Planning & Development Committee Meeting  
Minutes of March 9, 2015  
Immediately following Administrative & Public Works Meeting  
Council Chambers - Lorraine H. Morton Civic Center


MEMBERS ABSENT: J. Grover, M. Wynne

STAFF PRESENT: D. Latinovic, M. Masoncup, M. Muenzer, B. Newman, L. Pearson

PRESIDING OFFICIAL: Ald. Fiske

I. DECLARATION OF QUORUM  
A quorum being present, Chair Fiske called the meeting to order at 7:30p.m.

II. APPROVAL OF REGULAR MEETING MINUTES OF FEBRUARY 23, 2015  
Ald. Rainey moved to approve the minutes of the February 23, 2015 meeting, seconded by Ald. Tendam.

The Committee voted unanimously 5-0 to approve the February 23, 2015 minutes.

III. ITEMS FOR CONSIDERATION  
(P1) Ordinance 19-O-15, Planned Development at 1571 Maple Avenue
The Plan Commission and staff recommend adoption of Ordinance 19-O-15 for Special Use approval of a Planned Development at 1571 Maple Avenue. The 12-story mixed-use development includes 101 residential units, 3,696 square feet of commercial space and 12 parking spaces on site. Additionally, 101 parking spaces are proposed to be leased from City-owned Maple Avenue public parking garage.

For Introduction


Mark Muenzer, Director of Community Development, said staff has been working with the developer and the community and the developer has met with the Plan Commission four times, each time mitigating the impact on surrounding neighbors. The Plan Commission unanimously approved the PD as proposed, and felt it meets the planning development standards and it is in general conformance with the City’s Comprehensive Plan and Downtown Plan. He said there are 17 public benefits and the developer is requesting 7 site development allowances related to height, dwelling units, parking spaces, FAR, and 3 side yard setbacks.

Bernard Citron, developer, stated that:
- The proposed building is shorter than the adjacent building and not as wide
- It is within the zoning allowance
- If the project was done within existing zoning requirements it would not include the green roofs
• Once parking spaces are filled by tenants with cars, only tenants without cars will be eligible to rent there unless they can show that they have secured parking elsewhere
• PD proposes to provide 10 public parking spaces and car sharing
• Car purchases of people ages 24-34 have diminished 7%
• The building is 50’ away from the adjacent building
• The majority of the residents in the adjacent building are not affected, or are minimally affected
• Compared amenities to a building at Division & Ashland in Chicago
• Maple Street Garage is under-utilized; propose using it for resident parking
• The building will bring approximately $1million in sales tax
• Residents will be in the income category of approximately $50k/yr
• Property has been vacant for a long time; site is a difficult shape
• Propose 21 convertibles, 36 one-bedrooms, 38 two-bedrooms, 6 three-bedrooms

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

Doug Fuson of 1570 Elmwood and who has practiced law for 30 years, said his building incurred a special assessment to hire a lawyer to testify to the Plan Commission. He stated that the code provides that:

• The Plan Commission shall not recommend approval of nor shall the City Council adopt a Planned Development in the Downtown Districts unless they shall determine based on written fact that the PD adheres to the standards of the Downtown Plan and D2 Zoning requirements
• General condition #3: Each PD shall be compatible with and implement, among other things, the Downtown Evanston Plan

Mr. Fuson said the words “shall, must and will” mean it is mandatory, quoting Section 6.2.1 B which says “the words shall, must and will are mandatory and indicate an obligation to comply with the particular provisions to which they apply.”

He said the recommendations and proposed Ordinance contain no items of fact that relate to implementation of the Downtown Plan; there is a lot of conclusory language and assertion that the project complies and implements the plan. He said the reason it doesn’t is because the project is neither compatible with the Downtown Plan’s prescription for lower height/lower density buildings in the specific area in which the building is proposed. He noted that the Downtown Plan was adopted in February of 2009 and remains in full effect. He explained that the West Traditional District requires limited height and density. Under the Downtown Plan in the West Traditional District, 42’ is the height limit and only if the project provides extraordinary public benefits could it be increased to a maximum height of 88’. He said no such benefits exist or have been claimed by the developer. He said the project is more than 3 times the height of that allowed and exceeds the maximum FAR by 1.5 times. He concluded that at its most basic size it is not compatible with the Downtown Plan and doesn’t implement it. He asked the Committee to pay attention to the governing Ordinance and mandatory language.
David Rosen of 1750 Elmwood said he was concerned about the vacant lot and consulted with the Zoning Department before he purchased his unit and was told that a building of no more than 4 stories could be built on the adjacent site. It was because of this he purchased his unit. He and other unit owners are disappointed in the proposal of a 12-story building as they believed that if the previously proposed art center was not built there, only a 4-story building would have been allowed to have been built there.

