APPROVED

Planning & Development Committee Meeting
Minutes of June 13, 2011
City Council Chambers – 7:15 p.m.
Lorraine H. Morton Civic Center

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

STAFF PRESENT: D. Argumedo, G. Farrar, S. Griffin, D. Marino, B. Newman, C. Ruiz

PRESIDING OFFICIAL: Ald. Wilson

I. DECLARATION OF QUORUM

A quorum being present, Chair Wilson called the meeting to order at 7:22 p.m.

II. APPROVAL OF THE MAY 23, 2011 MEETING MINUTES

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

The minutes of the May 23, 2011 meeting were approved unanimously 5-0.

III. ITEMS FOR CONSIDERATION

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

Ms. Betty Ester of 2031 Church Street, Evanston, regarding Item PD1, a discussion of permits for minor home occupations, requested the subject be discussed publicly before action is taken. She noted that there are several different types of home occupations, and there should be an open meeting at which the specific types of businesses to be addressed are defined.

Ald. Rainey assured Ms. Ester that this item is only in the discussion stage. Chair Wilson added that the discussion would be referred to the Plan Commission for a discussion, at which the public would be invited to share their comments.

Ms. Joyce Childress of 1813 Leland, Evanston, commented that home based businesses are a good thing but she said there are also some in her neighborhood that have caused problems such as the one she believes is an income tax service that has 3-5 additional cars parked on her block from January 1st through June 1st every year. She explained that her block has alternate side parking and it is especially difficult to find parking during snow plow season. Also, she shovels her spot and her walk and the customers park where she has shoveled. She also said the car wash business owners not only block the alley, but ask residents not to use the alley when they are conducting their business.

(P1) Consideration of a Request for a Two Year Time Extension for an Approved Planned Development for 318-20 Dempster that Expires on June 30, 2011

Staff recommends approval of the two year extension request. The project involves the renovation of the former livery stable behind the existing landmark double house located on the property. The planned development was adopted on March 24, 2008. For Action

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

Attorney Steve Engleman of Engleman and Smith was present to answer questions.

The Committee voted unanimously 5-0 to recommend approval of the two year extension.

(P2) Consideration of a Requested Time Extension of Planned Development Approved by Ordinance 93-O-03 for Property at 1710 Orrington Avenue and 1717-1725 Sherman Avenue

Staff recommends the approval of a two year extension to the approved site development allowances granted in the planned development for the Orrington Hotel (1710 Orrington Ave.) and the Orrington garage (1717-25 Sherman Ave.). The applicant has requested a five year extension. The previous extension, approved on March 24, 2008, expires on October 11, 2011. The remaining scope of work for the project is the construction of thirty residential units in three floors above the existing parking garage at 1717-25 Sherman, owned and used by the Hotel. For Action

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

Attorney Gregg Graines of DLA Piper was present to answer questions.

Ald. Rainey expressed concern that the developer requested a 5 year extension and that staff was only recommending a two year extension. She suggested granting a 3 year extension. Ald. Holmes noted that they had already been granted extensions and asked for clarification.

Mr. Graines explained that it is a multi-phase project and the second extension for 3 years was requested in 2008. Ald. Rainey emphasized that the City embraces the developer's project and their business and should express support for it.

Ald. Rainey moved to grant the project a three year extension, seconded by Ald. Holmes.

The Committee voted unanimously 5-0 to recommend approval of a three year extension.

(P3) Consideration of a Request for a Two Year Extension of a Special Use for the Establishment of a Dormitory Located at 1620 Central Street (National Louis University PACE Program Dormitory

Staff recommends approval of the requested two year extension. The project and special use are consistent with the Comprehensive Plan and the Central Street Zoning Overlay. The adopted special use expires on July 11, 2011. For Action

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

Attorney John Lawler was present to answer questions.

The Committee voted unanimously 5-0 to recommend approval of the 2 year extension.

(P4) Ordinance 55-0-11 Amending Subsection 2-9-8-C of the City Code to Require Mailed Notice of Certain Meetings of the Preservation Commission
This proposed Ordinance requires notice to neighbors within 250 feet of certain applications for Certificates of Appropriateness. Staff recommends introduction.
For Introduction

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

Ald. Wynne explained that she requested the amendment because there had been an addition to a home that was within zoning regulations and notice to neighbors was not required. The city had strongly suggested, as they do, for the owner to notify the neighbors. The addition had a significant impact one of the neighbors. Ald. Wynne said she feels the need to require notice so that in a case such as this the community would have been aware of the impact and not have been surprised and could have perhaps expressed their feelings about it.

Ald. Rainey suggested that with the City's staff stretched as tightly as it is currently, it should be the responsibility of the property owner to notice the neighbors and prove to the City that they have done so. She believes the actual cost including labor to the City is more than the fee of $25-$40 and suggested raising the fee. Chair Wilson agreed that the current fee does not cover the labor.

Steve Griffin, Director of the Community & Economic Development Department agreed to find out the actual cost of doing the mailing/notice and will report back to the Committee. He said even when the owner is responsible for the notice the City usually has to spend time checking up because someone says they did not receive notice.

The Committee discussed the process and the cost.

The Committee voted unanimously 5-0 to introduce the amendment to City Council.

IV. ITEMS FOR DISCUSSION

(PD1) Discussion of Draft Ordinance Amending Various Portions of the Zoning Ordinance to Require Permits for Minor Home Occupations

Ald. Holmes noted that this is the second time the issue of home occupations has been brought to the Committee and that it is a major problem in her ward. She said aside from the businesses mentioned by Ms. Childress earlier, she has seen other businesses such as rug cleaning services in garages that interfere with traffic, make noise, and cause people to complain to the police, which taxes the Police Department. She said it is simply good

stewardship for the City to know what businesses exist within. She is not concerned about a fee as much as a registry. She asked the Committee for their support.

Ald. Fiske thanked Ald. Holmes for making her aware of these types of problems and pointed out that there are many people with other types of home businesses who are trying to survive in this economy, which often expand and become successful Evanston businesses. She asked whether car washes out of garages were legal.

Dennis Marino, Manager of the Planning & Zoning Division cited the regulations that had been included in the meeting packet materials listing the prohibited home based occupations which include businesses which operate out of garages.

Ald. Rainey noted that there are businesses on Howard Street that are operating and have not obtained business licenses, adding that the City does not have sufficient staff to enforce the business license laws and she believes this is the root of the problem. Ald. Holmes suggested a fee for a business license to cover the cost of a staff person to do the job of enforcement. Ald Rainey agreed adding that it could be beneficial to the businesses to be registered with the City. Chair Wilson agreed that the City does not have the resources to enforce the home occupation ordinance or a registration ordinance, adding that he does not believe that businesses operating illegally will register.

The Committee discussed whether there are ways of framing the law that would make it sound positive rather than negative, to whom the law would be addressed, and for what reasons. Ald. Rainey suggested a meeting of the Chamber of Commerce's division of home based businesses and the Economic Development Committee rather than the Plan Commission, to discuss the issue and perhaps develop some ground rules to prevent problems.

Ald. Rainey requested a report from City staff on the problems reported to the City related to home businesses.

The Committee voted unanimously 5-0 to return to the discussion at the July 11th meeting.

V. COMMUNICATIONS

There were no communications.

VI. ADJOURNMENT

The meeting was adjourned at 7:59 p.m.

Respectfully submitted,
Bobbie Newman