Planning & Development Committee  
Minutes of December 15, 2003  
Room 2403 – 6:00 p.m.  
Evanston Civic Center

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

Alderman Absent: S. Bernstein

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

Others Present: Ald. E. Moran

Presiding Official: Alderman Newman

DECLARATION OF QUORUM

Chairman Newman called the meeting to order at 6:13 p.m.

APPROVALS OF THE MINUTES OF THE MEETING OF NOVEMBER 24, 2003

Ald. Wynne moved approval of the November 24th minutes, seconded by Ald. Tisdahl. Mr. Wolinski informed the Committee of a correction on page 12, last paragraph, where it reads: 1-2 family dwellings should be included for review under Binding Appearance Review. He corrected that it should read “should not be” is what was intended to be. This correction was accepted by the Committee and included in the motion. The vote was 4-0 in favor of approval of the minutes as corrected.

ITEMS FOR CONSIDERATION

(P3) Ordinance 112-O-03 – Zoning Ordinance Text Amendment

(P4) Ordinance 113-O-03 – Zoning Ordinance Map Amendment
Chairman Newman acknowledged the number of citizens in attendance for the items regarding the 6th ward zoning amendments and made the decision to address these matters first. He informed that the Committee would be able to spend no more than one hour on this item in consideration of the other items listed on their agenda. He noted that the moratorium that has been in effect for approximately 180 days and the extension that was introduced at the last Council meeting. He further noted that this matter has already been before this Committee, however if any citizens want to make comment about the moratorium this evening the Committee welcomes any testimony. He requested that anyone making testimony regarding the moratorium inform the Committee for the record to identify whether they had notice of the last meeting or not. In addition to the moratorium, he acknowledged the proposed zoning changes and proposed overlay district
for the 6th Ward. Chairman Newman further acknowledged the attendance of Plan Commission Chair, Larry Widmayer, who is available to call on for questions and comments by the Committee and citizens as well. He called on those signed up in the order signed.

Mr. Marty Norkett, 2430 Ridgeway, informed of his past history and experience as a Plan Commissioner and commended Mr. Widmayer and all the other members of the Plan Commission on their continuous hard work. In his opinion, the key thing that is missing with this, is that there is no economic impact study; no statistics or feedback on how these proposed zoning changes will economically effect the City or the residents. He confidently feels this study should be done and request that Council and City staff take this into consideration before any final decision on the proposed zoning amendments. Chairman Newman asked if he only referring to the 6th Ward or for the entire City. Mr. Norkett is in favor of a citywide study, however with this being a 6th ward matter initially; the study should be done in this ward first. Regardless, he reiterated that such a study should be done immediately thereafter of the entire City especially if the proposed amendment to definition of building height is considered citywide.

Mr. Craig Walker, 2418 Payne, said that he lives directly on the borderline of the 6th Ward. He noted in answer to Chairman Newman’s interest in notification of the previous meeting that he only learned of the overlay proposals right before the last Plan Commission meeting. Once notified, he did attend the meeting but is disappointed that he was not aware of the previous meetings because he would have attended those also. He said that based on what he heard at the Plan Commission meeting he attended, he suspects that he may be somewhat of a lone voice here because he does have some objections to the proposed amendments. Mr. Walker stated that he grew up in Evanston and in his opinion, the architectural variety of the city is one of the things that make it so unique. He feels that you can not legislate “good taste”, which in his opinion this has a lot of drive for this proposal. He feels that no ordinance should stiffer building and construction enhancement because it is evolution. However, he does agree with conducting an economic impact study to support appropriate tear down replacement construction in view of how it effects the other properties around it. He said the value of the tear down structure should be taken into consideration and how that property was effecting the value of the neighborhood in its existing state.

