SPECIAL
Planning & Development Committee
Minutes of January 20, 2004
6:00 p.m.
Evanston Civic Center – Room 2200

Alderman Present: S. Bernstein, J. Kent, A. Newman, E. Tisdahl, M. Wynne

Staff Present: J. Wolinski, A. Alterson, E. Szymanski, J. Brownlee

Others Present: Ald. E. Moran, S. Knutson,

Presiding Official: Alderman Newman

DECLARATION OF QUORUM

Alderman Newman declared a quorum and called the meeting to order at 6:10pm.

ITEM FOR DISCUSSION

Kendall College Redevelopment
Chairman Newman stated that the purpose of tonight's meeting was to facilitate communication between the developer and the neighbors concerning the rezoning and redevelopment of the current Kendall College Site. Alderman Tisdahl thanked both the developer and the neighbors for coming. She stated that if the current zoning for the property remains U1, the property could be resold for another educational use.

Alderman Bernstein asked if the administration building and the dormitories were contributing structures? Jeanne Lindwall responded that the administration Building and the four houses were all contributing structures to the National Register. The dormitories were non-contributing structures.

Chairman Newman then proceeded to ask the developer to begin. Mr. Robert Brono of Smithfield Properties LLC. Began by introducing the rest of the development team. Mr. John Malarkey, attorney, Mr. Keith Jacobs of Jacob's Homes, and Mr. Larry Booth of Booth Hansen Architects. Mr. Brono then began by stating that the issue is a simple fact; Development balanced against financial feasibility. Smithfield has developed single family homes, condominiums and townhouses. To be successful, the development must be financially feasible as well as fit in with the character of the neighborhood. The Kendall site is a unique piece of property. From what he had heard from the neighbors at previous meetings, there was a demand for single family housing. He suggested that Smithfield had crafted a development concept, with single family housing on the perimeter of the site, and townhouses on the interior. If the Administration Building was
to be retained, multi-family for it was the only option. Mr. Brono did not wish to elaborate on how many units in the Administration Building.

At this point, several neighbors in attendance complained that they thought Smithfield would be presenting plans for an R1 development. Alderman Bernstein responded that the Committee had given no such direction. He stated that tonight was to begin a dialogue between neighbors and Smithfield. He reviewed the problems that have occurred with the District #65 Development site at 1314 Ridge, and the lengthy process that is still on going.

In answering a question from the audience, Mr. Brono stated that Smithfield has purchased the Kendall site without any contingencies. Several audience members stated that a profit for Smithfield was not their concern, and perhaps Smithfield failed to do proper due diligence on the property before they purchased it. This was a neighborhood of single-family and they strongly urged that Smithfield propose a plan that only incorporated single family homes.

Mr. Brono continued his presentation by reiterating that their concept at this point was single family homes on the perimeter of three sides of the block, the Administration building be redeveloped into condominiums, and townhomes on the interior. The townhouses would be no taller than three stories, no taller than the existing dormitories, and would not be stacked, as previously proposed. He further stated that this plan would reduce the number of units from the 117 that he had presented at an earlier meeting. When questioned how many units, Mr. Brono stated perhaps the number would be sixty, but at this stage he did not want to be held to an exact number. When questioned how it would be possible to build townhouses on the interior of the site, Mr. Brono replied that the single-family home sites would have to be smaller than the usual R1 lot. He stated that the single-family homes would sell in the vicinity of $750,000.

Mr. Bono then introduced Keith Jacobs of Jacob Homes. Mr. Jacobs stated that the single-family homes would be of the high-end quality with masonry construction and non-vinyl siding. Jacob Homes have built homes all over the North Shore, including Highland Park, Lincolnwood and Buffalo Grove. He invited audience members to contact him for locations.

Discussion then ensued between audience members and Mr. Brono about the possibility of building only single family homes. Neighbors argued that homes in the neighborhood sold for well over one million dollars. Mr. Brono countered that to only develop single family homes on the Kendall site, Smithfield would have to sell homes between 1.9 to 2.3 million dollars. He felt the market could not support this.

