

**Planning & Development Committee Meeting
Minutes of December 13, 2010
City Council Chambers – 7:15 p.m.
Lorraine H. Morton Civic Center**

ALDERMEN PRESENT: (J. Fiske), (J. Grover), D. Holmes, L. Jean-Baptiste, A. Rainey,
D. Wilson, M. Wynne

STAFF PRESENT: W. Bobkiewicz, G. Farrar, S. Griffin, C. Hurley, M. Lyons,
D. Marino, S. Mora, B. Newman, J. Nyden, N. Radzevich

PRESIDING OFFICIAL: Ald. Rainey

DECLARATION OF QUORUM

A quorum being present, Chair Rainey called the meeting to order at 7:15 p.m.

APPROVAL OF THE NOVEMBER 22, 2010 MEETING MINUTES

Ald. Wynne moved approval, seconded by Ald. Holmes.

The minutes of the November 22, 2010 meeting were approved unanimously, 5-0.

ITEMS FOR CONSIDERATION

Chair Rainey called the public who wished to speak up to the podium.

Reverend Mark Dennis of the 2nd Baptist Church and moderator for the Evanston Pastors Fellowship, spoke regarding Ordinance 77-O-10. He thanked the Committee for the City for the time that was given to discuss Ordinance 77-O-10 and stated that he and the citizens he represents feel it is their responsibility to sound the alarm that the unknown implications in this ordinance are troublesome and he believes the alarm sounded has been loud enough to be heard by the aldermen. He said there is still a concern for the exclusion of new religious groups to come to Evanston. He expressed grave concern that the ethics and quality of life will be affected by this ordinance and said his group will remain vigilant. He referred to a letter written by Mark Maker that was signed by citizens of Howard Street and Simpson Street stating that they believe there is a better way to resolve this issue, considering the value of the religious institutions and the greater good of the community. He concluded that one group left out is one group too many.

Mr. Ted Mavrakis, landlord of 524-526 Davis, spoke regarding Ordinance 90-O-10. He has owned the property for 4 years and owns 8 other commercial properties in Evanston. He explained that the property has been vacant for 4 years, he has just paid his property taxes of \$65,000 for 2010, and he described the lengthy processes he has undergone in the endeavor to rent it. He explained that he considers the credibility of his applicants, the type of business they are proposing and after thorough investigation, he found that the adult daycare center was a good use of the property. He pleaded with the Committee to approve the special use for the adult day care center at his property,

explaining how difficult times have been and that he does not want to go into foreclosure. He said there are many competing restaurants in the immediate area, his business is down 25% and this use would bring more business rather than compete.

Rev. Dr. Gessel Berry spoke regarding Ordinance 77-O-10 in support of Rev. Dennis's remarks, adding that the religious institutions are important to the fiber of the community and the City needs to lift them up, as everyone starts small.

Mr. Paul Hletko, proprietor of the micro-distillery up for consideration as a special use permit Ordinance 96-O-10, thanked the Committee.

(P1) Ordinance 96-O-10 Consideration of a Special Use Permit for a Micro-Distillery at 918 Chicago Avenue in the C1 Commercial Zoning District

The Zoning Board of Appeals and staff recommend the adoption of Ordinance 96-O-10 granting a special use permit for the operation of a Micro-Distillery at 918 Chicago Avenue in the C1 Commercial zoning district. The vote of the ZBA was unanimous. This is the first micro-distillery special use application filed. The City established Micro-Distillery as an allowed use through Ordinance 71-O-10 on October 25, 2010. For introduction.

Ald. Wynne moved approval, seconded by Ald. Wilson.

Ald. Wynne noted that Mr. Hletko has been very patient and she looks forward to his terrific new business opening in January. She moved to suspend the rules and vote for the item at City Council that night, urging the Committee to move the item forward.

The Committee voted unanimously 5-0 to recommend approval of the ordinance and to suspend the rules.

(P2) Ordinance 90-O-10 Granting a Special Use for an Adult Daycare Center at 524-526 Davis Street in the D4 Downtown Transition Zoning District

The Zoning Board of Appeals recommended the adoption of Ordinance 90-O-10, granting a special use permit for the operation of a daycare center – adult at 524-526 Davis Street in the D4 Downtown Transition Zoning District. The Planning and Development Committee (P&D) recommended denial during its meeting on November 22, 2010. The City Council referred the issue back to P&D for December 13, 2010. For action.

Ald. Wilson moved approval of the ordinance, seconded by Ald. Jean-Baptiste.

Ald. Fiske explained that at the neighbors' special meeting, they opposed this use without exception and they had many concerns that this is not an appropriate use for this retail space in the downtown. She said they were more positive about the previously proposed child care center and they do not believe this use will enhance the ambiance of the downtown and may discourage other retail businesses. They are concerned about the permanence of the special use and want to work with the owner to find an alternative.

Ald. Wilson said he understands the wishes of the neighbors but he also recognizes the state of the economy and given the vacancy rates, there is a point where they have to

say yes, and that this is a good, positive use, bringing independent people to shop and dine downtown.

Ald. Holmes said she understands the landlord's dilemma but she is concerned about the lack of staff proposed to take care of this number of people. She said she was not sure the group served by this use would be as independent as stated, and she supported denial.

Ald. Jean-Baptiste asked Mr. Marino to clarify the Zoning Board of Appeals' (ZBA) recommendation. Mr. Marino responded that the ZBA and staff had recommended the special use for day care center – adult, though those ZBA members that opposed it wanted more retail.