Ms. Carol Rogulski, builder and realtor of Signature Properties of Illinois. Ms. Rogulski seconded Mr. Walkers comments and from first hand experience she can tell about the negative economic impact of the proposed zoning amendments as they relate to the demolition of blight structure with replacement of new appropriate housing development. She told her story and experience of purchasing a property in the 6th Ward back in April 2003 at 2719 Payne. She noted that the block is filled with beautiful english country/georgian style homes. As she mentioned previously, the existing structure on this lot was substandard to the location, set back extremely far on the property, and totally in non-compliance of any type of current standards. Ms. Rogulski informed the actual value was in the vicinity of low $200,000 but she paid $450,000 for the property because of the value of the land and location for rebuilding. When she purchased the
property she had no ideal the moratorium was coming and the restrictions involved. By the time she found out, she had already closed on the property and invested $25,000 in earnest money. Ms. Rogulski noted that it is costing her $1,700 per month over the last 6 months since the moratorium, in addition to the property taxes with no option to sell the property in the interim. She concluded that she has experienced extreme financial hardship due to the moratorium time constraint and because of the proposed zoning amendments, she is further burdened on the redeveloping the property or even sale of the property in its current state.

Ms. Rogulski expressed her opposition to having an overlay district in the 6th Ward specifically because it mandates what can be developed in a specified area of the City where property is very valuable and economically rich. This specific area should not be excluded from being able to build the type of house desired. She stated her disinterest in doing anymore business in Evanston because of her negative experience and the politics involved. She reiterated that the house she proposed to demolish was in non-compliance and not worth rehabbing up to standards of any current codes. Tear down and redevelopment construction was the only option. Chairman Newman asked Ms. Rogulski to elaborate on the cost of rehab of the property. She responded that any possibilities of rehab to the property was not logical economically to bring into compliance up to any current standards. She presented photos to the Committee as proof of the current condition of the existing structure. Ms. Rogulski informed the Committee that she received no notice of the meeting on November 24th regarding the extension of the moratorium. Ald. Kent questioned the final purchase price of this property being $450,000 and asked what the expected sale price of her property after new construction if she were able to build the house as planned. Ms. Rogulski responded that the expected sale price was in the proximity of $1,250,000.

Mr. Larry Magill, 2744 Lincolnwood, said that he has lived in Evanston for 7 years. He signed a contract to purchase a house in the area in April and has been held up for building since the moratorium. He has been carrying the cost for over 180 days now and has become a heavy financial burden on him. He informed the Committee that he never received any pre-warning notice of the moratorium coming. He expressed his strong opposition for the moratorium and opposition for the proposed amendments and overlay district. He said everyone should be entitled to equal protection and subject to the same zoning requirements throughout any community. He said that it would seem to be a constitutional challenge that could be appropriate with regards to this overlay district. He informed the Committee that he has purchased the lot for $450,000 and would like to build something appropriately as he planned originally. He responded from question, that the existing house could not be rehabbed in its current state.

Chairman Newman pointed out that he would have to agree with Mr. Norkett's view on the unawareness of the impact this moratorium would have on the area and how these proposed zoning changes will economically effect many property owners. Ald. Kent said he struggles with the reality and thought of how much people are saying they are paying for these properties to tear down only to rebuild something in value multiple times that amount. He is particularly amazed at the idea of what some consider a "shack" in this
area that is still estimated at a value of $200,000. He said that this is proof of how zoning
effects all areas of Evanston in different ways, but similar in the fact that over-
development of any property can negatively effect the surrounding neighboring
properties. Chairman Newman called attention to the photos included in the packet of the
most recent new construction single-family houses built. He noted that Mr. McGill’s
house is right next to two of these new development houses. He requested to staff that he
would like to see a contrast study of how the proposed zoning changes will effect what
Mr. McGill wants to build in comparison to what he would be able to build if the
proposed zoning changes were in effect. This contrast comparison would be helpful for
the Committee’s review. Mr. Wolinski noted that the photographed houses provided
were from 1997-2003 and consist of ____ houses, a few are outside of the 6th Ward.