Audience members reminded the Committee that the rezoning process had been going on since August, and they urged the Committee to approve the R1 rezoning. Discussions with the developer could continue, but the R1 rezoning needed to be acted upon now.
Chairman Newman stated that the time was now 7:30 PM., and the Committee needed to close this discussion and move on to other business. This item would continue on the Committee agenda to the January 26, 2004 meeting.

ITEMS FOR CONSIDERATION

Ordinance 112-O-03 – Zoning Ordinance Text Amendment

Ordinance 113-O-03 – Zoning Ordinance Map Amendment

Chairman Newman called on those signed up to speak first before closing to Committee discussion and conclusion of these items.

Mr. Fleck said that he is a resident of the 6th Ward for the last 20 years. He commented specifically on the issue of side yard setbacks. He feels that these amendments do not address that issue as it relates to the overall concern with density and bulk. He said the result of these changes will be narrow deep structures having a major impact on neighbors on either side of the property.

Mr. Larry McGill felt it important to inform the Committee that he still holds the position that the ordinance and the people in the 6th Ward behind it do not represent the entire 6th Ward. He requested that before Council takes action, there needs to be more information provided to the many residents in the 6th Ward who still do not fully understand what is going on and how it will really impact them. He said there is a need for more discussion and review of the consideration for the overlay district. He said if the majority of people on Thayer are in support of and want their street to come under the overlay district, then that should be acceptable. However, there are many streets that do not want or need to be under the overlay district. He reiterated that there needs to be a more in-depth review of which streets want to be under the overlay district and this would be a way of notifying and informing many people who still do not understand what is going on that will effect their property in the 6th Ward.

Ms. Renee Caprin mentioned that she wrote and article to the Editor that was read by many in her ward. She said that her family lives on Cowper Avenue where there are very small homes and if the new ordinance goes into effect, they will not be able to an addition they had planned to add a second floor and expand their living space to accommodate their growing family. She pointed out that the homes on Cowper Avenue are very different than from much of the homes in the 6th Ward; and they are not the only street that still has very small homes in this ward. Her husband pointed out that if you take the average height of the adjacent 4 houses in their block, all being small bungalows, this would effect their ability to build their second story at a decent height without going over the 25’ rule. He said that their proposed plans come to a maximum height of 31’, therefore this rule would seriously effect their plans. He noted that they are not asking to build a “McMansion” but a simple 1100 square foot 2-story addition.
Mr. Dave Olson stated that he is not in favor of the special overlay district for the 6th Ward. He feels that if they are going to change the zoning then it should be done citywide. He added that he sees no special reason for having this district in the 6th Ward and he does not feel that the pace of development has been very dramatic. He said at a past neighborhood meeting, it was pointed out that there are approximately 4000 houses in the 6th Ward and only 22 tear downs in the past 5 years. He is also in opposition to the proposed height changes and measuring from grade. He suggested that an alternative to this would be to craft it in such a way that grade is taken pre-construction so that there wouldn’t be any manipulation of the grade. With the change in height requirement, this will bring down the actual height of the houses down fairly considerably already. He feels that houses built on slope land must be taken into consideration because you can not fairly measure from grade.

Mr. Jeff Clark reiterated his comments made at a previous meeting that this is a 6th ward issue and is not just a Thayer Street issue. He feels the tear down issue is widely effecting the entire 6th Ward and will continue to multiply in this area because of the unique and diverse housing stock and value of property in this particular area of Evanston. He responded to the previous comments made regarding lack of knowledge an notification to many residents in the 6th Ward of this issue. He stated that this matter has been going on for a long period of time now and there has been plenty of opportunity and numerous public meetings and notice given to everyone in the 6th Ward if they were interested to take part in this process. He urged the Committee that it is now time to move on and conclude this matter.

