

Winnetka Village Council
REGULAR MEETING
Village Hall
510 Green Bay Road
March 5, 2019
7:00 p.m.

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

AGENDA

- 1) Call to Order
- 2) Pledge of Allegiance
- 3) Quorum
 - a) March 12, 2019 Study Session
 - b) March 19, 2019 Regular Meeting
 - c) April 4, 2019 Rescheduled Regular Meeting
- 4) Public Comment
- 5) Reports
- 6) Approval of Agenda
- 7) Consent Agenda
 - a) Approval of Village Council Minutes
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 - e) Resolution No. R-24-2019: Parkway Tree Planting Contracts (Adoption)26
 - f) Resolution No. R-25-2019: Ninth Extension of Landscape Waste Hauling Contract (Adoption).....31
 - g) Resolution No. R-26-2019: Approving One-Year Renewal of the Contract with Asplundh Tree Expert Company for Utility Line Clearance (Adoption)39
 - h) Resolution No. R-27-2019: 67 Brier Street - Gilchrist Resubdivision Final Plat (Adoption).....43
- 8) Ordinances and Resolutions: None.

- 9) Old Business: None.
- 10) New Business
 - a) Planned Development Regulation Amendments85
- 11) Appointments
- 12) Closed Session
- 13) Adjournment

NOTICE

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

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

**MINUTES
WINNETKA VILLAGE COUNCIL STUDY SESSION**

February 12, 2019

(Approved: xx)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, February 12, 2019, at 7:00 p.m.

- 1) Call to Order. President Rintz called the meeting to order at 7:02 p.m. Present: Trustees Andrew Cripe, Robert Dearborn, Penny Lanphier, Scott Myers, and Anne Wedner. Absent: Trustee Swierk. Also in attendance: Village Manager Robert Bahan, Village Attorney Ben Schuster, Community Development Director David Schoon, and approximately 4 persons in the audience.
- 2) Public Comment. None.
- 3) West Elm Business District Streetscape Design. Mr. Schoon explained that after the Council formally adopted the Downtown Streetscape & Signage Plan, business owners expressed apprehension over the loss of some on-street parking and sidewalk trees. The Village has held two meetings with the downtown merchants to more fully understand their concerns, and the Plan has been modified as a result.

President Rintz reviewed the meeting process, noting that he personally dropped off invitations to each business to ensure a high level of attendance. After listening to the concerns of the business owners, revisions were made to the Plan, which were presented at a second meeting with the business owners. He explained that he sees the Streetscape Plan as a living document that will need to be tweaked from time to time. He stressed that the downtowns belong to the entire community. Residents have made it clear they wish to see more community gathering spaces, and the desires of businesses need to be balanced against those of residents and visitors. President Rintz felt the latest Plan iteration is a good result, and he added that the infrastructure in the commercial district needs to be improved and modernized.

Finally, after noting that the original Streetscape Plan process was begun in 2005 and adopted in 2008, President Rintz said there has been a long-term, consistent desire expressed by the community to rehabilitate the commercial districts, and it is time to begin.

Jodi Mariano, Teska Associates, reviewed the revised Streetscape Plan that was presented to businesses in January, which omits the mid-block “bumpouts” and adds back parking spaces and sidewalk trees. She explained that Chestnut Street has an extra 18 inches of roadway space, and will be narrowed to give an extra 12 inches to the west side of the street and 6 to the east side, to provide more room for outdoor cafes. She reviewed the proposed reconfiguration of the Post Office parking lot, which will dedicate more spaces to shopper parking, and relocate 22 permit parking spaces behind the Post Office loading dock.

President Rintz called for public comment.

Shawn Doyle, Doyle Optical. Mr. Doyle said the revisions to the Plan are well-intentioned; however, there is not sufficient employee parking, which affects the retail parking spaces.

Manager Bahan explained that the Plan creates 40 new parking spaces for shoppers, 21 additional spaces for employees, and that Grand Foods and Chase Bank have dedicated lots for their employees. He added that the Village is studying how employee parking is allocated and exploring ways to achieve more compliance, such as different parking tags, education of employees, and enforcement actions.

Stephanie Hochschild, The Book Stall. Ms. Hochschild asked the Council reconsider the corner bumpouts, as she disliked losing even one parking space; expressed concerns about where employees park; and requested more study on the parking issue for future streetscape designs.

President Rintz said he understands the merchants' concerns; however, there are other perspectives on the commercial districts, and there has to be a give and take between residents and businesses.

Theresa Lucas, Good Grapes. Ms. Lucas echoed Ms. Hochschild's comments, and thanked the Village for reaching out to the businesses. She noted that her customers frequently buy cases of wine, which are too heavy to carry far, and she called for consideration of loading spaces with 15-minute parking limits for those businesses that need them.

The Trustees discussed the issue of parking time limits, and it was agreed that the Village needs to get creative in allocating parking time, as well as use discretion for parking enforcement. It was pointed out that the Post Office lot is very convenient for the businesses along Elm and Chestnut Streets.

President Rintz explained that to keep implementation of Phase I of the Plan on schedule, the Council needs to make a decision on bidding out the design engineering. He said the Plan has been revised in response to concerns raised by businesses, and that it will be a big improvement for the commercial districts.

The Council further discussed the Plan, including placement of water fountains and bike racks, handicapped parking, lighting, and benches. They reached consensus that the final revised Plan is a good one, and they directed Staff to prepare a bid package for Council approval.

- 4) Planned Development Regulation Amendments. President Rintz announced that this topic would be discussed at a later date, since it would require a lengthy discussion and the hour was getting late.
- 5) Adjournment. Trustee Cripe, seconded by Trustee Wedner, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 8:34 p.m.

Recording Secretary

**MINUTES
WINNETKA VILLAGE COUNCIL
REGULAR MEETING
February 19, 2019**

(Approved: xx)

A record of a legally convened regular meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, February 19, 2019, at 7:00 p.m.

- 1) Call to Order. President Rintz called the meeting to order at 7:00 p.m. Present: Trustees Andrew Cripe, Penfield Lanphier, Scott Myers, John Swierk, and Anne Wedner. Absent: Trustee Robert Dearborn. Also present: Village Manager Robert Bahan, Village Attorney Peter Friedman, Assistant Public Works Director Jim Bernahl, Community Development Director David Schoon, Human Resources Generalist Ann Eriksson, and approximately 9 persons in the audience.
- 2) Pledge of Allegiance. President Rintz led the group in the Pledge of Allegiance.
- 3) Quorum.
 - a) March 5, 2019 Regular Meeting. All of the Council members present said they expect to attend.
 - b) March 12, 2019 Study Session. All of the Council members present said they expect to attend.
 - c) March 19, 2019 Regular Meeting. All of the Council members present said they expect to attend.
- 4) Public Comment. None.
- 5) Reports:
 - a) Trustees.
 - i) Trustee Wedner said she met recently with the citizen's committee for the boathouse in the Skokie Lagoons project, noting that the boathouse location has been moved to the Forest Preserves parking lot along Tower Road. The new site will provide an attractive gateway into Winnetka, along with educational and recreational opportunities for the community and visitors.
 - b) Attorney. None.
 - c) Manager. Manager Bahan thanked Water & Electric staff for working on water main breaks at all hours over the winter, as well as Public Works staff for their snow removal efforts.
 - d) Village President. President Rintz announced that on March 10, a Founder's Day celebration will be held at the Community House at 2:00 PM.
- 6) Approval of the Agenda. Trustee Wedner, seconded by Trustee Myers, moved to approve the Agenda. By voice vote, the motion carried.

7) Consent Agenda

- a) Village Council Minutes.
 - i) February 5, 2019 Regular Meeting.
- b) Approval of Warrant List dated February 1-14, 2019 in the amount of \$604,592.24.
- c) Resolution No. R-14-2019: Agreement with Restore Works, Inc. for Electric Plant Wall (Adoption).
- d) Resolution No. R-15-2019: Landscape Maintenance Services Contract Renewal (Adoption).
- e) Resolution No. R-16-2019: Authorizing Change Order for Stormwater Engineering Services (Adoption).
- f) Resolution No. R-17-2019: Approving a Class A-1 Liquor License for Paradise Food Italia, LLC d/b/a Tocco (Adoption).
- g) Resolution No. R-21-2019: Streetscape Engineering (Adoption).

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

8) Ordinances and Resolutions.

- a) Rehabilitation of Oak and Cherry Street Bridges. Mr. Bernahl reviewed the project history, beginning in 2015 with Phase I, rating the condition of the bridges, and continuing in 2017 with Phase II, design. He explained that Phase III consists of replacing the superstructures of the Oak and Cherry Street Bridges. The project qualifies for Motor Fuel Tax (MFT) funding, as well as a Federal funding for 80% for eligible expenses, including resident engineering/project management services and construction costs. The Village must adopt three Resolutions in order to receive the Federal funding and release the Motor Fuel Tax funds for its share of the project costs.

Mr. Bernahl explained that Resolution No. R-19-2019 approves the standard IDOT agreement for the use of Federal funds, which are disbursed to the contractor by the State upon project completion. He noted that the agreement uses the approved funding budget for project cost estimates; however, the Village will be paying for 20% of the actual project cost.

The Council asked questions including: (i) whether the Federal government can renege on its promise to pay 80% of project costs; (ii) how the funding is disbursed; (iii) how any potential contingencies are dealt with; (iv) how the participating construction costs are calculated; and (v) why the construction management cost is so high.

Me. Bernahl explained that: (i) the Federal funds are already appropriated, so Federal funding is secure; (ii) the State disburses payment to the contractors; (iii) the onsite engineer will keep track of any change orders, and eligible unknown expenses will be covered at 80% by the Federal funds; (iv) although the project cost is based on the engineer's estimate, the actual bid numbers are lower than the anticipated amount; so the

Village will pay 20% the actual costs; and (v) the cost of the construction engineer, although expensive, is fair based on the complexity and length of the project. He explained that the Village pays the full amount of the service with MFT dollars, and then gets reimbursed for 80% of that total from Federal funding.

Next, Mr. Bernahl reviewed the agreements associated with Resolutions No. R-18-2019, which authorizes the Village to allocate MFT funds for the construction work and construction engineering services; and R-20-2019, which provides for a full-time onsite project engineer. He reiterated that 80% of the costs associated with the project will be paid for with Federal funding, and 20% from the Village's MFT account.

After more discussion, including a review of past bridge rehabilitation work and the current project, the Council was in agreement to enter into the three agreements.

i) Resolution No. R-18-2019: Authorization to Use Motor Fuel Tax Funds (Adoption).

Trustee Cripe, seconded by Trustee Lanphier, moved to adopt Resolution No. R-18-2019. By roll call vote, the motion carried. Ayes: Trustees Cripe, Lanphier, Myers, Swierk, and Wedner. Nays: None. Absent: Trustee Dearborn.

ii) Resolution No. R-19-2019: Approval of Local Agency Agreement for Federal Participation (Adoption).

Trustee Wedner, seconded by Trustee Myers, moved to adopt Resolution No. R-19-2019. By roll call vote, the motion carried. Ayes: Trustees Cripe, Lanphier, Myers, Swierk, and Wedner. Nays: None. Absent: Trustee Dearborn.

iii) Resolution No. R-20-2019: Approval of Phase III Construction Engineering Agreement for Oak and Cherry Street Bridges (Adoption).

Trustee Myers, seconded by Trustee Lanphier, moved to adopt Resolution No. R-20-2019. By roll call vote, the motion carried. Ayes: Trustees Cripe, Lanphier, Myers, Swierk, and Wedner. Nays: None. Absent: Trustee Dearborn.

b) Ordinance No. M-3-2019: 720 Humboldt Avenue - Variations (Introduction/Adoption).

Mr. Schoon reviewed this request for zoning variations on the Subject Property, which has existing legal nonconformities and is already over the maximum Gross Floor Area permitted in the Zoning Ordinance. He explained that the proposal was considered at three Zoning Board of Appeals (ZBA) meetings, and has been amended as a result of discussions at those meetings. At the final meeting, the ZBA voted to recommend approval of the request.

The Council was also in favor of approving the request, and there was consensus to waive introduction.

Trustee Swierk, seconded by Trustee Cripe, moved to waive introduction of Ordinance No. M-3-2019. By roll call vote, the motion carried. Ayes: Trustees Cripe, Lanphier, Myers, Swierk, and Wedner. Nays: None. Absent: Trustee Dearborn.

Trustee Swierk, seconded by Trustee Myers, moved to adopt Ordinance No. M-3-2019. By roll call vote, the motion carried. Ayes: Trustees Cripe, Lanphier, Myers, Swierk, and Wedner. Nays: None. Absent: Trustee Dearborn.

- c) Founder's Day Proclamation. Ms. Eriksson explained that since 2019 is the year of Winnetka's Sesquicentennial, a celebration has been planned at the Community House on March 10, which is the 150th anniversary date of the Village's incorporation as an Illinois chartered municipality. A proclamation has been drafted to designate March 10, 2019 as "Founder's Day" in Winnetka.

President Rintz read the proclamation, after which the Council unanimously agreed to proclaim March 10, 2019 as Founder's Day.

Trustee Cripe, seconded by Trustee Swierk, moved to proclaim March 10, 2019 as Founders Day in Winnetka. By voice vote, the motion carried.

- 9) Old Business. None.

- 10) New Business.

- a) Request for Code Amendments for Revised Proposed Banquet Facility at 915 Green Bay Road. Mr. Schoon explained that on January 15, the Council approved drafting amendments to the Zoning Ordinance and Liquor Code to allow a proposed specialty food store/café, banquet venue, and catering kitchen ("Boutique Bites") to relocate from Chicago to 915 Green Bay Road in the C-2 Retail Overlay District. The applicant has subsequently measured the space and discovered that the usable space at the Subject Property is 1,500 square feet less than advertised by the realtor. The proposal has therefore been revised to omit the retail food store/café since the entire space will be needed to accommodate the banquet venue and catering kitchen, which are the mainstay of the applicant's current business.

Mr. Schoon noted that the applicant has expressed a desire to host a "pop-up" café on occasion, along with "open houses" to allow the public an opportunity to see the banquet and catering services on offer and for her to learn what the community desires in terms of a specialty food store/café. Staff is seeking guidance from the Council about whether to continue moving forward with the necessary Zoning and Liquor Code amendments, and whether the use would be allowed by right in the Retail Overlay, or be classified as a special use.

Trustees Swierk, Cripe and Wedner expressed a desire to welcome the new business in its modified iteration, as it is still an exciting use for the area, will bring in sales tax dollars, and will fill a space that has been vacant for many years - provided noise to the surrounding area is not an issue.

Trustee Myers expressed concern about allowing the banquet facility by right and recommended that it be classified as a special use and reviewed by the Plan Commission for parking and other issues. He also asked for a more definitive plan for the pop-up café.

Trustee Lanphier said she was disappointed about the lack of a retail component in the amended business plan, as the location is a significant storefront in the middle of a retail area, and agreed that the business should be classified as a special use.

Elaina Vazquez, the applicant, explained that since the actual space is too small for a café, she proposes an occasional pop-up café to test the community's reaction and to see how the concept works. She added that if an area is carved out for a full-time café, it would cause a hardship for her banquet and catering business.

Trustee Cripe said he liked the core idea, and that if Ms. Vazquez needs the entire space to make the banquet/reception venue work, then she should do what is right for her principal business.

Trustee Wedner commented that current-day retail does not exist in the same fashion it did decades ago, and she reiterated that the use will bring excitement, vitality and tax dollars to the area. She agreed that Ms. Vazquez should follow her central business model, which is already a great success in Chicago.

President Rintz noted that if the business is deemed a special use, it will have to go before the Plan Commission, taking up valuable from the applicant to improve the space in advance of opening.

Trustee Swierk asked how parking requirements for a banquet venue are different than for a large restaurant that holds private parties.

Mr. Schoon explained that the Village's current parking requirements do not call for additional parking for the restaurants, and that the banquet use, while not exactly the same as a restaurant, is very similar. He said their parking and loading plan would be reviewed by the Community Development Department, keeping in mind any Council concerns.

The Council thoroughly discussed the issue of allowing the use by right or requiring a special use permit. It was suggested that a text amendment be prepared that allows Boutique Bites as a permitted use, and then doing a further discussion about banquet halls as a special use at a subsequent date. It was also proposed that Ms. Vazquez do an occasional weekday pop-up café, perhaps on Hubbard Woods First Fridays, or during the Music in the Park events, when more people are in the area.

President Rintz explained that the Village is concerned because a pop-up concept at another business in the Retail Overlay has not come to fruition. He said a more detailed plan would provide some reassurance to the Council that Ms. Vazquez will follow through on her proposal.

After more discussion, Attorney Friedman was directed to draft the necessary zoning text amendments to allow only this particular banquet facility as a use by right, and Mr. Schoon was directed to notice the required public hearing on the amendment for the March 19 Council meeting.

Hilary Jambor, a business tenant in Hubbard Woods. Ms. Jambor said she had a business across the street from the Subject Property, and she encouraged the Council to welcome Boutique Bites into the area, as more businesses are needed to fill vacancies in the area.

11) Appointments:

- a) Trustee Myers, seconded by Trustee Cripe, moved to re-appoint Tina Dalman as Chair of the Plan Commission for a full term. By voice vote, the motion carried.

12) Closed Session. None.

- 13) Adjournment. Trustee Wedner, seconded by Trustee Cripe, moved to adjourn the meeting. By voice vote, the motion carried. The meeting adjourned at 8:30 p.m.

Recording Secretary



Agenda Item Executive Summary

Title: Approval of Warrant List Dated February 15-28, 2019

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 03/05/2019

Consent: ☒ YES ☐ NO

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

Item History:

None.

Executive Summary:

The Warrant List dated February 15-28, 2019 was emailed to each Village Council member.

Recommendation:

Consider approving the Warrant List dated February 15-28, 2019.

Attachments:

None.



Agenda Item Executive Summary

Title: Resolution No. R-22-2019: Support for a State Capital Bill for Metra (Adoption)

Presenter: Robert M. Bahan, Village Manager

Agenda Date: 03/05/2019

Consent: ☒ YES ☐ NO

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

Item History:

None.

Executive Summary:

Staff recently received a request from Metra asking the Village of Winnetka to partner with them and other municipalities to urge the State Legislature to pass a Capital bill to fund transportation infrastructure projects. The State has not passed a funding bill since 2010.

Metra has an aging fleet and infrastructure, including over 400 bridges which are 100 or more years old, and estimates a \$5 billion need to modernize locomotives, passenger cars and stations, and rehabilitate bridges.

If approved, a copy of the Resolution will be forwarded to the Governor.

Recommendation:

Consider adoption of Resolution No. R-22-2019 in support of a Capital Bill for Metra.

Attachments:

Resolution No. R-22-2019

RESOLUTION NO. R-22-2019

**A RESOLUTION IN SUPPORT OF A
STATE OF ILLINOIS CAPITAL BILL FOR METRA**

WHEREAS, the State of Illinois has a critical need of a Capital Bill to fund transportation and infrastructure projects; and

WHEREAS, the State of Illinois has not had a Capital Bill since the FY 2010 Illinois Jobs Now! Capital Bill; and

WHEREAS, Metra operates 686 trains every weekday on 11 lines through the six-county area, has 242 stations, nearly 500 route miles, and nearly 1,200 track miles; and

WHEREAS, Metra provides nearly 290,000 passenger trips each weekday; and 75.9 million trips projected annually; and

WHEREAS, Metra benefits citizens of Illinois by removing millions of automobile trips from arterial roads and expressways, thus reducing congestion and maintenance costs of existing roadways and eliminating the need for the construction and maintenance of up to 27 additional expressway lanes and arterial roads; and

WHEREAS, Metra's economic model determined 40 years ago is no longer sustainable due to decline in sales tax growth as a result of changing macroeconomics factors, budget cuts, the burden of funding increasing ADA transportation costs and largely unfunded federal mandates; and

WHEREAS, Metra has the oldest fleet and more than 800 bridges, over half of which are 100 or more years old, resulting in a minimum need of \$5 billion over the next five to seven years to buy new passenger cars; improve, rehabilitate or replace stations; add warming shelters, locomotives and bridges; and to provide service enhancements on various Metra lines; and

WHEREAS, transit agencies have stressed to the General Assembly that funding is needed to keep their existing system in a state of good repair; and

WHEREAS, to relieve the financial needs of transit agencies and ensure that the transit system in the State of Illinois does not deteriorate further, a fully-funded capital bill dedicated to annual transportation funding is needed.

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: DEDICATED FUNDING. The Council of the Village of Winnetka requests that the Governor of Illinois and the General Assembly work together to dedicate funding for a transportation capital bill in FY 2019.

SECTION 3: CAPITAL BILL. The Council of the Village of Winnetka will support all efforts of the Governor of Illinois and the General Assembly to approve a transportation capital bill.

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

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

AYES: _____

NAYS: _____

ABSENT: _____

Signed

Village President

Countersigned:

Village Clerk



Agenda Item Executive Summary

Title: Resolution No. R-23-2019: 2019 Street Rehabilitation and Public Improvement Project (Adoption)

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

Agenda Date: 03/05/19

Consent: ☒ YES ☐ NO

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

Item History:

2019 Budgeted Item.

Executive Summary:

As part of the Village's ongoing infrastructure improvement program, plans and specifications were developed for the 2019 Street Rehabilitation and Public Improvement Program. In addition to the regular street rehabilitation, this contract also includes the Village's Pavement Marking Program, Hot Mix Asphalt and Portland Cement Concrete Patching Programs, and the Woodland Alley Reconstruction project.

On February 14, 2019, six sealed bids were opened and reviewed for completeness and accuracy; they are summarized below. The bid tabulation is attached.

Bidder	Base Bid	Alt. #1	Total
A Lamp Concrete	\$ 790,367.16	\$64,916.50	\$ 855,283.66
Schroeder Asphalt	\$ 894,930.79	\$91,785.00	\$ 986,715.79
Chicagoland Paving	\$ 929,900.00	\$79,912.50	\$1,009,812.50
JA Johnson Paving	\$ 930,700.00	\$75,677.50	\$1,006,377.50
Peter Baker & Son	\$1,026,984.58	\$73,023.00	\$1,100,007.58
Builders Paving	\$1,058,803.88	\$92,653.00	\$1,151,456.88

The low overall bid was submitted by A Lamp Concrete Contractors, in the combined amount, for the Base Bid (\$790,367.16) plus Alternate #1 (Woodland Alley Reconstruction: \$64,916.50), of \$855,283.66.

Executive Summary (continued):

The FY 2019 Budget contains funding for this project in several different line items:

100.30-23-650 (Street Rehabilitation):	\$1,500,000.00
100.30-22-571 (Pavement Patching)	\$ 20,000.00
100.30-01-544 (Roadway Striping):	\$ 25,000.00
100.30-22-571 (Striping - Contingency):	\$ 6,000.00
540.70.01-567 (Sewer Repair Contingency):	\$ 15,000.00
580.75.01-675 (Orchard Storm Sewer Repair):	\$ 50,000.00

TOTAL BUDGETED AMOUNT: \$1,616,000.00

Alternate #1 is the reconstruction of the Woodland Alley. This project was initiated by the residents who live adjacent to this public alley. The Village has in the past coordinated similar projects to improve public alleys from gravel to concrete. This project is a cost sharing program with the residents; the Village has agreed to pay 75% of the total project costs. The proposed bid amount for this work was \$64,916.50; the Villages portion not exceeding \$48,688. Residents are required to submit their contributing portion of \$16,230 prior to the work commencing.

This will be the last public gravel alley to be converted to concrete. The Village's will be using funds from the budgeted 100.30-23-650 (Street Rehabilitation) account to pay for its portion of the work.

The low bid is approximately \$191,170 below the 2019 budgeted amount. A Lamp Concrete has performed work for the Village in the past - most recently the successful completion of the 2018 Street Rehabilitation Program, Forest Glen Water Main Improvement Project, and the Ravine Stabilization project. Staff believes that A Lamp will continue to provide the Village with a high level of service and meet the obligations of the proposed contract.

Recommendation:

Consider adopting Resolution No. R-23-2019, approving a contract for the 2019 Street Rehabilitation and Public Improvement Program with A Lamp Concrete Contractors, Inc. in the amount not to exceed \$855,283.66 (\$790,367.16, for the Base Bid; \$64,916.50 for Bid Alternate #1 – Woodland Alley Reconstruction).

Attachments:

- Resolution No. R-23-2019
- Staff Agenda Report
- Bid Tabulation

RESOLUTION NO. R-23-2019

**A RESOLUTION APPROVING AN AGREEMENT WITH
A. LAMP CONCRETE CONTRACTORS, INC. FOR THE 2019 STREET
REHABILITATION AND PUBLIC IMPROVEMENT PROJECT**

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

WHEREAS, the Village has appropriated funds for the Village's 2019 Street Rehabilitation and Public Improvement Project, including the Pavement Marking Program, Hot Mix Asphalt Program, Portland Cement Concrete Patching Program, and Alternative No. 1 Woodland Alley Reconstruction (collectively, the "**Work**"); and

WHEREAS, the Village requested bids for the procurement of the Work; and

WHEREAS, the Village received six bids for the procurement of the Work and opened the bids on February 14, 2019; and

WHEREAS, pursuant to Chapter 4.12 of the Village Code and the Village's purchasing manual, the Village Council has determined that A. Lamp Concrete Contractors, Inc. ("**Contractor**") is the lowest responsible and responsive bidder for the procurement of the Work; and

WHEREAS, the Village Council desires to enter into an agreement with Contractor for the performance of the Work in an amount not to exceed \$855,283.66 ("**Agreement**"); and

WHEREAS, the Village Council has determined that it is in the best interests of the Village and its residents to enter into the Agreement 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 AGREEMENT. The Village Council hereby approves the Agreement in substantially the form attached to this Resolution as **Exhibit A**, in an amount not to exceed \$855,283.66, and in a final form approved by the Village Attorney.

SECTION 3: AUTHORIZATION TO EXECUTE AGREEMENT. The Village Council hereby authorizes and directs the Village President and the Village Clerk to execute and attest, respectively, on behalf of the Village, the final Agreement after receipt by the Village Manager of two executed copies of the final Agreement from Contractor; provided, however, that if the Village Manager does not receive two executed copies of the final Agreement from

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R-23-2019

Contractor within 60 days after the date of adoption of this Resolution, then this authority to execute and seal the final 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 ____ day of March, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk

EXHIBIT A
AGREEMENT

Agenda Report

Subject: Resolution R-23-2019: 2019 Street Rehabilitation and Public Improvement Program

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

Date: February 26, 2019

As part of the Village's ongoing infrastructure improvement program, plans and specifications were developed for the 2019 Street Rehabilitation and Public Improvement Program for various streets within the Village of Winnetka. These streets include:

<u>Street</u>	<u>Limits</u>	<u>Scope of Work</u>
<i>Arbor Vitae Road</i>	<i>from Elm Street to Pine Street</i>	<i>Resurface;</i>
<i>Birch Street</i>	<i>from Ash Street to Oak Street</i>	<i>Resurface;</i>
<i>Forest Street</i>	<i>from Hill Road to Willow Road</i>	<i>Resurface;</i>
<i>Lamson Drive</i>	<i>from Sheridan Rd to West End</i>	<i>Resurface;</i>
<i>Oak Street</i>	<i>from Birch Street to Chestnut Street</i>	<i>Resurface;</i>
<i>Orchard Lane</i>	<i>from Wilson Street to Fairview Avenue</i>	<i>Reconstruct;</i>
<i>Ridge Avenue</i>	<i>from Hill Road to Willow Road</i>	<i>Resurface;</i>
<i>Walnut Street</i>	<i>from Cherry Street to Spruce Street</i>	<i>Resurface;</i>
<i>*Woodland Alley</i>	<i>from Woodland Ave to South End</i>	<i>Reconstruct</i>

**INDICATES ALTERNATE BID ITEMS.*

In addition to the regular street rehabilitation scope of work, this contract also includes the Village's Pavement Marking Program, Hot Mix Asphalt and Portland Cement Concrete Patching Programs.

On February 14, 2019, six (6) sealed bids were opened and read aloud. The results for the Base Bid; and Bid Alternate #1 (Woodland Alley) are shown below:

BASE BID SUMMARY:

<u>Bidder</u>	Total Base Bid (As Read)	Total Base Bid (As Corrected)
A Lamp Concrete Contractors 1900 Wright Blvd. Schaumburg, IL 60193	\$790,367.16	NO CHANGE
Schroeder Asphalt Services, Inc. P.O. Box 831 Huntley, IL 60142	\$895,210.79	\$894,930.79
Chicagoland Paving Contractors, Inc. 225 Telser Road Lake Zurich, IL 60047	\$929,900.00	NO CHANGE
JA Johnson Paving Company 1025 E. Addison Court Arlington Heights, IL 60005	\$930,700.00	NO CHANGE
Peter Baker & Son Company 1349 Rockland Rd. PO Box 187 Lake Bluff, IL 60044	\$1,026,984.58	NO CHANGE
Builders Paving LLC 4413 Roosevelt Road, #108 Hillside, IL 60162	\$1,058,803.88	NO CHANGE

BID ALTERNATE SUMMARY (#1):

<u>Bidder</u>	Bid Alternate #1 (As Read) Woodland Alley	Bid Alternate #1 (As Calculated) Woodland Alley
A Lamp Concrete Contractors 1900 Wright Blvd. Schaumburg, IL 60193	\$64,916.50	NO CHANGE
Schroeder Asphalt Services, Inc. P.O. Box 831 Huntley, IL 60142	\$91,785.00	NO CHANGE
Chicagoland Paving Contractors, Inc. 225 Telser Road Lake Zurich, IL 60047	\$79,912.50	NO CHANGE
JA Johnson Paving Company 1025 E. Addison Court Arlington Heights, IL 60005	\$75,677.50	NO CHANGE
Peter Baker & Son Company 1349 Rockland Rd. PO Box 187 Lake Bluff, IL 60044	\$73,023.00	NO CHANGE
Builders Paving LLC 4413 Roosevelt Road, #108 Hillside, IL 60162	\$92,653.00	NO CHANGE

All bids were reviewed for completeness and accuracy, and the bid tabulation is attached. The apparent low overall BASE BID was submitted by a Lamp Concrete Contractors, in the amount of \$790,367.16, with their bid for Alternate #1 (Woodland Alley) in the amount of \$64,916.50. A Lamp Concrete Contractors has performed various portions of the Village's Capital Improvement projects in the recent past, to the satisfaction of the Village.

BUDGET INFORMATION:

The FY 2019 Budget accounts are as follows:

<u>BASE BID:</u>	<u>BUDGET:</u>
100.30-23-650 (Street Rehabilitation):	\$1,500,000.00
100.30-22-571 (Pavement Patching)	\$ 20,000.00
100.30-01-544 (Roadway Striping):	\$ 25,000.00
100.30-22-571 (Striping - Contingency):	\$ 6,000.00
540.70.01-567 (Sewer Repair Contingency):	\$ 15,000.00
580.75.01-675 (Orchard Storm Sewer Repair):	\$ 50,000.00
<i>TOTAL BUDGET (BASE BID)</i>	<i>\$1,616,000.00</i>

BID ALTERNATES #1:

Alternate #1 is the reconstruction of the Woodland Alley. This project was initiated by the residents who live adjacent to and utilize this public alley. The Village in the past has coordinated similar projects to improve public alleys from gravel to concrete. This project is a cost sharing program with the residents; the Village has agreed to pay 75% of the total project costs. The proposed bid amount for this work was \$64,916.50; the Villages portion not exceeding \$48,688. Residents are required to submit their contributing portion of \$16,230 prior to the work commencing.

This will be the last public gravel alley to be converted to concrete. The Village's will be utilizing funds from the budgeted 100.30-23-650 (Street Rehabilitation) account to pay for its portion of the work.

ENGINEER'S ESTIMATE OF COSTS:

Staff estimated this project at BASE BID:	\$ 921,278.90
Staff estimated this project at BID ALT #1:	\$ 74,143.50.

As shown above, the total contract of work will be under the cumulative budgeted amount. The contract is structured as a unit price contract, meaning that the Contractor is paid on a per-unit basis for work constructed. This allows the Village to manage the cost of the contract within budget by specifying the amount of work to be completed for each pay item.

Recommendation: Consider adopting Resolution R-23-2019 approving a contract for the 2019 Street Rehabilitation and Public Improvement Program with A Lamp Concrete Contractors, Inc. in the amount not to exceed **\$855,283.66** (\$790,367.16, *for the BASE BID*; \$64,916.50 *for BID ALTERNATE #1 – Woodland Alley Reconstruction*).

2019 STREET PROGRAM BASE BID			ENGINEER'S ESTIMATE OF COST			A Lamp Concrete Contractors 1900 Wright Blvd. Schaumburg, IL 60193	Schroeder Asphalt Services, Inc. P.O. Box 831 Huntley, IL 60142	Chicagoland Paving Contractors 225 Telser Road Lake Zurich, IL 60047	JA Johnson Paving Company 1025 E. Addison Court Arlington Heights, IL 60005	Peter Baker & Son Company 1349 Rockland Rd. PO Box 187 Lake Bluff, IL 60044	Builders Paving LLC 4413 Roosevelt Road, #108 Hillside, IL 60162						
NO.	PAY ITEM	UNIT	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	EARTH EXCAVATION	CU YD	1200	\$ 43.50	\$ 52,200.00	\$ 40.50	\$ 48,600.00	\$ 48.50	\$ 58,200.00	\$ 27.50	\$ 33,000.00	\$ 45.00	\$ 54,000.00	\$ 48.00	\$ 57,600.00	\$ 75.00	\$ 90,000.00
2	EARTH EXCAVATION (SPECIAL)	CU YD	60	\$ 77.00	\$ 4,620.00	\$ 40.00	\$ 2,400.00	\$ 58.00	\$ 3,480.00	\$ 50.00	\$ 3,000.00	\$ 95.00	\$ 5,700.00	\$ 140.00	\$ 8,400.00	\$ 150.00	\$ 9,000.00
3	GEOTECHNICAL FABRIC FOR GROUND STABILIZATION	SQ YD	2495	\$ 1.15	\$ 2,869.25	\$ 1.20	\$ 2,994.00	\$ 1.50	\$ 3,742.50	\$ 1.50	\$ 3,742.50	\$ 1.00	\$ 2,495.00	\$ 1.00	\$ 2,495.00	\$ 3.00	\$ 7,485.00
4	AGGREGATE FOR TEMPORARY DRIVEWAY ACCESS	TON	46	\$ 26.00	\$ 1,196.00	\$ 1.00	\$ 46.00	\$ 35.00	\$ 1,610.00	\$ 25.00	\$ 1,150.00	\$ 15.00	\$ 690.00	\$ 26.00	\$ 1,196.00	\$ 35.00	\$ 1,610.00
5	HOT MIX ASPHALT SURFACE REMOVAL (MILLING)	SQ YD	18250	\$ 3.20	\$ 58,400.00	\$ 3.00	\$ 54,750.00	\$ 3.00	\$ 54,750.00	\$ 2.00	\$ 36,500.00	\$ 2.75	\$ 50,187.50	\$ 4.70	\$ 85,775.00	\$ 3.90	\$ 71,175.00
6	HOT MIX ASPHALT BASE COURSE, 4"	SQ YD	2495	\$ 29.00	\$ 72,355.00	\$ 24.50	\$ 61,127.50	\$ 29.75	\$ 74,226.25	\$ 27.00	\$ 67,365.00	\$ 26.50	\$ 66,117.50	\$ 36.45	\$ 90,942.75	\$ 35.00	\$ 87,325.00
7	HOT MIX ASPHALT BINDER COURSE, IL-19. N50	TON	370	\$ 71.50	\$ 26,455.00	\$ 73.00	\$ 27,010.00	\$ 80.00	\$ 29,600.00	\$ 92.00	\$ 34,040.00	\$ 76.00	\$ 28,120.00	\$ 69.00	\$ 25,530.00	\$ 87.00	\$ 32,190.00
8	HOT MIX ASPHALT SURFACE COURSE, MIX C, N50	TON	2325	\$ 86.00	\$ 199,950.00	\$ 82.00	\$ 190,650.00	\$ 92.00	\$ 213,900.00	\$ 92.00	\$ 213,900.00	\$ 88.00	\$ 204,600.00	\$ 87.60	\$ 203,670.00	\$ 107.00	\$ 248,775.00
9	HOT MIX ASPHALT PAV'T PATCHING (F.D., 8" VARIOUS LOCATION)	SQ YD	20	\$ 96.00	\$ 1,920.00	\$ 100.00	\$ 2,000.00	\$ 95.00	\$ 1,900.00	\$ 90.00	\$ 1,800.00	\$ 80.00	\$ 1,600.00	\$ 197.00	\$ 3,940.00	\$ 160.00	\$ 3,200.00
10	HOT MIX ASPHALT PAV'T PATCHING SURFACE, 2" (VARIOUS LOCATIONS)	SQ YD	450	\$ 40.00	\$ 18,000.00	\$ 32.00	\$ 14,400.00	\$ 30.00	\$ 13,500.00	\$ 25.00	\$ 11,250.00	\$ 35.00	\$ 15,750.00	\$ 40.15	\$ 18,067.50	\$ 55.00	\$ 24,750.00
11	PAVEMENT PATCHING CLASS D	SQ YD	700	\$ 53.00	\$ 37,100.00	\$ 30.00	\$ 21,000.00	\$ 48.00	\$ 33,600.00	\$ 40.00	\$ 28,000.00	\$ 50.00	\$ 35,000.00	\$ 45.00	\$ 31,500.00	\$ 63.50	\$ 44,450.00
12	HOT MIX ASPHALT DRIVEWAY REMOVAL & REPLACEMENT, 2"	SQ YD	349	\$ 42.00	\$ 14,658.00	\$ 35.00	\$ 12,215.00	\$ 23.00	\$ 8,027.00	\$ 20.00	\$ 6,980.00	\$ 35.00	\$ 12,215.00	\$ 51.00	\$ 17,799.00	\$ 92.00	\$ 32,108.00
13	BITUMINOUS MATERIAL (PRIME COAT)	GAL	3120	\$ 0.20	\$ 624.00	\$ 2.43	\$ 7,581.60	\$ 0.01	\$ 31.20	\$ 0.01	\$ 31.20	\$ 0.01	\$ 31.20	\$ 0.01	\$ 31.20	\$ 1.00	\$ 3,120.00
14	AGGREGATE (PRIME COAT)	TON	53	\$ 5.00	\$ 265.00	\$ 1.00	\$ 53.00	\$ 1.00	\$ 53.00	\$ 0.01	\$ 0.53	\$ 1.00	\$ 53.00	\$ 1.00	\$ 53.00	\$ 30.00	\$ 1,590.00
15	PCC SIDEWALK REMOVAL & REPLACEMENT, 5"	SQ FT	5550	\$ 6.75	\$ 37,462.50	\$ 6.25	\$ 34,687.50	\$ 8.25	\$ 45,787.50	\$ 8.15	\$ 45,232.50	\$ 7.75	\$ 43,012.50	\$ 6.50	\$ 36,075.00	\$ 10.00	\$ 55,500.00
16	PCC DRIVEWAY PAVEMENT REMOVAL & REPLACEMENT, 6"	SQ YD	266	\$ 62.00	\$ 16,492.00	\$ 58.50	\$ 15,561.00	\$ 68.25	\$ 18,154.50	\$ 68.00	\$ 18,088.00	\$ 65.00	\$ 17,290.00	\$ 65.00	\$ 17,290.00	\$ 100.00	\$ 26,600.00
17	PCC PAVEMENT, 9"	SQ YD	0	\$ 76.00	\$ -	\$ 65.00	\$ -	\$ 96.50	\$ -	\$ 90.00	\$ -	\$ 77.00	\$ -	\$ 70.00	\$ -	\$ 80.00	\$ -
18	PCC PAVEMENT PATCHING (VARIOUS LOCATIONS)	SQ YD	40	\$ 81.00	\$ 3,240.00	\$ 110.00	\$ 4,400.00	\$ 126.00	\$ 5,040.00	\$ 135.00	\$ 5,400.00	\$ 120.00	\$ 4,800.00	\$ 120.00	\$ 4,800.00	\$ 70.00	\$ 2,800.00
19	COMBINATION CONCRETE CURB & GUTTR	FOOT	3615	\$ 20.50	\$ 74,107.50	\$ 19.00	\$ 68,685.00	\$ 24.15	\$ 87,302.25	\$ 24.00	\$ 86,760.00	\$ 23.00	\$ 83,145.00	\$ 32.50	\$ 117,487.50	\$ 25.00	\$ 90,375.00
20	COMBINATION CONCRETE CURB & GUTTR/ CURB REMOVAL	FOOT	775	\$ 4.25	\$ 3,293.75	\$ 3.50	\$ 2,712.50	\$ 8.40	\$ 6,510.00	\$ 10.00	\$ 7,750.00	\$ 8.00	\$ 6,200.00	\$ 5.00	\$ 3,875.00	\$ 7.00	\$ 5,425.00
21	DETECTABLE WARNINGS	SQ FT	312	\$ 40.00	\$ 12,480.00	\$ 35.00	\$ 10,920.00	\$ 52.50	\$ 16,380.00	\$ 53.00	\$ 16,536.00	\$ 45.00	\$ 14,040.00	\$ 40.00	\$ 12,480.00	\$ 30.00	\$ 9,360.00
22	THERMOPLASTIC PAV'T MARKING-LINE, 4" WHITE/YELLOW	FOOT	38622	\$ 0.70	\$ 27,035.40	\$ 0.70	\$ 27,035.40	\$ 0.67	\$ 25,876.74	\$ 0.65	\$ 25,104.30	\$ 0.70	\$ 27,035.40	\$ 0.63	\$ 24,331.86	\$ 0.55	\$ 21,242.10
23	THERMOPLASTIC PAV'T MARKING-LINE, 6" WHITE/YELLOW	FOOT	2305	\$ 1.10	\$ 2,535.50	\$ 1.10	\$ 2,535.50	\$ 1.05	\$ 2,420.25	\$ 1.00	\$ 2,305.00	\$ 1.35	\$ 3,111.75	\$ 0.97	\$ 2,235.85	\$ 1.25	\$ 2,881.25
24	THERMOPLASTIC PAV'T MARKING-LINE, 12" WHITE/YELLOW	FOOT	200	\$ 2.15	\$ 430.00	\$ 2.15	\$ 430.00	\$ 2.05	\$ 410.00	\$ 2.05	\$ 410.00	\$ 3.25	\$ 650.00	\$ 1.95	\$ 390.00	\$ 5.00	\$ 1,000.00
25	THERMOPLASTIC PAV'T MARKING-LINE, 24" WHITE/YELLOW	FOOT	528	\$ 4.10	\$ 2,164.80	\$ 4.30	\$ 2,270.40	\$ 4.15	\$ 2,191.20	\$ 4.05	\$ 2,138.40	\$ 5.37	\$ 2,835.36	\$ 3.89	\$ 2,053.92	\$ 5.00	\$ 2,640.00
26	THERMOPLASTIC PAV'T MARKING-LETTERS & SYMBOLS	SQ FT	150	\$ 4.10	\$ 615.00	\$ 4.30	\$ 645.00	\$ 4.15	\$ 622.50	\$ 4.05	\$ 607.50	\$ 5.37	\$ 805.50	\$ 3.89	\$ 583.50	\$ 10.00	\$ 1,500.00
27	RECESSED PAVEMENT MARKING - LINE, 4" WHITE/YELLOW	FOOT	3000	\$ 1.00	\$ 3,000.00	\$ 1.10	\$ 3,300.00	\$ 1.15	\$ 3,450.00	\$ 4.70	\$ 14,100.00	\$ 2.41	\$ 7,230.00	\$ 4.50	\$ 13,500.00	\$ 2.50	\$ 7,500.00
28	RECESSED PAVEMENT MARKING - LINE, 6" WHITE/YELLOW	FOOT	200	\$ 1.50	\$ 300.00	\$ 1.65	\$ 330.00	\$ 1.65	\$ 330.00	\$ 6.25	\$ 1,250.00	\$ 3.62	\$ 724.00	\$ 6.00	\$ 1,200.00	\$ 10.00	\$ 2,000.00
29	RECESSED PAVEMENT MARKING - LINE, 12" WHITE/YELLOW	FOOT	100	\$ 3.00	\$ 300.00	\$ 3.30	\$ 330.00	\$ 3.25	\$ 325.00	\$ 13.00	\$ 1,300.00	\$ 7.23	\$ 723.00	\$ 12.50	\$ 1,250.00	\$ 20.00	\$ 2,000.00
30	RECESSED PAVEMENT MARKING - LINE, 24" WHITE/YELLOW	FOOT	200	\$ 7.00	\$ 1,400.00	\$ 6.60	\$ 1,320.00	\$ 6.50	\$ 1,300.00	\$ 26.00	\$ 5,200.00	\$ 14.45	\$ 2,890.00	\$ 25.00	\$ 5,000.00	\$ 20.00	\$ 4,000.00
31	RECESSED PAVEMENT MARKING - SYMBOLS & LETTERS	SQ FT	128.6	\$ 7.00	\$ 900.20	\$ 6.60	\$ 848.76	\$ 6.50	\$ 835.90	\$ 26.00	\$ 3,343.60	\$ 14.45	\$ 1,858.27	\$ 25.00	\$ 3,215.00	\$ 40.00	\$ 5,144.00
32	SANITARY MANHOLE, 48" I.D., REMOVE & REPLACE	EACH	2	\$ 5,850.00	\$ 11,700.00	\$ 4,000.00	\$ 8,000.00	\$ 6,340.00	\$ 12,680.00	\$ 6,700.00	\$ 13,400.00	\$ 6,025.00	\$ 12,050.00	\$ 6,025.00	\$ 12,050.00	\$ 6,025.00	\$ 12,050.00
33	SANITARY MANHOLE CHIMNEY SEAL	EACH	4	\$ 680.00	\$ 2,720.00	\$ 475.00	\$ 1,900.00	\$ 880.00	\$ 3,520.00	\$ 435.00	\$ 1,740.00	\$ 835.00	\$ 3,340.00	\$ 835.00	\$ 3,340.00	\$ 835.00	\$ 3,340.00
34	INLETS, TYPE A	EACH	0	\$ 640.00	\$ -	\$ 1,500.00	\$ -	\$ 1,800.00	\$ -	\$ 1,625.00	\$ -	\$ 1,715.00	\$ -	\$ 1,715.00	\$ -	\$ 1,715.00	\$ -
35	MANHOLES, TYPE 4, 4' DIA., TYPE 1, CLOSED LID/OPEN LID	EACH	5	\$ 4,000.00	\$ 20,000.00	\$ 3,000.00	\$ 15,000.00	\$ 3,625.00	\$ 18,125.00	\$ 4,540.00	\$ 22,700.00	\$ 3,465.00	\$ 17,325.00	\$ 3,465.00	\$ 17,325.00	\$ 3,465.00	\$ 17,325.00
36	CATCH BASINS, TYPE D, 3' DIA. WITH FRAME & GRATE	EACH	9	\$ 3,000.00	\$ 27,000.00	\$ 2,500.00	\$ 22,500.00	\$ 2,900.00	\$ 26,100.00	\$ 4,270.00	\$ 38,430.00	\$ 2,745.00	\$ 24,705.00	\$ 2,745.00	\$ 24,705.00	\$ 2,745.00	\$ 24,705.00
37	MANHOLES TO BE RECONSTRUCTED	EACH	2	\$ 1,525.00	\$ 3,050.00	\$ 750.00	\$ 1,500.00	\$ 1,595.00	\$ 3,190.00	\$ 1,300.00	\$ 2						

