be exempted?
- e. Given these signs will be at pedestrian level, should there be a limit regarding how far the display case sign may project from the wall of a building? Also should there be a limit regarding how far the signs should be from grade?
- f. Should display case signs be allowed without requiring a sign permit? Or should they require a sign permit as well as a certificate of appropriateness?
- g. May display case signs be illuminated? If so, may they be either externally or internally illuminated?
- h. If allowed, what design considerations should be considered with display case signs (e.g. impact on existing architectural features, color and material compatibility with the existing building façade elements, etc.)?

At the June 18 DRB meeting, staff will review the staff report and answer any questions you may have.

ATTACHMENTS

Attachment A: Good Grapes Request for a Sign Code Text Amendment to Allow Display Case Signs

Attachment B: February 4, 2020, Village Council Minutes Excerpt

Attachment C: Village of Winnetka Sign Code Regulations

Attachment A
Good Grapes Request to Allow Display
Case Signs

Outdoor Business Signs

Request: Expand the sign review exercise to include revising Chapter 15.60 municipal code. Projecting signs without text and location constraints are needed for affordable and tasteful business advertising.

Display Case



Floor Display



Sandwich Board



Outdoor Sign Types	Reusable	Affordable	Functional	Tasteful & Attractive	Readable at Eye Level	Made for Outdoor Use	Sidewalk Space Not Required	Waterproof	Weather-proof / Year-Round	Available with & w/o Lights	Wind Doesn't Blow Over	Secure / Hard to Steal	Building Owner Friendly / Reusable Across Tenants
Display Case	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Floor Display	✓	✓	✓	✓	~✓								
Sandwich Board	✓	✓	✓			✓							

Section 15.60.120 Commercial signs.

2. Projecting Signs.

- a. One projecting sign may be placed perpendicular to the surface of a wall on a court yard for each business located on a court yard; provided that, the area of the sign does not exceed three square feet. → Signs can be hung on a building and facing any direction.
- b. Blade signs may extend over a public way or a public sidewalk, provided that the blade sign extends no more than 2 feet from the wall of the building and is no more than 3 feet high, and provided that the clearance between the bottom of the sign and the sidewalk is at least 8 feet. → Decrease the distance between the bottom of the sign and the sidewalk.
- c. No projecting sign shall contain information other than the name of the occupant or business, a maximum of three words containing a generic description of the types of products or services, and the occupant's logo or trademark. → Need more than 3 words and no text / word constraints

→ Allow display case lights

→ Review other part of 15.60.120 for modifications to support current business environment

David Schoon

From: Theresa <theresa@goodgrapes.com>
Sent: Thursday, June 4, 2020 1:52 PM
To: David Schoon
Subject: External: Re: Display Case Sign Amendment

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

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

Hi,

For me, 24" x 36" works because of the space that I want to put the outdoor display case. However, a larger size may be needed for restaurants that have a 2 page menu.

**Cheers,
Theresa**

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Uncork your best event yet with Good Grapes!

From: David Schoon <DSchoon@winnetka.org>
Sent: 6/4/20 10:05 AM
To: "theresa@goodgrapes.com" <theresa@goodgrapes.com>
Subject: Display Case Sign Amendment

Good Morning Theresa –

I continue conducting research of other communities' sign regulations related to your request to amend the sign code to allow changeable text wall-mounted display case signs.

A question I have for you is do you have a particular size in mind for the sign you wanted to put up? In my research, different communities have different maximum sizes, and I was wondering what size you were wanting to install.

Thanks.



Help us plan the future.
www.winnetkafutures.org

David Schoon

Community Development Director

Village of Winnetka

Phone: 847-716-3526

Email: dschoon@winnetka.org

510 Green Bay Road

Winnetka, IL 60093

www.villageofwinnetka.org

Attachment B

EXCERPTS OF MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
February 4, 2020

(Approved: February 18, 2020)

A record of a legally convened regular meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, February 4, 2020, at 7:00p.m.

1) Call to Order.

President Rintz called the meeting to order at 7:04 p.m. Present: Trustees Jack Coladarci, Andrew Cripe, Robert Dearborn, and John Swierk. Absent: Trustee Penny Lanphier. Also present: Village Manager Robert Bahan, Village Attorney Peter Friedman, Community Development Director David Schoon, Human Resources Generalist Ann Eriksson, and approximately five persons in the audience.

10) New Business.

a) Design Review Board Comments: Internally Illuminated Sign Regulations. Mr.Schoon explained that the Design Review Board (DRB) had reviewed the Council's request to consider amending its sign regulations to allow internally illuminated signs. After a presentation, public comment, and discussion, the DRB concluded that it would be open to allowing such signs; however, careful consideration must be given to ensure appropriate design. The DRB is awaiting direction from the Council before doing further study with the aim of making a formal recommendation.

After the Council briefly discussed the issue, President Rintz called for public comment. Theresa Lucas, proprietor of Good Grapes. Ms. Lucas asked the Council to expand the scope of the DRB's study to include display cases that are affixed to the outside wall of a business. She noted that display cases are more professional looking and can be used year-round, unlike sandwich boards, which can look tacky and tend to blow around.

The Council agreed to add display cases to the DRB's study of the sign code.

President Rintz requested that an email to the Council from former Village President Jessica Tucker about illuminated signs be shared with the DRB.

**Winnetka Sign Regulations
June 2020**

Chapter 15.60

SIGNS*

Sections:

- 15.60.010 Title.
- 15.60.020 Scope.
- 15.60.030 Intent.
- 15.60.040 Rules of construction.
- 15.60.050 Definitions.
- 15.60.060 Prohibited signs.
- 15.60.070 Exempt signs.
- 15.60.080 Signs allowed without a permit.
- 15.60.090 Permitted temporary signs.
- 15.60.100 Signs on residential properties.
- 15.60.110 Signs of religious, charitable, educational, and other specified organizations.
- 15.60.120 Commercial signs.
- 15.60.130 General standards.
- 15.60.140 Sign permit procedures.
- 15.60.150 Certificate of appropriateness.
- 15.60.160 Amendment to permit work.
- 15.60.170 Expiration and revival of permits.
- 15.60.180 Failure to complete work.
- 15.60.190 Review of existing permanent signs.
- 15.60.200 Nonconforming signs.
- 15.60.210 Unlawful display deemed nuisance.
- 15.60.220 Enforcement, penalties and revocation of permit.
- 15.60.230 Violation of regulations.
- 15.60.240 Appeals.
- 15.60.250 Variations.
- 15.60.260 Liability for damages.

* Prior ordinance history: Ord. MC-192-97.

Section 15.60.010 Title.

This chapter shall be known, cited, and referred to as the Winnetka Sign Code.
(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.01)

Section 15.60.020 Scope.

This chapter governs and controls the erection, enlargement, expansion, alteration, operation, maintenance, relocation, and removal of all signs within the Village that are visible from any street, sidewalk, or public or private common open space. This chapter relates to the location, type, materials and size of signs within the various zoning districts

Winnetka Sign Regulations June 2020

established by Title 17 of this code (the Winnetka Zoning Ordinance), and is in addition to the provisions of Title 15 of this code (the Winnetka Building Code) that apply to the location, construction, installation, operation, maintenance, and electrical wiring of signs and their sources of illumination.

(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.02)

Section 15.60.030 Intent.

This chapter is intended to reduce visual confusion; to restrict signs that overload the public's capacity to receive information or that distract attention, obstruct vision or otherwise increase the risk of accidents, personal injury or property damage; to enable the public to locate goods, services and facilities in the Village without difficulty or confusion; to encourage a high quality of development and excellence in the design of signs throughout the Village; and to promote the use of signs that are appropriate to the type of activity to which they pertain as well as expressive of the identity of the proprietors of the premises on which they are located.

(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.03)

Section 15.60.040 Rules of construction.

A. In the event any provision of this Sign Code is in conflict with any provision of the Building Code, or with applicable statutes, the provision imposing the stricter regulation, as determined by the Director, shall prevail unless otherwise provided by law.

B. Words used in the singular shall include the plural and words used in the plural shall include the singular.

(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.04)

Section 15.60.050 Definitions.

A. Terms Defined in Other Ordinances and Codes. Terms used in this chapter, but not otherwise defined, shall have meanings ascribed to them in the Zoning Ordinance, Building Code or this code.

B. Definitions. For the purposes of this chapter, certain words and phrases are defined as follows:

"Animated sign" means a sign that uses flashing or moving parts, bright color or light, or movement of any kind. Examples of such signs include pennants, banners, streamers, balloons, search lights, beacons and flashing lights.

"Area of an exposure" means the area of a building wall facing in one principal direction, including doors and windows contained in the wall; except that where a wall is irregular in plane, the area of an exposure shall be based on the area of a projection of the wall upon a plane parallel with the nearest adjacent street.

"Awning" means a structure attached to a building, typically made of tubular frame and covered with canvas, vinyl or similar soft material.

"Blade sign" means a projecting sign that is mounted perpendicular to the surface of a wall.

Winnetka Sign Regulations June 2020

"Board" means the Winnetka Design Review Board.

"Building Code" means Title 15 of the Winnetka Village Code.

"Building marker" means a permanent sign indicating the name of a building, the date and other incidental information about its construction, and which is cut into a masonry surface or made of bronze or other permanent material.

"Building Officer" has the same meaning ascribed to it in the Building Code.

"Bulletin board" means a permanent sign that identifies an institution or organization on whose premises it is located and which contains greetings, announcements of events, hours, or similar messages which may consist of changeable letters.

"Business sign" means a sign that directs attention to a business or profession conducted, or to a commodity or service sold, offered, or manufactured, or to an entertainment offered, on the premises where the sign is located and which is limited in content to the name and generic description of the business or product.

"Changeable copy sign" means a sign other than a bulletin board, all or part of which uses characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign, and not a changeable copy sign for purposes of this code.

"Civic event sign" means a temporary sign announcing an event of a religious, civic or philanthropic organization.

"Commercial message" means any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

"Court yard" means an area of open space, other than a parking lot or loading area, that abuts a public street, is walled by buildings on three sides and is open to the public.

"Directional sign" means a sign limited to information and directions necessary for the safety or convenience of persons coming on the property, including signs marking entrances and exits, parking areas, one-way drives, pickup and delivery areas, and the like.

"Director" means the Director of Community Development or authorized representatives.

"Externally illuminated sign" means a sign that is illuminated by directing a source of artificial light at the face of the sign.

"Freestanding sign" means a sign attached to a completely self-supporting structure such as a pole or brace placed on, or anchored in or below the ground, and not attached to any building or similar structure.

"Garage sale" means a sale that is open to the general public and is conducted from or on property zoned or used for a single-family residence, for the purpose of disposing of personal property owned by one or more persons residing in the single-family residence on the property and which was acquired in the normal course of living in or maintaining the residence, rather than for purpose of resale.

"Incidental sign" means a small sign, emblem or decal informing the public of goods, facilities or services available on the premises, such as a credit card sign or a sign indicating

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hours of business; provided, the cumulative area of such signs on any premise does not exceed one square foot.

"Internally illuminated sign" means a sign that is illuminated by a source of artificial light that directs the light through one or more translucent surfaces of the sign from within or behind it, rather than at the face of the sign. Internally illuminated signs include neon signs and similar illuminated gaseous tube signs with exposed lighting components.

"Nameplate sign" means a nonelectric on-premises sign giving the name, address and/or occupation of an occupant or group of occupants of the building or premises on which the sign is located.

"Portable sign" means any sign designed to be moved easily and not permanently attached to a building, structure or the ground, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu board and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used in the normal day-to-day operation of the business.

(Amended MC-7-2002 § 2, 08/06/02)

"Projecting sign" means a sign affixed to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of the building or wall.

"Public street" means the area lying within the described limits of a dedicated right-of-way or thoroughfare for vehicular traffic (excluding an alley), whether or not so used.

"Sign" means any fixture, placard or structure that is readily visible from any street, sidewalk or public or private common open space and that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

"Sign Board" means the Winnetka Sign Board of Appeals.

"Street exposure" means the exterior wall (including doors and windows) of a building having its frontage on a public street or a court yard. If a building is occupied by more than one person or entity, the street exposure for each portion of the building so occupied is the street exposure of the portion of the building wall included in the space occupied by such occupant.

"Temporary sign" means a sign that is not designed, constructed or intended for long-term use and that is not permanently mounted.

"Wall sign" means a sign that is attached substantially parallel to, but within twelve (12) inches of, a wall, or is erected and confined within the limits of an outside wall of any building or structure, is supported by such wall or building, displays only one sign surface and does not project above the highest point of a building with a flat roof, or above the eave line of a building with gable, hip, gambrel or mansard roof, or beyond the end of the building or street exposure.

"Window sign" means a sign, picture, symbol, or combination, applied or attached to the exterior or interior of a window, or located within five feet of the interior side of a window and displayed so that it is visible from the exterior of the window. For purposes of this code, displayed merchandise or products shall not be considered a window sign.

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(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.05)

Section 15.60.060 Prohibited signs.

No person shall display any sign of the following prohibited types, or in the following prohibited locations:

A. Animated signs and signs and displays consisting of a string, cluster or series of lights, except those permitted in connection with civic, patriotic or religious holidays in accordance with Section 15.60.090(A)(3);

B. Internally illuminated signs;

C. Translucent awnings and signs placed on translucent awnings;

D. Changeable copy signs, other than gasoline price signs erected at automobile service stations, incidental signs, portable menu board signs displayed in accordance with Section 15.60.080 J, and that portion of bulletin board signs erected in accordance with Section 15.60.110(A)(5) of this chapter;

E. Signs that are attached to the roof of any building, or that are located upon or above a roof, or above the eave line of a roof;

F. Signs painted directly on the wall of a building, fence, or similar structure;

G. (Repealed.)

H. Signs that advertise or direct attention to a business, commodity, service or entertainment conducted or offered for sale at a place other than the premises on which the sign is located. This prohibition shall not apply to signs that are located inside a building and direct attention to noncommercial events or organizations;

I. Off-premises signs that advertise or direct attention to a garage sale;

J. Signs on or attached to any utility pole, street light or lamp post, or placed or displayed on a public street, sidewalk, alley or parkway, except (1) banners, portable menu board signs or portable sandwich board signs displayed in accordance with Section 15.60.080. J and (2) signs erected for orderly traffic control and other municipal or governmental purposes;

K. Any sign not specifically permitted by the provisions of this chapter is prohibited.
(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.06; Ord. MC-7-2002 § 3, 08/06/02)

Section 15.60.070 Exempt signs.

Signs, flags and emblems of and on the premises of the United States, the state, the Village, and other municipal corporations and public bodies of the state shall be exempt from the regulations of this chapter. Murals and building decorations not an integral part of a sign are not considered signs for the purpose of this chapter.

(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.07)

Section 15.60.080 Signs allowed without a permit.

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The following signs shall be allowed without a permit; provided that the sign is not prohibited by Section 15.60.060 of this chapter and that it complies with Section 15.60.130 of this chapter.

- A. Permitted, nonilluminated temporary signs, as provided in Section 15.60.090;
- B. Permitted, nonilluminated signs on single and two-family dwellings, as provided in Section 15.60.100(A);
- C. Permitted, nonilluminated signs of organizations, as provided in Section 15.60.110; provided, the area of any such sign does not exceed eight (8) square feet;
- D. (Repealed.)
- E. Memorial plaques, building markers, cornerstones, historical plaques and similar designations displayed for noncommercial purposes; provided that, the area of any such signs does not exceed six (6) square feet;
- F. Signs and pavement markings required by the police, fire or other governmental departments for the safety and convenience of the public;
- G. Street or house number signs not exceeding one and one-half square feet in area;
- H. Nonilluminated directional signs that do not contain a commercial message, logo or illustration, and that do not exceed three square feet in area;
- I. Incidental signs that do not exceed one square foot in area.
(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.08)
- J. Self-supporting portable menu board signs displayed at restaurants or other food service establishments that offer food service for consumption on the premises, subject to the following limitations:
 - 1. The signs shall be no more than 24 inches wide and 36 inches high, including support elements.
 - 2. No restaurant or food service establishment shall be allowed more than one such sign.
 - 3. The signs may be displayed only during the hours that the business is open to the public.
 - 4. The signs may be placed on a public sidewalk, provided they do not extend more than two feet from the face of the building.
 - 5. The signs may only be displayed between May 1 and November 30 of each year.
 - 6. The proposed location of a sign for a restaurant with outdoor seating shall be depicted on the site plan submitted with the application for the outdoor seating permit and the sign shall be placed only in the location specified on the approved outdoor seating plan.
 - 7. Notwithstanding the foregoing, the Village reserves the right to order the relocation or removal of any menu board sign if the Director determines that the sign poses a safety hazard for pedestrian or vehicular traffic.
- K. Any outdoor sign located on residential property that pertains to an election or political campaign; provided, that no such sign shall be more than eight (8) square feet in area.
- L. Subject to the approval of the Village Council, banners displayed on any utility pole, street light or lamp post in the Hubbard Woods or Elm Street business districts, provided

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the Village Council determines that the banner is not a commercial or political advertisement.

(Amended MC-7-2002 § 4, 08/06/02; Amended MC-3-2003, 03/04/03; Amended MC-1-2011, 2/8/11; Amended MC-7-2012 § 2, 10/16/12)

Section 15.60.090 Permitted temporary signs.

A. Signs Permitted. The following temporary signs shall be allowed without a permit; provided, they meet the requirements of this section; and provided further, that, unless specifically provided otherwise, the area of the sign shall not exceed eight (8) square feet:

1. Nonilluminated real estate signs, advertising the sale or lease of the lot or premises on which they are located; provided that, any such sign shall be less than six feet in height. No more than one such sign shall be allowed on the lot or premises, except that on corner lots, there may be one such sign facing each street. All such signs shall be removed within seven days after the sale or lease of the premises.

2. Nonilluminated construction-site signs identifying the parties engaged in the design and construction on the lot or premises on which they are displayed, subject to the following conditions.

a. Any sign in a residential zoning district shall have an area of no more than eight square feet in area nor shall the top of the sign be more than six feet above grade.

b. Any such sign in a nonresidential zoning district shall be no more than sixteen (16) square feet in area nor shall the top of the sign be more than twelve (12) feet above grade.

c. No more than one such sign shall be allowed on the lot or premises.

d. All such signs shall be removed within seven days after completion of the work to which the sign pertains, as determined by the Director.

3. Decorations displayed in connection with civic, patriotic or religious holidays, except that they shall be removed within seven days after the specific holiday.

4. Certain signs pertaining to elections or political campaigns, and signs displayed by civic, philanthropic, religious or educational organizations regarding an event sponsored by the organization, subject to the following conditions:

a. No outdoor sign on non-residential property that pertains to elections or political campaigns shall be more than eight (8) square feet in area;

b. No sign that is for an event sponsored by a civic, philanthropic, religious or educational organization and that is located on the exterior of the premises of the organization sponsoring the event shall be more than thirty-two (32) square feet in area;

c. No sign that is for an event sponsored by a civic, philanthropic, religious or educational organization and that is located in an exterior location other than on the premises of the organization sponsoring the event shall be more than eight (8) square feet in area; and

d. Any sign subject to this paragraph 4 shall be removed no later than seven days after the election or event for which it was displayed.

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5. Window signs displayed on nonresidential premises located in a commercial zoning district to advertise special sales of merchandise or special commercial events, subject to the following conditions:

- a. No such sign may be illuminated,
- b. No such sign shall be more than eight square feet in area and the total area of all window signs, both temporary and permanent, shall not exceed the ten (10) percent limitation for window signs as provided in Section 15.60.120(B)(1)(d),

- c. No such sign shall be displayed for more than thirty (30) days;

6. Nonilluminated garage sale signs displayed on the residential property on which the sale is conducted, subject to the following conditions:

- a. No such sign shall be more than eight square feet in area,
- b. No more than one such sign shall be permitted on the lot or premises, except that on corner lots one such sign may face each street,

- c. No such signs shall be displayed for more than seventy-two (72) hours.

7. Signs such as banners, balloons, and similar devices that are displayed on residential property in a single-family residential zoning district to announce a birth, birthday, anniversary or similar special occasion; provided, no such sign shall be displayed more than twelve (12) hours before the occasion, and no such sign shall be displayed for more than forty-eight (48) hours.

B. Removal of Signs. All signs permitted by this section shall be removed by the person displaying it. The director is authorized to remove any such sign that has not been removed within the time limits established by this section whenever such removal can be accomplished without entering a nonpublic portion of any building. In addition to any other penalty provided by this code, the person responsible for the posting or displaying of such sign shall pay the Village for the removal, such fee to be established by resolution of the Village Council.

(MC-7-2012 § 3, Amended 10/16/12; 10/16/12; Ord. MC-1-2011, 2/8/2011; Ord. MC-209-98 § 2 (part), 1998: prior code § 27.09)

Section 15.60.100 Signs on residential properties.

A. Single-Family and Two-Family Dwellings. No sign shall be displayed on any building or premises or part of such building or premises used for residential purposes, regardless of the zoning district in which it is located, and on any vehicles parked or stored on such residential property so as to be readily visible to the general public, except for the following permitted signs:

1. Signs exempted from this chapter pursuant to Section 15.60.070;
2. Signs allowed without a permit pursuant to Section 15.60.080;
3. Temporary signs permitted pursuant to Section 15.60.090;
4. One nameplate sign not exceeding two square feet in area;
5. Noncommercial signs behind or affixed to windows and doors, including signs prohibiting solicitors and identifying security services; and
6. Lawn signs prohibiting solicitors or identifying security services.

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B. Multifamily Dwellings. In addition to signs permitted by subsection A of this section and any other signs permitted in this chapter by reason of any commercial use of the first floor, a multifamily dwelling building may display one nameplate sign not exceeding three square feet in area; provided, the permit requirements of Section 15.60.130 have been met. (Ord. MC-209-98 § 2 (part), 1998: prior code § 27.10)

Section 15.60.110 Signs of religious, charitable, educational, and other specified organizations.

A. Signs Permitted. No sign shall be displayed on the building or premises of a religious, philanthropic, civic, charitable or private educational institution or organization or any private club, except for the following:

1. Signs exempted from this chapter pursuant to Section 15.60.070;
2. Signs allowed without a permit pursuant to Section 15.60.080;
3. Temporary signs permitted pursuant to Section 15.60.090;
4. Signs, identifying the name or nature of the institution or organization; and
5. Bulletin board and changeable copy signs.

B. Size of Signs. The total area of all signs permitted by subsections (A)(4) and (5) of this section shall not exceed fifty (50) square feet, and no one sign shall exceed thirty (30) square feet in area.

C. Off-Premises Directional Signs. No more than two off-premises directional signs, neither of which shall have an area of more than four square feet, shall be permitted for each such institution; provided, the size, location, placement, design and color of such signs is approved by the Board.

(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.11)

Section 15.60.120 Commercial signs.

A. Defined. All signs not included or regulated in Sections 15.60.080, 15.60.090, 15.60.100 and 15.60.110 and not exempt pursuant to Section 15.60.070 shall be deemed to be commercial signs for the purposes of this chapter, regardless of the zoning district in which the signs are located.

B. Regulations. Commercial signs of any type not prohibited by Section 15.60.060 may be displayed, subject to obtaining a permit pursuant to this chapter; provided, they comply with the following regulations and the general standards set forth in Section 15.60.130:

1. Wall Signs and Window Signs.
 - a. No wall sign shall contain information other than the name of the occupant or business, a maximum of three words containing a generic description of the types of products or services, and the occupant's logo or trademark.
 - b. No wall sign or window sign shall exceed seventy (70) square feet in area.
 - c. Wall signs shall be placed substantially parallel to the surface of the wall.
 - d. Window signs may be displayed on the street exposure or nonstreet exposure windows of an occupant; provided that, the total area of window signs in any single

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window pane or any single section of window shall not exceed ten (10) percent of the area of the single window pane or single section of window on which it is located.

e. For each street exposure the total area of all window signs, wall signs and awning signs other than exempt signs, and permitted directional signs and incidental signs of this section, shall not exceed fifteen (15) percent of the total area of street exposure.

f. In buildings with more than one commercial premises, the total area of all commercial wall signs, window signs, and awning signs shall be limited to fifteen (15) percent of the area of street exposure of the occupant of each such premises.

g. Commercial wall signs shall be displayed only upon street exposures; except that one wall sign not exceeding twenty (20) square feet in area may be displayed by each occupant on each nonstreet exposure of the premises occupied by such occupant; provided that, such signs shall not be located above the second floor window sill level and shall not be higher than fourteen (14) feet above grade if there is no second floor window sill. The total area of all such nonstreet exposure wall signs displayed on a building shall be limited to forty (40) square feet and the area of such signs shall count toward the maximum sign area allowed for the street exposure of such occupant as provided in this section. This provision shall not prohibit window signs or the painting of signs on doors.

h. In cases where an occupant of a building occupied by no more than two commercial occupants does not have any street exposure, such occupant shall be permitted to display on or attach to the building, including the doors and windows, one commercial sign the area of which shall not exceed five square feet. The area of such sign shall be included in the fifteen (15) percent overall limitation established in this section.

i. In addition to other signs displayed on or attached to a building, a building occupied by three or more commercial occupants may display a directory type wall sign (subject to the fifteen (15) percent limitations contained within subsections (B)(1)(e) and (B)(1)(f) of this section) which lists only the names of such commercial occupants and the name of the building. The total area of such a directory-type sign shall not exceed thirty-five (35) square feet in area and no one individual listing shall exceed three square feet in area.

(amended MC-3-2003, 03/04/03)

2. Projecting Signs.

a. One projecting sign may be placed perpendicular to the surface of a wall on a court yard for each business located on a court yard; provided that, the area of the sign does not exceed three square feet.

b. Blade signs may extend over a public way or a public sidewalk, provided that the blade sign extends no more than 2 feet from the wall of the building and is no more than 3 feet high, and provided that the clearance between the bottom of the sign and the sidewalk is at least 8 feet.

c. No projecting sign shall contain information other than the name of the occupant or business, a maximum of three words containing a generic description of the types of products or services, and the occupant's logo or trademark.

(Amended MC-3-2003, 03/04/03)

3. Freestanding Signs.

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a. No freestanding sign shall contain information other than the name of the occupant or business, a maximum of three words containing a generic description of the types of products or services, and the occupant's logo or trademark.

b. One directory type freestanding sign may be displayed on the premises of a building occupied by three or more commercial occupants; provided, the sign lists only the names of such commercial occupants and the name of the building; provided that, the building in which the occupants are located is set back from the street line at least fifteen (15) feet. The total area of any such sign shall not exceed forty (40) square feet in area, and the area of any one side of the sign shall not exceed twenty (20) square feet, and no one individual listing shall exceed three square feet in area. The total height of such a sign shall not exceed eight feet above grade.

c. If a building is occupied by fewer than three occupants, one freestanding sign may be displayed on the premises on which the building is located; provided that, no commercial signs are displayed other than exempt signs, window signs and a nameplate sign not exceeding three square feet in area, that the building is setback from the street line at least fifteen (15) feet, that the total area of such sign does not exceed forty (40) square feet, that the total area of any one side of the sign shall not exceed twenty (20) square feet, and that the total height of the sign does not exceed twelve (12) feet above grade.

4. Awning Signs.

a. No awning sign shall contain information other than the name of the occupant or business, the street address numbers of the premises and the occupant's logo or trademark.

b. The total area of all signs on an awning shall not exceed fifteen (15) percent of the total exterior surface area of the awning. The area of such awning sign shall be included in the fifteen (15) percent overall limitation established by this section.

c. The size of letters, logos or trademarks on awnings shall not exceed six inches in height and shall be placed on the descending vertical front skirt only.

5. Directional and Incidental Signs. Directional or incidental signs accessory to parking and driveway areas are permitted in addition to signs permitted under Section 15.60.080, subject to the following regulations:

a. One directional sign may be erected to designate each entrance to or exit from a parking or driveway area; provided that, the area of each such sign shall not exceed three square feet;

b. One wall sign or freestanding sign designating the conditions of use shall be permitted for each parking or driveway area; provided that, the area of any such sign shall not exceed ten (10) square feet.

6. Signs on or accessory to automobile service stations and car washes shall conform to all regulations contained in this chapter and shall be limited to four signs per establishment. In computing the number of signs displayed, however, the following shall not be deemed to constitute signs on such premises:

a. Information appearing on gasoline pumps as purchased or installed;

b. Signs containing information required by state or federal law regarding the operation of automobile service stations or pump islands; provided that, the size of each

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such required sign shall be related to the state mandated letter size and shall be approved by the Board.

(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.12)

Section 15.60.130 General standards.

All signs permitted by this chapter, whether with or without a permit, shall comply with the following standards:

A. Sign Measurement.

1. **Area to Be Included.** The supporting structure or bracing of a sign shall be omitted in measuring the area of the sign unless such structure or bracing is made part of the message or face of the sign. When a sign has more than one display face, all faces shall be included in determining the area of the sign; provided that, if the distance between the sign faces of a two-faced sign does not exceed twelve (12) inches, the area of the sign shall be measured as the area of one face.

2. **Area of Sign With Background Panel.** A sign placed or painted on a background panel shall be measured by computing the area of the background panel.

3. **Area of Sign Without Background Panel.** A sign with individual letters or symbols placed separately on a building wall, awning, or other structure without a background panel shall be measured as the sum of the area of the smallest regular geometric figures that can separately encompass all words, letter areas, figures, emblems, and other elements of the sign.

4. **Sign Spacing.** No sign wording, illustration or element that is less than two feet from any other sign wording, illustration or element shall be considered a separate sign for purposes of calculating sign area.

5. **Sign Height.** The height of a sign shall be measured from the adjacent natural grade, to the highest point of the sign.

B. Illumination.

1. **Location and Design of Light Source.** The source of light for any externally illuminated sign shall be located, shielded and directed so as not to be directly visible from any dwelling or public street. No receptacle, device, fixture or housing for a light fixture shall project more than three inches into the right-of-way of any public street, sidewalk, parkway, alley or public place (except that such an electrical device more than eight feet above the adjoining sidewalk may project a maximum of twenty (20) inches into a public right-of-way).

2. **Location of Externally Illuminated Signs on Building.** No externally illuminated signs, whether displayed on a building or as a window sign, shall be displayed above the second floor window sill level of the building.

3. **Externally Illuminated Signs Adjacent to Residential Zoning Districts.** No externally illuminated sign shall be located within, or within one hundred (100) feet of the boundary of, any residential zoning district, if an illuminated face of such sign is parallel with or at an angle of less than forty-five (45) degrees from the residential zoning district boundary or otherwise has an adverse visual impact on adjacent residential properties; provided that,

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this restriction shall not apply if the property is in a multifamily zoning district and is not used for residential purposes.

C. Electrical Elements. All signs and appurtenant light fixtures in which electrical wiring and connections are to be used shall comply with the Building Code.

D. Structural Design. All signs shall comply with the Building Code and shall be designed and constructed adequately and safely to support their weight and to withstand wind and other stresses to which they may be subjected.

E. Obstruction of Accessways. No sign shall be erected, relocated, maintained, or otherwise permitted to obstruct or prevent free ingress and egress from any window, door, fire escape or stairway of any building or structure. No sign shall be attached to a fire escape.

F. Traffic Safety. No sign shall be erected, constructed or maintained where by reason of its position, shape, color or wording, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device, nor shall it otherwise cause a safety hazard.

G. Sign Maintenance. In addition to complying with all other applicable provisions of this code, all signs and awnings shall be kept and maintained in a safe, neat and orderly condition and appearance. The owner of a sign shall be responsible for providing such maintenance for freestanding signs. Maintenance shall also require that the ground area, for a distance of not less than ten (10) feet in all directions, be kept free and clean of weeds, trash and other debris. In the event that a sign is not maintained in a safe, neat and orderly condition by the owner, the sign shall be subject to removal.

H. Removal of Signs. Whenever any business, service or other use moves from or vacates premises previously occupied by it, or if, for any reason a sign is no longer applicable to the premises or has been abandoned, the sign and related mounting hardware and electrical service shall be removed from the premises within ten (10) days from the date of such cessation of the business or occupancy. In the event that such sign is not removed by the owner or operator of such business, service or use, the owner of the premises upon which such sign is displayed shall be liable for such removal within ten (10) days.

I. Civic Event Signs. Areas of land designated by the Village Council as community information areas may have civic event signs posted subject to the following:

1. Application for civic event signs shall be filed with, and approved by the Director, subject to issuance of a certificate of appropriateness as provided in this chapter.

2. Such signs shall be constructed of wood or similar material and shall be securely fastened to the ground.

3. Such signs shall be no more than thirty-two (32) square feet in area and no more than twelve (12) feet in height.

(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.13)

Section 15.60.140 Sign permit procedures.

A. Applicability. Any nonexempt sign for which a permit is required shall comply with the procedures established by this section.

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B. Permit Application Requirements. No sign permit application shall be accepted unless it is complete. Application for a sign permit shall be submitted to the Director on forms provided by the Director and shall be accompanied by all applicable fees, deposits and bonds in the amounts set from time to time by resolution of the Village Council. An application for a sign permit shall at a minimum contain or have attached to such application the following information and material, in sufficient detail to illustrate clearly the design for which approval is being sought and its relationship to the structure it serves:

1. Name, address and telephone number of the owner of the property;
2. Name, address and telephone number of the applicant (owner of the sign);
3. Name, address and telephone number of the sign contractor, and where applicable, the name, address and telephone number of the electrical contractor;
4. Address or location of building, structure or lot to which, or upon which, the sign is to be attached or erected;
5. Application for certificate of appropriateness and, where applicable, application for building permit;
6. Illustrated calculations of the aggregate size of all signs existing on the premises at the time of making such application;
7. Such other information as the Director or the Board shall require to show full compliance with this chapter;
8. Ten (10) copies of the following materials or information:
 - a. Drawings showing the position of a proposed sign in relation to adjacent signs, buildings and structures,
 - b. Information, drawings, samples, or other materials regarding the design and size, structural details, materials and colors, and placement on the premises of a proposed sign or sign structure,
 - c. Current color photographs showing existing signs on the premises and adjacent property, and the date that the photographs were taken.

C. Review of Sign Permit Applications; Requests for Additional Information. Permit applications shall be examined by the Director to determine if the application materials meet the requirements of this code. The Director may request such additional information or clarification as is necessary to complete review of the sign permit application. If it appears that a proposed sign is in compliance with the minimum requirements of this chapter, and with other laws and ordinances of the Village, the Director shall promptly refer the application materials to the Board for consideration of the granting or denial of a certificate of appropriateness.

D. Issuance of Permit. Except as provided in Section 15.60.150(D) of this chapter, no sign permit shall be issued by the Director prior to the granting of a certificate of appropriateness by the Board, or on appeal by the Village Council as provided for in Section 15.60.150(E) of this chapter.

(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.14)

Section 15.60.150 Certificate of appropriateness.

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A. Application for Preliminary Consideration. If requested in writing by a prospective applicant for a sign permit, the Board shall give preliminary consideration to a specific project before a formal application is filed, and shall provide recommendations on matters pertaining to the purpose, intent, standards and criteria of this chapter it may deem appropriate to guide the prospective applicant in developing a plan for signage that will comply with this chapter. The preliminary consideration is advisory only and no approval or denial shall be given during such preliminary consideration.

B. Final Approval. Upon receipt of a complete application, the Board shall, as soon as practicable, consider whether a certificate of appropriateness should issue.

C. Recommendation for Changes. The Board may, prior to making its decision, make recommendations to the applicant as to changes in the signage plans which, in the Board's judgment, would tend to effect the general intent and purpose of this chapter. If the Board recommends changes in the signage plan, the applicant shall notify the Board within fifteen (15) days in writing of the applicant's acceptance or reasons for rejection of such recommendations. If the applicant does not respond in writing to the Board's recommendations within the specified time period, it shall be assumed that the applicant has rejected such recommendations.

D. Issuance of Certificate.

1. A certificate of appropriateness shall be issued by the Board upon the concurring vote of a majority of the members present. However, if fewer than two-thirds of the members present vote to grant the certificate of appropriateness, the certificate shall not be issued until the time for the notice of appeal provided in subsection E of this section has lapsed, or if an appeal has been taken, until a final decision on the appeal has been reached by the Village Council.

2. If consideration of an application for certificate of appropriateness by the Board has not been initiated within forty-five (45) days following referral of the application by the Director to the Board, or having been initiated has not been concluded within forty-five (45) days following the submission by the applicant of additional evidence required by the Board, the Director shall, if the application is in order and the plans are in compliance with the minimum technical standards and requirements set forth in this chapter, issue a sign permit to the applicant for the work specified within such application and plans.

3. The Board, in its discretion, may extend the time limits of the preceding subsection, provided the applicant consents to such a continuance.

E. Appeal to Council. If a certificate of appropriateness is granted or denied by a concurring vote of fewer than two-thirds of those Board members present, the applicant or any person affected by the Board's decision may take a written appeal to the council within thirty (30) days from the date of such granting or denial. No appeal may be taken unless written notice of intent to file such appeal is made to the Director within seven days of the board's decision denying or granting the certificate. The Village Council shall render its decision within thirty (30) days from the date of such written appeal and its decision shall be final.

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F. Standards and Criteria for Issuance. The following factors and characteristics relating to the safety and appearance of signage, shall govern the board's evaluation of design submittals:

1. The sign area shall not exceed the maximum permitted area and shall be in proportion and scale to the building or to other buildings or signs in the surrounding area;
2. Projects which include a number of signs and graphics shall have an overall plan;
3. The amount of information contained in or on any sign or group of signs shall be limited so that it results in a clear and readable design;
4. Signs and graphics shall have a harmonious relationship with nearby signs, buildings and the neighborhood, and shall be designed so as not to adversely affect adjacent structures. In this respect the sign shall be related to its building, structure and neighborhood in terms of size, shape, material, color, texture, lettering, location, arrangement, lighting, and the like;
5. Colors shall be used with restraint and excessive brightness shall be avoided;
6. External lighting shall be arranged so that the light source is screened from view;
7. The additional provisions of this chapter, as specified in this chapter, shall be part of the criteria of the design review process.

(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.15)

Section 15.60.160 Amendment to permit work.

It is unlawful to alter or in any way modify or deviate from the permit work. If the owner desires to deviate from the approved construction documents during the progress of permit work, the owner shall submit to the Director a certified description of the changes and complete revised construction documents which clearly show all revisions. Prior to proceeding with the work, any amendments to the original permits and approved construction documents shall be approved by the Director or other building officers in accordance with this code.

(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.16)

Section 15.60.170 Expiration and revival of permits.

If, after the date that any permit is approved, the permit work has not begun within three months, or substantial progress is not made on the permit work within six months, or the permit work is not completed within fifteen (15) months, or the permit work is suspended or abandoned for a period of three months after it has commenced, then the permit shall lapse. Upon lapse of any permit, all retained fees and deposits shall be forfeited and any permit bonds shall be subject to forfeiture upon approval of the Village Council. No work shall be done under a lapsed permit and no further inspections shall be performed on the work that was the subject of the lapsed permit unless the permit is first revived pursuant to this section. Any request to revive a permit after it has lapsed pursuant to this section shall be considered a new permit application and shall be subject to all fees, costs, deposits and approvals applicable to a new permit application for such work.

(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.17)

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Section 15.60.180 Failure to complete work.

A. Notice. In the event that the person to whom the sign permit has been granted fails to complete or assure completion of the work required in accordance with the provisions of the permit, the Director shall notify such person in writing of any such failure. If such failure is not corrected within ten (10) days after notification the sign permit may be revoked by order of the Director.

B. Revocation of Permit. Any sign permit or certificate of appropriateness issued under this chapter may be revoked by order of the Village Council when it is shown by satisfactory proof that:

1. The permit was issued without or in excess of the authority of the Director;
2. The application for sign permit and certificate of appropriateness contained material misrepresentation of fact; or
3. The sign(s) or structure was erected, constructed, reconstructed, altered or used in a manner not in compliance with the submittals which served as the basis for the issuance of the permit or certificate of appropriateness.

C. Removal of Signs. In the event of revocation of a sign permit or certificate of appropriateness, the sign(s) or structure authorized by said permit or certificate shall be removed promptly at the expense of the applicant.

(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.18)

Section 15.60.190 Review of existing permanent signs.

A. Identification. The Director shall inspect existing permanent signs for the purpose of identifying those existing permanent signs which are not in compliance with this chapter.

B. Requests for Review. Any person may file a request with the Director for review of specific existing permanent signs. The Director shall inspect such sign or signs for the purpose of determining compliance with the provisions of this chapter.

C. Notice of Violation. The Director shall notify the owner of any existing permanent sign found to be in violation of any provision of this chapter pursuant to inspections made under subsection A or B of this section. The notice shall refer to each section of this chapter under which a violation has been found to exist and the notice shall describe the features found to be deficiencies.

D. Effect of Notice. Each existing permanent sign which is the subject of a notice given under subsection C of this section shall thereupon be classified as a nonconforming sign subject to Section 15.60.200.

E. Appeals. The owner of a sign with respect to which a notice has been given under subsection C of this section above may appeal the determination by the Director by filing an appeal pursuant to Section 15.60.230 not later than thirty (30) days after the date of notice.
(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.19)

Section 15.60.200 Nonconforming signs.

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A. Any sign that becomes nonconforming as the result of the adoption of this chapter on May 20, 1980, or of any subsequent amendments to this chapter, may be continued, subject to the conditions and limitations of this section; provided, the sign was lawfully in existence at the time of such adoption or amendment and has remained nonconforming.

B. Ordinary repair and maintenance may be made to any nonconforming sign except a sign that is prohibited by Section 15.60.060 of this chapter. For purposes of this provision, the rewiring or change of any electrical element of an internally illuminated sign or the replacement of any neon tubing shall not be considered ordinary repair and maintenance.

C. No nonconforming sign, or part of such sign, shall be operated, maintained or changed in any way if such operation, maintenance or change will either create an additional nonconformity or increase the extent or degree of the existing nonconformity.