Donna Marcus of 1570 Elmwood read a letter from Debbie Magnuson, an Evanston realtor for 30 years, stating that she calls the Zoning Dept. before she sells a property for full disclosure. She said a unit at 1720 Maple sold for $415 per sq. ft. but a similar unit at 1750 Elmwood sold for $290 per sq. ft., a 30% devaluation in the property. Ms. Marcus added that renters of AMLI park on Hinman, causing a problem, and she is concerned that the area will not be able to absorb the extra need for parking caused by the proposed PD.

Howard Ellman of 1570 Elmwood said the oppositional material presented at the Plan Commission was not in the packet; Mr. Muenzer clarified that there were links to it in the packet. He said their building engaged a team of experts including an architect, an appraiser, a land planner and a land use attorney to analyze the proposed plan and they disagree with the Plan Commission. He explained that they disagree with the belief that it complies with the Ordinance as follows:

- 6.3.5.10, b, c and d: Lack of compliance with Downtown Plan, causing an adverse effect in the neighborhood and diminishment of property values
- 6.11.1.10 a3: Does not implement plan for Downtown Evanston
- 6.11.1.10 b2: The lack of parking will cause adverse effect on residential uses in the neighborhood, and if possible it should provide additional parking beyond that required for their use; not even providing enough for their own use.
- Regarding parking, the number of handicap spaces, currently 1 in relation to the on site parking is required, but in relation to the 101 spaces, 5 would ADA spaces would be required, so more than one handicapped person couldn’t live there.

Mr. Ellman said the developer is requesting an extreme amount of allowances that significantly exceed the Downtown Plan and the D3 zoning:

- 38% more dwelling units than are allowed
- 320% more height than is allowed by Downtown Plan and 58% more than D3 allows
- 90% less onsite parking than is required
- 33-87% less setbacks, depending on which street

He said allowing this building to be built would set an extreme precedent. He said the proposed building is 25’ from their lot line with a maximum of 40’ and in some cases 35’ from their lot line, no 50’ as stated by the developer, adding that if 2 towers were to be built they would have to be 50’ apart. The proximity will restrict light, air and views and will start a bad precedent. An architect’s model showed that the proximity will restrict sun and wind from hitting their balconies.

They are not opposed to development of this parcel as currently the parcel is neglected but they would support a smaller, less dense building.
Junad Rizke of northeast Evanston said he supports the neighbors. Mr. Bobkiewicz has ignored zoning laws before when he was going to turn Harley Clark from an open space use into a hotel, changing zoning dramatically, in his neighborhood. He said there seems to be a pattern of destruction of zoning in Evanston. He said view is important and the City sold view to Northwestern University when they built the guest center and destroyed the bird sanctuary. He said as a taxpayer, he does not support this development.

Chair Fiske opened the item for discussion by the Committee:

Ald. Rainey said regarding the comparison of the parking to Chicago and Main, the risk to not provide enough parking is a risk only to the developer, not to the neighbors. It presents a product that is lacking parking, so tenants who have cars won’t rent there. She believes the off site parking is an excellent way of providing parking without adding congestion to the immediate neighborhood where the building is. She believes that people who have cars simply won’t rent there.

Ald. Wilson said he has heard from many people, for and against the project, and moved to introduce Ordinance 19-O-15, seconded by Ald. Holmes.

Chair Fiske said she has seen similar situations in which the developer worked with the community. She believes providing parking that is a quarter mile away is a huge problem. She is concerned with the precedent of using a public garage for residential parking and wondered what would happen when another development needed to use the public parking garage. She said the idea of not allowing someone to rent because they have a car and there are not enough spaces, does not sit well with her.

Ald. Rainey argued that 1515 Chicago is a hotel. She said the Maple Street garage has always been used to subsidize the lack of parking in other buildings. She added that the public parking garage has a high vacancy rate and this is a perfect use for it.

The Committee voted unanimously 5-0 to introduce Resolution 19-O-15.

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

V. COMMUNICATIONS
There were no communications.

VI. ADJOURNMENT
Ald. Wilson moved to adjourn, seconded by Ald. Tendam.

The Committee voted unanimously 5-0 to adjourn.

The meeting was adjourned at 8:35 p.m.

Respectfully submitted,
Bobbie Newman