Planning & Development Committee Meeting
Minutes of July 23, 2012
City Council Chambers – 7:15 p.m.
Lorraine H. Morton Civic Center

MEMBERS PRESENT: J. Fiske, D. Holmes, A. Rainey, D. Wilson
MEMBERS ABSENT: M. Wynne
PRESIDING OFFICIAL: Ald. Fiske

I. DECLARATION OF QUORUM
A quorum being present, Chair Fiske called the meeting to order at 7:19 p.m.

II. APPROVAL OF THE JULY 9, 2012 MEETING MINUTES
Ald. Wilson moved approval of the minutes, seconded by Ald. Rainey.
The minutes of the June 11, 2012 meeting were approved unanimously 4-0.

III. ITEMS FOR CONSIDERATION

(P1) Ordinance 69-O-12 Amending Portions of the Zoning Ordinance, “oCSC Central Street Corridor Overlay District”
Evanston Plan Commission and staff recommend that the City Council approve Ordinance 69-O-12 that would amend the Zoning Ordinance to create Sub-area 6a of the Central Street Overlay District (oCSC) that would allow consideration of a drive-through as a special use along Gross Point Road.

For Introduction

(P2) Ordinance 70-O-12 Amending the Zoning Map to Re-Zone Certain Properties 2635 Crawford Avenue, Evanston
Plan Commission and staff recommend approval of Ordinance 70-O-12 to rezone a vacant lot at 2635 Crawford Avenue from an R2 Single Family Residential Zone to a B1a Business District Zone. Adoption requires a favorable vote of three-fourths (3/4) of all the Aldermen elected to the City Council.

For Introduction

Chair Fiske called Dennis Marino, Manager, Planning & Zoning Division, to present a staff report before calling the public who wished to speak on items P1 and P2:

Mr. Marino explained that items P1 and P2 relate to the development of an abandoned gas station site that has been vacant for over 3 years and that staff has been trying to revitalize. He said that Edgemark Development has proposed a Chase Bank with drive through at the site, including vacation of the alley. He said the Plan Commission began hearings in late spring and recommends approval of the creation of sub-area 6a and the rezoning of 2635 Crawford as proposed in Ordinances 69-O-12 and 70-O-12.
respectively. Mr. Marino explained that if Council approved the proposed ordinances, the developer would need to apply for a special use permit for the drive-through, to be heard by the Zoning Board of Appeals (ZBA), who would make a recommendation to the Planning & Development Committee.

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

Megan Lutz of 2637 Crawford, said she moved there 16 years ago assuming the adjacent lot would remain residential. She said the proposal allows for a 24 hour drive-through within 10’ of their home, which is only 3.6’ from the property line, and would jump across the alley. She said the property is only blighted because the development demolished the home that was on it and put it on the market for $700,000. She said it has never been on the market for a price that would be appropriate for an R2 (residential) district. She said the property is only blighted because he has told her, the developer will give money for sidewalks at Lovelace Park. She said she has obtained the signatures of all the property owners within 500’ of the project, and that almost all of them oppose it. She said it will have a negative impact on property values and that 2 of the Plan Commissioners had problems with it. She noted that Plan Commission member Seth Friedman asked her to put on the record that it does not meet 3 of the 4 standards required for re-zoning. She noted that the only re-zoned property in Evanston was Walgreens at Main and Dodge and added that the developer has had several offers for the gas station site, but they want to put 3 drive-through lanes on the property. She said there are other options in the Central Street area and they need to preserve the character of the neighborhood. Several residents of the neighborhood were present who stood to show they opposed the proposal.

Christine Sammel of 3614 Hillside since 1979, said she is opposed to the development because 1) there are other numerous other uses for the corner lot as it stands; 2) the bank can fit on the corner lot; 3) the 2007 Central St. Master Plan, which is only 5 years old, used the alley as a buffer between the business and residential districts; 4) re-zoning such as this would set a precedent and has only been done once in 20 years; 5) once the property is re-zoned for business, it will never get back to residential zoning, so there should be an overwhelming reason to do so. She asked the Committee to deny the proposed ordinances.

Joshua Huppert of 2630 Crawford, directly across from 2635 Crawford, the proposed site explained that Roseman Tractor applied for re-zoning for a parking lot, saying that they would have to move if it weren’t allowed. They did not get permission and did not move until 30 years later. He re-iterated that the gas station site is vacant because the developer has turned down offers. He said they could be starting a precedent of developers buying R2 lots and keeping them vacant. He asked the Committee to keep the law the way it is.