D. No nonconforming sign shall be moved in whole or in part to any other location on the same zoning lot unless the Director has determined that the proposed relocation will decrease the degree of nonconformity.

E. If a nonconforming sign is damaged by fire or other casualty to the extent of fifty (50) percent or more of the value of the entire sign (measured in terms of replacement cost for the sign as a whole, and as determined by the Director) it shall not be restored unless the entire sign is made to conform to the provisions of this chapter.

(Amended during 1999 codification; Ord. MC-209-98 § 2 (part), 1998: prior code § 27.20)

Section 15.60.210 Unlawful display deemed nuisance.

It is unlawful to display any sign in violation of the provisions of this chapter. Any sign displayed in violation of this chapter shall be deemed a public nuisance.

(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.21)

Section 15.60.220 Enforcement, penalties and revocation of permit.

A. Authorization of Director. The Director is authorized and empowered to enforce this chapter.

B. Final Inspection Required. Before any use may be made of a sign authorized under the provisions of this chapter, a final inspection of the premises must be obtained from the Director to assure compliance with the evidence upon which the sign permit was issued.

C. Authority of Building Officers. Building Officers are empowered, during reasonable hours, to lawfully enter upon any premises or into any structure or addition to such structure for which a sign permit has been issued but which has not received a final certificate of use or when necessary to do so in the performance of any duty imposed upon them by this code. If entry is refused or not obtained, a Building Officer is authorized to pursue remedies as provided by law or this code.

D. Enforcement Actions. Any Building Officer is authorized to exercise the police power of the Village in order to secure compliance with the provisions of this chapter. Enforcement actions shall include, but not be limited to, the issuance of a stop work order, permit revocation, prosecution for violations, the bringing of a civil action to recover any penalty of fine, or the institution of the appropriate action at law or in equity to restrain,

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correct or abate such violation or to require the removal of the unlawful use or act. The filing of a civil action to recover any penalty or fine shall preclude incarceration or imprisonment. Prior written notice of a violation shall not be required for the initiation of enforcement actions under this section if the violation creates any emergency or unsafe condition, if the violation is the resumption of an activity that was the subject of a written notice of violation issued within the previous thirty (30) days, or if the Building Officer determines that the violation is part of a pattern of behavior at the site which discloses a disregard for the requirements of this code.

E. Penalties--Fines.

1. Fines for Violations. Except as provided in subsection (E)(2) of this section, any person who violates a provision of this chapter shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00) and the cost of prosecution. The village attorney or, at the direction of the village manager, the village prosecutor, may file a civil action to recover any penalty or fine against any such person; provided, however, that the filing of such civil action shall preclude incarceration or imprisonment.

2. Pre-Court Payment. Except as provided in this paragraph, any person charged with a violation of this chapter may pay directly to the Village, at the Village Hall, the minimum fine applicable to the offense charged, as established in subsection (E)(1) of this section; provided, such payment is made no later than five days before the date of a court hearing set for such violation at the request of the person receiving the citation alleging the violation. A receipt shall be issued for any pre-court payment so made and any violation for which such a pre-court payment has been made shall not be subject to further prosecution. No pre-court payments will be accepted less than five days before the scheduled court hearing date. If more than two violations are issued for the same work site in any thirty (30) day period, only the first two such violations may be subject to a pre-court payment pursuant to this paragraph.

3. Separate Offenses. Each act of violation and each day upon which a violation occurs shall constitute a separate offense.

(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.22)

Section 15.60.230 Violation of regulations.

A. The Director shall give a written notice of violation to any person displaying a sign in violation of this chapter (other than violations of Section 15.60.180). Such notice shall demand compliance with the requirements of this chapter within forty-eight (48) hours from the time of receipt of such notice (weekends and holidays excluded) for temporary and window signs, and within ten (10) days for other signs.

B. Any person displaying a sign in violation of this chapter after such forty-eight (48) hours or ten (10) day period, as the case may be, shall be subject to a penalty not exceeding seven hundred fifty dollars (\$750.00) per offense. Each day of such violation shall constitute a separate offense with respect to the computation of fines.

C. If a sign shall be found to be unsafe or insecure, or constructed, erected or maintained in violation of this chapter, and if the owner of the sign fails to remove or alter the sign

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(following proper notice), the sign may be removed or altered by the village at the expense of the owner of the sign.

D. In the event that any sign presents an immediate peril to persons or property, the sign may be removed by the Village summarily and with out notice. Such removal without notice shall not preclude the Village from recouping the costs of such removal.

E. In addition to other remedies as specified in this chapter, the Village may institute any appropriate action or proceeding to prevent, restrain, correct, or abate any violation of this chapter, including such actions as may be necessary for the Village to recoup costs incurred in pursuance of the removal or alteration of signs as may be required by this chapter.

F. Any permit shall be a license to proceed with the permit work and shall not be construed as authority to violate, cancel or set aside any provision of this code or any other applicable law.

(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.23)

Section 15.60.240 Appeals.

A. An appeal may be taken to the Sign Board of Appeals from any order, requirement, decision or determination made by the Director in the enforcement of this chapter, which appeal shall act as a stay of all proceedings in furtherance of the action appealed from until a final decision by the Sign Board.

B. All final decisions of the Sign Board under this section shall be subject to judicial review pursuant to the provisions of the Administrative Review Act approved May 8, 1945 and all amendments and modifications (735 ILCS 5/3-101, et seq.).

(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.24)

Section 15.60.250 Variations.

A. Any person may apply to the Sign Board for a variation from the terms of this chapter and a permit to construct or alter or maintain any sign which does not conform to the requirements of this chapter.

B. No variation application shall be accepted unless it is complete. Variation applications shall be made on forms provided by the Director. Variation application fees shall be set from time to time by resolution of the Village Council.

C. Variations shall be permitted only if:

1. They are in harmony with the general purpose and intent of this chapter; and
2. The plight of the petitioner is due to unusual circumstances; and
3. There are practical difficulties or particular hardship in the way of carrying out the strict requirements of this chapter; and
4. The variation will not alter the essential character of the locality.

D. Every variation granted by the Sign Board shall be accompanied by findings and facts specifying the reasons for granting the variation.

E. Notwithstanding the provisions of this section, the Sign Board shall not have the power to:

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June 2020**

1. Permit signs that are prohibited;
 2. Waive permit requirements;
 3. Permit signs which violate the safety and maintenance provisions of Section 15.60.130;
 4. Vary the nonconforming sign provisions of Section 15.60.150 as applied to any given sign.
- (Ord. MC-209-98 § 2 (part), 1998: prior code § 27.25)

Section 15.60.260 Liability for damages.

Neither the provisions of this chapter nor the issuance of any sign permit or certificate of appropriateness shall be construed as relieving any person erecting, owning or maintaining any sign from liability arising by reason of personal injury or property damage resulting from such sign or work relating to such sign, or as limiting the liability of any such person by reason of personal injury or property damage so resulting. The provisions of this chapter shall not be construed as imposing upon the Village or its officials or employees any liability by reason of the approval of any sign under any of the provisions of this chapter.

(Ord. MC-209-98 § 2 (part), 1998: prior code § 27.26)

DRAFT
Winnetka Design Review Board/Sign Board of Appeals
June 18, 2020 Virtual Meeting Minutes - EXCERPTS

Members Present:

Kirk Albinson, Chairman
Paul Konstant
Brad McLane
Maggie Meiners

Members Absent:

Brooke Kelly
Michael Klaskin
Michael Ritter

Village Staff:

David Schoon, Director of Community Development
Brian Norkus, Assistant Director of Community Development
Ann Klaassen, Senior Planner
Christopher Marx, Associate Planner

Case No. 19-39-DR: Display Case Signs. Discussion of amendments to sign regulations to allow display case signs on the exterior of a building.

Mr. Schoon stated a request was received from the owner of Good Grapes for the Village to allow display case signs typically found on the side of a restaurant in a cabinet displaying a menu. He stated the owner would like a similar display case on the side of her building and made the request at a Village Council meeting. The Council was open to the idea and referred the request to the Board to set parameters to allow such a sign. Mr. Schoon stated the Village staff provided the Board with excerpts from the sign regulations noting a display case sign is a changeable copy sign, and currently changeable copy signs are only allowed in certain circumstances such as for a commercial use for gasoline signs, incidental signs and portable menu signs with changeable copy.

Mr. Schoon stated they looked at other communities in considering the amendment and discovered that many of communities have changeable copy sign regulations which can be electronic message boards and signs where the lettering is changed manually for commercial and institutional uses. He noted they were not a lot of examples of where they got specific regarding display case signs. Mr. Schoon noted Wilmette does have a regulation calling it restaurant menu signs and Naperville calls their signs pedestrian wall signs. He also stated Park Ridge has pricing signs and noted that Barrington was the most comprehensive in terms of defining what it is and how it can be used and called their similar sign type - exterior display cases.

Mr. Schoon then stated elements that these communities looked at specifically in terms of a display case sign was its size, ranging from 4 to 6 square feet in area, and one limited their a height to no more than 6 feet from grade. He noted some communities regulated the number of them restricting them to one sign per property and others allowing one per building. Mr. Schoon stated they also regulate how far they can project from the wall given that they are at the pedestrian level. He stated they defined whether it can be illuminated as well as what types of businesses can use them, such as Wilmette limiting them to restaurant menus, while other communities allowing all commercial use to have that type of sign. Mr. Schoon stated some limit what can be posted on the sign such events, services or schedules. He then stated given it is a changeable copy sign, there will be a limit on how often the copy can be changed and there are more specifics with regard to electronic signs. Mr. Schoon also stated a display case sign is generally a printed sign and may change throughout the day in connection with the menus. He stated given that this would go on the wall of the buildings, communities often have a maximum amount of signage allowed on a building façade which they do have in the Village.

Mr. Schoon also stated a table was provided in the staff report including typical paper sizes on someone may have something printed. He then stated they looked at different configurations as to whether there was one of each paper size or a couple or four, how large would they have to be if they were all put together including the space

1 needed for the border edge to come up with the area for those signs. Mr. Schoon stated that information was
2 provided so that if a restaurant used a paper size that can easily be printed and copied, what amount of area
3 would be needed to be used for menus, events, etc. in order for the Board to consider how large of a display case
4 sign would be appropriate.

5
6 Mr. Schoon stated a proposal was put together by the Village staff which is very comprehensive and they are
7 looking for direction from the Board in terms of what businesses should be allowed to have display case signs and
8 what should be the allowed sign dimensions and characteristics. Regarding the size of signs, staff listed 6 feet as
9 that is what the owner of Good Grapes had suggested. Mr. Schoon stated they thought it was appropriate to limit
10 the sign height on the building wall to 6 feet from grade and no more than 4 inches from the building face since it
11 is to be a pedestrian focused sign. He stated an enclosed case is also a typical feature as well as to allow external
12 illumination. Mr. Schoon stated they included language relating to not interfering with the building's architecture
13 or windows and the color needed to match the exterior storefront or for it be compatible in terms of its colors. He
14 informed the Board a lot of communities allowed the sign without a permit or design review process.

15
16 Mr. Schoon stated the proposal would only allow food and beverage uses to have display case signs. He stated
17 they thought it would be appropriate for each business to have no more than one and referred to the multi-tenant
18 buildings in the Village. Mr. Schoon stated given the size of the sign, would be excluded from the maximum
19 amount of signage allowed on walls, windows, and awnings. He stated they felt it should be limited in terms of
20 what it could say such as menus, specials or an event at the establishment. Mr. Schoon stated the last suggestion
21 was to include a limit on how often the sign message could change and suggested two days or it could be left up to
22 the business. He then asked if there were any questions.

23
24 Chairman Albinson proposed that the Board first solicit public comment. Mr. Schoon asked Ms. Dason for
25 comment. Ms. Dason stated she liked the idea and for the business to not have to go through several hoops to be
26 allowed to do it. She also stated she liked the idea of restaurants and for the location be set. Ms. Dason stated it
27 would also help with business advertisement after hours and she would be in support. Mr. Schoon asked the next
28 caller for comment. Theresa Lucas introduced herself as the owner who submitted the request to the Village
29 Council on February 4, 2020. She stated she did not specifically request it to be 6 square feet and suggested that it
30 not be limited to only restaurants. Ms. Lucas stated it would be an inexpensive means of advertisement that could
31 be used year-round. She informed the Board she tried the floor display sign, and there was an immediate jump in
32 business by raising it to be easier to read. Ms. Lucas stated a floor display sign was designed for indoor use and it
33 also blew over. She stated they want to coordinate and joint advertise the stores and restaurants in a manner
34 which is economical, reasonable and would be a better fit for Winnetka since it is more professional looking. Mr.
35 Schoon asked Mr. Lazarre if he had comment. Mr. Lazarre had no comment.

36
37 Chairman Albinson then opened the matter up for deliberation. Mr. McLane commented they have done a good
38 job and liked the fact the Village staff considered what other villages are doing. He stated he also appreciated the
39 framework being laid out for the Board. Mr. McLane then referred to the glass case covering and asked about the
40 digital limit. Schoon responded the code does not currently allow electronic message board signs, but the Board
41 could consider that if it wishes. Mr. McLane then suggested that the signs be allowed to be digital with a limit on
42 the number of times the message could change.

43
44 Ms. Meiners stated she did not like the digital idea and asked if there is a standard display with a paper menu, why
45 would they care how many times it changed. Mr. Schoon stated there did not have to be a limit and the idea is for
46 there to be some level of it being static. Ms. Meiners commented the display cases bother her when they are old
47 looking and she would not comment on a digital display until she saw examples. She also stated while she would
48 be in favor of a display case, it should be allowed on a case by case business relating to the building. Ms. Meiners
49 agreed they can suggest guidelines in terms of maximum area but the other aspects should be considered
50 individually as well as the consideration of example suggestions.

51
52 Mr. Konstant stated there should be strict guidelines on digital signs and internally lit signs would be out of
53 character with the Village. He agreed with having suggestions of four alternatives to be considered and having

1 guidelines which required them to be maintained. Chairman Albinson stated he would be in support of allow
2 display case signs and for review to be at the Village staff level with the use of guidelines as opposed to having an
3 applicant come before the Board. He stated the request represented an opportunity along with their review of the
4 design guidelines and together with the pandemic, it would be an opportunity to help the retail businesses.
5 Chairman Albinson stated with the pandemic potential being here for a period of time, they should build a way to
6 promote businesses and open it up to all businesses to keep communication open with pedestrians. He agreed
7 with the concerns relating to digital signs and thinking in terms of what lies ahead for the world, to explore a
8 provisional, digital amendment and have a trial period. Chairman Albinson suggested they come up with guidelines
9 where in a shutdown, a business can still adjust to the requirements. He then encouraged the Board explore the
10 most cost effective and flexibility options for retail businesses. Chairman Albinson also agreed that display cases
11 need to be maintained.

12
13 Chairman Albinson suggested the Board expedite the recommendations for a traditional display case and ask the
14 Village to draft language to make an amendment to allow for digital signs with a trial period for evaluation. Mr.
15 Schoon stated the Village staff is still working on the internally illuminated sign item and referred to televisions in
16 businesses, which are a form of animated signs, that are not far enough away from the window to meet current
17 regulations. He stated they would be considering that as part of the illuminated sign discussion. Chairman Albinson
18 asked if the Village staff looking for the Board's decision on this item. Mr. Schoon responded they are looking for
19 the Board to make a recommendation to the Village Council at this meeting or a future meeting. Chairman
20 Albinson stated if they can make a recommendation to expedite an amendment to the sign code for display cases,
21 he would be in favor of that. He then referred to page 5 which included the nine points. Mr. Schoon stated points
22 of discussion for the Board related to allow such signs are: (a) how often the sign message can change, (b) whether
23 it should be limited to food and beverage establishments or all businesses should be allowed to have them, (c) to
24 expand what could be displayed in the case, and (d) the sign size. Ms. Meiners commented the recommendations
25 are good to begin with and questioned why businesses other than restaurants would use it. Mr. Schoon suggested
26 it could be used by a bookstore to promote author talks or a salon to list services provided. Chairman Albinson
27 described his experience with J.C. Licht where they could have had such a sign and that it would be applicable for
28 non-food establishments. He stated he would not be concerned with the number of changes a day as long as it is
29 not digital and agreed with Mr. McLane that they should not be narrow in terms of their definition. Ms. Meiners
30 stated the Board is in agreement that it could expand beyond food and beverage, there did not need to be a limit
31 on the number of messages per day and there is interest in exploring digital options in the future. She stated she
32 would be in favor of these two suggestions without the digital aspect.

33
34 Ms. Meiners moved to approve the proposal with the changes of not limiting it to food and beverage and no limit
35 on the number of sign messages per day. Mr. McLane seconded the motion. A vote was taken and the motion
36 unanimously passed.

37 AYES: Albinson, Konstant, McLane, Meiners

38 NAYS: None



Agenda Item Executive Summary

Title: Resolution No. R-47-2020: Amendment to Development Agreement and Restrictive Covenants - 630 Pine Lane (Adoption)

Presenter: Brian Norkus, Assistant Community Development Director

Agenda Date: 07/21/2020

Consent: ☐ YES ☒ NO

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

Item History:

In 2007 the Village Council approved a three-lot subdivision of the parcel at 630 Pine Lane, which included certain conditions of approval including designating the 1922 residence at 630 Pine Lane, on Lot 2 of the Subdivision, as a Landmark.

In 2013, at the owners' request, the Council adopted Ordinance M-3-2013 approving the de-listing and demolition of the 630 Pine Lane home and imposing conditions on new construction on Lot 2, including increased setback requirements, reduced building height, and building size limits intended to ensure that new construction be consistent with the characteristics of the 1922 residence.

Executive Summary:

On July 21, the Village Council is scheduled to consider Resolution No. R-47-2020, which would modify certain restrictive covenants on the Subject Property at 630 Pine Lane (Lot 2 in the Pine Lane - CBI Subdivision) and amend the subdivision development agreement to allow sale and development of the Subject Property to a third party.

Resolution No. R-47-2020 and its attached "Amendment to Declaration of Restrictive Covenants.." document would amend the restrictive covenants for the Subject Property, and result in: (a) a reduction in minimum required front yard; and (b) a reduction in the minimum required rear yard setback, (c) an increase in maximum permitted roofed lot coverage, (d) an increase in the maximum impermeable surfaces, and (e) an increase in maximum building height.

Further details of the request can be found in the attached staff report.

Recommendation:

Consider adoption of Resolution No. R-47-2020 which would approve amendments to the Development Agreement and Restrictive Covenants for the Subject Property at 630 Pine Lane (Lot 2 in 630 Pine Lane - CBI Subdivision).

Attachments:

Staff Report
Attachment A: Resolution No. R-47-2020
Attachment B: Letter of Application
Attachment C: Resolution R-25-2006 (approving 630 Pine Lane – CBI Subdivision)
Attachment D: Ordinance M-3-2013 (Decertifying Landmark Status of 630 Pine Lane)
Attachment E: Village correspondence regarding public improvements dated June 24, 2020



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: VILLAGE COUNCIL

FROM: BRIAN NORKUS, ASSISTANT DIRECTOR OF COMMUNITY DEVELOPMENT

DATE: JULY 6, 2020

SUBJECT: CASE NO. 20-20-SD: REQUESTED AMENDMENT TO DEVELOPMENT AGREEMENT (630 PINE LANE - CBI BUILDERS SUBDIVISION)

INTRODUCTION

On July 21, 2020, the Village Council is scheduled to consider a request submitted by *Pine Lane LLC* through its members Thomas and Suzanne Murphy (the "Applicants"), requesting modifications to zoning restrictive covenants for a parcel located at 630 Pine Lane (the "Subject Property"). The Subject Property is highlighted in [Figure 1](#) below. The parcel was established in its current configuration (*Lot 2*) through a three-lot subdivision entitled *630 Pine Lane – CBI Builders Subdivision* (the "2006 Subdivision") approved by the Council on November 7, 2006.



**Figure 1 – Subject Property
630 Pine Lane (Lot 2)**

Neighboring property owners within 250 feet of the Subject Parcel have been notified of the Council's consideration of this request.

The Applicants were party to the 2006 Subdivision application, and own Lot 1 and Lot 2, which remain vacant.

The Applicants have entered into a purchase agreement with a private party (the “Contract Purchasers”), who wish to construct a new single-family home on the Subject Property for use as their personal residence. It is understood that the purchase agreement is contingent on the Applicant securing Council approval of certain modifications to restrictive zoning covenants which apply to the Subject Property.

The restrictive zoning covenants in question originated in part as part of the Council’s approval of the 2006 Subdivision. Additionally, those restrictive covenants were modified, at the request of the Applicants, in 2013. The basis for the restrictive covenants, and their subsequent modification are described in greater detail later in this report.

The Applicant’s current requested amendments to the Development Agreement are outlined in the letter dated May 22, 2020 (Attachment B). Requested amendments include the following modifications:

1. Elimination of the current restrictive covenant increasing the front yard (east) setback on Lot 2 to 77.91 feet, in favor of **reducing the front yard setback to the standard R-2 Zoning requirement of 50 feet.**
2. Elimination of the current restrictive covenant increasing the rear yard (west) setback on Lot 2 to 47.59 feet, in favor of **reducing the rear yard setback to the standard R-2 Zoning requirement of 25 feet.**
3. Increase in allowable Roofed Lot Coverage from current restrictive covenant of 4,675 square feet, to a **total permitted Roofed Lot Coverage of 7,000 square feet** *[but which remains less than the standard zoning limit of 10,490 square feet (25% of lot area)]*.
4. Elimination of the restrictive covenant on allowable Total Impermeable Surface Area from current restrictive covenant of 15,432 square feet, to a **total permitted Roofed Lot Coverage of 20,819 square feet**, equivalent to the standard zoning limit of 20,819 square feet (50% of lot area).
5. Increase in allowable Maximum Building Height from current restrictive covenant of 29.0 feet, to a **maximum building height of 30 feet** *[but which remains less than the standard zoning limit of 33.0 feet]*.
6. In addition to the above zoning related amendments, the Applicants are requesting **modification of the Development Agreement to expressly allow the sale and development of the Subject Property to a third party**, versus the original Development Agreement’s contemplated development by the Applicant.

The applicant is not requesting revision to the following remaining zoning restrictive covenants, which would remain in effect for the Subject Property:

- A. Minimum north side yard of 12.0 feet is increased to 33.47 feet.
- B. Minimum total side yards of 55.65 feet are increased to 72.78 feet.
- C. Maximum Gross Floor Area is reduced from 10,347 square feet to 9,275 square feet.

BACKGROUND

Prior to the 2006 Subdivision, the property was configured a single zoning lot measuring 790 feet in length and over 3.3 acres in area. The property was improved with a single-family dwelling constructed in 1922, designed by architect Edwin Clark, who also designed Winnetka's Village Hall and other noteworthy projects.

The size of the property lent to it having many mature trees which were subject to protection under the Village's tree preservation requirements. In addition, the westerly portion of the 3.3-acre parcel was located within the FEMA floodplain boundary. The blue area on the [Figure 2](#) below designates the 100-year floodplain.



Figure 2 - FEMA floodplain area

2006 Subdivision Approval - The presence of the large number of mature trees, the presence of the floodplain designation on a portion of the parcel, and the nature of the original dwelling on the property led the Council to impose a number of conditions on the approval of the three-lot subdivision.

The 2006 approval by the Council was subject to a total of twenty-one (21) conditions of approval (approving Resolution R-25-2006 included as [Attachment C](#)). **With respect to the subject property** (Lot 2), the Developers agreed to preserve the existing residence and designate the structure as a Certified Landmark as provided for by the Village Landmark Preservation Ordinance.

[Figure 3](#) is an excerpt of the Development Agreement between the Developers and the Village, and it depicts the approved plans for restoration and addition to the 630 Pine Lane residence. ([Figure 2](#) also depicts the restrictive covenants setting out setback requirements on the newly created building sites for Lot 1 and Lot 3.)

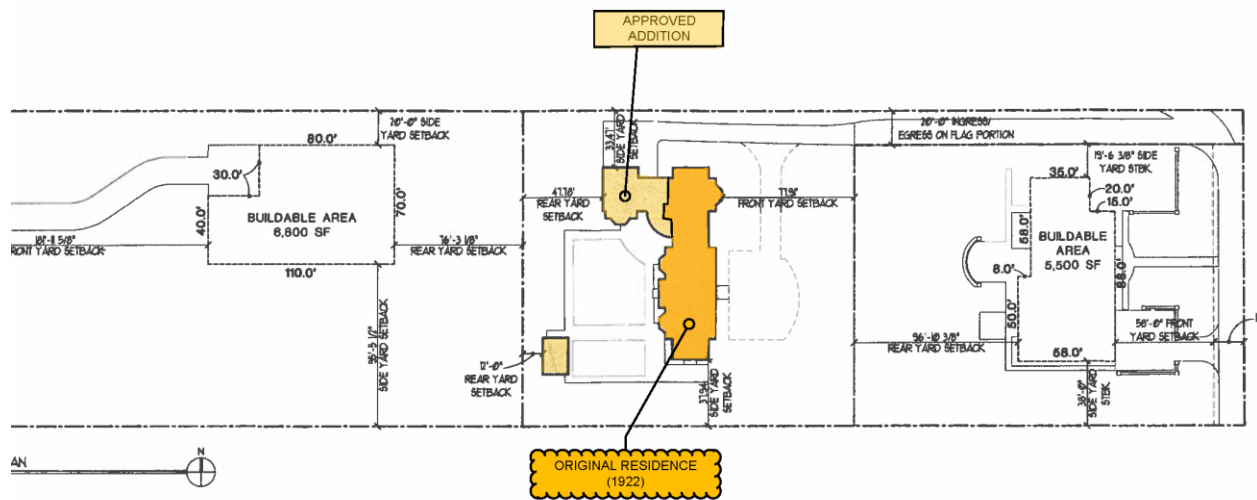


Figure 3 – Development Agreement Excerpt

Following the 2006 approval of the *CBI Builders Subdivision*, the easterly lot fronting on Pine Lane (614 Pine Lane) was developed with a new single-family residence, as seen in *Figure 1*. In addition, extensive site work commenced to construct required public utilities including stormwater detention and floodplain management facilities, as well as water sewer and electric utilities for all three lots. Earlier this year the Village confirmed that public improvements, including stormwater detention facilities for all three lots were completed pursuant to approved plans. On June 24, 2020, the Village provided the Applicants with written confirmation of the status of those improvements, included as [Attachment D](#).

2013 De-certification of Landmark status and Demolition of 630 Pine Lane – Following approval Certified Landmark status for the 630 Pine Lane residence and approval of architectural plans for the planned addition, restoration of the residence never occurred.

In 2013, the Applicants submitted a petition requesting the decertification of the Landmark status for the property and for approval to demolish the residence. In their petition the Applicants presented evidence to the Landmark Preservation Commission and Village Council demonstrating the deteriorated condition of the residence and the expense to restore made it no longer economically viable.

On March 19, 2013, the Village Council adopted Ordinance M-3-2013 which approved decertification of landmark status for 630 Pine Lane and authorizing its demolition ([Attachment E](#)).

Imposing of additional restrictive covenants on Subject Property (2013) - In approving decertification and demolition of the residence on the Lot 2, the Council imposed specific additional conditions on Lot 2 to mitigate the neighborhood impact of the demolition and subsequent new construction to occur on the Lot. First, the Council imposed a restriction on construction access, requiring that construction on Lot 2 occur from Hibbard Road versus Pine Lane. Second, the Council imposed new restrictive zoning covenants governing the size and location of new construction on Lot 2.

Zoning covenants called for in Ordinance M-3-2013 effectively **limited the size of any new construction to the equivalent square footage** (Roofed Lot Coverage, Impermeable Surfaces, and Gross Floor Area) **of the original renovation and expansion plan**, and imposed **more restrictive setback requirements**, identical to those observed by the renovated and expanded residence.

Figure 3 below depicts the setback requirements imposed in 2013 in comparison to standard zoning setback requirements.

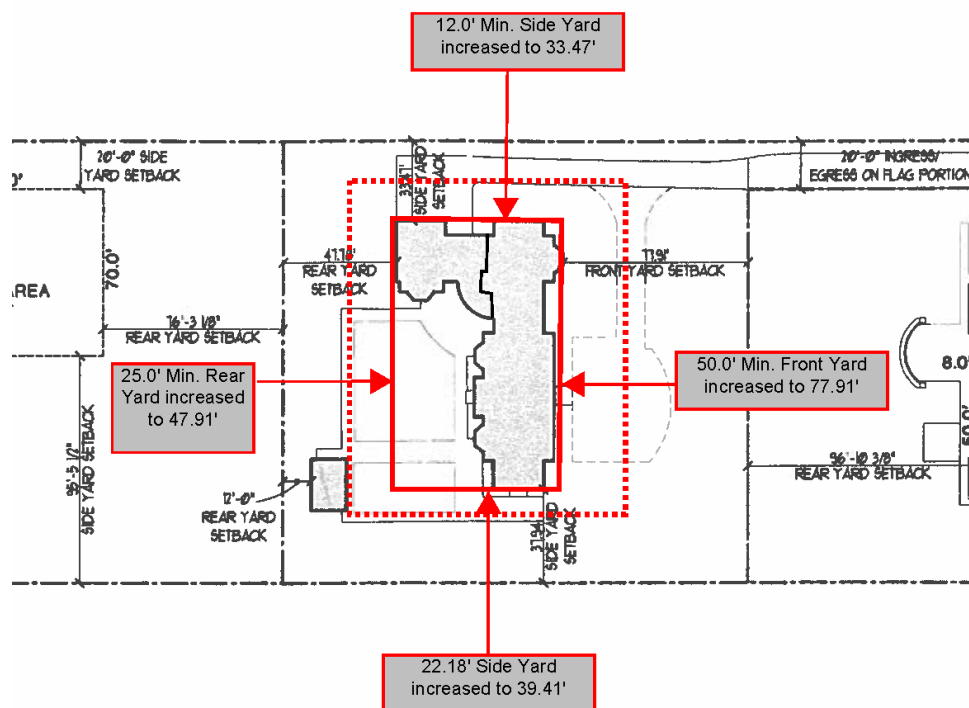


Figure 4

CURRENT REQUEST

In Summary, the Applicant's requested modifications to zoning restrictive covenants are depicted in Figure 4 below.

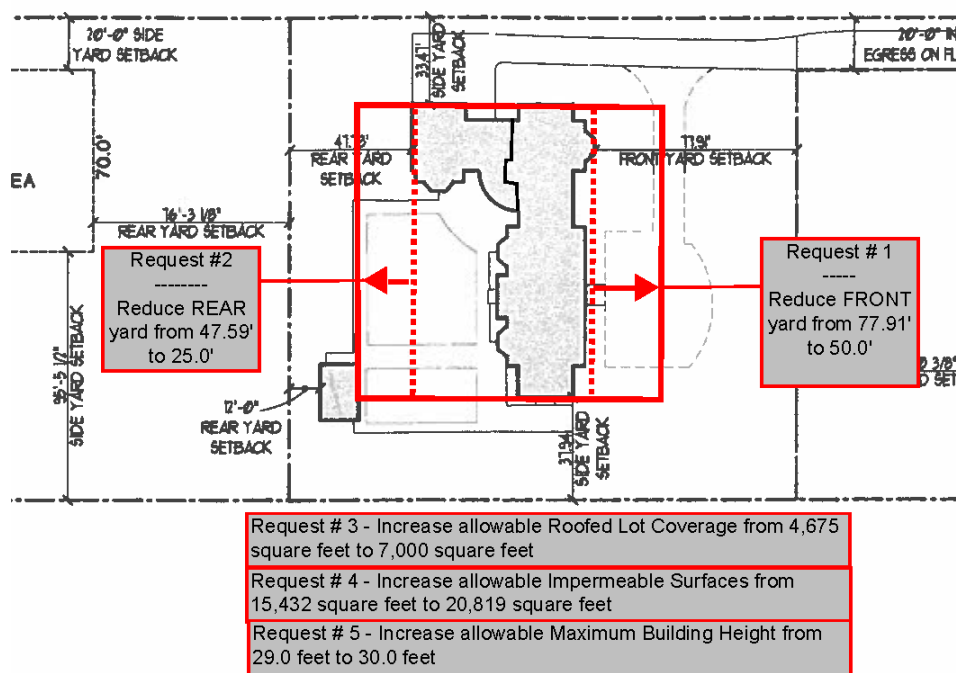


Figure 5

RECOMMENDATION

Following conclusion of public comment and Council discussion, the Council may wish to consider adoption of Resolution R-47-2020 (Attachment A), which would (a) amend the Development Agreement governing the development of Lots 1 and 2 in the *630 Pine Lane – CBI Subdivision*, authorizing the sale of those lots to a third party for development and (b) would amend the zoning restrictive covenants pertaining to (1) Minimum Front Yard Setback, (2) Minimum Rear Yard Setback, (3) Maximum Roofed Lot Coverage, (4) Maximum Impermeable Surfaces, and (5) Maximum Building Height, as outlined above.

ATTACHMENTS

Attachment A: Resolution R-47-2020 Amending Restrictive Covenants

Attachment B: Letter of Application

Attachment C: Resolution R-25-2006 approving 630 Pine Lane – CBI Builders Subdivision

Attachment D: Village correspondence regarding public improvements dated June 24, 2020

Attachment E: Ordinance M-3-2013 Decertifying Landmark Status of 630 Pine Lane

**A RESOLUTION APPROVING AN AMENDMENT TO DECLARATION OF
RESTRICTIVE COVENANTS AND TEMPORARY EASEMENTS AND
DEVELOPMENT AGREEMENT
BETWEEN THE VILLAGE OF WINNETKA AND PINE LANE LLC
(630 PINE LANE)**

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, on November 7, 2006, pursuant to Ordinance No. M-03-2007 the Village approved an application submitted by GBM Developers, LLC, an Illinois Limited Liability Company, and CBI Custom Homes, Inc, formerly an Illinois corporation (collectively, **“Developer”**) for a final plat of subdivision consisting of three lots for the property located at 630 Pine Lane, entitled 630 Pine Lane – CBI Subdivision (**“Subdivision”**); and

WHEREAS, on March 6, 2007, pursuant to Resolution No. R-43-2007, the Village approved a development agreement (**“Development Agreement”**) with the Developer to construct two, new single-family residences on Lots 1 and 3 of the Subdivision, and

WHEREAS, the Development Agreement called for preserving the existing home on Lot 2 (**“Subject Property”**) for historical purposes; and

WHEREAS, on March 19, 2013, pursuant to Ordinance No. M-3-2013, the Village rescinded the landmark designation for the existing home on Lot 2 of the Subject Property (**“Landmark Rescission Ordinance”**); and

WHEREAS, as a condition of the Landmark Recession Ordinance, the Developer recorded a Declaration of Restrictive Covenants and Temporary Construction Easement dated June 19, 2013 (**“Declaration”**), which Declaration may not be amended without the consent of the Village; and

WHEREAS, the Development Agreement required certain restrictive covenants on the Subject Property to assure that a newly built residence maintains the existing neighborhood context, while allowing development on the Subject Property (**“Covenants”**); and

WHEREAS, Pine Lane LLC (**“Owner”**) is the current owner of Lot 1 and Lot 2 in the Subdivision; and

WHEREAS, Owner has entered into an agreement to sell the Subject Property (Lot 2 of the Subdivision) and, as a condition of such agreement, has requested the Village to amend the Development Agreement and Declaration to allow for the transfer of Lot 2 and allow for the desired development of Lot 2 (**“Proposed Amendments”**); and

WHEREAS, the Village Council has determined that it is in the best interests of the Village and its residents to enter into the First Amendment to the Development Agreement with the Owner;

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 AMENDMENT TO THE DEVELOPMENT AGREEMENT AND DECLARATION. The Village Council approves the Amendment to the Development Agreement and Declaration in substantially the form attached to this Resolution as **Exhibit A** and in a final form approved by the Village Attorney ("**Amendment**").

SECTION 3: AUTHORIZATION TO EXECUTE AMENDMENT TO THE DEVELOPMENT AGREEMENT AND DECLARATION. The Village Council authorizes and directs the Village President and the Village Clerk to execute and attest, respectively, on behalf of the Village, the final Amendment after receipt by the Village Manager of two executed copies of the final Amendment from Owner; provided, however, that if the Village Manager does not receive two executed copies of the final Amendment from Owner within 30 days after the date of adoption of this Resolution, then this authority to execute and seal the final Amendment to the Development Agreement will, at the option of the Village Council, be null and void.

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

ADOPTED this 21st day of July, 2020, pursuant to the following roll call vote:

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

Signed

Village President

Countersigned:

Village Clerk

{00115915.2}

July 21, 2020
R-47-2020

EXHIBIT A

AMENDMENT TO THE DEVELOPMENT AGREEMENT AND DECLARATION

**AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS AND
TEMPORARY EASEMENTS AND DEVELOPMENT AGREEMENT
BETWEEN THE VILLAGE OF WINNETKA AND PINE LANE LLC**

THIS AMENDMENT (“Amendment”) is made as of this ____ day of _____, 2020 (**“Execution Date”**) by and between the **VILLAGE OF WINNETKA**, an Illinois home rule municipal corporation (**“Village”**), and **PINE LANE LLC**, an Illinois limited liability company (**“Owner”**).

RECITALS

WHEREAS, on November 7, 2006, pursuant to Ordinance No. M-03-2007, the Village approved an application submitted by GBM Developers, LLC, an Illinois Limited Liability Company, and CBI Custom Homes, Inc, formerly an Illinois corporation (collectively, **“Prior Owners”**) for a final plat of subdivision consisting of three lots for the property located at 630 Pine Lane (**“Subdivision”**); and

WHEREAS, the Village and Owner entered into that certain Development Agreement dated November 6, 2007 and recorded with Cook County Recorder of Deeds as Document No. 0801722074 (**“Development Agreement”**), which Development Agreement, in part, permitted the Prior Developer to construct two, new single-family residences on Lots 1 and 3 of the Subdivision, and preserved the existing home on Lot 2 (**“Subject Property”**) for historical purposes; and

WHEREAS, in 2013, the Prior Owners applied to the Village to remove a landmark designation from Lot 2 of the Subject Property, which application the Village granted provided that the Prior Owner record against the Subject Property that certain Declaration of Restrictive Covenants and Temporary Construction Easement dated June 19, 2013, and recorded with the Cook County Recorder of Deeds as Document No. 1317516076 (**“Declaration”**); and

WHEREAS, the Subject Property has been acquired by Owner; and

WHEREAS, Owner has entered into a purchase and sale agreement to sell the Subject Property, and as a condition of such agreement, has requested that the Village amend the Development Agreement and Declaration to remove certain restrictions and covenants that apply to the Subject Property; and

NOW, THEREFORE, in consideration of the mutual covenants set forth in this Amendment, the receipt and sufficiency of which are hereby acknowledged, the Village and Owner agree as follows:

SECTION 1. RECITALS.

The foregoing recitals are hereby incorporated into, and made a part of, this Amendment as if fully set forth herein.

SECTION 2. DEFINITIONS; RULES OF CONSTRUCTION.

A. Definitions. All capitalized words and phrases used throughout this Amendment have the meanings set forth in the various provisions of this Amendment. If a word or phrase is not specifically defined in this Amendment, it has the same meaning as in the Development Agreement or Declaration, and may be applicable based on context.

B. Rules of Construction. Except as specifically provided in this Amendment, all terms, provisions and requirements contained in the Development Agreement and Declaration remain unchanged and in full force and effect. In the event of a conflict between the text of the Development Agreement or Declaration, and the text of this Amendment, the text of this Amendment controls.

SECTION 3. AMENDMENT TO DEVELOPMENT AGREEMENT.

The Village and Owner acknowledge and agree that Section 11.G of the Development Agreement is hereby amended to add a new subparagraph 11.G.5, which shall be and read as follows:

“5. Purchase of Lot 2. Notwithstanding any other provision to the contrary in this Development Agreement, Developer shall be permitted, without any additional approvals from the Village, to transfer Lot 2 of the subdivided Subject Property to Mr. and Mrs. Adam J. Weinberg (“Purchasers”), and Purchasers shall be: (i) deemed a “Permitted Transferee” for purposes of this Development Agreement; and (ii) the Development shall be binding upon Purchasers automatically upon Purchasers obtaining title to all or any portion of Lot 2 of the subdivided Subject Property.”

SECTION 4. AMENDMENT TO DECLARATION.

The Village and Owner agree that Exhibit A of the Declaration is hereby amended and replaced in its entirety with **Exhibit A** to this Amendment

SECTION 5. RECORDING; BINDING EFFECT.

A copy of this Amendment will be recorded in the Office of the Cook County Recorder of Deeds against the Subject Property. This Amendment and the privileges, obligations, and provisions contained herein run with the Subject Property and inure to the benefit of, and are and will be binding upon, Owner and its personal representatives, successors, and assigns.

SECTION 6. REPRESENTATIONS.

A. By the Village. The Village hereby represents and warrants that: (1) the persons executing this Amendment on its behalf have been properly authorized to do so by the Corporate Authorities; (2) it has full power and authority to execute and deliver this Amendment and to perform all of its obligations imposed pursuant to this Amendment; and (3) this Amendment

constitutes a legal, valid and binding obligation of the Village enforceable in accordance with its terms.

B. By Owner. Owner hereby represents and warrants that: (1) it has full power and authority to execute and deliver this Amendment and to perform all of its obligations imposed pursuant to this Amendment; and (2) this Amendment constitutes a legal, valid and binding obligation of Owner enforceable in accordance with its terms.

IN WITNESS WHEREOF, the Village and Owner have hereunto set their hands on the date first above written.