Mr. Richard Stillerman said that he agrees with the comments and opinions that Mr. Olson has expressed tonight and at previous meetings. He said that philosophically that zoning should be on a citywide basis. He noted that there is R1 zoning throughout the City and he does not believe that this zoning district should be treated differently in the 6th Ward than any other ward throughout Evanston. He recalled that the Chairman of the Plan Commission said that the conservation district was proposed just for the 6th Ward because there wasn’t sufficient Council support for citywide restrictions of this kind. He said this may be true, however this does not mean it is good policy to do what the Plan Commission has recommended. Mr. Stillerman said that he has specific objections to some of the items in the proposed ordinance. He noted that he does not object to the citywide proposal for height measured from grade, however he does object to the lower restrictions on 6th Ward housing. He stated that the 6th ward is very diverse and opportunity should be available for the smaller homeowners to be able to build to the same height you can build in any other ward. For example, from grade up to 35’ a mean height. He said with regards to the side yard restrictions moving it to 50% of the width of the lot; he feels is discrimination against 6th Ward residents effecting their ability to build an adequate addition. He does not object to the regulations for impervious surfaces but would recommend a 50% limit instead of 45%. He does not object to the garage location regulations. In his opinion, Mr. Stillerman feels that the problem in the 6th ward and probably citywide, is the problem of bulk of some of the new housing construction. He realizes that in the Zoning Ordinance floor area ratio is abandoned in favor of using ground coverage, however this viewpoint has not worked. He concluded suggesting that
if you want to control bulk, it should be done through a floor area ratio, which would then control the size of the house that could be built on a particular lot. He supports this alternative and theory to control bulk. He believes having a conservation district will decrease the value of people’s property and allow more opportunity to improve properties and build in other wards. He reiterated that such zoning changes should be citywide and not restricted upon any certain ward or particular area; this type of zoning would be very detrimental to the property owners effected.

Mr. Marty Norkett informed that on Sunday he visited the Caprin’s house and had an opportunity to thank Mrs. Caprin for her letter to the Editor of the RoundTable. He further noted that the Caprin’s did not know about this meeting tonight and are here on 2 days notice by coincidence of his visit. He noted that at the Alderman’s meeting for the ward, approximately 20-25 people showed up, pointing this out as proof that there still may be many people in the 6th Ward who are unaware of what’s going on. He reiterated his concerns for the economic impact that such zoning changes will have on this area, especially if under an overlay district and the importance of having such a study conducted before Council makes any final decision. He stressed the Committee to consider having some type of thorough economic impact study done on the entire 6th Ward before voting on an overlay district in this area because there are factual circumstances that have been testified upon and obvious cases where all housing should not be restricted to the zoning in this proposed overlay district.

Mr. Jim Genden informed that he actually lives in the 7th Ward but his property is adjacent to the 6th Ward. He noted that he lives across the street from one of “poster child” properties that initiated the movement behind the 6th Ward moratorium and proposed zoning ordinance and map amendments. He agrees that it is a citywide problem but he supports his neighboring 6th Ward residents efforts to address the tear down issues and problems and desire to amend the zoning regulations to control the development of replacement trophy houses that is happening in this area. He supports the proposed zoning amendments to be considered citywide because assuredly the concern for bulk and over-building effects new development throughout the City.

Mr. Jeff Wilson presented the Committee with 45 more additional signature to the petition he presented at the previous meeting. He noted that the area they covered is very broad based and it appears that most residents were very knowledgeable of these proposed ordinances and changes effecting the 6th Ward. Although he agrees many residents in the 6th Ward need to know more about this, it is obvious that there are a large number of residents who are and he noted that there is very accessible means available in place to make notice and awareness to anyone in the 6th Ward. He also believes the zoning changes proposed are a citywide concern and would support that effort, however he strongly believes the emergency exists in the 6th Ward and needs to be addressed right now.

Ms. Carol Karlson said that she lives in the 7th Ward and said that she is here to express her concerns for the same situation resulting in her ward that is happening in the 6th Ward. She agrees with the opinions stated that it is a citywide concern and not just for
the 6th Ward. IF the proposed overlay district is approved for the 6th Ward, these teardown problems will surely spill over into the 7th Ward and throughout the rest of Evanston. She feels what is good for the 6th ward is good for the entire City. She supports citywide zoning and urges the Committee to consider this in their final deliberations.

