Planning & Development Committee Meeting
Minutes of May 28, 2013
City Council Chambers – 7:30 p.m.
Lorraine H. Morton Civic Center

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


PRESIDING OFFICIAL: Ald. Fiske

I. DECLARATION OF QUORUM
A quorum being present, Chair Fiske called the meeting to order at 7:20 p.m.

II. APPROVAL OF REGULAR MEETING MINUTES OF MAY 13, 2013

Ald. Rainey moved approval of the minutes of the May 13, 2013 meeting seconded by Ald. Wynne.

The minutes of the May 13, 2013 P&D meeting were approved unanimously 5-0.

III. ITEMS FOR CONSIDERATION

(P1) Approval of Community Partners for Affordable Housing HOME Application
The Housing and Homelessness Commission and staff recommend the approval of a $277,685 forgivable HOME loan to Community Partners for Affordable Housing (CPAH) for the acquisition and rehabilitation of two housing units for rental that is affordable for households whose incomes do not exceed 60% of the area median income. Funding is provided by the HOME fund, which currently has a balance of approximately $640,000 in HOME entitlement funds.
For Action

Ald. Wynne moved to recommend approval, seconded by Ald. Wilson.

Ald. Rainey said she opposing the loan based on the lack of information. She asked for a list of available properties and whether the NSP2 inventory has been purchased. She mentioned that it is very difficult to purchase a foreclosed property. She added that she is not concerned about spending the HOME funds so that they won’t be returned.

Ald. Peter Braithwaite voiced his support for the project. He introduced Robert Anthony, Executive Director of Community Partners for Affordable Housing (CPAH), who lives in the 2nd ward and is active in the community. He said he is hoping to move forward with affordable housing to the 2nd Ward.
Sarah Flax, Housing & Grants Administrator, replied to Ald. Rainey’s inquiry regarding NSP2 housing that there are 5 rentals waiting to close; all rentals that are complete are occupied except one; they are doing well on sales with one closing that day, two more that week, and one the following week; rentals are 50% below the median income for NSP2. She explained that this proposal is in keeping with the consolidated plan which requires housing to be provided to households of 60% and below median income, and the need for 60% and below is very great; 90% of rentals in one year must be to households earning below 60% of the median income. She explained that the property CPAH wishes to purchase will be demolished.

Ald. Rainey argued that she has a problem with the land trust concept and asked how it works with a rental.

Mr. Anthony explained that they are a non-profit organization providing low income housing. He said this project will not be a land trust and that their organization uses various strategies to provide low income housing. This application assures that rents are affordable for 15 years and much longer. It would ideally be a 2 flat; they are interested in smaller single family homes, but they will not be purchasing condos to rent. He explained that Citizens Lighthouse Land Trust asked his organization to take them over, to which they agreed. CPAH has an Evanston Advisory Board of architects and financial service representatives who advise them on local issues. At Ald. Rainey’s inquiry, he replied that they do not ask for tax exemptions for their properties: rentals are taxed on rent roles and home ownership is based on the price.

At Ald. Rainey’s inquiry, Mr. Anthony explained that the Illinois Attorney General’s office has indicated an intent to grant funds pursuant to a foreclosure issue settlement and has approved to grant their organization funds for 10 units but it requires them to match part of the grant. The HOME dollars could be used as part of the match.

Ms. Flax further explained that if the City grants the requested $277,685, it does not guarantee that they will get the grant from the Illinois Attorney General’s office. The project stands on its own for HOME fund usage. CPAH intends to acquire 10 units and rehab them similarly to the NSP2 program; many are single family, one is a 2 flat, some are on the market and others are in limbo. There are less restrictions imposed by this type of funding than NSP2 requires. Ms. Flax explained that the proposed area is east of the canal to Florence and south of Church and that this area had not been hit as hard with foreclosures at the time the NSP2 program started, but now it has been. The goal is to address the impact of these foreclosures. The Illinois Attorney General’s office is looking for communities that are contributing to remedying the home foreclosure problem. The City must commit the HOME funds by August and they must be spent within 6 months to acquire the property and get the rehab underway; the rehabs are estimated to take 6 months. Mr. Anthony added that City staff must do an environmental review of the property.

Ald. Holmes said she was glad for the explanation and looks forward to hearing about the purchase of single family homes.
Wally Bobkiewicz, City Manager, explained that there was a national lawsuit against many banks regarding foreclosures and the Illinois Attorney General’s office held their own application process for affordable housing projects. He said he hopes they get the grant.