ATTEST:

VILLAGE OF WINNETKA,
an Illinois home rule municipal corporation

Robert M. Bahan, Village Clerk

By: _____
Christopher Rintz
Its: Village President

ATTEST:

PINE LANE LLC, an Illinois limited liability
company

By: _____

By: _____

Its: _____

Its: _____

ACKNOWLEDGMENTS

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

This instrument was acknowledged before me on _____, 2020, by Christopher Rintz, the Village President of the **VILLAGE OF WINNETKA**, an Illinois home municipal corporation, and by Robert M. Bahan, the Village Clerk of said municipal corporation.

Given under my hand and official seal this ____ day of _____, 2020.

Notary Public

My Commission expires:_____

SEAL

STATE OF _____)
) SS.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2020, by _____, the _____ of **PINE LANE LLC**, an Illinois limited liability company, and by _____, the _____ of said limited liability company.

Given under my hand and official seal this ____ day of _____, 2020.

Notary Public

My Commission expires:_____

SEAL

EXHIBIT A

**Restrictive Zoning Covenant against Lot 2 of the CBI Subdivision
as to the Maximum Allowable
Gross Floor Area, Roofed Lot Coverage, Impermeable Surfaces and Building Height
and as to the Minimum Required
Front Setback, Side Yards and Rear Yard**

Zoning Standard	Restrictive covenant for Lot 2 of CBI Subdivision	Typical zoning requirement (R-2 Zoning District)
Gross Floor Area	9,275 s.f.	10,347 s.f.
Roofed Lot Coverage	7,000 s.f.	10,490 s.f.

Zoning Standard	Restrictive covenant for Lot 2 of CBI Subdivision	Typical zoning requirement (R-2 Zoning District)
Side Yard (north, minimum)	33.47 ft.	12 ft.
Side Yard (total)	72.78 ft. (33.47 ft.+39.31 ft.)	55.65 ft. (30%)
Building Height	30 ft.	33 ft.

Note: The above figures for maximum allowable Gross Floor Area, Roofed Lot Coverage, and Building Height reflect a reduction from the maximums allowable under the Winnetka Zoning Ordinance, and the minimum required side yard and rear yard reflect an increase over the minimums required under the Winnetka Zoning Ordinance, with both the limitations and requirements being conditions of the approval of the CBI Subdivision pursuant to Village Council Resolution R-25-2006.

Todd J. Stephens*-
Adam Loops
Nicole Keenan
Tamar Kranick
*J.D./M.B.A.,
Fmr. Prosecutor

THE LAW OFFICES OF
TODD J. STEPHENS, PC

833 Elm Street – Suite 205 Winnetka, Illinois 60093
(847) 446-3100 / FAX (847) 784-0229

May 22, 2020

Village of Winnetka
Village Council
510 Green Bay Rd.
Winnetka, IL 60093

Re: Amending Development Agreement for CBI Subdivision – 630 Pine Lane

Dear Council Members:

This office represents Pine Lane LLC through its members Thomas and Suzanne Murphy. They have had the lot listed for sale for approximately 10 years. They currently have a contract to sell Lot 2. (middle lot) Closing and developing this lot would benefit the surrounding neighborhood and the village with no foreseeable negative consequences.

Wherefore Thomas and Suzanne Murphy on behalf of Pine Lane LLC and the potential Purchasers respectfully request that the Amended Development Agreement known as CBI SUBDIVISION – 630 PINE LANE dated the 6th Day of November 2007, Recorded as Doc#: 0801722074, on 01/17/2008 by The Cook County Recorder of Deeds be amended as follows:

Setbacks increased pursuant to the attached exhibit A.
Roof Lot Coverage -up to 7,000 square feet
Impermeable Surface – up to 20,819
Building Height – up to 30 feet
Gross Floor Area – 9275 (no change)

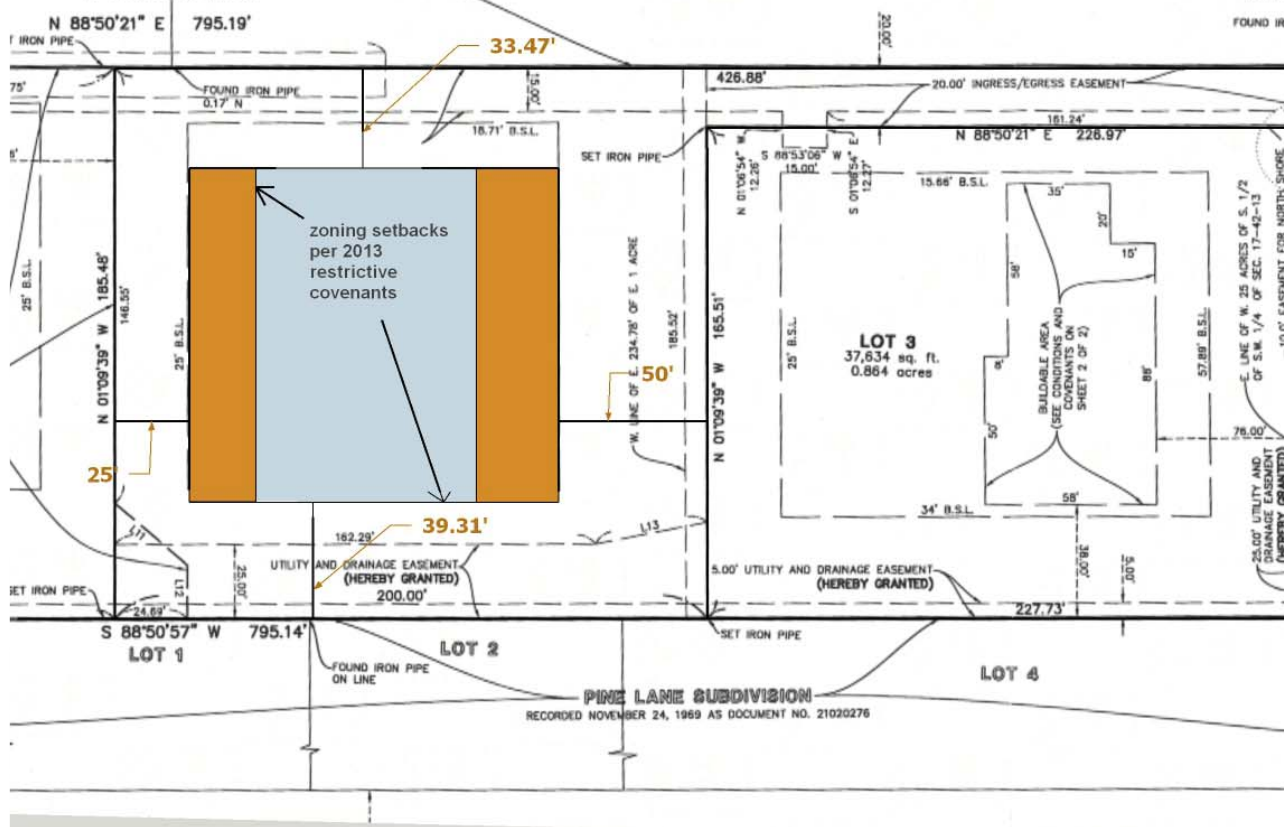
In addition, that Village agrees that the Owners and/or their assigns are permitted transferees under the November 6, 2007 CBI Subdivision Development Agreement and may construct a single family home on 630 Pine Lane. (original agreement only referenced Developer)

Respectfully Submitted,



Todd J. Stephens
TJS/tk

HAROLD NUTTING SUBDIVISION
 RECORDED AUGUST 16, 1961 AS DOCUMENT
 NO. 18247865 & NO. 18347583



RESOLUTION NO. R-25-2006

A RESOLUTION ACCEPTING AND APPROVING A PLAT OF SUBDIVISION (630 PINE LANE -- CBI Subdivision)

WHEREAS, the property commonly known as 630 Pine Lane (the "Subject Property") in the Village of Winnetka, is legally described as follows:

THE SOUTH ONE HALF OF A TRACT OF LAND DESCRIBED AS FOLLOWS: THE SOUTH 12 AND ONE HALF ACRES (EXCEPT THE SOUTH 291.5 FEET THEREOF) OF THE WEST 25 ACRES OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOGETHER WITH THE STRIP OF LAND LYING EAST OF AND ADJOINING SAID PREMISES UP TO THE WEST LINE OF SKOKIE VIEW, A PLAT OF WHICH WAS RECORDED FEBRUARY 4, 1920 AS DOCUMENT 6729197, IN COOK COUNTY, ILLINOIS;

and

WHEREAS, the Subject Property is a through lot, as defined in the Winnetka Zoning Ordinance, being bounded on the west by Hibbard Road and on the east by Pine Lane, which is a private street under the Winnetka Zoning Ordinance, because it provides access to three or more properties; and

WHEREAS, the Subject Property is improved with a single family residence that is located generally in the center of the Subject Property and is accessed by a private drive from Pine Tree Lane; and

WHEREAS, on March 16, 2004, the Council of the Village of Winnetka (the "Village Council") adopted Resolution R-10-2004, granting preliminary approval to a plat of subdivision that would have divided the Subject Property into three lots, subject to various conditions, including that the owner take steps to obtain certified landmark status for the residence located on the Subject Property; and

WHEREAS, the Owner of the Subject Property did not submit a final plat of subdivision within 12 months after the adoption of Resolution R-10-2004, and the preliminary subdivision approval granted pursuant that Resolution expired, as provided in Section 16.08.010 of the Subdivision Ordinance, Title 16 of the Winnetka Village Code; and

WHEREAS, on September 18, 2005, the Owner submitted an application for the landmark designation of the residence on the Subject Property; and

WHEREAS, on October 6, 2005, the Owner submitted an application for approval of a final plat of subdivision, entitled "Final Plat of CBI Subdivision;" and

WHEREAS, the application for landmark designation was considered by the Landmark Preservation Commission on October 3, 2005, at which time the Commission expressed concerns about the size and scale of the north wing addition to the residence, and to the materials proposed to be used; and

WHEREAS, on October 27, 2005, the applicant submitted a modified plan that addressed the concerns of the Landmark Preservation Commission by reducing the size of the addition, shifting the addition to the south, and replacing the asphalt shingle roof with cedar shingles; and

WHEREAS, on November 7, 2005, the Landmark Preservation Commission considered the applicant's modified plan and unanimously recommended that the residence on the Subject Property be designated a certified Winnetka landmark; and

WHEREAS, pursuant to Section 15.04.070 of the Winnetka Village Code, certified landmark designation is completed by the recording of a declaration with the Cook County Recorder of Deeds; and

WHEREAS, pursuant to Section 15.04.070 of the Winnetka Village Code, which also requires binding approval of proposed changes to certified landmarks, the Landmark Preservation Commission, at its November 7, 2005 meeting, also considered the appearance of the proposed modifications and recommended approval of the alterations, as depicted in the modified plans dated October 27, 2005; and

WHEREAS, the Landmark Preservation Commission was instrumental in having the developers architect make changes to the proposed alterations, making them more consistent with the original Edwin Clark plan of 1922 and his proposed alteration plan of 1935; and

WHEREAS, the applicant has since proposed further reducing the size of the north wing addition, in accordance with the revised site plan, dated October 5, 2006, and hereinafter described in greater detail; and

WHEREAS, the replacement of the asphalt roof with cedar shingles will make the existing residence consistent with the other Clark houses in the area; and

WHEREAS, designating the existing residence on the Subject Property a certified landmark pursuant to Section 15.64.070 of the Winnetka Village Code will provide further assurance that the residential design work of Edwin C. Clark is preserved in the Village of Winnetka; and

WHEREAS, on October 6, 2005, the Owner submitted an application for final approval of a proposed Plat of Subdivision similar to the subdivision that had been preliminarily approved by the Village Council pursuant to Resolution R-10-2004; and

WHEREAS, the Owner subsequently submitted a Final Plat of CBI Subdivision, a two-page document dated February 17, 2006, which is attached hereto as Exhibit A and is incorporated herein by reference (the "Proposed Final Plat"); and

WHEREAS, the Proposed Final Plat includes easements, declarations and signatures as had been recommended by Village staff and had been incorporated by the Village Council into the 2004 preliminary plat approval; and

WHEREAS, the Proposed Final Plat proposes to subdivide the Subject Property into three lots, which will thereafter being known as Lot 1, Lot 2 and Lot 3 of CBI Subdivision in the South Half of the Southwest Quarter of Section 17, Township 42 North, Range 13, East of the Third Principal Meridian, in the Village of Winnetka, in Cook County, Illinois; and

WHEREAS, the Proposed Final Plat became the subject of the proceedings before the Plan Commission and Village Council' and

WHEREAS, on February 27, 2006, pursuant to due notice, the Plan Commission began its consideration of the proposed final Plat of Subdivision; and

WHEREAS, the Plan Commission continued its consideration of the proposed final Plat of Subdivision at its meetings in March and April of 2006; and

WHEREAS, on May 26, 2006, by the vote of eight of the ten members then present, the Plan Commission voted to recommend that the proposed subdivision be denied and issued a detailed statement to the applicant setting out the grounds for its negative recommendation; and

WHEREAS, the Plan Commission's findings detailed various items of concern, particularly as to the negative impact of substantial site grading and related alterations, including a large water storage and detention facility, the extensive use of retaining walls to accommodate combined floodplain and storm water requirements, and the resulting removal of a substantial number of mature hardwood trees; and

WHEREAS, the Village Council began its consideration of the final Plat of Subdivision at its regular meeting on June 6, 2006; and

WHEREAS, on June 6, 2006, the Village Council postponed its consideration of the Plat of Subdivision after the applicant indicated an intent to submit revised plans addressing the Plan Commission's concerns by reducing the size of the stormwater detention on proposed Lot 1, putting stormwater detention underground and eliminating most retaining walls and reducing the overall size of the new homes; and

WHEREAS, at the Council meeting on September 19, 2006, the applicant submitted revised plans dated September 11, 2006; and

WHEREAS, the plans dated September 11, 2006 were accompanied by a narrative that summarized the proposed alterations to the plans and other measures, such as enhanced tree protection efforts, being taken to address the Plan Commission's concerns; and

WHEREAS, on October 5, 2006, the applicant submitted a revised set of subdivision plans (hereinafter the "Subdivision Plan Drawings"), comprising the following five sheets, all of which are dated October 5, 2006 and are attached to this Resolution as Exhibit B and are incorporated herein by reference: (a) Morgante Wilson

[Agenda Packet P. 75](#)

Architects ("MWA") Sheet No. 1, titled Site Plan - Zoning Calculations; (b) MWA Sheet No. 2, title Site Plan Comparison – April 2006 to September 2006; (c) MWA Sheet No. 3, titled Tree inventory Program; (d) MWA Sheet No. 4, titled Tree Details; and (e) a Utility Grading Exhibit prepared by Manhard Consulting. Ltd., the subdivision engineer; and

WHEREAS, the Subdivision Plan Drawings were presented to the Village Council along with a detailed written statement explaining the manner in which they addressed each of the concerns expressed in the Plan Commission's May 26, 2006 statement; and

WHEREAS, Village staff has recommended that the recording of the declaration of certified landmark status be recorded within 30 days after the approval of the landmark designation and that such recording be incorporated as a condition for the approval of the final Plat of Subdivision and subsequent development of the subdivided property; and

WHEREAS, the Village Staff has also recommended that approval of the final Plat of Subdivision also be subject to the following conditions, which include conditions for the preliminary approval granted by Resolution R-14-2005: (1) that the building pad for proposed Lot 3 be restricted, with more restrictive setbacks than are required under the Zoning Ordinance, so that the new home and construction activity will be located away from numerous sizable and healthy specimen trees on Lot 3; (2) that the applicant complete all procedures and documentation for Certified Landmark status and record the declaration of certified status on or before the time the final plat of subdivision is recorded; (3) that the applicant complete the formal approval process and obtain a Certificate of Appropriateness and begin work on the modified additions and improvements to the certified landmark residence before any other permits are issued for work on the development of the Subject Property, to assure the preservation of the landmark building and to protect against deterioration while the Subject Property is being developed; (4) that a new water main be constructed at the expense of the developer to serve the newly created lots, consisting of an 8" water main to be constructed along the north property line to eliminate a dead end main that currently exists and to improve flow rates; (5) that the existing sanitary sewer along the north lot line of the Subject Property be extended and dedicated to the Village upon completion; (6) that stormwater detention be provided in underground facilities as depicted in the October 5, 2006, Utility Grading Plan sheet of the Subdivision Plan Drawings, and in such capacity as the Village Engineer determines to be sufficient to detain runoff generated as a result of proposed development at "pre-development" (current) rates; (7) that all underground utilities be subject to requirements for directional underground boring versus customary open trench construction to avoid damage to trees and other vegetation, with areas of underground directional boring being no less than those depicted on the October 5, 2006, Utility Grading Plan sheet of the Subdivision Plan Drawings; (8) that the construction of any fences or other structures, or the installation of any landscaping that may inhibit access to emergency vehicles be prohibited for the entire length of the 20-foot wide access way of the flag lot and that a minimum pavement width of 16 feet be provided; (9) that the 20-foot easement along the access way prohibit placement of any obstructions in said easement, including boulders, columns, fences, bollards, etc.; (10) that the areas identified as "building pad" in the October 5, 2006, Site Plan - Zoning Calculations sheet of the Subdivision Plan Drawings be relabeled as "buildable area" and that the buildable area of each lot be limited to the size and location so depicted on the October 5, 2006 Site Plan - Zoning Calculation sheet of the Subdivision Plan Drawings; (11) that the roofed lot coverage and impermeable surfaces for each of the three lots be limited to the proposed areas shown on the October 5, 2006, Site Plan – Zoning Calculations sheet of the Subdivision Plan Drawings; (12) that at least 75% of the gross floor area, as defined in the Winnetka Zoning Ordinance, of the house proposed for Lot 1 be located in the south 40 feet of the buildable area of Lot 1; (13) that there be no more than one curb cut on Hibbard Road; (14) that the zoning calculation charts and tables on the October 5, 2006, Site Plan – Zoning Calculations sheet of the Subdivision Plan Drawings be deleted and replaced by the Subdivision Zoning Table attached to this resolution as Exhibit C; (15) that the finished floor level of the garage on Lot 2 be at grade, with any transitions between the finished floor of garage and the finished floor of the residence being incorporated into the interior of the residence rather than through any alterations to the natural grade of Lot 2, to allow the elimination of the retaining walls along the north property line of proposed Lot 2; (16) that the footprint of the house and addition proposed for Lot 2 be limited to the footprint depicted in the Subdivision Plan Drawings dated October 5, 2006; (17) that all retaining walls be eliminated from the site plans and utility grading plans; (18) that all driveways shall follow the natural contour of the Subject Property and shall not alter the natural drainage patterns of the Subject Property; (19) that tree preservation shall be in accordance with the Tree Inventory Diagram and Tree Details sheets of the Subdivision Plan Drawings, dated October 5, 2006; (20) that additional plantings be provided along the north lot lines of Lots 1 and 2 to provide an enhanced visual buffer between the Subject Property and the adjoining properties, as depicted in the Existing to Remain and Proposed Trees plan on the Tree Inventory Diagram sheet of the Subdivision Plan Drawings dated October 5, 2006; (21) that a sidewalk be constructed in front of the property along Hibbard Road in accordance with Public Works Department specifications or, in the

alternative, that the applicant make a non-refundable deposit to the Village as its share of the future costs of constructing a sidewalk along the east side of Hibbard Road; (22) that the compensatory storage area for Lot 1 be in the location depicted on the Utility Grading Exhibit sheet of the October 5, 2006, Subdivision Plan Drawings; and (23) that prior to the issuance of any permits for development of the subdivided property, the applicant be required to enter into a development agreement with the Village, which shall incorporate the provisions specified in Section 15.32.0808 K of the Winnetka Village Code; and

WHEREAS, the Village Forester has surveyed the trees on the Subject Property and reviewed the Tree Inventory Diagram and Tree Details sheets of the October 5, 2006, Subdivision Plan Drawings and has expressed the opinion that said sheets comply with the Village's Tree Preservation Ordinance; and

WHEREAS, the October 5, 2006, Subdivision Plan Drawings address the tree preservation concerns originally raised by the Village Forester in relation to the preliminary subdivision approval granted pursuant R-24-2004; and

WHEREAS, the October 5, 2006, Subdivision Plan Drawings address the detailed concerns expressed by the Plan Commission in the May 26, 2006 letter from the Plan Commission Chairperson to the Owner; and

WHEREAS, the Council further finds that the preservation of trees on the Subject Property is essential to maintaining the character of the Subject Property and the immediate neighborhood after the property is subdivided; and

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

WHEREAS, pursuant to Article VII, Section 6 of the Constitution of the State of Illinois of 1970, the Village of Winnetka has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the government and affairs of the Village, including, but not limited to, the powers to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the Council find that establishing the standards for the subdivision of land provides for the protection of the public health, safety and welfare, and is a matter pertaining to the affairs of the Village; and

WHEREAS, the Council finds that, provided all of the conditions set forth in this resolution are met, the proposed subdivision will meet the requirements of Title 16 of the Winnetka Village Code and all other applicable ordinances.

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

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

SECTION 2: That approval is hereby given to the plat entitled "Final Plat of CBI Subdivision," dated February 17, 2006, a copy of which is attached hereto as Exhibit A, subject to the following conditions hereinafter set forth.

SECTION 3: That the approval of Final Plat of CBI Subdivision shall be subject to all of the following conditions, which shall be incorporated into the Final Plat of CBI Subdivision, as part of the drawing of the plat and/or as one of the written declarations of covenants and easements, in a form acceptable to the Village:

A. That the areas identified as "building pad" in the October 5, 2006, filing drawing captioned "Site Plan - Zoning Calculations" be relabeled as "buildable area" and that the buildable area of Lots 1 and 3 be limited to the size and location so depicted on the October 5, 2006 Site Plan - Zoning Calculation sheet of the October 5, 2006 Subdivision Plan Drawings.

B. That the footprint of the house and addition proposed for Lot 2 be limited to the footprint depicted on the October 5, 2006 Site Plan - Zoning Calculation sheet of the October 5, 2006 Subdivision Plan Drawings.

C. That the zoning calculation charts and tables on the Site Plan – Zoning Calculations sheet of the October 5, 2006, of the Subdivision Plan Drawings be deleted and replaced by the Zoning Table attached to this resolution as Exhibit C.

D. That the roofed lot coverage and impermeable surfaces for each of the three lots be limited to the proposed areas shown on the October 5, 2006 Subdivision Plan Drawings.

- E. That all retaining walls be eliminated from the site plans and utility grading plans.
- F. That all driveways shall follow the natural contour of the Subject Property and shall not alter the natural drainage patterns of the Subject Property.
- G. That stormwater detention be provided in underground facilities as depicted in the October 5, 2006, Utility Grading Plan sheet of the Subdivision Plan Drawings, and in such capacity as the Village Engineer determines to be sufficient to detain runoff generated as a result of proposed development at "pre-development" (current) rates.
- H. That the compensatory storage area for Lot 1 be in the location depicted on the Utility Grading Exhibit sheet of the October 5, 2006, Subdivision Plan Drawings.
- I. That the existing sanitary sewer along the north lot line of the Subject Property be extended and dedicated to the Village upon completion.
- J. That a new water main be constructed at the expense of the developer to serve the newly created lots, consisting of an 8" water main to be constructed along the north property line to eliminate a dead end main that currently exists and to improve flow rates.
- K. That all underground utilities be subject to requirements for directional underground boring versus customary open trench construction to avoid damage to trees and other vegetation, with areas of underground directional boring being no less than those depicted on the October 5, 2006, Utility Grading Plan sheet of the Subdivision Drawing Plans.
- L. That at least 75% of the gross floor area, as defined in the Winnetka Zoning Ordinance, of the house proposed for Lot 1 be located in the south 40 feet of the buildable area of Lot 1.
- M. That there be no more than one curb cut on Hibbard Road.
- N. That the finished floor level of the garage on Lot 2 be at grade, with any transitions between the finished floor of garage and the finished floor of the residence being incorporated into the interior of the residence rather than through any alterations to the natural grade of Lot 2, to allow the elimination of the retaining walls along the north property line of proposed Lot 2.
- O. That the construction of any fences or other structures, or the installation of any landscaping that may inhibit access to emergency vehicles be prohibited for the entire length of the 20-foot wide access way of the flag lot and that a minimum pavement width of 16 feet be provided.
- P. That the dedication of the 20 foot easement on the final plat of subdivision contain language prohibiting placement of any obstructions in said easement, including boulders, columns, fences, bollards, and the like.
- Q. That additional plantings be provided along the north lot lines of Lots 1 and 2, and to the east and northeast of Lot 3, to provide an enhanced visual buffer between the Subject Property and the adjoining properties, as depicted in the Existing to Remain and Proposed Trees plan on the Tree Inventory Diagram sheet of the October 5, 2006, Subdivision Plan Drawings, as modified by the letter from Mariani Landscape dated October 3, 2006.
- R. That the applicant complete all procedures and documentation for Certified Landmark status and record the declaration of certified status within 30 days after the passage of the landmark designation Ordinance M-20-2006, or at the time the final plat of subdivision is recorded, whichever is earlier.
- S. That the applicant complete the formal approval process and obtain a Certificate of Appropriateness for the modified additions and improvements to the landmark residence before any other permits are issued for work on the development of the Subject Property;
- T. That prior to the issuance of any permits for development of the subdivided property, the applicant be required to enter into a development agreement with the Village, based on the provisions of Section 15.32.080 (K) of the Winnetka Village Code. The development agreement shall also contain the following conditions to assure the protection of the existing landmark house: (1) that, prior to the issuance of any other permits for development of the Subject Property, all structural repairs and exterior work necessary to protect the landmark house from deterioration shall be completed; and (2) the landmark house shall not be used for the storage of any kind of construction materials for the subdivision development.

U. That the preservation and relocation of existing trees, and the planting of new trees be as depicted on the Tree Inventory Diagram and Tree Details sheets of the October 5, 2006, Subdivision Plan Drawings.

V. That a sidewalk be constructed in front of the property along Hibbard Road in accordance with Public Works Department specifications, provided that, if, at the time the plat is presented for final approval, a sidewalk is not in the current capital plans for the Village, the owner shall deposit an amount equivalent to the cost of installing such sidewalk, said amount to be determined by the Village Engineer.

W. That the stormwater easement on Sheet 2 of the Final Plat of Subdivision be revised to provide as follows:

Stormwater Detention/Restrictor Easement

The obligation of maintaining the stormwater detention and compensatory storage facilities, consisting of the underground stormwater detention areas, the compensatory storage basin and the appurtenances thereto as described hereon, shall be that of the owner or owners, and their successors and assigns, holding title to that part of the premises on which such stormwater detention and compensatory storage facilities are located. However, the Village of Winnetka shall have the right pursuant to this grant of easement, but not the obligation, to enter the premises described hereon as the underground stormwater detention areas, the compensatory storage basin and the appurtenances thereto at any time it deems necessary to inspect, repair or maintain such stormwater detention and compensatory storage facilities, which such owner or owners or their successors and assigns fail or refuse to maintain, following written notice to do so from the Village. In the event of performance by the Village of Winnetka or its agents of any such repair or maintenance work, the cost thereof, including both direct and indirect costs, shall be paid by the owner or association or the individual members or shareholders of the association and shall constitute a lien upon the above-described underground stormwater detention areas, compensatory storage basin and appurtenances thereto, and the adjacent entire real estate which the such stormwater detention and compensatory storage facilities serve. Such lien may be enforced by the Village of Winnetka, which may also recover all reasonable costs and attorney's fees in doing so, in the manner provided by law for the enforcement and foreclosure of liens.

X. That the declarations of easements and restrictive covenants set out on Exhibit A to this Resolution be further modified as the Village shall determine is necessary to implement these conditions for the approval of the Final Plat of Subdivision.

Y. That the foregoing conditions shall be incorporated into Exhibit A to this Resolution as the Village shall determine is necessary to implement the conditions for the approval of the Final Plat of Subdivision.

SECTION 4: All additional requests for the removal of any trees other than those approved for removal as depicted on the Tree Inventory Diagram and Tree Details sheets of the October 5, 2006, Subdivision Plan Drawings, shall be decided by the Village Council, after review and recommendation by the Village Forester. No tree removal requests made in conjunction with the development of the Property pursuant to the proposed subdivision shall be considered by any other advisory body of the Village.

SECTION 5: Nothing in this resolution shall be considered as granting any variations from the applicable building and zoning regulations of the Village, including but not limited to the Village's floodplain regulations and the Winnetka Zoning Ordinance.

SECTION 6: This Resolution is adopted by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 7: This Resolution shall take effect immediately upon its adoption.

ADOPTED this 7th day of November, 2006, pursuant to the following roll call vote:

AYES: Trustees Abell, Behles, Berger, Eilers, Ritchell, and Tucker.

NAYS: None.

ABSENT: None.

Signed:

ss/Edmund C. Woodbury

Village President

Attest:

ss/Douglas G. Williams

Village Clerk

EXHIBITS TO R-25-2006

Exhibit A

Final Plat of CBI Subdivision, prepared by Manhard Consulting, Inc., dated February 17, 2006.

Exhibit B

Morgante Wilson Architects Subdivision Plan Drawings:

Sheet No. 1 Site Plan - Zoning Calculations

Sheet No. 2 Site Plan Comparison – April 2006 to September 2006

Sheet No. 3 Tree inventory Program; (d) MWA

Sheet No. 4 Tree Details;

and

Utility Grading Exhibit prepared by Manhard Consulting. Ltd., the subdivision engineer

Village of Winnetka, IL Ordinances and Resolutions

ORDINANCE NO. M-3-2013**AN ORDINANCE RESCINDING THE LANDMARK DESIGNATION OF THE RESIDENCE AT 630 PINE LANE**

WHEREAS, the Village of Winnetka (“Village”) is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970, pursuant to which it has the authority, except as limited by said Section 6 of Article VII, to exercise any power and perform any function pertaining to the government and affairs of the Village; and

WHEREAS, the Council of the Village of Winnetka finds that establishing standards for identifying, designating and preserving buildings and structures in the Village that are historically, culturally and architecturally significant promotes the welfare of the Village and is a matter pertaining to the affairs of the Village; and

WHEREAS, on November 7, 2006, pursuant to an application submitted by CBI Custom Homes, Inc. (“CBI”), the Council of the Village of Winnetka (“Village Council”) adopted Resolution R-25-2006, which approved a three-lot subdivision of a 3.386 acre parcel of property located between Hibbard Road and Pine Lane, north of Pine Street (“CBI Subdivision”); and

WHEREAS, the Final Plat of the CBI Subdivision (“Final Plat”) was recorded with the Cook County Recorder of Deeds on December 18, 2007, as Document No. 0735215110; and

WHEREAS, in addition to being improved with a residence that was designed by well-known architect Edwin Clark and built in 1922, the CBI Subdivision property had several other defining characteristics, in that (i) it is heavily wooded, with more than 300 trees, 151 of which had diameters in excess of 8 inches, making them subject to the Village’s tree protection Ordinance, (ii) the westerly portion of the property is located within the boundaries of the floodplain, making it subject to floodplain construction regulations and requiring a large amount of detention and compensatory storage for stormwater runoff, and (iii) it is located in an established, low density neighborhood; and

WHEREAS, because of the unique characteristics of the underlying property, the Village Council imposed certain covenants and conditions on the CBI Subdivision, in order to maintain the existing neighborhood context while allowing appropriate development; and

WHEREAS, the covenants and conditions for the CBI Subdivision, which were stated on the Final Plat, included a requirement that the residence on Lot 2 of the CBI Subdivision, commonly known as 630 Pine Lane (“Subject Property”), be preserved and designated a certified landmark pursuant to Chapter 15.64 of Title 15 of the Winnetka Village Code, titled “Landmark Preservation” (the “Landmark Ordinance”); and

WHEREAS, in furtherance of Resolution R-25-2006, and pursuant to the procedures established by the Landmark Ordinance, on November 7, 2006, the Village Council also enacted Ordinance M-20-2006, designating the residence on the Subject Property a certified Village landmark; and

WHEREAS, the certified landmark designation of the residence on the Subject Property was based on two key findings: (i) that the residence was significant in its style and design, being a rare example of the Colonial Revival style that had not undergone significant changes in more than 55 years; and (ii) that the residence was associated with Edwin Clark, a well-known architect who contributed significantly to the architectural character of the Village, having designed the Winnetka Village Hall, the North Shore Country Day School and the Indian Hill Country Club, as well as many other prominent buildings on the North Shore and in Chicago, including the Plaza del Lago shopping center, and the Reptile and Primate houses at Lincoln Park Zoo; and

WHEREAS, the Final Plat also contained covenants and conditions that limited the buildable areas, roofed lot coverage and maximum building size on each of the three lots, and required the developers of the CBI Subdivision to enter into a Development Agreement with the Village; and

WHEREAS, GBM Properties, LLC (“GBM”), is the owner of the CBI Subdivision property, including the Subject Property and, as such, entered into an agency agreement with CBI, whereby GBM would finance the development and CBI would implement the construction and development; and

WHEREAS, as required by Resolution R-25-2006, both GBM and CBI entered into a Development Agreement with the Village, which was approved by the Village Council’s adoption of Resolution R-43-2007 and was recorded with the Cook County Recorder of Deeds on January 18, 2008, as Document No. 0801722074; and

WHEREAS, after securing the Subject Property as required by the Development Agreement, CBI proceeded to develop Lot 3 of the CBI Subdivision, but abandoned all work on the development, leaving GBM with the development responsibilities; and

WHEREAS, GBM has filed a written request to rescind the certified landmark designation of the residence on the Subject Property so that it can be demolished and the land can be marketed for redevelopment; and

WHEREAS, pursuant to due notice, the Landmark Preservation Commission considered the application to rescind the landmark status on January 7, 2013, and the five members then present unanimously recommended that the landmark designation be rescinded, having found that the applicant had met the criteria for rescission, in that: (i) the residence had deteriorated to the point that the qualities that once warranted the designation have been lost or destroyed, (ii) the architectural features cannot be repaired, (iii) the building is not economically viable and cannot yield a reasonable return in its current condition, and (iv) the alterations that would be required to restore the residence would exceed the market value of the Subject Property; and

WHEREAS, GBM has established that its net investment in the purchase of the Subject Property and the construction of site improvements and utility infrastructure, after accounting for the development and sale of Lot 3 of the subdivision, is approximately \$5.9 million; and

WHEREAS, GBM has established that the estimated cost of restoring the residence according to the approved plans would be an additional \$3.4 million and that the estimated market value of the restored residence would be in the range of from \$2.9 million to \$3.1 million; and

WHEREAS, having reviewed the record presented, the Village Council accepts the findings and recommendations of the Landmark Preservation Commission and accordingly finds and determines that the applicant has established that the record shows conclusively that the qualities that caused the residence on the Subject Property to be designated a certified landmark have been lost or destroyed, due to the deteriorated condition of the Subject Property; and

WHEREAS, the Village Council further finds and determines that the cost of restoring the residence would significantly exceed the market value of the restored property; and

WHEREAS, the Village Council therefore finds and determines that the Subject Property meets the standards for rescission of the landmark designation under Section 15.64.050(A) of the Village Code; and

WHEREAS, the Village Council further finds and determines that, because rescinding the landmark status will result in the demolition of the residence on the Subject Property, it is necessary to make that rescission subject to certain conditions and covenants, to assure that development of all three lots of the CBI Subdivision will be consistent both with the Final Plat that was approved and recorded pursuant to Resolution R-25-2006 and with the terms and conditions of the Development Agreement approved and recorded pursuant to Resolution R-43-2007.

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

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

SECTION 2: Subject to the terms and conditions set forth in Sections 3 through 9 of this Ordinance, the designation of the residence located on the property at 630 Pine Lane, permanent real estate index number 05-17-312-075-0000, as a certified landmark under Section 15.04.070 the Landmark Preservation Ordinance, is hereby rescinded.

SECTION 3: The rescission of the certified landmark status of the residence located on the property at 630 Pine Lane shall not go into effect unless and until GBM provides proof of its ownership of Lots 1 and 2 of the CBI Subdivision.

SECTION 4: This Ordinance shall supersede Ordinance M-20-2006.

SECTION 5: This Ordinance shall supersede and release Subsections R and S of Section 3 of Resolution R-25-2006, titled "A Resolution Accepting and Approving a Plat of Subdivision (630 Pine Lane – CBI Subdivision); provided, that in all other respects Resolution R-25-2006 shall remain in full force and effect.

SECTION 6: This Ordinance shall supersede and release Conditions and Covenants numbers 4 and 5 on page 2 of 2 of the Final Plat of CBI Subdivision, as approved by Resolution R-25-2006, and recorded with the Cook County Recorder of Deeds on December 18, 2007 as Document No. 0735215110, a copy of which was also appended as Exhibit F to the Development Agreement approved by Resolution R-43-2007 and recorded with the Cook County Recorder of Deeds on January 18, 2008, as Document No. 0801722074.

SECTION 7: The demolition of the residence on Lot 2 of the CBI Subdivision, and the redevelopment of said Lot 2, shall be subject to the procedures established by Chapter 15.52 of the Village Code, as modified by the following terms and conditions:

- A. The application for demolition shall be accompanied by a site restoration plan.
- B. The building demolition and site restoration of the Subject Property shall be completed within 90 days after the date of issuance of the demolition permit.
- C. In light of the prior landmark designation of the residence, the application shall not be subject to the preliminary historic and architecture review under Section 15.52.040 of the Village Code.
- D. Applicant shall submit a Historic and Architectural Impact Study for review and approval by the Landmark Preservation Commission pursuant to Sections 15.52.050 and 15.52.060 of the Village Code.
- E. In light of the prior landmark designation of the residence, the Landmark Preservation Commission may, but shall not be required to, make a formal determination of historic and/or architectural impact pursuant to Section 15.52.060 of the Village Code.
- F. The demolition of the residence shall not be subject to a preservation delay under Section 15.52.070(A) of the Village Code, but the Village reserves the right to delay the issuance of the demolition permit for any of the grounds specified in subsections B through E of Section 15.52.070 of the Village Code.

SECTION 8: To assure that the development of Lots 1 and 2 of the CBI Subdivision after the demolition of the residence on Lot 2 is consistent both with the Final Plat approved by Resolution R-25-2006 and with the Development Agreement approved by Resolution R-43-2007, the owners shall enter into an Amended Development Agreement, in a form acceptable to the Village Council. Said Amended Development Agreement shall cover the same subject matters as the Development Agreement approved by Resolution R-43-2007, except that said Amended Development Agreement shall not require the preservation of the residence on Lot 2 of the CBI Subdivision. The Amended Development Agreement shall also contain the following additional covenants and conditions:

- A. Access for all construction and demolition activity on Lot 1 shall be from Hibbard Road.
- B. Access for all construction and demolition activity on Lot 2 shall be from Hibbard Road, until such time as the Director of Community Development determines that construction has been substantially completed. For purposes of this provision, substantial completion shall mean (i) that the buildings constructed on Lot 2 are ready for final inspection and/or occupancy, and (ii) that all landscaping on the west side of Lot 2 has been installed.
- C. Prior to beginning any construction or demolition activity on either Lot 1 or Lot 2, owners shall close the east access to the Subject Property; provided, that said closure shall not alter or impede access to adjacent properties and shall not prevent emergency access to Lot 2. The east access shall remain closed to all construction and demolition traffic and vehicles until the Director of Community Development determines (i) that the construction on Lot 2 has been substantially completed, as defined in the foregoing subsection B, and (ii) that the only vehicles needing access to Lot 2 are small service vehicles and vehicles making deliveries of home furnishings. The east access to Lot 2 shall be permanently reopened when a certificate of occupancy is issued for Lot 2.
- D. Prior to the issuance of any construction or demolition permits for Lot 1 or 2, the owners of the CBI Subdivision, at their expense, shall record a construction easement against Lot 1 of the CBI Subdivision for the benefit of Lot 2. Said construction easement shall be in a form acceptable to the Village Attorney, and shall provide that the construction easement shall remain in effect until a certificate of occupancy is issued for Lot 2, at which time it shall be released.
- E. The owners of the CBI Subdivision, at their expense, shall record a restrictive covenant against Lot 2 that restates the limits on gross floor area, roofed lot coverage and impermeable surfaces for Lot 2 that were stated in the Zoning Table on the approved Final Plat of Subdivision. Said restrictive covenant shall also impose the same building envelope that was approved in the initial subdivision, as depicted in Exhibit A to this Ordinance. Said restrictive covenant shall be in a form acceptable to the Village Attorney,

SECTION 9: No building permits shall be issued for Lot 1 or 2 before the owner has satisfied all of the following conditions:

- A. applied for and obtained a Demolition Permit for the residence on Lot 2;
- B. submitted the Historic and Architectural Impact Study as required in Section 6.C of this Ordinance; and
- C. completed and recorded the Amended Development Agreement and all covenants and conditions stated in Sections 8 and 9 of this Ordinance.

SECTION 10: This Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

SECTION 11: This Ordinance shall take effect immediately upon its passage, approval and publication as provided by law.

PASSED this 19th day of March, 2013, pursuant to the following roll call vote:

AYES: Trustees Braun, Buck, Corrigan, Kates, McCrary, Spinney

NAYS: None

ABSENT: None

APPROVED this 19th day of March, 2013.

Signed:

s/Jessica B. Tucker

Village President

Countersigned:

s/Robert M. Bahan

Village Clerk

Published by authority of the President and Board of Trustees of the Village of Winnetka, Illinois, this 19th day of March, 2013.

Introduced: February 19, 2013

Passed and Approved: March 19, 2013

EXHIBIT A

Restrictive Zoning Covenant against Lot 2 of the CBI Subdivision as to the Maximum Allowable Gross Floor Area, Roofed Lot Coverage, Impermeable Surfaces and Building Height and as to the Minimum Required Front Setback, Side Yards and Rear Yard

Zoning Standard	Restrictive covenant for Lot 2 of CBI Subdivision	Typical zoning requirement (R-2 Zoning District)
Gross Floor Area	9,275 s.f.	10,347 s.f.
Roofed Lot Coverage	4,675 s.f.	10,490 s.f.
Total Impermeable surfaces	15,432 s.f.	20,819 s.f.