Chairman Newman ended citizen comments moving into Committee discussion and review. Ald. Tisdahl recalled that at the last meeting she proposed that 3 of the zoning amendments be considered citywide, specifically the height measured from grade, the impervious surface percentage and the garage frontage restriction. Chairman Newman acknowledged Ald. Tisdahl’s recommendation and requested the Committee to address each point one at a time. He pointed out the first part of the ordinance was to do the height from grade. He said there were some suggested changes to this regarding non-conforming properties, which staff has not had an opportunity to make these changes. Mr. Altersen pointed out that there is a memorandum from staff to the Committee on this matter in their packet. He asked the Committee for any discussion. Ald. Bernstein asked Mr. Knutson for response to his concerns for over-development of any lot throughout Evanston, where it concerns bulk requirements. From previous comments made, he asked about the consideration for FAR and if this is an accurate means of measuring bulk. Mr. Knutson replied that the Zoning Committee did consider FAR and did not include it because the lot coverage system that Evanston uses is particular user friendly. HE said that many communities do use the FAR system and it is very involved in its configurations for lot coverage and height. Therefore, it makes applying for this very problematic because Evanston’s building permit application is too tedious. Currently in Winnetka it is more lenient and clients typically pay approximately $2,500 for the FAR review. When considering FAR in Evanston it would be even more tedious and require additional cost. He said in his experience, he believes that having height and lot coverage will get us to the same place and be very user friendly.

Chairman Newman referred to the recommendation on the building height essentially to change our ordinance in all the R districts to measure height from grade. Therefore, he pointed out the porches where the building would get additional feet above the allowable 35’, that this exception would be eliminated. Mr. Wolinski responded that the Committee requested previously to staff to find out what that impact would be with regards to porches. He informed that staff did an analysis of ½ dozen homes that staff still had drawings of that had been built recently and also did drive-by assessment of the property and estimated anywhere from 3-4’ of height has been a bonus by the way it has been measured in the past. Therefore he supports that if you measure from grade that many of the new development houses would have been required to be 3-4 feet lower in height than what exists if this proposed zoning amendment were in effect.

Ald. Bernstein acknowledged Mr. Olson’s previous concern with properties that are on sloped land and whether they should have some forgiveness as well as existing properties so that they could take advantage of the foundation grade. He even used his business property as an example that is 6’ up from grade and that it is realistic for many properties throughout Evanston. He insists that there has to be some consideration for such
properties, especially for existing properties and expansion of non-conforming properties. Measuring from grade as it is recommended in the proposal is not fair to many properties that are on sloped land. The Committee discussed this concern. Mr. Wolinski suggested to the Committee that he would recommend they consider measuring from the foundation grade for additions to existing properties only as opposed to new construction. He acknowledged Mr. Olson’s concerns and his respect as a developer, however in his opinion, a developer of new construction has the ability to work with the grade and level of the land once they tear a house down or dig out the basement. He said he would like to avoid having any situations where there is any argument with neighbors regarding the construction of new housing when it comes to the reasonable ability to measure from a required point versus existing property on sloped land where the foundation is not being changed. Mr. Alterson added that he is hesitant to adding anything in this ordinance that is going to make it cumbersome to figure out what the actual height that is allowable on any given property.

The Committee members agreed with Mr. Wolinski’s suggestion. Chairman Newman moved to amend the recommendation to 35’ height from grade, citywide, and in the case of additions you can measure from the existing foundation of the house. Ald. Tisdahl seconded the motion and the vote was 5-0 in favor.