BID ALTERNATE #1
ELM STREET STATION PARKING LOT

ELM STREET STATION PARKING LOT				ENGINEER'S ESTIMATE OF COST				A Lamp Concrete Contractors 1900 Wright Blvd. Schaumburg, IL 60193		Schroeder Asphalt Services, Inc. P.O. Box 831 Huntley, IL 60142		Chicagoland Paving Contractors 225 Telser Road Lake Zurich, IL 60047		JA Johnson Paving Company 1025 E. Addison Court Arlington Heights, IL 60005		Peter Baker & Son Company 1349 Rockland Rd. PO Box 187 Lake Bluff, IL 60044		Builders Paving LLC 4413 Roosevelt Road, #108 Hillside, IL 60162	
NO.	PAY ITEM	UNIT	QUANTITY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT		
1	EARTH EXCAVATION	CU YD	308	\$ 43.50	\$ 13,398.00	\$ 40.50	\$ 12,474.00	\$ 48.50	\$ 14,938.00	\$ 27.50	\$ 8,470.00	\$ 45.00	\$ 13,860.00	\$ 48.00	\$ 14,784.00	\$ 75.00	\$ 23,100.00		
2	GEOTECHNICAL FABRIC FOR GROUND STABILIZATION	SQ YD	700	\$ 1.15	\$ 805.00	\$ 1.20	\$ 840.00	\$ 1.50	\$ 1,050.00	\$ 1.50	\$ 1,050.00	\$ 1.00	\$ 700.00	\$ 1.00	\$ 700.00	\$ 3.00	\$ 2,100.00		
3	AGGREGATE FOR TEMPORARY DRIVEWAY ACCESS	TON	30	\$ 26.00	\$ 780.00	\$ 1.00	\$ 30.00	\$ 35.00	\$ 1,050.00	\$ 25.00	\$ 750.00	\$ 15.00	\$ 450.00	\$ 26.00	\$ 780.00	\$ 35.00	\$ 1,050.00		
4	HMA DRIVEWAY REMOVAL AND REPLACEMENT, 2"	SQ YD	39	\$ 42.00	\$ 1,638.00	\$ 35.00	\$ 1,365.00	\$ 23.00	\$ 897.00	\$ 20.00	\$ 780.00	\$ 35.00	\$ 1,365.00	\$ 51.00	\$ 1,989.00	\$ 92.00	\$ 3,588.00		
5	PCC SIDEWALK REMOVAL & REPLACEMENT, 5"	SQ FT	250	\$ 6.75	\$ 1,687.50	\$ 6.25	\$ 1,562.50	\$ 8.25	\$ 2,062.50	\$ 8.15	\$ 2,037.50	\$ 7.75	\$ 1,937.50	\$ 6.50	\$ 1,625.00	\$ 10.00	\$ 2,500.00		
6	PCC DRIVEWAY REMOVAL & REPLACEMENT, 6"	SQ YD	10	\$ 62.00	\$ 620.00	\$ 58.50	\$ 585.00	\$ 68.25	\$ 682.50	\$ 68.00	\$ 680.00	\$ 65.00	\$ 650.00	\$ 65.00	\$ 650.00	\$ 100.00	\$ 1,000.00		
7	PCC PAVEMENT, 9"	SQ YD	700	\$ 76.00	\$ 53,200.00	\$ 65.00	\$ 45,500.00	\$ 96.50	\$ 67,550.00	\$ 90.00	\$ 63,000.00	\$ 77.00	\$ 53,900.00	\$ 70.00	\$ 49,000.00	\$ 80.00	\$ 56,000.00		
8	INLETS, TYPE A	EACH	1	\$ 640.00	\$ 640.00	\$ 1,500.00	\$ 1,500.00	\$ 1,800.00	\$ 1,800.00	\$ 1,625.00	\$ 1,625.00	\$ 1,715.00	\$ 1,715.00	\$ 1,715.00	\$ 1,715.00	\$ 1,715.00	\$ 1,715.00		
9	MANHOLES TO BE ADJUSTED	EACH	1	\$ 525.00	\$ 525.00	\$ 350.00	\$ 350.00	\$ 525.00	\$ 525.00	\$ 460.00	\$ 460.00	\$ 490.00	\$ 490.00	\$ 490.00	\$ 490.00	\$ 490.00	\$ 490.00		
10	CATCH BASINS TO BE ADJUSTED	EACH	2	\$ 300.00	\$ 600.00	\$ 350.00	\$ 700.00	\$ 315.00	\$ 630.00	\$ 380.00	\$ 760.00	\$ 300.00	\$ 600.00	\$ 345.00	\$ 690.00	\$ 345.00	\$ 690.00		
11	TOPSOIL FURNISHED AND PLACED	CU YD	10	\$ 25.00	\$ 250.00	\$ 1.00	\$ 10.00	\$ 60.00	\$ 600.00	\$ 30.00	\$ 300.00	\$ 1.00	\$ 10.00	\$ 60.00	\$ 600.00	\$ 42.00	\$ 420.00		
TOTAL: AS CALCULATED					\$ 74,143.50	\$ 64,916.50		\$ 91,785.00		\$ 79,912.50		\$ 75,677.50		\$ 73,023.00		\$ 92,653.00			
TOTAL: AS READ						\$ 64,916.50		\$ 91,785.00		\$ 79,912.50		\$ 75,677.50		\$ 73,023.00		\$ 92,653.00			



Agenda Item Executive Summary

Title: Resolution No. R-24-2019: Parkway Tree Planting Contracts (Adoption)

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

Agenda Date: 03/05/2019

Consent: ☒ YES ☐ NO

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

Item History:

The FY 2019 Village budget contains \$55,000 for planting trees on Village parkways and rights-of-way, in account 100.30.26-545.

Executive Summary:

On January 31 the Village held a bid opening for the 2019 Tree Planting Program. The program includes the planting of approximately 207 trees on Village parkways this year. The request for bids called for itemized pricing of various tree species at specified sizes and quantities. Five firms responded to the request, and their bids are summarized in the attached sheet.

Acres Group provided the lowest bid on 44 species-size combinations, with an associated quantity of 147 trees. St. Aubin nursery provided the lowest bid on 18 species-size combinations, with an associated quantity of 60 trees. These were the only two firms able to provide every species and size of tree requested by the Village. If awarded to these two firms based on the lowest cost per species and size, the contract to Acres Group would be for \$36,683 and St. Aubin Nursery would be for \$14,420 - for a total program cost of \$51,103. This is lower than the amount of a single contract to the lowest bidder (Acres Group at \$53,642).

Village staff recommends awarding the 2019 Village Tree Planting Program divided by species and size as indicated in the attached bid tabulation. Resolution No. R-24-2019 awards contracts to Acres Group and St. Aubin Nursery for Parkway Tree Planting in amounts not to exceed \$36,683 and \$14,420, respectively.

Recommendation:

Consider adopting Resolution No. R-24-2019, awarding contracts to Acres Group and St. Aubin Nursery for Parkway Tree Planting in amounts not to exceed \$36,683 and \$14,420, respectively.

Attachments:

- Resolution No. R-24-2019
- Bid Tabulation & Award Recommendation

RESOLUTION NO. R-24-2019

**A RESOLUTION APPROVING THE PURCHASE
OF TREES AND TREE PLANTING 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, the Village has appropriated funds for the purchase and planting of trees on Village-owned parkways ("**Work**"); and

WHEREAS, the Village requested bids for the performance of the Work; and

WHEREAS, the Village received bids for the Work from five bidders and opened the bids on January 31, 2019; and

WHEREAS, pursuant to Chapter 4.12 of the Village Code and the Village's purchasing manual, the Village Council has determined that St. Aubin Nursery & Landscaping, Inc. ("**St. Aubin**"), and Acres Landscaping, Inc. ("**Acres**") (collectively, "**Contractors**"), are each the lowest responsible bidder for different parts of the Work; and

WHEREAS, the Village Council desires to engage Acres in an amount not to exceed \$36,683.00 and St. Aubin in an amount not to exceed \$14,420.00 to perform the respective portions of the Work for which each of the Contractors is the lowest responsible bidder; and

WHEREAS, the Village Council has determined that it is in the best interests of the Village and its residents to procure such Work from the Contractors;

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 ENGAGE CONTRACTORS. The Village Council authorizes and directs the Village President, the Village Manager, and the Village Clerk to execute and attest, respectively, on behalf of the Village, all documents approved by the Village Attorney and necessary to engage Acres in an amount not to exceed \$36,683 and St. Aubin Nursery in an amount not to exceed \$14,420.00 to perform the respective portions of the Work for which each of the Contractors is the lowest responsible bidder.

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

[SIGNATURE PAGE FOLLOWS]

March 5, 2019

R-24-2019

ADOPTED this 5th day of March, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk

2019 Parkway Tree Planting Bids - Price per Tree Installed

Lowest Tree Price Highlighted in Yellow

Species	Size	Est Qty.	Unit Price Per Tree					Extended Cost	
			Beary	Greco	St Aubin	Weiler	Acres	St Aubin	Acres
Bald Cypress	2"	4	\$ 374	\$ 305	\$ 249	\$ 250	\$ 206	\$ 996	\$ 824
	3"	1	\$ 482	\$ 355	\$ 319	\$ 345	\$ 240	\$ 319	\$ 240
Beech	2"	4	\$ 484	\$ 340	\$ 229	NB	\$ 284	\$ 916	\$ 1,136
	3"	1	\$ 788	NB	\$ 289	NB	\$ 337	\$ 289	\$ 337
Birch, Whitespire	2"	2	\$ 412	NB	\$ 229	NB	\$ 206	\$ 458	\$ 412
	3"	1	\$ 529	NB	\$ 289	NB	\$ 267	\$ 289	\$ 267
Blackgum	2"	4	\$ 508	\$ 340	\$ 295	\$ 300	\$ 279	\$ 1,180	\$ 1,116
	3"	1	\$ 780	NB	\$ 445	\$ 700	\$ 341	\$ 445	\$ 341
Buckeye, Ohio	2"	5	\$ 484	NB	\$ 229	\$ 285	\$ 267	\$ 1,145	\$ 1,335
	3"	2	\$ 653	NB	\$ 339	NB	\$ 312	\$ 678	\$ 624
Buckeye, Red	2"	4	\$ 484	NB	\$ 309	\$ 285	\$ 267	\$ 1,236	\$ 1,068
	3"								
Catalpa	2"	6	\$ 374	\$ 305	\$ 224	\$ 250	\$ 216	\$ 1,344	\$ 1,296
	3"	2	\$ 490	NB	\$ 320	\$ 345	\$ 278	\$ 640	\$ 556
Crabapple, red jewel	2"	3	\$ 319	NB	\$ 249	\$ 250	\$ 228	\$ 747	\$ 684
Crabapple, Royal Raindrop	2"	3	\$ 319	\$ 285	\$ 249	\$ 250	\$ 228	\$ 747	\$ 684
Dawn redwood	2"	5	\$ 398	NB	\$ 249	\$ 260	\$ 233	\$ 1,245	\$ 1,165
	3"	2	\$ 496	NB	\$ 349	\$ 370	\$ 299	\$ 698	\$ 598
Dogwood, corneilan cherry	2"	4	\$ 429	NB	\$ 299	\$ 275	\$ 221	\$ 1,196	\$ 884
Elm, Hybrid	2"	4	\$ 382	\$ 320	\$ 269	\$ 260	\$ 233	\$ 1,076	\$ 932
	3"	1	\$ 529	\$ 370	\$ 340	\$ 360	\$ 324	\$ 340	\$ 324
Ginkgo	2"	6	\$ 382	NB	\$ 290	\$ 310	\$ 329	\$ 1,740	\$ 1,974
	3"	2	\$ 529	\$ 410	\$ 399	\$ 800	\$ 489	\$ 798	\$ 978
Hackberry	2"	9	\$ 382	\$ 315	\$ 280	\$ 270	\$ 233	\$ 2,520	\$ 2,097
	3"	2	\$ 568	NB	\$ 389	\$ 380	\$ 295	\$ 778	\$ 590
Hickory, bitternut	2"	3	\$ 476	NB	\$ 185	NB	\$ 262	\$ 555	\$ 786
Hickory, shagbark	2"	4	\$ 476	NB	\$ 185	NB	\$ 292	\$ 740	\$ 1,168
	3"	1	\$ 749	NB	\$ 250	NB	\$ 362	\$ 250	\$ 362
Hophornbeam	2"	4	\$ 594	\$ 325	\$ 280	\$ 285	\$ 233	\$ 1,120	\$ 932
Hornbeam, American	2"	6	\$ 398	NB	\$ 280	\$ 275	\$ 233	\$ 1,680	\$ 1,398
	3"	2	\$ 592	NB	\$ 330		\$ 304	\$ 660	\$ 608
Hornbeam, European upright	2"	4	\$ 398	\$ 340	\$ 249	\$ 285	\$ 233	\$ 996	\$ 932
Horsechestnut	2"	4	\$ 443	NB	\$ 220	\$ 285	\$ 267	\$ 880	\$ 1,068
Katsura tree	2"	4	\$ 443	NB	\$ 280	NB	\$ 233	\$ 1,120	\$ 932
Kentucky Coffeetree	2"	6	\$ 398	\$ 320	\$ 220	\$ 265	\$ 233	\$ 1,320	\$ 1,398
	3"	2	\$ 568	\$ 390	\$ 365	\$ 385	\$ 303	\$ 730	\$ 606
Lilac, Japanese Tree	2"	7	\$ 406	NB	\$ 275	\$ 265	\$ 250	\$ 1,925	\$ 1,750
Lilac, Peking	2"	2	\$ 406	NB	\$ 269	\$ 285	\$ 250	\$ 538	\$ 500
Linden, Silver	2"	3	\$ 390	NB	\$ 235	\$ 265	\$ 241	\$ 705	\$ 723
London Planetree	2"	5	\$ 382	\$ 331	\$ 260	\$ 250	\$ 233	\$ 1,300	\$ 1,165
	3"	2	\$ 513	\$ 380	\$ 375	\$ 340	\$ 316	\$ 750	\$ 632
Magnolia - Tree Form	2"	2	\$ 429	NB	\$ 230	NB	\$ 241	\$ 460	\$ 482
Maple, Tatarian	2"	3	\$ 414	NB	\$ 230	\$ 260	\$ 241	\$ 690	\$ 723
Maple, paperbark	2"	3	\$ 522	NB	\$ 230	\$ 330	\$ 279	\$ 690	\$ 837
Maple, Sugar	2"	3	\$ 398	NB	\$ 249	\$ 265	\$ 233	\$ 747	\$ 699
	3"	1	\$ 537	NB	\$ 374	\$ 380	\$ 324	\$ 374	\$ 324
Oak, Chinquapin	2"	4	\$ 421	NB	\$ 269	\$ 285	\$ 241	\$ 1,076	\$ 964
	3"	2	\$ 560	NB	\$ 299	\$ 480	\$ 321	\$ 598	\$ 642
Oak, Shingle	2"	4	\$ 414	NB	\$ 249	\$ 260	\$ 241	\$ 996	\$ 964
	3"	2	\$ 560	NB	\$ 299	\$ 360	\$ 321	\$ 598	\$ 642
Oak, Regal Prince	2"	5	\$ 398	NB	\$ 269	\$ 285	\$ 241	\$ 1,345	\$ 1,205
Swamp White Oak	2"	2	\$ 398	\$ 340	\$ 260	\$ 285	\$ 241	\$ 520	\$ 482
	3"	1	\$ 436	\$ 390	\$ 395	\$ 430	\$ 332	\$ 395	\$ 332
Redbud, Eastern	2"	4	\$ 390	\$ 320	\$ 280	\$ 275	\$ 250	\$ 1,120	\$ 1,000
Serviceberry	2"	5	\$ 382	\$ 330	\$ 280	\$ 275	\$ 250	\$ 1,400	\$ 1,250
Smoketree	2"	5	\$ 421	NB	\$ 210	NB	\$ 260	\$ 1,050	\$ 1,300
Sweetgum	2"	4	\$ 414	NB	\$ 249	\$ 265	\$ 267	\$ 996	\$ 1,068
	3"	2	\$ 537	NB	\$ 380	\$ 385	\$ 310	\$ 760	\$ 620
Tuliptree	2"	4	\$ 406	\$ 340	\$ 245	\$ 265	\$ 224	\$ 980	\$ 896
	3"	2	\$ 537	\$ 390	\$ 345	NB	\$ 291	\$ 690	\$ 582
Witch Hazel	2"	5	\$ 421	NB	\$ 260	NB	\$ 220	\$ 1,300	\$ 1,100
Yellowwood	2"	5	\$ 414	NB	\$ 299	\$ 319	\$ 288	\$ 1,495	\$ 1,440
	3"	2	\$ 615	NB	\$ 420	\$ 600	\$ 334	\$ 840	\$ 668
								\$ 56,209	\$ 53,642

2019 Tree Planting - Recommended Award

Species	Size	Est Qty.	Price Per Tree	Total	Vendor
Bald Cypress	2"	4	\$ 206	\$ 824	Acres Group
Birch, Whitespire	2"	2	\$ 206	\$ 412	Acres Group
Catalpa	2"	6	\$ 216	\$ 1,296	Acres Group
Witch Hazel	2"	5	\$ 220	\$ 1,100	Acres Group
Dogwood, corneilan cherry	2"	4	\$ 221	\$ 884	Acres Group
Tuliptree	2"	4	\$ 224	\$ 896	Acres Group
Crabapple, red jewel	2"	3	\$ 228	\$ 684	Acres Group
Crabapple, Royal Raindrop	2"	3	\$ 228	\$ 684	Acres Group
Dawn redwood	2"	5	\$ 233	\$ 1,165	Acres Group
Elm, Hybrid	2"	4	\$ 233	\$ 932	Acres Group
Hackberry	2"	9	\$ 233	\$ 2,097	Acres Group
Hophornbeam	2"	4	\$ 233	\$ 932	Acres Group
Hornbeam, American	2"	6	\$ 233	\$ 1,398	Acres Group
Hornbeam, European upright	2"	4	\$ 233	\$ 932	Acres Group
Katsura tree	2"	4	\$ 233	\$ 932	Acres Group
London Planetree	2"	5	\$ 233	\$ 1,165	Acres Group
Maple, Sugar	2"	3	\$ 233	\$ 699	Acres Group
Bald Cypress	3"	1	\$ 240	\$ 240	Acres Group
Oak, Chinquapin	2"	4	\$ 241	\$ 964	Acres Group
Oak, Shingle	2"	4	\$ 241	\$ 964	Acres Group
Oak, Regal Prince	2"	5	\$ 241	\$ 1,205	Acres Group
Swamp White Oak	2"	2	\$ 241	\$ 482	Acres Group
Lilac, Japanese Tree	2"	7	\$ 250	\$ 1,750	Acres Group
Lilac, Peking	2"	2	\$ 250	\$ 500	Acres Group
Redbud, Eastern	2"	4	\$ 250	\$ 1,000	Acres Group
Serviceberry	2"	5	\$ 250	\$ 1,250	Acres Group
Birch, Whitespire	3"	1	\$ 267	\$ 267	Acres Group
Buckeye, Red	2"	4	\$ 267	\$ 1,068	Acres Group
Catalpa	3"	2	\$ 278	\$ 556	Acres Group
Blackgum	2"	4	\$ 279	\$ 1,116	Acres Group
Yellowwood	2"	5	\$ 288	\$ 1,440	Acres Group
Tuliptree	3"	2	\$ 291	\$ 582	Acres Group
Hackberry	3"	2	\$ 295	\$ 590	Acres Group
Dawn redwood	3"	2	\$ 299	\$ 598	Acres Group
Kentucky Coffeetree	3"	2	\$ 303	\$ 606	Acres Group
Hornbeam, American	3"	2	\$ 304	\$ 608	Acres Group
Sweetgum	3"	2	\$ 310	\$ 620	Acres Group
Buckeye, Ohio	3"	2	\$ 312	\$ 624	Acres Group
London Planetree	3"	2	\$ 316	\$ 632	Acres Group
Elm, Hybrid	3"	1	\$ 324	\$ 324	Acres Group
Maple, Sugar	3"	1	\$ 324	\$ 324	Acres Group
Swamp White Oak	3"	1	\$ 332	\$ 332	Acres Group
Yellowwood	3"	2	\$ 334	\$ 668	Acres Group
Blackgum	3"	1	\$ 341	\$ 341	Acres Group
Hickory, bitternut	2"	3	\$ 185	\$ 555	St. Aubin
Hickory, shagbark	2"	4	\$ 185	\$ 740	St. Aubin
Smoketree	2"	5	\$ 210	\$ 1,050	St. Aubin
Horsechestnut	2"	4	\$ 220	\$ 880	St. Aubin
Kentucky Coffeetree	2"	6	\$ 220	\$ 1,320	St. Aubin
Beech	2"	4	\$ 229	\$ 916	St. Aubin
Buckeye, Ohio	2"	5	\$ 229	\$ 1,145	St. Aubin
Magnolia - Tree Form	2"	2	\$ 230	\$ 460	St. Aubin
Maple, Tatarian	2"	3	\$ 230	\$ 690	St. Aubin
Maple, paperbark	2"	3	\$ 230	\$ 690	St. Aubin
Linden, Silver	2"	3	\$ 235	\$ 705	St. Aubin
Sweetgum	2"	4	\$ 249	\$ 996	St. Aubin
Hickory, shagbark	3"	1	\$ 250	\$ 250	St. Aubin
Beech	3"	1	\$ 289	\$ 289	St. Aubin
Ginkgo	2"	6	\$ 290	\$ 1,740	St. Aubin
Oak, Chinquapin	3"	2	\$ 299	\$ 598	St. Aubin
Oak, Shingle	3"	2	\$ 299	\$ 598	St. Aubin
Ginkgo	3"	2	\$ 399	\$ 798	St. Aubin

Total Cost \$ 51,103



Agenda Item Executive Summary

Title: Resolution No. R-25-2019: Ninth Extension of Landscape Waste Hauling Contract (Adoption)

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

Agenda Date: 03/05/2019

Consent: ☒ YES ☐ NO

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

Item History:

2019 Budget Item

Executive Summary:

The Village has a contract with Thelen Sand & Gravel of Antioch, IL to provide transport and disposal services for yard waste collected by the Village of Winnetka. Under State of Illinois law, yard waste may no longer be disposed of in landfills, but must be composted. Winnetka maintains a landscape waste transfer station at the Village's closed landfill at 1390 Willow Road. Village refuse collectors collect the landscape waste and deposit it at the transfer site on the landfill; Thelen then hauls the material off-site within 72 hours of deposit, and composts the material in Antioch.

The current contract was initiated for the period April 1, 2006 through March 31, 2007, at a contract price of \$6.94 per cubic yard. The contract allows up to 5 one-year extensions with an adjustment based on the Chicago CPI. The contract price was adjusted to \$7.00 in 2007, and Thelen has agreed to hold their price ever since. The operation has gone extremely smoothly over the life of the contract. Last year Thelen requested to extend the contract with all original terms, and to hold pricing. Thelen again wishes to extend the contract for an additional year. Staff has been very pleased with the operation and also wishes to extend the contract. Thelen has agreed to hold their prices at the contract rate of \$7.00 per cubic yard.

Recommendation:

Consider adopting No. Resolution No. R-25-2019, waiving bidding requirements and authorizing a ninth one-year extension of the current landscape waste hauling contract with Thelen Sand & Gravel of Antioch, IL for \$7.00 per cubic yard.

Attachments:

- Resolution No. R-25-2019
- Extension agreement
- Thelan Price extension letter

RESOLUTION NO. R-25-2019

**A RESOLUTION WAIVING BIDDING AND APPROVING AN AMENDMENT
TO AN AGREEMENT WITH THELEN SAND AND GRAVEL, INC.
FOR LANDSCAPE WASTE REMOVAL 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 March 7, 2006, the Village entered into an agreement ("**Agreement**") with Thelen Sand and Gravel, Inc. ("**Contractor**"), for the performance of work necessary to remove and haul landscape waste ("**Work**"); and

WHEREAS, pursuant to Section V.A of the Agreement, the initial term of the Agreement expired on March 31, 2007 and the Agreement was renewed annually through March 31, 2011; and

WHEREAS, the Village and the Contractor have amended and extended the Agreement for eight additional one-year extension terms, and the eighth extension term will expire on March 31, 2019; and

WHEREAS, the Village Council desires to enter into a ninth amendment to the Agreement ("**Ninth Amendment**") to extend and renew the Agreement for a ninth extension term that will expire on March 31, 2020 ("**Extension Term**"); and

WHEREAS, the Village has appropriated sufficient funds for the procurement of the Work pursuant to the Ninth Amendment during the Extension Term; and

WHEREAS, pursuant to Chapter 4.12 of the Village Code and the Village's purchasing manual, the Village Council desires to waive competitive bidding and enter into the Ninth Amendment with Contractor for the performance of the Work during the Extension Term; and

WHEREAS, the Village Council has determined that it is in the best interests of the Village and its residents to waive competitive bidding and enter into the Ninth Amendment 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: WAIVER OF COMPETITIVE BIDDING. Pursuant to Section 4.12.010.C of the Village Code, Section IV.3.D of the Village's Purchasing Manual, and the Village's home rule authority, the Village Council waives the requirement of competitive bidding for the procurement of the Work for the Extension Term.

March 5, 2019

R-25-2019

SECTION 3: APPROVAL OF NINTH AMENDMENT. The Village Council approves the Ninth Amendment in substantially the form attached to this Resolution as **Exhibit A** and in a final form approved by the Village Attorney.

SECTION 4: AUTHORIZATION TO EXECUTE NINTH AMENDMENT. 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 Ninth Amendment after receipt by the Village Manager of two executed copies of the final Ninth Amendment from Contractor; provided, however, that if the Village Manager does not receive two executed copies of the final Ninth Amendment from Contractor within 60 days after the date of adoption of this Resolution, then this authority to execute and seal the Ninth Amendment will, at the option of the Village Council, be null and void.

SECTION 5: EFFECTIVE DATE. This Resolution shall be in full force and effect from and after its passage and approval according to law by two-thirds of the Trustees.

ADOPTED this ____ day of March, 2019, pursuant to the following roll call vote:

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

Signed

Village President

Countersigned:

Village Clerk

EXHIBIT A
NINTH AMENDMENT

**NINTH AMENDMENT TO AGREEMENT
BETWEEN THE VILLAGE OF WINNETKA AND
THELEN SAND AND GRAVEL, INC.
FOR LANDSCAPE WASTE REMOVAL WORK**

THIS IS A NINTH AMENDMENT (“*Ninth Amendment*”), dated as of _____, 2019, to that certain Agreement dated as of March 7, 2006 (“*Agreement*”), between the **VILLAGE OF WINNETKA**, an Illinois home rule municipal corporation (“*Village*”), and **THELEN SAND AND GRAVEL, INC.**, a Delaware corporation (“*Contractor*”).

RECITALS

WHEREAS, on March 7, 2006, the Village and the Contractor entered into the Agreement for the Contractor to remove and haul landscape waste from a landscape waste transfer site owned by the Village (“*Work*”); and

WHEREAS, pursuant to Section V.A of the Agreement, the initial term of the Agreement expired on March 31, 2007 and the Agreement was renewed annually through March 31, 2011; and

WHEREAS, the Village and the Contractor have amended and extended the Agreement for eight additional one-year extension terms, and the eighth extension term will expire on March 31, 2019; and

WHEREAS, the Village and the Contractor desire to: (i) extend and renew the Agreement until March 31, 2020 (“*Extension Term*”); and (ii) set forth the fees the Village will pay Contractor for the performance of the Work during the Extension Term, all in accordance with the provisions of this Ninth Amendment;

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

SECTION 1. RECITALS.

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

SECTION 2. DEFINITIONS; RULES OF CONSTRUCTION.

A. Definitions. All initial-capitalized words and phrases used throughout this Ninth Amendment have the meanings set forth in the various provisions of this Ninth Amendment. If a word or phrase is not specifically defined in this Ninth Amendment, it has the same meaning as in the Agreement.

B. Rules of Construction. Except as specifically provided in this Ninth Amendment, all terms, provisions and requirements contained in the Agreement remain

unchanged and in full force and effect. In the event of a conflict between the text of the Agreement and the text of this Ninth Amendment, the text of this Ninth Amendment controls.

SECTION 3. EXTENSION AND RENEWAL.

The Village and the Contractor hereby extend and renew the Agreement for the Extension Term, which will expire on March 31, 2020.

SECTION 4. FEES.

Notwithstanding any contrary provision of the Agreement or of any previous amendment and extension of the Agreement, during the Extension Term the Village will pay the Contractor for the Work at the rate of \$7.00 per cubic yard of landscape waste removed and hauled from the landscape waste transfer site by the Contractor. All references in the Agreement to compensation for the Work will hereafter be deemed to refer to the compensation set forth in this Section 4.

SECTION 5. REPRESENTATIONS.

A. By Village. The Village hereby represents and warrants that: (1) the persons executing this Ninth Amendment on its behalf have been properly authorized to do so by the Village Council of the Village of Winnetka; (2) it has full power and authority to execute and deliver this Ninth Amendment and to perform all of its obligations imposed pursuant to this Ninth Amendment; and (3) this Ninth Amendment constitutes a legal, valid and binding obligation of the Village enforceable in accordance with its terms.

B. By Contractor. The Contractor hereby represents and warrants that: (1) the persons executing this Ninth Amendment on its behalf have full authority to bind the Contractor to the obligations set forth in this Ninth Amendment and to so act on behalf of the Contractor; (2) it has full power and authority to execute and deliver this Ninth Amendment and to perform all of its obligations imposed pursuant to this Ninth Amendment; and (3) this Ninth Amendment constitutes a legal, valid and binding obligation of the Contractor enforceable in accordance with its terms.

SECTION 6. COUNTERPART EXECUTION.

This Ninth Amendment may be executed in several counterparts, each of which, when executed, will be deemed to be an original, but all of which together will constitute one and the same instrument.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have executed this Ninth Amendment to the Agreement as of the day and year first above written.

VILLAGE:

VILLAGE OF WINNETKA, an Illinois
home rule municipal corporation

ATTEST:

By: _____
Robert M. Bahan
Village Clerk

By: _____
Christopher Rintz
Village President

CONTRACTOR:

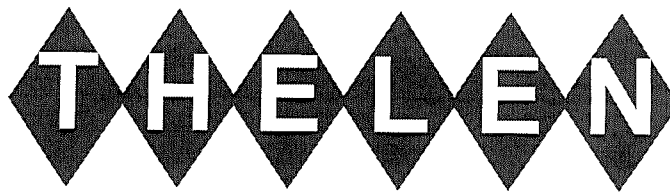
THELEN SAND AND GRAVEL, INC.
a Delaware corporation

ATTEST:

By: _____
Its: _____

By: _____
Its: _____

#63395336_v1



Illinois Orders

(847) 395-3313 Antioch

(815) 675-6613 Spring Grove

(847) 662-0760 Waukegan

Sand & Gravel, Inc.

28955 W Rte 173, Antioch, IL 60002

Wisconsin Orders

(262) 862-2324

(800) 537-2324

Doing business in Wisconsin as Wilmot Ready-Mix & Westosha Airport
Ready-Mixed Concrete • Aggregates • Excavating • Septics • Building Materials

February 15th, 2019

Village of Winnetka
510 Greenbay Road
Winnetka, IL 60093

Fax#: 847-716-3561

E mail: mhavlik@winnetka.org

Phone #: 847-716-3262

Matt Havlik,

This is a request to renew Village of Winnetka contract for Leaf Hauling/Disposal Services for one additional year at the same pricing structure as in 2018. All original terms, conditions and pricing are in effect for the term of this requested renewal. The extension period would be valid for the 2019 Leaf Season.

If you have any questions or concerns, please contact Tim Krum, General Manager at 847-514-5012. Thelen Sand & Gravel, Inc. is looking forward to providing the Village of Winnetka with the service and reliability as in the past.

Sincerely,

Tim Krum
General Manager



Agenda Item Executive Summary

Title: Resolution No. R-26-2019: Approving One-Year Renewal of the Contract with Asplundh Tree Expert Company for Utility Line Clearance (Adoption)

Presenter: Brian Keys, Director of Water & Electric

Agenda Date: 03/05/2019

Consent: ☒ YES ☐ NO

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

Item History:

The Water & Electric Department performs line clearance (tree trimming) work on an annual basis. The Village of Winnetka issued Bid #016-028 for Utility Line Clearance. The bid document required contractors to provide rates for each classification of worker and equipment used on an hourly basis for normal work hours and during after hour situations. Rates were also requested for two additional years with annual renewals at the Village's option. On February 7, 2017, the Village Council awarded the contract to Asplundh Tree Expert Company. On February 20, 2018, the Village Council awarded an additional contract year to Asplundh Tree Expert Company.

Executive Summary:

The contract with Asplundh Tree Expert Company for utility line clearance contains three years of unit pricing. The second year of pricing will expire on March 31, 2019. Based on the terms and conditions of the original contract document, renewal of the agreement for a third year of line clearance work is at the Village's discretion. All work performed during the period of April 1, 2019 to March 31, 2020 would be performed at the third year of unit pricing submitted by Asplundh Tree Expert Company (reference Attachment #1). The option to extend the agreement to a third year, resides at the discretion of the Village.

Staff is recommending acceptance of the Year 3 pricing submitted by Asplundh Tree Expert Company. Asplundh Tree Expert Co. has performed line clearance for the Water & Electric Department in a satisfactory manner during the last eight years. No safety incidents occurred during this period. In addition, the contractor continued to identify additional vegetation hazards such as diseased trees and/or dead limbs outside the trimming area for further review by staff.

The FY 2019 budget (account #500.42.30-567) contains \$180,000 for line clearance work.

Recommendation:

Consider adoption of Resolution No. R-26-2019, approving a one-year renewal of the contract with Asplundh Tree Expert Company for utility line clearance.

Attachments:

Resolution No. R-26-2019, A Resolution Approving One-Year Renewal of the Contract with Asplundh Tree Expert Company for Utility Line Clearance (Adopt)

Attachment 1: Unit Pricing

RESOLUTION NO. R-26-2019

**A RESOLUTION APPROVING ONE-YEAR RENEWAL OF THE CONTRACT WITH
ASPLUNDH TREE EXPERT COMPANY FOR UTILITY LINE CLEARANCE**

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 February 7, 2017, the Village Council approved a contract ("**Contract**") with Asplundh Tree Expert Company ("**Contractor**") for utility line clearance services ("**Services**"); and

WHEREAS, the Contract provide that the Village may renew the Contract for two additional one-year terms ("**Renewal Terms**"); and

WHEREAS, on February 20, 2018, the Village adopted Resolution R-12-2018 for the first of the Renewal Terms; and

WHEREAS, the Village remains satisfied with the pricing under the Contract; and

WHEREAS, the Village Council desires to renew the Contract for the second Renewal Term ("**Renewal**"); and

WHEREAS, the Village Council has determined that it is in the best interests of the Village and its residents to enter into the Renewal with 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 RENEWAL. The Village Council hereby approves the Renewal of the Contract with Contractor for the second Renewal Term.

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

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

[SIGNATURE PAGE FOLLOWS]

March 5, 2019

R-26-2019

ADOPTED this 5th day of March, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Signed

Village President

Countersigned:

Village Clerk

Attachment 1 – Unit Prices

Normal Work Day (Hourly Rates)

Position	4/1/17 to 3/31/18	4/1/18 to 3/31/19	4/1/19 to 3/31/20
Crew Leader	\$55.98	\$57.38	\$58.31
Trimmer	\$51.27	\$52.55	\$53.86
Apprentice Trimmer	\$45.13	\$46.26	\$47.42
Groundman	\$35.42	\$36.31	\$37.22
General Foreman	\$56.12	\$57.52	\$58.96

After Normal Work Hours (Hourly Rates)

Position	4/1/17 to 3/31/18	4/1/18 to 3/31/19	4/1/19 to 3/31/20
Crew Leader	\$74.29	\$76.15	\$78.05
Trimmer	\$67.59	\$69.28	\$71.01
Apprentice Trimmer	\$54.51	\$55.87	\$57.27
Groundman	\$44.93	\$46.05	\$47.20
General Foreman	\$77.74	\$79.68	\$81.67

Equipment Item	4/1/17 to 3/31/18	4/1/18 to 3/31/19	4/1/19 to 3/31/20
Pick-up Truck	\$10.80	\$10.80	\$10.80
Trimming Truck with 2 power saws	\$11.55	\$11.55	\$11.55
Chipper	\$5.56	\$5.56	\$5.56
Aerial Device with hydraulic tools and 1 gas power saw	\$22.63	\$22.63	\$22.63
Extra power saw	No Charge	No Charge	No Charge



Agenda Item Executive Summary

Title: Resolution No. R-27-2019: 67 Brier Street - Gilchrist Resubdivision Final Plat (Adoption)

Presenter: David Schoon, Director of Community Development

Agenda Date: 03/05/2019

Consent: ☒ YES ☐ NO

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

Item History:

March 6, 2018 - Council adopted Ordinance No. M-4-2018 approving the preliminary plat of subdivision.

Executive Summary:

On March 5, the Village Council is scheduled to consider adoption of Resolution No. R-27-2019 in response to an application submitted by Rosemary Latter and Russell Gilchrist (the "Applicants"), as the owners of the property located at 67 Brier Street. The Applicants are requesting approval of a final plat of subdivision to subdivide the existing single lot into two lots of record.

The proposed subdivision would divide the existing lot measuring 13,345 square feet into two lots, measuring 6,473 square feet (north lot) and 6,872 square feet (south lot). The property as it exists today is improved with a single residence, which would be torn down if the subdivision is approved to allow the construction of two new single family residences.

The final plat application was considered by the Plan Commission (PC) on December 19, 2018. After a few Commission members noted the final plat substantially conforms to the preliminary plat approved by the Village Council, the PC recommended, by a vote of 6 to 0, approval of the final plat of subdivision. There was no public comment at the PC meeting.

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

Recommendation:

Consider adoption of Resolution No. R-27-2019, which would grant final plat approval of the proposed two-lot Gilchrist Resubdivision.