Zoning Standard	Restrictive covenant for Lot 2 of CBI Subdivision	Typical zoning requirement (R-2 Zoning District)
Front Setback (east)	77.91 ft.	50 ft.
Side Yard (north, minimum)	33.47 ft.	12 ft.
Side Yard (total)	72.78 ft. (33.47 ft.+39.31 ft.)	55.65 ft. (30%)
Rear Yard (west)	47.59 ft.	25 ft.
Building Height	29 ft. as measured from the first floor to the ridge of the gables	33 ft.

Note: The above figures for maximum allowable Gross Floor Area, Roofed Lot Coverage, Impermeable Surfaces and Building Height reflect a reduction from the maximums allowable under the Winnetka Zoning Ordinance, and the minimum required front setback, side yard and rear yard reflect an increase over the minimums required under the Winnetka Zoning Ordinance, with both the limitations and requirements being conditions of the approval of the CBI Subdivision pursuant to Village Council Resolution R-25-2006.

AGENDA REPORT

TO: Village Council

PREPARED BY: Ann Klaassen, Planning Assistant

DATE: January 23, 2013

SUBJECT: Ordinance No. M-3-2013
630 Pine Ln. Rescission of Landmark Designation

The owners of 630 Pine Ln. are requesting rescission of landmark designation due to the deteriorated condition of the residence pursuant to Section 15.64.050 of the Village Code, which states "The Village Council, upon recommendation of the Commission (Landmark Preservation Commission), may amend or rescind designation of a landmark only under any of the following conditions:

- A. The structure, building, object or site has ceased to meet the criteria for designation because the qualities which caused it to be originally designated have been lost or destroyed;
- B. Additional information shows conclusively that the structure, building, object or site does not possess sufficient significance to meet the designation criteria;
- C. The original designation was clearly in error, or
- D. There was prejudicial procedural error in the designation process."

At their meeting Jan. 7, 2013 the five members of the Landmark Preservation Commission (LPC) present voted unanimously to recommend rescission of the landmark designation. The LPC found that due to the deteriorated condition of the residence, the qualities which once warranted the designation have been lost or destroyed.

Additionally, the LPC approved the alteration of the certified landmark in the form of complete demolition. Based on the owners' submittal, the Commission found that the architectural features cannot be repaired and that the building is not economically viable and cannot yield a reasonable return in its present condition. Furthermore, the appropriate alterations necessary are cost prohibitive at this point and the property will not yield a reasonable return after completion of such alterations.

Background:

The Village Council designated the property as a certified landmark on November 7, 2006 (M-20-2006). Built in 1922 in the Colonial Revival style, the Francis and Deborah Butler Home is mostly noted for its association with architects Edwin Clark and Chester Walcott. Landmark status was applied for due to a condition of approval of "The CBI Subdivision." At that time, CBI's intent was to remodel and build additions to 630 Pine Ln. prior to selling the residence. Along with their recommendation to grant landmark designation, the LPC also granted approval of the proposed alterations in 2005. The

approved alterations were never made to the residence and it has remained vacant since approximately 2003.

The former 630 Pine Ln. property extended from Pine Ln. on the east to Hibbard Rd. on the west. The subdivision consists of three lots, with the residence at 630 Pine Ln. located between a new residence to the east at 624 Pine Ln. and a vacant lot to the west accessed from Hibbard Rd.

The current owners were initially investors with CBI Custom Homes, Inc. who formed GBM Developers, LLC, in order to purchase the property. Due to the bankruptcy of CBI the current owners now have possession of 630 Pine Ln. According to the owners, the original property was purchased for \$7.6 million. The east lot was sold for \$2.4 million leaving the two remaining lots (630 Pine Ln. and the vacant west lot on Hibbard Rd.) with a basis of \$5.2 million.

According to the owners' written explanation, pursuant to the development agreement between CBI, GBM and the Village, the current owners spent approximately \$700,000 in engineering improvements to the lots, primarily for water retention, leaving a basis on the two lots of approximately \$5.9 million. Remodeling the house according to the plans approved by the LPC in 2005 will cost approximately \$3.4 million. Therefore, according to the owners, 630 Pine Ln. has a basis of approximately \$2.6 million plus \$3.4 million in construction costs for a total built price of \$6 million.

The owners have consulted with Dinny Brennan Dwyer, a licensed real estate broker with Jean Wright Real Estate. According to Ms. Dwyer if 630 Pine Ln. were remodeled according to the approved plans the property would sell between \$2.9 and \$3.1 million.

Recommendation:

Consider introduction of Ordinance M-3-2013, which would rescind the landmark designation of 630 Pine Ln.

Attachments:

Attachment A: Photos of 630 Pine Ln.

Attachment B: GIS site map

Attachment C: Excerpt of draft minutes of Jan. 7, 2013 LPC meeting

The Law Offices Of Stephens & Schrauth, P.C.

833 Elm Street, Suite 205
Winnetka, Illinois 60093

Todd J. Stephens *
David M. Schrauth
Christine M. Andrie **

Phone: (847) 446-3100

Fax: (847) 784-0229

www.WinnetkaLawOffices.com

* J.D./M.B.A.
** J.D./L.L.M.

November 13, 2012

Village of Winnetka
The Landmark Preservation Commission &
The Village Council
510 Green Bay Rd.
Winnetka, IL 60093



Re: 630 Pine Lane

Dear Ladies & Gentlemen:

This office represents Mr. Thomas and Suzanne Murphy ("Murphys") the current owners of the above referenced property that is a designated landmark. The Murphy's initially were investor's with CBI Custom Homes Inc. ("CBI") who planned on restoring the residence and developing the two adjoining lots. CBI formed GBM Developers LLC who purchased the property. When CBI went bankrupt the Murphy's who guaranteed the loan ended up with the property.

The Murphy's request the Landmark Preservation Commission and the Village Council under Section 15.64.060 B.1.(i) of the village code to permit the alteration of a designated landmark. In this particular case the requested alteration is demolition. Section 15.64.60 B. 1.(i) states "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."

The Petitioners further motion under Section 15.64.050 to permit rescission of designation. Section 15.64.050 A. states "The structure, building, object or site has ceased to meet the criteria for designation because the qualities which caused it to be originally designated have been lost or destroyed."

The land was purchased through CBI (the Marlow brothers) at an initial land acquisition price of \$7,600,000.00. They sold the east lot for \$2,400,000.00 leaving the two existing lots with a basis of \$5,200,000.00. Pursuant to the subdivision agreement the Marlow brothers reached with the village the Murphys spent approximately \$700,000.00 in

improvements to the vacant lots primarily for water retention, leaving a basis on the two lots of approximately \$5,900,000.00. To remodel the house pursuant to the approved plans will cost \$3,418,014.48. (See attached bid) The single lot has a basis of roughly \$2,600,000.00 plus \$3,418,014.18 in construction costs for a total built price of roughly \$6,000,000.00.

Mrs. Dinny Brennan Dwyer a licensed real estate broker with Jean Wright Real Estate has recently been through 630 Pine Lane and has reviewed the approved plans and estimates that the proposed home if built to plan would sell between \$2,900,000.00 and \$3,100,000.00. (See attached)

Thus pursuant to Section 15.64.060 B.1(i) request permission to alter the designated landmark through demolition.

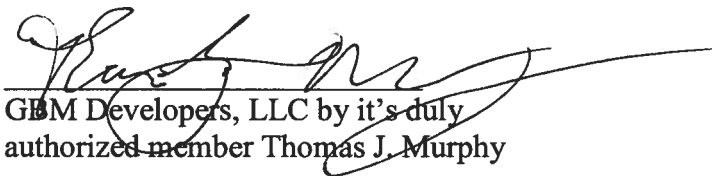
In addition, pursuant to Section 15.64.050 A the Murphys respectfully request rescission of designation due to the current deteriorated condition of the home.

Wherefore Thomas and Suzanne Murphy respectfully request that they be granted a demolition permit and that the house be de-certified as a Landmark.

Respectfully Submitted,



Todd J. Stephens
TJS/te



GBM Developers, LLC by it's duly
authorized member Thomas J. Murphy



630 Pine Lane
12/19/12

Construction Bid



Ryan Clark
2300 Park Place
Evanston IL, 60201
773-526-0932 cell
clark@buildtruenorth.com

To whom it may concern:

Please find attached a bid for 630 Pine Lane per request of Village of Winnetka.

This bid is the result of months of meetings with different subcontractors and multiple bids per trade.

If you have any questions regarding any of the items please feel free to contact me.

Respectfully Yours

Ryan Clark



1	General Conditions		
101	General Labor	General	\$75,000.00
102	General Contractor	General	\$150,000.00
102	Architectural Drawings	Morgante	\$175,000.00
103	Blueprint Reproduction	Morgante	\$4,500.00
104	Temporary Sanitation	Appollo	\$1,800.00
105	Temporary Service	Penco	\$1,500.00
106	Temporary Telephone	General	\$0.00
107	Temporary Electric	Penco	\$1,500.00
108	Temporary Heat	Cooks H and C	\$3,500.00
109	Field Office/Job Trailer		\$0.00
110	Fencing and Silt Fence	Federal Fence	\$6,500.00
111	Tree Protection/Maintenance	Nels. J Johnson	\$25,000.00
112	Final Clean	Kowada/Maids	\$3,000.00
113	General Liability Insurance	Insurance	\$11,000.00
114	Workers Compensation	Insurance	\$2,000.00
115	Builder's Risk Insurance	Insurance	\$40,000.00
	Total		\$500,300.00

2	Site Work		
201	Layout and Survey	Manhard	\$12,500.00
202	Rock Wall/ Patio/Plantings/Hardscape	Landscape	\$240,000.00
203	Sanitary	Waseda	\$16,320.00
204	Water	Waseda	\$11,100.00
205	Electric	Penco	\$4,500.00
206	Gas	Nicor	\$15,000.00
207	Tree Service	Nels. J. Johnson	\$3,187.00
208	Snow Removal Allowance	Andy Block	\$3,000.00
209	Driveway Paving and Asphalt	Kaplan Paving	\$20,880.00
210	Landscaping	Allowance	\$110,000.00
211	Excavation/Grading/Backfill	Waseda	\$60,005.00
212	Exterior Demo	Waseda	\$25,100.00
213	Interior Demolition	Padilla Demo	\$12,800.00
	Total		\$534,392.00

3	Concrete Work		
301	Foundation/ Flatwork	J-2	\$101,900.00
302	Spancrete	J-2	\$13,700.00
303	Digging Down Baement	Waseda	\$33,588.00
304	Concrete for underpin	J-2	\$39,000.00
305	Foundation Waterproofing	Perma-Seal	\$29,639.00
	Total		\$217,827.00

4	Masonry		
401	Exterior Brick	Stonegate	\$59,500.00
402	Brick Inside Window Wells	Stonegate	\$0.00
403	Copper Chimney Caps	Allowance	\$5,000.00
	Total		\$64,500.00

5	Metals		
502	Structured Steel	M-3	\$7,900.00
503	Window Wells Ladder	Hendrics	\$5,000.00
504	Metal Railing Int.	Henddrics	\$1,250.00
	Total		\$14,150.00

6	Woods		
601	Framing Labor	J. Niko	\$89,000.00
602	Framing Material	Standard Lumber	\$75,823.14
603	Siding Labor	Golden Prague	\$45,820.00
604	Siding Material	CRC	\$25,000.00
605	Finish Carpentry	RNF Installations	\$61,420.00
606	Finish Material	RNF	\$90,000.00
607	Cabinetry	Lambright Wood Working	\$189,814.44
608	Stairs/Railings* Main	Lake Shore Stairs	\$45,650.00
			\$19,950.00
609	Stairs/Railings* Basement	Lake Shore Stairs	\$19,950.00
	Total		\$662,427.58

7	Thermal & Moisture Protection		
701	Insulation	Eco Tec	\$31,106.18
702	Rigid Insulation		\$0.00
703	Fire Caulking		\$0.00
704	Roofing	CRC	\$80,500.00
705	Metal Roofing	CRC	(Inc. in Roofing)
706	Gutters	CRC	(Inc. in Roofing)
707	Flashing		\$5,000.00
708	Exterior Caulking	Allowance	\$5,000.00
	Total		\$121,606.18

8	Doors & Windows		
801	Exterior Doors	Allowance	\$2,500.00
802	Interior Doors	Allowance	\$60,000.00
803	Access Doors	Allowance	\$3,500.00
804	Garage Doors*	Designer Door	\$20,751.75
805	Windows	Marvin Design	\$60,342.84
806	Finish Hardware	Allowance	\$12,500.00
807	Entry Door	Allowance	\$10,000.00
	Total		\$169,594.59

9	Finishes		
901	Stucco		\$0.00
902	Drywall	Valida and Sons	\$41,500.00
903	Tile Labor	Meir Tile	\$27,423.38
904	Tile	Allowance	\$40,000.00
905	Countertops	DM Stone	\$37,655.00
906	Wood Flooring	ACE flooring	\$91,743.75
907	Carpet	Allowance	\$45,000.00
908	Interim Cleaning	Cleaning	\$1,500.00
909	Paint/Stain*	Decorative Paint	\$87,775.00
910	Closet Shelving	Allowance	\$35,000.00
	Total		\$407,597.13

10	Specialties		
1001	Fireplaces/ Fireplace Mantels	Allowance	\$12,000.00
1002	Shower Enclosures/Mirrors/Glass	Glassman	\$16,310.00
1003	Bathroom Fixtures	Allowance	\$6,000.00
	Total		\$34,310.00

11	Equipment		
1101	Appliances	Allowance	\$58,000.00
1102	Rental	Allowance	\$2,500.00
	Total		\$60,500.00

12	Furnishings		
1201	Blinds		\$0.00
	Total		\$0.00

13	Special Construction		
1301	Radon System		\$0.00
1302	Mold Mitigation		\$0.00
1303	Pool		\$150,000.00
1304	Asbesto Removal		\$0.00
	Total		\$150,000.00

14	Conveying Systems		
1401	Elevator	DME	\$27,422.00
	Total		\$27,422.00

15	Mechanical		
1501	Plumbing*	McElroy	\$60,355.00
1502	Plumbing Fixtures	Allowance	\$40,000.00
1503	Radiant Heating	McElroy	\$24,100.00
1504	Snow Melt		\$0.00
1505	Central Vacuum		\$0.00
1506	Fire Sprinkler System		\$0.00
1507	HVAC	RPM	\$119,504.00
1508	Humidification System		\$10,000.00
	Total		\$253,959.00

16	Electrical		
1601	Temp. Service		\$0.00
1602	Electrical System	H.A. Britton Elec.	\$71,505.00
1603	Lighting Fixtures	Allowance	\$20,000.00
1604	Fire & Sprinkler Monitor	Fire	\$0.00
1605	Audio System	Allowance	\$30,000.00
1606	Security System	SCM Security	\$12,924.00
1607	Low Voltage	Allowance	\$65,000.00
	Total		\$199,429.00

Total:	\$3,418,014.48
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Ryan Clark
 2300 Park Place
 Evanston IL, 60201
 773-526-0932 cell
clark@buildtruenorth.com



October 31, 2012

Mr. and Mrs. Thomas Murphy
Re: 630 Pine Lane
Winnetka, IL 60093

Dear Suzanne and Tom,

Following is a comparative market analysis for newer or updated homes in Winnetka that have sold in the last year to year and a half.

There have been a number of newer, larger homes and updated homes that have sold. Many of the newer homes have a better floor plan than the proposed home for the Pine lot. The Pine home is limited by the current setbacks and historical/landmark status. I would view the brand new homes at slightly higher value. Many of the homes (i.e. 7 Indian Hill, 36 DeWindt, and 667 Sheridan on the water with private beach) have equal or even better locations than the Pine property. I feel in today's market the proposed home would sell between \$2,900,000 and \$3,100,00.

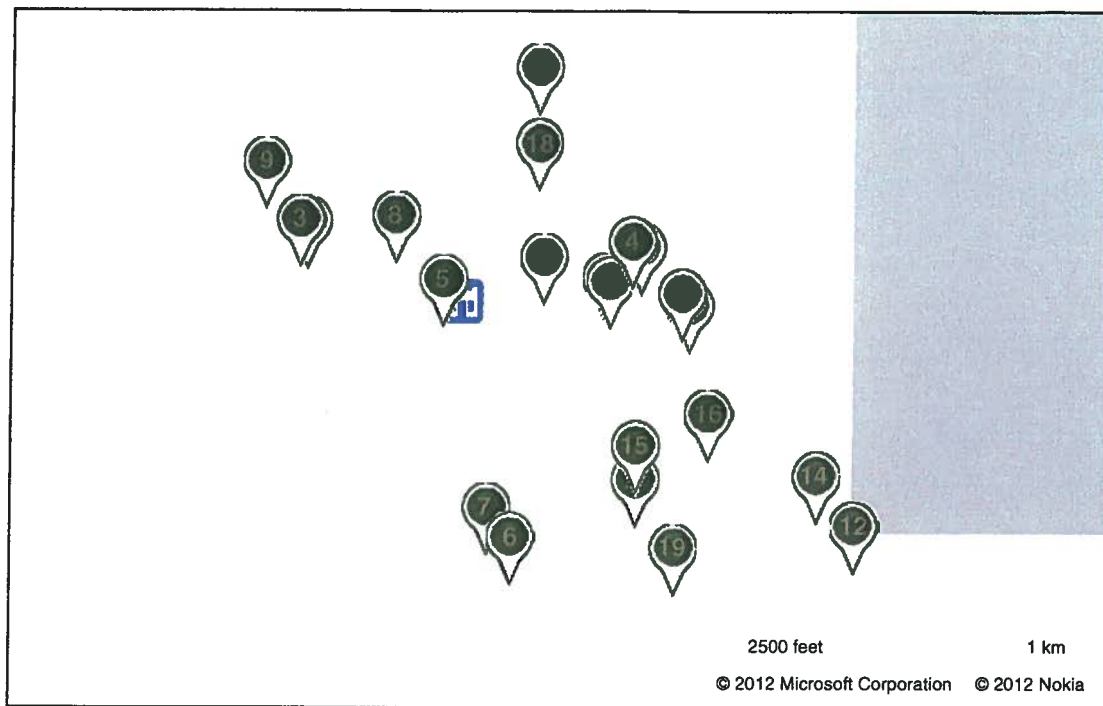
Sincerely,

A handwritten signature in blue ink that reads "Dinny Brennan Dwyer". The signature is written in a cursive, flowing style.

Dinny Brennan Dwyer
Broker

The Blue Ribbon Advantage

Jean Wright Real Estate 847-446-9166 PHONE
559 Chestnut Street 847-446-9282 FAX
Winnetka, Illinois 60093 www.jeanwright.com



Key	MLS #	Status	Address	Beds	# Full Baths	# Half Baths	Price
1)	07595262	CLSD	772 Walden RD	6	6	3	\$2,012,500
2)	07697087	CLSD	130 Whitebridge LN	5	5	1	\$2,100,000
3)	08143029	CLSD	1565 HICKORY LN	6	7	1	\$2,100,000
4)	07610114	CLSD	808 BRYANT AVE	4	4	1	\$2,135,000
5)	08075569	CLSD	1230 Westmoor RD	6	6	1	\$2,200,000
6)	07825062	CLSD	110 EVERGREEN LN	5	5	1	\$2,250,000
7)	07567100	CLSD	136 DE WINDT RD	6	6	1	\$2,256,000
8)	07985207	CLSD	861 Bell LN	5	4	2	\$2,305,000
9)	07822163	CLSD	984 Pine Tree LN	5	7	1	\$2,325,000
10)	07946793	CLSD	724 LINCOLN AVE	6	6	1	\$2,475,000
11)	07681064	CLSD	1555 Hickory LN	7	8	2	\$2,500,000
12)	07777528	CLSD	174 Sheridan RD	5	5	2	\$2,525,000
13)	07831580	CLSD	693 SHERIDAN RD	5	4	2	\$2,680,000
14)	08056194	CLSD	286 Sheridan RD	6	5	2	\$2,800,000
15)	08013908	CLSD	339 LINDEN ST	5	6	2	\$2,900,000
16)	07734152	CLSD	412 Walnut ST	5	5	2	\$3,000,000
17)	07605700	CLSD	261 Linden ST	6	6	3	\$3,275,000
18)	07759911	CLSD	16 Old Green Bay	4	5	2	\$3,400,000
19)	07850729	CLSD	7 Indian Hill RD	7	8	2	\$3,400,000
20)	07880955	CLSD	734 LINCOLN	7	7	3	\$3,600,000
21)	07622414	CLSD	667 SHERIDAN RD	5	6	1	\$3,900,000
22)	08122967	PEND	801 Bryant AVE	6	6	2	\$3,575,000

Attachment A

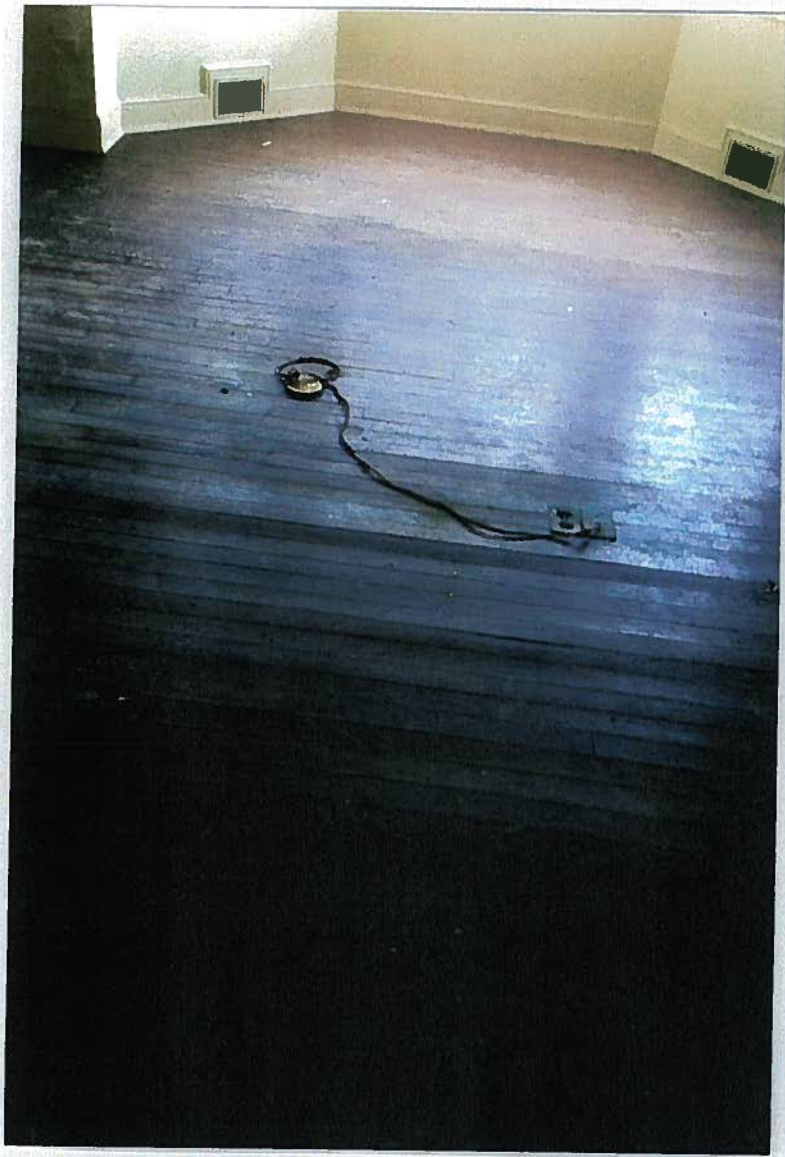








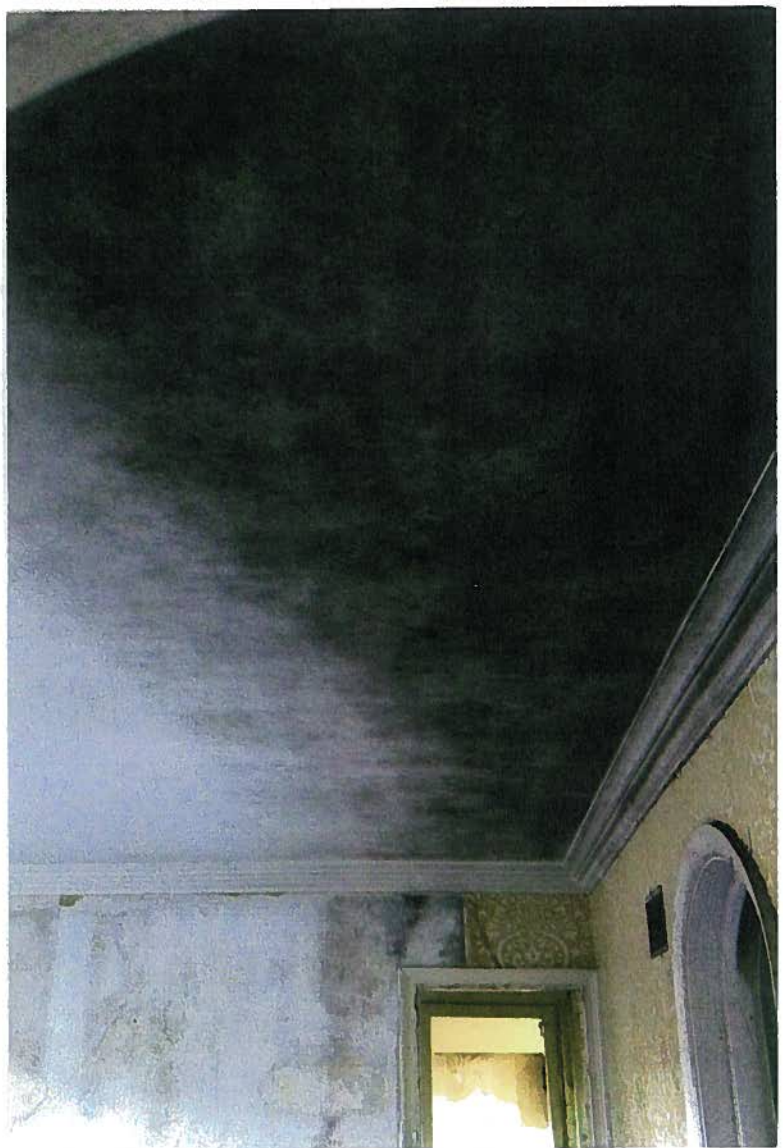
























630 Pine Ln.





Community Development Department
(847) 716-3522

June 24, 2020

Thomas and Suzanne Murphy
Pine Lane LLC
318 West Adams, Suite 900
Chicago, IL 60606

RE: Status of Public Improvements - CBI Subdivision (630 Pine Lane)

The Village recently received a report from Manhard Engineering Ltd., dated February 14, 2020, prepared on your behalf at the request of the Village. This report describes in detail the status of various public improvements constructed by the Developers as part of the development of the three-lot *CBI Subdivision*.

Manhard was the original design engineer for the *CBI Subdivision* when approved by the Winnetka Village Council in 2006. In Manhard Engineering's February 14 report, the written document describes their field work to compare as-built conditions to approved construction plans for the subdivision's water, electric, sanitary sewer and stormwater management system infrastructure.

In the February 14 report it was noted that the underground stormwater detention system on Lot 1 was holding a large amount of water, and the report went to suggest possible causes, including the possible lack of electric power at the storm pump system on Lot 1. In the days that followed, you employed contractors to take corrective action, and subsequently indicated that all corrections had been completed.

In order to document the completion of appropriate corrective action, a subsequent revised report from Manhard Engineering dated April 24, 2020 concluded that all necessary repairs had been completed in accordance with the approved engineering plans, complete, and fully functional.

Village staff including Village Engineer and Public Works Director Steve Saunders have reviewed both Manhard reports and compared the revised report against approved plans.



The purpose of this letter is to document the Village of Winnetka's concurrence with the Manhard report, and to confirm that the public improvements are completed in accordance with the approved engineering drawings for the *CBI Subdivision*.

It is our understanding that this documentation is being sought in part to satisfy the concerns of a prospective purchaser of the vacant 630 Pine Lane parcel (Lot 2).

Thank you for your work to provide these reports. Please feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Norkus", with a long, sweeping horizontal line extending to the right.

Brian Norkus

Assistant Director of Community Development

Cc: Todd Stephens, Esq.

Steve Saunders, Village Engineer and Public Works Director

David Schoon, Community Development Director



Agenda Item Executive Summary

Title: 547 Lincoln Avenue: Delos Therapy Special Use Permit (Policy Direction)

Presenter: David Schoon, Community Development Director

Agenda Date: 07/21/20

Consent: ☐ YES ☒ NO

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

Item History:

None.

Executive Summary:

On July 21, the Village Council is scheduled to consider the Plan Commission recommendation regarding an application submitted by Delos Therapy, LLC (the "Applicant") seeking approval of a special use permit to allow a medical pain management treatment office in the Commercial Overlay District at 547 Lincoln Avenue. The final decision to grant a special use permit lies with the Village Council.

PLAN COMMISSION REVIEW

The Plan Commission (PC) considered the request on June 24, 2020. After hearing from the applicants, their legal counsel and consultants, two members of the public, and receiving four emails in support of the request, the Commission discussed the impact of the proposed use on the retail and restaurant uses in the immediate area. Two members expressed concern that the proposed use would further limit parking for retailers in the immediate area. One member commented that not enough factual evidence was presented to determine that the standards for granting a special use were met, and therefore could not support the request. All of the members thought the proposed use would be a welcome addition to the community; however, five members did not find that the proposed use met all of the Overlay District special use standards. They also found the use more appropriate for the edge of the retail district or on the second floor of a building in one of the commercial districts.

One of the Commissioners in support of the request noted that the Applicant's proposed commercial space constitutes only 17 feet of building street frontage and that a restaurant, a use permitted by right in the Overlay District, would have a greater impact on parking than the proposed use. Another member in support of the request found the proposed use to be appropriate in the proposed location and noted that parking for the use is actually an advantage for the area, rather than a detriment.

Executive Summary (continued):

Ultimately, by a vote of 5-3, the Commission RECOMMENDED DENIAL of the request based on the Commission's findings of fact (below) that the proposed medical pain management office is NOT CONSISTENT with the following standards for granting of Special Use Permits in the Commercial Overlay District:

2. The Special Use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;
3. The establishment of Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;
7. The proposed special use at the proposed location will encourage, facilitate and enhance the continuity, concentration, and pedestrian nature of the area in a manner similar to that of retail uses;
8. The location of the proposed special use along a block frontage shall provide for a minimum interruption in the existing and potential continuity and concentration of the retail uses along the block's frontage;
9. The proposed special use at the proposed location will provide for display windows, facades, signage and lighting similar in nature and compatible with that provided by retail uses; and
12. The proposed location and operation of the proposed special use shall not significantly diminish the availability of parking for district clientele wishing to patronize existing retail businesses.

The standards listed above are by the number from the "Standards for Review/Findings" section of the staff report for the June 24 Plan Commission meeting.

Additional details of the request can be found in the attached staff report to the PC.

Given the PC recommended denial of the request, this item is before the Village Council for policy direction.

Recommendation:

Provide policy direction regarding the requested special use permit. If the Council is ready to make a decision, does the Council find it appropriate to approve a special use permit to allow a medical pain management treatment office in the Commercial Overlay District at 547 Lincoln Avenue? The Council will need to direct staff to prepare the necessary documents to either approve or deny the requested special use permit.

Attachments:

Attachment 1: PC Staff Report and Attachments for the June 24 PC Meeting

Attachment 2: Excerpt of draft June 24, 2020 PC meeting minutes

Attachment 3: Additional documentation submitted by Applicant subsequent to issuance of June PC Staff Report

Attachment 4: Public correspondence received after June 24 PC Meeting



MEMORANDUM VILLAGE OF WINNETKA

TO: PLAN COMMISSION
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: JUNE 18, 2020
SUBJECT: CASE NO. 20-11-SU: 547 LINCOLN AVENUE -DELOS THERAPY - SPECIAL USE PERMIT

INTRODUCTION

On June 24, 2020, the Plan Commission is scheduled to hold a virtual public meeting, in accordance with Illinois Senate Bill 2135 amending the Open Meetings Act, social distancing requirements and Governor Pritzker's Stay-at-Home Executive Order, to consider an application submitted by Delos Therapy, LLC (the "Applicant"), concerning a Special Use Permit in accordance with Chapter 17.44 [C-2 General Retail Commercial District] and Chapter 17.56 [Special Uses] of the Winnetka Zoning Ordinance to allow a medical pain management treatment office on the ground floor at 547 Lincoln Avenue (the "Subject Property"). The Applicant is the lessee of the Subject Property, which is owned by 543 Lincoln Avenue, LLC (the "Owner").

A sign has been posted on the Subject Property and a website notice has been posted on the Village website indicating the time and date of the Plan Commission public hearing. A mailed notice has been sent to property owners within 500 feet of the Subject Property. As of the date of this memo, staff has received two written comments from the public regarding this application. These comments are provided in Attachment F of this report. Two additional letters of support were included in the application materials submitted by the Applicant, which are provided in Attachment A.

PROPERTY DESCRIPTION

The Subject Property is one of the first-floor commercial spaces located in the two-story multi-use building at 545-561 Lincoln Avenue, 743-749 Elm Street, located on the east side of Lincoln Avenue between Elm Street and Pine Street. The space at 547 Lincoln Avenue is currently unoccupied; it was most recently occupied by *Mark Beard Ltd*, a hair salon. Other tenants in the building include *Air Aerial Fitness*, immediately north of the Subject Property, *Café Aroma*, immediately south of the Subject Property, as well as a combination of office uses and apartments on the floor above.

In 2015, *Yogi Barre, LLC* received approval of a Special Use Permit (SUP) to allow a yoga and fitness studio to occupy the adjacent space at 549 Lincoln Avenue. Subsequent to the adoption of the ordinance approving the SUP, ownership of the Subject Property changed and the new owner replaced *Yogi Barre, LLC* with *Air Aerial Fitness*. A resolution was adopted by the Village Council on December 19, 2017 acknowledging a successor owner and operator for the SUP for 549 Lincoln Avenue. Figures 1 and 2 on the following page identify the Subject Property.

The Subject Property is located within the Village's **Commercial Overlay District**, which allows non-retail uses such as personal service uses as well as medical and related uses; however, the Zoning Ordinance requires that they be evaluated by the Plan Commission and Village Council as a special use.



Figure 1 – 545-561 Lincoln Avenue



Figure 2 – Subject Property

COMMERCIAL OVERLAY DISTRICT BACKGROUND

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

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

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

Since its adoption in 1987, the Overlay District has been revised on more than one occasion to alter district boundaries, or to modify the types of uses which are allowed within each district. The most recent amendment occurred on April 4, 2019 when the Village Council adopted MC-01-2019, amending the Zoning Ordinance regarding uses and regulations in the three commercial districts, including amendments to the Overlay District and the standards used to evaluate a special use. The amendments went into effect on July 4, 2019. Medical and related uses, such as the use proposed by the Applicant, also required special use permit approval prior to the 2019 amendments.

ELM STREET BUSINESS DISTRICT OVERLAY BOUNDARIES

A map depicting the zoning classifications of the Elm Street Business District is included below as Figure 3. The Subject Property is highlighted yellow.

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

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

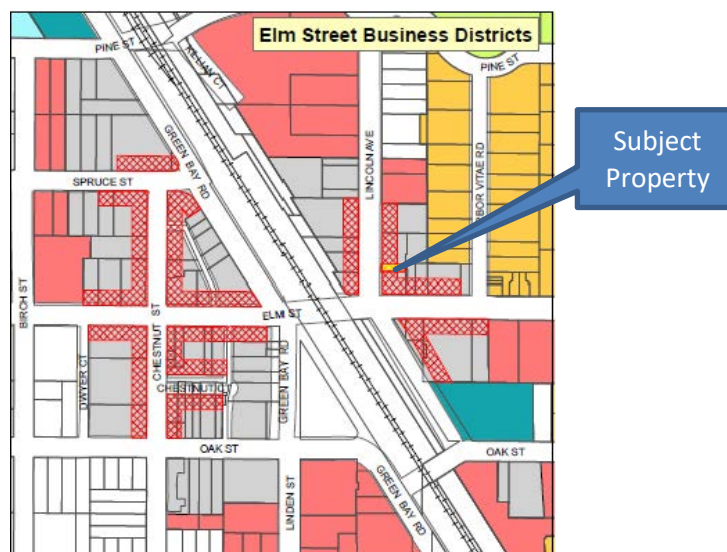


Figure 3 – Elm Street Business Districts

DESCRIPTION OF REQUEST

The Applicant is proposing to operate Delos Therapy in the approximately 1,100-square foot space at 547 Lincoln Avenue. The space occupies approximately 17 feet of building street frontage. As described in more detail in the Applicant's written explanation, which is provided in Attachment A of this report, Delos Therapy is a specialized therapy service for chronic pain, muscle stiffness and athletic injuries. They have been in operation since 2012, with five locations in Chicago, Hinsdale and Oak Brook. The proposed use would be by-appointment only, operating seven (7) days a week. Monday through Friday, the Applicant intends to operate between the hours of 6am and 7pm and on Saturday and Sunday between 7am and 4pm. The space would have three treatment rooms with one or two full-time therapists initially, with possibly four or five full-time therapists after being in operation for three to five years. The Applicant estimates that during peak hours, the maximum utilization of the space would be 10 individuals, while the average utilization would be six individuals, this includes staff and clients. An excerpt of the proposed floor plan is provided in Figure 4 on the following page. A complete floor plan, along with the existing floor plan representing the former salon space, is provided in the application materials in Attachment A.

The Applicant has provided the following three supplemental reports in response to the standards used for the evaluation of special uses:

1. Parking study prepared by Kimley-Horn Associates, Inc., dated May 27, 2020 (Attachment B);
2. Linberger & Company, LLC Real Estate Appraisal and Consulting Services report dated June 12, 2020 (Attachment C); and
3. Okrent Kisiel Associates, Inc. Evaluation Report dated May 26, 2020 (Attachment D).

Director of Public Works/Village Engineer, Steve Saunders, evaluated the parking study by Kimley-Horn and had the following comments and suggestions; his complete memo is included in this report as Attachment E:

1. Due to the COVID-19 stay-at-home order and the related business restrictions, the typical methodology of identifying total parking capacity in the vicinity and current parking availability could not be accurately employed.
2. For the proposed use, on-street parking is currently available on Lincoln Avenue and Elm Street, and surface parking is located at the Lincoln Avenue and Elm Street Parking Lots.
3. The parking inventory provided in Kimley-Horn's report includes 44 C-Permit permit parking spaces that are primarily designated for commuters. Based on past occupancy counts showing that these spaces are nearly 100% used by commuters, they should not be included as part of the available parking inventory.
4. Kimley-Horn evaluated comparative occupancy and parking demand between the previous tenant, a hair salon, and the proposed Delos Therapy, by comparing the total number of stations/rooms and assuming full use of the facilities. This methodology shows a reduction in comparative parking demand of -12 parking spaces. This is an aggressive, best-case scenario that assumes full occupancy of the previous business. A conservative approach that assumes 50% of the stations in the salon were occupied would result in a net-zero comparative parking demand.
5. It would appear that granting the Special Use Permit would not result in impairment of parking within the East Elm Business District.

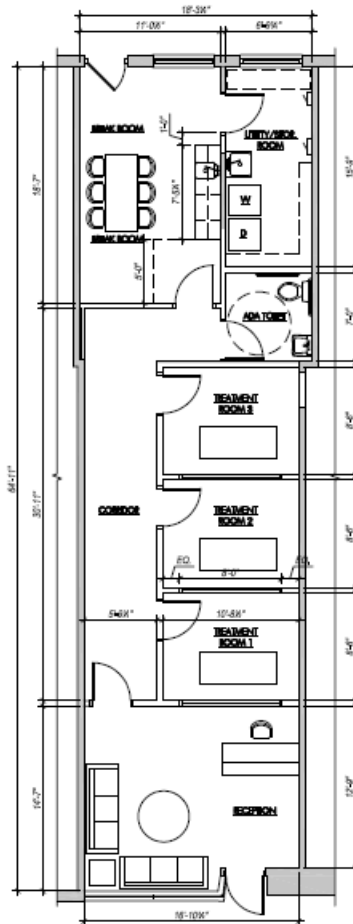


Figure 4 – Excerpt of Proposed Floor Plan

STANDARDS FOR REVIEW / FINDINGS

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

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

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

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

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

I make the motion that:

The Plan Commission recommends **approval [denial]** of the requested special use to allow a medical pain management treatment office on the ground floor at 547 Lincoln Avenue within the C-2 Commercial Overlay District, based on the following findings of fact:

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

1. The establishment, maintenance, and operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare;
2. The Special Use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;
3. The establishment of Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;
4. Adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways;
5. Adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the Special Use exists or are to be provided;
6. The Special Use in all other respects conforms to the applicable regulations of this and other village ordinances and codes;
7. The proposed special use at the proposed location will encourage, facilitate and enhance the continuity, concentration, and pedestrian nature of the area in a manner similar to that of retail uses;
8. The location of the proposed special use along a block frontage shall provide for a minimum interruption in the existing and potential continuity and concentration of the retail uses along the block's frontage;
9. The proposed special use at the proposed location will provide for display windows, facades, signage and lighting similar in nature and compatible with that provided by retail uses;
10. If the proposed special use provides multi-use areas, such as retail merchandise areas, restaurant dining areas, general office space, private offices, reception areas, or employee work areas, any proposed retail merchandise area or restaurant dining area shall be concentrated and located immediately adjacent to the sidewalk and clearly visible from the street in such a fashion as to invite customers to browse or dine;
11. If a proposed new building contemplates a mix of retail, office and service type uses, the minimum frontage for each retail use adjacent to the sidewalk shall be 20 feet with a minimum gross floor area of 400 square feet. In addition, such retail space shall be devoted to active retail merchandising which maintain typical and customary hours of operation; and
12. The proposed location and operation of the proposed special use shall not significantly diminish the availability of parking for district clientele wishing to patronize existing retail businesses."