Chairman Newman moved on to the proposal that in the overlay district that garages have to be in the back off the alley if so possible. Chairman Newman moved to make this proposal applicable to all R1 districts citywide. Ald. Tisdahl seconded the motion and the vote was 5-0 in favor. Chairman Newman suggested that consideration be given to expanding this to R2 and R3 districts. In addition, he requested staff comment on having this requirement in R4 and R5 as well. Chairman Newman amended his motion to add the addition of R2 and R3, citywide, seconded by Ald. Bernstein. The vote was 5-0 in favor of the motion. Mr. Alterson asked for clarification with regards to the garage setback. He noted that the appropriation that is in the draft is for where there is no alley, that the door widths can not be any wider than 12’ between front of the building and 3’ back from the front of the building. He asked if the Committee still wants this in the ordinance. He noted there is no limitation in the current Zoning Ordinance. Chairman Newman stated that he does not want to put any further limitations that aren’t currently in R1. He asked the Committee if they have any objections to this. Ald. Bernstein questioned if this effects lack of parking in the front yard. Mr. Alterson responded that this would make for a longer driveway and would still allow parking in a driveway leading to a legal parking space. He reiterated that in the current Zoning Ordinance there is no limitation on where you put the garage door for an attached garage. The Zoning Ordinance currently allows for what it calls temporary parking on a legally existing driveway, therefore in this case would allow for front yard parking in that driveway. Mr. Wolinski asked Mr. Alterson if they have a notification issue since they are taking this citywide with the garage issue if it effects the impervious surface limitation. Mr. Alterson replied that he does not think so because there was nothing specifically in the notice that much like the mean building height has changed across the board. He said there is nothing specifically in the notice that addressed any of the devices for restricting how much some one can build. Chairman Newman resolved that
staff can address the notice issue as it relates to specific issues that are passed by the Committee and adopted by Council.

Chairman Newman moved on to the lot coverage issue. He asked staff if they had the opportunity to look at other communities and how they are addressing this issue. Mr. Alterson responded that through this process Zoning staff has looked at a dozen other communities. He pointed out that it is very difficult to compare across the board because you are looking at other communities that don’t necessarily have what would be a typical lot size. Nevertheless, he believes that they are in close proximity with coverages with impervious surface maximum that the Committee came up with. He noted this to be 15% more than the building lot coverage; 45% for R1, 55% for R2, etc. With no further discussion Ald. Tisdahl moved that the impervious surface change be citywide at the percentages presented by staff. Chairman Newman recalled the handout given to the Committee previously that listed lot coverage’s and asked if the Zoning Committee or staff was able to go back and translate this into how those lots would be effected with the proposed zoning amendment. Mr. Alterson called attention to the correspondence forwarded to the Committee by the Plan Commission dated October 14th. He noted that this is an analysis of one block on Cowper as near as staff can come as to what our existing building lot coverage is and what is the existing amount of impervious surface above and beyond lot coverage. Chairman Newman repeated Ald. Tisdahl’s motion and seconded the motion. The vote was 5-0 in favor of the motion.

OVERLAY DISTRICT DISCUSSION
Chairman Newman moved to eliminate from the Overlay District the 7.5% side yard requirement, seconded by Ald. Bernstein.

Chairman Newman noted that his understanding of this is a 50’ lot would not be able to exceed a 35’ wide house. He feels this is too narrow and unreasonable. Ald. Tisdahl agreed as well as the other Committee members. The vote was 5-0 in favor of the motion.

Chairman Newman moved on to addressing the matter of creating the overlay district. Chairman Newman moved that they create a conservation district without consideration of mapping, that included the 1.2 height and all other amendments, as an overlay district that can be mapped anywhere in Evanston at this point. Ald. Bernstein seconded the motion for discussion only. Chairman Newman explained that he want the option of creating this district not limited to the 6th Ward with consideration of other areas in the City as so desired based upon need. He elaborated that this would allow the option for any block throughout Evanston to be considered for the restrictions under such an overlay district. He strongly feels there are several streets and blocks within the 6th Ward that do not want or need to be under the overlay district as proposed. This case has been testified by several homeowners in the 6th Ward and appears factual especially for the smaller size and height houses. Furthermore, in consideration of the entire City, there are R districts throughout that should be considered to be under the overlay district. Ald. Tisdahl questioned for clarification, that this overlay district contains the 1.2 provision on height and non-binding appearance review by a
conservation board for the overlay district. Chairman Newman verified that to be correct and would be included with the amendments with the exception of the 7.5 side yard requirement. He elaborated further on his concept that he envisions a block coming in with a petition of hypothetically 75% support to be under the zoning restrictions of the overlay district. This option should apply to all R1 districts of Evanston and not be limited to one Ward or specific area. He noted that this still gives the option to any block in the 6th Ward to immediately be considered under the overlay district. He strongly feels that there should be a consensus or majority of the entire 6th Ward to accept being under an overlay district and that is not apparent here.