Ald. Rainey said she is inclined to support it now that she has heard the explanation. She asked how involved the Illinois Attorney General’s office will be and whether they will oversee the project, to which Mr. Anthony replied that there is no oversight, just some reporting back to ensure the money was spent appropriately. He said he does not anticipate it will be a difficult process. Mr. Bobkiewicz said he will forward information about the grant to the Committee. Mr. Anthony said if they receive the requested grant from the City they will begin the acquisition and development the 2 rental units immediately.

Ald. Rainey asked that CPAH report back with their progress and whether they get the funding from the Illinois Attorney General’s office.

The Committee voted unanimously 5-0 to recommend approval of the forgivable HOME loan.

(P2) Ordinance 36-O-13 Amending the Zoning Ordinance to Rezone 1715 Church Street, 1703 Darrow Avenue and 1711 Darrow Avenue from I2 to MXE
The Plan Commission and City staff recommend approval of Ordinance 36-O-13, a map amendment to rezone the property commonly known as 1715 Church Street & 1703 Darrow Avenue (PIN 10-13-221-019) and 1711 Darrow Avenue (PIN 10-13-221-018) from the I2 General Industrial District to the MXE Mixed Use Employment District.
For Introduction

Ald. Rainey moved to recommend introduction, seconded by Ald. Wynne.

The Committee voted unanimously 5-0 to recommend the introduction of Ordinance 36-O-13.

(P3) Ordinance 37-O-13 Amending the Zoning Ordinance to Rezone 2153, 2143 & 2145 Ashland Avenue, 1515 & 1523 Payne Street, and 2150 & 2156 Green Bay Road from C2 to MXE
The Plan Commission and City staff recommend approval of Ordinance 37-O-13, a map amendment to rezone the properties commonly known as 2153 Ashland Avenue (PIN 10-12-416-006); 2143 & 2145 Ashland Avenue (PIN 10-12-416-008); 1523 Payne Street (PIN 10-12-416-009); 1515 Payne Street (PIN 10-12-416-010); 2150 Green Bay Road, (PIN 10-12-416-016 & 10-12-416-017); and 2156 Green Bay Road (PIN 10-12-416-011, 10-12-416-012, 10-12-416-018, 10-12-416-015) from the C2 Commercial District to the MXE Mixed Use Employment District.
For Introduction

The Committee voted unanimously 5-0 to recommend introduction of Ordinance 37-O-13.

(P4) Ordinance 53-O-13 Granting a Special Use for a Resale Establishment at 1104 Davis Street
The Zoning Board of Appeals and City staff recommend the adoption of Ordinance 53-O-13 granting a special use permit for a Resale Establishment for office furniture at 1104 Davis Street called *Not Fade Away*. The applicant has complied with all zoning requirements and meets all of the standards of a Special Use in this District.

For Introduction

Ald. Wilson moved to recommend introduction, seconded by Ald. Wynne.

Ald. Wilson said he has spoken with the applicant and he does not foresee any negative impact.

The Committee voted unanimously 5-0 to recommend the introduction of Ordinance 53-O-13.

(P5) Ordinance 50-O-13; Amending Various Portions of the City Code in order to Regulate Vacation Rentals as a Type of B&B Establishment
Staff requests consideration of Ordinance 50-O-13, which would regulate vacation rentals as a subset of B&B establishments. Consequently, any vacation rental could operate only pursuant to a Special Use permit issued by the City Council after recommendation from the ZBA. This ordinance was introduced at the May 13, 2013 City Council meeting and returned to Planning and Development Committee for further amendment.

For Action


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

Maureen O'Donnell of 2509 Ashland thanked the Committee for their efforts over the last seven months. She said permitting landlords to be offsite means they could rent for a year to various tenants without being on site and that is what caused the problems on Dobson. She said it is getting closer, but the holes in the ordinance need to be plugged.

Howard Handler of the North Shore Barrington Realtors Association thanked the Committee and said short term rentals have not been the concern and that the ordinance still casts too wide a net and doesn't allow people to rent for less than 29 days. The burden of applying, paying a fee, providing soap is too great. He said he appreciates the lease-back hardship clause but there is still too much left to discussion and it does not allow owners to use their property for mundane uses.

John Fell said he has a vacation rental and has great tenants and he bought his building because it is a rental building and now he will have to get a permit even though he lives in the building. He pointed out that some of the Committee members
use online vacation rental services and said the ordinance is too far-reaching, affecting people like himself unfairly.

Don Schollenburger said the ordinance looks at hardships but it is otherwise too vague. It needs more guidelines and should not be left to peoples’ judgment. He said it needs to be worked on more.