The Commissions' recommendation is subject to **no conditions [the following conditions]**:

1. [Insert conditions....]

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

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

ATTACHMENTS

Attachment A: Application Materials

Attachment B: Parking Study prepared by Kimley-Horn (submitted by Applicant)

Attachment C: Linberger & Company Report (submitted by Applicant)

Attachment D: Okrent Kisiel Evaluation Report (submitted by Applicant)

Attachment E: Director of Public Works/Village Engineer Steve Saunders' June 16, 2020 Memo

Attachment F: Public Correspondence

VILLAGE OF WINNETKA, ILLINOIS
DEPARTMENT OF COMMUNITY DEVELOPMENT

SPECIAL USE PERMIT APPLICATION
C-2 COMMERCIAL OVERLAY

Case No. **20-11-SU**

Property Information

Site Address: 547 Lincoln Ave., Winnetka, IL 60093 (PIN: 05-20-204-010)
Proposed type of occupancy: Medical pain management treatment using massage techniques.

Applicant Information

Name: Delos Therapy, LLC
Address: 211 E. Ohio #1517
City, State, ZIP: Chicago, IL 60611
Applicant Signature: [REDACTED]

Primary Contact: Mimi Bosika
Phone No. 312-600-7716
Email: mimi@delostherapy.com
Date: 02/17/2020

Attorney Information

Name: Dinsmore & Shohl, LLP
Primary Contact: Lenny D. Asaro
Address: 222 W. Adams, Suite 3400
City, State, ZIP: Chicago, IL 60606
Phone No. 312-428-2724
Email: lenny.asaro@dinsmore.com

Architect Information

Name: Linear Architects, Inc.
Primary Contact: Peter Korovessis
Address: 4849 N. Milwaukee Ave., Suite 306
City, State, Zip: Chicago, IL 60630
Phone No. 773-628-7273
Email: pkorovessis@lineararch.com

Property Owner Acknowledgment

I hereby certify that I am the owner of the property located at 547 Lincoln Ave., and have provided the
(address)
attached proof of ownership.

I consent to the filing of an application for a Special Use Permit by Delos Therapy, LLC.
(Applicant name)

Property Owner Signature: [REDACTED]

Date: 2/18/20

**MEMORANDUM IN SUPPORT OF DELOS THERAPY, LLC'S PETITION
FOR SPECIAL USE PERMIT AT 547 LINCOLN AVE., UNIT 547R,
WINNETKA, IL 60093**

I. SUMMARY

Petitioner Delos Therapy, LLC ("Petitioner") requests approval of its application for a special use permit at 547 Lincoln Ave., Unit 547R Winnetka, IL 60093 (PIN: 05-20-204-010) (the "Subject Property") to allow for medical pain management treatment using massage techniques (the "Proposed Special Use"). The Subject Property is located in the C 2-Retail/Commercial Overlay District. For the reasons stated herein, the Proposed Special Use will conform to the standards set forth in the Zoning Ordinance and satisfies the standards for granting of special use permits under Section 17.56.120.A and 17.56.120.C of the Zoning Ordinance.¹ Furthermore, approval of the Proposed Special Use is supported by residents of the Village of Winnetka (the "Village").

II. BACKGROUND

Petitioner provides highly specialized therapy services for chronic pain, muscle stiffness and athletic injuries where pressure is applied to the entire length of the muscle. It is based on the science of three-dimensional micro-stretching of the muscular fibers that cause symptoms of pain and stiffness. Results include the elimination of tightness, restored muscle help for optimal athletic performance and real pain relief. Petitioner has been providing specialized therapy services since 2012. It operates at five locations located at: (1) 600 W. Chicago Ave. (Lower-Level), Chicago, IL 60654 (River North); (2) 219 W. Chicago Ave., Sixth Floor, Chicago, IL 60654 (Strength Society); (3) 2105 N. Southport Ave., Second Floor, Chicago, IL 60614 (Lincoln Park); (4) 230 E. Ogden Ave. (Inside Shred415), Hinsdale, IL 60521; and (5) 3011 Butterfield Road, Suite 280, Oak Brook, IL 60523. (See Exhibit P: Map of other Delos Therapy locations).

Attached hereto are the following:

- Exhibit I: YouTube video: Delos Therapy - Medical Animations – Introduction
(https://www.youtube.com/watch?time_continue=6&v=auALNmK19QU&feature=emb_logo);
- Exhibit J: YouTube Video: Delos Therapy - Medical Animations – Technique

¹ Section 17.56.120, C cites to Section 17.44.020.B.2.b.

https://www.youtube.com/watch?time_continue=1&v=IcGX5sBtMcY&feature=emb_logo);

- Exhibit K: Innovative Therapy with World Class Service
(<https://delostherapy.com/about-us/the-delos-experience/>)
(<https://delostherapy.com/about-us/the-delos-experience/>);
- Exhibit L: Meet our Co-Founders
(<https://delostherapy.com/about-us/our-story/>);
- Group Exhibit M: Mimi's background and Eric's background;
- Exhibit N: Meet our Team;
- Group Exhibit O: YouTube Video: Testimonials of Danielle, Jeff, Bryan, Idan, Gaetan, and Genevieve
(https://www.youtube.com/watch?time_continue=1&v=nlvb-b1rsIw&feature=emb_logo);
(https://www.youtube.com/watch?v=hTGC4gzHOsA&feature=emb_logo);
(https://www.youtube.com/watch?v=4jFHoowB7rU&feature=emb_logo);
(https://www.youtube.com/watch?v=sH4eL1WpeqQ&feature=emb_logo);
(https://www.youtube.com/watch?v=CxtV8fY87wI&feature=emb_logo);
(https://www.youtube.com/watch?v=JyjIOTfegMA&feature=emb_logo)

The Subject Property is located in the C2 General Retail Commercial Overlay District. The site is generally rectangular in shape, and measures approximately 80 feet (east-west) by 200 feet (north-south) encompassing $\pm 15,000$ square feet in area. It has ± 200 feet of frontage on Lincoln Ave., and ± 80 feet of frontage on Elm St. The Proposed Special Use will occupy approximately sixteen feet of frontage along Lincoln Ave. and 1,118 s.f. of interior space.

The Subject Property is improved with a $\pm 24,000$ s.f. two-story brick and stucco Tudor style structure built over 100 years ago. A driveway off Elm St. leads to a modest loading/service area at the rear of the building. The mixed use structure consists of ground floor commercial spaces with offices and residential apartments above.

The Proposed Special Use is classified as Personal Service Establishment under the Winnetka Zoning Ordinance (§ 17.46.010.B) and requires a special use permit in the C2 General Retail Commercial Overlay District.

The Proposed Special Use will be by-appointment only. Monday through Friday, the appointments will range between 6 AM and 7 PM and on

Saturday and Sunday between 8 AM and 2 PM. Based on Petitioner's operations at other facilities, Petitioner has a steady flow of clients throughout the day and serves an average of seven clients per day at each facility. At the Subject Property, initially after opening, Petitioner anticipates that there will be between one and two full-time therapists. Thereafter, over the course of 3 to 5 years, Petitioner estimates there will be between four and five full-time therapists.

During peak hours, Petitioner estimates that the maximum utilization of the space will be 10 individuals (i.e. 4 to 6 clients and 2 to 4 professional treatment providers). However, the probability of maximum utilization is substantially low. Rather, the average utilization will likely be six individuals (i.e. 2 to 3 clients and 2 to 3 professional treatment providers). Petitioner estimates that 20% of its clientele will be students, 60% will be adults and 20% senior citizens.

The proposed location for the Proposed Special Use was previously occupied by Mark Beard LTD, a hair salon. According to the floor plan for the prior use, there were 12 hair treatment chairs, two hair treatment sinks and a waiting area. Attached hereto as Exhibit B is the floor plan showing the prior hair salon use. Based on the prior use, the maximum capacity for the hair salon was at least 24 hair treatment specialists and customers (i.e. 12 hair treatment chairs). The waiting area capacity is estimated to be approximately six people. Therefore, the total maximum capacity is estimated to be 30 people.

The Proposed Special Use is substantially less intense than the prior hair salon use. According to the floor plan for the Proposed Special Use, there will be a reception area for a maximum of six people, a receptionist and three treatment rooms. Based on the Proposed Special Use, the maximum capacity will be 13 people (i.e. six clients in the reception, one receptionist, three professional treatment providers and three clients receiving treatment). This total maximum utilization involving 13 individuals is substantially less than the total maximum utilization involving 30 individuals for the prior hair salon use. The plans show the difference between the two uses. (Exhibit B).

Winnetka is served by three Metra Union Pacific North Line stations. As a result, the municipality's commercial land uses are fragmented and spread out, adjacent to these three transit nodes. The Subject Property is located steps from the Metra Union Pacific North Line Winnetka Station. This centrally located commercial node acts as the community's civic center and as its central business district having the greatest concentration of restaurant, retail and service uses. It is home to the Village Hall and Village Green and the Winnetka Community House. The downtown central business district is divided by the Metra tracks into the East Elm District and the

West Elm District each with their own distinct character. The West Elm District is home to al fresco dining options, boutiques, home furnishings and antique shops whereas the East Elm District boasts upscale dining, fashion boutiques, jewelry stores, antique dealers and salons.

The Subject Property is located in the East Elm District. Notable neighbors include Little Ricky's (upscale casual dining), Cafe Aroma, Orrington Jewelers, M. Stefanich Antiques and Sara Campbell Boutique (upscale fashion). Other service uses in the area include AIR Aerial Fitness, AJ Retreat (foot therapy and reflexology) and Spa Nail City (nail salon).

On February 4, 2020, Petitioner has entered into a lease agreement with the owner of the Subject Property for the premises. The initial lease term is seven years with two renewal options of five years each. Petitioner will be responsible for the buildout needed for the Proposed Special Use. The buildout cost estimate is \$60,000. The buildout time is approximately 6-8 weeks.

On or about February 18, 2020, Petitioner filed its application for a special use permit. (Exhibit A). The application was accompanied by a project narrative, deed showing proof of ownership, survey, floor plan and letters of recommendation.

III. SPECIAL USE PERMIT STANDARDS

Section 17.56.120.A of the Zoning Ordinance states:

“A. General Standards for the Granting of Special Use Permits. No special use permit shall be granted unless it is found:

1. That the establishment, maintenance and operation of the special use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare;
2. That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity;
3. That the establishment of the special use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern;
4. That adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public ways;

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

6. That the special use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes. In the event that the application for special use permit involves a request for variation from the terms of this title, such request, subject to required notification procedures, may be considered at the same public hearing at which the proposed special use is reviewed by the Board of Appeals.”

Section 17.56.120.D of the Zoning Ordinance states:

“D. Additional Standards for Granting Special Uses for Properties Located within the C-2 Retail Overlay District. In addition to the standards set forth in Section 17.56.120.A of this Zoning Ordinance, no special use for a property located within the C-2 Retail Overlay District shall be granted unless it is found that the standards set forth in Section 17.44.020.B.2.b of this Zoning Ordinance are satisfied.”

Section 17.44.020.B.2.b of the Zoning Ordinance states:

“In addition, any of the following uses may be permitted as a special use, subject to the conditions and requirements set forth in this chapter and in Chapters 17.46 and 17.56:

b. C-2 Commercial Overlay District. Any use that is located on the ground floor of a building within the boundaries of the C-2 Commercial Overlay District and that is listed as a "Special Use" (SU) in the C-2 Commercial Overlay District in the Table of Uses in Section 17.46.010 of this code, or any use determined by the Zoning Administrator to be similar to such a use; provided that, in addition to the standards set forth in Chapter 17.56 for the granting of special use permits, the applicant demonstrates that the special use will be in compliance with the following additional standards:

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

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

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

iv. If the proposed special use provides multi-use areas, such as retail merchandise areas, restaurant dining areas, general office space, private offices, reception areas, or employee work areas, any proposed retail merchandise area or restaurant dining area shall be concentrated and located immediately adjacent to the sidewalk and clearly visible from street in such a fashion as to invite customers to browse or dine.

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

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

IV. APPLICATION OF THE SPECIAL USE PERMIT STANDARDS TO THE FACTS

In support of its application for a special use permit and with respect to the special use permit standards, Petitioner submits the following:

- Exhibit C: Memorandum of Peter Lemmon, P.E., PTOE of Kimley-Horn

- Exhibit D: Report of George Kisiel, AIA, AICP of Okrent Kisiel Associates, Inc.
- Exhibit E: Report of Mary Linberger, MAI of Linberger & Company, LLC

Mr. Lemmon concluded that the proposed location and operation of the Proposed Special Use will not significantly diminish the availability of parking for business district clientele wishing to patronize existing retail businesses. (See Exhibit C at p. 1 and Section 17.56.120-A-5). He concluded that relative to the previous hair salon use, the Proposed Special Use is expected to generate less parking demand. (Exhibit C at p. 7). He concluded that excluding Permit C and Permit A/C spaces that provide for Metra commuters, over 300 public on street and off street spaces are available along Lincoln Ave., Elm Street and to nearby public parking lots. *Id.* 44 spaces, designated for Metra commuters and Permit C on weekdays, are available to service business district parking demand on weekends. *Id.* He noted that employees of the Proposed Special Use that commute by car should secure a Permit A parking permit from the Village in order to orient parking demands toward off-street employee parking options while increasing the availability of convenient on street parking for customers. *Id.*

Mr. Kisiel concluded that the establishment, maintenance and operation of the Proposed Special Use will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare. (See Exhibit D at p. 5 and Section 17.56.120-A-1). He concluded that the Proposed Special Use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity. (See Exhibit D at pp. 5-6 and Section 17.56.120-A-2). Mr. Kisiel concluded that the establishment of the Proposed Special Use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the districts of concern or the district itself. (See Exhibit D at p. 6 and Section 17.56.120-A-3). He concluded that adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways. (See Exhibit D at p. 7 and Section 17.56.120-A-4). He concurred with Mr. Lemmon's conclusions that adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the Proposed Special Use exists. (See Exhibit D at p. 7 and Section 17.56.120-A-5). Mr. Kisiel concluded that the special use in all other respects conforms to the applicable regulations of this and other Village ordinances and codes. (See Exhibit D at p. 7 and Section 17.56.120-A-6).

Mr. Kisiel concluded that the Proposed Special Use at the proposed location will encourage, facilitate and enhance the continuity, concentration and pedestrian nature of the area in a manner similar to that of retail uses. (See Exhibit D at p. 7-8 and Section 17.44.020-B-2-b-i). He concluded that the location of the Proposed Special Use along a block frontage providing for a minimum interruption in the existing and potential continuity and concentration of the retail uses along the block's frontage. (See Exhibit D at p. 8 and Section 17.44.020-B-2-b-ii). He concluded that the Proposed Special Use at the proposed location will provide for active display windows, façades, signage and lighting similar in nature and compatible with that provided by retail uses. (See Exhibit D at p. 7-8 and Section 17.44.020-B-2-b-iii). Mr. Kisiel concluded that the Proposed Special Use calls for a floor plan that places the reception area immediately adjacent to the sidewalk similar to the prior hair salon use. No changes contemplated to the transparent glass storefront providing visibility to the interior of the space and reception area consistent with the requirement of Section 17.44.020-B-2-b-iv. (See Exhibit D at p. 8-9 and Section 17.44.020-B-2-b-iv). He concluded that Section 17.44.020-B-2-b-v is not applicable to the application. (See Exhibit D at p. 9). Mr. Kisiel concurred with Mr. Lemmon's conclusion that the proposed location and operation of the Proposed Special Use will not significantly diminish the availability of parking for district clientele wishing to patronize existing retail businesses. Based on the aforementioned conclusions and analysis related thereto, Mr. Kisiel concluded that (1) the Proposed Special Use satisfies the criteria for review of special uses contained in the Zoning Ordinance; (2) the Proposed Special Use is compatible with and complementary to the existing land use context; (3) the Proposed Special Use is less intense than the prior hair salon use in its location and will cause no burden on traffic, parking or any other public service; (4) the Proposed Special Use will have no negative impact on surrounding uses; and (5) there is no public purpose of any kind that would be served by the denial of the Proposed Special Use. (Exhibit D at p. 9).

Ms. Linberger concluded that the Proposed Special Use will in no way diminish or impair the values of properties in the immediate vicinity. (See Exhibit E at p. 1 and Section 17.56.120-A-2). Ms. Linberger inspected the Subject Property as well as the other five facilities operated by Petitioner. (Exhibit E at p. 2). Ms. Linberger stated that the bases for her conclusion are as follows: (1) the Proposed Special Use will be complementary to nearby wellness/fitness services and will not be redundant with them; (2) the Proposed Special Use will not create a nuisance to surrounding businesses; (3) the maximum capacity of Petitioner will be well below that of the prior hair salon which previously occupied the Subject Property and, as a result,

Petitioner is not expected to place an undue burden on the area's parking; (4) Petitioner operates facilities in five Metro area locations where there is no evidence that their presence has negatively impacted surrounding property values. (Exhibit E at p. 3).

In addition to the above referenced evidence and expert opinions establishing that the Proposed Special Use satisfies the standards contained in the Zoning Ordinance, the Proposed Special Use is supported by the public, including residents of the Village and existing clients. (Group Exhibit Q).

V. CONCLUSION

For the reasons stated herein, the Proposed Special Use will conform to the standards set forth in the Zoning Ordinance and satisfies the standards for granting of special use permits under Section 17.56.120.A and 17.56.120.C of the Zoning Ordinance.

Respectfully submitted,

By: /s/ Lenny D. Asaro
Dinsmore & Shohl LLP
One of the Attorneys for Petitioner

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Chicago, IL 60606
Phone: 312-372-6060
Email: Lenny.asaro@dinsmore.com
Fax: 312-372-6085

EXHIBIT LIST

- A. Special Use Permit Application
- B. Floor Plan
- C. Memorandum of Peter Lemmon, P.E., PTOE of Kimley-Horn
- D. Report of George Kisiel, AIA, AICP of Okrent Kisiel Associates, Inc.
- E. Report of Mary Linberger, MAI of Linberger & Company, LLC
- F. Intentionally Deleted
- G. Intentionally Deleted
- H. Intentionally Deleted
- I. YouTube video: Delos Therapy - Medical Animations – Introduction
(https://www.youtube.com/watch?time_continue=6&v=auALNmK19QU&feature=emb_logo)
- J. YouTube Video: Delos Therapy - Medical Animations – Technique
(https://www.youtube.com/watch?time_continue=1&v=IcGX5sBtMcY&feature=emb_logo)
- K. Innovative Therapy with World Class Service
(<https://delostherapy.com/about-us/the-delos-experience/>)
(<https://delostherapy.com/about-us/the-delos-experience/>)
- L. Meet our Co-Founders (<https://delostherapy.com/about-us/our-story/>)
- M. Mimi Bosika and Eric Owen Background
- N. Delos Therapy Team
- O. Group Exhibit O: YouTube Video: Testimonials of Danielle, Jeff, Bryan, Idan, Gaetan, and Genevieve
(https://www.youtube.com/watch?time_continue=1&v=nlvb-b1rsIw&feature=emb_logo);
(https://www.youtube.com/watch?v=hTGC4gzH0sA&feature=emb_logo);
(https://www.youtube.com/watch?v=4jFH0owB7rU&feature=emb_logo);
(https://www.youtube.com/watch?v=sH4eL1WpeqQ&feature=emb_logo);
(https://www.youtube.com/watch?v=CxtV8fY87wI&feature=emb_logo);
(https://www.youtube.com/watch?v=JyjIOTfegMA&feature=emb_logo)
- P. Map of other Delos Therapy locations
- Q. Group Exhibit: Letters of Support from: (1) Stephen Kao (Winnetka resident); (2) Ari Levy, MD of Shift Medical Ltd.; (3) Eric Tepper, CEO-Founder of GENSTRONG; and (4) Cheri Weber.

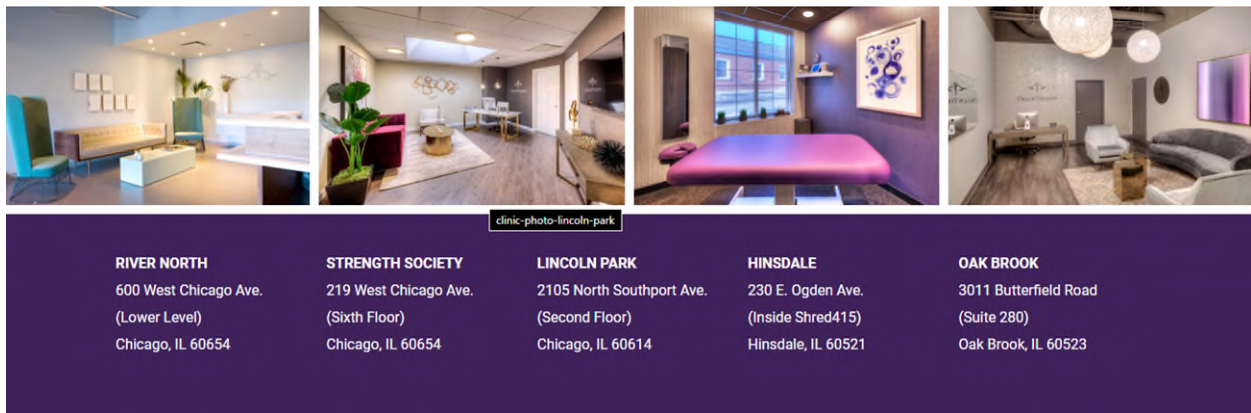
PROJECT NARRATIVE

Delos Therapy, LLC, an Illinois limited liability company, has entered into a lease agreement to lease approximately 1,100 square feet of building space (the “Premises”) commonly known as 547 Lincoln Avenue, Unit 547R located in the approximately 19,000 square foot building commonly known as 547 Lincoln Avenue, Winnetka, IL 60093 (PIN: 05-20-204-010) (the “Property”). The owner of the Property and landlord under the lease agreement is 543 Lincoln Avenue LLC, an Illinois limited liability company.

The Property is zoned C2-Retail/Commercial Overlay District. Delos Therapy seeks a Special Use Permit to open and operate a Delos Therapy at the Premises.

Delos provides highly specialized therapy services. Delos Therapy is a precise, innovative therapy for chronic pain, muscle stiffness and athletic injuries where pressure is applied to the entire length of the muscle. It is based on the science of three-dimensional micro-stretching of the muscular fibers that are causing symptoms of pain and stiffness. Results include the elimination of tightness, restored muscle health for optimal athletic performance and real pain relief.

Delos Therapy has been providing specialized therapy services since 2012. It operates at five locations listed below:



The following pages provide a detailed background on Delos Therapy.

The Delos Experience: Innovative Therapy with World Class Service

As former professional athletes who've spent their lives among the best coaches and athletes in the world, we founded Delos Therapy using the same principles utilized in sports to achieve elite levels of performance. We care about quality, discipline, hard work and commitment in all aspects of our work.

The most important reason for our existence and growth is our unique therapy, which offers an unmatched solution for eliminating chronic pain and is exclusive to our company. In addition, our efforts are centered on engaging with and incorporating in our work the latest research findings in our industry.

Our clients come to us frustrated with their symptoms and often questioning why they are hurting. In addition to having an effective treatment, we also pride ourselves on providing our clients with an explanation of what is happening within the body to cause pain and stiffness, why other modalities they have tried haven't yielded effective results, and specifically how our approach tackles the problem.

Finally, we are committed to elevating the client experience to a service level that is uncommon in the medical industry. We are most interested in anticipating our clients' needs and fulfilling their expectations in an extraordinary way. We are able to do this by selecting and developing a team of exceptional individuals while standardizing operational excellence.

See <https://delostherapy.com/about-us/the-delos-experience/> for video presentation.

Our Story: Meet the Co-Founders

Mimi Bosika's Journey

Mimi grew up in Serbia where she also began playing table tennis when she was five years old under the watchful eye of her father Jon Bosika, who eventually became the US Olympic table tennis coach. Mimi moved to the United States when she was 11 years old and took on the role of managing her father's table tennis business partly due to his language barrier. She not only learned the necessary factors required to grow into an elite athlete, but also how to organize and execute on her father's business commitments. Eventually, it was natural for her to take on an organizational role at the Olympic Training Center where Mimi's father became a coach and where a constant flow of athletes required an impeccable operation to help them thrive. This is where she met Eric, who came to train with her dad.

Although Mimi had informal business experience at a young age with her father's business and through most of her life, Mimi pursued and, in 2008, completed her Masters in Business (MBA) in Economics and Entrepreneurship at University of Chicago Booth School of Business in Chicago, Illinois.

After graduating with her MBA, Mimi gained business experience including marketing and operations management. Eventually, Mimi's most impactful experience that would prepare her for Delos Therapy was having a sales development role at the exclusive David Barton Gym in Chicago where she had built an extensive network in health and fitness.

Eric Owens' Journey

As a professional table tennis athlete in the late 1990s, Eric was living at the Olympic Table Tennis Center in Davison, Michigan. There, he met his coach's daughter Mimi, who at an early age took on a number of operational and leadership roles for her father's coaching business. Having grown up around Delos Therapy after his father developed it in the 1980s, Eric began to ponder the future of Delos Therapy and how to continue his father's work and success. One of Eric's goals was to gain scientific credibility and understanding, but he also realized that an important component of the future of Delos Therapy was a focus on effective business development and operations. Eric joked with Mimi about the potential of working with her down the road, after each of them completed their respective university studies in medicine and business. They made plans to reconnect at some point in the future.

Eric completed his master's degree in biomedical science researching pain and inflammatory conditions, and eventually furthered his training in medical school. During his third year of medical school, he was doing 20 -30 hours of Delos Therapy each week, acquiring patients at various medical rotations who were not improving with conventional treatment. At this point, the high demand for Delos Therapy led Eric to begin pursuing the revival of an actual stand-alone practice.

The Delos Therapy Journey

As it turned out, both Eric and Mimi followed through on their business conversation from years before. In 2012, Eric and Mimi re-connected, wrote a business plan, and found a private investor who enabled them to begin operations that same year. Thanks to Mimi's relationship with David Barton, the celebrity trainer from New York, and as a result of his interest in what Delos Therapy had to offer, Mimi was able to secure a space for Delos Therapy within David Barton Gym.

This was the beginning of Delos Therapy's work with Chicago's fitness community and the company continued to grow from there, opening three more locations in the first five years and generating interest for Delos Therapy among professional athletes, business professionals and many others.

See <https://delostherapy.com/about-us/our-story/> for video presentation.

Our Approach: What is Delos Therapy?

Repetitive motions of day-to-day life cause muscles to contract and tighten. Over time, these contractions become shorter and more dense. As this density increases, muscles and fascia become chronically contracted, forming knots and congested tissue, leading to dysfunction, disability and pain.

Muscle health is directly affected by the tightness in the muscles. Tremendous congestion and inflammation accumulate in the tissue from cellular metabolic waste, all due to ineffective circulation. As this stagnation progresses, the tissue suffers increasingly destructive pathological changes, in large part due to deposition and mineralization of collagen.

We approach pain, stiffness, and injuries by identifying the root cause of the problem to help alleviate symptoms and get you back to doing the things you love.

Having pliable muscle tissue will allow for:

- Increased range of motion
- Better skeletal alignment
- Maximized muscle recruitment
- Enhanced muscle activation
- Improved overall health

- Elimination of pain
- Reduced stiffness
- Increased range of motion
- Restored function
- Increased athletic performance
- Prevention of surgery
- Faster recovery after surgery
- Reduced treatment costs
- Reduced rehabilitation time

How We Differ From Traditional Approaches

Physical Therapy: Conventional techniques of stretching and strengthening are most effective when muscles are pliable. Delos Therapy achieves pliability by micro-stretching muscles and fascia with systematic and precise pressure.

Chiropractic: Manipulating bones becomes more effective when surrounding muscles are pliable. Delos Therapy restores pliability, allowing skeletal alignment to hold.

Deep Tissue Massage and Foam Rolling: Deep tissue massage is a superficial technique that glides over muscle tightness in a single plane. It doesn't address three-dimensional tightness or hold tissue in a stretched position long enough to be fully effective.

Conventional Stretching: Tight tissue does not stretch effectively, so during conventional stretching, only healthy and pliable fibers are pulled apart. As a result, pain and stiffness remain.

Trigger Point Therapy: Rather than targeting predetermined points on the body, Delos Therapy targets specific, three-dimensional patterns of muscle tightness and addresses all of the fibers, including the trigger points.

See <https://delostherapy.com/about-us/our-approach/> for video presentation.

Our Team: Meet Our Team



Eric Owens | **Co-Founder, Therapy Development** | Houston, Texas

Why Delos Therapy? Eric co-founded Delos Therapy after having a career as a professional athlete. In graduate school, he centered his research on pain and inflammatory conditions and earned a master's degree in biomedical science. He continued his scientific training in medical school where he focused on musculoskeletal dysfunction. During his final year of medical school, Eric decided to forego his residency training and pursue his passion for Delos Therapy. By combining his background as a professional athlete and his medical studies, Eric is looking to change the way the industry approaches the understanding and treatment of chronic pain.

Fun Fact: Eric raced motorcycles at age 5 and ran a full marathon at age 9.



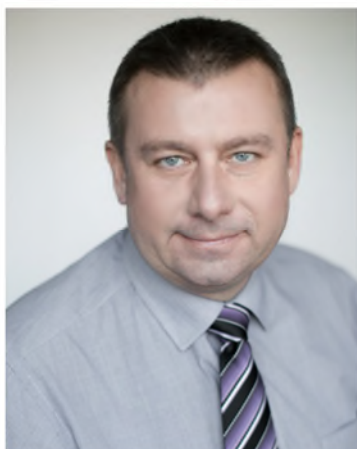
Mimi Bosika | **Co-Founder, Business Development** | Uzdin, Serbia

Why Delos Therapy? Mimi is a long-time friend and business partner of Eric Owens. She graduated with a master's degree from the University of Chicago's Booth School of Business and has a background in management, operations and business development. Mimi always wanted to create and be a part of something much bigger than herself and Delos Therapy, with its potential to help so many people, is the most exciting way for Mimi to make it happen.

Fun Fact: Mimi won two US Open table tennis titles as a junior and won a tour of Europe in an essay contest in high school.

See <https://delostherapy.com/about-us/our-team/>.

DELOS THERAPY TEAM



Darek Swiac | **Delos Therapist** | Czesochowa, Poland

Why Delos Therapy? Darek's goal as a Delos therapist is to help people find pain relief quickly and effectively. He joined the Delos team because he believes that performing Delos Therapy on a client brings balance back to the body and mind. Frustration due to pain affects people's lives in many ways, and Darek is committed to making significant improvements in their well-being.

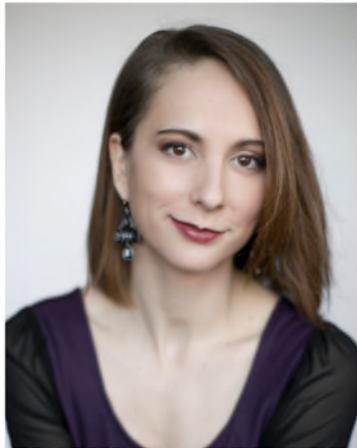
Fun Fact: Darek lived in France for a year, speaking only English while he was there. He discovered his love for "stinky" French brie.



Kate Patterson | **Delos Therapist** | Fort Collins, CO

Why Delos Therapy? As a dancer for over 10 years, Kate had experienced the frustrations of dealing with chronic pain. Having seen its debilitating effect on everything from athletic performance to everyday functions and emotional well-being, she went in search of an effective solution. Kate immediately saw the value of Delos Therapy and was ecstatic about the level of results people were able to achieve. Kate is committed to sharing her knowledge with patients to help them achieve and surpass their goals.

Fun Fact: Kate danced for the Denver Nuggets and performed with artists including The Sugarhill Gang and Coolio.



Danielle Witt | **Operations Manager** | Chicago, IL

Why Delos Therapy? Danielle joined Delos after spending time as a marine biologist. The science that Delos Therapy is based on resonated with her and she saw its life-changing benefits. She brings her exceptional science background and people skills to the team. Danielle is excited to be a part of a team that has such a huge impact on people's lives.

Fun Fact: During her time as a marine biologist, Danielle was responsible for a 150,000-gallon shark exhibit and the Giant Pacific Octopus exhibit.



Rob Polk | **Delos Therapist** | Chicago, IL

Why Delos Therapy? Rob had been a firefighter and paramedic for the past 12 years. Due to the physical demands of a career in firefighting, he saw a very high prevalence of soft tissue injuries. Rob's experience with traditional manual therapy techniques left him questioning how much impact he would be able to have. Once Rob became a therapist at Delos, he developed the firm belief that he can help clients alleviate pain and improve their overall health.

Fun Fact: Rob has been sewing since he was 10 years old and he was a band geek in school, playing clarinet, saxophone and later teaching himself flute and guitar.



Meg Lamm | **Delos Therapist** | Chicago, IL

Why Delos Therapy? With 18 years of involvement in healthcare, Meg has practiced a myriad of therapies. She has personally experienced the effects of chronic pain, and the limitations it can place on daily life. For Meg, finding Delos was like finding that "missing piece." Not only does she find tremendous value in the efficacy of Delos Therapy, but she also believes it has the capacity to change the protocol for pain management, bringing a level of relief that has remained elusive. Meg's quest has always been to get to the root of the problem. She believes that Delos' innovative method provides her with the capability to do just that.

Fun Fact: Meg derives much enjoyment from meditation and believes that the breadth of intention is so significant that it has the power to alter the outcome of any situation.



William Hernandez | **Delos Therapist** | Chicago, IL

Why Delos Therapy? William's professional background hasn't always been in healthcare, but it was his desire to help people, especially athletes, that led him to a career in treating pain. William personally understands the struggle of dealing with pain and the disappointing results of traditional modalities, which is what drove him to become a therapist at Delos Therapy. William is most excited to be a part of a team that is focused on professionalism, service quality and making a major impact on the world.

Fun Fact: William has a preauricular pit (hole near his ear), which less than 1% of the population has. He was invited to join the Chicago Jazz Band at 19.



Marc Pytlewicz | **Delos Therapist** | Roselle, IL

Why Delos Therapy? Marc became a therapist as a way to fulfill a lifelong interest in and natural ability of finding problem areas in muscles. When he turned his passion into a career, he first began to help athletes and coaches in the world of jiu jitsu. Being an athlete his whole life and an avid sports fan, Marc understands the mindset of athletes and knows the importance of muscular health when it comes to performance. After experiencing Delos Therapy himself and realizing how quickly it restructured muscles in his own problem areas, he was hooked and thrilled to be a part of the team.

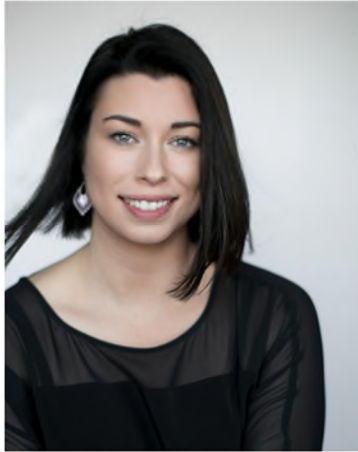
Fun Fact: Marc is a blue belt in Brazilian Jiu Jitsu, and he is a huge metal head with a soundproof room in his house where he plays the drums.



Nick Wade | **Delos Therapist** | Fostoria, OH

Why Delos Therapy? Nick comes to Delos with a lengthy bodywork history and is excited to bring his knowledge and experience to the team. He was drawn to Delos by the company's innovative approach and growing success in the world of pain management. Nick believes that Delos is the missing piece in not only educating people about muscular health, but truly helping them achieve long-term pain relief. He couldn't pass up the opportunity to become a part of the Delos team and deliver results to clients.

Fun Fact: Nick once rode the Gemini at Cedar Point 20 times in a row, and he has met deceased WWE legend Jimmy "SuperFly" Snuka.



Dayanne Bowden | **Delos Therapist** | Wheaton, IL

Why Delos Therapy? After seeing her mother suffer a stroke, Dayanne knew she wanted to be in the healthcare industry to help people. As a chronic pain sufferer herself, Dayanne sought answers while yearning for more fulfillment in her career. Dayanne knew that Delos Therapy and the company's culture and mission provided what she was looking for personally and professionally. At Delos, Dayanne sets out to provide a unique and therapeutic experience to help clients regain confidence and engage in activities that are part of everyday life.

Fun Fact: Dayanne has been to half of the states in America, and she was on a billboard when the Blackhawks won the Stanley Cup in 2015.



Brigitta Boyd | **Delos Therapist** | Budapest, Hungary

Why Delos Therapy? Brigitta began her medical career as a nurse over 30 years ago. After traveling the world while working on cruise ships, she returned to her medical roots in 2012 as a clinical massage therapist. Since her return, she has been searching for a more effective method for treating pain and stiffness and found her solution at Delos Therapy.

Brigitta is amazed by the Delos technique and the results she is able to provide for her clients. She can't imagine a better place for herself than being part of this world-class team.

Fun Fact: In her spare time, Brigitta creates handmade silver jewelry.



Emily Orlacchio | **Delos Therapist** | Charleston, SC

Why Delos Therapy? During her undergraduate studies in Psychology, Emily felt that there was a missing link in healing and wellness which was often ignored in traditional methods. This belief led her to find Pacific College where she studied acupuncture and graduated from the massage therapy program. Working in a gym made Emily realize the importance of muscular health and rehabilitation. After meeting Mimi, the co-founder of Delos Therapy, Emily discovered the efficacy of Delos Therapy and the success that the company had with pain management. Emily particularly likes working with athletes, weightlifters, and coaches, and enjoys the challenge of incorporating wellness practices into scheduled training programs. She believes that health begins with the health of the muscles. By drawing attention to body awareness and a true understanding of soft tissue health, Emily strives to help her clients prevent injuries before they happen and keep their bodies strong and efficient.

Fun Fact: Emily played the cello in an orchestra at a performing arts school.

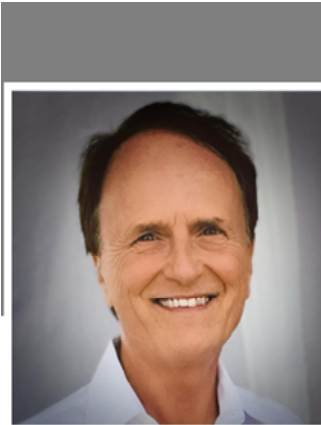


Alek Borrello | **Delos Therapist** | Alma, MI

Why Delos Therapy? Alek has always had a passion for helping others. Alek got his bachelor's in Integrated Physiology and Health Studies with a Minor in Psychology. Afterwards he proceeded to massage school and has been working in the field for over a year. Alek decided to come to Delos Therapy after being impressed with the combination of care and research that goes into our therapy. He is excited to start helping patients to return to pain-free living.

Fun Fact: Loves to talk about food all day! Loves to cook all sorts of dishes, one of his favorite dishes to cook is Boeuf Bourguignon. Alek also has a secret family pasta sauce.

How an Engineer Developed Delos Therapy



Lack of Success with Conventional Methods

Kenny's frustration and inability to find relief from conventional methods led him to turn his body into an engineering project, and he noticed some interesting observations about his muscles. The first observation was that the area that hurt felt stiff and weak, and the muscles felt hard and tight. In other areas of his body where there was no pain and normal function, the muscles were soft and spongy. He knew there had to be a pathological change happening in the hard muscle, but he had no knowledge about muscle anatomy. This is when he sought medical imaging to discover what might be happening inside of the muscle. However, every specialist said the images showed no issues and that his muscles were healthy. This is when Kenny concluded that whatever was happening pathologically inside the muscle wasn't being detected with conventional imaging.

Experimenting with Applied Pressure

Kenny also sought alternative means including massage, acupuncture, rolfing, trigger point therapy and other soft tissue methods. He noticed that anytime a practitioner applied static pressure, it seemed to be effective, but it was always combined with ineffective gliding techniques. Using a system of only pressure, he found that the muscles would soften at the location of the pressure, and the result was a decrease in pain and increase in range of motion. As he worked on himself using this philosophy of sustained pressure, he restored his body to normal function.

Early Success

Kenny was shocked that he was able to make this discovery without any medical training, but he knew that his engineering-based approach helped him troubleshoot and solve a common problem. After this revelation, Kenny ended up building a successful therapy practice in Houston, Texas. His impressive client base has included professional athletes Evander Holyfield, Carl Lewis, Warren Moon, the Houston Oilers and the Houston Rockets.

[Read More on Kenny Owens](#)

Client Stories

See <https://delostherapy.com/client-stories/testimonials/> for videos.

In The Press

In The News



ABC7 News - Eyewitness Interview with Tanja Babich

"Pain Awareness Month"

"Eric Owens, co-founder of Delos Therapy, joined ABC7 Chicago in the studio to discuss their techniques and how it treats chronic pain in honor of National Pain Awareness Month. Owens said Delos Therapy is a groundbreaking treatment for chronic pain, muscle stiffness and athletic injuries."

[View Video](#)



CPRTV - Interview with Veronica Leighton

"Delos Therapy's Solution: How to Treat Your Chronic Pain"

"Eric Owens discusses Delos Therapy's innovative pain management methods and how the science and business came to fruition."

[View Video](#)



Fox 32 - Step It Up with Steph Interview

"How To Make Your New Year Resolutions Stick"

"I'm friends with the co-founder of Delos Therapy... They really focus on restoring pliability in your muscles, and focus on what is the root cause of your pain..."

[View Video](#)

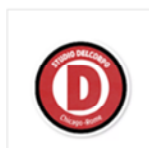


NBC News - Stephanie Monsour

"3 Common Strength Training Mistakes (and how to fix them)"

"Eric Owens, co-founder of Delos Therapy, says, 'Only training upper body and no legs will lead to an imbalance. It's important to train the upper and lower body equally along with balancing out pushing and pulling movements.'"

