MEMBERS PRESENT: J. Fiske, D. Holmes, A. Rainey, D. Wilson, M. Wynne


PRESIDING OFFICIAL: Ald. Holmes

I. DECLARATION OF QUORUM
A quorum being present, Chair Holmes called the meeting to order at 7:15 p.m.

II. APPROVAL OF THE APRIL 23, 2012 MEETING MINUTES
Ald. Wynne moved approval of the minutes, seconded by Ald. Wilson.

The minutes of the April 23, 2012 meeting were approved unanimously 5-0.

Chair Holmes announced that the TIF hearing would follow the Planning & Development Committee meeting.

III. ITEMS FOR CONSIDERATION
(P1) Resolution 42-R-12 Authorizing the City Manager to Execute an Assignment of a Real Estate Contract for the Purchase of Real Property at 1600 Foster Avenue, Evanston

Staff recommends approval of Resolution 42-R-12 authorizing the City Manager to execute an assignment of a real estate contract for the purchase of 1600 Foster Avenue, Evanston for $1,500,000. Funding will be provided by the City’s $18.15 million Neighborhood Stabilization Program 2 Grant. The acquisition of the property at 1600 Foster (“Bishop Freeman Property”) is recommended to implement the first phase of Emerson Square, a new mixed-income housing development.

For Action

Ald. Rainey asked for an explanation of the remediation approval mentioned in Resolution 42-R-12. Jolene, Saul, the City’s Housing Specialist for the Neighborhood Stabilization Program (NSP2), explained that the IEPA will issue a draft no-further-remediation letter which states that they approve of the remediation plan.

Ald. Rainey asked what sort of contamination is on the property, to which Wayne Smith Pioneer Environmental, replied that 40-50 samples were done to test the land. At Ald. Rainey’s inquiry he explained that the contamination was caused by common industrial solvents and volatile organic contaminant substances and some petroleum-type contaminants. He explained that they are in the final stage of getting approval for their approach to the remediation, which will come in the form of a “no further remediation” letter issued by the IEPA, giving formal approval, within 2 weeks.
At Ald. Rainey’s inquiry, David Brint, of Brinshore Development, explained that the cost of remediation for the adjoining parcel was deducted from the appraised value. The cost of remediation of subject property and the adjoining property is estimated to be $800,000-$1,200,000. The subject property is being purchased for market value minus the cost of remediation of the adjoining property.

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

The Committee voted unanimously 5-0 to recommend approval of Resolution 42-R-12.

(P2) Approval of a One Year Extension for Planned Development at 1915-1919 Grey Avenue

Staff recommends that the City Council approve a one year extension of the adopted Planned Development for the construction of a four unit building by Brinshore Development, to be located on the currently vacant parcel at 1915-1919 Grey Avenue.

For Action

Ald. Rainey moved approval of the extension, seconded by Ald. Wynne.

The Committee voted unanimously 5-0 to recommend approval.

(P3) Ordinance 48-O-12 Granting Major Zoning Relief for Front Yard Parking and a Rear Yard Setback at 2627 Lincolnwood Drive

City staff recommends the adoption of Ordinance 48-O-12 granting major zoning relief to rebuild an attached garage as livable space, establish one open parking space in the front yard, and construct a two story addition with a rear yard setback of 14.7’ where 30’ is required at 2627 Lincolnwood Drive.

For Introduction

Chair Holmes called the public who wished to speak to the podium.

Nikolai Larbalestier, property owner, explained that he was requesting a variance for parking in his front yard since it is a unique lot in that it is much smaller than a normal lot in an R1 district, and it has no alley access. He said he has explored alternatives, such as parking in the side yard, but there were no practical solutions. He requested that they be allowed to use the front driveway, which is what they use now.

Ald. Tendam said he supports the variance and that there are no other options and that the precedents in the neighborhood justified the variance in this case and requested the rules be suspended so that Council could vote on it this night.


The Committee voted 4-1 with Ald. Fiske opposed, to recommend introduction of Ordinance 48-O-12 and suspension of the rules for approval.
**Ordinance 39-O-12, Amending Portions of the Zoning Ordinance Related to Home Occupations**

Staff recommends City Council approval of Ordinance 39-O-12 as revised. Proposed Ordinance 39-O-12 amends the Zoning Ordinance to reflect the recommendations of the Plan Commission based on a referral of a previous draft of this proposed Ordinance by the P&D Committee during its February 13, 2012 meeting.

**For Introduction**

Ald. Wynne moved to introduce the Ordinance, seconded by Ald. Wilson.

Ald. Rainey said that one of her constituents informed her of a daycare center that was not occupied by a resident. Only the business was run out of the home, with no residential occupant. She said the Health Department informed her that it is legal, though it is not a home occupation.

Steve Griffin, Director of the Community & Economic Development Department (C&ED) said he would follow up whether there is a zoning issue associated with it.

**Chair Holmes moved to hold the item in Committee.** She added that amendments related to home occupation are problematic.

Mr. Griffin suggested moving forward with the amendment and using it as a big step towards alleviation of the current home business problems.

Ald. Fiske said a home based business would otherwise only be allowed in a commercially zoned area. She asked if staff, when researching the subject further, would consider why a Bed & Breakfast is not considered a home occupation.