**Chair Fiske opened the discussion to the Committee.**

Ald. Wynne said there are two issues with the Ordinance, though it is significantly improved:
- The owner occupied point is valid; folks should have a phone number to call, so language should be added indicating there is a phone number posted so they don’t have to call the police when problems occur.
- She suggested a one time exemption, for example someone who is swapping with a family from Europe

Ald. Wilson agreed with the one time exemption and asked whether it will apply to existing properties already operating, to which Mr. Farrar explained that it will have an affect on any new rentals going forward or as of a clearly set date.

Ald. Wynne asked how it will affect the Ashland rental, to which Mr. Farrar replied that if they rent for a new period of time beginning after June 30th, it will apply; if a rental period is within the period before June 30th, it will not apply and the owner will have to apply for a special use permit.

Ald. Wilson suggested this should be explored further to be sure existing leases are included. Mr. Farrar replied that every rental period is a new rental period for this Ordinance.

Ald. Rainey asked whether the City would be considering a different system for the ZBA for this sort of thing since it takes a while to get a special use; a lot of people will flood the ZBA for appeals. Mr. Farrar replied that it will open the door and the ZBA docket will be full, and it will be challenging to handle. Ald. Rainey suggested forming a subcommittee of the ZBA just for vacation rentals.

Chair Fiske asked whether each individual rental block of time would require a special use to which Mr. Farrar replied that it would, and suggested a further out effective date so they can be reviewed on a rolling basis; if it starts 4 months from now it will enable the Committee to address the initial round of applications. Ald. Fiske suggested a special meeting of the ZBA for all special use applications. Ald. Rainey suggested viewing it like a sidewalk café; the first time it is approved by Council; if no complaints, they don’t have to come back for perhaps 3-4 years. She asked how it is a special use if people are required to come back because that is not how a special use works. Ald. Holmes said she is concerned about the unanswered questions and wondered how the City will know if they are not complying, just because there are no complaints. Ald. Wynne agreed with the idea of having a longer effective date such as 4 months from now. She asked where in the Ordinance
it says the use will be annual. Mr. Farrar said the sidewalk café ordinance could be adapted.

Mr. Bobkiewicz clarified that there are additions that need to be made to the Ordinance such as the requirement for the owner’s phone number to be posted, the one time exception and the effective date. Ald. Rainey also asked whether the special use would be recorded on the title.

Ald. Wynne moved to table the Ordinance to permit time for staff to make modifications to the proposed Ordinance including the one time exemption, the management’s phone number posted, the effective date to accommodate ZBA staff and a process similar to the sidewalk café regulations, seconded by Ald. Rainey.

The Committee voted unanimously 5-0 to table the item as moved.

IV. ITEMS FOR DISCUSSION

(PD1) Ordinance 54-O-13, Amending Subsections 6-4-1-14 and 6-18-3 Regarding Occupancy of Dwelling Units
Staff submits for discussion and possible referral to Plan Commission, Ordinance 54-O-13, upon request from Alderman Wilson.

For Discussion

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

Howard Handler, representing the North Shore Barrington Realtors’ Association (NSBAR) thanked the Committee for raising the topic to the P&D Committee level. He said NSBAR:

- Supports the idea that the occupancy standards should be the same regardless of whether occupants are blood related or not
- Asks that the Ordinance include that if it is a one time application, not annual, to allow up to 6 unrelated people in an R3 district or above
- Asks that for construction and modification of units to ensure they are done properly, to require that it only relates to the bedrooms
- Regarding the number of bedrooms in an R3 or above, asks that people can live more than 1 person in each bedroom and pointed out that four unrelated certainly can live in 2 bedrooms in R1 or R2 districts, but not in R3 or R4.
- Regarding Section 2A – Family, asks that the ordinance include civil unions and;
- Asks that Type B referring to people with unrelated children, to raise the amount to 3 from 2 unrelated persons. He cited an example of a married couple with 4 children and a French child living with them while the mom serves overseas would be allowed under current law, but an unmarried couple wouldn’t be allowed to live in the exact same situation under the proposed amendment.

Ald. Wilson said the purpose of the discussion is to refer suggestions to the Plan Commission for review and he wanted to focus more on the physical structure of the building than on the relationships, to be sure the building is constructed appropriately for its use, so if it has more than the intended amount of people, the
property owner would have to have certification that it is safe for its use. For example, if permits were not attained years ago when some work had been done, but it was properly inspected, they could attain certification.

Ald. Rainey moved to send the issue and the Ordinance to the Plan Commission for review and recommendations, seconded by Ald. Wilson.

The Committee voted unanimously to send the Ordinance 54-O-13 to the Plan Commission for review.

V. COMMUNICATIONS
There were no communications.

VI. ADJOURNMENT

Ald. Wilson moved to adjourn, seconded by Ald. Rainey.

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,
Bobbie Newman