Ald. Tisdahl stated that she is not willing to do this for two reasons. First, she believes that even if 75% of a block is in favor of this, it limits the other from not being able to build a reasonable addition to their home if so desired and creates limitations. Secondly, she feels it would be very confusing to have different zoning block by block in Evanston. She also does not support the 1.2 height provision. Chairman Newman asked Mr. Wolinski if it is possible to do a block by block analysis and zoning from a city staff likelihood. Mr. Wolinski responded that if it is the will of the Council, staff could come up with a formula similar to what they do with front yard fences.

Ald. Kent stated that if he had to vote on this issue tonight regarding the overlay district, he would have to support this amendment. In his mind, from listening to all the citizen comments over the past meetings and tonight, this problem and concerns have been told to us by people in the 6th Ward, if you have an R1 district in your area and this would give them the possibility of not starting over and recreating the wheel. He said it is their opportunity to jumping on something that has already been created and it is an effort to try and relieve the burden in this particular area. He likes this aspect of it because it is an attempt to immediately address an emergency situation in their area, which he can relate to the efforts of the people in the 6th Ward because of the efforts made by himself and other residents in the 5th Ward during their moratorium. He said the problem of teardowns in the 6th Ward he considers an emergency to get a handle on before the problem becomes any worse. He said when you talk about addressing specific issues citywide, that is relevant however certain areas are being targeted for existing problems that must be addressed immediately. This is why he supports the idea of putting such issues in the hands of residents in the ward that are effected and concerned with their neighborhood. He is concerned with those residents that may not be fully aware of what is going on but he also agrees that this matter has been going on for some time now and ample time and notification has been given to allow for any concerned or interested resident to take part in the process. He said by the same token, if there for teardowns in the 6th ward now, he feels the same concerns for teardowns and control of zoning requirements for new construction should be considered for the entire City. However, the point is he feels the Committee should address the 6th Ward issues because that is what is before them at this time and the other wards will have the same opportunity to bring these concerns forward if they are effecting their areas as well.

Ald. Moran made comments addressing the 6th Ward overlay district versus citywide. He agrees with citywide but stressed that this effort is being made at this time by the 6th
Ward residents and their immediate attempts to solve some of the problems with over-development of property that exists. He also recommended that 27' height be considered rather than the 25' proposal.

Mr. Knutson questioned that if they were to do zoning block by block, what is the percentage needed today for passage of alley improvement and speed bumps. The response was 51% for street improvements and 75% for alley. Discussion continued on this concept. After discussion, Chairman Newman reiterated his motion and asked for a vote count. His vote was aye, Ald. Tisdahl was nay and Ald’s. Bernstein and Kent were still undecided. More discussion took place and the Committee asked for Mr. Knutson’s opinion. He answered that it is good zoning grammar to have a clear set of rules either for all of Evanston or for specific defined areas. He feels this way makes for a clear and understanding set of rules.

Ald. Bernstein asked when the 6th Ward moratorium expires. Mr. Wolinski responded the expiration date is February 14, 2004. Ald. Bernstein recommended that consideration be given to holding these items in Committee and extending the moratorium possibly 60 days to give time to address the overlay district matter and whether it is feasible to do block by block and probably an economic analysis on the effects of certain blocks with smaller homes that would be drastically limited by the proposed amendments. The consensus of the Committee was in favor of this suggestion. Chairman Newman removed his motion and requested staff to prepare an ordinance extending the moratorium for an additional 60 days to be put on the agenda for next week's meeting on January 26th. He further requested that staff put these items back on the agenda for the first meeting in February on the 9th.

ADJOURNMENT

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

[Signature]

Jacqueline E. Brownlee