Attachments:

Attachment A: Resolution No. R-27-2019
Attachment B: Plan Commission Staff Report
Attachment C: Application Materials
Attachment D: Excerpt of December 19, 2018 PC meeting minutes
Attachment E: Ordinance No. M-4-2018 adopted March 6, 2018

ATTACHMENT A

RESOLUTION NO. R-27-2019

A RESOLUTION APPROVING A FINAL PLAT OF SUBDIVISION (67 BRIER STREET)

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, Russell Gilchrist and Rosemary Latter ("**Applicants**") are the record title owners of the parcel of real property commonly known as 67 Brier Street in Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Resolution ("**Subject Property**"); and

WHEREAS, the Subject Property is located within the R-5 Single Family Residential District of the Village ("**R-5 District**"); and

WHEREAS, the Applicants desire to divide the Subject Property into two buildable lots of record ("**Proposed Subdivision**"); and

WHEREAS, on August 27, 2017, the Applicants submitted an application to the Village for zoning variations on the Subject Property ("**Zoning Application**"); and

WHEREAS, on August 30, 2017, the Applicants submitted an application ("**Subdivision Application**") to the Village for an approval of a preliminary plat of subdivision for the Subject Property ("**Preliminary Plat**"); and

WHEREAS, the Preliminary Plat proposed to divide the Subject Property, creating two proposed adjoining lots of record: (i) a lot consisting of approximately 6,473 square feet on the north side of the Subject Property and depicted as "Lot 1" on the Preliminary Plat ("**Proposed North Lot**"); and (ii) a lot consisting of approximately 6,872 square feet on the south side of the Subject Property and depicted as "Lot 2" on the Preliminary Plat ("**Proposed South Lot**" and collectively with the Proposed North Lot, the "**Subdivided Lots**"); and

WHEREAS, pursuant to Section 16.12(D)(2) of the Winnetka Subdivision Ordinance ("**Subdivision Ordinance**"), the Subdivided Lots must have side lot lines that are approximately perpendicular to front street lines; and

WHEREAS, pursuant to Section 17.30.010 of the Winnetka Zoning Ordinance ("**Zoning Ordinance**"), the Subdivided Lots must each have: (i) a minimum lot area of 8,400 square feet; (ii) a minimum rectangular buildable area of 5,445 square feet; and (iii) a minimum length of rectangular building area of 55 feet; and

WHEREAS, pursuant to Section 17.30.020 of the Zoning Ordinance, the Subdivided Lots must each have: (i) a minimum average lot width of 60 feet; and (ii) a minimum actual lot width 45 feet from the front street line of 60 feet; and

WHEREAS, the Applicants desire to divide the Subject Property into the Subdivided Lots such that: (i) the Subdivided Lots would have side lot lines not approximately perpendicular to the front street lines, in violation of Section 16.12(D)(2) of the Subdivision Ordinance; (ii) the Proposed North Lot would have a minimum lot area of only 6,473 square feet and the Proposed South Lot would have a minimum lot area of only 6,872 square feet, both in violation of Section 17.30.010 of the Zoning Ordinance; (iii) the Proposed North Lot and Proposed South Lot would have less than minimum rectangular buildable areas of 5,445 square feet and less than minimum lengths of rectangular building area of 55 feet, both in violation of Section 17.30.010 of the Zoning Ordinance; (iv) the Proposed North Lot would have a minimum average lot width of only 44.33 feet and the Proposed South Lot would have a minimum average lot width of 54.54 feet, both in violation of Section 17.30.020 of the Zoning Ordinance; (v) the Proposed North Lot and the Proposed South Lot both would have a minimum actual lot width 45 feet from the front street line of 45.82 feet, both in violation of Section 17.30.020 of the Zoning Ordinance; and

WHEREAS, the Applicants' Subdivision Application also requested subdivision variations from Section 16.12(D)(2) of the Subdivision Ordinance to permit the Subdivided Lots to have side lot lines that are not approximately perpendicular to front street lines (collectively, "**Subdivision Variations**"); and

WHEREAS, the Applicants' Zoning Application requested zoning variations from: (i) Section 17.30.010 of the Zoning Ordinance to permit the Proposed Subdivision of the Subject Property with the Proposed North Lot having a minimum lot area of only 6,473 square feet, a minimum rectangular buildable area less than 5,445 square feet, and a minimum length of rectangular building area of less than 55 feet and with the Proposed South Lot having a minimum lot area of only 6,872 square feet, a minimum rectangular buildable area less than 5,445 square feet, and a minimum length of rectangular building area of less than 55 feet; and (ii) Section 17.30.020 of the Zoning Ordinance to permit the Proposed Subdivision of the Subject Property with the Proposed North Lot having a minimum average lot width of only 44.33 feet and a minimum actual lot width 45 feet from the front street line of 45.82 feet and the Proposed South Lot having a minimum average lot width of only 54.54 feet and a minimum actual lot width 45 feet from the front street line of 45.82 feet (collectively, "**Zoning Variations**" and the Subdivision Variations together with the Zoning Variations are collectively, "**Variations**"); and

WHEREAS, on December 13, 2017, after due notice thereof, the Winnetka Plan Commission held a public hearing on the proposed Preliminary Plat and Variations, and voted, by a unanimous vote of eight to zero, to recommend that the Village Council approve the Preliminary Plat and Variations, subject to certain conditions; and

WHEREAS, on January 8, 2018, after due notice thereof, the Zoning Board of Appeals ("**ZBA**") conducted a public hearing on the Zoning Variations and, by a vote of four to two, the members then present recommended that the Council of the Village of Winnetka ("**Village Council**") deny the Zoning Variations; and

WHEREAS, on February 20, 2018, the Village Council adopted Ordinance M-4-2018 approving the Preliminary Plat, the Subdivision Variations, and Zoning Variations pending the

approval by the Village Council and recording of a final plat of subdivision for the Subject Property (***“Final Plat”***); and

WHEREAS, on October 17, 2018, the Applicants submitted an application to the Village for a proposed Final Plat, which is attached to and, by this reference, made a part of this Resolution as **Exhibit B**; and

WHEREAS, on December 19, 2018, after due notice thereof, the Winnetka Plan Commission: (i) held a public hearing on the proposed Final Plat; (ii) determined, pursuant to Section 16.08.010(D) of the Subdivision Ordinance, that the Final Plat embodied the details of, and substantially conformed with, the approved Preliminary Plat; and (iii) voted, by a unanimous vote of six to zero, to recommend that the Village Council approve the Final Plat subject to certain conditions; and

WHEREAS, the Village Council has determined that it is in the best interest of the Village to approve the Final Plat, subject to and in strict accordance with the terms and conditions of this Resolution;

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

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

SECTION 2: APPROVAL OF FINAL PLAT. Subject to and contingent upon the conditions set forth in Section 3 of this Resolution, pursuant to Sections 16.04.030 and 16.08.010 of the Subdivision Ordinance, the Village Council hereby approves the Final Plat and the division of the Subject Property into the two Subdivided Lots as depicted on, and in strict accordance with, the Final Plat.

SECTION 3: CONDITIONS. The approval granted in Section 2 of this Resolution is subject to and conditioned upon compliance with, and the inclusion of all of the information required by, Chapter 16.08 of the Subdivision Ordinance.

SECTION 4: EXECUTION OF FINAL PLAT. The Village Council hereby authorizes and directs the Village President and the Village Clerk, upon satisfaction of the conditions set forth in Section 3 of this Resolution, to execute and attest, on behalf of the Village, the Final Plat.

SECTION 5: RECORDATION OF FINAL PLAT. Upon execution of the Final Plat by the Village President and the Village Clerk, as provided in Section 4 of this Resolution, the Village Clerk is hereby directed to cause the Final Plat to be recorded in the office of the Cook County Recorder of Deeds.

SECTION 6: EFFECTIVE DATE.

A. This Resolution will be in full force and effect only upon the occurrence of all of the following events:

1. Passage and approval by the Village Council in the manner required by law; and
2. After the house currently located on the Subject Property is demolished in accordance with all applicable laws.

B. In the event that the house currently located on the Subject Property is not demolished within two years from the date this Resolution is adopted, the Village Council shall have the right, in its sole discretion, to declare approvals granted in this Resolution null and void and of no force or effect.

ADOPTED this ____ day of March, 2019, pursuant to the following roll call vote:

AYES: _____

NAYS: _____

ABSENT: _____

Signed:

Village President

Countersigned:

Village Clerk

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

LOT 2 AND LOT 3 (EXCEPT THE SOUTH 9.8 FEET THEREOF) IN BLOCK 1 IN MANUS INDIAN HILL A SUBDIVISION OF THE NORTHWEST 1/4 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as 67 Brier Street, Winnetka, Illinois.

EXHIBIT B

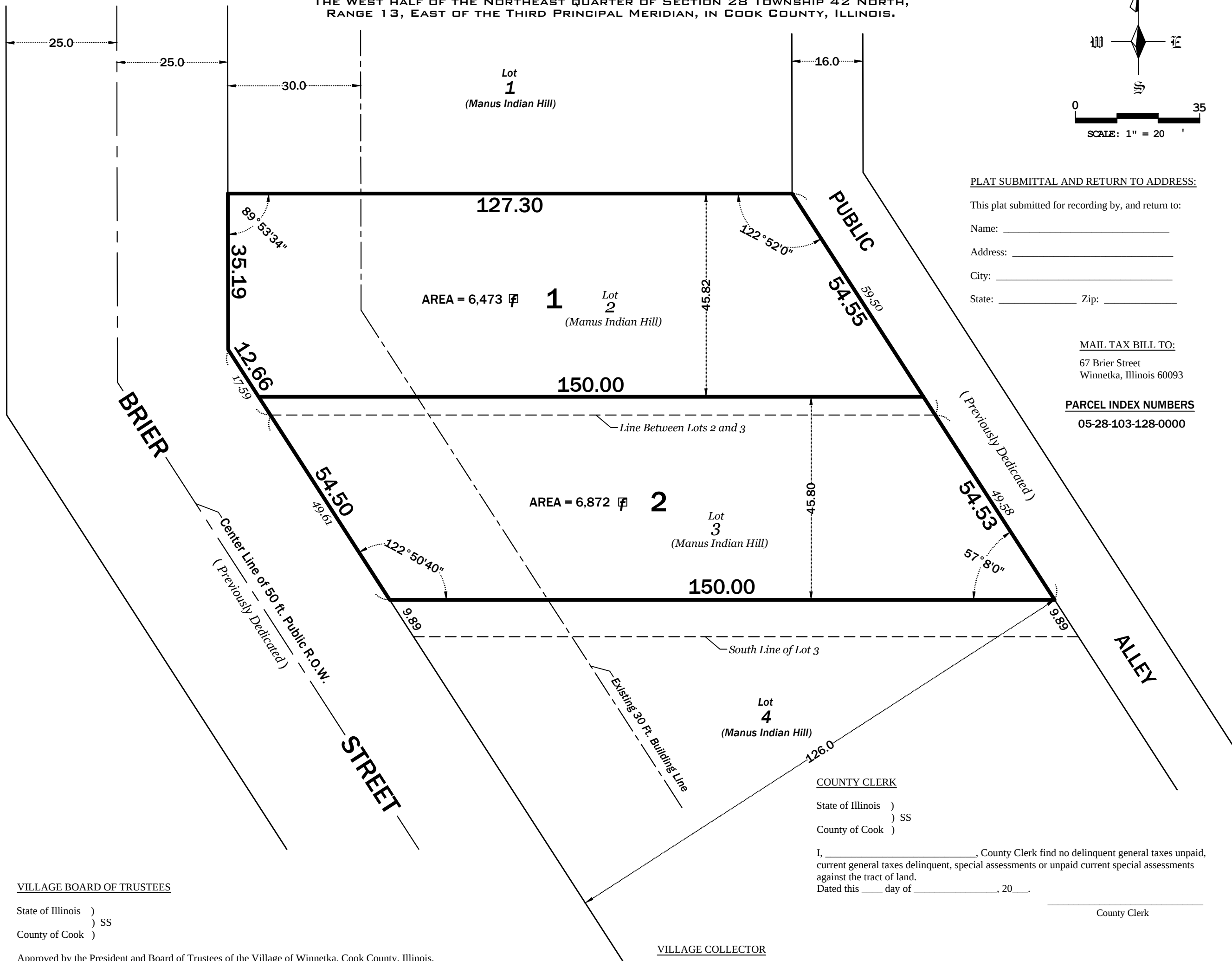
FINAL PLAT

(SEE ATTACHED EXHIBIT B)

GILCHRIST RESUBDIVISION

...IN...

THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 28 TOWNSHIP 42 NORTH,
RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



PLAT SUBMITTAL AND RETURN TO ADDRESS:

This plat submitted for recording by, and return to:

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

MAIL TAX BILL TO:

67 Brier Street
Winnetka, Illinois 60093

PARCEL INDEX NUMBERS

05-28-103-128-0000

VILLAGE BOARD OF TRUSTEES

State of Illinois)
) SS
County of Cook)

Approved by the President and Board of Trustees of the Village of Winnetka, Cook County, Illinois,
this ____ day of _____, 20__.

By: _____ Attest: _____
Village President, Winnetka, IL. Village Clerk

PLAN COMMISSION

State of Illinois)
) SS
County of Cook)

The Village of Winnetka Plan Commission recommended approval by the Village Board
of Trustees at a meeting held the ____ day of _____, 20__.

By: _____ Attest: _____
Chair Secretary

WATER and ELECTRIC DEPARTMENT

State of Illinois)
) SS
County of Cook)

Approved this ____ day of _____, 20__ by the Director of the Water and Electric Department of the Village of Winnetka,
Cook County, Illinois.

Water and Electric Director

DECLARATION OF RESTRICTIVE COVENANTS GILCHRIST RESUBDIVISION

State of Illinois)
) SS
County of Cook)

IN CONSIDERATION OF AND AS A CONDITION FOR the approval of resubdivision of the property commonly known as 67 Brier Street,
to be known as Lot 1 and Lot 2 in Gilchrist Resubdivision.

THE UNDERSIGNED OWNERS OF THE LAND COVERED BY THIS PLAT OF SUBDIVISION HEREBY COVENANT AND AGREE
AS FOLLOWS:

1. LOT 2 - In order to minimize excavation and disruption within the public right-of-way, and in the interest of preserving mature tree
in the public right-of-way, the sole means of vehicular ingress and egress from Lot 2 shall be from the existing driveway apron and curb cut
("Existing Driveway"), as shown on a Plat of Survey prepared by North Shore Survey, Ltd., dated June 19, 2018 and on file with the Village
of Winnetka. No alterations to Lot 2 shall be permitted that would create a new vehicular ingress and egress point to Lot 2 or alter the
location or increase the size of the Driveway apron.

2. LOT 1 - In order to preserve existing mature trees in the public right-of-way, any driveway constructed to serve Lot 1 must observe a
minimum three-foot (3') clearance between the driveway and existing trees in the public right-of-way ("Parkway Trees"), as shown on a Plat
of Survey prepared by North Shore Survey, Ltd., dated June 19, 2018.

3. These covenants shall run with the land in the subdivision shown on this plat, and shall be binding upon and inure to the benefit of
the owners of all lots of record therein, their respective successors, assigns and grantees and all parties claiming by, through and under them.
Enforcement of these covenants may be sought by the owners of any lots of record in this subdivision, any person with an interest in any
said lots of record, or the Village of Winnetka by any proceeding at law or in equity against any person or persons violating or attempting to
violate any covenant, either to restrain violation, to compel affirmative action, or to recover damages, and against the land to enforce any lien
created by these covenants.

4. The covenants created herein shall not be released or amended excepted by a duly adopted ordinance of the Village of Winnetka,

Dated this ____ day of _____, 20__.

(Owner) _____
It's (Title)

ACKNOWLEDGMENT

_____, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Russell Gilchrist and
Rosemary Latter, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before
me this day in person and acknowledged that they signed and delivered said instrument as their free and voluntary act for the uses and
purposes therein set forth.
Signed and acknowledged before me this ____ day of _____, 20__.

My Commission Expires: _____
Notary Public

COUNTY CLERK

State of Illinois)
) SS
County of Cook)

I, _____, County Clerk find no delinquent general taxes unpaid,
current general taxes delinquent, special assessments or unpaid current special assessments
against the tract of land.
Dated this ____ day of _____, 20__.

County Clerk

VILLAGE COLLECTOR

State of Illinois)
) SS
County of Cook)

I, _____, Village Collector of the Village of Winnetka, Illinois, do hereby certify that there are no
delinquent or unpaid current or forfeited special assessments, or any deferred installments thereon that have been apportioned against
the tract of land in this plat of consolidation.

Dated this ____ day of _____, 20__.

Village Collector

VILLAGE ENGINEER

State of Illinois)
) SS
County of Cook)

Approved this ____ day of _____, 20__ by the Village Engineer of the Village of Winnetka, Cook County, Illinois.

Village Engineer

MORTGAGEE

State of Illinois)
) SS
County of Cook)

This is to certify that _____, as holder of Mortgage No. _____ on the
property hereon described and depicted does hereby consent to the division of said property as shown on the Plat hereon drawn.

By: _____ Attest: _____

Address

ACKNOWLEDGMENT

_____, a Notary Public in and for said County, in the State aforesaid, do hereby certify that
Russell Gilchrist and Rose Latter, personally known to me to be the same persons whose names are subscribed to the
foregoing instrument, appeared before me this day in person and acknowledged that they signed and delivered said
instrument as their free and voluntary act for the uses and purposes therein set forth.
Signed and acknowledged before me this ____ day of _____, 20__.

My Commission Expires: _____
Notary Public

SURVEYOR

I, Arthur R. Olson, hereby certify that I have prepared the plat shown hereon and the property described as Lot 2 and
Lot 3 (except the South 9.8 feet thereof) in Block 1 in MANUS INDIAN HILL, a subdivision of the Northwest quarter of the
West half of the Northeast quarter of Section 28, Township 42 North, Range 13, East of the Third Principal Meridian, in
Cook County, Illinois; in accordance with the Winnetka Subdivision and Development Code; that the property is within the
corporate limits of the Village of Winnetka which has adopted an official comprehensive plan; that the property is not within
a Special Flood Hazard Area, as identified by the Federal Emergency Management Agency on the most recent Flood
Insurance Rate Map Panel 253 of 832, Community Panel No. 17031 C 0235 F, effective August 19, 2008.

Surveyor

State of Illinois)
) SS
County of Cook)

I, _____, a Notary Public in and for said County, in the State aforesaid, do hereby certify
that _____, personally known to me to be the same person whose name is subscribed to the
foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered said instrument
as his free and voluntary act for the uses and purposes therein set forth.
Given under my hand and official seal this ____ day of _____, 20__.

My Commission Expires: _____
Notary Public

Final Plat Prepared By:
NORTH SHORE SURVEY, LTD.
436 CATALPA LANE, LIBERTYVILLE, ILLINOIS 60048
(847) 446-8510 NORTHSHORESURVEY@GMAIL.COM
PROFESSIONAL DESIGN FIRM NO. 184.006982

Dated: February 15, 2019

FILE NO:
42402-R
Agenda Packet P. 50



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: PLAN COMMISSION
FROM: ANN KLAASSEN, SENIOR PLANNER
DATE: DECEMBER 12, 2018
SUBJECT: CASE NO. 17-29-SD: 67 BRIER STREET - FINAL PLAT APPROVAL -
GILCHRIST RESUBDIVISION

INTRODUCTION

On December 19, 2018, the Plan Commission is scheduled to hold a public meeting on an application submitted by Rosemary Latter and Russell Gilchrist (the "Applicants"), as the owners of the property located at 67 Brier Street (the "Subject Property"). The Applicants have filed an application seeking Final Plat approval of a two-lot subdivision of the Subject Property.

Preliminary Plat approval was recommended by the Plan Commission on December 13, 2017 and preliminary approval was subsequently granted by the Village Council on March 6, 2018. A description of the *preliminary approval – final approval* process and its applicability is included later in this report.

A mailed notice of the Plan Commission meeting has been sent to property owners within 250 feet in compliance with the Subdivision Ordinance. As of the date of this memo, staff has not received any written comments from the public regarding this application.

GENERAL DESCRIPTION OF PROPOSED PLAT OF SUBDIVISION

The proposed subdivision would divide the existing single lot measuring 13,345 square feet into two (2) lots, measuring 6,473 square feet (north lot) and 6,872 square feet (south lot). The property as it exists today is improved with a single residence, which would be torn down if the subdivision is approved to allow the construction of two new single family residences. *Figure 1* on the following page depicts the proposed subdivision in the context of the surrounding neighborhood.

The area was first platted in 1922 as part of the *Manus Indian Hill Subdivision* ("Manus"). The original 1922 *Manus Subdivision* established lots which complied with the then-minimum lot width of 50 feet (current requirement is 60 feet). The proposed subdivision would establish two new lots with an absolute width of 45.8 feet.



Figure 1 – Proposed Subdivision (map view)

SUBDIVISION REVIEW PROCESS IN GENERAL

All changes to the configuration of parcels of land are classified as Land Subdivisions under the Village Code, and are subject to review and approval by both the Plan Commission and Village Council. As part of that review process, resubdivisions are subject to review for compliance with both the Village Subdivision Code as well as the Zoning Code.

In the event a subdivision is fully compliant with the Subdivision Code and Zoning Code, an applicant would typically submit an application for Final Plat approval, with review by the Plan Commission, followed by final approval by the Village Council in a single step review process. However, in the event a resubdivision requires relief under the Zoning ordinance (as is the case with this application), such subdivisions may be reviewed in a two-step, preliminary approval / final approval review process.

The two-step Preliminary Plat / Final Plat review process is generally established to provide a process for the consideration of more complex subdivisions such as those including design and dedication of new public roadways or design and dedication of new public water, sewer and electrical utilities. Preliminary approval of such subdivisions allows an applicant to defer the design of complex construction documents for such public improvements until after preliminary approval has been granted. Provided that the Final Plat is consistent with the Preliminary Plat, the Final Plat approval process is more ministerial in nature, addressing details such as design and construction of public utilities if any, as well as items such as utility easements, plat formatting and other technical requirements.

At the December 13, 2017 Plan Commission meeting, consideration of the current Gilchrist Subdivision was limited to preliminary review due to the proposed subdivision also requiring consideration of associated zoning variations, with the proposal resulting in the creation of zoning nonconformities with respect to *minimum lot width* and *minimum lot area*.

Staff has recently been advised by the Village Attorney that a two-step preliminary / final approval process is not mandatory in the event of a subdivision involving zoning relief. Accordingly, the Plan Commission may expect to see fewer applications such as the current application appear on their agenda for a second review.

PREVIOUS CONSIDERATION OF PROPOSED SUBDIVISION OF 67 BRIER STREET

Because the proposed subdivision incorporated requests for zoning relief, this matter has been previously submitted for preliminary review. Accordingly, preliminary review has been completed by the Plan Commission, Zoning Board of Appeals and Village Council.

Plan Commission - On December 13, 2017, the Plan Commission considered the application for *Preliminary Subdivision* to subdivide 67 Brier Street into two (2) lots. After hearing from the Applicants, the Plan Commission recommended, by a vote of 8 to 0, preliminary approval of the proposed subdivision and related variations subject to the final plat incorporating restrictive covenants requested by the Village Forester to protect mature parkway trees. No members of the public spoke at the meeting regarding this matter, however, the Applicants provided favorable written comments from five (5) neighboring property owners.

Zoning Board of Appeals – The ZBA held a public hearing on January 8, 2018 to consider the Applicants' request for the zoning variations associated with their application for *Preliminary Subdivision* approval. After hearing from the Applicants, the ZBA recommended, by a vote of 4 to 2, denial of the requested zoning variations. No public comments were made at the meeting, however, the same favorable comments considered by the Plan Commission were provided to the ZBA.

Village Council – The Council first considered the Plan Commission and Zoning Board of Appeals recommendations on February 6, 2018 for policy direction. After reviewing the application and hearing from the Applicants, the Village Council directed staff to prepare an ordinance approving the preliminary plat of subdivision and related variations. The Village Council approved introduction of Ordinance M-4-2018 on February 20, 2018. Subsequently, the ordinance was adopted by the Village Council on March 6, 2018, and is included in this report as *Attachment C*.

CURRENT CONSIDERATIONS BY PLAN COMMISSION

With the major land use policy having already been evaluated by both the Plan Commission and Village Council, the review process at this final stage focuses on refining details of the final plat such as utility easements, final plat formatting and related matters. The final plat stage is subject to approval by both the Plan Commission and Village Council.

In response to the Plan Commission's condition of preliminary approval to include restrictive covenants to protect mature parkway trees, the Applicants have added the following restrictive covenant to the final plat:

- 1) LOT 2 – *In order to minimize excavation and disruption within the public right-of-way, and in the interest of preserving mature trees in the public right-of-way, the sole means of vehicular ingress and egress from Lot 2 shall be from the existing driveway apron and curb cut ("Existing Driveway"), as shown on a Plat of Survey prepared by North Shore Survey Ltd., dated June 19, 2018 and on file with the Village of Winnetka. No alterations to Lot 2 shall be permitted that would create a new vehicular ingress or egress point to Lot 2 or alter the location or increase the size of the Driveway apron.*
- 2) LOT 1 - *In order to preserve existing mature trees in the public right-of-way, any driveway constructed to serve Lot 1 must observe a minimum three-foot (3') clearance between the driveway and existing trees in the public right-of-way ("Parkway Trees"), as shown on a Plat of Survey prepared by North Shore Survey Ltd., dated June 19, 2018.*
- 3) *These covenants shall run with the land in the subdivision shown on this plat, and shall be binding upon and inure to the benefit of the owners of all lots of record therein, their respective successors,*

assigns and grantees and all parties claiming by, through and under them. Enforcement of these covenants may be sought by the owners of any lots of record in this subdivision, any person with an interest in any of said lots of record, or the Village of Winnetka by any proceeding at law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain violation, to compel affirmative action, or to recover damages, and against the land to enforce any lien created by these covenants.

- 4) *The covenants created herein shall not be released or amended except by a duly adopted ordinance of the Village of Winnetka.*

REQUESTED RECOMMENDATION

The Applicants request that the Plan Commission find that the **Final Plat of the Gilchrist Resubdivision substantially conforms to the preliminary plat approved by the Village Council and that the Plan Commission recommend approval** as presented.

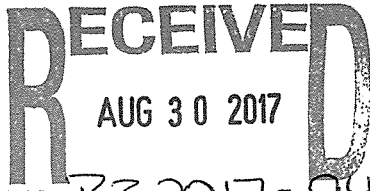
The Final Plat is subject to final approval by the Village Council.

DRAFT MOTION FOR PLAN COMMISSION

Following closing of public comment, and upon completion of Plan Commission deliberation, if a majority of the Commission elects to recommend approval, it is recommended that a motion be made as follows:

Motion – The Plan Commission finds that the proposed Gilchrist Resubdivision Final Plat subdividing 67 Brier Street into two Lots of Record meets the Subdivision Code standards for approving such final plat and substantially conforms to the preliminary plat approved by the Village Council, therefore the Plan Commission recommends approval of the Gilchrist Resubdivision Final Plat.

ATTACHMENT C



BY: RE2017-940
8935.-

CASE NO. Case No. 17-29-SD

APPLICATION FOR LAND SUBDIVISION
WINNETKA PLAN COMMISSION

Owner Information: Name, Address, Telephone, Fax & Email

Russell Gilchrist, 67 Brier St., Winnetka

Surveyor Information: Name, Address, Telephone, Fax & Email

Northshore Survey Ltd, 778 Frontage Rd.
Northfield. 847 446 6510

Architect Information: Name, Address, Telephone, Fax & Email

Russell Gilchrist and Rosemary Latter
(as above)

Attorney Information: Name, Address, Telephone, Fax & Email

N/A.

Date Property Acquired by Owner 04 / 19 / 2007

Note: This application must be accompanied by a written narrative summary of the proposed subdivision together with associated improvements.

Signature: _____

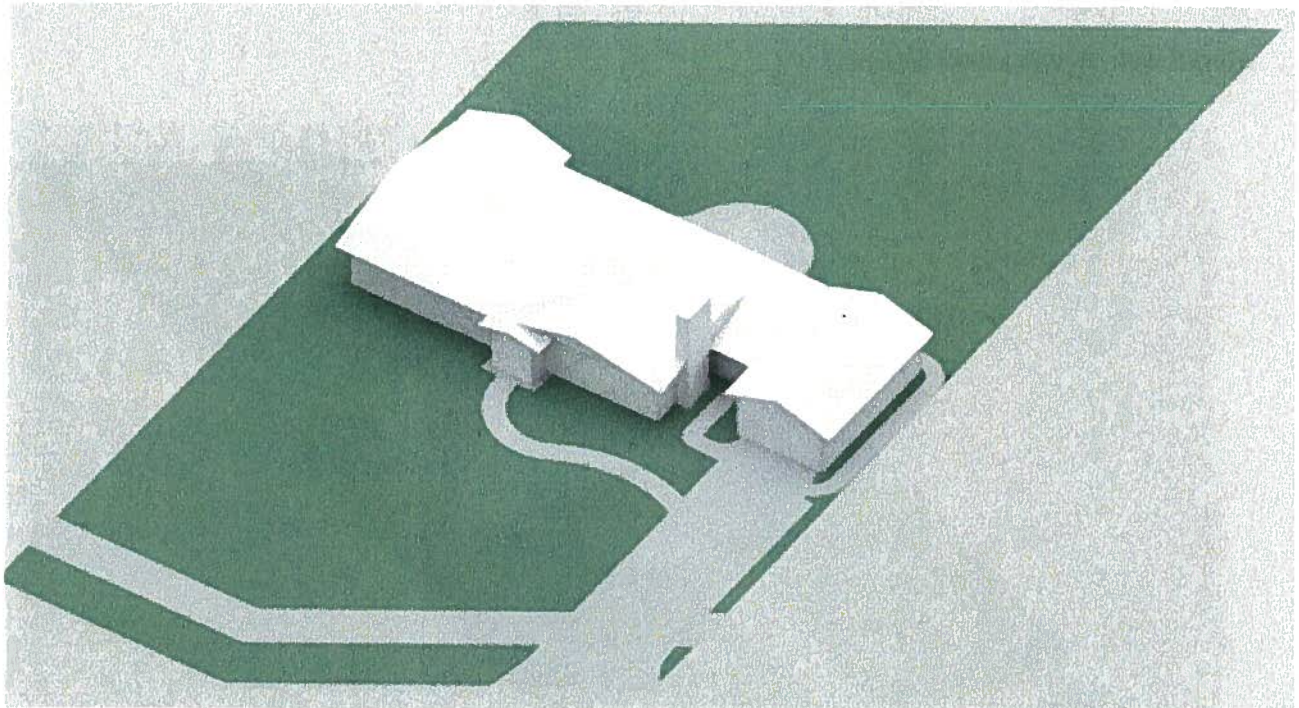
Date: 8/30/2017

The property in question (67 Brier Street) is over 60 years old and in poor structural and material condition. The situation has declined to such an extent that major repairs are necessary to prevent the rapid decline of the building. The question is... given that the design of the house is no longer appropriate for 21st century living, either in layout or construction, what is the best course of action? To repair or to teardown? If teardown is preferable, then how should one rebuild in the most appropriate form? In this document we discuss the options.



67 Brier Street, existing view looking east

Aerial view of 67 Brier Street



Redevelopment Option 1 (One Large Dwelling)

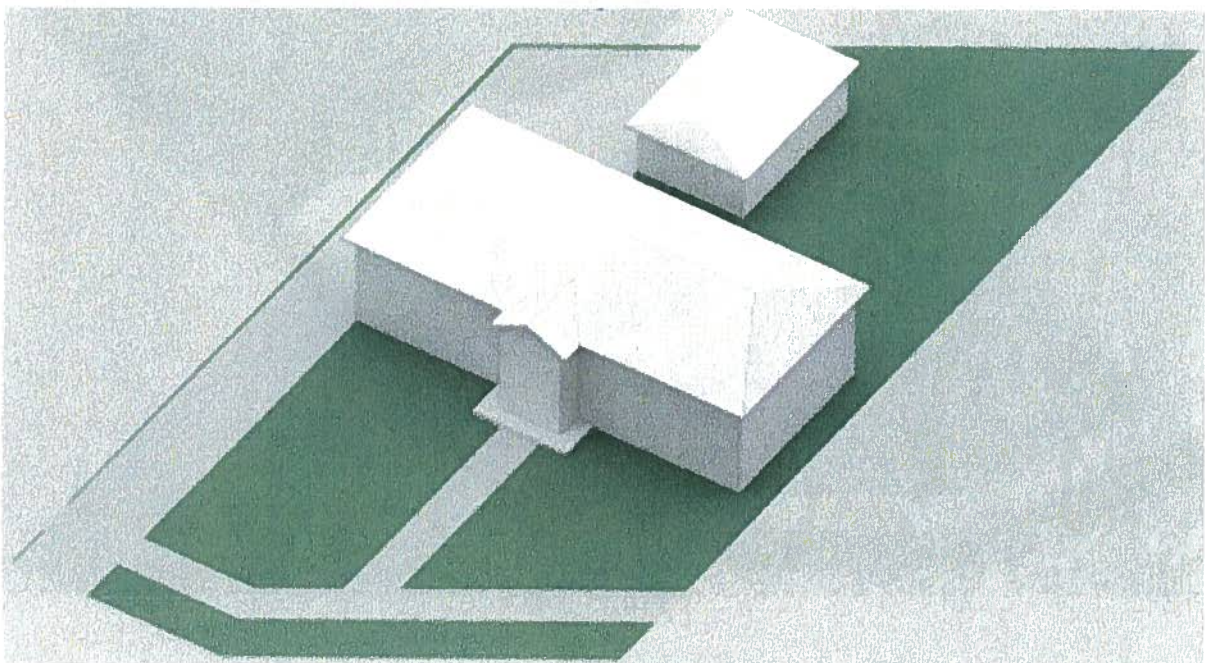
The maximum allowable size to build a single large family house on the lot has been considered. A 4,306 square feet, four or five bedroom house of considerable bulk would be possible on the site, but we think that this would loom over the neighborhood and not be in keeping with the existing pattern of development. Also the development costs are unlikely to be repaid as the value of such a large sized house in this location is unlikely to be realized given its adjacencies to the nearby commercial operators so this is not an economically viable option.

This looming and bulky proposal for a house is out of scale and character with the adjacent homes, however, as per the Winnetka Village standards we **currently** would not require a planning variance as it is within the allotted development calculations.



Option 1 proposed massing as viewed from Brier Street

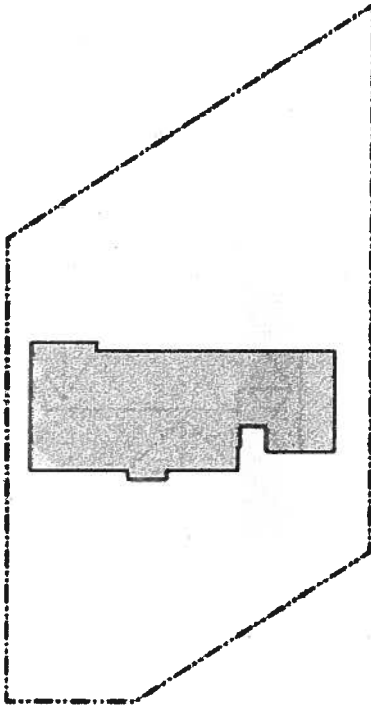
Aerial view of proposed Option 1



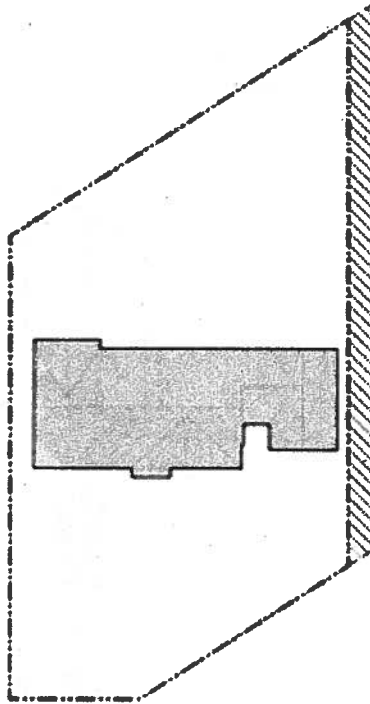
Therefore, we propose to re institute the original lot subdivision and show that this approach would be in keeping with the neighborhood.

A history of the lot consolidation

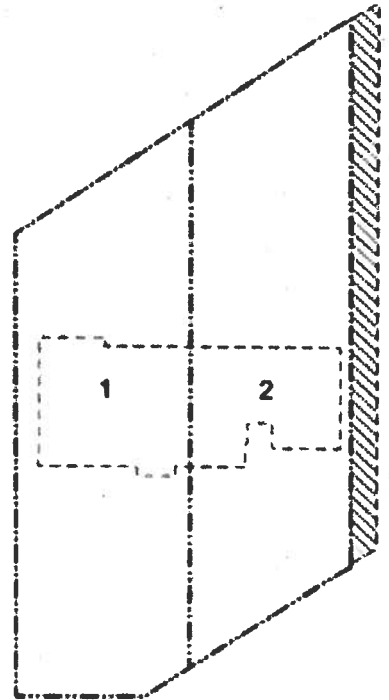
Original Plot of 67



Current Plot of 67



Proposed new Lot

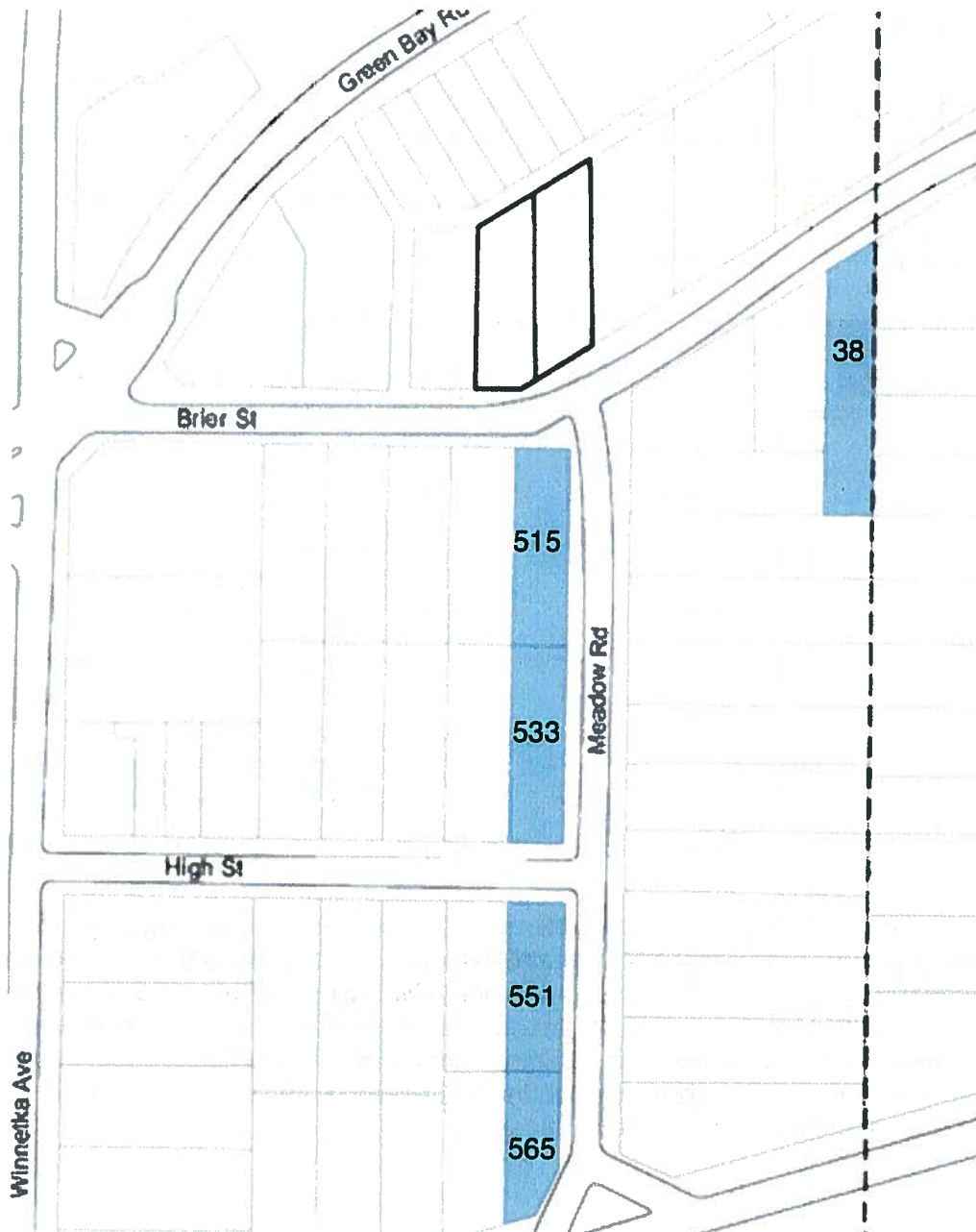


The lot at number 67 was originally two lots consolidated into one with approximately 8 feet of the southern border sold to the neighbor at 55 Brier Street, to allow driveway access to the rear of their property. As a result if the lot is subdivided now the lot widths will be below the standard width for the neighborhood by about 4 feet each. However, this is not unusual in the neighborhood as demonstrated in the following neighborhood maps. The re-subdivided lot has minimal impact on the density of the district, in fact the subdivision relates better to the residential density pattern than does the existing ranch bungalow.

Lot Width local comparatives

There are 5 existing lots in the neighborhood that are below 50 feet wide, so our proposal is consistent with adjacent properties.

- 38 Brier Street - less than 43.6'
- 515 Meadow Road - 43.6'
- 533 Meadow Road - 43.6'
- 551 Meadow Road - 43.6'
- 565 Meadow Road - 43.6'

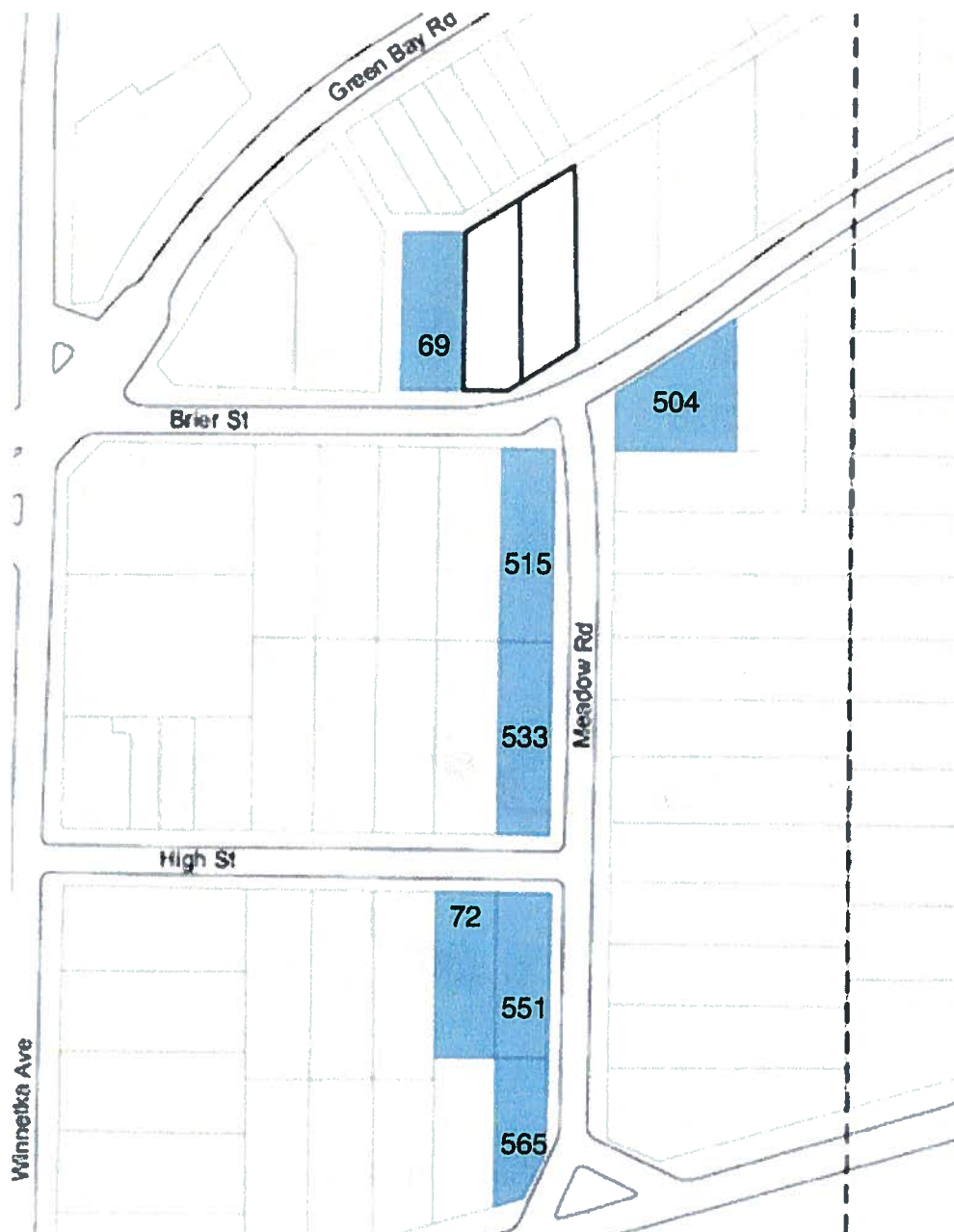


Lot Area local comparatives

The existing house lot has a generous yard area of 13,345 square feet. If the lot is subdivided into two single lots the areas are a minimum of 6,872 square feet and 6,473 square feet.