Mr. Richard Stillerman said that he is a long time resident of Evanston and has been
involved in building houses in Evanston over the past 25 years. He expressed his
opposition to the overlay district proposal and disagrees with having any overlay districts
because he feels this to be an unreasonable alternative in resolving any zoning issues. He
also feels it is bad government and zoning policy whenever moratoriums are put in effect.
He agrees with the philosophy that zoning requirements and any amendments should
effect all districts citywide, keeping a community uniform under the same zoning laws.
Mr. Stillerman supports the amendment of measuring height from grade and being a
requirement citywide because he feels it is a reasonable solution in controlling the height
issue and impact of mass over adjacent structures. He said this is also helps keep
compatibility within the neighborhood. He said that the 45% building lot coverage is
reasonable although 50% is allowed in Winnetka. He said consideration of the lot size is
important too, therefore the 45% allowance should be adequate and fair. He questioned
the proposed zoning amendments for garages because in some cases circumstantial
provisions must be looked at, however the intent here is aesthetically understandable. In
conclusion, Mr. Stillerman feels that there are many issues that need to be reconsidered in
this ordinance due to the negative effects overall they can do. He reiterated that
moratoriums of this nature and suggestions of proposing overlay districts is bad public
policy.

Ms. Carolyn Smith, Realtor. Ms. Smith said that she agrees with the comments made
previously suggesting that an economic impact study should be done on how these
zoning amendments could effect residents and the City as a whole. She feels that
adequate consideration has not been given to all the pitfalls and consequences this
ordinance will actually do to potential new buyers interested in this area who are very
adamant in their choice of location to live in Evanston. Also, there is concern on how
this will ultimately effect the property worth and potential value in selling for the existing
property owner in this Ward. Her professional opinion is that any such negative effects
can erode the tax base and diminish property values for many long-term property owners
of the smaller homes and lots of which many are in a non-conforming status and not
worth rehabbing. She pointed out that many of these home owners she is referring to are
now senior citizens who have owned their properties for long period of time and could
benefit from tear down sales. On the other hand, many of these smaller homes are owned
by young families who bought their house as a starter home with the intent to build a
major addition or totally rebuild a new house because they desire to stay in this prime location to raise their families. Ms. Smith said that it is very important to make any potential buyers aware of this ordinance and restrictions before purchase and she assured that the proposed amendments would sway many from wanting to pursue ownership upon knowledge of the limitations that would be effected by this ordinance. She described houses that could be built with this proposed ordinance if it were in effect, pointing out the restrictions for major additions and new construction.

Mr. Jeff Clark, 2815 Hartzell stated that the teardown situation has become an epidemic in the NorthShore communities and the 6th Ward in particular in Evanston. He pointed out several properties within the 6th Ward as a reference and gave a sense of scale and proportion that the "monster" replacement houses have impacted over their adjacent neighboring houses. He has no opposition in making some of these zoning amendments proposed city-wide however this moratorium for the 6th Ward is just that, to deal with the impact of the tear down/rebuilding problem that has already taken effect in this area. He said this is why the Ward Alderman and many residents have work hard with the Plan Comission to stop this intrusion of over-building in the 6th Ward at this time and want the overlay district here to take effect immediately. Chairman Newman asked Mr. Clark's opinion if he feels the surrounding houses adjacent to the larger new single-family construction are suffering property value loss due to the impact in mass. Mr. Clark responded that to his knowledge no one has actually loss any property value, however compatibility issues are just as important and many properties tax base will be affected by new construction.

Ms. Suzanne Cooney, Realtor said that she appreciates the diversity that Evanston offers, especially in the 6th ward that so many people young and old are interested in and express a desire to live. She supports the rights of any property owner to be able to build and develop their property in keeping with land values in the area and prosperity. She also feels zoning requirements and laws should support this new development for the public good. She strongly is of this opinion for the 6th Ward and that this area particularly should have the right to build as any other ward or area in Evanston. She supports the philosophy that all zoning laws and requirements should be effective citywide and opposes the idea of overlay districts in any community.

Nancy Traver, 2617 Thayer said that she speaks on behalf of several of her neighbors who were unable to be here tonight and their full support for the proposed zoning amendments and overlay district for the 6th Ward. She feels that the smaller existing homes on Thayer have been significantly negatively impacted by the teardowns and replacement trophy houses on their street and that the new construction has effected their property values in contrast to the opinions stated previously by realtors. She supports the height restriction by measuring from grade because the height issue is of major concern to many neighbors as well as the mass impact and bulk allowance on a property. She pointed several circumstances and problems with one of the trophy houses built on Thayer. She stressed the major problem is there is just too much bulk allowance on these properties and the houses are not in conformity with the existing houses. She does not understand why our zoning would allow such massive impact of another structure in a
neighborhood of pretty much uniform size houses. Chairman Newman asked her opinion about the stone building material used on one of the houses. Ms. Traver responded that the aesthetics are her least concern in comparison to her main concern with the problems with bulk and height as its effects the neighboring properties negatively. This impact can not be changed versus the outer appearance and materials that could constantly change over the years.