[View Article](#)



Studio DelCorpo - Bespoke Fitness Blog

"BESPOKE YOUR SELF-CARE!"

"Feeling sore or stuck with tight muscles? Have a muscular issue that needs resolution? Go where our clients go when they are in need of some targeted bodywork... Our neighbors at Delos Therapy!..."

[View Article](#)



Hinsdale Living Mag

"Breakthrough Therapy"

"Many people experience chronic pain, and despite first opinions, second opinions, massage therapy, and physical therapy, sometimes the pain just doesn't go away. Until they visit Delos Therapy."

[View Article](#)



Fit City Family Blog

"FitCityFamily Features: Mimi & Eric of Delos Therapy"

"It has therefore become [Eric's] life's mission to use the advanced Delos technique to alleviate pain and improve athletic performance, along with laying a foundation in the healthcare industry for more refined studies of the myofascial system."

[View Article](#)



EIN Presswire Article

"Delos Therapy Opens Fourth Location in Oak Brook"

"We are excited to open our fourth location... There aren't many solutions in the area for treating pain effectively, so we are extremely excited to be here to help," says Mimi Bosika, co-founder of Delos Therapy"

[View Article](#)



SVET Russian Media

"И БОЛЬ УЙДЕТ..."

"Делос терапия - это не физиотерапия и не хиропрактика. Это высокоточный, современный вид терапии, при котором воздействие на пострадавшую мышцу производится на всю ее длину. Базируется Делос терапия на научных работах и экспериментах, связанных с "вытягивающим" микромассажем мышц... Делос Терапия - реально революционный метод лечения."

[View Article](#)



Crain's Chicago Business

"How Much Exercise is Too Much?"

"I'm seeing an increase in clients who are participating in these high-intensity exercise classes," says Eric Owens, co-founder of Delos Therapy in Chicago and Hinsdale..."

[View Article](#)



WGN Radio

"Delos Therapy: 'Manipulate the Tissue'"

"What you should be addressing is loosening up that muscle tissue... when you loosen up that muscle tissue, a lot of the stiffness and the pain that you have will completely be alleviated..."

[View Article](#)



Step It Up with Steph Interview on Her Website

"Common Resolution Roadblocks and How to Succeed at your New Year's Goals"

"I can't recommend the incredible staff over at Delos Therapy enough. Delos is having a tremendous impact on the industry with their unique approach to muscular therapy."

[View Video](#)

[VIEW VIDEO](#)



Erica Finds Blog

"A New Finds' Fave: Delos Wellness + Another Fitness Preview"

"He worked on my glutes and hamstrings for about 25 minutes... I did feel looser and was able to move my hips more easily."

[View Article](#)



PR Log Article

"Delos Therapy Opens Fourth Location in Oak Brook"

"The theory behind Delos Therapy is that contracted muscles and fascia cause chronic pain... Therapists apply precise, systematic pressure to detailed points along the entire muscle in an area that hurts."

[View Article](#)

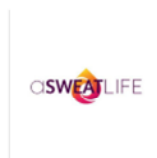


I Had a Big Lunch Blog

June Goals + National Running Day

"Thank goodness I discovered this place! It is life-changing! Delos Therapy is precise manual therapy for chronic pain and pain management."

[View Article](#)



A Sweat Life Blog

HOW TO #DELOSYOURSELF DURING HOLIDAY TRAVEL

"Holiday travel often results in stiff necks, wrenched backs, and tightened muscles from sitting in cramped spaces, warns Eric Owens, co-founder of Delos Therapy... For any areas that are feeling particularly stiff on your day of travel... Owens advises you to bring something to apply pressure to that area."

[View Article](#)

See <https://delostherapy.com/press/> for more press information.

SPECIAL USE PERMIT STANDARDS C-2 COMMERCIAL OVERLAY

1. *The establishment, maintenance, and operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare.*

The establishment, maintenance and operation of the medical pain management treatment using massage techniques at the Premises will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare. To the contrary, the therapy services provided by Delos Therapy will be supportive of and contribute to the public health, safety, comfort, morals, or general welfare. Delos Therapy operates five facilities throughout Chicago, Hinsdale and Oak Brook and has been providing therapy services since 2012.

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

The proposed special use will not be injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern. At the meeting before the Plan Commission, Delos Therapy will present the land planning evaluation and opinions of George Kisiel, AIA, AICP of Okrent Kisiel Associates, Inc. to support this standard.

The proposed special use will not diminish or impair property values in the immediate vicinity of the Property. At the meeting before the Plan Commission, Delos Therapy will present the valuation impact opinions of Mary Linberger, MAI, of Mary Linberger & Company to support this standard.

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

The establishment of the special use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for uses permitted by right in the district or districts of concern. At the meeting before the Plan Commission, Delos Therapy will present the land

planning evaluation and opinions of George Kisiel, AIA, AICP of Okrent Kisiel Associates, Inc. to support this standard.

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

Adequate measures will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways. At the meeting before the Plan Commission, Delos Therapy will present the traffic engineering report and opinions of Peter Lemmon of Kimley-Horn and Associates, Inc. to support this standard.

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

Adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the special use exists and/or will be provided. At the meeting before the Plan Commission, Delos Therapy will present the traffic engineering report and opinions of Peter Lemmon of Kimley-Horn and Associates, Inc. to support this standard.

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

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

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

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

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

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

before the Plan Commission, Delos Therapy will present the land planning evaluation and opinions of George Kisiel, AIA, AICP of Okrent Kisiel Associates, Inc. to support this standard.

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

The proposed special use at the proposed location will provide for active display windows, facades, signage and lighting similar in nature and compatible with that provided by retail uses. Delos Therapy does not propose and will not be making any changes to the existing windows, facades or signage.

10. *If the proposed special use provides multi-use areas, such as retail merchandise areas, restaurant dining areas, general office space, private offices, reception areas, or employee work areas, any proposed retail merchandise area or restaurant dining area shall be concentrated and located immediately adjacent to the sidewalk and clearly visible from the street in such a fashion as to invite customers to browse or dine.*

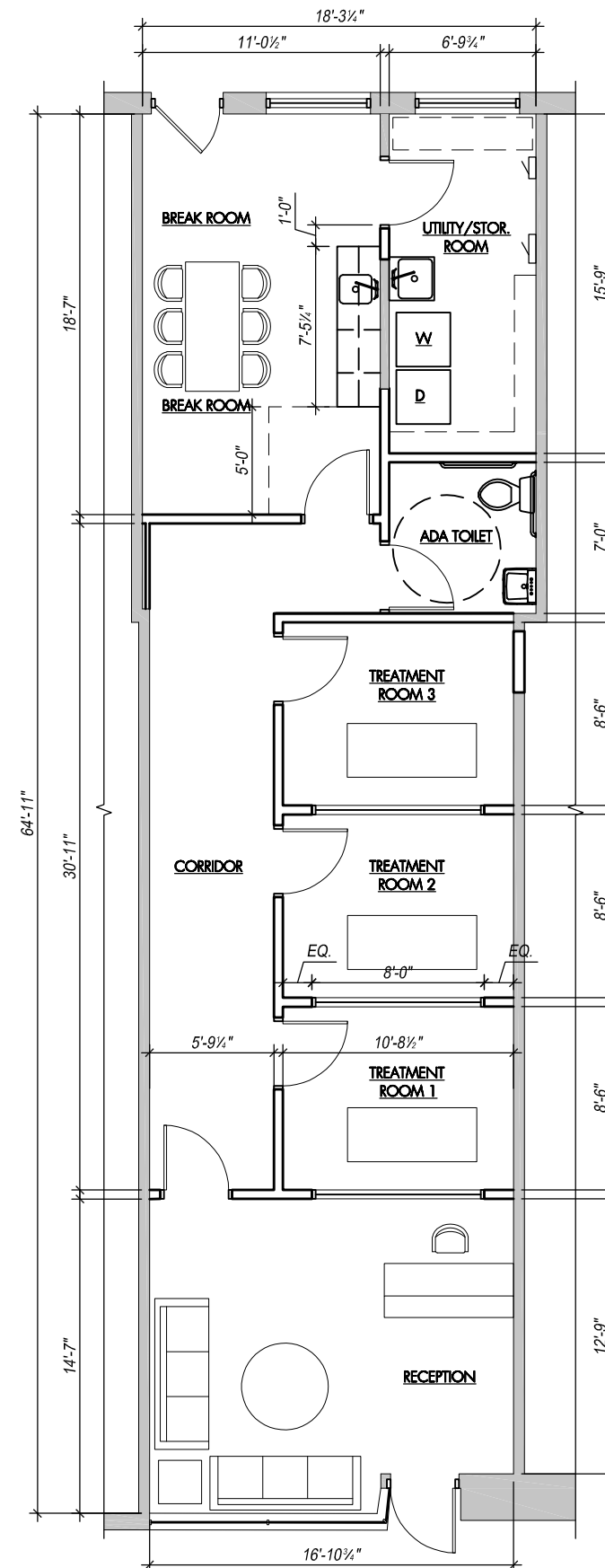
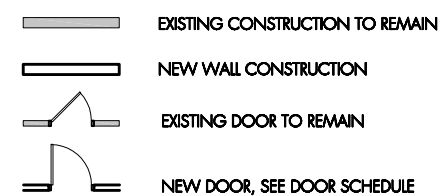
This standard is not applicable to the proposed special use because the proposed special use does not call for multi-use areas.

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

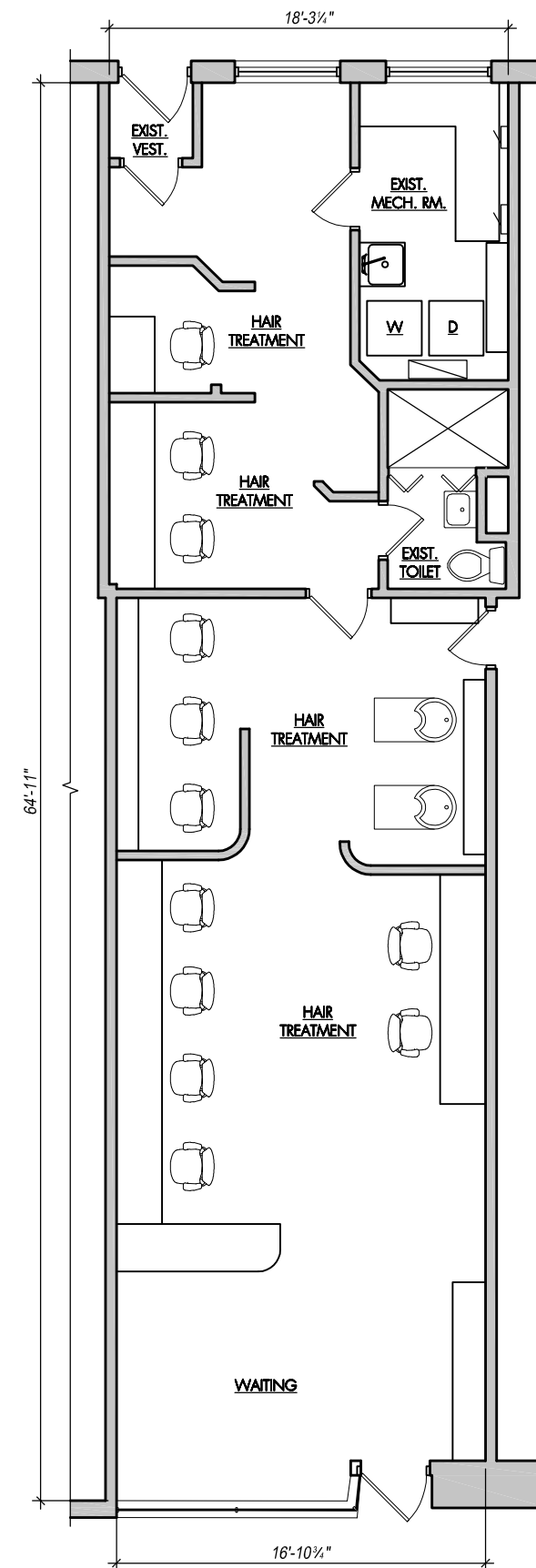
This standard is not applicable to the proposed special use because the application does not involve or call for a proposed new building.

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

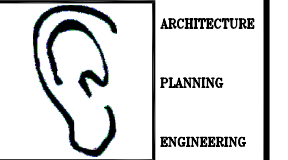
The proposed location and operation of the proposed special use will not diminish the availability of parking for district clientele wishing to patronize existing retail businesses. At the meeting before the Plan Commission, Delos Therapy will present the traffic engineering report and opinions of Peter Lemmon of Kimley-Horn and Associates, Inc. to support this standard.



PROPOSED MASSAGE THERAPY PLAN
 SCALE: 1/8" = 1'-0"
 NORTH
 PROPOSED USE: GROUP 'B' BUSINESS
 PROPOSED AREA: 1,118 S.F.



 **EXISTING HAIR SALON PLAN**
SCALE: 1/8" = 1'-0"
EXISTING USE: GROUP 'B' BUSINESS
EXISTING AREA: 1,118 S.F.



LINEAR
ARCHITECTS INC.

4849 N. Milwaukee Ave.
Suite # 306
Chicago, Illinois 60630
tel. 773.628.7273

NOTES:

NO.	DATE	DESCRIPTION

RECORD

DESCRIPTION:

PROPOSED DELOS THERAPY

547R N. LINCOLN AVE.
WINNETKA, IL 60093

EXISTING & PROPOSED FLOOR PLANS

Scale: AS SHOWN
Drawn: P.K.
Project No. 201910

Sheet Number:

A2.1

1/4/2020

Village of Winnetka

Regarding: Delos Therapy

To Whom It May Concern:

I grew up in the Northshore of Chicago and have been living in Highland Park for the last 5 years. I have also been a client and friend of Delos Therapy since their inception. To say this therapy is effective is not giving Delos the full credit they deserve. I have been involved in the fitness business for almost 25 years. So, I have a very good sense of what is effective and what is a fad. Delos is uniquely effective. At first glance one could mistake Delos Therapy for a version of massage, but it is not that at all. Delos's approach to pain relief is precise, science based, and most of all very effective. Having had many back, shoulder, and knee injuries over the years, I have gone to Delos Therapy many times. Every time by my second or third visit, I am completely recovered, ready to go back to a fully active life.

The team at Delos Therapy is incredible. The therapists go through extensive in-house training, and they are able to trace pain along the muscle structure. From there they apply just the right amount of pressure in a specific sequence to break up what they call the "congestion" in the muscle. Not only do they create pain relief, but they work diligently with their team on how to connect and interact with clients in a way that is on par with upscale environment such as the Four Seasons hotel or the Ritz Carlton.

I highly recommend welcoming Delos Therapy to the Northshore. I am confident they will fill a void in effective pain relief and be an anchor in the community. I have seen that ever community they open a Delos, they become involved in many events and boards. Mimi, Eric, and their team are highly community focused, and would make fantastic additions to the area.

Sincerely,

Eric Tepper

CEO – Founder GENSTRONG



Dear Village of Winnetka Board Members,

I'd like to share my insight into what a valuable addition I think a Delos Therapy location would be to the village of Winnetka. I can speak both from experience as a longtime client of Delos as well as a professional in the wellness industry.

Five years ago I struggled with Thoracic Outlet Syndrome for quite sometime. Despite frequent massage and PT I could barely sleep due to the intense nerve pain and tingling. In one treatment from Delos I couldn't believe the difference and continued with a treatment plan that completely relieved it. Additionally, over a course of several years I would have recurring episodes where my diaphragm would lock up causing excruciating pain, and difficulty breathing. After many doctors, multiple tests and no answers, Delos was able to release the fascia around the area releasing the bound tension and pain. It's been over a year since I've had an episode. I immediately sent my sister who was about to have her first of two knee replacements as a very young patient. She started a plan with Delos and her surgeon was amazed at her recovery and contributed the work to her ability to get back to "high-use". Additionally, I referred a friend who had been sleeping sitting up with frozen shoulder, after rotator cuff surgery, for 2 months and yet another Delos success story.

I've worked in the Wellness Industry for over 10 years as a Fitness Trainer, Health Coach and Yoga Teacher. I'm a firm believer in the role that the fascia plays in the health of our bodies. By storing physical and emotional trauma as well as overuse scar tissue build up, it limits mobility leading to injury and can contribute to a myriad of seemingly unrelated health issues.

I teach 5 yoga classes and 3-4 private yoga clients each week in Winnetka, Wilmette, Glencoe and Glenview suburbs. I work with a few committed college athletes, as well as adults suffering from overuse injuries. I use yoga as a therapeutic training approach and have recommended Delos to at least 15 students and/or clients. All who have found it life altering. The unique approach Delos uses to restore the health of the fascia is like no other approach to healing. Their professionalism coupled with their cutting edge knowledge will make them a successful business in Winnetka. I look forward to continuing to frequent Delos as well as refer students to an efficient easy solution to pain and injuries.

Please feel free to contact me with any questions.

Sincerely,

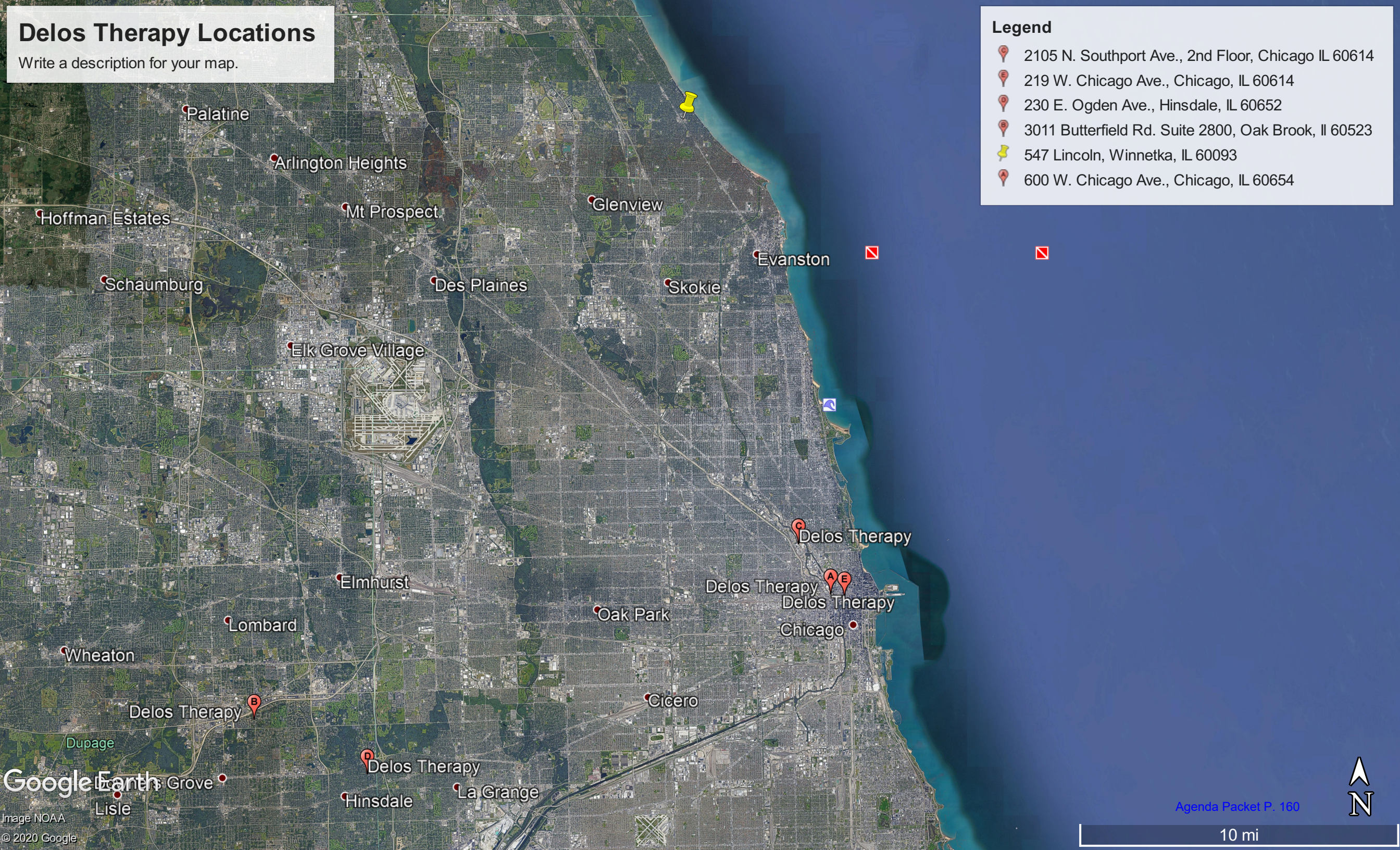
Cheri Weber
cheriweber.com
773-391-6673
cheriweber83@gmail.com

Delos Therapy Locations

Write a description for your map.

Legend

- 2105 N. Southport Ave., 2nd Floor, Chicago IL 60614
- 219 W. Chicago Ave., Chicago, IL 60614
- 230 E. Ogden Ave., Hinsdale, IL 60652
- 3011 Butterfield Rd. Suite 2800, Oak Brook, IL 60523
- 547 Lincoln, Winnetka, IL 60093
- 600 W. Chicago Ave., Chicago, IL 60654





Legal Counsel.

DINSMORE & SHOHL LLP
222 W. Adams ^ Suite 3400
Chicago, IL 60606
www.dinsmore.com

Lenny D. Asaro
(312) 428-2724 (direct) ^ (312) 372-6085 (fax)
Lenny.asaro@dinsmore.com

March 10, 2020

SENT VIA EMAIL (aklaassen@winnetka.org)

Ann Klaassen
Senior Planner
Village of Winnetka
510 Green Bay Road
First Floor
Winnetka, IL 60093

Re: 547 Lincoln Ave., Winnetka, IL
Delos Therapy, LLC
Special Use Permit Application

Dear Ms. Klaassen:

Delos Therapy (the "Applicant") has filed an application for a special use permit for the above-referenced retail space (i.e. the subject property) located in the C-2 Commercial Overlay District. The initial Plan Commission hearing is set for March 25, 2020. The Applicant has entered into a lease agreement to lease the approximately 1,100 square feet of building space.

In support of its application for a special use permit, the Applicant has retained a traffic consultant Kimley-Horn to prepare a traffic impact study. The Applicant estimates that it will be able to provide the study to the Plan Commission on or before March 25, 2020.

The prior use of the subject property was a hair salon. According to the floor plan for the prior use, there were 12 hair treatment chairs, two hair treatment sinks and a waiting area. Attached hereto is the floor plan showing the prior use. Based on the prior use, the maximum capacity for the hair salon was at least 24 hair treatment specialists and customers (i.e. 12 hair treatment chairs and 12 hair specialists). The waiting area capacity is estimated to be approximately six people. Therefore, the total maximum capacity is estimated to be 30 people. Based on information and belief, a traffic study was not required for the prior hair salon use. Also, based on information and belief, there was no evidence of any parking capacity or parking under supply issues caused by or resulting from the prior hair salon use.

Ann Klaassen
Senior Planner
Village of Winnetka

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The Applicant's proposed use is substantially less intense than the prior hair salon use. The Applicant's proposed use is for a highly specialized therapy service for chronic pain, muscle stiffness and athletic injuries. According to the floor plan for the proposed use, there will be a reception area for a maximum of six people, a receptionist and three treatment rooms. Attached hereto is the floor plan showing the proposed use. Based on the proposed use, the maximum capacity will be 13 people (i.e. six clients in the reception, one receptionist, three professional treatment providers and three clients receiving treatment). This total maximum utilization involving 13 individuals is substantially less than the total maximum utilization involving 30 individuals for the prior hair salon use.

The proposed use will be by-appointment only. Monday through Friday, the appointments will range between 6 AM and 7 PM and on Saturday and Sunday between 8 AM and 2 PM. Based on their operations at other facilities, the Applicant has a steady flow of clients throughout the day and serve an average of seven clients per day at each facility. At the subject property, initially after opening, the Applicant estimates that there will be between one and two full-time therapists. Thereafter, over the course of 3 to 5 years, the Applicant estimates there will be between four and five full-time therapists.

During the estimated peak hours, the Applicant estimates that the maximum utilization of the space will be 10 individuals (i.e. 4 to 6 clients and 2 to 4 professional treatment providers). However, the probability of maximum utilization is substantially low. Rather, the average utilization will be six individuals (i.e. 2 to 3 clients and 2 to 3 professional treatment providers).

The Applicant estimates the following percentage breakdown of the client profile:

Students: 20%
Adults: 60%
Elderly: 20%

The Applicant has been providing specialized therapy services since 2012 and operates at five locations throughout the Chicagoland area. Below is a breakdown of the locations and parking availability/capacity:

River North-600 West Chicago Ave., Chicago, IL 60654
Type of Property: Mixed use residential-retail eight story building
Size of Leased Space (est.): 800 ft.²

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Senior Planner
Village of Winnetka

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Maximum Capacity: 7
Average Capacity: 4
Number of Treatment Rooms: 2
Number of Seats in Reception Area: 3
Number of Parking Spaces-Total (est.): parking garage
Number of Parking Spaces-Delos Therapy: 2

Strength Society-219 West Chicago Ave., Sixth Floor, Chicago, IL 60654

Type of Property: Mixed use residential-retail six story building
Size of Leased Space (est.): 200 ft.²
Maximum Capacity: 3
Average Capacity: 2
Number of Treatment Rooms: 1
Number of Seats in Reception Area: 2
Number of Parking Spaces-Total (est.): street parking
Number of Parking Spaces-Delos Therapy: 1

Lincoln Park-2105 North Southport Ave., Second Floor, Chicago, IL 60614

Type of Property: Retail two story building
Size of Leased Space (est.): 1400 ft.²
Maximum Capacity: 13
Average Capacity: 7
Number of Treatment Rooms: 4
Number of Seats in Reception Area: 3
Number of Parking Spaces-Total (est.): street parking
Number of Parking Spaces-Delos Therapy: 2

Hinsdale-230 East Ogden Ave. (Inside Shred415), Hinsdale, IL 60521

Type of Property: Retail two-story building
Size of Leased Space (est.): 100 ft.²
Maximum Capacity: 3
Average Capacity: 2
Number of Treatment Rooms: 1
Number of Seats in Reception Area: 0
Number of Parking Spaces-Total (est.): 20
Number of Parking Spaces-Delos Therapy: 1

Oak Brook-3011 Butterfield Rd., Suite 280, Oak Brook, IL 60523

Type of Property: Mixed use shopping center-office
Size of Leased Space (est.): 1500 ft.²

Ann Klaassen
Senior Planner
Village of Winnetka

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Maximum Capacity: 10
Average Capacity: 4
Number of Treatment Rooms: 4
Number of Seats in Reception Area: 4
Number of Parking Spaces-Total (est.): outdoor parking lot
Number of Parking Spaces-Delos Therapy: 2

Based on the aforementioned information, consultation with the Applicant's traffic consultant and the Applicant's utilization of parking spaces at its other facilities, with respect to the proposed use at the subject property, there will be more than enough public parking available along Lincoln Avenue, Elm Street and the public parking lot located at approximately 586 Lincoln Ave. during normal business hours on a weekday and on weekends to meet the peak parking needs of the proposed use which is substantially less intense than the prior hair salon use.

Regards,

/s/ Lenny D. Asaro
Lenny D. Asaro

CC: Mimi Bosika
Nicole Daniel
Bobby Lucas

MEMORANDUM

To: Mimi Bosika
Delos Therapy, LLC

c/o Lenny D. Asaro
Dinsmore & Shohl LLP

From: Peter Lemmon, P.E., PTOE

Date: May 27, 2020

RE: Parking Evaluation
Proposed Delos Therapy
547 Lincoln Avenue
Winnetka, Illinois 60093

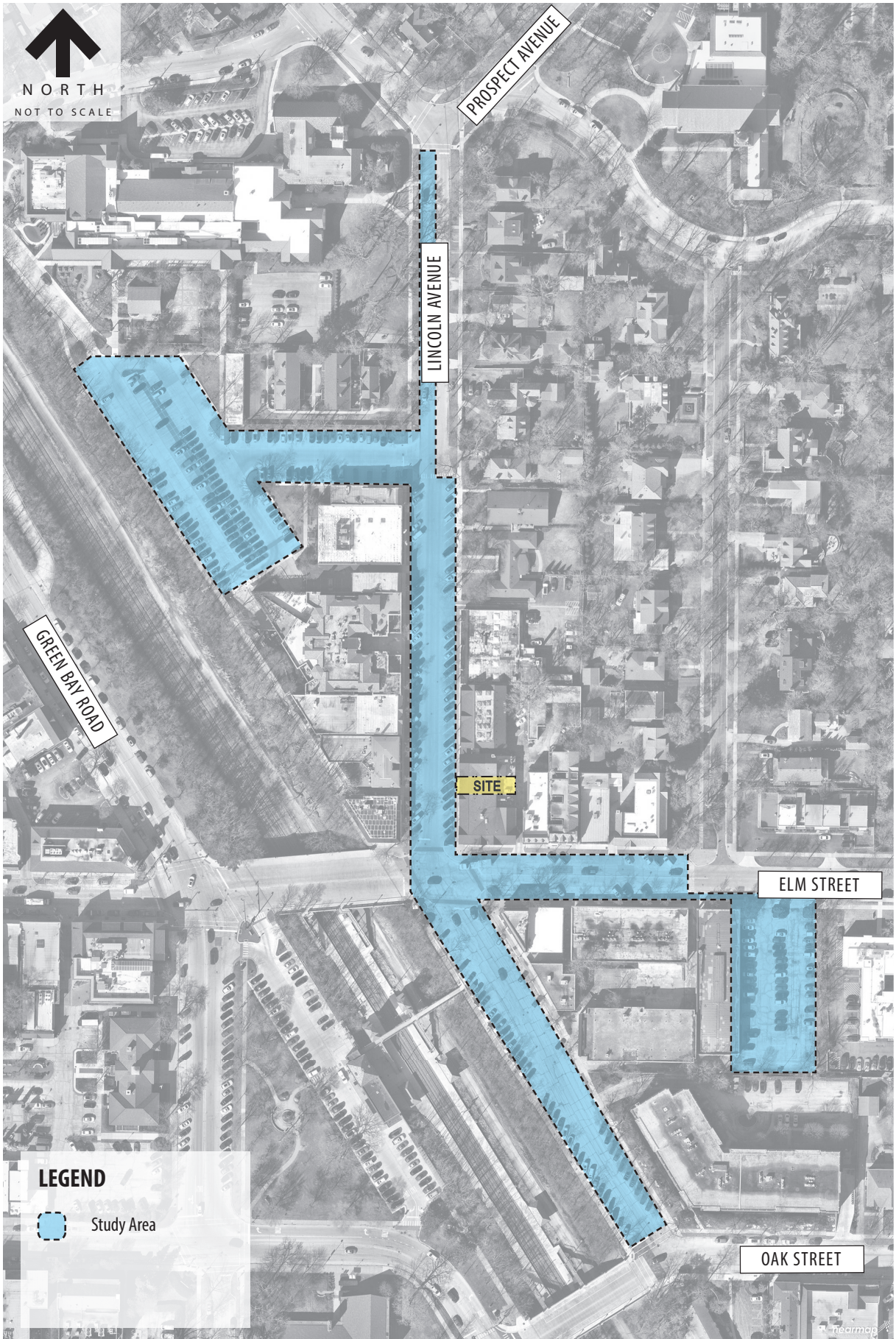
INTRODUCTION

On behalf of Delos Therapy, LLC, Kimley-Horn and Associates, Inc. (Kimley-Horn) has prepared a parking evaluation for a proposed re-use of an approximately 1,100-square-foot vacant commercial space at 547 Lincoln Avenue in Winnetka, Illinois. The subject site location is illustrated in **Exhibit 1**.

The proposed use provides specialized pain management treatment using a massage technique known as micro-stretching. Treatment will be provided by appointment on weekdays between 6:00 AM and 7:00 PM and weekends between 7:00 AM and 4:00 PM. The space plan includes three treatment rooms and a reception/waiting area. The subject space was previously occupied by Mark Beard, Ltd., a hair salon. Off-street parking dedicated to the space is not available. Employees and clients are expected to utilize nearby off-street permit parking (for employees) and on-street parking (for clients) along adjacent streets within the business district.

This memorandum summarizes the proposed plan, documents the methodology and evaluation of parking characteristics associated with the proposed plan relative to the previous hair salon use, and summarizes key findings of the evaluation.

With respect to Section 17.56.120-A-5 of the Zoning Ordinance, one of the key findings is that adequate parking necessary to the operation of the proposed use exists and with respect to Section 17.44.020-B-2-b-vi, the proposed location and operation of the proposed special use will not significantly diminish the availability of parking for business district clientele wishing to patronize existing retail businesses.



PROPOSED PLAN

The subject property is located in the C2, General Retail Commercial Overlay District. The building in which the subject space will be located is an approximately 24,000 square feet two-story brick and stucco Tudor-style structure. The mixed-use structure consists of ground-floor commercial spaces with what appear to be offices and residential apartments above.

The proposed plan for Delos Therapy includes use of approximately 1,100 square feet of currently vacant commercial space, previously occupied by a hair salon. Delos Therapy provides specialized therapy and treatment on a scheduled appointment basis during weekdays from 6:00 AM to 7:00 PM and weekends from 7:00 AM to 4:00 PM. The proposed space does not offer private off-street parking. Employees and clients are expected to utilize available off-street and on-street public parking in the surrounding business district. Similar to other businesses in the area, employees would use off-street parking in nearby public parking lots (Permit A designation) while clients are expected to primarily use on-street spaces along Lincoln Avenue and Elm Street.

While initial plans include fewer employees, operationally, the proposed Delos Therapy, on average, is expected to employ up to four (4) staff (three treatment providers and one administrative support staff) and provide three (3) client treatment rooms and waiting space for up to six (6) clients with upcoming scheduled appointments.

PARKING EVALUATION

Study Methodology

Typically, a parking impact assessment includes establishing the parking capacity and peak occupancy of spaces as a basis to compare the number of available spaces to the number of spaces that may be generated by the proposed use. At the time of this study, circumstances surrounding the COVID-19 public health situation has resulted in atypical traffic and parking conditions. Thus, the parking evaluation for the proposed Delos Therapy focuses on a relative comparison to the previous hair salon use at the subject property. To prepare a comparison, parking generation estimates for the previous and proposed uses were developed based on operational characteristics.

Parking Generation Comparison

Previous Use: Hair Salon (Mark Beard, Ltd.)

As previously noted, the subject site is currently vacant, but was previously occupied by a hair salon. According to the floor plan prepared for Delos Therapy, the previous hair salon provided 12 salon stations and a waiting area. For purposes of this assessment, peak parking demand estimates for the salon assume that each station was occupied by a client served by a stylist along with at least one receptionist. As a conservative approach to the comparison, no customers are assumed to be waiting on-site for a scheduled appointment. **Table 1** summarizes the estimated peak parking demand for the previous salon use.

Table 1. Peak Parking Projection (Previous Salon Use)

Description	User Category	Rationale Equation	Estimated Peak People (Parking Spaces ¹)
Salon Stations	Customers	12 stations x 1 customer/station	12
	Staff	12 stations x 1 staff/station	12
Reception	Staff	1 staff for the salon	1
Waiting Area	Customers	No customers are assumed in this evaluation	-
TOTAL			25

¹ Assume one parking space per person on site during the peak period

As outlined in Table 1, the previous salon is estimated to have generated a peak parking demand for 25 spaces. This estimate does not account for customers within the waiting area.

Proposed Use: Delos Therapy

The proposed Delos Therapy includes three treatment rooms, an administrative staff member and a waiting area with up to six (6) clients, representing clients waiting for the next two scheduled appointments for each treatment room. **Table 2** outlines the projected peak parking demand for the proposed Delos Therapy space. **Table 3**, summarizes a comparison of the projected peak parking demand for the previous and proposed uses at the subject site.

Table 2. Peak Parking Projection (Proposed Delos Therapy)

Description	User Category	Rationale Equation	Estimated Peak People (Parking Spaces ¹)
Treatment Rooms	Clients	3 rooms x 1 client/room	3
	Staff	3 rooms x 1 staff/room	3
Reception	Staff	1 staff for the clinic	1
Waiting Area	Clients	2 appointments/room x 3 rooms x 1 client/appointment	6
TOTAL			13

¹ Assume one parking space per person on site during the peak period

Table 3. Parking Generation Comparison (Proposed Delos Therapy vs. Previous Salon Use)

Scenario	Use	Estimated Peak People (Parking Spaces ¹)
Previous Use	Salon	25
Proposed Use	Delos Therapy	13
DIFFERENCE (Proposed – Previous)		-12

¹ Assume one parking space per person on site during the peak period

Based on the operation characteristics of the proposed Delos Therapy, the estimated peak parking demand is 13 spaces. In comparison to the hair salon that previously occupied the subject site, the proposed Delos Therapy use is expected to generate just over one half of the estimated peak parking generated by the previous salon use. Thus, as proposed, Delos Therapy is anticipated to have a reduced impact on parking conditions in the surrounding area relative to the previous salon or a similar salon tenant.

It should be noted that the two uses are generally expected to have similar hours of operation, although the proposed Delos Therapy use is proposed to be open by appointment during weekdays only. Most salons are open during weekends, but Kimley-Horn is not aware of the previous salon's hours and days of operation.

Surrounding Parking Options

With no private parking available with the subject commercial space, employees and clients of the proposed Delos Therapy are expected to utilize nearby off-street and on-street public parking options, similar to most businesses in the surrounding district. As part of this assessment, Kimley-Horn visited the site area to inventory existing parking supply, both on- and off-street, in the surrounding area that would reasonably serve employees and clients of the proposed Delos Therapy use. **Table 4** summarizes the current parking supply by location and type in the surrounding business district.

The surrounding area, including on-street parking along Lincoln Avenue (Prospect Avenue to Oak Avenue) and two public lots (one on Lincoln Avenue and one on Elm Street), maintains a total of 412 public parking spaces. When discounting 108 combined spaces designated as Permit C (44 spaces) and Permit A/C (64 spaces) serving Metra commuters, 304 spaces are offered to serve customer and business employee (Permit A) parking needs on weekdays. On weekends, 44 Permit C spaces that typically serve weekday Metra commuters are available for use along Lincoln Avenue south of Elm Street.

Table 4. Parking Supply in the Surrounding Business District

Location		Parking Space Type								
		Permit A	Permit C	Permit A/C	15-min	1-hour	90-min	2-hour	4-hour	Total
Off-Street										
Public Lot	586 Lincoln Avenue	50		64 ^{1, 2}			17 ³	8 ¹	21 ³	160
Public Lot	Elm Street	63 ⁴								63
Subtotal OFF-STREET		113	-	64 ^{1, 2}	-	-	17	8	21	223
On-Street										
Lincoln Avenue	Elm to Lot (E Side)						36 ³			36
	Elm to Lot (W Side)						33 ³			33
	Lot to Prospect (W Side)						11			11
	Elm to Oak (E Side)		11		1		21 ³			33
	Elm to Oak (W Side)		33				9			42
Elm Street	Lincoln to Lot (S Side)				1	21				22
	Lincoln to Arbor Vitae (N Side)					12 ³				12
Subtotal ON-STREET		-	44	-	2	33	110	-	-	189
Total		113	44	64	2	33	127	8	21	412

¹ Includes 2 ADA spaces

² Signed as Permit A/C Monday-Friday -or- 4-hour

³ Includes 1 ADA space

⁴ Signed as Permit A -or- 2-Hour (8 AM-5 PM). Includes 2 ADA spaces

While parking utilization counts in the surrounding area would not represent typical conditions due to circumstances associated with the COVID-19 public health situation, Kimley-Horn's understanding is that excess parking capacity is available in the business district.

In a recent Special Use Permit Application submitted by Blowdry Boutique, and heard by the Plan Commission in February 2020, for the property at 717 Elm Street, the Applicant indicated that from their experience, being located on the south side of Elm Street, parking in the area is underutilized. A letter from the Applicant stated "Parking in the East Elm shopping district is underutilized as is." The Applicant's current and planned locations are just around the corner from the subject property.

Based on the statements noted above for a similar application, use of a vacant commercial space, the parking in the surrounding business district during pre-COVID conditions appears to have been well under its capacity and provided adequate parking for additional uses, particularly if they are proposing to occupy existing commercial space that previously generated a higher parking demand.

SUMMARY AND RECOMMENDATIONS

Based on Kimley-Horn's review of the proposed plan, a comparison of peak parking demand estimates between the proposed Delos Therapy and the previous salon use, and an understanding of ample parking capacity being available based on other recent Special Use Applications, the proposed Delos Therapy is not expected to significantly impact the availability of parking spaces in the surrounding business district. Based on this review, Kimley-Horn offers the following key findings and recommendations.

- Relative to the previous hair salon use that operated at the subject property, the proposed Delos Therapy is expected to generate less parking demand than the previous user. Therefore, with respect to Section 17.56.120-A-5, adequate parking necessary to the operation of the proposed use exists and with respect to Section 17.44.020-B-2-b-vi, the proposed location and operation of the proposed special use will not significantly diminish the availability of parking for district clientele wishing to patronize existing retail businesses.
- Not including Permit C and Permit A/C spaces that provide parking for Metra commuters, over 300 public on-street and off-street spaces are available along Lincoln Avenue, Elm Street, and two nearby public parking lots. 44 spaces, designated for Metra commuters (Permit C) on weekdays, are available to serve business district parking demand on weekends.
- Employees of the proposed use that commute by car should secure a Permit A parking permit from the Village of Winnetka to orient parking demand towards off-street employee parking options while increasing the availability of convenient on-street parking for customers.