Ald. Wynne agreed with Mr. Griffin to move forward on this longer term issue and address some of the other issues separately.

Mr. Griffin confirmed that staff would research the other issues related to home based businesses.

The Committee voted unanimously 5-0 to introduce Ordinance 39-O-12.

**Ordinance 38-O-12 Amending Various Portions of the City Code Relating to Bed & Breakfast (B&B) Establishments**

The Plan Commission recommends amending the Zoning Ordinance to modify the regulations concerning bed and breakfast establishments. The Commission and its Zoning Committee considered the recommended changes proposed in Ordinance 38-O-12 during several meetings. This ordinance was held in Committee on April 23, 2012.

**For Introduction**

Chair Holmes called the public who wished to speak to the podium:

David Reynolds, of 204 Davis, Evanston, said in the years he and his wife have lived there, the protection of neighborhoods has been the City’s priority. He said a Bed & Breakfast is a commercial use in a residential neighborhood. He said he is in favor of
the separation of B&B’s in all neighborhoods. If they are allowed to cluster together they will make the neighborhood much less desirable and it will feel less residential. He said the owner of the B&B at 300 Davis owns 3 homes in the area. He said if there is not a required space between B&B’s, the human cost will be borne by the neighbors and he does not believe it is appropriate for two levels of commercialization to be allowed.

Tom O’Brien of 210 Davis, Evanston, said the definition that the owner owns 50% of the property, it is their primary residence, the owner lives in 1 of the bedrooms and that the special use goes with the land seems to be a loophole in the ordinance. He believes the owner should live in the B&B and run the B&B, and that the definition of ownership needs to be clarified. He said he agrees with the elements of the ordinance that there are no special events allowed and the parking requirement. He said reasonable measures should be taken to reduce the impact on neighbors.

Dennis Marino, Manager of the Planning & Zoning Division, noted that there is an error in the memo accompanying the materials related to the item and that the definition of a special event should read: “persons other than residents and guests and for which owner receives compensation in any calendar year, should be in any calendar month.”

**Ald. Wynne moved to introduce the Ordinance, seconded by Ald. Holmes.**

Ald. Wynne said she withdrew her motion to introduce the item and asked staff for clarification of Subsection 7 regarding special events. She said it could become a special events space.

**Ald. Wynne moved to strike Subsection 7 from the Ordinance, seconded by Ald. Fiske.**

Ald. Rainey agreed with Ald. Wynne that there should be 4 events allowed per year, for guests only, however, she said, she does not support the 1000’ distance between B&B’s. Ald. Wilson agreed with Ald. Rainey about the special events. Ald. Fiske said that the way the ordinance is written, a guest could rent a room and have a wedding in the backyard and that when music is amplified and guests are outside it would be a different atmosphere in the neighborhood and could be come commercialized with no recourse for the neighbors. She said it adds no value to the neighborhood in an R1, where the character and value should be protected. Ald. Rainey argued that the number of people would be governed by maximum occupancy rules which are enforced by the Fire Department.

Ald. Wilson said the section about not allowing additional kitchens after the application is submitted needs to be clarified because an owner might need to install cooking facilities after his/her application is approved. He said the intention of the Ordinance needs to be clarified.

Ald. Wilson said the section regarding special events needs to be re-worded.
Ald. Wilson moved to hold the item in Committee until adjustments have been made.

Ald. Wynne agreed that special events must relate to a guest of the B&B and only 3 events should be allowed per year, or not more than one per quarter. Ald. Holmes agreed with Ald. Wynne.

Mr. Griffin clarified that 2 points will be revised by staff: the special events and the kitchen verbage.

Ald. Wilson said they will probably need to discuss the distance between B&B’s also. Ald. Rainey agreed with Ald. Wilson’s comment that the kitchen wouldn’t be done before the application was approved. Ald. Wynne said she appreciates staff researching the distances in other communities: 1,000’ in R1 and 300’ in R3, R5 and R6. She believes 1,000’ is an appropriate distance in all residential districts. Ald. Rainey argued that in some districts 1,000’ would allow only one B&B in the district. Ald. Fiske moved to make 1,000’ the required distance between all B&B’s.

Ald. Rainey moved to make the distance 500’ where it is allowed and reasonable, seconded by Ald. Wilson.

Ald. Holmes agreed that making the distance 1,000’ in all districts will be too restrictive.

The Committee voted by majority with 3 for and Aldermen Wynne and Fiske opposed, to make the distance 500’ in all districts.

Ald. Wilson moved to hold the item in Committee, seconded by Ald. Rainey.

Ald. Rainey asked that staff find out whether the Fire Department checks the capacity for special events requirements. She asked whether a B&B would need a 1 day liquor license for a special event, adding that there are restrictions involved in obtaining a 1 day liquor license and in some cases security is required.

The Committee voted unanimously 5-0 to introduce Ordinance 38-O-12 and bring it back to Committee.

IV. ITEMS FOR DISCUSSION
There were no items for discussion.

V. COMMUNICATIONS
There were no communications.

VI. ADJOURNMENT
The meeting was adjourned at 8:07 p.m.

Respectfully submitted,
Bobbie Newman