Mr. Jeff Wilson, 2611 Thayer said first of all that he would like to respond to Ald. Newman’s request for knowledge on notice of the meeting on November 24th regarding the moratorium extension. He assured that he was notified and fully aware of that meeting as well as all other previous meetings held since the moratorium became in effect. He said that this information was public notice in the paper and constantly updated on the City Web site. Mr. Wilson sympathized with anyone who was caught up in the process when the moratorium was presented, however in this situation someone is always going to be effected and it is unfortunate but unavoidable. He commended the Zoning Committee of the Plan Commission for all their hard work and tremendous job they have done on this matter. He also thanked Ald. Moran as well for his time, hard work and drive that he has put forth for his constituents and this cause in his diligent efforts to push this matter along. Mr. Wilson stated that the effect on Thayer Street is a lost cause at this point because the damage has been done. However, it is an evident problem primarily in the 6th Ward of the tear down situation and its effect throughout this area that is of immediate concern to address during this moratorium period. He noted his full endorsement of these proposed zoning amendments as well as the overlay district. He stated his concern for all of Evanston and would extend his support for city wide zoning as recommended for the 6th Ward overlay district, however, he reiterated this is a major 6th Ward concern and effort put forth at this time. If this proposed overlay district works in the 6th Ward, then the same concept can be used for other areas of Evanston as needed. He noted that 3 applications for building permits slipped through during the request period for extension of the moratorium and he urged the Committees support and expeditious review to conclude this matter.

Ms. Benge, 2422 Hastings – noted that this tear down issue has immediately effected a 9-block radius within the 6th Ward. She expressed her support for the overlay district because of the evident problem in the 6th Ward in comparison to all other areas of Evanston. She urged the Committee’s support and extension of the moratorium to conclude this matter.

Mr. Robbie Lipton informed the Committee and to the residents who spoke that live on Thayer, that he is a buyer of one of the properties on Thayer and plans to be a future neighbor. He noted that he was caught in the process after purchasing his property right before the moratorium took effect. He described his plans for the tear down of the existing non-conforming structure on his lot and the proposed plans to rebuild a new house that was not in the category of the “monster” trophy houses, but a proposed plan that was within the building height requirement proposed. He did however run into a problem with the build requirement that halted his proceedings with the building permit process due to the moratorium. He assured that even though they were minor, it has
stifled his progress to move forward with his construction plans. He made aware the financial burden he has endured since the moratorium because of this. He urged the Committee to proceed as expeditiously as possible so that he can proceed with his plans.

After conclusion of citizen comments on this matter, the Committee discussed their position and opinions on how to proceed at this point for ample time to review, discuss and conclude this matter within the requested moratorium extension time. The consensus of the Committee was to hold a special meeting on the agreed date of January 6th, 2004 to address this matter.

(P1) Housing Rehabilitation Guidelines
This item was held in Committee until the January 12th meeting.

(P2) Ordinance 111-O-03 – Special Use for 3330 Central (Type 2 Restaurant w/a Drive-Through Facility)
Chairman Newman asked for any objectors to this request – none being present. It was recalled that Starbucks withdrew their application previously in the year and decided to re-apply after consideration.

Chairman Newman moved approval, seconded by Ald. Wynne. It was noted that the adjoining neighbor to the east of this property had objections and concerns. The neighboring property owner testified that his concerns have been addressed satisfactorily and he now has no objection. Ald. Tisdahl brought attention to the concerns expressed by the private nursery school, Barbereux School, and asked if their concerns have been addressed as well. Representatives from Starbucks responded that they have been in contact with the school administrators and have eased their concerns as well. With the school catering to nursery age children, the likelihood of having any heavy children pedestrian traffic is very minimal nor will children this age ever been unaccompanied or supervised at all times. Chairman Newman moved to incorporate the agreement made with the neighbor to the east as a condition in this ordinance. Ald. Wynne seconded the motion and the vote was 4-0 in favor.

