Planning & Development Committee Meeting  
Minutes of September 10, 2012  
City Council Chambers – 7:15 p.m.  
Lorraine H. Morton Civic Center

MEMBERS PRESENT: J. Fiske, D. Holmes, A. Rainey, D. Wilson, M. Wynne  
STAFF PRESENT: G. Chen, G. Farrar, S. Griffin, D. Gaynor, D. Marino,  
B. Newman  
PRESIDING OFFICIAL: Ald. Fiske

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

II. APPROVAL OF THE JULY 23, 2012 MEETING MINUTES  
Ald. Wilson moved approval of the minutes, seconded by Ald. Rainey.  
The minutes of the July 23, 2012 meeting were approved unanimously 5-0.

III. ITEMS FOR CONSIDERATION

(P1) Resolution 67-R-12, Designating that Portion of Mulford Street West of Dodge Avenue in James Park with the Honorary Street Name Sign, “Lionel & Irma Carter Drive”  
Staff recommends adoption of Resolution 67-R-12 designating a portion of Mulford Street west of Dodge Avenue in James Park, “Lionel & Irma Carter Drive.”  


Ald. Rainey said the Carters contributed a great deal to the Levy Center and this name change does not create problems associated with re-naming a residential street because there are no addresses on it, yet everyone passes it on their way into the Levy Center.  She noted that there would be a huge celebration at the Levy Center on Saturday, September 15th, 2012 in honor of the 10th anniversary of the Levy Center.

The Committee voted unanimously 5-0 to recommend approval of Resolution 67-R-12.

(P2) Approval of Substantial Amendment to the 2012 Action Plan, HOME Program  
The Housing Commission and staff recommend approval of the Substantial Amendment to the City and HUD approved 2012 Action Plan that establishes a once per year deadline for HOME applications.

Mr. Griffin explained that the deadline of October 31st will make it easier to manage the applications and evaluate them all at the same time. Prior to the amendment there was a rolling deadline.

The Committee voted unanimously to recommend approval of the Amendment.

(P3) Resolution 63-R-12, Plat of Subdivision for 1600 Foster Street
Staff and the Site Plan and Appearance Review Committee (SPAARC) recommend adoption of 63-R-12, which would approve the creation of seven lots from one, at 1600 Foster, which will implement the first phase of Emerson Square, the second component of the City’s $18.15 million Neighborhood Stabilization Program 2 (“NSP2”) grant, awarded by HUD. Ordinances authorizing the City Manager to negotiate and sell the property at 1600 Foster Street appear on the Administration & Public Works agenda, items A16 – A19.

For Action

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

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

Betty Ester of 2031 Church Street said she was speaking not with an objection but the concern of a neighbor who had called her, upset that her house was shaking due to the construction at the site. Ms. Ester advised her neighbor to call the City Manager’s office and ask them to cease construction because the 100 year old homes on Dewey are beginning to be affected. She said the neighbors feel they have not been heard.

Ald. Holmes said she had not received any complaints regarding the construction from anyone on Dewey until she had heard of the complaint from Mr. Marino, who called Ald. Holmes that afternoon.

Mr. Marino said the complaint was received in the Legal Department on Friday, September 7th from a neighbor on the block to the west of the former Bishop Freeman site, where the construction is taking place. He said the City has a team that will investigate the problem.

Todd Lieberman of Brinshore, the developer, said the site work and demolition is under way and that concrete is being ground on site. He said he has reached out to neighbors and will visit the site with the construction team and examine the property.

The Committee voted unanimously 5-0 to recommend approval of Resolution 63-R-12.

(P4) Ordinance 94-O-12, Amending the Special Use for a Convenience Store at 555 Howard Street in the B3 District
Staff recommends approval of proposed Ordinance amending an existing Special Use for the convenience store located at 555 Howard Street to allow it to open at 6:00 a.m. instead of 7:00 a.m. and to remain open until 8:00 p.m. instead of 7:00 p.m.

For Introduction
Ald. Rainey moved to introduce Ordinance 94-O-12, seconded by Ald. Holmes.

Ald. Rainey explained that the special use was approved a few years ago when the current owner purchased the convenience store, but he claimed not to have known about the restricted hours of operation imposed by the special use permit and kept the store open all night. There were many police calls. Currently, the owner has become an active member of the Howard Street Business Organization and the police calls have diminished. Based on the big change in his behavior, she is recommending approval of the increase in hours of operation, to be re-evaluated in 6 months, at which time perhaps permission will be given to extend the hours further. She asked the Committee to recommend suspension of the rules in order to have the Ordinance approved.

The Committee voted unanimously 5-0 to recommend approval of Ordinance 94-O-12 and suspend the rules to consider it for action.

(P5) Ordinance 96-O-12, Granting a Special Use Permit for a Planned Development Located at 1211 Chicago Avenue (Trader Joe’s).