There are 7 single dwelling lots in the neighborhood less than 6,600 square feet, (smaller of the proposed lot sizes) therefore our proposal is consistent with adjacent properties.

6,351 69 Brier Street
6,218 504 Meadow Road
6,456 515 Meadow Road
6,456 533 Meadow Road
6,250 551 Meadow Road
5,206 72 High Street
4,839 565 Meadow Road



PLAT SUBMITTAL
This plat submitted by _____
Name _____
Address _____
City _____
State _____

Lot 1
(Marion English Hill)
AREA - 0.473 $\pm$
127.30
122° 52' 0"
59.50
54.55
150.00
12.66
35.19
89° 53' 34"

Lot 2
(Marion English Hill)
AREA - 0.872 $\pm$
150.00
122° 50' 40"
54.54
17.59

Lot 3
(Marion English Hill)
AREA - 0.872 $\pm$
150.00
122° 50' 40"
54.54
17.59

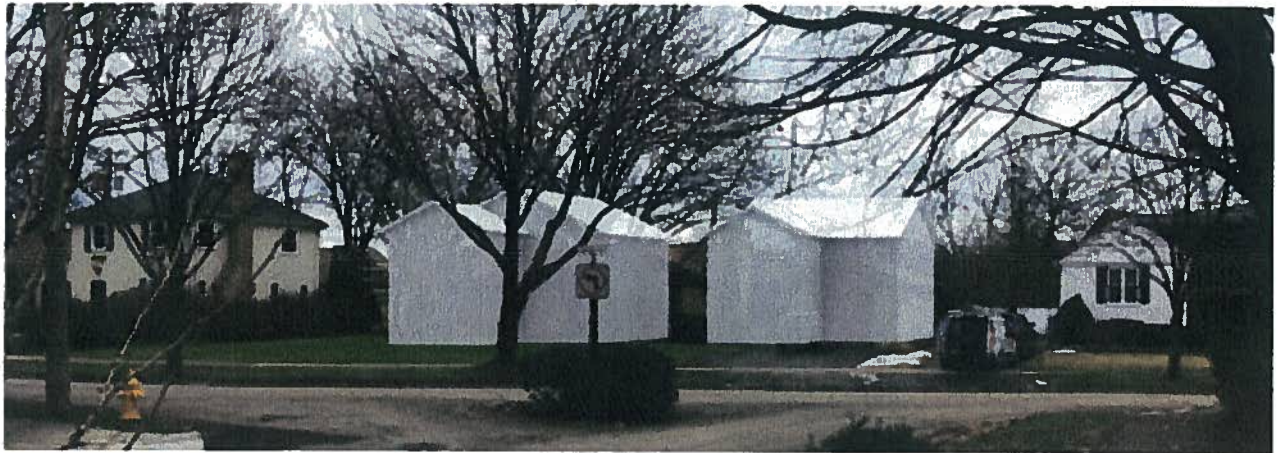
Lot 4
(Marion English Hill)
0.88-1

STREET
Center Line of 150 Ft. Public R.O.W.
(Previously Dedicated)
Existing 30 Ft. Easement Line

PUBLIC
16.0
30.0
25.0

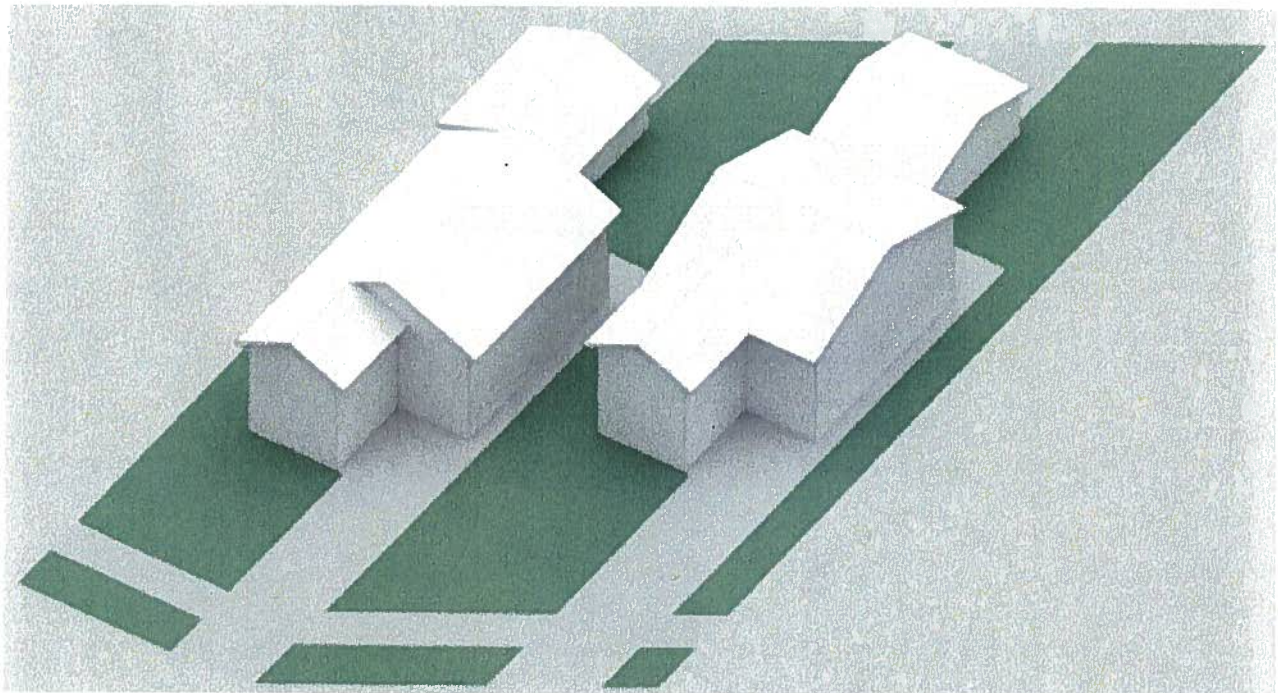
Redevelopment Option 2 (Two smaller dwellings)

Therefore we propose two smaller family homes of 2,500 square feet, with three to four bedrooms (multiple bathrooms) which are more suitable for young families, the current demographic of the community of Meadow Circle.

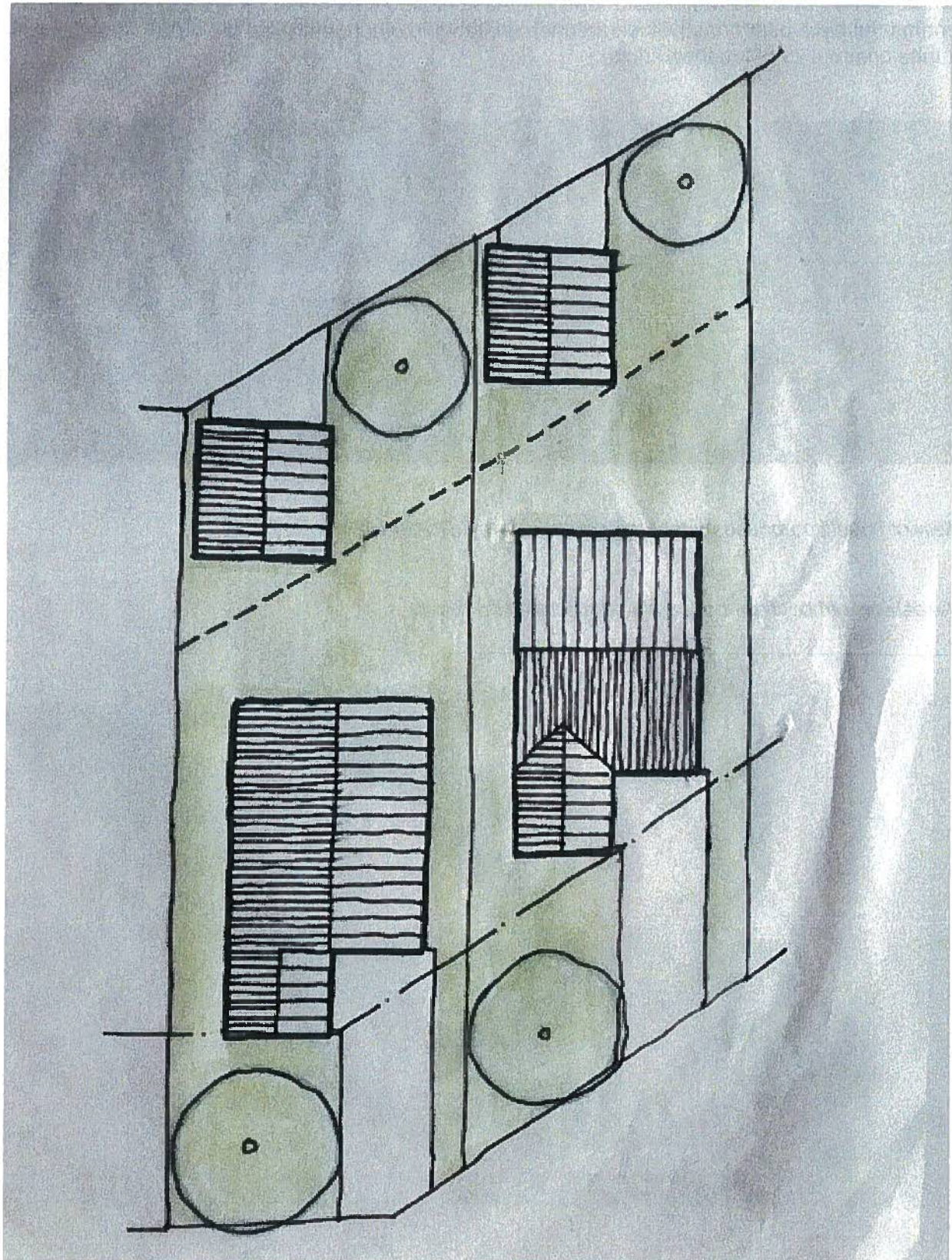


View of how two houses might look on the site of 67 Brier Street.

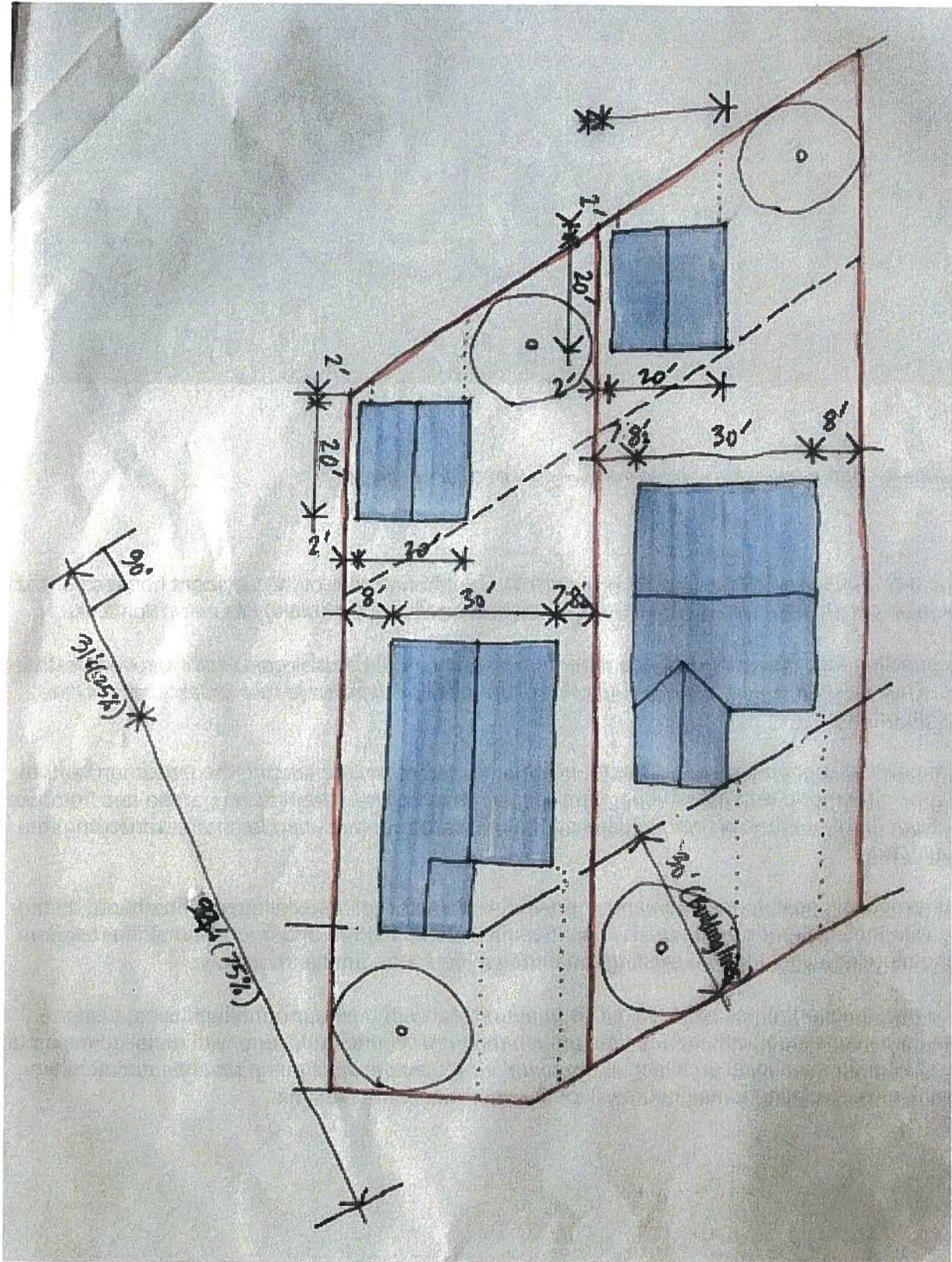
Aerial view of how the houses fit comfortably on the site

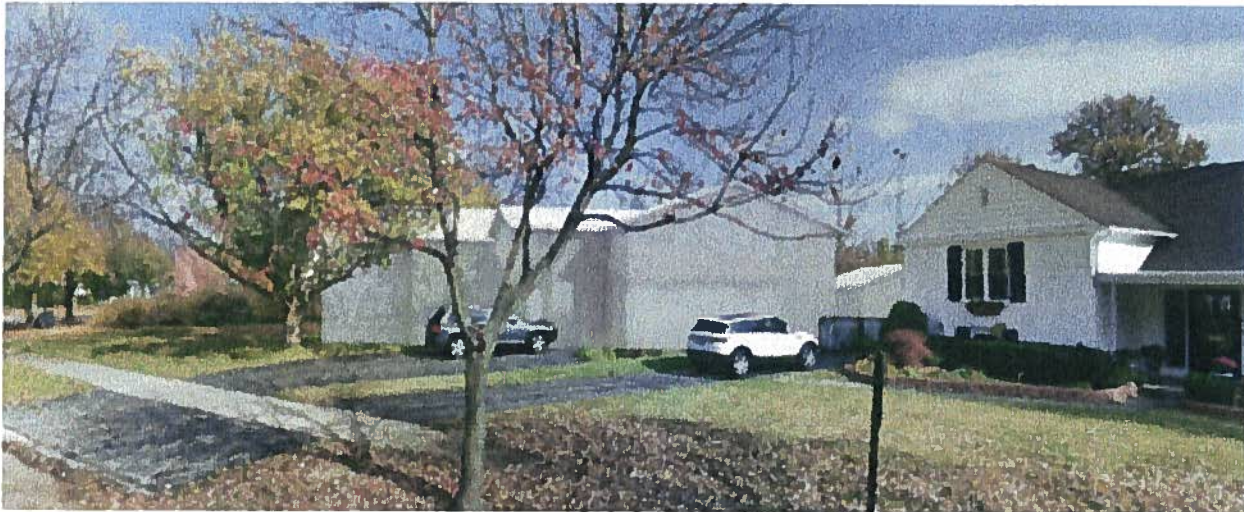


Sketch Plan of Two Houses



Dimensional Setting Out Diagram





A streetscape view of two houses on the site of 67 Brier Street.

The new houses will follow the lot lines and the height and scale of the adjacent houses so that the new construction will fit in well to the neighborhood and particularly its near neighbors.

Respecting the scale of the adjacent homes, the homes will be designed with improved aesthetics. They will blend well with the character of the street and enhance the visual quality of the neighborhood.

The newly designed houses will foster neighborly interaction, enhancing the pedestrian nature of a neighborhood with many young families, by removing the street facing garage and introducing wide front porches on both houses so that pleasant evenings can be spent overlooking the front yards.

Our proposal seeks to maintain and improve the character of the existing neighborhood, blending with the surrounding homes. It reinstates the historic rhythm and orientation of the residential pattern in a way that the existing ranch house has been unable to achieve.

Two new smaller homes sensitively designed to blend with their surroundings using design standards consistent with the architectural character of Winnetka Village, with detailed design to be carried out by a local architect. Harmony of street facades, including porches and architectural features relating to neighbors will be incorporated in the designs.

In summary, and with reference to Section C of the Zoning code requirements, we submit that our proposal as the best way forward for our part of Winnetka. Addressing the Code articles as follows:

1. *that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district;*

Redevelopment by re instating the lot into two parcels is the best viable option for us given the poor condition of the existing house at 67 Brier, and given that redeveloping one large house would not be economically viable in this location.

2. *that the plight of the owner is due to unique circumstances;*

Our property is past its useful life and requires substantial maintenance or rebuilding so as not to deteriorate rapidly. The only realistic option is to return the site to its previous double lot.

3. *that the variation, if granted, will not alter the essential character of the locality;*

The variation, if granted, will not alter the essential character of the locality; in fact the re-subdivision of the lot would improve the character of the neighborhood. The average lot density of the neighborhood would be reinstated, in keeping with the size and number of buildings per acre in the R5 district. The design of the homes will repeat the scale of the neighboring houses, improve the relation to the street, preserve and enhance the open streetscape. In addition to satisfying Section C of the Zoning code the newly designed homes will be more in character with the surrounding houses than the existing ranch house design, which is not common in Winnetka,

4. *An adequate supply of light and air to the adjacent property will not be impaired.*

The supply of light and air to the adjacent properties will not be impaired. The proposed new location and size of houses on the lots will comply with current zoning setbacks on all sides and the current building code. The diagonal nature of the lot demise will allow for that as well providing maximum southerly exposure to both of the proposed new dwellings.

5. *The hazard from fire and other damages to the property will not be increased.*

The hazard from fire and other damages to the property will not be increased. The proposed new location and size of houses on the lots will comply with current zoning setbacks on all sides and the current building code.

The current maintenance issues with the existing house require substantial renovation and the high quality of materials and construction of the new houses will improve any hazard. They will be an energy efficient design, aiming to qualify for LEED Gold standard as a minimum.

6. The taxable value of the land and buildings throughout the Village will not diminish.

The value of the land in the Village will not diminish, it is possible that revenues will increase. Two households will be of more value to the Village and produce double the revenue of the existing one house.

7. that the congestion in the public street will not increase;

The congestion in the public street will not increase; in fact it will improve as access to the garages will be to the rear of the properties via the existing alley similar to adjacent neighbors at 55 and 69 Brier Street who access their garages in this manner.

The newly designed houses will foster neighborly interaction, removal of front facing garage and introduction of porches on both houses.

8. that the public health, safety, comfort, morals and welfare of the inhabitants of the Village will not be otherwise impaired.

In summary, our proposal for two new family homes on the existing lot is in compliance with all other zoning regulations except for the variations of lot width and lot area, which we have demonstrated is not unusual in the neighborhood.

The design of two smaller 2,500ft² homes with 3/4 bedrooms is in keeping with the demographic of the neighborhood of young families starting out on the schooling of their children at the local schools.

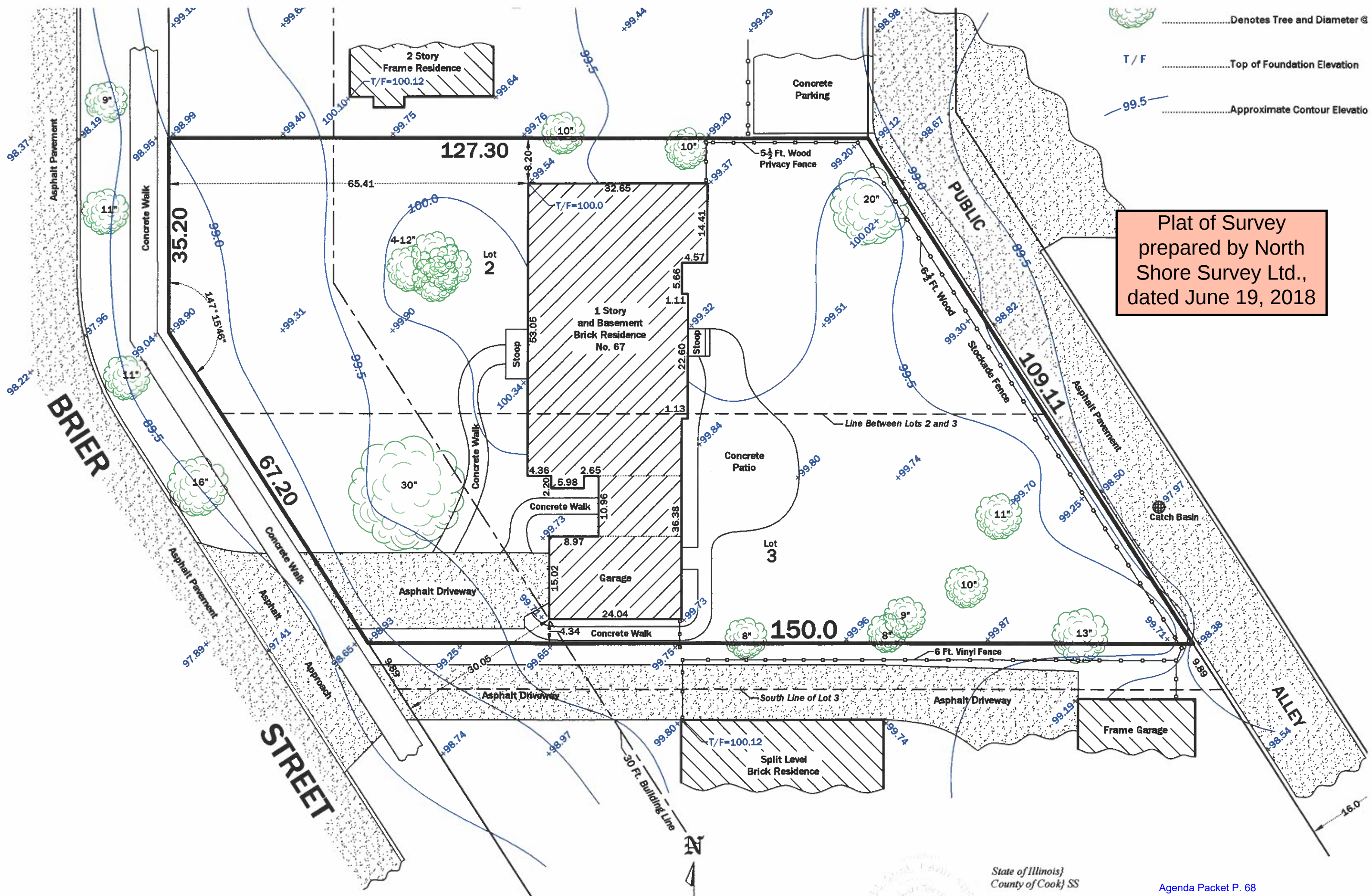
The design of the new homes fosters interaction among neighbors including front porches and by removing street facing garages, placing them in the alley. It emphasizes the pedestrian nature of a closer-in neighborhood, with the facades oriented to the streetscape.

The new construction seeks to minimize adverse impact of construction on residential neighbors, as the site access will be from the alley adjacent to the back of Michaels restaurant, out of sight of the restaurant entrance.

Landscape design is maintained and enhanced to reduce the effects of stormwater flooding, with lower than required paved area with drainage installed exceeding minimum requirements.

The design promotes sense of community and encourages interaction among neighbors, improving neighboring housing values and quality of life. It fits comfortably into the existing neighborhood and enhances the village's distinctive identity and appearance and makes the most appropriate use of the individual parcel.

We hope that you can see the validity of this proposal and can support our application for lot subdivision. Rose & Russell Gilchrist



Plat of Survey
prepared by North
Shore Survey Ltd.,
dated June 19, 2018

ATTACHMENT D

Minutes adopted 01.23.2019

WINNETKA PLAN COMMISSION EXCERPT OF MEETING MINUTES DECEMBER 19, 2018

Members Present:

Tina Dalman, Chairperson
Mamie Case
Layla Danley
Louise Holland
Bridget Orsic
Jay Vanderlaan

Non-voting Members Absent:

Joni Johnson

Members Absent:

Chris Foley
John Golan

Village Staff:

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

Case No. 17-29-SD: 67 Brier Street: An application submitted by Rosemary Latter and Russell Gilchrist seeking approval of a Final Plat of Subdivision to subdivide the existing single lot into two buildable lots. The Village Council has final jurisdiction on this request.

Chairperson Dalman noted the request came before the Commission on December 13, 2017.

Ms. Klaassen stated the final plat was submitted by the current owners and the existing residence onsite would be torn down and a new home built on each of the two new lots. She stated preliminary approval of the subdivision was approved by the Commission last December with preliminary approval subsequently granted by the Village Council on March 6, 2018. Ms. Klaassen stated the Commission's previous consideration was limited to preliminary review due to the subdivision also requiring consideration of zoning variations for minimum lot width and minimum lot area. She stated the Village staff has recently been advised by the Village Attorney that the two step preliminary and final approval process is not mandatory in the event of a subdivision involving zoning relief. Ms. Klaassen stated accordingly, the Commission may expect to see fewer applications such as those on the agenda this evening.

Ms. Klaassen then stated the Commission's recommendation for preliminary approval was subject to the final plat incorporating restrictive covenants requested by the Village Forester to protect mature parkway trees. She stated the applicants have added the restrictive covenant to the final plat and requested the Commission finds the final plat of the requested subdivision substantially conforms to the preliminary plat approved by the Village Council and for the Commission to recommend approval as presented. Ms. Klaassen added the Village Council has final consideration of the final plat. She stated following the closing of public comment and upon completion of the Commission's deliberation, if the Commission elects to recommend approval, a draft motion is provided on page 4 of the agenda materials. Ms. Klaassen then asked if there were any questions.

Ms. Case stated her question is procedural in nature and stated the Commission saw the request on

1 December 13, 2017 and after the ZBA saw the request, it was granted March 6, 2018. She asked why it
2 took so long to get back to the Commission. Ms. Klaassen responded the applicants have 12 months
3 once they have received preliminary approval to submit a final plat. She noted it was submitted in that
4 time frame and why they chose to submit it after so many months was the choice of the applicants.
5

6 Mr. Vanderlaan stated last year, the Commission voted to approve the request and the ZBA voted to
7 deny. Ms. Klaassen confirmed the ZBA recommended denial of the zoning variations. Mr. Vanderlaan
8 asked if the denial related to lot width or the overall request. Ms. Klaassen stated that is correct and the
9 Village Council considered the recommendations of both bodies. Mr. Vanderlaan asked if they overruled
10 the ZBA's recommendation and voted to approve it. Ms. Klaassen confirmed that is correct. Mr.
11 Vanderlaan then stated the Village Attorney altered the two step preliminary and final approval process
12 after that and the Commission would not need to go through this in the future. Ms. Klaassen responded
13 the Commission may recall at the October meeting, there was a plat of consolidation at 1025 and 1035
14 Sheridan Road which also required a zoning variation but which came before the Commission as a final
15 plat at that time.
16

17 Chairperson Dalman stated to clarify, since the request came through to the Commission once before
18 and anything after the Village Attorney's decision or opinion will come as a combined preliminary-final
19 request. Ms. Klaassen stated unless the applicant chooses to take the two step process which they
20 would still have the right to do. Chairperson Dalman then stated in some instances, that would be the
21 case because in order to get final plat approval for new development, there would need to be full
22 engineering which can be expensive and an applicant can come in with a preliminary plat without having
23 to go through full engineering and for the final plat to be approved for more complex development. Ms.
24 Klaassen confirmed that is correct.
25

26 Chairperson Dalman asked if there were any other questions. Ms. Holland asked if the owners are aware
27 the property or lots are being sold on Zillow. Ms. Latter confirmed that is correct. Russell Gilchrest and
28 Rosemary Latter then introduced themselves to the Commission as the property owners. Ms. Latter
29 confirmed the property has been listed. Chairperson Dalman asked if it is being listed as a spec property.
30 Ms. Latter referred to the agent as a contact. Mr. Gilchrest then stated the property was listed but is no
31 longer listed. Chairperson Dalman asked if the agent is a licensed broker. The applicants confirmed that
32 is correct.
33

34 Chairperson Dalman asked if there were any other questions for the applicant. No additional questions
35 were raised at this time. She then asked if there was any comment from the audience. No comments
36 were made at this time. Chairperson Dalman stated the Commission could either now have its
37 discussion or go straight to a motion. She then asked for a motion as provided on page 4 of the agenda
38 materials.
39

40 Mr. Vanderlaan moved for the Commission to proceed with the draft motion stated as follows: The
41 Commission finds that the proposed Gilchrist Resubdivision Final Plat subdividing 67 Brier Street into
42 two lots of record meets the subdivision code standards for approving such final plat and substantially
43 conforms to the preliminary plat approval approved by the Village Council, therefore the Commission
44 recommends approval of the Gilchrist Resubdivision Final Plat. Ms. Case seconded the motion.
45

46 Chairperson Dalman first asked for the Commission Members' comments.
47

48 Mr. Vanderlaan added with regard to the plan which was submitted to the Commission after its

1 submission to the Village Council, the plan does comport well with the surrounding properties and
2 makes sense and being that it passed muster with the Commission previously and the Village Council, he
3 has no issues or concerns of being in a position to approve and that it is consistent with the previous
4 findings.

5
6 A Commission Member agreed it is consistent with the previous submission. Ms. Holland stated she had
7 no comments. Chairperson Dalman noted for the record that they worked with the Village Engineer or
8 the planning staff with regard to the preservation of the trees to limit options and noted the plat is
9 going to include these restrictive covenants for both Lots 1 and 2 which will run with the land and opine
10 on any successor owners. She stated since the standard for the Commission's review is that it is
11 substantially consistent with what was previously approved, there is no reason for the Commission to
12 not approve the request. Chairperson Dalman stated based on that, the request has her support as
13 well. She then stated with a pending motion on the table, she asked for a vote to be taken.

14
15 A roll call vote was taken and the motion unanimously passed.

16
17 AYES: Case, Dalman, Danley, Holland, Orsic, Vanderlaan

18 NAYS: None

19
20 ***

ATTACHMENT E

ORDINANCE NO. M-4-2018

AN ORDINANCE APPROVING A PRELIMINARY PLAT OF SUBDIVISION AND GRANTING VARIATIONS FROM THE WINNETKA ZONING ORDINANCE AND THE WINNETKA SUBDIVISION ORDINANCE FOR A PROPOSED SUBDIVISION (67 Brier Street)

WHEREAS, Russell Gilchrist ("**Owner**") is the record title owner of the parcel of real property commonly known as 67 Brier Street in Winnetka, Illinois, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance ("**Subject Property**"); and

WHEREAS, the Subject Property is located within the R-5 Single Family Residential District of the Village ("**R-5 District**"); and

WHEREAS, the Subject Property is a single lot of record depicted in the plat of survey in **Exhibit B** attached to and, by this reference, made a part of this Ordinance; and

WHEREAS, the Subject Property is currently improved with a single-family residence; and

WHEREAS, Owner and Rosemary Latter (collectively, "**Applicants**") desire to divide the Subject Property into two buildable lots of record ("**Proposed Subdivision**"); and

WHEREAS, on August 27, 2017, the Applicants submitted an application to the Village for zoning variations on the Subject Property ("**Zoning Application**")

WHEREAS, on August 30, 2017, the Applicants submitted an application ("**Subdivision Application**") to the Village for an approval of a preliminary plat of subdivision for the Subject Property ("**Preliminary Plat**"), which is attached to and, by this reference, made a part of this Ordinance as **Exhibit C**; and

WHEREAS, the Preliminary Plat proposes to divide the Subject Property, creating two proposed adjoining lots of record: (i) a lot consisting of approximately 6,473 square feet on the north side of the Subject Property and depicted as "Lot 1" on the Preliminary Plat ("**Proposed North Lot**"); and (ii) a lot consisting of approximately 6,872 square feet on the south side of the Subject Property and depicted as "Lot 2" on the Preliminary Plat ("**Proposed South Lot**" and collectively with the Proposed North Lot, the "**Subdivided Lots**"); and

WHEREAS, pursuant to Section 16.12(D)(2) of the Winnetka Subdivision Ordinance ("**Subdivision Ordinance**"), the Subdivided Lots must have side lot lines that are approximately perpendicular to front street lines; and

WHEREAS, pursuant to Section 17.30.010 of the Winnetka Zoning Ordinance ("**Zoning Ordinance**"), the Subdivided Lots must each have: (i) a minimum lot area of 8,400 square feet; (ii) a minimum rectangular buildable area of 5,445 square feet; and (iii) a minimum length of rectangular building area of 55 feet; and

WHEREAS, pursuant to Section 17.30.020 of the Zoning Ordinance, the Subdivided Lots must each have: (i) a minimum average lot width of 60 feet; and (ii) a minimum actual lot width 45 feet from the front street line of 60 feet; and

WHEREAS, the Applicants desires to divide the Subject Property into the Subdivided Lots such that: (i) the Subdivided Lots would have side lot lines not approximately perpendicular to the front street lines, in violation of Section 16.12(D)(2) of the Subdivision Ordinance; (ii) the Proposed North Lot would have a minimum lot area of only 6,473 square feet and the Proposed South Lot would have a minimum lot area of only 6,872 square feet, both in violation of Section 17.30.010 of the Zoning Ordinance; (iii) the Proposed North Lot and Proposed South Lot would have less than minimum rectangular buildable areas of 5,445 square feet and less than minimum lengths of rectangular building area of 55 feet, both in violation of Section 17.30.010 of the Zoning Ordinance; (iv) the Proposed North Lot would have a minimum average lot width of only 44.33 feet and the Proposed South Lot would have a minimum average lot width of 54.54 feet, both in violation of Section 17.30.020 of the Zoning Ordinance; (v) the Proposed North Lot and the Proposed South Lot both would have a minimum actual lot width 45 feet from the front street line of 45.82 feet, both in violation of Section 17.30.020 of the Zoning Ordinance; and

WHEREAS, the Applicants' Subdivision Application also requested subdivision variations from Section 16.12(D)(2) of the Subdivision Ordinance to permit the Subdivided Lots to have side lot lines that are not approximately perpendicular to front street lines (collectively, "**Subdivision Variations**"); and

WHEREAS, the Applicants' Zoning Application requested zoning variations from: (i) Section 17.30.010 of the Zoning Ordinance to permit the Proposed Subdivision of the Subject Property with the Proposed North Lot having a minimum lot area of only 6,473 square feet, a minimum rectangular buildable area less than 5,445 square feet, and a minimum length of rectangular building area of less than 55 feet and with the Proposed South Lot having a minimum lot area of only 6,872 square feet, a minimum rectangular buildable area less than 5,445 square feet, and a minimum length of rectangular building area of less than 55 feet; and (ii) Section 17.30.020 of the Zoning Ordinance to permit the Proposed Subdivision of the Subject Property with the Proposed North Lot having a minimum average lot width of only 44.33 feet and a minimum actual lot width 45 feet from the front street line of 45.82 feet and the Proposed South Lot having a minimum average lot width of only 54.54 feet and a minimum actual lot width 45 feet from the front street line of 45.82 feet (collectively, "**Zoning Variations**" and the Subdivision Variations together with the Zoning Variations are collectively, "**Variations**"); and

WHEREAS, on December 13, 2017, after due notice thereof, the Winnetka Plan Commission held a public hearing on the proposed Preliminary Plat and Variations, and voted, by a unanimous vote of eight to zero, to recommend that the Village Council approve the Preliminary Plat and Variations, subject to certain conditions; and

WHEREAS, on January 8, 2018, after due notice thereof, the Zoning Board of Appeals ("**ZBA**") conducted a public hearing on the Zoning Variations and, by a vote of four to two, the members then present recommended that the Council of the Village of Winnetka ("**Village Council**") deny the Zoning Variations; and

WHEREAS, pursuant to Section 17.60.050 of the Zoning Ordinance, the Village Council has determined that: (i) the Zoning Variations are within the final jurisdiction of the Village Council; (ii) the Zoning Variations are in harmony with the general purpose and intent of the Zoning Ordinance and are in accordance with general or specific rules set forth in Chapter 17.60 of the Zoning Ordinance; and (ii) there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions or regulations of the Zoning Ordinance from which the Zoning Variations have been sought; and

WHEREAS, the Village Council has determined that approval of the Preliminary Plat, Subdivision Variations, and Zoning Variations (collectively, “**Approvals**”) to permit the Proposed Subdivision on the Subject Property within the R-5 District is in the best interest of the Village and its residents;

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

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

SECTION 2: APPROVAL OF PRELIMINARY PLAT. The Preliminary Plat for the Subject Property shall be, and it is hereby, approved pursuant to Section 16.08.010 of the Village Code.

SECTION 3: ACKNOWLEDGEMENT OF REQUEST FOR SUBDIVISION VARIATIONS. The President and Village Council hereby acknowledge that the Applicant has requested, and that the proposed Preliminary Plat of Subdivision contemplates, the Subdivision Variations from Section 16.12(D)(2) of the Subdivision Ordinance to permit the Subdivided Lots to have side lot lines that are not approximately perpendicular to front street lines. At the time of consideration of a final plat of subdivision, the Village Council shall consider the requested modifications in accordance with, and pursuant to, Section 16.08.010 of the Village Code.

SECTION 4: EFFECT OF APPROVALS. Pursuant to Section 16.08.010 of the Village Code, the approval of the Preliminary Plat for the Subject Property, as set forth in Section 2 of this Ordinance, shall not be deemed or interpreted as authorizing or entitling the Applicant to approval of a final plat of subdivision for the Subject Property or to any other approval, or to the issuance of any permit, until after all of the standards and procedures for such other approvals or permits have been satisfied. Nothing herein shall be deemed or interpreted as obligating or requiring the Village Council to approve a final plat of subdivision or other approval or permit.

SECTION 5: APPROVAL OF ZONING VARIATIONS. Subject to, and contingent upon, the terms, conditions, restrictions, and provisions set forth in Section 6 of this Ordinance, the Zoning Variations from Sections 17.30.010 and 17.30.020 of the Zoning Ordinance to permit the Proposed Subdivision on the Subject Property are hereby granted, in accordance with and pursuant to Chapter 17.60 of the Zoning Ordinance and the home rule powers of the Village.

SECTION 6: CONDITIONS. The Approvals granted by Sections 2 and 5 of this Ordinance are subject to, and contingent upon, compliance by the Applicants with the following conditions:

- A. Submission of Final Plat of Subdivision. Pursuant to and in accordance with Section 16.08.010.D of the Village Code, the adoption of this Ordinance authorizes the Applicant to submit a final plat of subdivision for the Subject Property to the Village Council. The final plat of subdivision for the Subject Property ("***Final Plat***") shall be submitted by the Applicant for review and approval by the Village no later than the date that is 12 months after the effective date of this Ordinance.
- B. Compliance with Regulations. Except to the extent specifically provided otherwise in this Ordinance, the development, use, and maintenance of the Proposed Subdivision and the Subject Property must comply at all times with all applicable Village codes and ordinances, as they have been or may be amended over time.
- C. Reimbursement of Village Costs. In addition to any other costs, payments, fees, charges, contributions, or dedications required under applicable Village codes, ordinances, resolutions, rules, or regulations, the Applicant must pay to the Village, promptly upon presentation of a written demand or demands therefor, of all fees, costs, and expenses incurred or accrued in connection with the review, negotiation, preparation, consideration, and review of this Ordinance. Payment of all such fees, costs, and expenses for which demand has been made shall be made by a certified or cashier's check. Further, the Applicant must pay upon demand all costs incurred by the Village for publications and recordings required in connection with the aforesaid matters.
- D. Restrictive Covenant. The Applicant must cause restrictive covenants approved by the Village Attorney to be set forth on the Final Plat, which restrict the use and development of the Subdivided Lots as follows:
 - 1. The existing driveway on the Subject Property must be preserved, maintained, and used on the Proposed South Lot. No other space on the Proposed South Lot may be used for a driveway onto Brier Street.
 - 2. The existing trees in the City-owned parkway in front of the front lot line of the Proposed North Lot ("***Parkway Trees***") must be preserved and maintained, and any driveway constructed on the Proposed North Lot must have at least a three-foot clearance on either side from these existing trees.

SECTION 7: RECORDATION OF ORDINANCE; BINDING EFFECT. A copy of this Ordinance will be recorded with the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon, the Applicants and each of its heirs, representatives, successors, and assigns.

SECTION 8: FAILURE TO COMPLY. Upon the failure or refusal of the Applicants to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, in addition to all other remedies available to the Village, the approvals granted in Section 2 and 5 of this Ordinance will, at the sole discretion of the Village Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Council may not so revoke the approvals granted in Sections 2 and 5 of this Ordinance unless it first provides the Applicants with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village Council. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the applicable zoning district and the applicable provisions of the Zoning Ordinance, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 9: AMENDMENTS. Any amendment to this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance for amending or granting variations.

SECTION 10: 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 11: EFFECTIVE DATE.

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

1. Passage by the Village Council in the manner required by law; and
2. Publication in pamphlet form in the manner required by law;

B. The Variations set forth in Section 5 of this Ordinance will be effective only upon: (i) the filing by the Applicant with the Village Clerk of an Unconditional Agreement and Consent in the form of **Exhibit D** attached to and, by this reference, made a part of this Ordinance to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance; and (ii) the approval and recording of the Final Plat.