(P5) Ordinance 110-O-03 – Vacant and Boarded Building Ordinance
There was a consensus of the Committee that expert public testimony would be valuable and needed on public nuisance issues from the Police Department, as well as neighbors who have specifically been involved or witnessed incidents of public nuisance nature. Also any other relevant testimony from expert opinions on property appraisals and impacts on neighboring properties within the problem areas, etc. Legal staff would not be available for the first meeting in January so it was decided to put this item on the agenda for the second meeting in January. Chairman Newman suggested that the first ½ hour of the meeting be given to this matter depending upon any pending matters that might require the Committee’s attention first.

ITEMS FOR DISCUSSION
(PD1) Plan Commission Recommendation: Rezoning of Kendall College

Mr. Tom Gemmell, 720 Colfax, handed a petition to the Committee signed by people in support to have the property rezoned to R1. He also noted the large support in their neighborhood on the interest in saving the historic administrative building.

Ms. Ruth Ann DeWolfe expressed her support to have this property zoned R1 which she feels will maintain the character of the neighborhood. She noted that their neighborhood is a very tight and age diverse community and the clear majority also support the R1 rezoning.

Doug Alverson, 805 Colfax recalled Ald. Bernstein’s comment referring to questioning waiting on the rezoning issue for the developer’s presentation. The rezoning of the property is on the table now and for consideration before the Committee and should be addressed first.

Ms. Barbara Janes, 802 Colfax stressed that there is no deception amongst the residents—all are in agreement and support of rezoning the Kendall property to R1 zoning.

Nick Agnew, 819 Colfax also expressed his support for the R1 zoning for the Kendall property.

Judy Rosenbaum, 815 Colfax also expressed her support for the R1 zoning for the Kendall property.

Jean Lindwahls, 625 Library said that this property is similar to the District 65 property and the unique use. Discussion followed on “unique use” and what this category is actually defined as.

Ms. Judy Fiske feels that it would be more appropriate to have detached single family housing on this property with no more than 3 thoroughfares. With the administrative building – it is understandable that this building was not meant for residential, however there is the possibility of gutting and converting to condominiums. She questions how this will all work together with respect to the single-family houses.

Mr. Bernard Citron, Attorney for Smithfield assured on behalf of his client that their intentions from the beginning were to have single-family housing on this property. He said there was some anticipate for possible townhouse development as well, but this is still all negotiable and no plan has been set in stone. He said with regards to the Administration Building aspects make this a hard job for rehabilitation since the building was never intended for any type of residential use. Again, he assured that no proposed development sketches are available for presentation this evening.

Mr. Gemmell and Mr. Agnew recalled a letter from Smithfield dated November 7, 2003 stating their plans for townhouse development on this property and believe that these are the “real” plans the developer has in mind for the Kendall property. They urged the
Committee to address and take care of the rezoning issue now. Mr. Citron explained that that letter was only a development concept and idea for the property, nothing was concrete of final by that letter. He did admit that their original intent was to have some townhouse development. Chairman Newman proposed a solution to solving the neighbors concerns by having the Developer meet with them before the next P&D meeting to address their concerns, have questions answered, and an opportunity for the developer discuss optional plans for the property. The developer agreed to scheduling this meeting with the neighbors. Chairman Newman moved to direct staff to draft an ordinance for the rezoning of the Kendall College property to R1, seconded by Ald. Tisdahl. The vote was 4-0 in favor of the motion. Ald. Wynne requested a memo from staff regarding "unique use and zoning"; she feels more explanation on this concept is needed.

(PD2) Ordinance 109-O-03 – Apartment Rental Licensing
Chairman Newman suggested bringing the matter of having the same number of landlords/property owners as tenants on the Housing Commission before the Rules Committee. He suggested the same be rule be considered for the Human Relations Commission as well.

ADJOURNMENT

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

[Signature]

Jacqueline E. Brownlee