Plan Commission and City staff recommend the adoption of Ordinance 96-O-12, granting planned development approval for the proposed new Trader Joe’s at 1211 Chicago Avenue.

Mr. Marino presented the site plan for the proposed Trader Joe’s at the former 13,000 sq. ft. site of the Video Store and formerly Saxon Paint. He said 81 parking spots, more than are required, are proposed. He noted that the process has been very positive with the developer attending to details of the site plan that affect the adjacent neighbors.

Scott Gendell of Terraco, a managing member of the LLC that owns Trader Joe’s, explained that in cooperation with the neighbors, they closed the alley to truck traffic except for trash pickup trucks and deliveries are to be done in an enclosed delivery facility in the triangular area at the far east end of the property, surrounded by an 8’ sound-attenuated stone wall. He noted that the building is attractive with a trellis along Chicago Avenue and a landscaped area. He explained that they walked through the issues in several meetings with the neighbors and the alderman.

Ald. Wynne moved to introduce Ordinance 96-O-12, seconded by Ald. Holmes.

Ald. Wynne commended the developers for their collaborative effort and thanked Terraco for their cooperation in this situation where a commercial zone is adjacent to a residential zone. She said the community raised very good points and with new technology the light pollution could be eliminated and the sound attenuated. Deliveries have been limited to specific times, and landscaping has made it a successful collaborative effort. She thanked Terraco for their creativity and cooperation and commented that the Trader Joe’s will benefit everyone in Evanston.

The Committee voted unanimously 5-0 to introduce Ordinance 96-O-12.
IV. ITEMS FOR DISCUSSION
(PD1) Bed and Breakfast (B&B) Uses

Materials for discussion include the B&B packet distributed to City Council on 8/13/12 and a report about B&B establishments in other communities.

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

Frank Cicero of 222 Lake, Evanston, said he was pleased to be able to speak again regarding the B&B issue. He said he believes the B&B should be the primary residence of the B&B owner/operator with 50% ownership and that LLC’s should be prohibited from operating B&B’s. He said the purpose of an LLC is to 1), give owners maximum flexibility in how they manage their businesses and 2), to insulate them from personal responsibility such as casualties, taxes and compliance to regulations. He said an owner is protected by insurance, but an LLC attempts to give other types of protection. He added that if this is left to be dealt with in the special use process, the same issue will arise each time and it will become very messy to deal with on a case-by-case basis.

Chair Fiske thanked Mr. Cicero.

David Reynolds of 204 Davis, Evanston, asked the Committee to consider that B&B’s as commercial uses will be inserted in residential zoning districts. He explained that most homeowners have their most valuable asset and spend most of their time in their homes. He asked that the Committee be considerate not to diminish the value of their homes.

Chair Rainey commented that there was an interesting variety of communities represented in the packet and that the biggest issue for them was parking. She said she saw nothing in the examples, unless staff forgot to include it, about the number of B&B’s or the distance between them in a residential district.

Ald. Wynne thanked staff for the information and said there were two critical issues with ownership. She thanked Frank Cicero for his lucid description of the mess they will have if each LLC applies for a special use. She said clarifying the requirements is the best they can do for the B&B issue and she believes they should be owned by single family homeowners. She explained that most people who bought their homes in residential districts don’t expect to have businesses on their street, so the distance, density and ownership issues are critical.

Ald. Rainey noted that there has only been one inquiry and one application for a special use permit to open a B&B this year and she believes this is like the chicken coop and beehive issues, on which the Committee will waste a great deal of time for few occurrences. She added that there are B&B’s in every ward, not just in Chair Fiske’s neighborhood.

Ald. Holmes said she supports having a distance requirement and not having any neighborhood be overrun with any type of business but she agrees with Ald. Rainey that it is time to move on.
Chair Fiske said she is impressed with Ald. Rainey’s neighborhood as well. She said the problem is that B&B’s have not been profitable as Mom & Pop businesses and that is why there have not been many applications for them, however she does not believe it was ever intended for LLC’s to own them. She believes there will be more LLC’s applying to open businesses in the residential districts if they allow it.

She asked that staff look for a better definition of ownership, especially related to the LLC’s and a specific distance requirement between B&B’s. This request was seconded by Ald. Wynne.

Ald. Rainey said they need to discuss it further and asked that staff give an opinion but not present an ordinance that has already been defeated. She noted that the 10th richest person in the world has asked to have a B&B in Evanston, to which Chair Fiske replied that he owns 4 other properties on a single block.

The Committee agreed to refer the issue to the Law Department.

V. COMMUNICATIONS
   There were no communications.

VI. ADJOURNMENT
   The meeting was adjourned at 7:55 p.m.

Respectfully submitted,
Bobbie Newman