C. In the event that the Applicants do not file with the Village Clerk a fully executed copy of the unconditional agreement and consent described in Section 11.B of this Ordinance within 60 days after the date of passage of this Ordinance by the Village Council, the Village Council shall have the right, in its sole discretion, to declare the Variations granted in this Ordinance null and void and of no force or effect.

PASSED this 6th day of March, 2018, pursuant to the following roll call vote:

AYES: Trustees Cripe, Dearborn, Lanphier, and Ziv

NAYS: Trustee Swierk

ABSENT: Trustee Myers

Signed



Village President

Countersigned:



Village Clerk

Published by authority of the
President and Board of Trustees of
the Village of Winnetka, Illinois,
this 7th day of March, 2018.

Introduced: February 20, 2018

Passed and Approved: March 6, 2018

EXHIBIT A
LEGAL DESCRIPTION OF SUBJECT PROPERTY

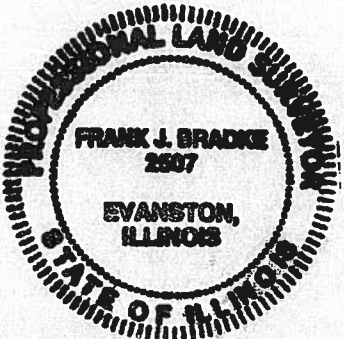
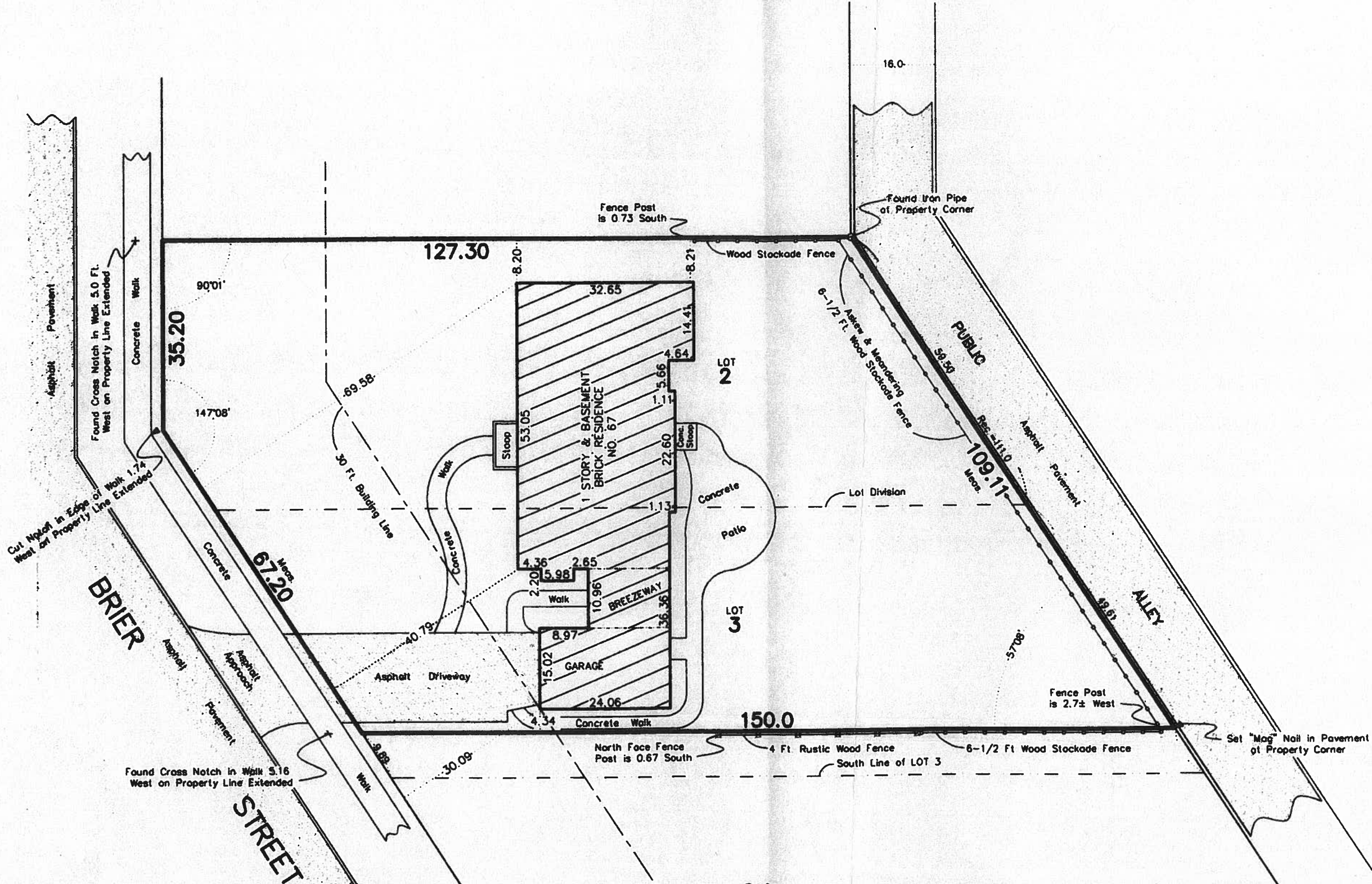
LOT 2 AND LOT 3 (EXCEPT THE SOUTH 9.8 FEET THEREOF) IN BLOCK 1 IN MANUS INDIAN HILL A SUBDIVISION OF THE NORTHWEST 1/4 OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 42 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as 67 Brier Street, Winnetka, Illinois.

EXHIBIT B
CURRENT PLAT OF SURVEY
(SEE ATTACHED EXHIBIT B)

EXHIBIT B

THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 42 NORTH, RANGE 12, E. COUNTY, ILLINOIS.
COMMONLY KNOWN AS: 67 BRIER STREET, WINNETKA, ILLINOIS.



points must be compared on the ground and with one another before building by same and any discrepancies be reported to this firm.
ing lines, easements or other building restrictions refer to your deed, abstract, contract & municipal ordinances.
tions or angles hereon to be assumed by scaling.
noted hereon are in feet and decimal parts thereof. Any information relative to utilities or elevations hereon are taken from
ords / not guaranteed.

NORTH SHORE SURVEY, LTD.
61 Williamsburg Road Evanston, IL 60203 847-676-9505



State of Illinois }
County of Cook } SS
WE, North Shore Survey, Ltd., do hereby certify that we have surveyed the property as described in the above caption in accordance with official records and/or previous surveys and that the plat hereon drawn is a correct representation of said survey.

Frank J. Bradke
REGISTERED ILLINOIS LAND SURVEYOR No. 2507

DATED: JANUARY 29 2007

FILE No.
38654-11

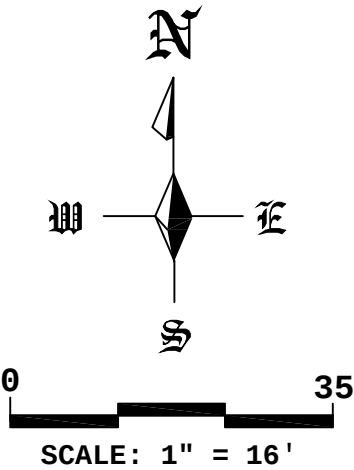
SCALE: 1" = 20'

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. Agenda Packet P. 80

EXHIBIT C
PRELIMINARY PLAT
(SEE ATTACHED EXHIBIT C)

PROPOSED
GILCHRIST RESUBDIVISION
...IN...

THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 28 TOWNSHIP 42 NORTH,
RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



PLAT SUBMITTAL AND RETURN TO ADDRESS:

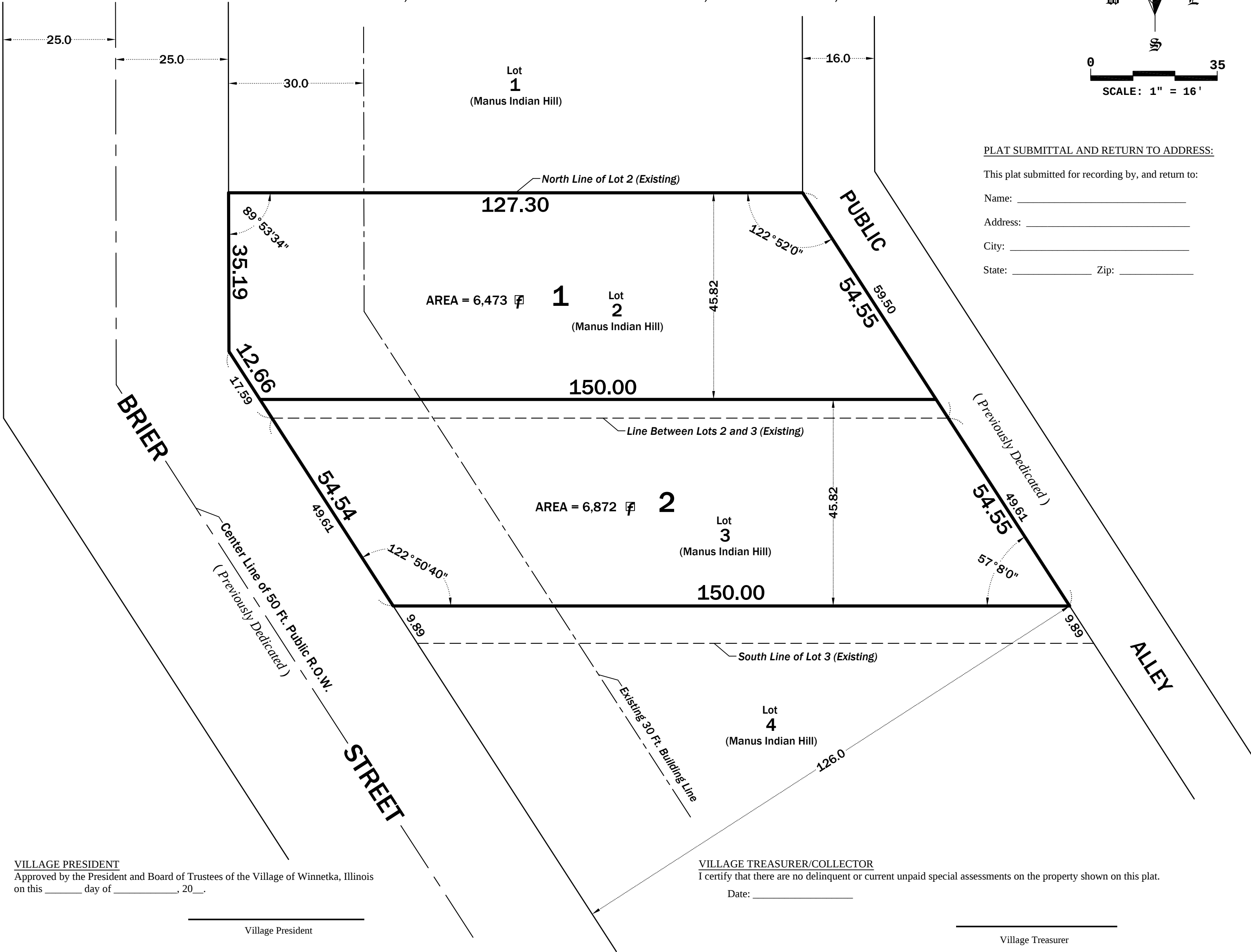
This plat submitted for recording by, and return to:

Name: _____

Address: _____

City: _____

State: _____ Zip: _____



VILLAGE PRESIDENT
Approved by the President and Board of Trustees of the Village of Winnetka, Illinois
on this _____ day of _____, 20__.

ATTEST:

Village Clerk

PLAN COMMISSION
Recommended by the Plan Commission of the Village of Winnetka, Illinois on this
_____ day of _____, 20__.

OWNER
Russell Gilchrist and Rose Latter, husband and wife, owners of the property shown and described hereon, hereby adopts this plat of
subdivision; establishes the minimum building restriction lines, dedicates the roads, streets, alleys, walks, and other areas indicated thereon to
the public use; and establishes any other easements shown thereon.

STATE OF ILLINOIS)
COUNTY OF _____) SS
I, _____, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Russell Gilchrist
and Rose Latter, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me
this day in person and acknowledged that they signed and delivered said instrument as their free and voluntary act for the uses and purposes
therein set forth.
Given under my hand and official seal this _____ day of _____, 2016.

My Commission Expires:

REGISTERED PROFESSIONAL ENGINEER AND OWNER
To the best of our knowledge and belief, the drainage of surface waters will not be changed by the construction of this subdivision or
any part thereof, or, if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such
surface waters into public areas, or drains which the owner has a right to use, and that such surface waters will be planned for in accordance
with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction
of this subdivision.

OWNER
Name: _____
Date: _____

REGISTERED PROFESSIONAL ENGINEER
Name: _____
Firm: _____
Date: _____

PARCEL INDEX NUMBERS
05-28-103-128-0000

VILLAGE TREASURER/COLLECTOR
I certify that there are no delinquent or current unpaid special assessments on the property shown on this plat.
Date: _____

VILLAGE ENGINEER
Approved by the Village Engineer of the Village of Winnetka, Illinois on this _____ day of _____, 20__.

SURVEYOR
I, Arthur R. Olson, hereby certify that I have prepared the plat shown hereon and the property described as Lot 2 and
Lot 3 (except the South 9.8 feet thereof) in Block 1 in MANUS INDIAN HILL, a subdivision of the Northwest quarter of the
West half of the Northeast quarter of Section 28, Township 42 North, Range 13, East of the Third Principal Meridian, in
Cook County, Illinois; in accordance with the Winnetka Subdivision and Development Code; that the property is within the
corporate limits of the Village of Winnetka which has adopted an official comprehensive plan; that the property is not within
a Special Flood Hazard Area, as identified by the Federal Emergency Management Agency on the most recent Flood
Insurance Rate Map Panel 253 of 832, Community Panel No. 17031 C 0235 F, effective August 19, 2008.

STATE OF ILLINOIS)
COUNTY OF COOK) SS
I, _____, a Notary Public in and for said County, in the State aforesaid, do hereby certify
that _____, personally known to me to be the same person whose name is subscribed to the
foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered said instrument
as his free and voluntary act for the uses and purposes therein set forth.
Given under my hand and official seal this _____ day of _____, 20__.

My Commission Expires: _____

Proposed Plat Prepared By:
NORTH SHORE SURVEY, LTD.
778 FRONTAGE ROAD #110 - NORTHFIELD, ILLINOIS 60093
(847) 446-6510 NSSURVEY@BSCGLOBAL.NET
PROFESSIONAL DESIGN FIRM NO. 184.006982

Dated: August 15, 2017

FILE NO.
42402-R

EXHIBIT D

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, Russell Gilchrist ("**Owner**") is the record title owner of the property commonly known as 67 Brier Street in the Village ("**Subject Property**")

WHEREAS, Russell Gilchrist and Rosemary Latter (collectively, "**Applicant**") desire to divide the Subject Property into two new buildable lots of record ("**Proposed Subdivision**"); and

WHEREAS, Ordinance No. M-4-2018, adopted by the Village Council on March 6, 2018 ("**Ordinance**"), approves a preliminary plat of subdivision for the Proposed Subdivision and grants variations from the provisions of the Winnetka Zoning Ordinance to the Applicant to permit the Proposed Subdivision of the Subject Property with subdivided lots not in conformity with: (i) the Village's perpendicular side lot lines requirements for all lots in the Village set forth in Section 16.12(D)(2) of the Winnetka Subdivision Ordinance; and (ii) the Village's minimum lot area, minimum rectangular buildable area, minimum average lot width, and minimum actual lot width 45 feet from the front street line requirements for the R-5 District set forth in Sections 17.30.010 and 17.30.020 of the Winnetka Zoning Ordinance; and

WHEREAS, Section 11 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicants have filed, within 60 days following the passage of the Ordinance, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Applicants do hereby agree and covenant as follows:

1. The Applicants do hereby unconditionally agree to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.
2. The Applicants acknowledge that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, have considered the possibility of the revocation provided for in the Ordinance, and agree not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.
3. The Applicants acknowledge and agree that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's grant of the variations for the Subject Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Applicants against damage or injury of any kind and at any time.
4. The Applicants do hereby agree to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against

any of such parties in connection with the Village's adoption of the Ordinance granting the variations for the Subject Property.

5. The Applicants hereby agree to pay all expenses incurred by the Village in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses will include all out-of-pocket expenses, such as attorneys' and experts' fees, and will also include the reasonable value of any services rendered by any employees of the Village.

Dated: April 6th, 2018

ATTEST:

By:

Its:

RUSSELL

By:

Its:

ATTEST:

By:

Its:

ROSEMARY LATTER

By:

Its:

OFFICIAL SEAL
DONNA ELLWANGER
Notary Public - State of Illinois
My Commission Expires May 25, 2019

OLGA BENKART
Official Seal
Notary Public - State of Illinois
My Commission Expires Mar 7, 2020

RECEIVED
APR - 9 2018
BY: _____



Agenda Item Executive Summary

Title: Planned Development Regulation Amendments

Presenter: David Schoon, Community Development Director

Agenda Date: 03/05/2019

Consent: ☐ YES ☒ NO

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

Item History:

12-11-18 - Village Council Study Session

<https://www.villageofwinnetka.org/assets/1/20/gv-council-pkt-20181211.pdf>

2-12-19 - Village Council Study Session - Council was scheduled to discuss but at the meeting differed discussion to a future date.

Executive Summary:

At the March 5, 2019, Study Session, the Council is scheduled to continue its discussion of potential amendments to the planned development regulations.

The Council last discussed this issue at its December 11, 2018, Study Session. At that meeting the Council reviewed the planned development process, the history of the planned development ordinance, and other zoning and subdivision relief processes. The Council also reviewed a memo from the Village Attorney that summarized the planned development as a land use tool, the Village's current planned development regulations, and some options regarding amending the planned development procedures and standards. At the conclusion of the December 11 meeting, the Village Council directed staff to (i) prepare a new, consolidated set of proposed planned development standards and (ii) gather input on those standards and the planned development process from the Plan Commission, Zoning Board of Appeal, and Design Review Board.

Attached is a staff report summarizing the comments from each of the three advisory bodies.

Recommendation:

Staff requests policy direction from the Village Council regarding potential amendments to the Village's planned development process. The attached staff report provides a list of policy direction questions for the Council to consider while discussing this issue.

Attachments:

Staff Report from Village Staff and Village Attorney

Attachment 1: Draft Planned Development General Requirements and Standards

Attachment 2: Advisory Body Staff Report and Attachments

Attachment 3: Advisory Body Additional Staff Report

Attachment 4: Zoning Board of Appeals, Plan Commission, Design Review Board Draft Minutes Regarding Discussion of Amendments to the Planned Development Regulations

Attachment 5: Public Comment



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: VILLAGE COUNCIL
FROM: DAVID SCHOON, COMMUNITY DEVELOPMENT DIRECTOR
PETER FRIEDMAN, VILLAGE ATTORNEY
DATE: FEBRUARY 28, 2019
SUBJECT: PLANNED DEVELOPMENT REGULATION AMENDMENTS

INTRODUCTION

At the March 5, 2019, Village Council Study Session, the Council is scheduled to continue its discussion of potential amendments to the planned development regulations. The Council last discussed this issue at its December 11, 2018, Study Session. [Note: The Council was scheduled to discuss this issue at its February 12 Study Session, but at that meeting the Council decided to defer discussion to a future meeting.] At the December meeting the Council reviewed the Village's planned development process, the history of the Village's planned development ordinance, and other Village zoning and subdivision relief processes. The Council also reviewed a memo from the Village Attorney that summarized the planned development as a land use tool, the Village's current planned development regulations, and some options regarding amending the planned development procedures and standards. At the conclusion of the December 11 meeting, the Village Council directed staff to (i) prepare a new, consolidated set of proposed planned development standards and (ii) gather input on those standards and the planned development process from the Plan Commission, Zoning Board of Appeal, and Design Review Board.

ADVISORY BODY INPUT

Staff prepared a memo regarding the planned development process and standards for consideration by the Zoning Board of Appeals, Plan Commission, and Design Review Board. Attachment 2 - contains a copy of the staff report and attachments to the Plan Commission. A similar report was provided to the Zoning Board of Appeals and the Design Review Board; the only significant difference was that the Design Review Board's staff report asked the Design Review Board to provide feedback regarding the appropriateness of using the Village's design guidelines during the planned development process. The attachments included the materials that were shared with the Village Council on December 11, as well as draft planned development requirements and standards. In addition, a separate memo was prepared responding to questions from a Design Review Board member, which is included as Attachment 3, and given the timing of its preparation, the memo was shared with only the Design Review Board and Plan Commission, as the Zoning Board of Appeals had already met.

Each body was asked to discuss and provide comments to the Council regarding (i) the proposed revised standards used to evaluate planned developments and (ii) the review process for planned developments. As they discussed and reviewed the process and standards they were asked to keep in mind the purpose of the planned development process as well as the following guiding perspectives to use when amending the planned development regulations, which Council members began to formulate at their December 11 Study Session:

- a) Resident Perspective – Ensure procedures that are not overly burdensome to residents who desire to show support or opposition to a proposed planned development throughout the entire public hearing/meeting process.
- b) Developer Perspective – Ensure procedures, application requirements, and standards that are clear and reasonable and that provide timely decisions, whether in favor or not in favor of a developer’s proposed development.
- c) Boards & Commission Perspective – Ensure procedures and standards that provide the advisory bodies with clear direction to effectively, efficiently, and fairly evaluate planned development requests.
- d) Village Staff Perspective – Ensure procedures and standards that staff can clearly and easily explain to applicants, the Council, advisory boards, residents, and other interested parties, so as to minimize the amount of staff time and resources spent on administering the planned development process and to eliminate to the extent possible unnecessary ambiguities that can slow the process and/or make it less open to public evaluation.
- e) Meets Village Plans – Ensure procedures and standards that meet the Village’s goals and objectives for the community as a whole or for a specific area.

The discussion of each advisory body mainly focused on the planned development process with limited discussion on the draft standards (Attachment 1 contains a copy of the draft standards). In general, most advisory body members found that the Village could benefit from changes to the Village’s planned development regulations; however, it should be noted that one member of the Zoning Board of Appeals and one member of the Design Review Board each noted that given the Village’s limited experiences with planned developments they did not know if it was necessary to make any changes at this time.

The following table provides a summary of the advisory bodies’ discussions and comments regarding the draft planned development standards as well as the planned development process. Each discussion of the three advisory bodies regarding the planned development process focused on the following items: (a) creation of a required conceptual plan review before the Village Council prior to a developer submitting a formal application; (b) whether or not the advisory bodies need to be involved in both the preliminary plan review and final plan review stages; and (c) which advisory bodies should be involved in the review of a planned development. Copies of draft minutes from the Plan Commission, Zoning Board of Appeals, and Design Review Board are attached (Attachment 4).

Since the Advisory Bodies reviewed the planned development regulations, the Village has received public comments from one individual, which are included in Attachment 5.

**Summary of Advisory Bodies Comments Regarding
Potential Changes to the Village's Planned Development Process and Standards**

	Zoning Board of Appeals January 14, 2019 5 of 7 members present	Plan Commission January 23, 2019 8 of 9 members present	Design Review Board January 24, 2019 4 of 7 members present
PLANNED DEVELOPMENT STANDARDS	Members found the proposed planned development standards acceptable; suggested a few clarifying edits.	Members found the proposed planned development standards much clearer than what the Village currently has; suggested a few clarifying edits.	Regarding the design guidelines used during the planned development process, the existing guidelines are acceptable to use as part of the planned development process.
PLANNED DEVELOPMENT PROCESS			
• Conceptual Plan Review by Council Prior to Formal Application Submittal	All members supportive. Two members asked if there is a way to ensure only legitimate projects can go through process.	All members supportive.	All members supportive; though one member did not find it necessary.
• Advisory Body Review: Preliminary & Final Plan Review vs. Final Plan Review Only	All members thought advisory bodies need not be involved with the review of the final plans, unless Council found that material changes had occurred.	Members thought advisory bodies do not need to be involved with the review of the final plans unless it has been determined that substantive changes have been made.	Members thought there need not be a separate preliminary plan review and a separate final plan review. The Village's review of a planned development could be handled through one plan review step.
• Advisory Body Review of Planned Development by: ○ New Planned Development Commission, ○ All Three Current Advisory Bodies (status quo), or ○ Another Approach	Four members support new planned development commission (consisting of some subset of PC & ZBA members) with a separate DRB review. One member supports continuing to have the three advisory bodies independently review a planned development.	Three members support new planned development commission (consisting of some subset of PC & ZBA members) with a separate DRB review. Four members support continuing to have the three advisory bodies independently review a planned development. One member would have either the PC, ZBA, or a planned development commission review the PD with a separate DRB review.	Three members support new planned development commission (consisting of some subset of PC & ZBA members) with a separate DRB review. One member supports streamlining process and open to new planned development commission concept.

RECOMMENDATION

At the February 12 Village Council Study session, staff and the Village Attorney recommend that the Village Council review the advisory bodies' discussions and thoughts regarding amending the planned development process and standards and then provide policy direction regarding the following planned development regulation items:

1. Regarding the planned development process:
 - a. Should the conceptual plan review step by the Village Council be added as a required step to the Village's planned development process?
 - b. Should the planned development process consist of a preliminary plan review and final plan review step? Or should just one plan review step be required? If the preliminary review step and the final plan review step should both be required, need the advisory bodies be involved in the final plan review step?
 - c. Which advisory bodies should be involved in the review of a planned development:
 - i. The Plan Commission, Zoning Board of Appeals, and Design Review Board; **OR**
 - ii. A new planned development commission (consisting of some subset of members from the Plan Commission and the Zoning Board of Appeals) and the Design Review Board;
OR
 - iii. The Plan Commission or the Zoning Board of Appeals, and the Design Review Board.
2. Regarding the attached draft planned development general requirements and standards, does the Council concur with the advisory bodies that this draft approach is clearer than the current standards and an acceptable approach? Does the Council have any additional thoughts on these draft standards?

Once staff receives direction from the Village Council regarding these issues, we will continue to work on drafting further revisions and clarifications to the Village's planned development regulations and present those to the Council for consideration and adoption.

We will be at the meeting to walk the Council through the material and to answer any questions.

ATTACHMENTS

Attachment 1: Draft Planned Development General Requirements and Standards

Attachment 2: Advisory Body Staff Report and Attachments

Attachment 3: Advisory Body Additional Staff Report

Attachment 4: Zoning Board of Appeals, Plan Commission, and Design Review Board Draft Minutes
Regarding Discussion of Amendments to the Planned Development Regulations

Attachment 5: Public Comments

DRAFT PLANNED DEVELOPMENT REQUIREMENTS AND STANDARDS

January 2019

I. GENERAL REQUIREMENTS

All planned developments shall satisfy the requirements and limitations of Paragraphs A through H of this section.

- A. Approval required. All planned developments shall be approved by the Village Council, in accordance with the procedures and standards set forth in this Chapter and with other applicable provisions of this Code.
- B. Permitted Locations. Planned developments are authorized only in the B-1 Multi-family, B-2 Multi-family, C-1 Neighborhood Commercial, and C-2 General Retail Commercial zoning districts.
- C. Minimum area of development. No planned development shall be permitted on any site that has an area less than 10,000 square feet.
- D. Planned development required. Any new development or redevelopment on any site with an area of 10,000 square feet or more shall require planned development approval.
- E. Ownership and control of land. The site for a planned development may be either in a single lot of record or a combination of contiguous lots that under unified ownership and control.
- F. Compliance with Village Code required. Construction and improvements in any planned development shall comply with all applicable Village ordinances.
- G. Individual Special Uses. The individual uses in a planned development must be permitted uses or permitted special uses in the underlying zoning district. Any individual use that is allowed only as a special use in the underlying zoning district must individually meet the standards for granting special use permits set forth in Chapter 17.56 of this Code.
- H. Number of units. The maximum number of residential units in a planned development located in the B-1 or B-2 zoning district shall not exceed the maximum number allowed in the underlying zoning district, except as may be necessary to achieve the goals of the Village of Winnetka Affordable Housing Plan.

II. PLANNED DEVELOPMENT STANDARDS

No special use permit for a planned development shall be granted unless it is found:

- A. That the proposed development and the use or combination of uses is consistent with the goals and objectives of the Comprehensive Plan, including the Downtown Master Plan.
- B. That the establishment, maintenance and operation of the planned development will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare;
- C. That the planned development 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;
- D. That the establishment of the planned development 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;
- E. 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;
- F. That adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the planned development exist or are to be provided;
- G. That the planned development in all other respects conforms to the applicable regulations of this and other applicable Village ordinances and codes

[Note: Items B through G mirror the Village's current special use standards]

III. ADDITIONAL STANDARDS

A. Exceptions from District Regulations

All planned developments are subject to the underlying district regulations unless an exception is specifically granted. The [Advisory Body] may recommend and the Village Council may grant exceptions to the otherwise applicable subdivision regulations and underlying zoning district use, lot, space, bulk, and yard regulations. In addition to the standards in Section II of this Chapter, the following standards shall be considered in reviewing all proposed and amended planned developments, particularly with regard to elements of planned development proposals that do not satisfy the otherwise applicable provisions of the underlying zoning and subdivision regulations:

- a. Enhance the quality of the design of the structures and the site plan;
- b. Enable the development to offer environmental and pedestrian amenities;
- c. Will not cause an adverse impact on neighboring properties that outweigh the benefits of the development;
- d. Contain a proposed design and use or combination of uses that will complement the character of the surrounding neighborhood; and
- e. Provide a public benefit to the Village, as described below.

B. Required Public Benefits

In addition to meeting the other requirements of this Chapter, developers of planned developments are required to provide public benefits, which include providing compensating benefits and making necessary Village public improvements.

a. Compensating Benefits

Developers of planned developments are required to provide the Village with compensating benefits in return for the Village providing exceptions from Village regulations requested by the developer. The purpose of compensating benefits is to advance Winnetka's physical, cultural, environmental, and social objectives in accordance with the Comprehensive Plan and other adopted plans and policies. Redevelopment often brings with it the need to provide exceptions from the regulations but to also make sure that the Village is receiving public benefit in return for providing those exceptions by requiring additional compensating benefits to the residents in that area or to the community as a whole. The following is a non-exclusive list of examples of design elements and amenities that can be considered a compensating benefit:

- i. Community amenities including plazas, malls, formal gardens, places to congregate, outdoor seating, and pedestrian facilities;
- ii. Preservation of existing environmental features or historic features;
- iii. Open space and recreational amenities such as recreational open space, including accessory buildings, jogging trails, playgrounds, and similar recreational facilities;
- iv. Adaptive reuse of existing buildings;
- v. Provision of public car and/or bike share facilities;
- vi. Provision of off-street public parking spaces;
- vii. Provision of affordable housing units; and
- viii. Provision of a demonstrated need in the Village

b. Village Improvements

Applicants are required to consult with Village Staff and/or any other public entities as deemed necessary to negotiate necessary Village improvements such as, but not limited to, public streetscape improvements, roadways, alleys, medians, pathways, pedestrian drop off areas, transit stops, bus pull outs, and/or other public improvements that will promote the objectives of a planned development.

V. DESIGN GUIDELINES

The planned development as a whole, as well as the individual buildings and site improvements constructed as part of the planned development, shall be in conformity with the Village of Winnetka Design Guidelines.



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: PLAN COMMISSION
FROM: DAVID SCHOON, COMMUNITY DEVELOPMENT DIRECTOR
DATE: JANUARY 18, 2019
SUBJECT: PLANNED DEVELOPMENT REGULATION AMENDMENTS

INTRODUCTION

At the January 23, 2019 Plan Commission meeting, Village Staff will facilitate discussion with the Commission to gather input from its members on the Village's existing planned development regulations and process. This activity is at the direction of the Village Council, which held a December 11, 2018 study session regarding potential amendments to the Village's planned development regulations. The Council has requested that the Zoning Board of Appeals, the Plan Commission, and the Design Review Board each discuss and provide comments regarding (i) draft revised standards used to evaluate proposed planned developments and (ii) the current review process for proposed planned developments.

BACKGROUND

The Council generally discussed changes to the planned development regulations at its December 11 study session. Staff and the Village Attorney prepared the attached memos and materials regarding the subject (Attachment B). The material included a summary of the following information:

- The Downtown Master Plan recommendations' regarding the Village's planned development process;
- The history of the Village's planned development ordinance;
- A comparison of the planned development process with other Village zoning and subdivision relief processes;
- An explanation of a planned development as a land use tool;
- The Village's current planned development regulations; and
- Some options regarding amending the planned development procedures and standards.

A copy of the December 11 Village Council study session minutes are included in Attachment B.

At the Commission's January 23 meeting, Village staff will provide an overview of this material and a summary of the Council's discussion.

Purpose of Planned Development Process

As you discuss the planned development review process and standards, the Council asked that you keep in mind the purpose of the planned development process. The current purpose and intent of the Village's planned development regulations are set forth in Section 17.58.020 of the Village Zoning Ordinance, as follows:

A. Purpose. The purpose of this Chapter is to make available a special use procedure that departs from the strict application of the specific zoning requirements of the district in which the development is located, in an effort to promote progressive development and redevelopment of land in the multi-family and commercial zoning districts by encouraging more creative and imaginative design for land developments than is possible under the zoning regulations that generally apply in those zoning districts.

B. Intent. This Chapter is intended to assure that the following land use and development objectives are accomplished, in addition to the general land use and development objectives set forth in Chapter 17.04 of this Title:

1. To permit a creative approach to the development and redevelopment of lands devoted to multi-family and commercial uses.

2. To achieve a more desirable physical environment by allowing greater flexibility in building design and site plan layout than would be possible through the strict application of the generally applicable zoning and subdivision regulations.

3. To allow more efficient use of the land resulting in more economic networks of utilities, streets and other facilities.

5. To facilitate a development pattern that is in harmony both with the objectives of the Comprehensive Plan and with the district purposes as defined in this Title.

6. To allow the relaxation of certain otherwise applicable substantive requirements based upon procedural protections that provide for the detailed review of individual proposals for more significant multi-family and commercial developments.
(MC-8-2005, Added, 12/20/2005)

Guiding Principles to Use When Considering Amendments to Planned Development Standards and/or Process

As you consider possible changes to the planned development standards and process, the Council thought it was important to keep in mind some guiding perspectives, as summarized as follows:

- a) Resident Perspective – Ensure procedures that are not overly burdensome to residents who desire to show support or opposition to a proposed planned development throughout the entire public hearing/meeting process.
- b) Developer Perspective – Ensure procedures, application requirements, and standards that are clear and reasonable and that provide timely decisions, whether in favor or not in favor of the developer's proposed development.
- c) Boards & Commission Perspective – Ensure procedures and standards that provide the advisory bodies with clear direction to effectively, efficiently, and fairly, evaluate planned development requests.
- d) Village Staff Perspective – Ensure procedures and standards that staff can clearly and easily explain to applicants, the Council, advisory boards, residents, and other interested parties, so as to minimize the amount of staff time and resources that needs to be spent on administering the planned development process and to eliminate to the extent possible unnecessary ambiguities that can slow the process and/or make it less open to public scrutiny.
- e) Meets Village Plans – Ensure procedures and standards that meet the Village's goals and objectives for the community as a whole or for a specific area.

The Plan Commission should consider these perspectives as it provides comments on the planned development standards and process.

PLANNED DEVELOPMENT STANDARDS

As explained in the Village Attorney December 5, 2018 memo to the Village Council, the Village Council and its three subsidiary bodies consider approximately 25 standards in evaluating planned development applications. Staff, the Village Attorney, some current advisory board members, and Council members who were advisory board members during the One Winnetka planned development process, all observed that the current standards were difficult to employ because of their number and the ambiguous and overlapping nature of many of the standards.

At the direction of the Village Council, the Village Attorney and Village staff have prepared a discussion draft set of consolidated and clarified standards (Attachment A). At the January meeting, we will review the standards with the Plan Commission, and the Commission should discuss and comment on this draft set of standards.

PLANNED DEVELOPMENT PROCESS

The Council also requested that the advisory bodies comment on the major steps of the current planned development process, which generally include the following:

- a) Pre-application meeting with staff prior to submission of formal application
(Voluntary)
- b) Preliminary plan review and approval
(ZBA and PC public hearings, DRB public meeting, Council consideration and vote) (all required)
- c) Final plan review and approval
(ZBA and PC public hearings, DRB public meeting, Council consideration and vote) (all required)

In addition to considering whether all of these procedures should continue to be necessary, the Council also discussed, and asked the advisory bodies to comment on, adding a Village Council conceptual plan review before the staff pre-application meeting.

The conceptual plan review step, which would be required, would provide an applicant an opportunity to receive initial feedback directly from Village Council members regarding the applicant's proposal prior to the applicant committing the time and financial resources associated with submitting a formal application. During a conceptual plan review, the applicant would provide a narrative describing the project and summarizing its planned development request as well as provide sketch plan(s) for its proposed development. This information would be presented at a public Village Council meeting at which time Council members would be provided the opportunity to offer their individual thoughts and comments regarding the request. There would be no vote by the Council or identification of any sort of consensus regarding the project by the Council. The applicant would then, based upon Council member individual comments, determine if it wished to submit a formal preliminary application. This is a step that many communities use as part of its planned development process.

In addition to providing comments on the conceptual plan review step, Plan Commission members may also wish to provide comments on the overall planned development process given its recent experience with the One Winnetka planned development.

SUMMARY

The Village Council has requested input regarding the Village's planned development regulations from its three advisory bodies. Specifically, the Village Council wants advisory body comments on the planned development process and the planned development standards.

The advisory bodies may also, if they choose, provide comments on the current purpose and intent of the planned development process as well as the guiding principles the Village Council identified.

Staff and the Village Attorney look forward to discussing these matters with the Plan Commission at its January 23 regular meeting.

ATTACHMENTS

Attachment A: Draft Planned Development Standards

Attachment B: December 11, 2018, Village Council Meeting - Staff and Attorney Reports & Meeting Minutes

DRAFT PLANNED DEVELOPMENT REQUIREMENTS AND STANDARDS

January 2019

I. GENERAL REQUIREMENTS

All planned developments shall satisfy the requirements and limitations of Paragraphs A through H of this section.

- A. Approval required. All planned developments shall be approved by the Village Council, in accordance with the procedures and standards set forth in this Chapter and with other applicable provisions of this Code.
- B. Permitted Locations. Planned developments are authorized only in the B-1 Multi-family, B-2 Multi-family, C-1 Neighborhood Commercial, and C-2 General Retail Commercial zoning districts.
- C. Minimum area of development. No planned development shall be permitted on any site that has an area less than 10,000 square feet.
- D. Planned development required. Any new development or redevelopment on any site with an area of 10,000 square feet or more shall require planned development approval.
- E. Ownership and control of land. The site for a planned development may be either in a single lot of record or a combination of contiguous lots that under unified ownership and control.
- F. Compliance with Village Code required. Construction and improvements in any planned development shall comply with all applicable Village ordinances.
- G. Individual Special Uses. The individual uses in a planned development must be permitted uses or permitted special uses in the underlying zoning district. Any individual use that is allowed only as a special use in the underlying zoning district must individually meet the standards for granting special use permits set forth in Chapter 17.56 of this Code.
- H. Number of units. The maximum number of residential units in a planned development located in the B-1 or B-2 zoning district shall not exceed the maximum number allowed in the underlying zoning district, except as may be necessary to achieve the goals of the Village of Winnetka Affordable Housing Plan.

II. PLANNED DEVELOPMENT STANDARDS

No special use permit for a planned development shall be granted unless it is found:

- A. That the proposed development and the use or combination of uses is consistent with the goals and objectives of the Comprehensive Plan, including the Downtown Master Plan.
- B. That the establishment, maintenance and operation of the planned development will not be detrimental to or endanger the public health, safety, comfort, morals or general welfare;
- C. That the planned development 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;
- D. That the establishment of the planned development 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;
- E. 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;
- F. That adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the planned development exist or are to be provided;
- G. That the planned development in all other respects conforms to the applicable regulations of this and other applicable Village ordinances and codes

[Note: Items B through G mirror the Village's current special use standards]

III. ADDITIONAL STANDARDS

A. Exceptions from District Regulations

All planned developments are subject to the underlying district regulations unless an exception is specifically granted. The [Advisory Body] may recommend and the Village Council may grant exceptions to the otherwise applicable subdivision regulations and underlying zoning district use, lot, space, bulk, and yard regulations. In addition to the standards in Section II of this Chapter, the following standards shall be considered in reviewing all proposed and amended planned developments, particularly with regard to elements of planned development proposals that do not satisfy the otherwise applicable provisions of the underlying zoning and subdivision regulations:

- a. Enhance the quality of the design of the structures and the site plan;
- b. Enable the development to offer environmental and pedestrian amenities;
- c. Will not cause an adverse impact on neighboring properties that outweigh the benefits of the development;
- d. Contain a proposed design and use or combination of uses that will complement the character of the surrounding neighborhood; and
- e. Provide a public benefit to the Village, as described below.

B. Required Public Benefits

In addition to meeting the other requirements of this Chapter, developers of planned developments are required to provide public benefits, which include providing compensating benefits and making necessary Village public improvements.

a. Compensating Benefits

Developers of planned developments are required to provide the Village with compensating benefits in return for the Village providing exceptions from Village regulations requested by the developer. The purpose of compensating benefits is to advance Winnetka's physical, cultural, environmental, and social objectives in accordance with the Comprehensive Plan and other adopted plans and policies. Redevelopment often brings with it the need to provide exceptions from the regulations but to also make sure that the Village is receiving public benefit in return for providing those exceptions by requiring additional compensating benefits to the residents in that area or to the community as a whole. The following is a non-exclusive list of examples of design elements and amenities that can be considered a compensating benefit:

- i. Community amenities including plazas, malls, formal gardens, places to congregate, outdoor seating, and pedestrian facilities;
- ii. Preservation of existing environmental features or historic features;
- iii. Open space and recreational amenities such as recreational open space, including accessory buildings, jogging trails, playgrounds, and similar recreational facilities;
- iv. Adaptive reuse of existing buildings;
- v. Provision of public car and/or bike share facilities;
- vi. Provision of off-street public parking spaces;
- vii. Provision of affordable housing units; and
- viii. Provision of a demonstrated need in the Village

b. Village Improvements

Applicants are required to consult with Village Staff and/or any other public entities as deemed necessary to negotiate necessary Village improvements such as, but not limited to, public streetscape improvements, roadways, alleys, medians, pathways, pedestrian drop off areas, transit stops, bus pull outs, and/or other public improvements that will promote the objectives of a planned development.

V. DESIGN GUIDELINES

The planned development as a whole, as well as the individual buildings and site improvements constructed as part of the planned development, shall be in conformity with the Village of Winnetka Design Guidelines.



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: VILLAGE COUNCIL
FROM: DAVID SCHOON, COMMUNITY DEVELOPMENT DIRECTOR
DATE: DECEMBER 6, 2018
SUBJECT: PLANNED DEVELOPMENT REGULATION AMENDMENTS

INTRODUCTION

At the December 11, 2018, Village Council Study Session, the Council is scheduled to discuss potential amendments to the planned development regulations. This memo summarizes the Downtown Master Plan recommendations regarding the Village's planned development process, the history of the Village's planned development ordinance, and other Village zoning and subdivision relief processes. Also attached is a memo from the Village Attorney that summarizes the planned development as a land use tool, the Village's current planned development regulations, and some options regarding amending the planned development procedures and standards (Attachment A).