LINBERGER & COMPANY, LLC

REAL ESTATE APPRAISAL & CONSULTING SERVICES

June 12, 2020

Winnetka Plan Commission
510 Green Bay Road
Winnetka, Illinois 60093

Re: Proposed Delos Therapy Center
547 Lincoln Avenue
Winnetka, Illinois
PIN: 05-20-204-010 (part)

Ladies and Gentlemen,

Delos Therapy, LLC ("Delos"), is applying for a special use permit to provide specialized therapy for issues such as chronic pain, muscle stiffness and injury recovery at the above-noted location in downtown Winnetka. Under the applicable zoning for this area, these services are considered a special use. As part of the Delos application, I have been asked to evaluate whether its proposed special use will substantially diminish or impair property values in the immediate vicinity.

Based on the data and analyses contained in the following report as well as my review of the land planning report prepared by George Kisiel, AIA, AICP of Okrent Kisiel Associates, Inc. and the parking memorandum prepared by Peter Lemmon, P.E. PTOE of Kimley-Horn, it is my professional opinion that this proposed special use will in no way diminish or impair the values of properties in the immediate vicinity.

CURRENT CONDITIONS

Delos will occupy a first floor suite in the 543 Lincoln building, a two-story mixed use property which was constructed in about 1920. The building is on the northeast corner of Lincoln Avenue and Elm Street in what is known as the "East Elm" section of downtown Winnetka. This commercial district was first developed over 100 years ago and appears successful and well-occupied.

The East Elm area is zoned C-2 Retail-Commercial Overlay District. I have been advised that the Village of Winnetka has informed Delos that its proposed therapy center will require a special use permit.

The buildings in this neighborhood are primarily one and two-story structures with attractive traditional facades and are generally occupied by locally owned small businesses. They include a restaurant, a café, a takeout pizzeria, a catering company, a sandwich shop, a specialized fitness studio, a nail salon, a spa, a drycleaners, realtors' offices, a jewelry store, various boutiques,

1017 RIDGE AVENUE
EVANSTON, ILLINOIS 60202
PHONE 312.968.1017
EMAIL mary@marylinberger.com

a bank, medical/dental offices and a pharmacy. The space for which Delos has signed a lease agreement was previously occupied by a hair salon.

The mix of uses here is typical of the downtown areas of surrounding communities.

There is a municipal parking lot about 500 feet north of the Delos location on Lincoln Avenue, as well as free on street parking on both the east and west sides of Lincoln.

For many decades, Winnetka has been one of suburban Chicago's most affluent communities. As part of this research, I have reviewed transaction information on commercial properties here which have sold or leased over the past several years as well as information on properties that are currently available. Based on these data, I see no evidence that the economic profile of Winnetka is likely to change over the foreseeable future.

I have been familiar with this area for over 30 years since I come here frequently to shop and dine.

PROPOSED USE

Delos proposes to lease approximately 1,100 square feet that will be divided into three treatment rooms and a reception area with space for six clients plus the receptionist. Services will be available by appointment only on all week days as well as for more limited hours on the weekends.

At maximum capacity, the Delos suite can accommodate 13 persons including staff and clients. However, a Delos representative estimates that the peak usage is likely to be no more than 10 persons. The hair salon that previously occupied this space had 12 chairs with a maximum capacity for 30 persons including staff and clients. Therefore, the proposed use is substantially less intensive than the prior use.

COMPARABLE DELOS PROPERTIES

Delos started offering therapy in 2012 and now has five operations in the metro area (three on the north side of Chicago and one each in Hinsdale and Oak Brook). In arriving at my conclusions, I inspected these locations to evaluate their physical attributes and their environs. I observed the following:

- Two of these facilities (at 219 East Chicago Avenue in Chicago and at 230 East Ogden in Hinsdale) are very small (200 square feet or less with capacity for only three people) and are located within larger fitness studios.
- The three other facilities operate as standalone businesses and are larger (with 800 to 1,500 square feet and capacities of seven to 13 people). One is on the second floor of a commercial building (2105 North Southport Avenue in Chicago), one is on the rear elevation of a large commercial /residential building (600 West Chicago Avenue in Chicago), and the third is on the second floor of a shopping center (3011 Butterfield Road in Oak Brook).

- The free standing Delos locations are surrounded by businesses highly consistent with those found in Winnetka. They include restaurants, medical offices, spas, yoga studios, wine shops, jewelry stores and specialty retailers.
- The two suburban Delos locations have parking lots, while the Chicago locations rely on paid parking (both on and off street). The Winnetka location will have free on street parking as well as the use of a nearby free municipal lot.
- I see no evidence that the presence of Delos in any of these locations has in any way negatively impacted or diminished surrounding property values.

OTHER WELLNESS/FITNESS SERVICES IN EAST ELM

At 620 Lincoln, is the Winnetka Community House, a multi-activity facility that includes a fully equipped fitness center offering classes such as yoga, Pilates, kickboxing, dance and strength. At 529 Lincoln, is a studio for AIR Aerial Fitness that offers specialized classes that use suspended hammocks.

I consider the therapies offered by Delos to be complimentary with these nearby services.

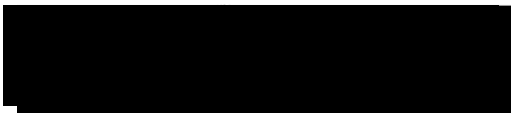
CONCLUSIONS

I conclude that this proposed special use will in no way diminish or impair the values of properties in the immediate vicinity. The bases for my opinion are as follows:

- The proposed use will be complementary to nearby wellness/fitness services and will not be redundant with them.
- The proposed use will not create a nuisance to surrounding businesses.
- The maximum capacity of Delos will be well below that of the hair salon which previously occupied this space. As a result, Delos should not place any undue burden on the area's parking. This opinion is based in part on my review of the parking memorandum prepared by Peter Lemmon, P.E. PTOE of Kimley-Horn.
- Delos operates therapy centers in five metro area locations where there is no evidence that their presence has negatively impacted surrounding property values.

Respectfully submitted,

LINBERGER & COMPANY, LLC

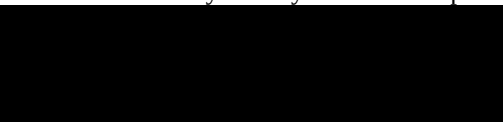


Mary M. Linberger, MAI

CERTIFICATION

I do hereby certify that, except as otherwise noted in this report:

- I have personally inspected the subject property. I have no present or contemplated future interest in the real estate that is the subject of this report.
- I have no personal interest or bias with respect to the subject matter of this report or the parties involved. The amount of the fee is not contingent upon reporting a predetermined opinion that favors the cause of the client, the attainment of a stipulated result, or the occurrence of a subsequent event.
- To the best of my knowledge and belief the statements of fact contained in this report, upon which the analysis, opinions, and conclusions expressed herein are based, are true and correct.
- I have not relied on any single item of information to the exclusion of other information and all data were analyzed within the framework of my judgment, knowledge, and experience. I have not withheld any pertinent information.
- This report sets forth all of the limiting conditions (imposed by the terms of the assignment or by me) affecting my analysis, opinions and conclusions.
- This report has been made in conformity with and is subject to the requirements of the Code of Professional Ethics and Standards of Professional Conduct of the Appraisal Institute.
- No other person has prepared the analysis, conclusions, and opinions concerning real estate that are set forth in this report.
- As of the date of this report, I have completed the requirements of the continuing education program of the Appraisal Institute and am certified by the state of Illinois.
- I will not be required to appear in Court or otherwise testify regarding this appraisal unless prior arrangements have been made.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.



Mary M. Linberger, MAI

CONTINGENT AND LIMITING CONDITIONS

This Certification is expressly subject to the following stipulations:

- I obtained the information, estimates, and opinions contained in this report from sources considered reliable and believed to be true and correct; however, I can assume no responsibility for accuracy.
- I assume that the title for this property is marketable.
- I assume no responsibility for matters of a legal nature.
- Neither all nor any part of the contents of this report shall be conveyed to the public through advertising, public relations, news, sales or other media, without my prior written consent and approval, particularly as to valuation conclusions, my identity, the firm with which I am connected, any reference to the Appraisal Institute, or any reference to the MAI designation.

QUALIFICATIONS

EDUCATION

Ms. Linberger was an undergraduate student at LeMoyne College in Syracuse, New York, and a graduate student at the University of Chicago. She holds the MAI designation from the Appraisal Institute and is a certified general appraiser in Illinois. She is a member of Lambda Alpha, a national land economics fraternity.

EXPERIENCE

Ms. Linberger has been engaged in providing real estate appraisal and consulting services for over 30 years. She was initially employed by the Marling Group, a Chicago-based firm that provided appraisal and consulting services to an institutional clientele on a national basis. In 1985, she formed her own firm.

AREAS OF SPECIALIZATION

Ms. Linberger specializes in providing testimony and other litigation support in areas such as condemnation and zoning. She has extensive experience estimating the value impact of factors such as special uses, zoning changes, environmental contamination, encroachments, easements and parking losses.

Some of her recent assignments have included:

- Evaluating the value impact on a large commercial property of a zoning ordinance that would substantially reduce the size of its exterior signage;
- Evaluating the impact of a proposed bed and breakfast on the values of surrounding historic homes in a lakefront neighborhood;
- Evaluating the value impact of a road widening which results in an irreplaceable parking loss for a funeral home;
- Evaluating the impact on downtown businesses of converting their privately owned and operated parking to free, municipally owned and operated parking;
- Estimating the value impact on a lakefront home of an easement that would grant its neighbors lake access across its front yard; and
- Evaluating the value impact of soil contamination from an adjoining property on a vacant commercial building being marketed for redevelopment by a major retailer.

CLIENTS

The following is a representative list of clients with whom she has worked:

Professional Firms

Dinsmore & Shohl
Dykema Gosset
Fidelity National Law Group
Helm & Wagner
Holland & Knight
Karaganis White & Magel
McGladry
Neal & Leroy
Polsinelli Shughart RSM
Swanson, Martin & Bell
Taft Stettinius & Hollister
Walker Wilcox Matousek, LLP

Public Bodies

Chicago Department of Aviation
Chicago Public Building Commission
Chicago Public Schools
Chicago Transit Authority
Illinois Department of Transportation
University of Illinois

Municipalities

City of Berwyn
City of Chicago
City of Elmhurst
City of West Chicago

Lenders

Bank of America

Delos Therapy LLC

547 Lincoln Ave., Winnetka, Illinois

Special Use Evaluation pursuant to **§ 17.44.020.B.2.b** and **17.56.120** of the Winnetka Zoning Ordinance in support of an application for special use in the C2 General Retail Commercial Overlay District.

By: George V. Kisiel, AIA, AICP



President, Okrent Kisiel Associates, Inc.

Date: May 26, 2020



I. Proposal

The applicant, Delos Therapy LLC, is seeking a special use to establish a facility for a highly specialized therapy service for chronic pain, muscle stiffness and athletic injuries. The applicant proposes to establish the special use in a ground floor tenant suite of an existing two-story building located at the northeast corner of Lincoln Ave. and Elm Street in downtown Winnetka. The address of the tenant suite is 547 Lincoln Ave.

The subject property is located in the C2 General Retail Commercial Overlay District. The site is generally rectangular in shape, and measures ap-

proximately 80 feet (east-west) by 200 feet (north-south) encompassing $\pm 15,000$ square feet in area. It has ± 200 feet of frontage on Lincoln Ave., and ± 80 feet of frontage on Elm St. The proposed special use will occupy approximately sixteen feet of frontage along Lincoln Ave. and 1,118 s.f. of interior space.

The subject property is improved with a $\pm 24,000$ s.f. two-story brick and stucco Tudor style structure built over 100 years ago. A driveway off Elm St. leads to a modest loading/service area at the rear of the building. The mixed use structure consists of ground floor commercial spaces with offices and residential apartments above.



Subject Property: 547 Lincoln Avenue



The proposed use will occupy the space formerly leased by Mark Beard LTD Salon, pictured above

The applicant, Delos Therapy, LLC, proposes to establish a highly specialized therapy service for chronic pain, muscle stiffness and athletic injuries. The use is classified as a Personal Service Establishment under the Winnetka Zoning Ordinance (§ 17.46.010.B) and requires a special use permit in the C2 General Retail Commercial Overlay District. The applicant is an experienced operator providing specialized therapy services since 2012 with current facilities at five locations throughout the Chicagoland area, including three in Chicago (219 W. Chicago Ave., 600 W. Chicago Ave., and 2105 N. Southport Ave.), one in Hinsdale, and one in Oak Brook.

The proposed use will be by-appointment only. Monday through Friday, the appointments will range between 6 AM and 7 PM and on Saturday and Sunday between 8 AM and 2 PM. Based on their operations at other facilities, the Applicant has a steady flow of clients throughout

the day and serves an average of seven clients per day at each facility. At the subject property, initially after opening, the Applicant anticipates that there will be between one and two full-time therapists. Thereafter, over the course of 3 to 5 years, the Applicant estimates there will be between four and five full-time therapists.

During peak hours, the Applicant estimates that the maximum utilization of the space will be 10 individuals (i.e. 4 to 6 clients and 2 to 4 professional treatment providers). However, the probability of maximum utilization is substantially low. Rather, the average utilization will likely be six individuals (i.e. 2 to 3 clients and 2 to 3 professional treatment providers). The applicant estimates that 20% of its clientele will be students, 60% will be adults and 20% senior citizens.

The Applicant's proposed use is substantially less intense than the prior hair salon use. According to the floor plan for the proposed use, there will be a reception area for a maximum of six people, a receptionist and three treatment rooms. Based on the proposed use, the maximum capacity will be 13 people (i.e. six clients in the reception, one receptionist, three professional treatment providers and three clients receiving treatment). This total maximum utilization involving 13 individuals is substantially less than the total maximum utilization involving 30 individuals for the prior hair salon use. The plans below illustrate the difference in the two facilities.



II. Land Use Context

Winnetka is served by three Metra Union Pacific North Line stations. As a result, the municipality's commercial land uses are fragmented and spread out, adjacent to these three transit nodes. The subject property is located steps from the Metra Union Pacific North Line Winnetka Station. This centrally located commercial node acts as the community's civic center and as its central business district having the greatest concentration of restaurant, retail and service uses. It is home to the Village Hall and Village Green and the Winnetka Community House. The downtown central business district is divided by the Metra tracks into the East Elm District and the West Elm District each with their own distinct character. The West Elm District is home to al fresco dining options, boutiques, home furnishings and antique shops whereas the East Elm District boasts upscale dining, fashion boutiques, jewelry stores, antique dealers and salons.

The subject property is located in the East Elm District. Notable neighbors include Little Ricky's (upscale casual dining), Cafe Aroma, Orrington Jewelers, M. Stefanich Antiques and Sara Campbell Boutique (upscale fashion). Other service uses in the area include AIR Aerial Fitness, AJ Retreat (foot therapy and reflexology) and Spa Nail City (nail salon). The proposed Delos Therapy facility fits well within this land use context.

III. Standards Evaluation

The general criteria for the approval of special uses are contained in § 17.56.120 of the Winnetka Zoning Ordinance. Additional criteria for properties located in the C2 General Retail Commercial Overlay District are contained in §17.44.020.B.2.b. These criteria are reproduced below with responses to each immediately following. Criteria 1 – 6 are the general criteria contained in §17.56.120 and criteria 7-12 are the additional standards contained in §17.44.020.B.2.b for properties in the overlay district.

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

Response: The proposed use is modest in size (±1,100 s.f.) and replaces a personal service use (beauty salon) that was similar in character but more intense in terms of occupant capacity and clientele. The prior use consisted of twelve chairs with an estimated capacity of 30 occupants whereas the proposed use— a highly specialized therapy service for chronic pain, muscle stiffness and athletic injuries— will consist of only three therapy rooms. It is estimated that three to five years out the occupant capacity of the proposed use will be 10 individuals compared to 30 individuals for the prior salon use. The proposed arrangement of spaces indicated in the floor plans produced by Linear Architects, Inc. place the reception area adjacent to the sidewalk and maintains the existing trans-

parent glass storefront providing visual contact with the pedestrian environment keeping “eyes on the street” in support of pedestrian safety and comfort. A review of the record of recent Plan Commission agenda items reveals references to the under-utilization of local parking facilities [see Winnetka Plan Commission Regular Meeting, Agenda Packet, Agenda Item 6 (Case No. 20-05-SU: 717 Elm St. – Blowdry Boutique, page 7) and Winnetka Plan Commission Meeting Minutes, February 26, 2020, page 2]. A traffic and parking analysis prepared by Kimley-Horn and Associates, Inc. indicates no negative traffic impacts and adequate existing parking capacity for the proposed use. Given the foregoing, the proposed use will not be detrimental to or endanger the public health, safety, comfort, morals, or general welfare.

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

Response: The proposed special use is compatible with, and similar in character to, the restaurant, retail and service uses in the vicinity, modest in size and less intense than the prior hair salon use in this location. As such, the proposed special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern. As the proposed use is modest in size and intensity, and compatible from a land use perspective, there is

no reason, from a planning perspective that it would substantially diminish or impair property values in the immediate vicinity. A valuation impact report by Linberger & Company LLC indicates no negative impact on property values in the immediate vicinity due to the proposed special use. Given the foregoing, the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity which are permitted by right in the district or districts of concern, nor substantially diminish or impair property values in the immediate vicinity.

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

Response: As indicated earlier, the proposed special use is modest in size and less intense than the prior hair salon use in this location. It is compatible with surrounding uses and is located in a ground floor tenant space an existing building. No new construction is proposed. As noted earlier, recent Plan Commission records reveal references to under-utilization of local parking facilities. As demonstrated in the traffic and parking study performed by Kimley-Horn and Associates, Inc. there will be no negative impact on parking resources or traffic capacity in the vicinity that would impede future development in the area. Given the foregoing, the establishment of the special use will not impede the normal and orderly development or improvement of other property in the immediate vicinity for

uses permitted by right in the district or districts of concern.

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

Response: As the proposed use will occupy a tenant space in an existing building, no changes are contemplated with regards to the configuration of ingress and egress to the location or the proposed special use. The proposed use is less intense than the prior hair salon use and the traffic study authored by Kimley-Horn and Associates, Inc. indicates no issues with vehicular traffic or congestion in the public way. Again, as noted earlier, recent Plan Commission records reveal references to under-utilization of local parking facilities. No additional driveways or impediments to the pedestrian environment are planned and adequate sidewalk space is available to handle pedestrian traffic to and from the location as was the case with the prior, more intense salon use. Given the foregoing, That adequate measures have been or will be taken to provide ingress and egress in a manner which minimize pedestrian and vehicular traffic congestion in the public ways.

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

Response: The proposed use is located in a tenant space in an existing building that is well served by utilities, drainage and other facilities. The

proposed use is modest in size and less intense than prior salon use and will not burden existing systems. At less than 2,500 s.f. ($\pm 1,100$ s.f.), the proposed non-residential use on the ground floor of an existing building located in the C2 General Retail Commercial District, requires no off-street parking facilities per §14.46.110 (B) of the Winnetka Zoning Ordinance. The traffic study authored by Kimley-Horn and Associates, Inc. indicates adequate parking and access roads to service the proposed use without any negative impact on parking or roadway capacity for other current or future uses in the vicinity of the subject property. Given the foregoing, adequate parking, utilities, access roads, drainage, and other facilities necessary to the operation of the special use exist.

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

Response: The proposed use will be located in an existing structure that complies with all zoning ordinance requirements. As referenced earlier, no additional off-street parking is required. Plans prepared by Linear Architects, Inc. will comply with all applicable codes and the applicant will secure any licenses or authorizations required by state and local authorities. Given the foregoing, the special use in all other respects conforms to the applicable regulations of this and other village ordinances and codes.

7. The proposed special use at the proposed location will encourage, facilitate and enhance the continuity, concentration, and pedestrian na-

ture of the area in a manner similar to that of retail uses;

Response: The proposed use is similar in character to surrounding uses, and, while less intense than the prior hair salon use will, nonetheless, draw customers to the area and continue to enhance the pedestrian character of the 500 block of Lincoln Ave. The proposed floor plan by Linear Architects, Inc. preserves the transparent glass storefront at the 547 Lincoln address and locates the reception area adjacent to the sidewalk. This treatment is consistent with and continues the pedestrian-friendly character of the block similar to that of the retail uses in the area. Given the foregoing, the proposed special use at the proposed location will encourage, facilitate and enhance the continuity, concentration, and pedestrian nature of the area in a manner similar to that of retail uses.

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

Response: The proposed use occupies only ±16 feet of frontage and replaces a prior service use. As such, it does not interrupt the existing or potential continuity of retail uses along the block frontage. As indicated earlier, the proposed floor plan by Linear Architects, Inc. preserves the transparent glass storefront at the 547 Lincoln address and locates the reception area adjacent to the sidewalk. This treatment is consistent with and continues the pedestrian-friendly character of the block similar to that of the retail

uses in the area. Given the foregoing, location of the proposed special use along a block frontage provides for a minimum interruption in the existing and potential continuity and concentration of the retail uses along the block's frontage.

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

Response: Again, as indicated earlier, the proposed floor plan by Linear Architects, Inc. preserves the transparent glass storefront at the 547 Lincoln address and locates the reception area adjacent to the sidewalk. This treatment is consistent with and continues the pedestrian-friendly character of the block similar to that of the retail uses in the area. Lighting and signage will be consistent with ordinance standards and compliment the existing character of the block. Given the foregoing, the proposed special use at the proposed location will provide for active display windows, facades, signage and lighting similar in nature and compatible with that provided by retail uses.

10. If the proposed special use provides multi-use areas, such as retail merchandise areas, restaurant dining areas, general office space, private offices, reception areas, or employee work areas, any proposed retail merchandise area or restaurant dining area shall be concentrated and located immediately adjacent to the sidewalk and clearly visible from the street in such a fashion as to invite customers to browse or dine;

Response: The floor plan for build out of the

proposed special use places the reception area immediately adjacent to the sidewalk similar to the prior salon use. No change is contemplated to the transparent glass storefront providing visibility to the interior of the space and reception area consistent with the requirement of this standard.

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

Response: Not applicable as there is no proposed new construction.

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

Response: As indicated earlier, the proposed use, while similar in character is less intense than the prior hair salon use and the traffic and parking capacity study by Kimley-Horn and Associates, Inc. demonstrates no negative impact on the availability of parking for district clientele wishing to patronize existing retail businesses. Also, as noted earlier, recent Plan Commission records reveal references to under-utilization of local parking facilities.

IV. Conclusions

Given the foregoing analysis the following are my conclusions:

- The proposed use satisfies the criteria for review of special uses contained in § 17.44.020.B.2.b and 17.56.120 of the Winnetka Zoning Ordinance;
- The proposed use is compatible with and complementary to the existing land use context;
- The proposed use is less intense than the prior hair salon use in its location and will cause no burden on traffic, parking or any other public service;
- The proposed use will have no negative impact on surround uses; and
- That no public purpose of any kind would be served by the denial of the requested special use.

Memorandum

To: Winnetka Plan Commission
CC: Ann Klaassen
From: Steven M. Saunders, Director of Public Works/Village Engineer
Date: June 16, 2020
Re: Special Use Permit Application – 547 Lincoln Avenue: Delos Therapy

I have reviewed the Special Use permit application to allow a therapy office (Delos Therapy) at 547 Lincoln Avenue, in the C2 Retail Overlay District in East Elm. The proposed location is on the east side of Lincoln Avenue just north of Elm Street. Among the conditions to be satisfied for a Special Use to be granted is the following:

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

To demonstrate compliance with the above, a parking study was performed in May, 2020, by Kimley-Horn, Inc. It should be noted that during the time when the application was being prepared and filed, commercial activity in the district was severely curtailed due to the COVID-19 stay-at-home order and business restrictions. As a result, the typical study methodology of identifying total parking capacity in the vicinity of the project, current parking availability, and proposed parking demand for the Special Use, could not be accurately employed. The applicant undertook to evaluate the parking demand using the following alternate methodology:

Study Methodology

Typically, a parking impact assessment includes establishing the parking capacity and peak occupancy of spaces as a basis to compare the number of available spaces to the number of spaces that may be generated by the proposed use. At the time of this study, circumstances surrounding the COVID-19 public health situation has resulted in atypical traffic and parking conditions. Thus, the parking evaluation for the proposed Delos Therapy focuses on a relative comparison to the previous hair salon use at the subject property. To prepare a comparison, parking generation estimates for the previous and proposed uses were developed based on operational characteristics.

While this is not a preferred method of analyzing parking impact of a development, it is a reasonable proxy for a relatively small proposed use given the current environment.

For this proposed use, on-street parking is currently available on Lincoln Avenue and on Elm Street, and surface parking is located at the Lincoln Avenue and Elm Street Parking Lots. Kimley-Horn's parking inventory is shown below:

Table 4. Parking Supply in the Surrounding Business District

Location		Parking Space Type								
		Permit A	Permit C	Permit A/C	15-min	1-hour	90-min	2-hour	4-hour	Total
Off-Street										
Public Lot	586 Lincoln Avenue	50		64 ^{1,2}			17 ³	8 ¹	21 ³	160
Public Lot	Elm Street	63 ⁴								63
Subtotal OFF-STREET		113	-	64 ^{1,2}	-	-	17	8	21	223
On-Street										
Lincoln Avenue	Elm to Lot (E Side)						36 ³			36
	Elm to Lot (W Side)						33 ³			33
	Lot to Prospect (W Side)						11			11
	Elm to Oak (E Side)		11		1		21 ³			33
	Elm to Oak (W Side)		33				9			42
Elm Street	Lincoln to Lot (S Side)				1	21				22
	Lincoln to Arbor Vitae (N Side)					12 ³				12
Subtotal ON-STREET		-	44	-	2	33	110	-	-	189
Total		113	44	64	2	33	127	8	21	412

¹ Includes 2 ADA spaces

² Signed as Permit A/C Monday-Friday -or- 4-hour

³ Includes 1 ADA space

⁴ Signed as Permit A -or- 2-Hour (8 AM-5 PM). Includes 2 ADA spaces

It should be noted that this inventory includes 44 C-Permit spaces that are primarily designated for commuters. Based on past occupancy counts showing that these spaces are nearly 100% used by commuters, they should not be included as part of the available parking inventory.

Kimley-Horn evaluated comparative occupancy and parking demand between the previous tenant, a hair salon, and the proposed Delos Therapy, by comparing the total number of stations/rooms and assuming full use of the facilities. This methodology shows a reduction in comparative parking demand of -12 parking spaces. This represents an aggressive, best-case scenario that assumes completely full occupancy for the previous business. A conservative approach that assumes a less-thriving "before" condition in which, say, 50% of the stations in the hair salon were occupied, would result a net-zero comparative parking demand (13 spaces for each condition). Even under this conservative approach, it would appear that granting the Special Use Permit would not result in impairment of parking within the East Elm Business District.

From: [REDACTED]
To: [Asaro, Lenny](#)
Cc: [Mimi Bosika](#)
Subject: Support for Delos Winnetka
Date: Saturday, June 13, 2020 4:41:28 PM

Mimi and Lenny, please edit as you see fit. Here's my letter:

To whom it may concern,

My name is Stephen Kao and I am a new resident of Winnetka (just closed this week). I have lived in the Gold Coast and River North neighborhoods of Chicago for the past 15 years, but with two young children, I decided that it was time to follow friends of mine to the North Shore.

During my time as a lead trader at Jump Trading, I have maintained an active lifestyle. And the combination of a sedentary work environment and intense workouts lead to a very common occurrence in today's society: chronic back and neck pain. After years of not so silent suffering, I was introduced by a friend to the founders of Delos Therapy. I tried the treatment and was blown away. I immediately became a believer and subsequently an investor and partner.

I think the treatment is truly transformative for pain management and that Delos Therapy should be easily accessible to those that are suffering from pain. In other words, a Delos Therapy location will be an asset to Winnetka. As someone who will be working from home fairly frequently and hoping to spend as much time in my new neighborhood, close access for me will be incredibly valuable.

Stephen Kao

Sent from my iPad

June 15th, 2020

From: Shift Medical, Ltd. (FEIN 81-1856783)
Attn: Village of Winnetka
Cc: Delos Therapy
Re: **Special use permit**

To Whom It May Concern:

Thank you for taking the time and consideration to read my note. It has recently been brought to my attention that there has been some question and inquiry into the treatment modality of Delos. It is my understanding that they are seeking a special use permit. I'm writing today to share my opinion and perspective as a physician, a patient, and a health care executive and innovator.

As a practicing physician, who provides medical care for folks across the country with a focus on clinical excellence, I have a role to inquire, investigate and seek data when understanding different approaches. I believe that if I'm making any referral or recommendation, it is my duty and responsibility to work through what exactly my patients will be receiving, the risk/reward analysis and the potential unforeseen circumstances. It's our job to fulfill the Hippocratic oath and to be thoughtful about the impact of our recommendations. Therefore I do not make unilateral recommendations as no two patients are the same. Each individual requires time, attention and care.

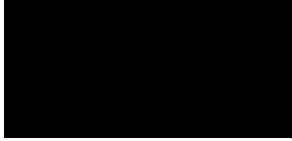
Having practiced for over 13+ years (University of Chicago and SHIFT), served as one of the former team doctors for the Chicago Blackhawks (during the 3 Stanley Cups), I want to express my strongest possible recommendation that Delos receives the approvals it needs. I consider Delos as a necessary treatment regimen for many of my members and patients. Delos takes an approach that is clinical, safe, effective, and yields strong results. At Delos, they repeatedly apply a technique to increase muscle mobility, pliability and elasticity. There is a strong and growing body of evidence that demonstrates the clinical utility value. As a clinician, I have seen the improvement and value for and with many of my patients. As a patient I experience the benefit and can speak medically to the value it brings to my body, its performance and healing.

Delos is not massage, nor should it be considered in the same category. Technically, it does not use oils, there is no disrobing, there's no 'mood setting' or massage types chosen. Delos treatments are all fully clothed and done in 20 or 50 min slots, where by making the time extremely manageable in one's daily routine and life. This approach is much more clinically focused as people are coming in for their treatments and moving on; as opposed to the massage/spa experience. Specifically, in the context of a work day, someone can get a 20 minute appointment, walk in one minute before, leave immediately after completion and be back to their day, it provides an effective and streamlined experience. Most people hold massage as a way to 'destress and unwind,' a spa like experience if you will with essential oils, varying techniques, and a way to put your mind at ease.

Delos is a treatment modality meant to break up collagen formation (scar tissue) deep in the muscle bellies through the application of pressure and shearing forces (compression and tension), in order to establish and re-establish muscle pliability. The philosophical and scientific approach is spot on to the principles of physiologic restoration. Understanding the science is important. Most massage does not and cannot do as they focus on superficial surface techniques, as opposed to the muscle belly.

It is my belief that the Village of Winnetka and the community would greatly benefit from the services rendered by Delos.

In good health.



Ari Levy, MD | Founder, CEO
SHIFT

#

Attachment 2

WINNETKA PLAN COMMISSION EXCERPT OF MEETING MINUTES JUNE 24, 2020

Members Present:

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

Non-voting Members Present:

John Swierk

Members Absent:

Jay Vanderlaan

Village Staff:

David Schoon, Director of Community Development
Brian Norkus, Assistant Director of Community
Development
Ann Klaassen, Senior Planner

Village Attorney:

Benjamin Schuster

Case No. 20-11-SU: 547 Lincoln Avenue – Delos Therapy: An application submitted by Delos Therapy, LLC seeking a Special Use Permit to allow a medical pain management treatment office in the C-2 General Retail Commercial Overlay District at 547 Lincoln Avenue. The Village Council has final jurisdiction on this request.

Ms. Klaassen stated the application was filed by Delos Therapy for a special use permit to allow a medical pain management treatment office on the ground floor at 547 Lincoln Avenue. She stated the subject property is one of the first-floor commercial spaces located in the two-story multi-use building at 545-561 Lincoln Avenue. Ms. Klaassen noted the space is currently vacant and was most recently occupied by Mark Beard Salon. She stated other building tenants include Aerial Fitness to the north and Café Aroma to the south as well as a combination of office uses and apartments above.

Ms. Klaassen stated the subject property is located in the commercial overlay district identified in the zoning map in the red hatched area. She stated the overlay district allows non-retail uses such as personal services uses as well as medical uses but required they be evaluated by the Commission and Village Council as a special use. Ms. Klaassen stated it is important to note that a use that is classified as a special use is an allowed use as long as the applicant can demonstrate the use in its proposed location meets the applicable standards for granting a special use.

Ms. Klaassen then stated the applicant is proposing to operate Delos Therapy in the approximately 1,100 square foot space which occupied 17 feet of building street frontage. She stated the applicant's service is a specialized therapy service for chronic pain, muscle stiffness and athletic injuries and has been in operation since 2012 with five locations in Chicago, Hinsdale and Oak Brook and they intend to operate 7

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3# days a week by appointment only. Ms. Klaassen stated Monday through Friday, their hours would be 6am
4# to 7pm and Saturday and Sunday between 7am and 4 pm.

5#
6# Ms. Klaassen stated there would be three treatment rooms with 1 or 2 full time therapists initially with
7# possibly 4 or 5 full time therapists after being in operation for 3-5 years. She stated the applicant estimates
8# during peak hours, the maximum utilization of the space would be 10 people with the average utilization
9# of 6 including staff and clients. Ms. Klaassen stated the applicant included three supplemental reports in
: # response to the special use standards included in the agenda materials. She noted the three reports are
; # the Kimley-Horn parking study, an appraisal prepared by Linberger & Company and an Okrent Kisiel
32# Associates evaluation report.

33#
34# Ms. Klaassen noted the Director of Public Works/Village Engineer, Steve Saunders, had the following
35# comments on the parking study suggestions: "(1) Due to the COVID-19 stay-at-home order and the related
36# business restrictions, the typical methodology of identifying total parking capacity in the vicinity and
37# current parking availability could not be accurately employed; (2) For the proposed use, on-street parking
38# is currently available on Lincoln Avenue and Elm Street, and surface parking is located at the Lincoln
39# Avenue and Elm Street Parking Lots; (3) The parking inventory provided in Kimley-Horn's report includes
3: # 44 C-Permit permit parking spaces that are primarily designated for commuters. Based on past occupancy
3; # counts showing that these spaces are nearly 100% used by commuters, they should not be included as
42# part of the available parking inventory; (4) Kimley-Horn evaluated comparative occupancy and parking
43# demand between the previous tenant, a hair salon, and the proposed Delos Therapy, by comparing the
44# total number of stations/rooms and assuming full use of the facilities. This methodology shows a
45# reduction in comparative parking demand of -12 parking spaces. This is an aggressive, best-case scenario
46# that assumes full occupancy of the previous business. A conservative approach that assumes 50% of the
47# stations in the salon were occupied would result in a net-zero comparative parking demand; and (5) It
48# would appear that granting the Special Use Permit would not result in impairment of parking within the
49# East Elm Business District." Ms. Klaassen then stated in terms of public comment, four letters of support
4: # were included in the agenda materials and noted they have not received any additional comments.

4; #
52# Ms. Klaassen stated following public comment and Commission discussion, a Commission Member may
53# make a recommendation to the Village Council. She noted a draft motion is provided on page nos. 6-7 of
54# the agenda report. She then asked if there were any questions for the Village staff.

55#
56# Chairperson Dalman also asked if there were any questions for the Village staff. No questions were raised
57# at this time. She then asked for the petitioner's presentation. Chairperson Dalman, Mr. Schoon and Mr.
58# Norkus allowed members of the petitioner's team to enter the meeting. Lenny Asaro, Eric Owens and
59# Mimi Bosika entered the meeting. Mr. Asaro introduced himself as the attorney for the applicant and
5: # stated there would be a PowerPoint presentation. He also introduced Ms. Bosika and Mr. Owens as co-
5; # founders of Delos Therapy, Peter Lemmon, an engineer with Kimley-Horn, George Kisiel of Okrent Kisiel
62# Associates and Mary Linberger of Linberger & Company, a real estate appraisal and consulting firm.

63#
64# Chairperson Dalman then swore in those speaking to this matter. Peter Lemmon, George Kisiel, Mimi
65# Bosika and Eric Owens agreed with the statement swearing them in.

66#
67# Mr. Asaro stated they submitted a Memorandum in Support of a special use application as part of the
68# agenda packet. He stated they would show the Commission videos to show them what the applicant does
69# as well as the locations of the other facilities and a video of Mr. Owens and Ms. Bosika. Mr. Asaro stated
6: # the next video would show a day in the life of the applicant as well as one of their other facilities. He then

#

3# stated three videos are testimonials from clients along with letters of support. Mr. Asaro stated he would
4# then ask Mr. Owens and Ms. Bosika background questions to supplement the information seen in the
5# video followed by presentations from Mr. Lemmon, Mr. Kisiel and Ms. Linberger followed by their
6# conclusion.

7#
8# Mr. Asaro stated they submitted a floor plan and wanted to show a side by side use of the space as a hair
9# salon and number of stations to visualize the maximum intensity of the use compared to the proposed
: # use and identified the three rooms and the reception area. He then asked Ms. Klaassen to play the medical
; # animations video which was without audio which the Commission viewed at this time. Mr. Asaro identified
32# the first video in the packet as Medical Animations Introduction/Medical Animations Technique and asked
33# Mr. Owens to explain the video.

34#
35# Mr. Owens stated as shown in the video, the focus of their therapy is to restore muscle pliability. He
36# explained muscle tissue has a tendency to get tight and it should be soft when relaxed. Mr. Owens stated
37# around any joints that hurt, such as with knee pain or back pain, the muscles feel hard all the time. He
38# stated clients usually try massages or stretching for relief, but the fibrotic surface is not addressed with
39# those activities. Mr. Owens stated they discovered applying direct pressure into the tissue forces it to
3: # separate as shown in the animation. He stated the medical field is looking at imaging for chronic muscular
3; # problems and the fibrosis that happened inside the muscle does not show up on imaging. Mr. Owens
42# stated applying pressure to the tissue would break it up and restore the health of the muscle. He stated
43# the videos help explain to clients why pressure is the answer to solving muscular problems.

44#
45# Mr. Asaro then asked Mr. Owens to speak with regard to his educational, athletic and professional
46# background which led him to Delos Therapy followed by Ms. Bosika. Mr. Owens informed the Commission
47# he has a long history of being a professional athlete and played all over the world successfully as a table
48# tennis player. He stated his father, an engineer, was also a table tennis player and had a chronic shoulder
49# injury. Mr. Owens stated for him seeking relief, his father discovered interesting observations with regard
4: # to how muscles work in the 1980's. He stated his father's business was successful and treated many
4; # famous people. Mr. Owens stated he knew his professional career would be limited and that he would go
52# into professional therapy.

53#
54# Mr. Owens then informed the Commission he received a degree in Biochemistry and a Master's degree in
55# Biomedical Science and performed research on rheumatoid arthritis and inflammatory conditions. He also
56# stated Ms. Bosika's father was his former coach and she became his partner 25 years later and they have
57# been business partners for 8 years. He informed the Commission he received his Bachelor's degree in
58# Biochemistry and a Master's degree in Biomedical Science and went to medical school at Midwestern
59# University in Downers Grove. Mr. Owens stated the therapy was so effective and innovative, he
5: # reconnected with Ms. Bosika and their business grew very quickly.

5; #
62# Mr. Asaro asked Ms. Bosika if she grew up in Serbia and started playing table tennis at 5 years old. Ms.
63# Bosika confirmed that is correct and stated her father was her and Mr. Owens's coach. Mr. Asaro asked
64# Ms. Bosika if she moved to the U.S. at 11 years old and if she ever played against Mr. Owens. Ms. Bosika
65# confirmed that is correct. Mr. Asaro asked Ms. Bosika if she took over managing her father's business
66# while he was a coach and took on an organizational role for the U.S. Olympic table tennis center. Ms.
67# Bosika confirmed that is correct. Mr. Asaro asked Ms. Bosika where she attended college. Ms. Bosika
68# responded she did her undergraduate study at Washington University and studied business and went to
69# the University of Chicago Booth School of Business to finish her MBA. Mr. Asaro asked Ms. Bosika why
6: # Delos Therapy selected Winnetka for their newest location. Ms. Bosika responded it had a lot to do with

#

3# the clients they serve on the North Shore and they received offers to open locations within different
4# fitness studios, etc. She felt Winnetka was the most appealing location for their brand and vision and
5# many of their clients live on the North Shore who come to the Lincoln Park location for treatment. Ms.
6# Bosika noted they have five locations, three in Chicago, one in Oak Brook and one in Hinsdale. Mr. Asaro
7# asked Ms. Bosika if those facilities are located in free standing spaces. Ms. Bosika stated the Hinsdale
8# location is located within a fitness studio, Shred 415, whose clients used their services. She stated the Oak
9# Brook facility is a stand-alone location in the commercial area. Ms. Bosika stated the Lincoln Park facility
: # is a stand-alone location and they have another facility within a strength training studio, Strength Society,
; # as well as a facility in the Groupon Building at 600 W. Chicago. Mr. Asaro asked Ms. Bosika how long Delos
32# Therapy has been in business. Ms. Bosika responded since March 2012. Mr. Asaro asked if they signed a
33# lease with two renewal terms of 5 years each. Ms. Bosika confirmed that is correct. Mr. Asaro asked if
34# they are responsible for any part of the buildout. Ms. Bosika responded they are responsible for any
35# portion not in the tenant improvement allocation. Mr. Asaro asked what the approximate total buildout
36# budget is. Ms. Bosika stated they estimated it to be between \$60,000-\$70,000 and anything over \$40,000
37# is their responsibility. Mr. Asaro asked how long the buildout would take before they are able to begin
38# operation. Ms. Bosika estimated it to be 6-8 weeks. Mr. Asaro asked what the hours of operation are, how
39# many clients they plan to serve and how many treatment specialists would work in the facility. Ms. Bosika
3: # stated they would begin with a lower capacity and anticipate their hours to be similar to their other
3; # locations with one therapist on site to start. Mr. Asaro asked Ms. Bosika what the breakdown of clients is
42# they expect to see. Ms. Bosika stated they would see teens involved in sports and the average
43# demographic is 30-50 year old professionals and those engaging in fitness/sports as well as older patients
44# who make up 20% of the clients.