Ald. Jean-Baptiste said, in response to Ald. Holmes' comment, that instead of denying the special use, the City should request that more supervision be provided at the center. He said from the description provided, it sounds like a mobile group. He added that he sympathizes with the desire for downtown retail, but the landlord has a great reputation and has done great business in Evanston, and he does not see this use as a detriment to the downtown.

Ald. Holmes argued that perhaps the rent is too high, and the landlord should perhaps lower the rent.

Ald. Wilson pointed out that the state's standards and guidelines will be applied, to which Ald. Holmes maintained that she is not comfortable with this and we may want higher standards than the State's, applied.

Chair Rainey said after reading the report provided by Evonda Thomas of the Health Dept., she is now in support of the special use. She said the name for the center is a misnomer and creates a bias, and that no one thinks of the Levy Center as an adult day care center.

Mr. Elio Montenegro, Vice President of Operations of Omega assured the Committee that the clients of the center are very mobile, though some may want to be accompanied by their staff. He added that the Evanston demographic may be different from Lincolnwood and they will provide staff as needed.

Ald. Grover commented that the center will provide great opportunities for the 25% of Evanston's population that will be over 65 within 10 years and that it is entirely complimentary to other services provided in Evanston. She said there is a demand for the program.

Ald. Fiske agreed with Ald. Grover, but argued that the location is the concern, as the City relies on the retail in the downtown for sales tax revenue, suggesting that the former Giordano's site might be a better location.

Chair Rainey said that if this passes and another adult center is proposed, the Committee might not recommend this type of use, but if the participants are really active

seniors who can afford \$60 a day and can afford to shop in the downtown, she would like to support it.

Ald. Wynne moved to give Evanston residents priority in membership to the center.

The Committee discussed the once-a-day drop off and pick up in the rear alley and agreed that it was safer for the participants.

Ald. Jean-Baptiste moved that the special use permit will be rescinded if the participants are not as described in the proposal, to which Mr. Farrar responded that he would add language in the conditions providing for that motion and the motion of Evanston residents having first choice.

Ald. Wilson revised his motion to recommend approval based on the conditions that the center is not a locked down facility, that participants are not restricted by staff from going outside and frequenting local businesses, and that Evanston residents have first choice to become participants.

The Committee voted by majority 4-1 with Ald. Holmes opposed, to recommend approval of Ordinance 90-O-10 with the conditions that the facility is not locked down, the participants are not restricted from patronizing Evanston businesses, and Evanston residents have 1st choice as participants.

(P3) Major Variance Request for Open Front Yard Parking Space at 1408 Dempster Street

The Zoning Board of Appeals (ZBA), the Site Plan and Appearance Review Committee and staff recommend denial of an application for a major variation to establish an open parking space in the front yard of 1408 Dempster Street. This item was held in Committee on August 9, 2010. Staff has visited the site and discussed the proposal with the applicant since its consideration at the Planning and Development Committee meeting that was held on September 27, 2010. Parking can be provided on the owner's property via the alley as of right. For action.

Chair Rainey explained that the Committee asked staff to evaluate the parking situation at 1408 Dempster.

Ald. Wilson reported that staff has been diligent in trying to make a parking solution work safely for the property owner and the community and that there is alley access to the home.

Ald. Wynne moved to recommend the ZBA's recommendation to deny the request for a major zoning variance.

The Committee voted unanimously 5-0 to recommend denial of the request for a major zoning variance at 1408 Dempster Street.

(P4) Ordinance 77-O-10, Amending Various Portions of the Zoning Ordinance Relating to Religious Institutions in the Business, Commercial, and Downtown Zoning Districts

The Plan Commission and staff recommend adoption of Ordinance 77-O-10, a text amendment to the Zoning Ordinance to change religious institutions from a permitted use to a special use where it so appears in the Business, Commercial, and Downtown Zoning Districts, and to remove religious institutions from the general exemption from the re-evaluation of off-street parking requirements for changes of use (Section 6-16-1-2) in those zoning districts. This ordinance was introduced at the October 25, 2010 City Council meeting. This ordinance was held at the City Council meeting on November 8, 2010 and referred back to the Planning and Development Committee for further discussion. On November 22, 2010, the ordinance was not acted upon by the Committee, but agreed to be a Special Order of Business for the December 13th City Council meeting. For action.

Chair Rainey explained that Ordinance 77-O-10 is being considered based on the Howard Street tour, the meeting with representatives of the religious institutions and the recommendations of staff and the Plan Commission.

Ald. Wynne moved approval of the ordinance, seconded by Ald. Wilson, adding that it be deferred to City Council for discussion.

The Committee voted unanimously 5-0 to recommend deferring the item to City Council for discussion and vote.

ITEMS FOR DISCUSSION

(PD1) Public Art Project

Mr. Bobkiewicz explained that Ald. Rainey had suggested lighthouses on corners as art welcoming people to the Evanston, as painted cows had been art on the corners of Chicago. He said the Public Art Committee would consider the idea, to which Chair Rainey replied that she would like them to stay focused on this in the upcoming meetings.

Ald. Jean-Baptiste said there are already business owners enthusiastic about having public art in the Dempster-Dodge business district.

COMMUNICATIONS

There were no communications.

ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,
Bobbie Newman