DOWNTOWN MASTER PLAN

On November 3, 2016, the Village Council adopted the Downtown Master Plan. The adoption of the Plan was the culmination of the work of an eleven-person Steering Committee and over seventy Working Group members with the assistance of a professional consulting firm. One area of the plan identified the need to review the Village's development, land use and zoning process and regulations. Chapter 7, Action Plan, of the Downtown Master Plan recommends the following:

The Land Use Chapter recommends a number of zoning ordinance and design review process changes to encourage business and property development in the business districts. These revisions were thoughtfully deliberated, a process that should continue as they are implemented. A community based effort led by a 3rd party consultant to provide an outside perspective, like that used to develop this Plan, will be useful in detailing changes and reaching consensus on the amendments. As with the Plan, a task force could lead the effort and include representatives from various groups and public bodies, such as the Plan Commission and Business Community Development Commission, in order to secure broad input. Changes to consider are:

- *Reduce and Clarify Standards for Considering Zoning Entitlement*
- *Revise the Commercial Overlay District*
- *Refine the Current Design Review Process*
- *Apply Administrative Approval for Minor Variations in Commercial Districts*
- ***Establish a Planned Development Commission [emphasis added]***
- *Consider Establishing a Fee in Lieu for Parking Relief*

Specifically regarding the establishment of a planned development commission, the Land Use Chapter (Chapter 6) recommends the following:

5. ESTABLISH A PLANNED DEVELOPMENT COMMISSION. *The process for considering Planned Developments (those over 10,000 square feet) in the Overlay District incorporates review of the Plan Commission, Zoning Board of Appeals, and Design Review Board. The time and materials required for this process can create a burden for applicants, Village officials, staff, and interested citizens as they must attend a series of meetings and review multiple packets of materials. To conduct the process in a more collaborative and efficient manner, and maintain a high level of evaluation, a Planned Development Commission can be created to evaluate planned developments in all commercial and multiple-family zoning districts. Such a body could include members of the Plan Commission, Zoning Board, and Design Review Board and consider all relevant standards; each member would receive training to understand and apply standards of the other commissions. The efficiency in the process is created by the project background not needing to be repeated to multiple groups. The integrity of the process is supported in that the concerns of each commission are thoughtfully considered in concert with the others.*

Attachment B contains excerpts from the Downtown Master Plan regarding land use and zoning recommendations.

PLANNED DEVELOPMENT BACKGROUND

In the Spring of 2004, while the Plan Commission conducted its annual review of Chapter Five of the Village of Winnetka Comprehensive Plan, the Green Bay Road Corridor & Business District, Issues and Recommendations, the Commission discussed the issue of planned development regulations. As a result of those discussions, the Plan Commission recommended that the Village Council examine the possibility of creating planned development regulations to govern the development of larger commercial sites in commercial districts. The purpose was to create planned development regulations “...to promote progressive development by encouraging more creative and imaginative design for developments than is possible under the more conventional zoning regulations.” In response to the Commission’s recommendation, the Village Council formed a committee to develop planned development regulations. The committee included seven members selected from the Plan Commission and the Business Community Development Commission BCDC.

In June of 2005, after studying planned development regulations from other communities, the Committee presented its recommendations to the Village Council for approval. The Village Council requested the Study Committee further study the proposed regulations. In September 2005, the Committee presented a final draft of the proposed development regulations. In December of that year, the Village Council adopted Ordinance No. MC-7-2005, which established planned development regulations in the B-1, B-2, C-1 and C-2 zoning districts.

Since that time, the Village Council has amended the planned development regulations twice. In 2010, Ordinance MC-9-2010 was adopted, which amended procedures for submitting written protest of special use permits, including planned developments. In 2015, Ordinance MC-2-2015 was adopted, which made comprehensive zoning amendments to the commercial zoning districts regarding height, other density limitations, and commercial parking requirements. Amendments to Chapter 17.58, Planned Developments, were limited to only changing the name of the C-1 District to the “Neighborhood Commercial District”. A copy of the current planned development regulations can be found in Attachment C – Chapter 17.58 – Planned Developments.

OTHER VILLAGE ZONING AND SUBDIVISION RELIEF PROCESSES

As the Council considers changes to the Village’s planned development process and regulations, staff thought it may be an appropriate time to raise the question of additional considerations regarding the

Village's other land use processes. For instance, the table below summarizes the various Village bodies involved with the special use processes, subdivisions with zoning variations process, and the planned development process.

Village Bodies Involved with Various Village Zoning and/or Subdivision Relief Processes

Special Uses within the C-2 Overlay District	Special Uses Outside of the C-2 Overlay District⁽²⁾	Subdivisions with Zoning Variations	Planned Development⁽³⁾
• Plan Commission • Design Review Board ⁽¹⁾ • Village Council	• Plan Commission • Zoning Board of Appeals • Design Review Board⁽¹⁾ • Village Council	• Plan Commission • Zoning Board of Appeals • Village Council	• Plan Commission • Zoning Board of Appeals • Design Review Board • Village Council

- 1) Design Review Board is involved if request includes exterior building, landscaping, or signage changes.
- 2) Special uses outside of the C-2 Overlay District includes commercial land uses located outside of the Overlay District that require special use approval as well as institutional uses (schools, parks, etc.) located in residential zoning districts that require special use approval.
- 3) Review by each of these bodies is required at both the preliminary plan and final plan.

As the table notes, as with the planned development process, there are other Village processes that involve a number of Village bodies. As the Council considers amendments to the planned development process, this information may also be helpful to the Council with future decision making regarding which advisory bodies would be involved in each process. It may also assist the Council with considering other future amendments to the Village's zoning and subdivision relief processes.

RECOMMENDATION

Staff recommends that staff and the Village Attorney prepare draft amendments to the planned development process for the Village Council to consider in the future. At the December 11 Study Session, staff suggests that the Council consider the following policy direction questions regarding the Village's planned development regulations:

- 1) Should the Village study amendments to the Village's planned development process? If so:
 - a. Which advisory bodies should be involved with the review of a planned development? Should the Village study reducing the number of advisory bodies involved in the process from three to one or two or should it form a new planned development commission consisting of a few members from each of the advisory bodies?
 - b. Would it be beneficial to consider amendments to the major steps of the planned development process, which currently consist of a pre-application meeting with staff, preliminary plan review, and final plan review? For instance, would it be beneficial to add a step allowing a developer to present their concept for a planned development to the Village Council prior to the developer submitting its formal preliminary plan application?
 - c. With changing which advisory bodies may be involved in the process, should we consider amending the review standards used at the preliminary plan stage as well as those used at the final plan stage?
 - d. What other potential changes should staff consider as it works on drafting amendments to the planned development regulations?
- 2) If the Council does direct that amendments be prepared to the planned development regulations, how would the Village Council like to handle the review of the amendments?

- a. Which advisory bodies would the Council like to have review and make recommendations on the amendments?
- b. Would the Council like to review the draft amendments prior to sending them to the advisory bodies? Or would the Council like input from the advisory bodies prior to reviewing the amendments?

Attorney Ben Schuster and I will be at the meeting to walk the Council through the material and to answer any questions.

ATTACHMENTS

Attachment A: Village Attorney Memorandum Regarding Consideration of Amendments to the Village's Planned Development Regulations

Attachment B: Downtown Master Plan- Land Use & Zoning Excerpts

Attachment C: Chapter 17.59 – Planned Developments

MEMORANDUM

Date: December 5, 2018

To: President Rintz and Village Trustees
Village Manager Rob Bahan
Community Development Director, David Schoon

From: Peter M. Friedman
Benjamin L. Schuster

Re: Consideration of Amendments to the Village's Planned Development Regulations

I. INTRODUCTION

The Village Council has adopted in the *Winnetka Zoning Ordinance* (“**Zoning Code**”) regulations governing planned developments (“**Planned Development Regulations**”). The Planned Development Regulations are set forth in Chapter 17.58 of the Zoning Code. The purpose of the Planned Development Regulations is to “promote progressive development and redevelopment of land in the multi-family and commercial zoning districts by encouraging more creative and imaginative design for land developments than is possible under the zoning regulations that generally apply in those zoning districts.” Section 17.58.020 (all section references in this memo are to the Zoning Code).

At its December 11, 2018 study session, the Village Council will study possible amendments to the Planned Development Regulations. This memorandum (i) provides the Village Council with a substantive overview of the Village's current Planned Development Regulations, and (ii) outlines some of the Village Council's options for amending the Planned Development Regulations.

II. PLANNED DEVELOPMENTS GENERALLY

The first planned development regulations were adopted by Prince Georges County, Maryland in 1949. Since their introduction, planned developments (or planned unit developments) have become a mainstay in large scale, unified land use and development in the United States. The purpose of planned development regulations is to provide a mechanism to authorize and promote creative and imaginative land use design and development that would not otherwise be permitted under typical zoning and subdivision regulations.

In Illinois, planned developments are authorized by both a municipality's home rule authority and the Illinois Municipal Code's authorization for special uses. See 65 ILCS 5/11-13-1.1. Although the Illinois Municipal Code does not define the term “planned developments,” it is, generally speaking, both a process and a product.

As a process, it is a mechanism that permits flexibility in development and the ability to deviate from standard, generally applicable regulations without the need for numerous variations or other traditional zoning relief. It is an alternative to the conventional subdivision and lot-by-lot development of land.

As a product, planned developments may include a variety of planning schemes including, without limitation, cluster developments and floating zones, all of which share or are intended to encourage certain common elements, including (i) developments that are architecturally and environmentally innovative; (ii) better utilization of land; (iii) preservation of open space to serve environmental, recreational, scenic and public use purposes; (iv) economical space layout; and (v) uses that are compatible and congruous with adjacent and proximate land uses.

Most municipalities in Illinois have adopted regulations to allow for planned developments. While municipal planned development regulations generally have the same purposes – to promote flexibility and more desirous land uses – a municipality has significant latitude to tailor its planned development regulations for an individual community as it sees fit. Accordingly, Illinois municipalities employ a wide variety of planned development procedures and standards.

III. The Village's Current Planned Development Regulations

The Village's Planned Development Regulations are set forth in Chapter 17.58 of the Zoning Code. Below is a summary of these regulations.

A. Applicability

The Village currently requires the approval of a planned development for properties located in the Village's B-1 Multi-family Residential, B-2 Multi-family Residential, C-1 Neighborhood Commercial, and C-2 General Retail Commercial zoning districts that have a combined area of at least 10,000 square feet. Sections 17.58.010 & 17.58.030. The Village does not permit planned developments in single family residential zoning districts. *Id.*

B. Procedures

The Zoning Code provides for a three-step process for the approval of a planned development: (1) an optional pre-application conference; (2) preliminary plan approval; and (3) final plan approval.

1. Pre-Application Conference

Pursuant to Section 17.58.060 of the Zoning Code, applicants for a planned development may request an information conference with the Village's Zoning Administrator. The pre-application conference is not mandatory and does not require either the payment of an application fee or the filing of an application.

The purpose of a pre-application conference is to permit the applicant to get a sense from the Village, before completing an application, whether the Village might approve a planned

development application and to get initial feedback on a development plan without requiring the applicant to go through a time consuming and costly process of submitting a formal application.

Unlike most planned development regulations, the Village regulations do not provide an opportunity for a developer to present to the Village Council a conceptual overview of a proposed development.

2. Preliminary Plan Approval

The second step in the Village's current planned development process is for an applicant to obtain preliminary plan approval from the Village. The procedures for preliminary plan approval are set forth in Section 17.58.070 and 17.58.080 of the Zoning Ordinance.

An applicant commences the preliminary plan approval process by submitting an application to the Village. Section 17.58.070 of the Zoning Code sets forth a detailed list of what must be included in an application for preliminary plan approval. This list includes:

- A statement of the applicant's objectives;
- A statement of ownership;
- A statement of the proposed use;
- A detailed planned development plan;
- A quantitative summary of the development setting forth the size of the proposed development and the number of proposed on-site parking spaces;
- A preliminary plat of subdivision;
- Schematic architectural drawings;
- A statement of the requested zoning modifications;
- A traffic and parking study;
- A development schedule; and
- Any other documents required by the Director of Community Development.

Once an application for preliminary plan approval is complete, the Zoning Administrator forwards the application to the Plan Commission, the Zoning Board of Appeals (ZBA), and the Design Review Board. All three subsidiary bodies consider the application, but under standards that are, at least to some extent, distinct for each subsidiary body. The standards are generally set forth in Section 17.58.110 of the Zoning Code. The standards are extensive, often internally overlap, and overlap with the standards of other subsidiary bodies.

a. The Role of the Plan Commission

The Plan Commission is required to hold a public hearing on the application for preliminary plan approval and may not issue a recommendation to the Village Council in favor of the application unless the Plan Commission determines the proposed development is consistent with the goals and objectives of the Village' Comprehensive Plan. Section 17.58.110.C. In making this determination, the Plan Commission is required to consider whether the application is consistent with the following nine goals of the Comprehensive Plan:

- i. To ensure that commercial, institutional, and residential development is appropriate to the character of and minimizes the adverse impact on its surrounding neighborhood;
- ii. To limit commercial, institutional and residential development within the Village to minimize potentially adverse impacts on adjacent residential neighborhoods and to prevent the need for significant increases in such infrastructure as streets, parking, utilities and sewers, and in other community resources such as schools, parks and recreational facilities;
- iii. To ensure that development proposals minimize the potential adverse impact they might have on residential neighborhoods, including the impact on pedestrian character, on-site parking, traffic patterns, congestion, open space, storm water management and Village infrastructure;
- iv. To provide for a wide range of office/service and retail commercial land uses and development within the existing business districts in the Corridor;
- v. To promote a strong community identity and opportunities to interact while building a healthy commercial tax base;
- vi. To provide a broad range of goods and services so that Winnetka residents can satisfy most of their ordinary shopping requirements in the Village and so that non-residents will come to the Village for specialty goods and services;
- vii. To maintain the essential quality, viability and attractiveness of Winnetka' s business districts while encouraging new economic development consistent with the character of the Village and the individual business districts;
- viii. To encourage the provision of on-site parking at the rear of buildings, with access via alleys or private driveways, to reduce demand for on-street parking; and
- ix. To ensure that new development does not decrease public parking supply, particularly on street parking that supports retail use.

In addition, the Plan Commission must also apply the six general standards that are applicable to all applications for special use permits. These six standards are:

- i. 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;

- ii. 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;
- iii. 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;
- iv. 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;
- v. That adequate parking, utilities, access roads, drainage and other facilities necessary to the operation of the special use exist or are to be provided; and
- vi. That the special use in all other respects conforms to the applicable regulations of the Zoning Code and other Village ordinances and codes.

Section 17.56.120.A.

The Plan Commission also has jurisdiction to make recommendations on any exceptions or modifications to the Zoning Ordinance that are requested as part of the planned development application. In considering requested exceptions and modifications, the Plan Commission must consider whether:

- i. The exception or modification meets the standards for modification defined in the relevant provision of Section 17.58.040;
- ii. The exception or modification is solely for the purpose of promoting a unified site plan and of meeting the objectives of both the Zoning Code and the Comprehensive Plan; and
- iii. The exception or modification is necessary to achieve the stated objectives and goals of the planned development chapter of the Zoning Code.

Section 17.58.040.

b. The Role of the Zoning Board of Appeals

Similar to the Plan Commission, the ZBA is required to hold a public hearing on the application for preliminary plan approval. The ZBA may not issue a recommendation to the Village Council in favor of preliminary approval of a planned development plan unless the ZBA makes the following six findings:

- i. That the proposed planned development will not either endanger or be detrimental to the public health, safety, comfort, morals or general welfare, in that the proposed development will complement and supplement the community given the nature of the business;

- ii. That the planned development will not either substantially diminish or impair property values in the immediate vicinity, or be substantially injurious to the use and enjoyment of land in the immediate vicinity for uses permitted by right in that zoning district;
- iii. That the planned development will not impede the normal and orderly development and improvement of other property in the immediate vicinity for uses permitted by right in the zoning district;
- iv. 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 and private ways;
- v. That adequate parking, utilities, access roads, drainage and other facilities necessary for the operation of the special use either exist or will be provided; and
- vi. That the planned development in all other respects conforms to the applicable zoning regulations and other application of Village ordinances and codes.

Section 17.58.110.B.

c. The Role of the Design Review Board

The Design Review Board also is required to make a recommendation to the Village Board on applications for preliminary plan approval. But unlike the Plan Commission and ZBA, which are required to hold a public hearing, the Design Review Board is only required to consider the application at a public meeting. Section 17.58.080.D.

Pursuant to Section 17.58.119.D of the Zoning Code, the Design Review Board must provide comment and recommendations to the Village Council as to whether the building design, landscape plan, and other proposed exterior aspects of the planned development are in conformity with the Village's Design Guidelines.

d. The Role of the Village Council

The Village Council considers the application for preliminary plan approval for a planned development after receiving the recommendations of the Plan Commission, ZBA, and Design Review Board. The Village Council evaluates the application pursuant to the following factors, which include the factors applied by the Plan Commission, ZBA, and Design Review Board:

- i. That the proposed development meets the special use standards for planned development, as set forth in Section 11.58.110.B (the standards that are considered by the ZBA);
- ii. That the proposed development, as a whole, is consistent with the Comprehensive Plan, Winnetka 2020;

- iii. That a certificate of appropriateness of design should issue for the buildings, landscaping and other exterior elements of the proposed development; and
- iv. That the proposed development is otherwise consistent with the intent and objectives of the planned development chapter of the Zoning Code.

Section 17.58.110.E.

3. Final Plan Approval

The third and final step required for approval of a planned development is final plan approval. An applicant for a planned development is required to apply for final plan approval within 18 months of the Village Council's approval of the preliminary plan unless the Village Council extends the time for filing the application for final approval. Section 17.58.090.B. The application for final plan approval must contain all of the same materials included in the preliminary development plan, but in a final and more detailed form. Section 17.58.090.C.

An applicant for final plan approval is not permitted to apply for final plan approval if the final plan contains a substantial change from the approved preliminary plan. Section 17.58.090. A "substantial change" is a change that alters the concept or intent of the planned development; changes the plan's density, changes the height of any building, changes proposed open space, makes material changes in architectural design, makes a material change to the development schedule, or changes the governing agreements, provisions, or covenants for the development. *Id.*

Once an application for final plan approval is complete, the Zoning Administrator forwards the application to the Plan Commission, the ZBA, and the Design Review Board. After the subsidiary bodies issue their recommendations pursuant to the same procedures as preliminary plan approval, the Village Council considers the application for final plan approval.

The three subsidiary bodies and the Village Council consider the application for final plan approval under the same standards as required for preliminary plan approval. In addition, the subsidiary bodies and Village Council must consider whether the final development plan is in substantial conformity with the approved preliminary plan. The Village Council must deny the application for final plan approval if it is not. Section 17.58.100.E.

IV. Options for Amending the Planned Development Procedures and Standards

The Village Council may leave the Village's Planned Development Regulations unchanged if it determines that the Planned Development Regulations are effectively addressing the Council's policy aims. Legally, the Planned Development Regulations are valid and enforceable.

If, however, the Council determines that the current Planned Development Regulations are inefficient or not effectively accomplishing Village policy objectives, the Council can consider amendments to the regulations. Below is a list of ways the Council could amend the Planned Development Regulations. The Village Council may consider one, or several of, the below-listed amendments, or others that the Village develops.

One element to consider in evaluating the planned development process, is the impact of the process on residents and others who want to participate and voice opinions. Ostensibly, a multi-step process is designed to provide the greatest amount of participation possible. However, often, a process with too many steps and hearings and meetings could prove daunting to the public and may, in fact, diminish the consistency and quality of public participation.

These are all pure policy decisions for the Council to make and we express no opinion on the various available alternatives.

A. Permitting an Applicant to File for Combined Preliminary and Final Plan Approval

The Village Council could amend the Planned Development Regulations to permit an applicant to file for concurrent approval of a preliminary and final planned development plan. This would allow an applicant, upon request, to eliminate the two-step approval process, thereby potentially reducing the amount of time and cost to obtain planned development approval.

Many municipalities permit applicants to apply for combined preliminary and final plan approval, and it has the benefit of allowing non-controversial and non-complicated applications to move through the application process quickly.

There are also potential drawbacks of permitting an applicant to apply for combined preliminary and final plan approval, which include:

- An applicant would have to prepare a more detailed application for combined approval than it would need to submit for preliminary approval. Therefore, it may be more costly for an applicant to have an application denied compared to a denial under preliminary plan approval.
- The Village Council and its subsidiary bodies would only be able to consider an application once, instead of having two opportunities to consider approval of an application.
- The public would have fewer opportunities to provide testimony and public comment on the application.

Ultimately, these drawbacks can be eliminated by carefully limiting when a combined process would be available. Obviously, for a project such as One Winnetka, a combined process would not be advisable. But for significantly smaller properties and developments, it may make sense to streamline the process.

B. Provide Preliminary Council Presentation

The Village Council is the ultimate decision maker on planned developments. It would be logical to provide the developer the opportunity, prior to filing an official planned development application, to come before the Council and present the basic concepts and depictions of a proposed development. That would give the individual Council members the opportunity (in a non-binding manner) to provide valuable feedback to the developer and also it

could provide valuable guidance to the advisory bodies should the developer proceed to go through the process. This type of preliminary, conceptual review, is contained in many planned development regulations.

C. Designating One Subsidiary Body to Consider Planned Developments

The Village's current planned development regulations require an applicant to appear before the Plan Commission, ZBA, and Design Review Board prior to coming before the Village Council for approval of a planned development. The Village Council could amend the Zoning Code to provide that an applicant need only appear before one or two of the Village's subsidiary bodies, instead of all three. For example, many municipalities grant authority to their plan commissions to be the subsidiary body that holds public hearings and issues recommendations to the corporate authorities on applications for approval of planned developments.

If the Village Council does not want to combine the recommending authority in only one subsidiary body, it could combine the powers of the Plan Commission and ZBA into one of the subsidiary bodies, and continue to require applicants to appear before the Design Review Board for the design-related matters.

D. Create a Planned Development Commission

If the Village Council does not desire to vest the authority in only one of its existing subsidiary bodies to hold hearings and issue recommendations on planned development applications, it could create a "Planned Development Commission" comprised of members from all of its existing subsidiary bodies. This approach is utilized by a number of Illinois municipalities and has the benefit of calling upon public officials with differing experiences to make recommendations on planned development applications.

There are numerous ways to structure a Planned Development Commission. For example, a Planned Development Commission could be created with the following make-up:

- The chair of the commission could be either the chair of the Plan Commission or the ZBA;
- Three of the members could be the three longest-serving members of the ZBA;
- Three of the members could be the three longest-serving members of the Plan Commission; and
- One member could be the longest serving member of the Design Review Board.

The above example is only meant to be illustrative.

Other local governments have structured their planned development commissions differently. One good example is the Village of Oak Brook – there, the planned development commission chairmanship, membership, and composition rotates according to specific terms set forth in the Oak Brook village code. We have attached the applicable section to this memo. The Village Council would be permitted to choose the make-up of a Planned Development

Commission as it sees fit or to provide for a rotation of members from its subsidiary bodies to serve on a Planned Development Commission.

E. *Amend the Planned Development Standards*

The Village Council could amend the standards used to evaluate planned development applications. As set forth in detail above, the Village Council and its three subsidiary bodies consider approximately 25 standards when considering planned development applications, many of which overlap. The Village Council has the authority to amend, combine, eliminate, or add to, the standards used to evaluate planned developments.

V. Conclusion.

The planned development process broken down consists of structure, process, and standards. All of these elements should align to the Village's specific policies on how best to manage planned development proposals. We hope that this memo provides a good starting point for the Council to discuss these issues. If the Council determines after its December 11 study session that it wants to consider more specific changes to the existing regulations, we can work with Village staff to prepare recommendations and specific amendments based on that Council direction.

2-9-3: COMPOSITION OF COMMISSION:

A. General Appointment And Membership Criteria: The commission shall consist of seven (7) members. Each member on the commission shall be selected from the then current members of the Oak Brook plan commission and the Oak Brook zoning board of appeals. The chairperson of the zoning board of appeals shall be one of the zoning board of appeals members on the commission. The chairperson of the plan commission shall be one of the plan commission members on the commission. Each member shall be appointed by the village president, with the advice and consent of the board of trustees. Each member of the commission shall serve without compensation.

B. Composition Of Commission; Chairperson; Terms:

1. Chairperson; Vice Chairperson: The chairperson of the commission shall always be the individual then serving as the chairperson of the body that holds three (3) seats on the commission. The vice chairperson of the commission shall always be the individual then serving as the chairperson of the body that holds four (4) seats on the commission.

2. Initial Composition: The initial composition of the commission shall consist of four (4) plan commission members and three (3) zoning board of appeals members.

3. Term: The term of each member of the commission shall be two (2) years, commencing on May 1 and ending on April 30 of the second year, or until such times as a successor has been duly appointed, confirmed, and qualified. There shall be no restriction on the reappointment of a member to one or more successive terms, subject to the advice and consent of the board of trustees for each reappointment. In making appointments to the commission after the initial and subsequent two (2) year terms, the president shall attempt to reduce the amount of turnover on the commission in order to ensure that the commission is able to continue to function without loss of expertise and experience and without interruption or delay on matters that may be before it.

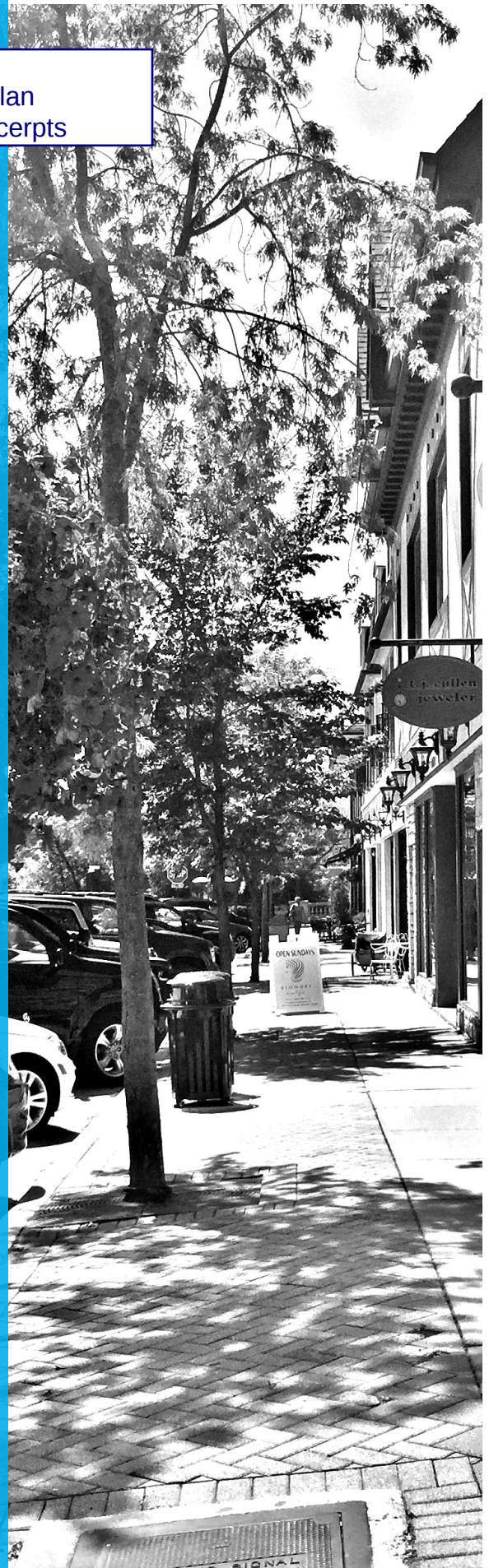
4. Rotating Majorities, Chairpersons, And Vice Chairpersons: The body from which the majority of commission members are drawn, and the body from which the chairperson and vice chairperson are selected, shall alternate every two (2) years. Accordingly, during the first two (2) year terms (in which the plan commission has 4 members and the zoning board of appeals has 3 members), the chairperson of the commission shall be the chairperson of the zoning board of appeals and the vice chairperson shall be the chairperson of the plan commission. Following the initial two (2) year terms, one appointment from the plan commission will be eliminated and one appointment from the zoning board of appeals will be added, so that for the second two (2) year terms the composition of the commission shall consist of four (4) zoning board of appeals members and three (3) plan commission members, with the chairperson of the plan commission serving as chairperson of the commission and the chairperson of the zoning board of appeals serving as vice chairperson. This rotation between a zoning board of appeals majority and a plan commission majority, and the corresponding rotation of the chairperson and vice chairperson, shall take place every two (2) years.

VILLAGE OF WINNETKA

DOWNTOWN MASTER PLAN

ELM STREET
HUBBARD WOODS
INDIAN HILL

ADOPTED NOVEMBER 3, 2016



SPECIAL THANKS

The Winnetka Downtown Master Plan would not have been possible without the steadfast insight, oversight, and support of a select team of truly dedicated folks. For that, we owe special thanks to the following individuals.

** Listed alphabetically by last name*



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CHAPTER 6

LAND USE + ZONING

LAND USE+ZONING

At its most basic, the Village of Winnetka Downtown Master Plan land use element defines the types of businesses and dwellings that are more appropriate for the Winnetka business districts. Changes in land use from what exists now are taken as a given in planning – although in built-up communities like Winnetka those changes are incremental and happen over longer periods of time. However, given the existing character of the business districts, the future land use pattern can be expected to reflect what's there now: shops, restaurants, services, and some dwellings.

Even in the most stable business districts stores come and go, redevelopment opportunities are considered, and improving how the area looks is an ongoing effort by the Village, merchants, and property owners. The purpose of this chapter is to build on the Vision Statements and outline a path for the ongoing evolution of the business districts' physical form and vibrancy.

THE PURPOSE OF THIS CHAPTER IS TO BUILD ON THE VISION STATEMENTS AND OUTLINE A PATH FOR THE ONGOING EVOLUTION OF THE BUSINESS DISTRICTS' PHYSICAL FORM AND VIBRANCY.



PHYSICAL FORM FOR THE VISION

The process of preparing the Downtown Master Plan included many discussions about vibrant business areas, family friendly restaurants, stores for home furnishings, ice cream shops, brewpubs, and much more. Those discussions are condensed into the Visions Statements for the business districts. This land use plan helps define a structure for the districts that is the physical form of those Visions. To test how the Visions might take physical forms, three potential development sites were evaluated for how they can best advance plan objectives. These scenarios did not reflect pending developments, nor were they to portray future specific developments.

They were intended to show one possible development outcome at the study site and convey Village expectations for all new development. The site studies highlight questions to be considered in understanding how new development supports the Vision, the site, and urban design objectives. Of the four sites evaluated, the Post Office is unique in that it is owned by the Village. Therefore, the development objectives and sketch plan for this site may well find themselves as part of a Village-led development effort.

REGULATING DEVELOPMENT

Zoning is the legal process by which land use is codified in a community. For better or worse, a zoning ordinance is too often considered the list of things people are prohibited from doing with their property, and can be a cause of frustration. Likewise, the development approval process associated with zoning often is seen as too long, too unpredictable, and too expensive.

In fact, done effectively, the process can be just the opposite. However, the reality is that development regulations are added to every community's code over time and all too often they occur as a reaction to something undesirable that occurred; typically, these codes will be strict and seek to maintain the status quo. Regulations presented in this format do not encourage new businesses and development.



Why address land use?

Change is challenging in a built-out environment because it always replaces something that has been a part of the community, whether an individual store or block of buildings being redeveloped. Yet, the Village has seen that changes, some small and some are large; and continued change is inevitable. Therefore, considering land use in a plan allows the community to set context for that change, outline where it can fit into the community, and set out how it can best occur.

Another reason to address land use is to be clear that the Village is open to changes. It is incumbent on the community to make clear to business and property owners, potential developers, and residents that the Village acknowledges change will happen. Furthermore, it seeks for the change to enhance the community and has defined thoughtful rules under which it should take place. This Plan paints that picture of what is desired by the community for its business districts. While a proposed business or development may bring an idea that is somewhat different from that picture, they will do so with an understanding of what the community has in mind and are responsible for showing how an idea otherwise supports the Vision.

GENERAL RECOMMENDATIONS

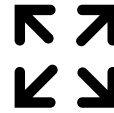
CODE AMENDMENTS

Recent changes to the Zoning Ordinance are recognized as a sound step in creating a development approval process more in keeping with the practices of business district users and supporting Village development objectives. Based on input from the Downtown Master Plan process and technical evaluation of the Zoning Ordinance, further code amendments are recommended. The form and purpose of those changes are outlined below. The specific changes to be adopted into the Village code are expected to be defined and drafted as a follow up to adopting this plan, as they merit further and public deliberation.

- **1. REDUCE / CLARIFY STANDARDS FOR ZONING ENTITLEMENT:** Per the Village Zoning Ordinance, Special Uses, Planned Unit Development, and Variations must be considered against a set of established standards to affirm that the proposed use or development is appropriate for the Village and the location where it will be located. The Winnetka Zoning Ordinance has multiple sets of standards for each of these approvals that must be addressed. In practical application, these multiple sets of standards lack focus and can be applied subjectively. This makes the approval process confusing for the applicant and Village officials, and does not constructively add value to the approval process or ultimate development. The standards should be consolidated and clarified without diminishing the regulatory control the Village maintains over proposed developments or its expectations for their quality.
- **2. REVISE THE COMMERCIAL OVERLAY DISTRICT:** Winnetka's C-2 Overlay zoning district regulates the uses (businesses) permitted in the core parts of the Elm Street and Hubbard Woods business districts. It permits fewer types of businesses than the underlying C-2 District, primarily allowing retail and personal service businesses on the first floor with the intent of supporting an active commercial street front. However, it has been noted during the planning process that lifestyles have changed in recent years and a notable level of activity is also generated by other types of uses. Recognizing this change and incorporating it into downtown zoning can advance stronger business districts. For this regulatory tool to be better in step with the direction of this Plan, four aspects of the C-2 Overlay should be changed, as noted on the following page.

CODE AMENDMENTS

2. REVISE THE COMMERCIAL OVERLAY DISTRICT (CONTINUED):

**1. PERMITTED USES:**

Evaluate list of permitted uses to better reflect current trends in downtown business districts and potentials for success identified in this Plan's Market Assessment. The potential for "foot traffic" generated by a broader range of personal services and office uses should be reflected in the use list as "permitted". In some cases, businesses that attract activity are prohibited in the Overlay or require a Special Use process. This approach to regulating downtown uses is no longer a best practice in light of how people's use of downtown business districts have changed. In addition, there is increased competition for consumers' entertainment and shopping dollars from the surrounding communities and the internet.

2. SPECIAL USES:

Reduce number of uses considered as Special Uses. Best practice is to consider Special Uses as those that are desirable for a district, but merit further evaluation to address potential adverse impacts (points of traffic conflict, potential nuisances, impacts on adjacent properties, etc.). If a particular type of business is not a good fit for the district because it generates limited activity or is contrary to the plan's vision, that status should be clearly conveyed in the code and the use not permitted. This change should not be seen as restricting businesses in the overlay – the recommendation above suggests creating a broader list of permitted uses – but will create clarity in the code.

3. OVERLAY BOUNDARY:

Evaluate the merits of narrowing the extent of the C-2 Overlay geography in the Elm Street and Hubbard Woods districts. In keeping with the theme of creating vibrant business districts, the Overlay should be evaluated as to whether all areas designated support that objective. If not, it is appropriate to permit the broader range of land uses set by the underlying C-2 District and shrink the Overlay boundary. Strongest commercial activity will be located at key intersections, sites located farther from such intersections may no longer add value to the Overlay District and that designation can be removed.

4. OVERLAY TITLE:

Change the C-2 Overlay District name. The most common and appropriate use of "overlay" zoning is to set additional standards that will work in concert with the underlying district (as is often applied with historic preservation or urban design criteria to a specific part of the community). While the C-2 Overlay does have different standards in that it allows fewer businesses by right, it does not follow the conventional application of an overlay district. This can be confusing to business and property owners or developers. The most straightforward approach would be to rename the overlay as a C-3 Commercial Core District and apply it as a conventional zoning district.

CODE AMENDMENTS

- **3. REFINE THE CURRENT DESIGN REVIEW PROCESS.** Building permit requests for commercial and multiple-family buildings in the C-1, C-2, and C-2 Overlay Districts come before the Village for consideration that building design, building materials, site plan, and landscaping are consistent with desired community character. The applications are heard by the Village Design Review Board (DRB), which makes findings on whether to issue a Certificate of Appropriateness of Design. Appeals to DRB determinations and all applications in the C-1 Zoning district (Indian Hill) are heard by the Village Council. This is a well-established process and is common in other communities. In Winnetka, the expectations for design characteristics are thoroughly spelled out in the Village of Winnetka Design Guidelines and Design Guideline Evaluation Checklist (which effectively summarizes the design guidelines and helps users through the Village Design Review Board process). In the interest of making the process more predictable and effective for applicants and the Village, several changes to the design review process should be considered:

1. CLEAR STANDARDS

Establish clear standards of approval for the design review process. Standards for approval of Certificate of Design Appropriateness are broadly outlined in the Village Design Guidelines, Section 15.40.010.F of the Zoning Ordinance, and the Design Guideline Evaluation checklist - but are not specifically delineated. This collection of criteria should be evaluated and combined into a single set of standards for approval of a Certificate of Design Appropriateness. Articulated standards will provide clarity to both applicants and the DRB regarding intended outcomes for the process.

2. DESIGN REVIEW:

Require design review for a few structural items. Not all changes to building exterior may rise to the level of requiring DRB or Village Council approval. In the interest of encouraging improvements and providing a efficient process, some building elements could be permitted with a reduced level of review, such as administrative review and approval by staff. Most appropriate for this might be “like for like” replacements of existing elements such as awnings, windows, lights or doors that could be approved through the building permit process. Similarly, new elements reflecting the same style as existing features could be administratively approved.

3. EXCEPTIONS:

Consider if there are circumstances in which administrative exception could be granted for limited relief from design review standards. This is mostly likely to occur after a design element has been approved by the DRB but an applicant needs to make a change to the approved design. In situations where the requested change provides a comparable or higher degree of design character and meets the intent approved by the Commission, such could be authorized through an administrative process.

4. C-1 DISTRICT:

Eliminate the need for buildings in the C-1 District to be considered by the Village Council architectural review. The process was established over concern that inappropriate buildings could be located too close to single family residential areas. In fact, the recent changes to Village Code and those proposed as part of this plan maintain a process through which concerns of adjacent owners can be heard and addressed.

CODE AMENDMENTS

□ **4. APPLY ADMINISTRATIVE APPROVAL FOR MINOR VARIATIONS IN COMMERCIAL ZONING DISTRICTS:**

In situations where renovating a structure in the business districts creates requirement for a small variation from the Zoning Ordinance, these could be allowed through the administrative approval process by the Zoning Administrator. Such approvals are possible in some instances, but are limited in type and scale – as spelled out in Section 17.60.035. However, additional use of the Minor Variation process for small variations in the business districts should be considered.

- **5. ESTABLISH A PLANNED DEVELOPMENT COMMISSION.** The process for considering Planned Developments (those over 10,000 square feet) in the Overlay District incorporates review of the Plan Commission, Zoning Board of Appeals, and Design Review Board. The time and materials required for this process can create a burden for applicants, Village officials, staff, and interested citizens as they must attend a series of meetings and review multiple packets of materials. To conduct the process in a more collaborative and efficient manner, and maintain a high level of evaluation, a Planned Development Commission can be created to evaluate planned developments in all commercial and multiple-family zoning districts. Such a body could include members of the Plan Commission, Zoning Board, and Design Review Board and consider all relevant standards; each member would receive training to understand and apply standards of the other commissions. The efficiency in the process is created by the project background not needing to be repeated to multiple groups. The integrity of the process is supported in that the concerns of each commission are thoughtfully considered in concert with the others.

- **6. CONSIDER ESTABLISHING A FEE IN LIEU FOR PARKING RELIEF.** The Village parking requirements are considered sound in meeting current needs, particularly in light of recent Code changes. When considering parking relief, the Village may choose add the option of an associated fee in lieu of parking as an alternate form of compliance (similar to the way that providing required parking in an off-site lot is a different way to meet parking requirements). The fee could be applied if other methods of meeting the intent of the code could not be achieved, but should be thoughtfully set so as not to be a disincentive to development. Typically established on a per space basis, the fee could be placed into a fund for upkeep of present parking and related facilities (such as signage) or assisting in financing new parking facilities.

- **7. PROVIDE COMMISSIONER TRAINING.** Assuring that members of commissions are appropriately trained supports the concept of more effective meetings and development reviews. While Village commissioners are well educated and committed to the well-being of the community, not all will be experienced in the topics specific to the commission on which they sit or the unique aspects of how municipal commissions operate. A training program could be established for current commissioners and required of all new commissioners prior to taking their positions. A training regimen will help maintain consistency between commissioners and commissions in how they apply Code standards, supporting more effective and efficient review processes.



CHAPTER 7

ACTION PLAN

4. LAND USE AND ZONING

4A. Adopt Development Related Code Revisions

The Land Use Chapter recommends a number of zoning ordinance and design review process changes to encourage business and property development in the business districts. These revisions were thoughtfully deliberated, a process that should continue as they are implemented.

i. Code Amendments: High Priority / \$\$

The Land Use Chapter recommends a number of zoning ordinance and design review process changes to encourage business and property development in the business districts. These revisions were thoughtfully deliberated, a process that should continue as they are implemented. A community based effort led by a 3rd party consultant to provide an outside perspective, like that used to develop this Plan, will be useful in detailing changes and reaching consensus on the amendments. As with the Plan, a task force could lead the effort and include representatives from various groups and public bodies, such as the Plan Commission and Business Community Development Commission, in order to secure broad input. Changes to consider are:

- Reduce and Clarify Standards for Considering Zoning Entitlement
- Revise the Commercial Overlay District
- Refine the Current Design Review Process
- Apply Administrative Approval for Minor Variations in Commercial Districts
- Establish a Planned Development Commission
- Consider Establishing a Fee in Lieu for Parking Relief

4B. Post Office Redevelopment

As a Village-owned property, the Post Office site presents an opportunity to advance the Vision for Elm Street and development in the district.

i. Redevelopment Planning: Medium Priority / \$\$

As a Village-owned property, the Post Office site presents an opportunity to advance the Vision for Elm Street and development in the district. Securing development of municipally owned properties is best accomplished by issuing to the development community a Request for Qualification (RFQ) and a subsequent Request for Proposals (RFP) to a selected short list of potential developers. This requires first defining Village objectives for the property related to development parameters (outlined in this Plan), fiscal considerations, developer selection criteria, the selection process, and a timeline for the process. The RFP/RFP preparation and developer selection process often is managed for communities by a 3rd party consultant to ensure a process understood as impartial by all. As described in the Plan, timing of site disposition should ensure that there are no (or very limited) competing developments in the immediate area.

4C. Provide Commissioner Training

Training for existing and future members and Village Commissioners will help to create a more consistent and effective development review process.

i. Commissioner Training: Medium Priority / \$

Training can be led by Village Staff or Corporation Counsel. However, outside trainers bring a broad perspective and can be used for an initial session with current commissioners; training for future commissioners could be led internally. The Illinois Chapter of the American Planning Association provides commissioner training for a nominal charge.

Chapter 17.58

PLANNED DEVELOPMENTS

Sections:

- 17.58.010 Applicability.
- 17.58.020 Purpose and intent.
- 17.58.030 General requirements.
- 17.58.040 Development standards.
- 17.58.050 Procedural requirements.
- 17.58.060 Pre application conference.
- 17.58.070 Application for preliminary plan approval.
- 17.58.080 Procedures for preliminary plan approval.
- 17.58.090 Application for final plan approval.
- 17.58.100 Procedures for final plan approval.
- 17.58.110 Findings on standards for planned development approval.
- 17.58.120 Amendments to planned developments.
- 17.58.130 Effect of failure to complete project according to plans.

Section 17.58.010 Applicability

The provisions of this chapter apply to the development or redevelopment of any parcel of land, or group of contiguous parcels of land, that have a combined area of at least 10,000 square feet and that are located in the B-1 Multi-family Residential, B-2 Multi-family Residential, C-1 Neighborhood Commercial and C-2 General Retail Commercial zoning districts, provided the development or redevelopment consists of the construction of one or more new buildings, or of any addition to or expansion of one or more existing buildings that increase the gross floor area on the subject property by at least 50%.

(MC-2-2015 § 13, Amended, 02/17/2015; MC-8-2005, Added, 12/20/2005)

Section 17.58.020 Purpose and intent

A. Purpose. The purpose of this Chapter is to make available a special use procedure that departs from the strict application of the specific zoning requirements of the district in which the development is located, in an effort to promote progressive development and redevelopment of land in the multi-family and commercial zoning districts by encouraging more creative and imaginative design for land developments than is possible under the zoning regulations that generally apply in those zoning districts.

B. Intent. This Chapter is intended to assure that the following land use and development objectives are accomplished, in addition to the general land use and development objectives set forth in Chapter 17.04 of this Title:

1. To permit a creative approach to the development and redevelopment of lands devoted to multi-family and commercial uses.
2. To achieve a more desirable physical environment by allowing greater flexibility in building design and site plan layout than would be possible through the strict application of the generally applicable zoning and subdivision regulations.
3. To allow more efficient use of the land resulting in more economic networks of utilities, streets and other facilities.

5. To facilitate a development pattern that is in harmony both with the objectives of the Comprehensive Plan and with the district purposes as defined in this Title.

6. To allow the relaxation of certain otherwise applicable substantive requirements based upon procedural protections that provide for the detailed review of individual proposals for more significant multi-family and commercial developments.

(MC-8-2005, Added, 12/20/2005)

Section 17.58.030 General requirements

All planned developments shall be subject to the requirements and limitations of this section.

A. Approval required. All planned developments shall be subject to approval by the Village Council, in accordance with the procedures and standards set forth in this Chapter and with other applicable provisions of this Code.

B. Permitted Locations. Planned developments are authorized only in the B-1 Multi-family, B-2 Multi-family, C-1 Neighborhood Commercial and C-2 General Retail Commercial zoning districts.

C. Comprehensive Plan. All planned developments shall be consistent with the Village of Winnetka Comprehensive Plan, *Winnetka 2020*.

D. Minimum area of development. No planned development shall be permitted on any site that has an area of less than 10,000 square feet.

E. Planned development required. All new development or redevelopment on any site with an area of 10,000 square feet or more shall be in accordance with the planned development requirements established in this Chapter.

F. Ownership and control of land. The site for a planned development may be either in a single lot of record or a combination of contiguous lots that are under unified ownership and control.

G. Compliance with Village Code required. Construction and improvements with any planned development shall comply with all applicable Village ordinances. Any proposed deviation from Village standards or requirements must be clearly listed on the preliminary plan submittal and fully justified as being both necessary to the proper development of the property and consistent with the objectives set forth in the applicable section of the Village Code.

H. Design requirements. The planned development as a whole, as well as the individual buildings and site improvements constructed as part of the planned development, shall be in conformity with the Village of Winnetka Design Guidelines.

I. Compatibility of uses and design. The uses permitted in the planned development shall be compatible with each other and with existing land uses in the surrounding area. Uses shall be deemed compatible if all of the following criteria are met:

1. The individual uses in the planned development must be permitted uses or permitted special uses in the underlying zoning district. Any individual use that is permitted only as a special use in the underlying zoning district must individually meet the standards for the granting of special use permits, as established in Chapter 17.56 of this Code.

2. The uses must be designed and located in conformity with the Village of Winnetka Design Guidelines.

3. The uses, buildings and site layout of the planned development, considered as a whole, must meet the standards for the granting of special use permits, as established in Chapter 17.56 of this Code.

4. The planned development will be responsive to a demonstrated need within the Village.
(MC-2-2015 § 14, Amended, 02/17/2015; MC-8-2005, Added, 12/20/2005)

Section 17.58.040 Development standards

A. Number of units. The maximum number of residential units in a planned development shall not exceed the maximum number allowed in the underlying zoning district, except as may be necessary to achieve the goals of the Village of Winnetka Affordable Housing Plan.

B. Yards and setbacks. The required yards and setbacks along the periphery of the planned development site shall be the same as those in the underlying zoning district. Notwithstanding the foregoing, the size of the required yards and setbacks may be modified by taking into consideration other existing buildings in the vicinity, consistency with goals in the Comprehensive Plan, accommodating parking and open space requirements and compatibility with adjoining properties.

C. Building height. The maximum building height permitted in the planned development shall not exceed 45 feet. Notwithstanding the foregoing, the height limitation may be modified by taking into consideration other buildings in the vicinity, consistency with goals in the Comprehensive Plan, accommodation of parking and open space requirements and compatibility with adjoining properties.

D. Parking. Each individual use in a planned development shall comply with the parking requirements established in this Title for such use in the underlying zoning district. Notwithstanding the foregoing, parking requirements may be modified based upon the specific uses proposed and their compatibility with the adjoining neighborhood.

E. Intensity of use of lot. The intensity of use of lot for the planned development site shall not exceed the maximum allowable permitted in the underlying zoning district, except as may be necessary to achieve the goals of the Village of Winnetka Affordable Housing Plan.

F. Traffic plan. The planned development shall include a traffic plan that identifies points of ingress and egress, streets, alleys and interior circulation routes. The traffic plan shall be designed to minimize traffic congestion in the public streets adjoining the planned development and to facilitate the free flow of both vehicular and pedestrian traffic, within the planned development. The streets, alleys and other traffic thoroughfares, public or private, approved in planned development shall comply with the minimum requirements of the Village of Winnetka.

G. Exceptions and modifications. The Plan Commission may recommend, and the Village Council may authorize, any exceptions and modifications to the applicable bulk regulations of this section, provided the recommendation or grant is supported by the following findings, which shall be based on evidence in the procedural record:

1. that the exception or modification meets the standards for modification defined in the relevant provision of this section;
2. that the exception or modification is solely for the purpose of promoting a unified site plan and of meeting the objectives of both this Title and the Comprehensive Plan; and
3. that the exception or modification is necessary to achieve the stated objectives and goals of this Chapter.

(MC-8-2005, Added, 12/20/2005)

Section 17.58.050 Procedural requirements

A. General requirements. All applications for planned developments shall be subject to the standards and procedures established in this Chapter 17.58 and in Chapter 17.56 of this Code.

B. Cumulative requirements. Unless specifically provided in this Chapter to the contrary, the standards of Chapter 17.56 shall be in addition to the standards of this Chapter. Unless

specifically provided in this Chapter to the contrary, any procedure of Chapter 17.56 that is not also stated in this Chapter shall be considered an additional procedure, provided it does not conflict with the procedures established in this Chapter. In the event the procedures of Chapter 17.56 conflict with the procedures established by this Chapter, the procedures of this Chapter shall prevail.

(MC-8-2005, Added, 12/20/2005)

Section 17.58.060 Pre application conference

Prior to filing an application for a planned development, the developer may request an informal conference with the Zoning Administrator to discuss the proposed planned development. The pre-application conference is not mandatory and does not require either the payment of an application fee or the filing of an application.

(MC-8-2005, Added, 12/20/2005)

Section 17.58.070 Application for preliminary plan approval

A. Form of application.

1. The form of the original application, associated plans and supporting documentation shall be determined by the Zoning Administrator.

2. The application, associated plans and supporting documentation shall be submitted both in full, original size and in 8½" x 11" format.

3. The full, original size of plats and plans shall be 24" x 36".

B. Contents of application. The application shall include the preliminary planned development plan described in subsection C of this section and shall be accompanied by the additional plan documentation described in subsection D of this section.

C. Preliminary planned development plan. The preliminary planned development plan shall contain the following:

1. **Statement of objectives.** The preliminary plan shall include a statement of the planning objectives to be achieved by the particular design approach proposed by the applicant, which shall include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.

2. **Statement of ownership.** The preliminary plan shall include a statement and documentation verifying that the applicant has, or will have ownership and control over all land included in the proposed planned development. If the subject property is held in trust, the statement of ownership shall also disclose the names of the trustee and the beneficiaries of the trust.

3. **A statement of proposed use.** The preliminary plan shall include a statement of the applicant's intention with regard to the future selling or leasing of all or portions of the land areas or structures and the proposed use thereof is required.

4. **Detailed planned development plan.** The preliminary plan shall include a detailed drawing of the proposed planned development, drawn at a scale of not less than one inch to one hundred feet. The detailed planned development plan may consist of one or more sheets and drawings and shall accurately depict:

- a. Boundary lines, bearings and distances;
- b. The location, width and purpose of all easements
- c. All streets on and adjacent to the subject property, including street name, right-of-way width, sidewalks, and the like;

- d. Utilities on and adjacent to the site, including the location, size and invert elevations of all sewers, the location and size of water mains and hydrants, and the location of gas, electric, telephone and cable lines;
 - e. The topography of the subject property, which shall be shown in one-foot contours for land with a slope of one-half percent or less, and in two-foot contours for land with a slope of more than one-half percent;
 - f. Conditions on adjacent land, including adjacent grades, the character and location of buildings, and the type and location of utilities;
 - g. The zoning classification of the subject property and all adjacent properties;
 - h. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners, with the purpose indicated;
 - i. The location and purpose of each proposed building, and the height of each building in feet and stories;
 - j. Landscaping and tree preservation plan;
 - k. At least two cross-sections through the entire site, to illustrate the bulk and heights of all proposed structures in relation to the topography, vegetation and surrounding structures;
 - l. The name of the development, the north point and scale, the date of preparation and the acreage of the site; and
 - m. Such additional information as may be required by the Plan Commission.
5. Quantitative Summary. The preliminary plan shall include a quantitative summary, which shall be broken down into phase components if the development is to be implemented in phases, and which shall include, but not be limited to the following:
- a. Acreage and square footage of the subject parcel;
 - b. Residential density;
 - c. Total and footprint square footage of principal and accessory buildings;
 - d. Number of parking spaces;
 - e. Square footage of commonly owned and/or maintained open space; and
 - f. Maximum residential density that would be achievable through conventional development of the site.
- D. Supporting documentation. In addition to the preliminary planned development plan, every application for a planned development shall be accompanied by the following supporting documentation:
- 1. A preliminary plat of subdivision that meets the requirements of Title 16 of this Code.
 - 2. Schematic architectural drawings, including but not limited to floor plans, exterior building elevations, which clearly define all buildings proposed for the planned development.
 - 3. A statement setting forth the specific zoning modifications and exceptions being sought from the underlying zoning requirements as part of the planned development.
 - 4. A statement describing why the area for usable common open space was chosen, the unique advantages it offers, and how it is envisioned that residents will utilize the space.
 - 5. A traffic and parking study prepared by a qualified expert setting forth and analyzing the effect of the proposed development on traffic and parking in and around the subject property. The traffic and parking study shall not be limited to the effect on adjacent streets but shall extend to all surrounding areas affected by the proposed development and shall indicate the anticipated points of origin, direction, amount and density of traffic flow to and from the proposed planned development.
 - 6. A statement describing the specific public benefits that are proposed to be contained in or

associated with the planned development.

7. A development schedule setting forth the approximate dates for beginning and completion of each stage of the development.

8. A construction employee traffic and parking mitigation plan that shall establish specific actions by the owner to limit peak period vehicular traffic and parking generated by construction of the planned development.

9. Such other documentation as the Director of Community Development may determine is necessary to demonstrate that the proposed planned development complies with all applicable development regulations, including compliance with Village of Winnetka Design Guidelines. (MC-8-2005, Added, 12/20/2005)

Section 17.58.080 Procedures for preliminary plan approval

A. Application review. Upon receipt of a properly completed application for a preliminary planned development, the Zoning Administrator shall review the application for compliance with all applicable requirements. Completed applications will be then be forwarded to the Plan Commission, Zoning Board of Appeals and Design Review Board for their respective reviews and recommendations.

B. Hearings. The Plan Commission and Zoning Board of Appeals shall hold separate public hearings in accordance with Chapter 17.56 of this Code. Notices of the public hearings shall be issued in the manner provided in Section 17.56.040 of Chapter 17.56. The hearing of the Zoning Board of Appeals shall be held as provided in Section 17.56.060 of Chapter 17.56.

C. Written protest.

1. Filing of protest. Any owner of property located within two hundred fifty (250) feet of the subject property may file a written protest objecting to the planned development. The written protest shall be directed to the Village Council and shall be submitted on forms provided by the Village and shall be signed and acknowledged, in accordance with the definitions provided in Sections 17.04.030(A)(3.5) and 17.04.030(S)(4.5) of this title. The written protest shall be submitted no later than 5:00 p.m. on the date of the first meeting of the Village Council at which the preliminary approval of the planned development application is on the agenda for consideration; provided, that the filing of a written protest after the close of the Board of Appeals hearing on the planned development application shall not create a right either to reopen the evidentiary record or to remand the application to the Board for further evidentiary proceedings.

2. Effect of written protest. In the event twenty (20) percent of the owners of property located within two hundred fifty (250) feet of the subject property have submitted a written protest as provided in Section 17.56.050(A), the preliminary approval of a planned development by the Village Council shall require the favorable vote of four (4) Trustees.

D. Design Review Board. The Design Review Board shall consider the application for preliminary planned development at a public meeting.

E. Findings and recommendations. Within 30 days following the date of the completion of the respective public hearings of the Plan Commission and Zoning Board of Appeals, and within thirty (30) days following the completion of the Design Review Board meeting on the application for preliminary approval, each body shall forward a written copy of its findings of fact, and/or its recommendation to the Village Council. The findings and recommendations of each body shall be consistent with the purpose and intent of this Title and shall specify, in a separate conclusion or statement, such stipulations, restrictions or conditions, including but not limited to the operation of

the planned development, that the Plan Commission, Zoning Board of Appeals or Design Review Board deems necessary to assure the protection of the public health, safety, comfort, morals or welfare. No planned development shall be recommended for approval by the Plan Commission, Zoning Board of Appeals or Design Review Board unless such commission or board shall find that the proposed planned development is in conformity with the standards set forth in Section 17.58.110 of this chapter and with any other applicable regulations of the zoning district in which the subject property is located.

F. Village Council.

1. Village Council deliberations. Within thirty (30) days after the Village Council receives all of the findings of fact and/or the recommendations of the Plan Commission, Zoning Board of Appeals and Design Review Board on the application, the application for the planned development shall be placed on the Village Council's agenda for consideration.

2. Village Council decision; vote required. By a majority of the Village Council, the Village Council, in the exercise of its discretion, may grant, deny or modify the planned development application, or may return the matter to the Plan Commission, Zoning Board of Appeals or Design Review Board for further consideration and findings. Notwithstanding the foregoing, if the requisite number of protests have been submitted in accordance with Section 17.56.050 of Chapter 17.56, the favorable vote of four (4) Trustees shall be required to grant the planned development by the Village Council.

(MC-8-2005, Added, 12/20/2005; MC-9-2010, Amended, 01/4/2011)

Section 17.58.090 Application for final plan approval

A. Form of application.

1. Substantial conformity with preliminary plan. The final plan for the planned development shall conform substantially to the approved preliminary plan. No final plat for a planned development will be presented for final approval if it contains a substantial change from the approved preliminary plan. For purposes of this section a substantial change is a change that alters the concept or intent of the planned development; changes the plan's density, changes the height of any building, changes proposed open space, makes material changes in architectural design, makes a material change to the development schedule, or changes the governing agreements, provisions, or covenants for the development.

2. Engineering approval. The final plat will not be processed until detailed engineering site plans have been reviewed and approved by the Village Engineer.

3. The final development plan, and subdivision plan if necessary, shall contain in final form all the information required in the preliminary development plan, along with such other documents as may be necessary to implement the plan or to comply with all applicable requirements of this chapter.

B. Time of filing application for final approval. Within eighteen (18) months following the Village Council approval of the preliminary planned development plan, the applicant shall initiate the final approval process by filing the final development plan and supporting documentation with the Plan Commission. The Village Council, in the exercise of its discretion, may extend the time for filing the application for final approval.

C. Contents of application. The final planned development plan shall contain all the materials included in the preliminary planned development plan in final detailed form and include the following:

1. Boundary lines, bearings and distances;

2. Location, width and purpose of all easements;
 3. Streets on and adjacent to the site, including street name, right-of-way width, sidewalks, and the like;
 4. Utilities on and adjacent to the site, including location, size and invert elevations of all sewers, location and size of water mains and hydrants, location of gas lines, electric, telephone and cable lines;
 5. Other conditions on adjacent land including adjacent grades, character and location of buildings and utilities;
 6. Zoning on and adjacent to the site;
 7. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated;
 8. Location, purpose and height, in feet and stories, of each building;
 9. Landscaping and tree preservation plan;
 10. Name of development, north point and scale, date of preparation and acreage of site;
 11. Such additional information as may be required by the Village Council.
 12. Final schematic architectural drawings;
 13. Final quantitative summary;
 14. Original mylar plat of the planned development, a subdivision plat, plat of dedication and/or plat of vacation; and
 15. A restrictive covenant in a form acceptable to the Village Attorney limiting development of and construction upon the tract as a whole to such development and construction as shall comply with the final development plan granted by the Village Council.
- D. Development phases. If desired by the developer, the final plat may be submitted in stages, with each stage reflecting a portion of the approved preliminary plat that is proposed to be recorded and developed; provided, however, that each such portion shall be in conformity with all requirements and regulations of this Chapter.
- (MC-8-2005, Added, 12/20/2005)

Section 17.58.100 Procedures for final plan approval

A. Application review. Upon receipt of a properly completed application for a final planned development plan, the Zoning Administrator shall review the application for compliance with all applicable requirements. Completed applications will be forwarded to the Plan Commission, Zoning Board of Appeals and Design Review Board for their respective reviews and recommendations.

B. Hearings. The Plan Commission and Zoning Board of Appeals shall hold separate public hearings in accordance with Chapter 17.56 of this Code. Notices of the public hearings shall be issued in the manner provided in Section 17.56.040 of Chapter 17.56. The hearing of the Zoning Board of Appeals shall be held as provided in Section 17.56.060 of Chapter 17.56.

C. Written protest.

1. Filing of protest. Any owner of property located within two hundred fifty (250) feet of the subject property may file a written protest objecting to the planned development. The written protest shall be directed to the Village Council and shall be submitted on forms provided by the Village and shall be signed and acknowledged, in accordance with the definitions provided in Sections 17.04.030(A)(3.5) and 17.04.030(S)(4.5) of this title. The written protest shall be submitted no later than 5:00 p.m. on the date of the first meeting of the Village Council at which the final approval of the planned development application is on the agenda for consideration:

provided, that the filing of a written protest after the close of the Board of Appeals hearing on the planned development shall not create a right either to reopen the evidentiary record or to remand the application to the Board for further evidentiary proceedings.

2. Effect of written protest. In the event twenty percent (20%) of the owners of property located within two hundred fifty (250) feet of the subject property have submitted a written protest as provided in the foregoing paragraph 1. the final approval of a planned development by the Village Council shall require the favorable vote of four Trustees.

D. Design Review Board. The Design Review Board shall consider the application for final planned development at a public meeting.

E. Findings and recommendations. Within 30 days following the date of the completion of the respective public hearings of the Plan Commission and Zoning Board of Appeals, and within 30 days following the completion of the Design Review Board meeting on the application for preliminary approval, each body shall forward its written findings of fact and recommendations to the Village Council. The findings and recommendations of each body shall be consistent with the purpose and intent of this Title and shall specify, in a separate conclusion or statement, such stipulations, restrictions or conditions, including but not limited to the operation of the planned development, that the Plan Commission, Zoning Board of Appeals or Design Review Board deems necessary to assure the protection of the public health, safety, comfort, morals or welfare. No planned development shall be recommended for final approval by the Plan Commission, Zoning Board of Appeals or Design Review Board unless such commission or board shall find that the proposed planned development is in substantial conformity with the approved preliminary plan and is also in conformity with the standards set forth in Section 17.58.110 of this chapter and with any other applicable regulations of the zoning district in which the subject property is located.

F. Village Council.

1. Village Council deliberations. Within thirty (30) days after the Village Council receives all of the findings of fact and/or the recommendations of the Plan Commission, Zoning Board of Appeals and Design Review Board on the final application, the application for the planned development shall be placed on the Village Council's agenda for consideration.

2. Village Council decision; vote required. By a majority of the Village Council, the Village Council, in the exercise of its discretion, may grant, deny or modify the application for final planned development approval, or may return the matter to the Plan Commission, Zoning Board of Appeals or Design Review Board for further consideration and findings. Notwithstanding the foregoing, if the requisite number of protests have been submitted in accordance with Section 17.56.050 or Chapter 17.56, the favorable vote of four (4) Trustees shall be required for final approval of the planned development by the Village Council.

G. Approval by ordinance. Final approval of any planned development shall be by an ordinance of the Village Council. The Village Council, in the exercise of its discretion, may accept, reject or modify any conditions or restrictions that the Plan Commission, Zoning Board of Appeals and/or Design Review Board may recommend. Such conditions shall be expressly set forth in the ordinance approving the planned development.

H. Recording of final plan required. The Ordinance authorizing the planned development shall be effective only upon recording of the final plat and supporting data with the Office of the Recorder of Deeds for Cook County. No building permits will be issued nor shall any other development shall take place until the required recording of the final plat. All recording costs shall be paid by the applicant.

(MC-8-2005, Added, 12/20/2005; MC-9-2010, Amended, 01/4/2011)

Section 17.58.110 Findings on standards for planned development approval

A. Findings required.

1. Findings in support of recommendations. The Zoning Board of Appeals, the Plan Commission and the Design Review Board shall each enter written findings on the standards for planned development approval as set forth in this Section 17.58.110. The findings of each body shall be based on the particular facts and circumstances of the proposed development, as established through the application materials, record made in the proceedings before that body, and matters of public record.

2. Village Council findings. The Village Council's decision to grant or deny an application shall be based on the particular facts and circumstances of the proposed development, as established through the application materials, the record made in all proceedings on the application, matters of public record, and such matters of public policy as the Council deems relevant to its consideration of the application.

B. Zoning Board of Appeals. The Zoning Board of Appeals shall not recommend the approval of a planned development unless it enters the following findings:

a. that the proposed planned development will not either endanger or be detrimental to the public health, safety, comfort, morals or general welfare, in that the proposed development will complement and supplement the community given the nature of the business;

b. that the planned development will not either substantially diminish or impair property values in the immediate vicinity, or be substantially injurious to the use and enjoyment of land in the immediate vicinity for uses permitted by right in that zoning district;

c. that the planned development will not impede the normal and orderly development and improvement of other property in the immediate vicinity for uses permitted by right in the zoning district;

d. that adequate measures have been or will be taken to provide ingress and egress in a manner which minimizes pedestrian and vehicular traffic congestion in the public and private ways;

e. that adequate parking, utilities, access roads, drainage and other facilities necessary for the operation of the special use either exist or will be provided; and

f. that the planned development in all other respects conforms to the applicable zoning regulations and other application of Village ordinances and codes.

C. Plan Commission. The Plan Commission shall not recommend the approval of a planned development unless it finds that the proposed development, as a whole, is consistent with the goals and objectives of the Comprehensive Plan, *Winnetka 2020*. In making its findings and recommendations, the Plan Commission shall consider such goals and objectives of the Comprehensive Plan as it may determine are affected by or otherwise pertain to the proposed planned development, provided that, in each instance, the Plan Commission shall consider whether the proposed planned development is consistent with the following goals and objectives of the Comprehensive Plan:

1. to ensure that commercial, institutional, and residential development is appropriate to the character of and minimizes the adverse impact on its surrounding neighborhood;

2. to limit commercial, institutional and residential development within the Village to minimize potentially adverse impacts on adjacent residential neighborhoods and to prevent the need for significant increases in such infrastructure as streets, parking, utilities and sewers, and in other community resources such as schools, parks and recreational facilities;

3. to ensure that development proposals minimize the potential adverse impact they might have on residential neighborhoods, including the impact on pedestrian character, on site parking, traffic patterns, congestion, open space, storm water management and Village infrastructure;
4. to provide for a wide range of office/service and retail commercial land uses and development within the existing business districts in the Corridor;
5. to promote a strong community identity and opportunities to interact while building a healthy commercial tax base;
6. to provide a broad range of goods and services so that Winnetka residents can satisfy most of their ordinary shopping requirements in the Village and so that non-residents will come to the Village for specialty goods and services;
7. to maintain the essential quality, viability and attractiveness of Winnetka's business districts while encouraging new economic development consistent with the character of the Village and the individual business districts;
8. to encourage the provision of on-site parking at the rear of buildings, with access via alleys or private driveways, to reduce demand for on-street parking; and
9. to ensure that new development does not decrease public parking supply, particularly on street parking that supports retail use.

D. Design Review Board. The Design Review Board shall provide comment and recommendations to the Village Council as to whether the building design, landscape plan and other proposed exterior aspects of the planned development are in conformity with the Design Guidelines.

E. Village Council. The Village Council shall not grant a request for approval of a planned development unless it finds:

1. that the proposed development meets the special use standards for planned development, as set forth in subsection B of this Section;
 2. that the proposed development, as a whole, is consistent with the Comprehensive Plan, *Winnetka 2020*;
 3. that a certificate of appropriateness of design should issue for the buildings, landscaping and other exterior elements of the proposed development; and
 4. that the proposed development is otherwise consistent with the intent and objectives of this Chapter.
- (MC-8-2005, Added, 12/20/2005)

Section 17.58.120 Amendments to planned developments

A. Recorded approved plans control development. The planned development shall be developed only according to the approved and recorded final plans. The recorded final plan, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of premises, including the internal use of buildings and structures, and the location of structures in the planned development as set forth therein.

B. Major changes.

1. Major changes defined. Changes that alter the concept or intent of the planned development; including changes in density, changes in the height of buildings, changes in use, changes of proposed open space, material changes to architectural design, material changes in the development schedule, changes in road standards, and changes in the final governing agreements, provisions, or covenants shall all be considered major changes to the approved plan.

2. Procedure for major changes. An applicant seeking a major change shall seek an amendment to the final plan by submitting a new preliminary plan and supporting data and following the procedures for preliminary approval, as established in Section 17.58.070 of this chapter. Major changes to an approved final plan may be granted only by the Village Council pursuant to an ordinance approving the amended plan.

C. Minor Changes.

1. Minor changes defined. Minor changes are defined as any change to an approved plan that is not defined as a major change and that does not change the concept or intent of the development.

2. Procedure for minor changes. A proposed minor change to an approved planned development may be presented directly to the Village Council for consideration. The Village Council may approve minor changes in the planned development without further proceedings, provided it finds that the proposed change does not change the concept or intent of the development.

(MC-8-2005, Added, 12/20/2005)

Section 17.58.130 Effect of failure to complete project according to plans

A. Failure to complete project. The Village Council shall consider revocation of the planned development if construction falls more than one year behind the construction schedule filed with the final plat. The developer shall be notified at least ninety days preceding any revocation proceeding. The Village Council may, upon request, modify the recorded construction schedule of a planned development.

B. Failure to comply with approved plans. Failure to maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of the planned development pursuant to Section 17.72 of the Village Code.

(MC-8-2005, Added, 12/20/2005)

**MINUTES
WINNETKA VILLAGE COUNCIL STUDY SESSION**

December 11, 2018

(Approved: January 8, 2019)

A record of a legally convened meeting of the Council of the Village of Winnetka, which was held in the Village Hall Council Chambers on Tuesday, December 11, 2018, at 7:00 p.m.

- 1) Call to Order. President Rintz called the meeting to order at 7:00 p.m. Present: Trustees Andrew Cripe, Robert Dearborn, Penny Lanphier, Scott Myers, John Swierk, and Anne Wedner. Absent: None. Also in attendance: Village Manager Robert Bahan, Assistant Village Manager Megan Pierce, Village Attorney Peter Friedman, Community Development Director David Schoon, and no persons in the audience.
- 2) Public Comment. None.
- 3) Planned Development Regulation Amendments. Mr. Schoon said Winnetka's Downtown Master Plan recommends consideration of amendments to the Village's Planned Development (PD) application process. He explained that the Planned Development Ordinance was enacted in 2005 for the purpose of promoting progressive development of parcels bigger than 10,000 square feet in the B-1, B-2, C-1 and C-2 zoning districts. He explained that the current process involves a pre-application meeting with Village staff; a preliminary plan review with the Zoning Board of Appeals (ZBA), Plan Commission (PC), Design Review Board (DRB) and Village Council; and a final plan review before the ZBA, PC, DRB and Council.

Mr. Schoon reviewed provisions of the PD Ordinance that could be amended by the Council:

- (a) Begin the PD the process with a Council conceptual review
- (b) Designate one advisory body to consider the PD application
- (c) Create a Planned Development Commission
- (d) Clarify the approval standards
- (e) Amend the neighbor protest provisions

Attorney Friedman explained that having many meetings on the same PD application can diminish each of the bodies' ability to influence the development. He noted that One Winnetka PD hearings before the ZBA and PC were virtually identical, and resulted in two different recommendations for the Council. He said there may be great benefit to requiring a preliminary conceptual review to identify any bright lines the developer might be crossing before a lot a time and money is spent developing the plans. It is not uncommon in other communities to have a designated Planned Development Commission, or to use only one advisory board to consider PD applications. He commented that Winnetka's PD approval standards are overlapping and ambiguous, and do not identify specifics for each board to consider. Lastly, he suggested clarifying the neighbor protest provisions, and he challenged the idea that the Village President should be excluded from voting on a PD application if a protest is filed.

President Rintz recalled that Winnetka's PD Ordinance was written with some urgency, as the owner of the Fell Store told then-Village President Ed Woodbury in 2005 that he would be closing and selling his building. He noted that the first PD application at that site, New

Trier Partners, was messy and time-consuming. He noted that the standards are too subjective and do not give developers a sense of whether their development may be approved. He recommended the Council look at the PD holistically and make amendments that will encourage good, thoughtful development.

Manager Bahan agreed that a conceptual review before the Council is a critical first step. The current PD ordinance provides for a pre-application conference with staff; however, this is not a transparent or effective communication vehicle with the developer.

Trustee Wedner favored a few guiding principles for PD ordinance amendments: (i) give residents a channel to voice their opinion on a proposed PD; (ii) give the process clarity and speed instead of taking years in the process and then feeling boxed into an approval because the developer has spent so much time and money on the application; and (iii) provide Village staff clear guidance with an eye towards limiting the amount of staff time used on the PD application process.

Trustee Myers added that advisory boards need relevant standards to evaluate a proposed development, and certain nebulous standards, especially “return on investment,” need to be revised or eliminated.

Trustee Lanphier agreed that the current PD Ordinance is a morass that does not help the community’s interests in a clear way. She suggested creating a statement of purpose that sets out the goals of the PD ordinance; and she added that the Council needs to be clear on which parts of the One Winnetka PD application were impeded by the developer, and which were hampered by the PD process.

Trustee Cripe commented that the purpose of a PD process is to help the Council determine if the community is better off with the proposed development or without it. He suggested taking expert commissioners from the ZBA, PC and DRB and forming an ad hoc PD Commission when the need arises. He agreed that a preliminary conceptual review is good for both the community and the developer, and he added that the applicant’s holding costs increase when the approval process drags on.

Trustee Dearborn said there is a natural conflict between developers and the community, and some proposals demand a very high level of scrutiny. He did not feel it a worthwhile goal to speed anything through and cautioned against taking the teeth out of the PD Ordinance.

President Rintz explained that speed is not the ultimate goal; rather, clarity and efficiency are needed.

After a thorough discussion, the Council was in general agreement to have staff gather feedback from the ZBA, PC and DRB regarding the following elements of the Village’s PD process and regulations: the purpose and goals for the PD regulations, the guiding principles to use when considering amendments to the PD regulations, the standards to use when considering a proposed planned development, and potential changes to the major PD process steps. Staff will gather the feedback from these advisory bodies and report back to the Council.



MEMORANDUM VILLAGE OF WINNETKA

COMMUNITY DEVELOPMENT DEPARTMENT

TO: DESIGN REVIEW BOARD
FROM: DAVID SCHOON, COMMUNITY DEVELOPMENT DIRECTOR
DATE: JANUARY 18, 2019
SUBJECT: PLANNED DEVELOPMENT REGULATION AMENDMENTS

INTRODUCTION

The Design Review Board was originally scheduled to discuss potential planned development regulation amendments at its January 17, 2019, meeting, but due to a lack of a quorum for that meeting, the discussion has been moved to January 24. Please bring the materials delivered to you for the January 17 meeting to the January 24 meeting.

Prior to the scheduled January 17 meeting, Member McLane had submitted a list of questions regarding planned development regulations. The following is his list as well as staff's response.

1. How many Planned Development opportunities can possibly arise over the next ten years? The Post Office site comes to mind. Where else might this come up?

Given that any site with a land area of 10,000 sf or more must go through the planned development process the following are other sites that could potentially redevelop in the next ten years (in addition to the Post Office site):

- a. 93 Green Bay Road (former service station site on the southeast corner of Winnetka Avenue and Green Bay Road)
 - b. 966-972 Green Bay Road (former Boris Café site and adjacent vacant lot, southwest corner of Green Bay Road and Merrill Street)
 - c. 688-694 Green Bay Road (west side of Green Bay Road, north of the Mews, consisting of one single family home and one vacant single family lot)
2. What are the "best practices" for Planned Development approval processes for a Village like ours?

Each community must decide the best practice for its planned development approval process. In terms of zoning regulations, the planned development process is a relatively newer zoning tool. The incorporation of this tool within a community will be dependent upon that community's existing governmental structure, such as the advisory bodies it has in place, and how it wishes to provide the public an opportunity to participate in that process. Based upon the community's input through the creation and adoption of the Downtown Master Plan, the Winnetka community believes that we can improve our planned development process. From a

process perspective, the issue that is most frequently discussed is do two advisory bodies that review planning and zoning related relief requests (PC and ZBA) each need to individually review a planned development? Or could only one of them (frequently the PC) review a planned development request, or could a combined body of the two review it?

3. Is a separate PD committee (composed of PC, DRB, and ZBA members) the best way to do this?

See previous response. Also, another issue often discussed with this topic is the following: are the responsibilities and expertise of a design review board/commission so different from the other two bodies (a zoning board of appeals and a plan commission) that the design review board/commission should separately review the planned development for its compliance with design guidelines.

4. What villages rely on solely one "super" committee (rather than the three we have)?

I am not aware of an example of a community that combines all three bodies (PC, ZBA, and DRB). Oak Brook is an example of a planned development commission that consists of members from the ZBA and PC. We have not been able to identify another community that has a planned development commission similar to Oak Brook's.

5. How do the other NT villages handle this?

The other villages in New Trier Township process planned development commissions as follows:

a. Wilmette –

- i. Plan Commission makes recommendation on preliminary plan; they do not review final plans. In the past they have had non-binding, voluntary review by their Architectural Review Commission. (Zoning Board of Appeals is not involved).
- ii. The Village Board makes the final determination regarding approving the preliminary plan and the final plan.

b. Kenilworth –

- i. Plan Commission and Architectural Review Commission each make a recommendation regarding the preliminary plan as well as the final plan. (Zoning Board of Appeals is not involved).
- ii. The Village Board makes the final determination regarding approving both the preliminary plan and the final plan.

c. Glencoe – Does not have a planned development process.

d. Northfield –

- i. Plan & Zoning Commission (their Plan Commission) and Architectural Commission each make a recommendation on a planned development. They do not have the two stage preliminary review and final review. (Zoning Board of Appeals is not involved).
- ii. The Village Board makes the final determination regarding approving the planned development.

6. The Holland & Knight doc cites Oak Brook. Is this the "gold standard" of Planned Dev practices? Should we expedite this discussion and simply adopt their practice? If not, why not?

Holland & Knight cites Oak Brook as an example of forming a planned development commission. As I stated earlier, our Village will need to decide the best approach for us. That is why the Village Council has requested input regarding the planned development process from the three advisory bodies that have been involved with it.

7. Are we also expected to address Attachment C -- specific DRB guidelines that were developed just three years ago?

What we are looking for at this point in time is your general thoughts regarding the use of the design review guidelines for a planned development. Is a planned development so different from a smaller scale project or the renovation of an existing building/site (e.g. Fred's Garage, Minos) that a planned development project should be looked at from a different design guideline perspective? Or are the existing guidelines generally adequate?

Attachment 4
Zoning Board of Appeals, Plan Commission, & Design Review Board
Draft Minutes Regarding Discussion of Amendments
to the Planned Development Regulations

EXCERPTS

**WINNETKA ZONING BOARD OF APPEALS MEETING MINUTES
JANUARY 14, 2019**

Zoning Board Members Present: Joni Johnson, Chairperson
Matthew Bradley
E. Gene Greable
Wally Greenough
Mark Naumann

Zoning Board Members Absent: Sarah Balassa

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

Village Attorney: Benjamin Schuster

Agenda Items:

Planned development regulations: At the request of the Village Council, the Zoning Board of Appeals will discuss and provide comments regarding (i) draft revised standards used to evaluate proposed planned developments and (ii) the current review process for proposed planned developments.

Mr. Schoon stated at the request of the Village Council, they were asked to gather input from the Board with regard to planned development regulations. He stated the Village staff was asked to approach the Plan Commission and DRB as well for their input in the area of the overall planned development process as well the standards used and considered for planned developments. Mr. Schoon then reviewed materials from the staff report regarding the Downtown Master Plan's recommendation to consider amendments to the planned development process, background and the purpose of a planned development, the guiding principles, which the Village Council began to form, to consider using when amending the planned development standards and the process.

Mr. Schoon reviewed the Village's planned development process, which includes three major steps: (i) pre-application with the Village staff, (ii) preliminary plan review to get approval of the preliminary plan; and (iii) final plan review. He also reviewed adding a "conceptual plan review" step.

Mr. Bradley commented he liked the conceptual plan review. Mr. Schoon stated they want to make it more to educate the applicant and to facilitate a smoother process which would also help the applicant have an idea of what concerns the Village Council may have regarding the developer's proposed development. Mr. Schoon then stated they have this step in Northbrook for not only planned developments, but also for subdivisions and special uses. Based upon his experience in Northbrook he described the benefits and things to keep in mind using this process. In response to a question from Mr. Bradley, Mr. Schoon responded the Council meetings are open to the public. Mr. Bradley then asked if the meetings would be recorded and Mr. Schoon confirmed that is correct and they can provide minutes when they come to the advisory body for consideration of the application.

Chris Rintz, Village President, informed the Board with regard to how the conversation evolved, he referred to a call received from a developer which worked on the North Shore. He referred to the length of the One Winnetka process. President Rintz referred to the developer's concern in terms of finances

1 and resources expended during the process and ending up dry. He stated there was no way to get him in
2 front of the Village Council to say the proposal would be an acceptable concept. President Rintz then
3 stated sketches and renderings were shown to the Village Council and the Trustee gave their thoughts in
4 order to realize whether it would be a hurdle and whether the project had a good chance of moving
5 forward. He stated the Village Council comments are not binding on the Board and referred to notice
6 that a project would be coming to the community.

7
8 President Rintz stated in terms of process, 90% of communities have this informal show and tell which
9 would save them and the Village time. He stated the Council talked about the concept of having a few
10 members from each of Planning, Zoning, and the DRB to serve on a special planned development group
11 as a single body to oversee and bring projects forth. President Rintz stated there can be a subset of a
12 special planned development commission when planned development applications come in and the
13 members would go back to their regular roles which would allow them to bring the expertise of all the
14 Boards together to shorten the process and have a potentially different way of dealing with planned
15 development than before. He referred to developers who are skeptical of doing business in the Village.
16 He also stated they should think about how the outward business community receives the Village and if
17 the Village has a comfortable process for good developers to get good development.

18 Mr. Greable stated it is important to adopt some type of commitment to address the planned
19 development function and it is important from the standpoint of identifying what data and facts they
20 see up front to help move it along. President Rintz described it as a sweet spot of transparency and the
21 process includes the time people weigh in to make sure it is more navigable. He added they are the only
22 community with 25 standards for approval which makes it more daunting.

23
24 Mr. Schoon stated they would like to get the Board's thoughts on two issues, the first being since they
25 recently went through the planned development process, they would like to hear from the Board their
26 experience as a Board Member and how they felt about the process. He stated secondly they would like
27 the Board's thoughts regarding adding a conceptual plan review step.

28
29 Chairperson Johnson stated she was the Plan Commission liaison during One Winnetka and commented
30 it made sense to have a design commission for planned developments. She identified two other sites in
31 Winnetka which qualify for planned development which are Grand Foods and the post office site.
32 Chairperson Johnson then stated she did not think the DRB should be made part of the planned
33 development commission since they are so specialized in terms of their expertise. She also stated there
34 are design guidelines for them to see what they look at which is completely separate than what the Plan
35 Commission and ZBA look at. Mr. Schoon noted a site measuring 10,000 square feet is not very large and
36 a planned development applied to any site 10,000 square feet or more. He then identified the following
37 sites as being larger than 10,000 square feet - former gas station site on Green Bay and Winnetka; the
38 Maserati stored vehicle facility, the former Boris Café and vacant lot, as well as 694-688 Green Bay Road.

39
40 Mr. Schuster stated that the planned development process is not only for the initial approval of a
41 planned development, but also to consider amendments to an approved planned development. He
42 stated for One Winnetka, there is a chance it may be back before the Village Council for amendments to
43 the planned development. Mr. Schuster also stated since plans can change down the road where they
44 are in five or 10 years into it, they can make changes and come back for approvals.

45
46 Chairperson Johnson stated the sites mentioned by Mr. Schoon are not proposed planned
47 developments. Mr. Schoon stated under the current regulations, any site over 10,000 square feet would
48 have to go through the planned development process. Mr. Greenough mentioned the Winnetka Galleria

1 site going through the planned development process. Ms. Klaassen noted the Winnetka Galleria was
2 built before the planned development regulations were adopted in 2005.

3
4 Chairperson Johnson suggested eliminating having advisory bodies weigh in on the final plan, and she
5 would not be in favor of combining the preliminary and final plans for the reasons outlined in the report.
6 She stated if the process stays as is, there is no need to see the final plan.

7
8 Mr. Naumann stated in terms of their recent experience, he described the duration and turbulence as
9 self-induced and going forward, the most important aspect would be the alignment of potential and
10 challenging issues. He stated the conceptual issue would address a big part of that and would make the
11 applicant aware when it gets to the Village Council and discussing the public deviating the issues on the
12 back end. Mr. Naumann commented it is a great idea and agreed with Chairperson Johnson that
13 preliminary and final review with the advisory bodies is not necessary unless there are material changes
14 before the Village Council and it would save a significant amount of time to do it once. He then stated
15 with regard to the hybrid planned development commission approach, they may lose the expertise they
16 get in the various Boards, and the divergent opinions they provide could be a benefit to the Village
17 Council. However, he was open to the creation of a planned development commission.

18
19 Mr. Bradley stated with regard to One Winnetka, they were new to it and the Board did not appreciate
20 all that was done until it was in front of them for approval. He agreed there should be streamlining in
21 the process and there would be no downside to making it more efficient. Mr. Bradley then stated if
22 developers know there is a more streamlined process, they could get a first take on the project which
23 would save time and money. He commented it would be hard for him to say 10,000 square feet is the
24 appropriate number regarding size of a property that must go through the process, and he referred to it
25 being an arbitrary number and questioned whether 5,000 square feet would clog the system.
26 Chairperson Johnson asked if they are thinking of changing the 10,000 square feet figure and Mr.
27 Schoon responded the Village Council briefly discussed it but is currently not thinking of changing it.

28
29 Mr. Bradley then stated they should establish a process for a developer in terms of what they think
30 about a property as a smell test as opposed to having a formal application. He questioned what steps
31 trigger the envoy call for people to go hear it or bring it to Village Council. Mr. Bradley also questioned
32 how to determine when the trigger event is for the developer to go to the Village Council. He then
33 stated if the Village Staff determined if a project did not fit, he asked if there is any sort of validity test to
34 apply to a developer before they are allowed to waste time the Council's time.

35
36 Chairperson Johnson asked if they would be saying they are only in favor of a concept review by the
37 Village Council if there is some sort of minimum standard. Mr. Bradley asked if there would be some
38 way to ferret out otherwise wasteful projects by the Village staff. Mr. Schoon responded he did not
39 remember that being an issue using this process in Northbrook but understood Mr. Bradley's comment.
40 In response to a comment from Mr. Bradley regarding the makeup of a planned development
41 commission, Chairperson Johnson suggested a proposal to have the most senior members of each
42 advisory group serve on the planned development commission.

43
44 Mr. Bradley then questioned why the need for both preliminary plan review and final plan review. Mr.
45 Schoon stated it would all be determined based upon what we would accept in terms of the level of
46 detail at the preliminary application stage. He stated for planned developments in growing areas for
47 large tracts of land, an applicant comes in for preliminary approval for townhomes, single family
48 residences, etc. Then 3 years into it, a developer may determine that multi-family units are not selling

1 and then wants to change that portion of the planned development. That way the developer has not
2 gone to the expense of the engineering costs associated with a final plan. Given we are talking about
3 much smaller parcels, Mr. Schoon talked about whether a developer would have the level of details
4 needed early on for formal plan approval. He said that is why the Village attorney has suggested
5 allowing a combined preliminary and final plan approval.
6

7 Mr. Greable stated he was surprised in a well done document, there was no section dealing with lessons
8 learned and suggested they dissect from a factual standpoint the lessons learned with One Winnetka.
9 Mr. Greable then referred to the procedures which were rushed out in 2005 and described it as garbage
10 in, garbage out. He stated not taking lessons learned from One Winnetka would be a disservice to the
11 community and the Boards. Mr. Greable also stated the time errors were immense problems which
12 should be addressed. He also commented having 25 meetings was absurd. Chairperson Johnson asked
13 Mr. Greable for his comments on the 25 standards. Mr. Greable referred to the overkill in the amount of
14 meetings and the ill will created with all of that and they want to make it a positive process. He
15 commented the proposal here of having a planned development commission is an excellent idea and
16 would cut down on all of the information spewed and attendees. Mr. Greable also stated the group
17 would be helpful and bringing in individuals from the Plan Commission and ZBA or another group is an
18 excellent idea. He added that while they do not have tons of planned developments to come, they will
19 be ready when they do come.
20

21 Chairperson Johnson stated she would be in favor of a combined process but not an overworked model.
22

23 Mr. Bradley agreed with Mr. Greable and stated the problem is they need to do a dissection of One
24 Winnetka if they apply those. He suggested they improve the process and look at it impartially and
25 objectively. Mr. Bradley described One Winnetka as a once in a generation project in terms of planned
26 development for Winnetka and there would not be another one coming in a year. He stated it cannot
27 become a model going forward and more planned developments on sites should be much less
28 complicated. Mr. Bradley then stated given the earlier comments, if they streamline the process and
29 incentivize developers to bring projects to Winnetka, they should consider the development of a
30 planned development board to deal with a larger volume of applicants and if developers flock here
31 because of the Village's efficiency, there would be too much stress on the current Boards and the
32 creation of a planned development board to address that volume would make more sense.
33

34 Mr. Greenough stated he is not as convinced it is as big of a problem as others think and stated bad facts
35 made bad law with One Winnetka having bad facts. He stated most of it was due to the developer and
36 not the Boards and a lot of the meetings were because the proposal changed a lot. Mr. Greenough
37 described it as an overall solution in search of a problem. He referred to the post office site being a big
38 deal and there are not so many developers out there that they need to streamline the process. Mr.
39 Greenough referred to President Rintz' comment on potential developers and they need more facts that
40 they are losing developers beforehand. He then stated if a developer complies with the rules, there
41 would be no problem whatsoever. Chairperson Johnson stated the planned development process is for
42 flexibility. Mr. Greenough then stated one of the listed guiding principles is that the standards should be
43 clear and reasonable; however, flexibility by definition is not clear.
44

45 Chairperson Johnson stated it is more toward the section to reduce the 25 standards to something
46 manageable and coherent. Mr. Greenough then stated he would be leery of putting three people from
47 bodies on a super committee since they will lose perspective and that each Board does its job.
48

1 Mr. Bradley questioned if in Northbrook whether any comments by Council members during the
2 conceptual review created bias or influenced the village advisory boards' decisions if the Council gave it
3 the thumbs up. Mr. Schoon stated it was never thought of as them giving the thumbs up. He stated that
4 the comments were more if the Council was open to considering the request and if a Council member
5 had any specific issues regarding the proposed development, such as needing a bigger setback for
6 instance, ensuring there is adequate parking, etc. He then stated until final approval is given by the
7 Village Council, staff reminds the developer that they have nothing approved.

8
9 Mr. Schuster stated he has seen the process in several communities and he has never seen it to bias the
10 other bodies or warp the debate. He stated the presentation is only conceptual in nature and when it
11 comes to the advisory bodies, the applicant would have to have a full set of plans and see the details
12 which were not considered initially at the preliminary meeting. Mr. Schuster stated before an applicant
13 spent money on plans and concepts, the Council can make their concerns known and the developer can
14 determine if it would not be a good fit and walk away. He stated at the same time, without putting
15 together all of the plans, it would allow a developer and team to get general ideas. He concluded that
16 bias is never perceived as affecting the decision of the advisory bodies nor the Village Council being
17 locked in from the beginning and being stuck with it.

18
19 Chairperson Johnson stated with regard to Village Council terms of two years, opinions can change. She
20 stated the alternative to a combined board is to take the ZBA out of the process entirely and have it
21 come before the Plan Commission. Mr. Greenough stated each Board has its own roles and they all
22 should be heard. Mr. Greable stated he would be in favor of a planned development Board from the ZBA
23 and Plan Commission.

24
25 Chairperson Johnson asked if there were any other questions regarding process. No additional questions
26 were raised at this time.

27
28 Mr. Schoon then stated with regard to the standards, there are currently a number of different
29 standards for the different bodies to consider at the preliminary stage and at the final stage. He stated
30 staff has worked with the Village attorney and drafted planned development standards to frame the
31 discussion. Mr. Schoon then stated there are four major components, including: (i) general
32 requirements; (ii) planned development standards; (iii) additional standards for exceptions from district
33 regulations; and (iv) design guidelines. He noted under the ordinance, planned development is a special
34 use and an applicant can ask for exceptions or variations as well as relief from zoning requirements if the
35 exceptions are met.

36
37 Mr. Schoon stated the general regulations include: (i) approval required by the Village Council; (ii)
38 permitted locations in the B-1, B-2, C-1 and C-2 districts; (iii) minimum development area of 10,000
39 square feet; (iv) planned development required for properties over 10,000 square feet; (v) ownership
40 and control of land (unified ownership); (vi) individual special uses which require separate approval; and
41 (vii) an exception can be granted from the maximum number of residential units allowed in the B-1 and
42 B-2 districts if affordable housing being provided.

43
44 Mr. Greenough referred to Attachment A, paragraph (f) with regard to compliance with the Village code
45 requirement and complying with all applicable Village ordinances. Mr. Schuster stated it included all of it
46 with the exception asking for an exception. He stated it is one of the things generally speaking complied
47 with all of the Village codes and an applicant can ask for an exception or variation.

1 Mr. Schoon then stated with regard to the planned development standards, they looked at other
2 communities and they use generally the same standards as our special use standards. He stated they
3 took the Village special use standards and added what needs to be consistent with the Comprehensive
4 Plan.

5
6 Chairperson Johnson stated the current planned development standards area substantially similar to the
7 regular special use standards for the ZBA. She then stated in (b)(6) and item no. 3, there is a general
8 discussion of the purpose of planned development and refers to the preservation of open space to serve
9 open environment, etc. and for the planned development to intend to encourage certain common
10 elements. Chairperson Johnson stated she did not see that in the current standards. Mr. Schuster
11 responded that is the purpose of planned development and whether they want to formulate a standard
12 that encompassed that. Mr. Schoon stated that is the typical language when developing vacant land and
13 refers to plazas, green space preservation, etc. and they can incorporate that into the exceptions.

14
15 Mr. Schoon then referred to the general planned development standards and standards for exceptions.
16 He stated they can identify what they can ask for in terms of an exception, such as allowing a land use
17 which is not allowed in the district. Mr. Schoon also stated in granting exceptions, they are looking for
18 some public benefit gain which contained two parts: (i) compensating benefit of the public good; and (ii)
19 Village improvements.

20
21 Mr. Bradley asked if the intention of the link of examples is 1:1. Mr. Schuster stated that is not an
22 exception and they are not trying to maximize a taking. He stated the developer should recognize that
23 by asking for an exception which is imposing a burden on the public, the burden should be offset with a
24 benefit which should usually be in the general vicinity of the project. Mr. Schuster also noted it is case
25 specific and depends on what is being proposed which sometimes it being included on the property and
26 sometimes not.

27
28 Chairperson Johnson stated at the time of the New Trier Partners request, she asked why the zoning
29 exceptions issue goes to the Plan Commission and the ZBA never looked at exceptions. Mr. Schoon and
30 Mr. Schuster stated they did not recall that. Mr. Schuster stated under the current code, the Plan
31 Commission recommends to the Village Council exceptions. Mr. Schoon stated it is their hope to address
32 this with having one set of standards.

33
34 Mr. Schoon stated with regard to the standards, he asked for the Board to identify their thoughts on the
35 proposed standards and compensating benefits. Mr. Schoon also asked for the Board's general thoughts
36 about the standards and how they are structured.

37
38 Chairperson Johnson asked if the current standards did not refer to exceptions for zoning district use.
39 Mr. Schoon confirmed they cannot request a variation to allow for different uses. He then stated if they
40 decide not to allow an exception for a type of land use, a developer can request a code amendment to
41 allow the use in that district. Chairperson Johnson stated it makes sense to allow an exception as
42 opposed to a code amendment.

43
44 Chairperson Johnson asked if there were any others comments. Mr. Bradley asked with regard to the
45 design guidelines, how is that not captured in 2(g). Mr. Schoon stated there are 30 some pages of design
46 guidelines and they would talk about that at the DRB meeting.

Chairperson Johnson again asked if there were any other questions. Mr. Schoon stated the Plan Commission would discuss the matter next week and the DRB would discuss it on Thursday.

New Business

Chairperson Johnson thanked Carl Lane for his great service on the Board and identified the proposed new Board Member in the audience Kim Handler. She asked if there were any other comments. No additional comments were made at this time.

Adjournment:

The meeting adjourned at 9:29 p.m.

Respectfully submitted,

Antionette Johnson
Recording Secretary

DRAFT

EXCERPTS
WINNETKA PLAN COMMISSION MEETING MINUTES
JANUARY 23, 2019

Members Present:

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

Non-voting Members Present:

Joni Johnson

Members Absent:

Layla Danley

Village Staff:

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

Village Attorney:

Peter Friedman

Planned Development Regulations: At the request of the Village Council, the Plan Commission will discuss and provide comments regarding (i) draft revised standards used to evaluate proposed planned developments and (ii) the current review process for proposed planned developments.

Mr. Schoon informed the Commission that the DRB will be reviewing this matter at their meeting tomorrow. He stated the Village is attempting to determine what improvements could be made to the planned development regulations. Mr. Schoon then noted a memo he passed it this evening that includes responses to a DRB members questions. It includes information regarding potential redevelopment sites that would be required to go through the planned development as well as what other New Trier Township communities do in terms of advisory bodies involved in their planned development process. He stated in summary, three of the four communities have their Plan Commission review planned developments with no involvement from their zoning boards. He noted Glencoe does not having a planned development process.

Mr. Schoon stated the Village Council asked for input on a few items in terms of looking at the process and standards. Through the use of a PowerPoint presentation, he went over information included in his staff report, which included background, history, and purpose of the Village's planned development regulations. Mr. Schoon also went over guiding principles, which the Council started to develop, for advisory bodies to use when considering changes to the planned development process. He then reviewed planned development standards and the planned development process.

Mr. Schoon stated the current planned development regulations would only apply to the B-1, B-2, C-1 and C-2 zoning districts, sites which measure more than 10,000 square feet and are not allowed in single family residence districts. He then stated the planned development process included a pre-application review with Village staff, preliminary plan review and final plan review and described the steps in terms of how the process proceeded before the ZBA, PC and DRB, which are in no particular order.

Mr. Schoon stated one idea is to add a conceptual plan review process which involved a pre-application

1 meeting with the Village staff followed by preliminary plan review and final plan review. He noted many
2 communities have this process which involved presenting sketches and a narrative of the proposal and
3 relief they are seeking which is presented to the Village Council at a public hearing. Mr. Schoon noted
4 there would be no formal notice and the Village Council would provide individual comments with no
5 vote or consensus in support or opposition. He stated the purpose is for the applicant to receive initial
6 thoughts and comments from the Village Council, and the Council's final decision would be reserved
7 until the planned development went through the entire planned development process, including review
8 by advisory bodies.
9

10 Mr. Schoon asked for the Commission's thoughts and experience with regard to the overall planned
11 development process. Mr. Vanderlaan stated the current process seemed lengthy and burdensome in
12 terms of cost and time. He stated he liked the idea of having a planned development commission and
13 suggested 1/3 of each Board be made into a special 9 member panel to review planned developments.
14 He then stated if there are not major changes between the preliminary plan and the final plan, the
15 planned development should not have to go back through the entire process again. Mr. Vanderlaan also
16 commented he liked the idea of having the conceptual review process with the Village Council, after
17 which the applicant can make the decision to start the formal planned development process.
18

19 Ms. Case stated she agreed the planned development process needed to be streamlined and asked how
20 successful the conceptual plan process in Northbrook was. Mr. Schoon referred to the review process of
21 a townhome project and suggestions or comments made by the Village Council to help the developer
22 understand what they were looking for with such a development. He stated the process helped with the
23 proposals which would be dead on arrival, especially for projects which are asking for deep variations
24 and exceptions. Ms. Case agreed with the concept of having members of three advisory boards on a
25 committee.
26

27 Ms. Johnson stated the ZBA discussed this matter at their last meeting and everyone except one
28 member was in favor of a combined commission. She stated she did not feel the DRB should be included
29 in the combined commission since their review is more specialized and there is some overlap in terms of
30 the standards reviewed. Ms. Johnson also stated there was consensus to eliminate the final plan review
31 process and leave it to the Village Council knowing the Village Council would send it back to the hybrid
32 board for any substantial changes which were made at the final plan stage.
33

34 Member Foley asked if this would be a standing committee for projects as needed, and Mr. Schoon
35 confirmed it would be created from each of the advisory bodies, and it would be on call for any
36 upcoming planned development application.
37

38 Chairperson Dalman described the concept review process as fantastic which would have cut down
39 substantially on the amount of time and meetings for One Winnetka. She then stated it might not work
40 during times of election and turnover of officials but otherwise is a good idea. Chairperson Dalman also
41 stated it would help give the Commission guidance. She also stated in terms of consolidating the model,
42 she referred to the Oak Brook process which has far more applications coming in. Chairperson Dalman
43 stated the difference between preliminary approval and final approval related to engineering and
44 flushing out details which are Village staff and Village Council details and did not require the
45 Commission to be part of the final review. She stated she would be in favor of one planning/zoning
46 body being involved in the review rather than two. She could support it being either the Plan
47 Commission, Zoning Board of Appeals, or a planned development commission.
48

1 Mr. Golan stated he agreed with Chairperson Johnson's comments and the conceptual plan review is a
2 good idea. He stated if One Winnetka had come in with a conceptual plan, it would have been a non-
3 starter which would have saved a lot of time and money. Mr. Golan also stated having a combined
4 group, for the public, it would also save time for those who spoke meeting after meeting. He then stated
5 for those community members who didn't understand why the applicant asked for five stories when
6 three are allowed was a result in the failure of the educational process with regard to what the planned
7 development process allows.

8
9 Ms. Holland agreed conceptual plan review would have cut a year off the One Winnetka project which
10 initially presented an 83-foot building. She stated it absolutely should be done with the Village Council.
11 Ms. Holland then stated with regard to creating another body is adding to the process as opposed to
12 streamlining. Ms. Holland stated there are not many planned developments which come to the Village
13 and referred to the turnover of the Board and Commission members. She stated the Commission goes
14 through a lot of special use requests. Ms. Holland commented it would be better for an applicant to
15 come to the Commission after the conceptual plan review and the ZBA and DRB and then to the Village
16 Council and the process should be left as it is. She stated while she understood the composition of the
17 combined group, she saw no reason for it. Ms. Holland then referred to a building which was done
18 before the planned development regulations existed; she described it as wonderful and then the
19 Belvedere who refused to change their plans. She referred to the Grand Foods property and post office
20 site as possible 10,000+ square foot sites, if redeveloped, would be planned developments. She
21 concluded by stating that she did not agree that a planned development committee is the way to go, but
22 she agreed with the conceptual review process.

23
24 Mr. Golan referred to the combined group meeting at the North Shore Country Day School which he
25 described as efficient and suggested a process by which an applicant speak to all of the Boards and the
26 Commission at one time and let the individual Boards and the Commission meet after that.

27
28 Ms. Orsic stated she agreed with the comment that unless there is a big difference in the final plan
29 review stage, it did not need to come back before the Commission. She then stated she had mixed
30 feelings about the combined planned development commission in that there is value in different
31 perspectives to hear things. Ms. Orsic then stated although the ZBA and Commission may reach a
32 different outcome in terms of their recommendations to the Village Council, it gives the Village Trustees
33 more to consider. She then questioned whether the new group would be efficient or create another
34 level of bureaucracy and noted they do not have many planned developments. Ms. Orsic then stated
35 with regard to the process being streamlined, if it went too fast, residents may feel they missed their
36 opportunity to comment for something which would change the character of the Village. She then
37 stated while she is not opposed to a super committee, she is not fully on board with it.

38
39 Mr. Foley stated it is nice the Village Council is asking for their opinion and he agreed with the concept
40 review process. He also stated creating a new commission in terms of process improvement and
41 efficiency is ironic and there may be an inclination for those serving on the joint commission to go back
42 to their Boards and the Commission and gauge opinions which would create an endless loop which they
43 would want to avoid. Mr. Foley described the joint meeting at the school as unwieldy in terms of
44 numbers but was a concept that served its purpose. He also stated there may be the opportunity to
45 consider other process improvements. Mr. Foley then stated they have to ensure the public had the
46 opportunity to participate in the process.

47
48 Chairperson Dalman stated one of the concepts of the planned development committee would be to

1 avoid going over the same material twice since the same standards are being considered except for the
2 DRB. Mr. Schoon stated regarding current planned development standards there are the general special
3 use standards and also ZBA and Commission have different standards to consider with a planned
4 development. Ms. Johnson stated the Commission looks at zoning standards and questioned why
5 zoning exceptions went to the Commission rather than the ZBA under the current standards.
6 Chairperson Dalman stated that could be clarified. She then stated if the Village Council decided not to
7 have a joint commission in lieu of the Commission and ZBA, there can be work to clarify that.
8 Chairperson Dalman then stated there is a benefit to have separate design review since the Design
9 Review Board has a different role and focus.

10
11 Mr. Golan stated for the biggest projects in Winnetka, he stated each board should opine on their areas
12 of expertise as opposed to having a consolidated board which would hustle something through which
13 would could have a big impact on the Village and is not a good idea.

14
15 Chairperson Dalman stated from a developer's perspective, she heard they would do a project in
16 Winnetka but for these hurdles. A Commission Member stated the delays were not a result of the
17 process but were due to the developer asking for items which were unreasonable. She stated the
18 process did not have to be cumbersome.

19
20 Ms. Orsic stated she agreed with the comments made and the process should have these things taken
21 care of at the get-go. Ms. Johnson stated the conceptual review process which is to be seen by the
22 Village Council would provide an opportunity to identify those items that may be unreasonable. She
23 added that under the current process, it is initially being reviewed by Village staff members, who do not
24 live in the Village, determining what may or may not be acceptable, and the purpose of having the Board
25 and Commission Members who are Village residents' perspectives is to bring that perspective to the
26 project.

27
28 In response to a question, Mr. Schoon reminded the Commission that at the North Shore Country Day
29 School meeting, the Boards' and the Commission's scope was very narrow in terms of determining
30 whether it was substantially consistent with the preliminary plan. He doesn't know how that
31 arrangement would work when a project is being initially reviewed at the preliminary review stage. Mr.
32 Schoon stated part of the process is having the dialog between the applicant and the board and
33 commission members to understand what the issues and concerns are and to move forward with the
34 consideration of the project. He stated while that process seemed smooth, it was because the advisory
35 bodies were reviewing the final plan with a limited scope. Chairperson Dalman stated the Boards' and
36 Commission's scope, developer's scope and comments were limited.

37
38 Mr. Golan suggested for a planned development group, they could have meetings every other week as
39 opposed to once a month to move the process along. Chairperson Dalman stated that was previously
40 discussed. In response to a question, Mr. Schoon stated the public has the right to talk at every public
41 meeting whether there is a public hearing at that meeting or not. Chairperson Dalman asked if other
42 jurisdictions have similar processes. Mr. Friedman stated they either have the plan commission or the
43 zoning board review the planned development. He also referred to communities which combined the PC
44 and ZBA, since the number of applications became fewer after the last recession.

45
46 Mr. Golan asked if there were any requests which were reviewed by both the ZBA and Commission. Mr.
47 Schoon explained the instances where the ZBA and Commission would both review requests and
48 identified where the Commission would review zoning issues in connection with special use requests. He

1 stated each community identified their own way of reviewing zoning and special use requests.

2
3 Mr. Schoon summarized the discussion regarding the planned development process. Regarding the
4 conceptual plan review, everyone thought it was a good idea. Regarding preliminary plan review and
5 final plan review, the final review would only need to come back to the advisory bodies if the
6 development varied significantly from the preliminary review, and the Village Council would decide if it
7 would need to go back. He then stated in terms of the advisory bodies involved, four of the Commission
8 members want the process to remain as it is today, three Commission members are okay with the
9 planned development commission idea, and one Commission member would recommend that only one
10 of the existing planning/zoning boards review a planned development or that a planned development
11 commission be created to review them.

12
13 Mr. Schoon then stated with regard to the planned development standards, staff and the Village
14 Attorney reviewed them and stated they drafted a set of standards provided with the staff report. He
15 stated if the Village decides to have both the ZBA and Commission continue to review planned
16 developments, he stated we may need to create different separate standards for each body to use. Mr.
17 Schoon stated they are looking to clarify the standards and eliminate the confusion with regard to the
18 standards each body is to review. He stated at the final plan step, the Commission felt it did not feel the
19 need to be involved unless it substantially changed at which time they would go over the standards
20 again.

21
22 Mr. Schoon stated they drafted planned development standards that include general requirements,
23 which are more black and white (e.g. what zoning districts planned developments are allowed, the
24 minimum and maximum size of the parcel, etc.). He stated the second set of standards would be the
25 planned development standards used to evaluate the planned development as well as additional
26 standards applying to the exceptions being requested. Mr. Schoon stated the fourth set is design
27 guidelines which the DRB would be involved with.

28
29 Regarding general requirements, Mr. Schoon stated they already discussed the first four general
30 requirements and the other three include: (i) ownership and control of the land (unified ownership); (ii)
31 individual special uses requiring separate approval; and (iii) maximum number of residential units B-1
32 and B-2 with an affordable housing option as an exception. He then identified the standards that would
33 be used for a planned development, which would be the Village's current special use standards as well
34 as the project needing to be consistent with the Comprehensive Plan, which includes and the Downtown
35 Master Plan. Mr. Schoon also referred to the additional standards for the exceptions where the Village
36 Council may grant exceptions to allow land uses not currently listed as an allowed uses in the zoning
37 district as well as grant exceptions from the bulk, height, yard, etc. requirements. Mr. Schoon also
38 presented the exception standards and the required public benefit, which would be a compensating
39 benefit and required public improvements. He provided examples of each for the Commission. Mr.
40 Schoon then stated staff would discuss the design guidelines with the DRB at their meeting.

41
42 Chairperson Dalman asked if with regard to Village improvements, they should add something with
43 regard to public utilities to put people on notice. Mr. Schoon confirmed that could be added. He stated
44 based on the Commission members' experience, he asked for their thoughts in terms of the standards
45 and if there were any specific comments or perspective which was not included.

46
47 Mr. Vanderlaan asked with regard to exceptions and public benefits, if those were provided as the
48 rationale for granting the exceptions or if they are reviewed as requirements as a condition for granting

1 the exception. Mr. Schoon responded it would be the rationale for approving those exceptions. Ms.
2 Johnson commented the exception should be related to the benefit. Mr. Golan stated there is a limit to
3 the exceptions a developer is being asked to do. Mr. Schoon added there had to be a relationship
4 between them.

5
6 Chairperson Dalman described the revised and cleaned up proposed planned development standards as
7 clean and easy. Mr. Vanderlaan agreed they cleared up glaring omissions and all bases were covered.
8 Ms. Case stated her questions were answered in Mr. Schoon's review. A Commission Member agreed
9 with Chairperson Dalman that it is much cleaner.

10
11 Mr. Schoon stated that if the direction is to keep the three advisory bodies, we may need to consider
12 which standards each advisory body would look at.

13
14 **Other Business**

15 Chairperson Dalman asked if there was any other business. No additional business was raised at this
16 time.

17
18 The meeting was adjourned at 9:06 p.m.

19
20 Respectfully submitted,

21
22 Antionette Johnson
23 Recording Secretary
24

DRAFT

**Winnetka Design Review Board/Sign Board of Appeals
January 24, 2019**

Members Present:

Kirk Albinson, Chairman
Michael Klaskin
Paul Konstant
Brad McLane

Members Absent:

Brooke Kelly
Maggie Meiners
Michael Ritter

Village Staff:

David Schoon, Director of Community Development
Brian Norkus, Assistant Director of Community Development

Call to Order:

Chairman Albinson called the meeting to order at 7:00 p.m.

Approval of December 10, 2018 Minutes

Chairman Albinson stated the Board would review the December 10, 2018 meeting minutes and asked if there were any comments. No comments were made at this time. He then asked for a motion. A motion was made and seconded to approve the December 10, 2018 meeting minutes. A vote was taken and the motion unanimously passed.

Public Comment

Chairman Albinson asked if there was any public comment. No comments were made at this time.

Planned Development Regulations: At the request of the Village Council, the Design Review Board will discuss and provide comments regarding (i) standards used to evaluate proposed planned developments and (ii) the current review process for proposed planned developments.

Mr. Schoon gave a presentation, based upon the staff report, which included review of the background and purpose of the planned development process, the current planned development regulations, and the guiding principles to take in consideration when thinking of changes to the planned development regulations, which principles were discussed by the Village Council. He then reviewed the planned development process.

As part of Mr. Schoon's presentation he reviewed the idea to add a conceptual plan review step before the Village Council, which would occur before an applicant submitted a formal application for preliminary plan review. He noted many communities have this process which involved presenting sketches and a narrative of the proposal and relief they are seeking which is presented to the Village Council at a public meeting. Mr. Schoon noted Village Council

1 members would provide individual comments with no vote or consensus in support or
2 opposition. He stated the purpose is for the applicant to receive the Village Council's comments
3 and final decision would be reserved until the planned development went through the entire
4 planned development process. Mr. Schoon stated the applicant would then make the decision
5 of whether to go through the planned development process. He then asked for the Board's
6 thoughts on the proposed planned development process and their thoughts on the recent
7 planned development process the Board just went through, as well as any thoughts or changes
8 which should be made to the process.

9
10 Chairman Albinson stated with regard to the recent planned development application and the
11 length of the process, he asked what part of time spent on the application could they attribute
12 to the applicant making changes and what the duration of time should be normal in connection
13 with planned development. He noted there were substantial changes in the applicant's request
14 and the Village accommodated the applicant by not making them start the entire process over
15 from the beginning. Chairman Albinson noted it was a once in a lifetime application for the
16 Village along with the fact that the application had to go before three Boards and the Village
17 Council and the amount of time and money spent by the applicant during the process. He
18 stated his recommendation would be go through one review process without having a separate
19 preliminary review and a separate final review. He liked the idea of adding the conceptual plan
20 review by the Village Council.

21
22 Chairman Albinson stated with regard to time killing all deals, the focus should be on shortening
23 that duration. His next suggestion is running the review by the Boards and the Commission
24 concurrently. Chairman Albinson stated while he liked the idea of a planned development
25 committee, he worried about losing the input of all of the Board members if such a committee
26 only included a subset of Board Members. He also stated for the planned development
27 committee, he suggested the Village staff take a more active role in advising an applicant in
28 terms of what the residents, the Boards and Commission and the Village Council the
29 perspectives may be.

30
31 Mr. Konstant stated that the conceptual plan review process could allow rejecting an idea of a
32 45-foot building height from the start. Mr. Klaskin stated they have to have flexibility and
33 cannot say no from the start. Mr. Schoon stated that from his experience with the conceptual
34 plan review step, the Council would rarely say no, but would identify the obstacles to be
35 overcome, which indirectly may be a no. Mr. Klaskin referred to residents who would complain
36 about anything different from what the Village has been since 1968 and others who want to see
37 the Village progress. He then stated they would need to see more planned development
38 applications before the process is streamlined and described the One Winnetka as a unique
39 situation.

40
41 Mr. McLane stated there are a limited number of sites which would qualify for planned
42 development and described the process as excruciating. He referred to the number of people
43 on the Boards, etc. involved in the process and he would be in favor of the process of creating a

1 planned development commission that would meet as needed. Mr. McLane commented less is
2 more and would save a lot of time in terms of efficiency.

3
4 Mr. Klaskin then asked how much time is delayed in the process by public comment and input.
5 Mr. Schoon stated it would depend on how the comments resonate with the Village Council
6 and that projects change or can die due to public comment.

7
8 Chairman Albinson stated in connection with a planned development in Oak Park, he
9 encouraged the Village staff to look at Oak Park's planned development process. Mr. Schoon
10 confirmed they did. Chairman Albinson described the planned development process he went
11 through in Oak Park which he stated is more streamlined. He also stated given what other
12 communities do, they have to refine the process to make it better. He stated that he is familiar
13 with a planned development going before the Plan Commission, but not before both the Plan
14 Commission and the ZBA. He then asked the Board if they agreed with the conceptual review
15 process and several Board Members agreed. Mr. Klaskin reiterated they need to go through
16 more planned developments first to make that determination.

17
18 Mr. Schoon referred to a proposed condominium project on Green Bay Road which would
19 require variations, etc. He stated it was suggested the developer come to a Village Council
20 meeting with sketches to gauge reaction, which the developer did. Mr. Schoon stated that
21 based upon this experience the Village Council is considering adding the conceptual review
22 stage to the planned development process.

23
24 Mr. Schoon then asked Board members regarding their thoughts of having a project go through
25 the preliminary and final review process. Mr. Klaskin stated he is in favor of making the process
26 of better, easier and faster but is not sure where streamlining could occur in the process. He
27 referred to the carrying costs for the applicant, etc. as well as quorums. Mr. Schoon asked if the
28 Board felt they should be part of the planned development group or if they should review a
29 request separately. Chairman Albinson suggested the Board not be part of the group but should
30 review the plan concurrently since the Board has a different mandate and would not review the
31 same aspects of a project as the ZBA or PC. Mr. Konstant and Mr. McLane agreed with that
32 suggestion. Mr. McLane then suggested a super-meeting including the ZBA, the PC and the
33 Board as was done at North Shore Country Day School. Chairman Albinson confirmed the Board
34 would agree with the conceptual review step, eliminate the preliminary review by the Board,
35 and to run a combined group review of the ZBA and PC with the Board reviewing the request
36 separately, but concurrently. He then stated the combined report can then go to the Village
37 Council.

38
39 Mr. Schoon stated Chairman Albinson is referring to the issue of time and stated items such as
40 land use should be determined ahead of time which meant the project can change significantly.
41 He stated others can argue if design can influence the project, let the PC review it first followed
42 by the Board with their thoughts being shared with the ZBA. Mr. Schoon stated there are
43 different perspectives in terms of how it would work.

1 Chairman Albinson described the number of meetings it took for his planned development
2 project to get approval in Oak Park. The process went fairly smoothly and timely. Mr. Klaskin
3 referred to the number of times an applicant is asked to come back to the Board when the
4 Board asked for changes which affects the cost of the project for the developer. Chairman
5 Albinson referred to changes in a project which affect aesthetics and require Board approval.
6

7 Mr. Schoon summarized what he heard from Board members regarding the process. Board
8 Members like the conceptual review process, and that three members are okay with the ZBA
9 and PC being on the planned development committee with the Board meeting separately and
10 one member open to that concept. Members also felt that there is not a need for a separate
11 preliminary review step and final review step, but just one plan review step. Members agreed
12 with this summary.
13

14 Mr. Schoon then stated with regard to the current planned development standards, there are
15 some standards which overlap between the PC and ZBA with the Board dealing with separate
16 review issues. He talked about the current planned development standards used during the
17 preliminary and final review by the PC and ZBA as well as the Village's design guidelines that are
18 used by the DRB.
19

20 Mr. Schoon reviewed the four components of the proposed draft planned development
21 standards which are: (i) general requirements; (ii) planned development standards; (iii)
22 additional standards for granting exceptions from district regulations; and (iv) design guidelines.
23

24 Mr. Schoon then stated they are proposing to use the Village's existing special use standards for
25 the planned development standards and in addition to those, staff has drafted new standards
26 for exceptions, which also have a required public benefit component, which includes
27 compensating benefits and public improvements. He then identified several examples for the
28 Board. These would be standards reviewed by the PC and ZBA.
29

30 Mr. Schoon then talked about the Board's use of the Village's design guidelines when reviewing
31 a planned development. Mr. Schoon asked if the Board felt if the existing design guidelines
32 were useful with reviewing the most recent planned development, if there were others they
33 felt should be included, or if they felt the standards should be amended.
34

35 Chairman Albinson stated they realize the design guidelines are guidelines and he would
36 consider a planned development application like any other in terms of size and scale such as a
37 storefront. Mr. McLane stated he felt they fit and would not create something special for
38 planned development. Mr. Klaskin agreed the design guidelines work well and there is no need
39 for change. Mr. Schoon asked if there were any other comments for the other standards.
40 Chairman Albinson stated they are not as relevant for the Board. Mr. Klaskin agreed with
41 Chairman Albinson's comments. Chairman Albinson then stated there are some items which
42 cross over into the Board's review such as green space but the Board would otherwise have no
43 comment on other items the ZBA or PC would consider. He also suggested the framework used
44 for planned development in Oak Park was very helpful. Chairman Albinson referred to the

1 reaction to the mass and size of One Winnetka and referred to the improvements being offered
2 as being helpful to balance out the evaluation of the project.

3
4 Chairman Albinson asked if there were any other comments.

5
6 Mr. Schoon reviewed with the Board the comments from the ZBA's and the PC's review of the
7 planned development regulations. Mr. Schoon noted this item is scheduled to go back to the
8 Village Council at its February 12' 2019 study session.

9
10 Chairman Albinson stated the Village should take a look at Oak Park's planned development
11 process.

12
13 Chairman Albinson asked if there was any other business. No additional business was discussed
14 at this time.

15
16 **Adjournment:**

17 The meeting adjourned at 8:30 p.m.

18
19 Respectfully submitted,

20
21 Antionette Johnson
22 Recording Secretary

David Schoon

From: Marc Hecht [REDACTED]
Sent: Tuesday, February 12, 2019 1:12 PM
To: Chris Rintz
Cc: Robert Bahan; David Schoon; Peter Friedman HKLaw; Andrew Cripe; Penfield Lanphier; RDearbornwinnetka.org@aol.com; Scott Myers; Anne Wedner; John Swierk; ContactCouncil
Subject: Re: Planned Development Regulations

Chris: In terms of putting in new regulations now, I wasn't thinking of circumventing any person or any Village body that would ordinarily be involved.

If you decided to push for review and adoption of tighter regulations on height and bulk and similar provisions as an interim measure pending adoption of a new 2020 Comprehensive Plan, I'm confident it could be done.

But clearly, what I've proposed wouldn't involve not being "respectful" to anyone or "ignoring" anyone. Having understandable regulations on height and bulk and similar provisions in place, even if on an interim basis, would make the process more certain and predictable for applicants.

Again, please arrange to have this whole email exchange placed of record in the minutes of tonight's study session. Thanks very much.

Marc Hecht

-----Original Message-----

From: Chris Rintz <CRintz@winnetka.org>
To: Marc Hecht [REDACTED]
Cc: Robert Bahan <RBahan@winnetka.org>; David Schoon <DSchoon@winnetka.org>; Peter Friedman HKLaw <peter.friedman@hklaw.com>
Sent: Tue, Feb 12, 2019 12:50 pm
Subject: Re: Planned Development Regulations

Thanks Marc – I guess we will agree to disagree.

Circumventing the important process of engaging those who volunteer on our Boards and Commissions would be reminiscent of my predecessor's model for leadership. It is important to craft a process that is respectful to all participants, be it applicant or reviewer. Ignoring one of the Village's most important resources, the intellect and experience of our residents, would surely lead to a less than optimal work product, and we would ultimately be stuck trying to navigate yet another patchwork of revised ordinances that offer no pathway to desired results.

I will stay the course, as I know it is the right thing to do!

Yours truly,

Christopher Rintz
President - Village of Winnetka

From: Marc Hecht <[REDACTED]>
Date: Tuesday, February 12, 2019 at 10:39 AM
To: Chris Rintz <CRintz@winnetka.org>
Cc: Robert Bahan <RBahan@winnetka.org>, Peter Friedman <peter.friedman@hklaw.com>, David Schoon <DSchoon@winnetka.org>, Andrew Cripe <ACripe@winnetka.org>, Penfield Lanphier <PLanphier@winnetka.org>, Robert Dearborn <RDearborn@winnetka.org>, Scott Myers <SMyers@winnetka.org>, Warren James <AWedner@winnetka.org>, John Swierk <JSwierk@winnetka.org>, ContactCouncil <ContactCouncil@winnetka.org>
Subject: Re: Planned Development Regulations

Chris: Like it or not, the Village doesn't have the luxury of waiting for revisions and updates to the 2020 Comprehensive Plan to be finalized by the many bodies involved.

And it isn't "putting the cart before the horse."

It's important to hold the fort until final updates can be put into effect. If tighter regulations on height and bulk and similar provisions aren't put into place now, another developer can file plans and, as a matter of right, claim the same standards that apply to One Winnetka.

You wouldn't want that to happen, would you?

Marc Hecht

PS: Please have this string of three emails put into the minutes of tonight's Study Session. Maybe someone else in the Village will be interested. Thank you.

A prior engagement prevents me from being there in person tonight.

-----Original Message-----

From: Chris Rintz <CRintz@winnetka.org>
To: Marc Hecht <[REDACTED]>
Cc: Robert Bahan <RBahan@winnetka.org>; Peter Friedman HKLaw <peter.friedman@hklaw.com>; David Schoon <DSchoon@winnetka.org>
Sent: Mon, Feb 11, 2019 8:49 pm
Subject: Re: Planned Development Regulations

Hi Marc – streamlining the PD process was just one of many items that came out of the 16 month process that brought forth the DMP, which is incorporated into the Comprehensive Plan. The Plan Commission, Zoning Board, Design Review Board, and Landmarks Preservation Committee are all working on recommendations that will aid in forming the revisions and updates to the 2020 Comprehensive Plan. Once the Plan provides the vision of desired results both in the commercial and residential districts, we can then craft the appropriate amendments to the Zoning Ordinance that will provide clearer signals as to the nature of expected development in the Village.

Changing the zoning ordinance before fully understanding what it is the Village truly wants for future development trends would be putting the cart before the horse. We are following a logical and sequential process with respect to amending any portions of the zoning code. The process for reviewing PD's is a much simpler task, and wanted to take advantage of lessons learned from the One Winnetka application while still fresh in our minds. Hope this helps clarify my intentions as we move this forward.

Christopher Rintz
President – Village of Winnetka

From: Marc Hecht [REDACTED]
Date: Monday, February 11, 2019 at 7:42 PM
To: Chris Rintz <CRintz@winnetka.org>, Andrew Cripe <ACripe@winnetka.org>, Penfield Lanphier <PLanphier@winnetka.org>, Robert Dearborn <RDearborn@winnetka.org>, Scott Myers <SMyers@winnetka.org>, Warren James <AWedner@winnetka.org>, John Swierk <JSwierk@winnetka.org>
Cc: Robert Bahan <RBahan@winnetka.org>, Peter Friedman <PFriedman@winnetka.org>, ContactCouncil <ContactCouncil@winnetka.org>
Subject: Planned Development Regulations

Ladies and Gentlemen: It seems to me that the most important issue that needs to be addressed when Village government considers Winnetka's planned development regulations are the height and bulk standards that are imported from the underlying zoning regulations.

But insofar as I can tell after reading the Council packets for December 11th and February 12th and listening to the videotape of the December 11th study session, this issue hasn't been mentioned at all.

Why isn't this being addressed now? Simplifying the planned development regulations won't help the Village one wit if the underlying zoning problems aren't addressed.

As the developer of the One Winnetka project repeatedly told – "threatened" is the more accurate term – the Council and the Plan Commission and the Zoning Board of Appeals during the protracted proceedings, without asking for a single exception or variance he and any other developer could, as a matter of right, erect a massive structure that is even higher and denser than anything the Village was ever asked to approve.

I think the developer's statement was accurate. So why aren't the height and bulk standards on the table now along with the rest of the mess?

If all that is done is a streamlining of the Planned Development process, all that will have been accomplished will be to benefit commercial property owners and leave the rest of Winnetka even further behind the eight ball.

Marc Hecht