45#

46# Mr. Asaro referred to the PowerPoint presentation and the testimonial video link and asked the
47# Commission to view them at a later date. He stated they also submitted letters of support, one from
48# Steven Kao, a Winnetka resident and investor as well as letters from Dr. Levy, Eric Tepper and Sherry
49# Weber which were included in the written materials. Mr. Asaro noted Dr. Levy is also present to speak.
4: # Chairperson Dalman asked the applicant to conclude their presentation first with those who have been
4; # sworn in.

52#

53# Mr. Asaro then introduced Peter Lemmon of Kimley-Horn, 111 W. Jackson, Chicago. He asked Mr. Lemmon
54# to provide a summary of his background and qualifications. Mr. Lemmon stated he received a degree in
55# Civil Engineering from Purdue and he is a licensed professional engineer in Illinois and Indiana, as well as
56# being a certified professional traffic engineer practicing for the last 22 years in Chicago. He informed the
57# Commission they work with a wide range of public and private sector clients such as schools and hospitals.
58# Mr. Asaro asked Mr. Lemmon what his assignment was. Mr. Lemmon responded they were asked to
59# evaluate the parking characteristics for the proposed use and given Covid-19 and its influence on traffic
5: # and parking, they did not follow the same methodology. He stated they were still able to make an
5; # assessment of this use compared to the previous use as well as to put it into context with the surrounding
62# areas and identify whether the proposed use would be detrimental to parking inside the business district.
63# Mr. Asaro asked if the two points in the PowerPoint presentation summarize the opinions for the
64# proposed use. Mr. Lemmon confirmed that is correct. Mr. Asaro asked Mr. Lemmon if a written report of
65# their analysis and opinions was prepared. Mr. Lemmon confirmed that is correct. Mr. Asaro asked Mr.
66# Lemmon if the illustration represented the proposed site location where the property is located and its
67# boundaries. Mr. Lemmon confirmed that is correct and stated the site is the small yellow box north on
68# Lincoln on the east side of the street. He noted the blue area represented on and off-street parking in the
69# area east of the tracks. Mr. Asaro asked Mr. Lemmon to summarize his analysis shown on the two pages
6: # in the illustration. Mr. Lemmon responded Table 1 represented an estimate of the potential peak parking

#

3# demand with the previous salon use assuming the space is full. He then stated Table 2 reviewed the
4# program for the proposed use including therapists and administrative staff and if the three treatment
5# rooms are full and clients waiting, there would be up to 13 spaces. Mr. Lemmon then stated the next table
6# compared the salon use and the proposed use with a difference of 12 spaces. He added even with a 50%
7# full approach, it would net out with an even parking impact.

8#
9# Mr. Asaro then introduced George Kisiel of Okrent Kisiel Associates. He asked Mr. Kisiel for an overview
: # of his background qualifications. Mr. Kisiel responded he is a licensed architect and certified planner with
; # 40 years of experience. He stated he received his undergraduate degree in Architecture and a Master's in
32# Policy Planning from the University of Illinois at Chicago. Mr. Kisiel informed the Commission he has been
33# accepted as an expert in courts in Cook, Lake, DuPage and Will counties and appeared before numerous
34# boards in different cities and municipalities including Winnetka. Mr. Asaro asked Mr. Kisiel if he prepared
35# a written report of his analysis and opinions. Mr. Kisiel confirmed that is correct. Mr. Asaro noted the
36# report is attached as Exhibit D to the Memorandum and asked Mr. Kisiel what was his assignment. Mr.
37# Kisiel responded he was to evaluate the proposed special use in the proposed location with respect to the
38# applicable special use standards. Mr. Asaro asked Mr. Kisiel if he familiarized himself with the surrounding
39# properties and described it in the report. Mr. Kisiel confirmed that is correct. Mr. Asaro asked Mr. Kisiel if
3: # he described the proposed special use in the report. Mr. Kisiel confirmed that is correct. Mr. Asaro asked
3; # Mr. Kisiel to summarize the land use context and overview of the report's opinions and to express his
42# opinion when considering the special use standards. Mr. Kisiel responded the property is located in
43# downtown Winnetka with the West Elm district split into various dining options and boutiques and the
44# East Elm district consisting of upscale dining, boutiques, jewelry stores, etc. He stated the subject
45# property's neighbors include Little Ricky's and Café Aroma, etc. Mr. Kisiel also stated other service uses in
46# the area include Aerial Fitness, Spa Nail City, etc. within the land use context. He stated a review of the
47# standards indicates the proposed use would be less intense than the prior use on the site and would be
48# compatible and complementary to the existing uses in the area. Mr. Kisiel noted the proposed use would
49# have no negative impact on surrounding uses.

4: #
4; # Mr. Asaro then introduced Mary Linberger. Chairperson Dalman swore in Ms. Linberger and others who
52# were not sworn in previously. Mr. Asaro asked Ms. Linberger if she prepared a written report and
53# summary of her background and qualifications. Ms. Linberger confirmed that is correct. Mr. Asaro asked
54# Ms. Linberger to provide an overview of her qualifications, educational and professional background. Ms.
55# Linberger informed the Commission she received her undergraduate degree in Political Science in New
56# York and received her graduate degree from the University of Illinois at Chicago. She stated she has been
57# a commercial real estate appraiser for 35 years and has done a wide variety of work for lenders and
58# developers and focused on litigation matters providing testimony similar to what is being given tonight.
59# Mr. Asaro asked Ms. Linberger if she testified on multiple zoning matters for different municipalities. Ms.
5: # Linberger confirmed that is correct. Mr. Asaro asked Ms. Linberger what her assignment in this case was.
5; # Ms. Linberger responded she was asked to evaluate the proposed special use and its surroundings to
62# determine whether there would be any negative impact on the surrounding properties. She then stated
63# in the preparation of her report, she investigated the nature of Delos Therapy and visited other locations
64# in the Chicago area as well as considered the surrounding neighborhood property in Winnetka and the
65# other five locations. Ms. Linberger noted she came to the conclusion that there would be no negative
66# impact on the values of the surrounding properties if Delos Therapy operated as a special use in Winnetka.
67# Mr. Asaro asked Ms. Linberger if she is an Illinois licensed appraiser. Ms. Linberger confirmed that is
68# correct and added she is a member of the Appraisal Institute.

69#
6: # Mr. Asaro stated that concluded their witness presentations and asked for the submitted documents to

#

3# be officially entered into the record. He then stated that concluded their presentation.

4#

5# Chairperson Dalman stated for the record, as part of the Commission packet, she confirmed they received
6# all of the information presented ahead of time with links to the videos. She asked Mr. Schoon to confirm
7# no new evidentiary materials were received. Mr. Schoon responded they received background
8# information on some of the witnesses which was submitted since the Commission Members received the
9# meeting materials. Chairperson Dalman asked the petitioner to confirm they encountered no technical
: # difficulties which precluded them from making their presentation. Mr. Asaro confirmed there were no
; # difficulties.

32#

33# Chairperson Dalman then asked if there were any questions from the Commission. She stated the
34# Commission is to consider whether the standards for approving a special use permit have been satisfied
35# and asked for the Commission Members to focus on the criteria with regard to the overlay district.

36#

37# Ms. Holland asked the applicant if they looked at other locations not in the overlay district which are less
38# congested and which had more parking than the proposed location. Ms. Bosika informed the Commission
39# they spent a year looking for a location on the North Shore and six other properties in Winnetka. She then
3: # stated they found the surrounding businesses in the proposed location to be very complementary. Ms.
3: # Bosika stated it made sense to be in this location from a usage and consumer behavior perspective. She
42# also stated they would have the lowest maximum capacity than any other business in the area. Ms. Bosika
43# noted their treatments last 25 or 50 minutes with no overlap. She also stated their usage would contribute
44# to the area.

45#

46# Ms. Holland stated that Mr. Lemmon included the commuter lot to the north and noted it is also used by
47# the Community House in the parking study and referred to the difficulty finding parking during normal
48# times. She stated the public lot on Elm Street was also mentioned and is also heavily used. Ms. Holland
49# then stated many parking companies do studies in the Village and conclude parking is great but they do
4: # not live here. She added East Elm has become very popular and it is difficult to get a parking space even
4: # in Covid times.

52#

53# Mr. Lemmon responded the two lots mentioned contain permit parking and a combination of permit
54# parking for employees which they would recommend park there. He then stated the Elm Street lot is
55# permit parking limited to 2 hours and stated there are 189 on-street spaces in the area. He also stated
56# they would normally count the number of spaces occupied during different times of the day and the report
57# showed the opportunities available. Mr. Lemmon then stated the main takeaway is the effect of the use
58# on parking compared to the previous use and they concluded it would be neutral or less in terms of the
59# proposed use being half of that of the previous use. He noted they are taking a conservative approach
5: # since the proposed use would not be fully occupied.

5: #

62# Ms. Holland referred to paragraph 5 on page 14 and stated they signed a long lease. She asked if they
63# knew of any efforts to build a new building on that property. She referred to the building at the corner of
64# Elm Street and Lincoln which is celebrating its 150th anniversary and is a very important part of the
65# community. Mr. Asaro responded they were only cited Section 17.44.020(b)(ii)(v) of the ordinance as the
66# standard. He confirmed they are not proposing a new building. Mr. Foley and Mr. Golan stated they had
67# no questions at this time.

68#

69# Ms. Orsic stated the front window appeared to be the waiting room and asked if there would be anything
6: # else in the front area. Ms. Bosika responded they usually have a screen with occupational content and

#

3# confirmed there would be a reception desk and it would be a beautiful area in terms of the aesthetics.

4#

5# Mr. Bradley thanked the applicant for their presentation. He stated for any of their other locations, he
6# asked if they held out details or discussion of having retail or if there is any retail in their other locations.

7# Ms. Bosika responded there is a limited amount and they are working on expanding the selection. Mr.

8# Bradley stated the other locations have a partnership with Shred 415 and noted there is a Shred 415 in

9# Northfield and asked if they discussed partnering with them. Ms. Bosika confirmed they did and there is

:# no availability where they are located. Mr. Bradley then referred to page 39 addressing standard no. 10

;# relating to the multi-use areas and their response is that it is not applicable. He also referred to a drawing

32# of the space utilized, the plans for the breakrooms to be toward the back and waiting room with retail

33# down the road. Mr. Asaro stated they interpreted that standard to mean having multiple uses in that area

34# as opposed to multiple uses in the entire space.

35#

36# Mr. Kisiel referred to whether any other uses would be classified as separate uses and with regard to
37# organization, there would be reception seating and space at the rear. He stated the way in which the

38# space is organized, he referred to the focus on the street side with transparent glass. Mr. Kisiel also stated

39# those inside would have a view of the street. Ms. Bosika stated it is going to be their fanciest location to

3:# date and described the proposed interior. Mr. Bradley then stated the reason for moving to the North

3;# Shore is for their clients who travel to the city and asked if the business would draw people who would

42# otherwise travel to the city increasing the demand. Ms. Bosika stated it takes time to ramp up operations

43# to full capacity with Oak Brook being similar in size to this location. She referred to their partnerships with

44# Winnetka residents and that demand would grow steadily but capacity constraints would apply here in

45# that they could not see more people than the space allowed.

46#

47# Ms. Case stated most of the other facilities are not on the ground level and asked if they considered

48# second floor spaces in the area. She also asked why a first floor space so important. Ms. Bosika responded

49# it is a deliberate business decision they made last year and they want to gain brand recognition and equity

4:# that comes with retail level locations. Ms. Bosika informed the Commission for their Lincoln Park location;

4;# they are finalizing the details to move to a retail location. She referred to Athletico which has a similar

52# concept of ground floor locations. Ms. Case asked if they considered a space not in the center of

53# restaurants and which are actual retail spaces and referred to the location next door. Ms. Bosika

54# responded that it was a deliberate business decision because their clients will be customers at those

55# places. She explained that oftentimes because their treatments are short, they are 25 minutes, people

56# are coming during their lunch breaks, and especially on the North Shore they have a lot of parents who

57# bring their teenagers who are involved in sports and the parents need places to be patrons of so the

58# restaurants are going to be great for those people. Ms. Bosika stated furthermore it is a deliberate

59# decision to be near those places like Aerial Fitness and the gym that is across the street because they are

5:# complementary so oftentimes those patrons would go to the fitness location first and follow-up with our

5;# location so it works really well in terms of convenience for them. She stated that also goes back to the

62# parking question because with those partnerships, they know the folks that own Aerial Fitness, that means

63# it is one customer and one parking spot that will be using both locations.

64#

65# Ms. Danley referred to standard no. 9 and asked for more specific examples of what the space would look

66# like compared to other businesses in the area. Ms. Bosika stated they plan to create something beautiful

67# and the treatment rooms would have glass panels to make the space feel more open. She also stated

68# while their clients would only be there for 25 or 50 minutes, there is activity between sessions but there

69# is not a lot of overlap but it would be lively which is part of the culture they create. Ms. Bosika stated it

6:# would be designed to be a lively location.

#

3# Chairperson Dalman stated she had no questions. She then asked for public comment and asked if there
4# were any other comments from the Commission. No additional comments were made at this time.
5# Chairperson Dalman stated after public comment, the Commission would be asked if they had additional
6# questions. Ms. Klaassen confirmed they have not received any additional written public comment.

7#
8# Mr. Schoon stated they would have to swear in speakers one at a time. Mr. Norkus stated Dr. Levy is no
9# longer on the call and asked for Eric Pepper's comments. Mr. Pepper, 3090 Wordler Place, Highland Park.
: # Chairperson Dalman swore in Eric Pepper. Mr. Pepper informed the Commission he is the CEO of Jens
; # Strong Fitness and friend of the applicants as well as a client. He stated with regard to the accuracy of
32# their therapy and the character of the applicants and their employees, a lot of people suffer from pain.
33# Mr. Pepper stated people do not like to live with the impact of pain and the pain treatment options are
34# limited and provide temporary relief. He stated Delos Therapy is a solution which brings functionality back
35# to your body. Mr. Pepper confirmed the treatment works and worked consistently. He stated they are
36# always working on developing their craft and their ability to build relationships with clients, they
37# participate in all kinds of community events and partner with many businesses in the area. Mr. Pepper
38# stated if they are looking for a business which would positively contribute to the community and help
39# people lead more functional lives, they should invite Delos Therapy to the community. Chairperson
3: # Dalman asked the Commission if they had any questions for Mr. Pepper. No questions were raised at this
3; # time. Mr. Norkus confirmed Mr. Pepper was the only registered speaker for this matter with several
42# unregistered members in attendance. Chairperson Dalman stated for the record, Dr. Levy included a letter
43# dated June 15, 2020 which is in the packet.

44#
45# Mr. Norkus then asked each caller whether they planned to speak on this matter. Chairperson Dalman
46# swore in Terry Dason. Terry Dason, Executive Director of the Chamber of Commerce, stated she is
47# intrigued by the business since she is in pain and asked if it is physical therapy or if they accepted
48# insurance. Mr. Owens responded it is not like physical therapy and described it as what they took a look
49# at in terms of medical therapy. He stated it worked after patients go to physical therapy and they get cases
4: # that no other therapy is able to resolve and they are able to help people live their lives without physical
4; # therapy. Mr. Owens stated there is no medical code to define their type of therapy and it is considered an
52# out of pocket expense and not covered by insurance. He added patients are able to use their health
53# savings accounts.

54#
55# Mr. Norkus asked Sarah Dippold if she had any comments. No comments were made at this time. Mr.
56# Norkus then asked if Caller No. 2 had any comments. No comments were made at this time. Mr. Norkus
57# asked Caller No. 3 if there were any comments. The caller identified himself as the architect and stated
58# he was available to answer any questions. Mr. Norkus asked if Caller Nos. 5, 7, 8, 9 and 11 had any
59# comments. No comments were made at this time. Mr. Norkus stated that concluded comment from the
5: # dial in callers. Ms. Klaassen confirmed no additional emails were received for this matter.

5; #
62# Chairperson Dalman stated the Commission would now ask questions of the petitioner. Mr. Bradley asked
63# for confirmation as to the primary location as owners and the testimony that they are active in the
64# community. He asked if they planned to be in this location on a daily basis or if at all. Ms. Bosika stated
65# she and Mr. Owens visit each location every week and as they grow, they cannot be at each location every
66# day. She stated when they open a new location, they have more visibility there. Ms. Bosika stated with
67# regard to community events, she informed the Commission they did 120 community events in 2019 which
68# amounted to doing free therapy twice a week in different locations.

69#
6: # Chairperson Dalman asked if there were any questions. Ms. Danley asked Mr. Norkus how long the space

#

3# had been vacant. Ms. Klaassen responded she did not have a definitive answer. Chairperson Dalman asked
4# if the previous salon was grandfathered in or did it receive a special use in the overlay district. Ms. Holland
5# stated that salon had been there many years. She described the presentation as excellent and thanked
6# the petitioner for finding a solution for pain. Ms. Holland stated there was an application from a physical
7# therapy applicant a year ago which wanted to locate in the Overlay District which was denied. She stated
8# they found a second floor location and they are now expanding which resulted in a great solution for them
9# and the Village. Ms. Holland stated she is a great proponent of the overlay district and if it was for any
:# location other than the overlay district, she would support the proposal. She stated she is also concerned
;# with an increase in parking.

32#

33# Chairperson Dalman asked Ms. Holland and each Commission Member to reference which standards
34# specifically they did not think the request satisfied. Ms. Holland referred to special use standard nos. 7, 9
35# and 12 are not met. Ms. Klaassen confirmed the salon left the space in July 2019.

36#

37# Chairperson Dalman asked if there were any other comments. Ms. Case agreed with Ms. Holland and
38# while she commended the applicant, the space chosen is not conducive to this type of business. She stated
39# the area they chose is an area the Village wants to promote for dining and retail with other similar
3:# businesses coming in. Ms. Case stated this proposal would be more conducive to the second floor or on
3;# the perimeter of the overlay district as opposed to in the middle of restaurant and shopping uses. Ms.
42# Case stated special use standard no. 7 has not been met and she would not be in support of the
43# application. She also referred to standard no. 12 relating to parking. Ms. Case concluded their business is
44# wonderful and asked for them to find a different location in Winnetka.

45#

46# Mr. Golan disagreed with Ms. Holland and Ms. Case and described the applicant as a high quality group
47# of people and they have received rave reviews online. He stated they are talking about 17 feet of street
48# frontage with a restaurant on one side and an athletic facility on the other side and he did not see them
49# breaking up the retail corridor. Mr. Golan also stated they have a high quality group of clients that would
4:# be desired as patrons of other stores. Ms. Orsic stated her initial thought was that this was a good request
4;# and described their presentation as superb but she agreed with Ms. Holland and Ms. Case. She referred
52# to the physical therapy business on Chestnut and the Coldwell Banker application. Ms. Orsic stated she
53# has concerns regarding the impact on retail uses in the Overlay District if more of these uses kept creeping
54# in, she agreed while she would want this business in Winnetka, she agreed with Ms. Holland and Ms. Case
55# and it is too important of a stretch of the Overlay District. Chairperson Dalman confirmed the applicant
56# Ms. Orsic referenced is Body Gears.

57#

58# Ms. Case stated in response to Mr. Golan's comments, they are a fabulous business but this location is
59# the problem. She commended the applicant on their amazing presentation but could not support this
5:# specific location. Mr. Foley stated the use would be consistent with the standards and agreed the
5;# applicant and team put a lot of work into the request. He stated while the former tenant was
62# grandfathered in and was a similar use, he referred to parking as well and he gave a lot of weight to Mr.
63# Saunders' opinion. Mr. Foley also stated he was impressed they would be signing a 7-year lease which
64# would be positive for the community and the Village. He stated he is leaning with the group. Ms. Danley
65# agreed with Ms. Holland, Ms. Case and Ms. Orsic. She stated while it would be a great business for the
66# Village, the issue related to this particular location. Ms. Danley stated she was initially concerned with
67# standard no. 12 and the net zero change in parking. She then stated it came down to standard nos. 7 and
68# 9 as a concern for her and agreed the presentation was fabulous and her concern related to this particular
69# location.

6:#

#

3# Mr. Bradley stated they constantly deal with what has been grandfathered in, what has been done in
4# different iteratives of different boards and changes made to the ordinance, particularly to the
5# preservation of the retail overlay district. He stated he has always said the pursuit of perfection becomes
6# the enemy of the good and that retail is under attack. Mr. Bradley stated they can wait another year and
7# see if another application comes forward or embrace a proven business signing a 7-year lease and which
8# is unique to the North Shore and would draw visitors. He commented it would be penny wise and pound
9# foolish for them to make businesses like this consider locations on the outer fringes of the community if
:# they do not concede some ground waiting for brick and mortar stores to return. Mr. Bradley also stated
;# if they do not take advantage of this opportunity, they would find a home somewhere else and the
32# residents will travel to that location. He stated he did not understand the Commission Members' concerns
33# relating to parking when the use would have a minimum number of guests. Mr. Bradley stated another
34# use in this space would be 3 to 10 times more impactful in terms of the number of people. He compared
35# a use with 5 people in at one time to another use such as a restaurant and whether it could be profitable
36# with the same number of guests. Mr. Bradley stated parking would be at an advantage with regard to the
37# way they are attempting to set this up with 25 to 50 minute sessions. He stated the standards have been
38# met, this is a unique business that has proven itself and would be a long running tenant. Mr. Bradley
39# concluded he is in favor.

3: #

3; # Mr. Swierk stated the location has been vacant for a year and he agreed with Mr. Bradley's comments
42# relating to a restaurant being a permitted use in this location with a lot more people there. He stated he
43# hoped to see the applicant at the Village Council meeting. Ms. Orsic stated parking is not a great concern
44# and the fact they would draw people as an established business. She stated the idea if they keep conceding
45# ground, at what point do they realize they have conceded too much. Mr. Bradley stated in terms of going
46# too far, he referred to office uses and this use would be different and described it as middle ground. Ms.
47# Case referred to the Body Gears application which was turned down and they found another location and
48# are happy with it. She reiterated it would be a great service but not in this space.

49#

4: # Chairperson Dalman stated she is torn and agreed it would be a strong business. She also referred to the
4; # difficulty of it being a tough space to rent at 17 feet wide and referred to the Body Gears application.
52# Chairperson Dalman stated what is challenging is that they cannot rely on what was done 6 months ago
53# and they do not know what the future looks like for brick and mortar stores. She stated she felt strongly
54# that she cannot support the application since the petitioner did not address any of the special use criteria.
55# Chairperson Dalman stated there was no evidence showing with regard to criteria nos. 3, 7, 8, 9, 10 and
56# 12. She then stated she regretted the adjacent fitness use did not generate a lot of traffic with no collateral
57# benefit to surrounding businesses. Chairperson Dalman stated the clientele may come and go quickly and
58# hoped they found another location in Winnetka and she could not support an approval recommendation.

59#

5: # Mr. Golan referred to the fitness center location and the amount of people generated in the morning and
5; # evening with this use being a high quality service business with people lining up for appointments
62# throughout the day. He agreed with Mr. Bradley's comments relating to another use hopefully coming in
63# for a year or so and they have to consider the quality of the business. Mr. Golan stated holding out 17 feet
64# of space in the retail overlay district is not appropriate. Chairperson Dalman agreed and stated if it was
65# further north on Lincoln or at the end of Elm Street, she would be more comfortable with that.

66#

67# Mr. Asaro stated with regard to certain standards not being addressed to their satisfaction, Mr. Kisiel's
68# report identified all of the sections of the standards and they were addressed. Chairperson Dalman stated
69# although they were mentioned in the report, there was not enough factual information to support the
6: # argument. She asked if there were any comments and it appeared the votes appear to lean toward a

#

3# recommendation of denial with Mr. Bradley, Mr. Golan and Mr. Foley in support and Ms. Holland, Ms.
4# Case, Ms. Danley, Ms. Orsic and herself recommending denial. Chairperson Dalman then asked for a
5# motion in support of a recommendation of denial and asked if there was any objection to the framing of
6# the motion. No objection was noted. She stated the motion is that the Commission recommends denial
7# of the special use to allow a medical pain management treatment office on the ground floor at 547 Lincoln
8# Avenue within the C-2 Commercial Overlay District based on the findings of fact in the record.

9#
: # The motion was made by Ms. Orsic as stated by Chairperson Dalman to recommend denial as the request
; # is not consistent with the standards for granting a special use permit for the commercial overlay district
32# as far as standard nos. 2, 3, 7, 8, 9 and 12. Ms. Danley seconded the motion. A vote was taken and the
33# motion passed, 5 to 3.

34# AYES: Case, Dalman, Danley, Holland, Orsic

35# NAYS: Bradley, Foley, Golan

36# NON-VOTING: Swierk

37#
38# Chairperson Dalman informed the request would now go to the Village Council which has final jurisdiction.
39#

3: # ***

Attachment 3

Peter Lemmon, P.E., PTOE

Senior Transportation Engineer

Peter has 22 years of experience managing and conducting numerous multimodal transportation engineering, mobility planning, parking analysis, data collection, access/circulation, and subarea planning studies focusing largely in the Chicago area. With a breadth of project experience integrating transportation with other land use planning, economic development, and design disciplines, he demonstrates a fundamental understanding of key issues to balance a wide range of project considerations. Peter focuses on multimodal sensibilities to safely balance needs of autos, pedestrians, bicycles, and transit. Peter regularly presents to both technical and nontechnical audiences and collaborating with stakeholders to solicit input and gain broad support on plans that factor various perspectives and viewpoints.

Recent Experience

- Green Bay Road Phase 1 Improvement Plan – Evanston, IL
- Loyola Academy Master Plan – Wilmette, IL
- Central School Access Review – Wilmette, IL
- Kenilworth Gardens Traffic Calming Study – Wilmette, IL
- 1210 Central Development Review – Wilmette, IL
- Chabad Center Traffic/Parking Review – Wilmette, IL
- NorthShore Skokie Hospital Parking Evaluation – Skokie, IL
- Northwestern Lake Forest Hospital Parking Evaluation – Lake Forest, IL
- Navy Pier Centennial Master Plan and Implementation – Chicago, IL
- Union Station Redevelopment Plan – Chicago, IL
- 400 N. Lake Shore Drive – Chicago, IL
- Tribune Tower Redevelopment Transportation Plan – Chicago, IL
- North Avenue Multimodal Traffic Safety and Mobility Plan – Chicago, IL
- Northwestern Campus Transportation Management Plan – Chicago, IL
- Wolf Point and Orleans Street Two-Way Conversion Plan – Chicago, IL
- Vista Tower/Lakeshore East Transportation Plan, Chicago, IL
- Aon Center Observatory Plan – Chicago, Illinois
- Purdue University Third Street Pedestrian Mall Plan – West Lafayette, IN
- IU Health Methodist Hospital Parking and Mobility Plan – Indianapolis, IN



Professional Credentials

Bachelor of Science,
Civil Engineering,
Purdue University

Professional Engineer
in Illinois and Indiana

Professional
Transportation
Operations Engineer

Memberships / Affiliations

Lambda Alpha
International (LAI)
Land Economics
Society

GEORGE V. KISIEL, AIA, AICP

PROFESSIONAL EXPERIENCE

Okrent Kiesel Associates, Inc.

President 2015—Present

Okrent Associates, Inc. 1982—2015 Director of Planning/Vice President, 1987—2015

Project Planner, 1982—1987

PROFESSIONAL LICENSES/CERTIFICATIONS

Licensed Architect, State of Illinois #001-014612

Certified Planner, #013708

ASSOCIATIONS/ORGANIZATIONS

American Institute of Certified Planners

American Institute of Architects

American Planning Association

EDUCATION

University of Illinois, Chicago, Master of Urban Planning and Policy 2009

University of Illinois, Chicago, Bachelor of Architecture, 1989

SELECTED PROJECT EXPERIENCE

Urban Planning And Consulting

Lake Meadows Master Plan

Chicago, IL

Master Plan

70 Acres

Cabrini Green Hope VI Redevelopment (pending)

Chicago, IL

Master Plan

10 Acres

SELECTED PROJECT EXPERIENCE

Urban Planning And Consulting (continued)

Prince Abdulaziz Bin Mousaed Economic City

Ha'il, Saudi Arabia

Master Plan Consulting and Development Control Regulations

New City for 100,000 residents

South Of Shamkha

Abu Dhabi, UAE

Master Plan Consulting and Development Guidelines

New City for 130,000 residents

City of Chicago Retail Study

Chicago, IL

Analysis of Existing Retail Development

Abu Dhabi Capital City District

Abu Dhabi, UAE

Master Plan Consulting, Retail Demand Analysis, Development Guidelines for Emirati Neighborhood

New neighborhood for ±25,000 residents

Emerald Gateway

Abu Dhabi, UAE

Development Guidelines and Development Manual

88 Highrise Building Sites

Rockwell Gardens Hope VI Redevelopment

Chicago, IL

Master Plan

17 Acres

Louis Armstrong New Orleans International Airport

Kenner LA

Highest and Best Use Study: Master Plan for Redevelopment

1700 Acres

SELECTED PROJECT EXPERIENCE

Urban Planning And Consulting (continued)

Mohammed Bin Zayed City

Abu Dhabi, UAE

Development Guidelines Income Equalization Modeling and Development Manual

298 Highrise Building Sites

Windham Lakes Business Park Master Plan Studies

Romeoville, IL

Master Plan Studies

500 Acres

Northern Illinois Gas Co. Headquarters Master Plan

Naperville, IL

Corporate Campus Master Plan

105 Acres

West Loop Gate Master Plan

Chicago, IL

Urban area master plan

450 Acres

Illinois Medical District GIS Support/Master Plan

Chicago, IL

Urban Medical District Master Plan and GIS

560 Acres

Lake Calumet Airport

Chicago, IL

Planning & Policy Studies: 3rd Airport

2000+ Acres

O'hare International Airport

Chicago, IL

Planning Studies for Collateral Development

3000+ Acres

SELECTED PROJECT EXPERIENCE

Expert testimony: Administrative Review

One Winnetka

Planned Development Proceeding: Mixed Use T.O.D.

Lincoln Ave. at Elm St.

Winnetka, IL

Union Medical

Special Use Proceeding: Medical Cannabis Dispensary

Milwaukee Ave. at Devon Ave.

Chicago IL

Roascrans Lakeview

Special Use Proceeding: Group Home/Medical Offices

Ashland Ave. at Waveland Ave.

Chicago IL

Wolf Point

Special Use Proceeding: Highrise Mixed Use Office/Residential

Intersection of N. and W. Branch Chicago River

Chicago IL

Mather Lifeways

Planned Development/Historic Preservation Process: CCRC

Hinman Ave. at Davis St.

Evanston, IL

Church St. Plaza

Planned Development Process: Mixed Use

Church St. at Maple Ave

Evanston, IL

McDougal Littell

Planned Development Process: Office

Church St. at Maple Ave.

Evanston, IL

SELECTED PROJECT EXPERIENCE

Expert testimony: Administrative Review (continued)

Albanian Islamic Center

Re-zoning and Variance Process: Islamic Cultural Center
St. Charles Rd. at I294
Berkeley, IL

Verizon Wireless: 135Th & Harlem

Variance Proceeding: Cellular Tower
135th St. at Harlem Ave.
Cook County, IL

Crowley's Yacht Yard

Planned Manufacturing Designation Defense
S. Branch Chicago River at Corbett St.
Chicago, IL

Columbus Hospital Redevelopment

Planned Development Process: Highrise Residential
Lakeview Ave. at Deming Pl.
Chicago, IL

Latin School Of Chicago

Planned Development Process: School Addition
North Ave. at Clark St.
Chicago, IL

840 N. Lake Shore Drive

Planned Development Process: Highrise Residential
Lake Shore Dr. at Chicago Ave.
Chicago, IL

SELECTED PROJECT EXPERIENCE

Expert testimony: Litigation

City of Chicago vs. Eychaner

Condemnation Trial: Highest & Best Use/Reasonable Probability of Re-zoning (pending)

Grand Ave. at Jefferson St.

Chicago, IL

City of Chicago v. American National Bank et al

Condemnation Trial: Highest & Best Use

Fullerton Ave. at Elston Ave.

Chicago, IL

IDOT vs. Benderson

Condemnation Trial: Highest & Best Use (pending)

IL Route 59

Naperville, IL

IDOT vs. CTLT Trust (Anderson)

Condemnation Trial: Highest & Best Use (pending)

IL Route 59

Naperville, IL

IDOT vs. GreatBanc Trust (Petey's II)

Condemnation Trial: Highest & Best Use (pending)

159th St. at LaGrange Rd.

Orland Park, IL

Hanna vs. City of Chicago

Arlington Demming/East Village Historic District Challenge (pending)

N. Winchester Ave., N. Wolcott Ave., N. Honore St., and N. Hermitage Ave.

Chicago, IL

United States ex rel Albert C. Hanna vs. City of Chicago

Qui Tam Trial: Affordable Housing (pending)

Chicago, IL

SELECTED PROJECT EXPERIENCE

Expert testimony: Litigation (continued)

DWG v. LCDOT Saddlebrook Farms

Condemnation Trial: Highest & Best Use

Il Route 60 at Peterson Rd.

Lake Co., IL

LCDOT v. Chicago Title & Trust/Krilitch et al

Condemnation Trial: Highest & Best Use

Quentin Rd. near Rand Rd.

Lake Co., IL

City Of Chicago vs 2600 Sacramento Corporation

Condemnation Trial: Highest & Best Use

26th St at California Ave.

Chicago, IL

Village Of Woodridge vs Board Of Education, High School District 99

Condemnation Trial: Highest and Best Use

75th St. at Woodridge Dr.

Woodridge, IL

1350 Lake Shore Associates vs City Of Chicago

Zoning Trial

Lake Shore Drive at Banks St.

Chicago, IL

Hanna vs City of Chicago

Zoning Trial (SD19)

N. Lincoln Ave.; W. North Ave.; N. Halsted st.; and W. Fullerton Ave.

Chicago, IL

Hanna vs City of Chicago

Zoning Trial (Deming)

W. Fullerton Ave; N Orchard St.; W. Deming Pll.; and N. Clark St.

Chicago, IL

HOFFMANN

COMMERCIAL REAL ESTATE

15 July 2020

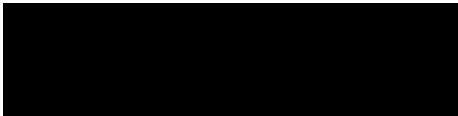
Dear Members of the Village Council,

Hoffmann Commercial Real Estate would like to provide our full support for the approval of a Special Use Permit for Delos Therapy. We have always worked hard in recruiting new and exciting businesses to the area, businesses that are not in direct competition with existing tenants but rather help compliment them to create a dynamic shopping district that will increase the foot traffic and provide an increase in business for everyone. We firmly believe Delos will do just that based on the wealth of fitness concepts in the area, the active lifestyle of local residents and even for an older clientele dealing with issues that come with age. Delos Therapy is a thriving business as noted by their multiple locations throughout Chicago, extensive press coverage and excellent reviews by their clients. We would be lucky to have them in Winnetka and hope the Village Council feels the same.

We would also like to point out that there is a precedent for a SUP being given for this type of concept on Lincoln. While their approach to therapy is unique and different from the previous physical therapy company, it is the same type of concept which has already been proven to be needed within Winnetka based on that company outgrowing their previous location.

We have gotten to know Mimi and Eric over these past couple of months and have been impressed with their passion for their business and eagerness in wanting to share it with the world. We know that they will be a part of Winnetka for a long time to come should they be given a SUP.

Sincerely,



Greg Hoffmann
Chief Executive Officer
Hoffmann Commercial Real Estate

825 Green Bay Road, Suite 100, Wilmette, IL 60091

P: 847.512.3180 · F: 847.512.3199



Agenda Item Executive Summary

Title: Resolution No. R-48-2020: Allowing Outdoor Dining and Service of Liquor During COVID-19 Emergency

Presenter: Peter Friedman, Village Attorney

Agenda Date: 07/21/2020

Consent: ☐ YES ☒ NO

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

Item History:

None

Executive Summary:

On May 29, 2020, the Governor issued an Executive Order that allowed limited outdoor food and beverage service ("Outdoor Service") during Phase 3 of the Restore Illinois Plan. In response to the order, the Village President issued an Order authorizing Village personnel to temporarily allow flexibility to food and beverage service establishments. This flexibility included (i) not strictly enforcing the Village Code regulations on use of public rights-of-way for dining and (ii) permitting restaurants with on-premises liquor licenses to serve liquor in the outdoor dining areas.

On July 7, 2020, the Village Council by motion approved outdoor dining permits to allow several food and beverage establishments to use public rights-of-way (sidewalks, streets, and parking areas) for outdoor dining during the COVID-19 emergency.

Resolution R-48-2020 is intended to continue to provide food and beverage establishments flexibility during the COVID-19 emergency. The resolution authorizes the Village Manager to approve food and beverage establishments use of the public rights-of-way without those establishments having to obtain additional approval from the Village Council. In addition, the resolution continues to allow food and beverage establishments that (i) are permitted to provide outdoor dining and (ii) possess an on-premises liquor license, to continue to serve liquor in the outdoor service areas. The resolution would require food and beverage establishments to comply with all rules and regulations that otherwise apply to the sale of liquor, including that the Food and Beverage Service Establishment must possess a dram shop insurance policy that provides coverage for outdoor service.

The authorization in the Resolution would automatically expire at the end of the year unless the Village Council extends the authorization.

Recommendation:

Consider adoption of Resolution No. R-48-2020 which would allow for the approval of additional outdoor dining and the service of liquor in outdoor dining areas during the COVID-19 emergency.

Attachments:

Attachment A: Resolution No. R-48-2020

**RESOLUTION ALLOWING OUTDOOR DINING AND
SERVICE OF LIQUOR DURING THE COVID-19 EMERGENCY**

WHEREAS, on March 9, 2020, the Governor of the State of Illinois ("**Governor**") declared a State of Emergency related to the COVID-19 pandemic; and

WHEREAS, on March 16, 2020, the Governor issued Executive Order No. 2020-07, which prohibited all businesses within the State that offer food or beverages for on-premises consumption – including restaurants and similar business establishments ("**Food and Beverage Service Establishments**") - from providing on-premises service of food and beverages and limited their operations to delivery and carry-out services only, which Executive Order was extended by Executive Order 20-33 ("**EO 20-33**"); and

WHEREAS, on May 29, 2020, the Governor issued Executive Order No. 2020-38 ("**EO 20-38**"), allowing Food and Beverage Establishments to open for outdoor dining only; and

WHEREAS, on June 26, 2020, the Governor issued Executive Order No. 2020-43 ("**EO 20-43**"), allowing Food and Beverage Establishments to open for indoor dining provided customers are afforded adequate social distancing thereby restricting the number of customers that can be served at any given time (EO-33, EO-38, and EO 43 are, collectively, the "**Executive Orders**"); and

WHEREAS, of the many businesses within the Village that have been significantly and adversely affected by the ongoing COVID-19 pandemic, Food and Beverage Service Establishments have been particularly hard-hit by the requirement that they cease providing on-premises services during the pandemic, and later being restricted in the number of patrons that can be seated in a particular establishment; and

WHEREAS, Food and Beverage Service Establishments are crucial parts of the social and economic fabric of the Village and have worked diligently and creatively since the entry of the Executive Orders to continue their operations and provide carry-out and delivery service to residents of the Village and neighboring communities; and

WHEREAS, Governor Pritzker has announced that, as of June 26, 2020, all regions of the had satisfied the criteria to allow the entire state, including the North Eastern region, to transition to Phase 4 of the Restore Illinois framework, the "Recovery" Phase; and

WHEREAS, on July 7, 2020, the Village Council approved several outdoor dining permits to allow many of the Village's Food and Beverage Establishments to use various public rights-of-way for outdoor dining; and

WHEREAS, pursuant to Section 12.04.070 of the Village Code, the Village Council desires to allow for the approval of additional use of the public right-of-way by Food and Beverage Establishments to allow businesses to provide outdoor service areas in a timely manner; and

WHEREAS, to continue to assist Food and Beverage Establishments, the Village desires to continue to allow Food and Beverage Establishments that have on-premises liquor licenses to serve liquor pursuant to those licenses in outdoor dining areas during the COVID-19 emergency; and

WHEREAS, the Village Council has determined that it will serve and be in the best interest of the Village Council and its residents to allow outdoor service of liquor consistent with this Resolution;

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

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

SECTION 2: AUTHORIZATION TO ALLOW OUTDOOR SEATING. Pursuant to Section 12.04.070 of the Village Code, the Village Council hereby authorizes Food and Beverage Establishments to use the public rights-of-way of the Village for outdoor service provided that such Food and Beverage Establishments (i) obtain the approval of the Village Manager and (ii) comply with any guidelines and conditions imposed by the Village Manager in such approval.

SECTION 3: AUTHORIZATION TO ALLOW OUTDOOR SERVICE OF LIQUOR. In the event that a Food and Beverage Service Establishment is (i) permitted to provide outdoor dining and (ii) possesses a Village liquor license for on-premises consumption, the Food and Beverage Service Establishment is hereby permitted to serve liquor for consumption in the outdoor service area in which it is allowed to provide outdoor dining pursuant to the same rules and regulations that otherwise apply to the sale of liquor by that Food and Beverage Service Establishment, including, without limitation, that the Food and Beverage Service Establishment possess and maintains a dram shop insurance policy that provides coverage for outdoor service in the area designated for outdoor dining.

SECTION 4: EFFECTIVE DATE. This Resolution will be in full force and effect from and after its passage, approval, and publication in the manner provided by law; provided that the authorizations contained in this Resolution shall automatically terminate and no longer be of any force and effect at 11:59 p.m. on December 31, 2020, unless extended by the Village Council by a resolution or ordinance duly adopted.

[SIGNATURE PAGE FOLLOWS]

ADOPTED this ____ day of July, 2020, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk