Planning & Development Committee
Minutes of March 22, 2004
Room 2403 – 7:00 p.m.
Evanston Civic Center

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

Staff Present: J. Wolinski, A. Alterson, V. Jones, D. Marino, D. Spicuzza, E. Szymanski, J. Brownlee

Presiding Official: Alderman Kent

DECLARATION OF QUORUM
Chairman Kent called the meeting to order at 7:12 p.m.

APPROVAL OF THE MINUTES OF THE MARCH 8, 2004 MEETING
Ald. Wynne moved approval of the March 8th minutes, seconded by Ald. Tisdahl. The minutes were approved 5-0.

ITEMS FOR CONSIDERATION
(P1) Request for HOME Funds from Econ Housing Group
Chairman Kent acknowledged Mr. Neil Davidson and asked for a brief explanation of his request. Mr. Davidson gave a brief history and overview of his project. He request the City’s assistance to pave the alley from Darrow to Dodge and has obtained all the signatures from the homeowners adjacent to this alley for a special assessment. Chairman Kent asked for more explanation on the amount of funds requested originally and the difference submitted being much less. Mr. Davidson explained that part of the reduction is the cost of the alley and some reduction in the construction. He noted the original budget was for four units and the project is now down to three units and also some of the square footage has been reduced. He further noted that another change from the original plan was to add an extra parking spot per unit. Chairman Kent asked for staff input. Mr. Wolinski added that he and Mr. Davidson discussed this at length when he first came in with this concept. Mr. Davidson then when before the Zoning Board of Appeals asking for four units, the property is zoned for two, and the compromise was to allow for three units. He along with Ms. Spicuzza and Mr. Marino have worked extensively with Mr. Davidson trying to get the amount of subsidy down. He noted that part of the problem is the land cost in this case, which is $143,000 for the lot, and Mr. Davidson handled the negotiations and was unable to get the owner of the property to reduce this cost. He said that they are looking at approximately $97,000 subsidy per unit, noting that this amount is much higher than what has been requested in the past. However there are HOME funds available with a balance of $1.8 million. He said that
they are trying to stimulate more affordable housing activity but at this time, Econ Housing Group is the only developer coming forward with any affordable projects at this time. He affirmed staff's support with this program. Ald. Bernstein asked the construction cost of the ½ bath, questioning if eliminating this bath could reduce the cost. Mr. Davidson responded that the cost of the extra ½ bath is not significant and would result in minimal reduction in the final cost of the project.

Ms. Spicuzza explained the affordability aspect to the project and the resale clause in effort to keep the price affordable within the 20-year affordability period. The subsidy would stay with the unit so that the owner would not have to pay back the remaining subsidy and the property would have to be sold at an affordable price for 80% median income. She said the owner would be allowed a fair return on the sale, all which the new potential owner would be notified of from the beginning. Upon explanation, Ald. Newman stated that with this restriction, there appears to be no incentive for the new owner. He feels if the property is sold before the 20 year period, any part of the grant should be repaid, allowing the owner to keep any equity earned within the time they owned the property. He added that there is no real deal for the buyer in this case and feels that every homeowner in Evanston should be entitled to the same benefits of earned equity; affordable housing owners should be no different. Mr. Wolinski responded that the aim in this clause is an effort to keep the property affordable for qualifying households that would otherwise not be able to afford this type of housing, which is the goal with the development of affordable housing using HUD funds. Mr. Davidson added that when he market and sell these units it will be with the understanding that the buyers that are buying these homes would not be able to buy in Evanston. He said there will be equity incentives involved in the resale and this will be stated in the covenant. Ms. Spicuzza said one other point with HUD regulations for HOME loans gives you the option of either recapturing the funds, which the City followed previously where the homeowner would pay back a percentage. She said typically when you see recapture agreements, they do not pertain to the higher loans such as involved in this case and in different affordable housing programs. She said the advantage that this has; as mentioned by Mr. Wolinski, is that it really tries to keep the unit affordable for a longer period of time. Further discussion followed on the resale questions and the benefits to the property owner. Chairman Kent stated his opinion that the main goal is to target people who would otherwise not be able to own a house in Evanston and have the same opportunity and benefits of raising their families here. The goal should not necessarily be to make a large profit but to profit from long time homeownership and the reaping the benefits of living in this community. Ms. Spicuzza noted that the fair market return expected in this program is at 3% of the $185,000 to begin with and subsequently 3% of the market value per year owned. Plus the owner would receive back their down payment amount and all the equity put into the property since ownership. Chairman Kent asked if the lottery system would still be used for these 3 townhomes and questioned if the list of people who applied for the 3 previous affordable homes built would be put back in the lottery as well. He noted that those who are already in the system and were turned down previously, have had time to correct their credit or other problems, are Evanstonians and would be target households for the townhouses. He prefers those people be given a chance and that the townhouses be sold as they are built.
Ald. Bernstein moved approval, seconded by Ald. Tisdahl. The vote was 5-0 in favor of the motion. Ald. Newman requested that in the future all affordable housing HOME fund cases should include a pro forma, and this should be a requirement within their packet presentation before the Committee.

(P2) Ordinance 40-0-04 – Special Use for 2401 Brummel Place (Religious Institution)
Ald. Rainey was called over for discussion on this item. Chairman Kent acknowledged the applicants, Mr. Scott Krone, Architect, Mr. Bob Hamilton, Traffic Engineer, Mr. Bill Hanawalt, Reverend of Vineyard Christian Fellowship, and Mr. Mark Sargis, Attorney. Mr. Sargis introduced everyone involved with their application and gave an overview of their request and a description of the site from an aerial view photo. He described the building to be used for worship, which is the former Shure Brothers site. He went into further detail on the building location and access which is from Howard Street along the west border of the shopping center via an easement and Shure Drive/Brummel Place is a recorded easement for a private road to the building as well. He described the portion of the property that is located on the Metropolitan Water Reclamation District that was originally a 100-year lease that the Vineyard would take over the remaining 45 years. This property has 39 on-site parking spaces on the Vineyard’s purchase parcel and also the 406 space parking lot immediately west of and running the length of the parking lot of the shopping center. Mr. Sargis recalled discussion from the ZBA hearing regarding a condition limited to traffic coming in off of Howard Street into the property for access to the parking lot and building. He said none of the original building will be demolished but will be interior renovated for use. He brought attention to the letter he distributed to the Committee this evening from CenterPoint Properties, the current owner of the property. The letter addresses a question that came up at the recent ZBA meeting regarding the marketability of the property immediately adjacent to the east for continued industrial use. The current property owner clarifies their position that the sale to Vineyard will present no difficulty or impede their ability to sell 222 Hartrey for industrial use. Mr. Sargis also acknowledged the benefit of the shopping center for use by the Sunday parishioners. He also noted that the population of the congregation is very stable and they do not anticipate any boost in membership or decline.

Ald. Rainey brought to the Committee’s attention several issues that she remains concerned about. She informed that several neighbors attended the Zoning hearings and voiced their concerns and suggestions and alternatives, which seemed to be ignored by the Zoning Board at that time. She clarified her position in that she feels this proposed site is the best place for the Vineyard to be and supports and welcomes their relocation to this site. However, there are several issues that the ZBA did not deal with that she feels is crucial to be dealt with and confirmed by way of specified conditions in granting this special use. She acknowledged the Vineyard’s position and respected reputation on their intentions to refurbish the parking lot up to par, but it is not being required of them. Ald. Rainey noted that even if the parking lot is in Skokie, she assumes that they can place a condition on this parcel of land in connection with the special use. She informed that Shure Brothers have not used this parking lot for years and because of this, the lot is in very bad condition and there is obvious visual damage and deterioration to the point
where total resurfacing needs to be done. She would like to see this made a condition with the special use. Chairman Kent asked the applicant if total resurfacing of the parking lot is within their plans. Rev. Hanawalt responded that they definitely planned on cleaning the parking lot and repairing it to the point of making it presentable for use. He said that one of their members owns a rescaling company who has volunteered to do this work. Ald. Rainey stood firm that she would prefer this be established by way of condition on the special use in light of the current deplorable condition of the lot.

Secondly, Ald. Rainey expressed her concern for a condition with the special use for landscaping of the parking lot along the easement/driveway from Howard Street. She described the current condition of this strip of land including excessive debris and unkempt shrubbery of no conformity. She stated that she does not recall the ZBA approving a special use without some condition having to do with landscaping. She informed the Committee that several of the neighbors requested to the ZBA to place a condition on landscaping and maintenance, which the ZBA seemed to pay no attention. She pointed out where the required landscaping should be along the huge length of the parking lot. She insisted that there has to be a condition to require this landscaping and maintenance to include some type of conformity with acceptable concealing shrubbery for the parking lot. She noted that it is only fair to require the same condition and expectation for Vineyard that the City requested for the adjacent shopping center with their parking lot.

Thirdly, Ald. Rainey addressed her concern for traffic control along Brummel Place and exclusion of any use for ingress and egress from the Hartrey entrance by use of the church. She recalled a neighbor’s comment at the ZBA hearing stating their trust for the pastor’s assurance of controlling this traffic from the Hartrey entrance. However, even with her assurance of trusting the pastor and his word in this matter, she does not trust his parishioners to comply with this promise. She accredited on the reverend behalf that this type of control is difficult to handle overall and can easily get out of hand on a busy Sunday with the heavy traffic from parishioners in combination with traffic for the shopping center. She informed the Committee of testimony given at the ZBA meeting by a neighbor who has lived in that neighborhood for over 45 years. This neighbor stated that the reason why their neighborhood is what it is today is because they maintained control of traffic into their neighborhood with the cooperation of a major corporation and the shopping center. As neighbors they worked together to control the traffic and that the neighbors are only requesting this continued cooperation and compliance. Ald. Rainey asked the Committee to place a requirement to keep this same control over traffic into the neighborhood. She suggested to the applicant that a barrier of some sort be used on Sundays to keep traffic from going out onto Hartrey.

Ald. Rainey concluded by expressing her support for keeping the Vineyard congregation in Evanston and reiterated her opinion on this being an ideal location for them. She also informed the Committee that in the past weeks she has had 3 inquiries about the development for the adjacent site to the east knowing that the Vineyard is going to be there. Therefore, she does not feel their presence is going to have any effect on the marketability of the property.
In response to a question from the Committee on having a barrier just on Sunday’s or permanently, Ald. Rainey responded that definitely on Sunday’s during worship hours and also during the week whenever any activities are expected by the Church. She is not referring to simple use by the employees coming and going.

Mr. Sargis responded to Ald. Rainey’s concerns. He noted the flow of traffic concerns through the neighborhood and stated that this issue was addressed with the Zoning Board and was one of the conditions discussed. He recalled at that time the Church did state at the hearing that they agreed to have a prohibition of traffic into the neighborhood. He further pointed out the rights of the easement adjacent to the property which is a private roadway allowing the east property the right to traverse to the west and exit down to Howard Street. Therefore, he stated that care needs to be considered in this case not to limit the rights of the east property for ingress and egress to the west. He further stated that this was one of the difficulties the Zoning Board had in setting a condition with this matter. He went on to defend the churches history and reputation in controlling their traffic and minimizing any impact on surrounding neighborhoods. In conclusion, he stands conflident on their word to control any traffic caused by the church and their ability to maintain a handle on it. Ald. Rainey agreed with the notable reputation of the Vineyard, however in actuality a verbal statement of “best effort” as given in the ZBA transcript, is not sufficient when it refers to a binding special use ordinance. She reiterated her position that a confirmed condition is appropriate in this case, as well as for the parking lot and landscaping. She has knowledge of the discussions with the City’s Traffic Engineering staff in assistance on this matter. However, the City’s traffic staff should not have to assert any extra time for this case because it is for private property and the applicant should take the responsibility for any traffic maintenance and control, which should be a condition of the special use.

Ald. Wynne agreed with Ald. Rainey on this matter, as well as the other concerns addressed that she has requested specific conditions be set in the special use. She also feels the ZBA seemed to rush over this case and not make concrete conditions with this special use that are legitimate and crucial issues that need to be addressed to satisfy neighbors concerns and expectations that should be taken care of that relate to and effect the surrounding community.

Further discussion followed between the Committee and applicant regarding the issues of concern brought forward by Ald. Rainey. Discussion on Brummel Place being a private easement owned by Shure Brothers was commented on by Mr. Hamilton who explained in detail that Brummel Place is actually named Shure Brothers Drive because of its ownership by easement. Chairman Kent asked the applicant if they would have any problem in complying with Ald. Rainey’s request for the landscaping condition. Rev. Hanawalt responded that they have no problem and were anticipating cleaning up that strip of property. He only questioned what type of shrubbery was expected of them to replace with and if there is an affordable alternative if necessary. Ald. Rainey clarified that she was not expecting them to totally remove and replace any shrubbery if it is savable. She suggested that a study be done to evaluate any existing shrubbery and every
effort be made to maintain it plus any additional shrubbery of equal level for continuation. Otherwise, replacement should be made of an acceptable grade and maintained landscaping done. She suggested uniform screening shrubbery be planted along the parking lot length. The Committee unanimously agreed with Ald. Rainey on this condition.

Discussion continued on placing a condition for resurfacing the parking lot and if there would be a problem with placing any conditions on this lot since it is technically in Skokie. The Committee asked for legal staffs advise. Ms. Szymanski responded that she would need to confirm if any actual problems are involved with regards to the parking lot being under Skokie jurisdiction. However, since this parcel is under lease with the business location, there probably is not a problem but she would request the opportunity to review the legalities and respond back to the Committee confirming this. The Committee concurred.

Chairman Kent stated that he has a problem with requiring the applicant to replace the landscaping along the parking lot with all new shrubbery if any existing is salvageable. He requested that if this situation is the case, that wording be added to clarify. Ald. Rainey assured that she agreed to this and reiterated that this condition is only if absolutely necessary. However, she does not want to see any mix-matched shrubs there, either match or totally replace with new. Ald. Kent concurred.

Final discussion on the condition of requiring resurfacing the lot followed. Ald. Rainey again described the current condition of the lot in detail and insisted that resurfacing is absolutely needed. She made note of Mr. Sargs inability to commit to this condition at the ZBA hearing and her disappointment with his attitude towards this matter. She pointed out that this site is exceptionally acceptable for the Vineyard because of the connecting parking lot and this applicant should be willing without hesitation to redo the lot up the City’s expectation and acceptability. The Committee members agreed with Ald. Rainey’s comments. Ald. Newman added that resurfacing of the lot may not be enough because it may require drainage and run-off requirements to be complied with as well. Therefore, any City requirements for this parking lot in combination with the aesthetic rehabilitation should be done. Discussion followed and the Committee decided that further review by staff needs to be made regarding the requirement for drainage and run-off for this lot and estimated cost for total re-surfacing.

Ald. Bernstein moved approval of Ordinance 40-O-04 subject to the conditions stated above, seconded by Ald. Tisdahl. Rev. Hanawalt offered to get construction bids for the parking lot and present back before the Committee. The Committee agreed to this. The Committee requested legal staff to respond back regarding the position of the City in placing conditions on this parcel of land. The vote was 5-0 in favor of the motion. This item will be introduced and referred back to the Committee.

(P3) Ordinance 41-O-04 – Zoning Test Amendment: O1, Office District Uses
Ald. Wynne moved approval, seconded by Ald. Bernstein. Ald. Tisdahl asked if there are any cultural facilities in the O1 districts. Staff responded no and noted that this is
basically a result of the consent agreement. Ald. Bernstein said that his understanding is that they already removed the cultural facilities and now what they are doing is removing membership organizations from this district. Ald. Tisdahl pointed out that there are two O1 districts on Central Street. Ald. Bernstein noted that there are actually six O1 districts within Evanston. The Committee requested to see a Zoning Map for clarification of the O1 district locations which staff pointed out. The vote was 5-0 in favor of the motion.

OTHER BUSINESS

Chairman Kent, in concurrence with the other Committee members, cancelled the special meeting scheduled for March 29th with the Housing Commission to discuss inclusionary zoning. Ms. Spicuzza informed the Committee that she has passed this information onto the Commission Chair. Upon discussion, the agreed date for rescheduling the meeting was decided for Monday, April 19th at 7:00 p.m. in Room 2403.

ADJOURNMENT

The meeting was adjourned at 8:32 p.m.

Respectfully submitted,

[Signature]

Jacqueline E. Brownlee