Carl Bova of 1322 Rosalie Street, asked whether the City needs to change zoning for a new bank and what value it would bring to the neighborhood. He suggested building a bank that conforms to the Central Street Master Plan. He noted that changing the zoning designation will encroach upon the R1 district. He said traffic volume for the bank suggests that an isolated lane is not necessary. He said the attached drive-through at the 1st Bank and Trust takes up less space and seems sufficient. He noted
that the Central Street Master Plan was put in place looking forward and it reflects the character of the neighborhood.

Alison Cook of 2721 Thayer Court, said she lives up the street from the proposed development and she objects to the encroachment on the residents. She said drive-throughs are prohibited because they don’t want them.

Fernando Ferrer of 2636 Crawford, directly across from the vacant R2 lot, said he is against the proposal because it is dangerous for the pedestrians and children in the area. He said it will make it extremely difficult for him to back into Crawford, which is already difficult, with the increase in traffic and a 24 hour drive-through. He added that Edgemark has neglected the gas station site as there are broken bottles, old leaves and overgrown grass. He said they are playing with the neighbors to make money.

Aaron Noffsinger of 3501 Hillside Drive, said his biggest concern is safety for the residents. He said there are currently 20 children under 8 years old, including 2 and 4 year olds living in the immediate area and the increase of 450 cars per day turning into the bank, will increase the opportunities for accidents to occur. He said using 2 lots for the development does not fit in with the character of the neighborhood and that the current proposal is not safe. He asked that the Committee come to an agreement with the people of the neighborhood on how to make the development safe. He added that the drive-through as proposed will be 5’ away from peoples’ dining room windows. He noted that Chase has many commercials advertising that their customers can do their banking online and believes the drive-throughs will be obsolete within 5 years so he does not believe it is necessary to re-zone to allow them.

Scott Borstein, on behalf of the applicant, clarified that the proposed text amendment would remove the prohibition of drive-thru for this overlay and that this drive-through would have to be approved by the ZBA and that the proposed map amendment seeks to change an R2 to B1A district. He noted that the Plan Commission met on 4/11/12, 5/9/12 and 6/20/12 and that all findings that supported the project are in the minutes of those meetings. He argued the reason there has been only one re-zoning in Evanston is because there has been only one applicant and not because the City does not like to re-zone.

Richard Sapkin of Edgemark Development thanked the Committee for their consideration. He said he spent a great deal of time working with staff and reduced the proposal from 3 parcels to 2 at their request. He explained that there are 2 types of obsolescence that occur in real estate: economic and physical and this property is physically obsolete as it is difficult to develop another gas station on it. The lot is 11,000 square feet, which is a difficult size and shape to develop. He said the proposed development is viable and meets all the codes and criteria for the City and he believes it will benefit the neighbors. He said the site was purchased with the intention of re-developing the site. He presented plans showing the current gas station site explaining how it is oddly configured and explained that he has worked with site plan designs and that based on input by the neighbors, they made the bank smaller and moved it away from the neighbor’s house, obtaining a 15’ separation. He said he is working to meet the requests of the neighbors. He presented elevations of the proposed bank and the changes they have made. He said all traffic and safety issues will be addressed. Since
the last hearing, where neighbors made comments about the distance between their homes and the development, they are constantly evolving their plan to meet the requests of staff and the neighbors. He believes the site becomes safer with the development.

Larry Okrent of Okrent Associates, showed the site proposed for re-zoning. He said the unique condition is that the longest dimension is 175’ which adjoins a B1 district. The shortest dimension, 50’, is on Crawford and the configuration suggests the deepening of the lots. Showing the zoning map, he illustrated that the B1 district is surrounded by existing residential districts R2 on the west and that the site departs from grid iron plan. He noted that neighborhood retail districts are surrounded by neighborhoods throughout Evanston and the issue is how to regulate the relationships, saying that the zoning ordinance addresses the issue of business separation where a rear yard of a B district adjoins the rear yard of a residential district when the parking is 20’ away from the boundary. The ordinance has decided that a reasonable degree of separation is decided by these setbacks. He argued that substantial separation is achievable but they could make even more and achieve the separation desired.

Luay Abooma, KLOA traffic engineer, noted that the traffic study showed that the bank would generate 600 trips per day: 300 in and 300 out. Some would be going in from existing traffic, adding only 50% to the current street system. Compared to the gas station, the bank generates half the traffic the gas station did: approximately 1,300 trips daily. The traffic index at the triangle intersection determined the increase would be low: less than a 1-second delay. He said the proposed site plan is an enhancement over the previous one with multiple access points, as this plan calls for one access point on Crawford and one on Gross Point. He studied the design and locations of the access drives and found them to be appropriate with no impact on the neighbors and that cars will be readily able to turn onto and out of Crawford. He added that none of the intersections were in the top 10 accident locations. His analysis indicated a low impact use that does not generate peak hour traffic and is an improvement over what was there before.

Mary Lindburger, Appraiser, said her analysis showed that the bank would have no negative impact on property values.

Chair Fiske asked why they did not believe there would be no impact on the house next door.

Ms. Lindburger summarized that the property is in a mixed use area that already includes several commercial and residential properties. She said it is a very stable area; homes are rarely offered for sale, and when they are, they sell. She does not see a negative impact. She said they are proposing to change a situation where they are removing what the City has deemed blighted and has attracted debris, and replacing it with something modern and clean. To address the question of whether the fact that the property owner will be next to a business where she was not before will negatively impact her property value, she looked at the townhomes immediately adjoining the Walgreens at Dodge and Main where the lot was rezoned and adjoined to a drive-through and compared these to homes in the same development but further north. 924 Dodge, which is immediately north of the drive-through, was sold in 2007, and sold
again with an increase of 10.6% in value. Other townhomes in the development that were not in as close proximity had sold at 11.8% and 12.5% increases in value. There is not an exact match of sales periods. One sold in 2006, one in 2003 and one in 2007. She said the data showed that there is no significant decline in value because of proximity to a drive-through.

Ald. Tendam said he is interested in hearing the discussion regarding the map amendment and asked Chair Fiske to advise whether it should be discussed at the committee level.

Chair Fiske opened the discussion to the Committee.

Ald. Wilson asked staff whether a new gas station could be placed on the site. Mr. Marino responded that a gas station is permitted by the overlay. Ald. Holmes noted that the bank without a drive through would not require a special use.

Chair Fiske asked why service stations are not in the special use category since they have drive-throughs. Mr. Marino explained that a service station by definition is not a drive-through and that the overlay as it exists allows for a gas station. Chair Fiske mentioned that there are several bank drive-throughs in Evanston that are smaller than the proposed footprint and believes this one could be done on a smaller footprint. Regarding the separation of the districts, she said that in her ward alleys are very important. Businesses uses are across the alley from residences and co-exist well as long as the alley stays. She said she is very sensitive to the issue of removing alleys which preserve residential neighborhoods and she is impressed with how many people have turned out, not only in this instance, but in past years. She added that she is not convinced that the lot next door will not be de-valued by not having any natural boundary between it and the adjacent business and she would not support it. She asked that the developer re-think the design and do something smaller.

Ald. Holmes said she believes P2 is the bigger issue. Ald. Rainey agreed. She said when an issue is based on changing an R district to a B district she gets cautious and concerned. Any use that requires a text amendment, a map amendment, an alley vacation and a trip to the ZBA, we've got the wrong location. She said she could never support it and that it also seems that everyone within 500' is opposed. She would support the bank on the Citgo lot, which seems reasonable and that is as far as she could go. She noted that the developer is saying they are not getting a drive-through, just a text amendment that would allow a special use, but ZBA will make an approval for a drive-through but it will be modified to be safe and they will add landscaping, etc. She asked the developer to ask the bank what would happen if the ZBA said they can't have a drive-through. She said she is opposed to the way it is being presented and asked whether the developer purchased the property with no conditions, or was it dependent on receiving a map amendment and alley vacation. The developer, Richard Sapkin responded that they purchased the property outright.

Chair Fiske asked staff whether a plan to replace a house is required when a property purchaser applies to demolish one. Mr. Griffin responded that approximately 4 or 5 years ago a law was passed allowing for the tear down of a house in exchange for an affordable housing fund contribution. Chair Fiske said a number of things about this
case are problematic and wondered how it came to be when the community just went through the Central Street planning process, which took a long time, ending up with something they hoped they could rely on. She expects that they did not think they would have to fight this battle a few years later. She concluded that it seems that the developer could do something that could be acceptable to the neighbors.

Ald. Rainey moved to send the item back to staff, remove from the agenda and ask the developer to come back with an alternate plan, seconded by Ald. Holmes.

The Committee voted unanimously 4-0 to remove P1 and P2 from the agenda.

IV. ITEMS FOR DISCUSSION
(PD1) Rental Unit Licensing Committee’s Recommendation for Consideration to Amend Title 5, Chapter 8 of the City Code to Require the Licensing of Rental Dwelling Units
Staff recommends that the Planning and Development Committee consider and discuss the recommendations of the Rental Unit Licensing Committee.

For Discussion

Ald. Wilson moved that the Committee accept the report, seconded by Ald. Holmes.

Ald. Rainey noted that there had been a complaint by Mr. Handler that not everyone had been notified, as had been promised by the City, that the discussion was on the agenda. She said she did not know whether the proper notification had been sent.

Chair Fiske said the proper notification will be sent and the item for discussion will be on the next agenda. She asked the speakers who wished to speak to come to the next meeting or send the Committee their comments in writing, if they were unable to attend.

V. COMMUNICATIONS
There were no communications.

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

Respectfully submitted,
Bobbie Newman