Planning & Development Committee
Minutes of April 13, 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, C. Bush, V. Jones, E. Szymanski, J. Brownlee

Presiding Official: Alderman Kent

DECLARATION OF QUORUM

Chairman Kent called the meeting to order at 7:25 p.m.

APPROVAL OF THE MINUTES OF THE MARCH 22, 2004 MEETING

Ald. Bernstein moved approval of the March 22nd minutes, seconded by Ald. Wynne. The minutes were approved 4-0. (Ald. Newman not yet present)

ITEMS FOR CONSIDERATION

Consideration of Sidewalk Cafés (P1) – (P10)
Chairman Kent asked the Committee if any member had any specific problems with any of the following sidewalk cafés to pull out for further discussion, otherwise they could consider all together. He noted that several locations are requesting liquor as well. He went through the list of sidewalk café restaurants and made sure there was representation present for all locations and asked for any comments or information they wished to share with the Committee. Representation for each location was present with no significant comments made by any. Ald. Wynne noted that a number of the restaurants are located downtown. She asked staff in Ald. Newman’s absence if there have been any problems or violations from any of these restaurants regarding the City’s significant litter program that was put into place. Mr. Wolinski informed that the primary issues last year in the downtown were with the dumpster issues. He acknowledged Carla Bush from the Health Department who he requested to be present to comment on any specific community health issues or concerns with any of the restaurants listed. Ms. Bush informed the Committee that there may have been 1 or 2 that had been ticketed or cited last year but not routinely. She said those violations are now in compliance and she said that all the locations for consideration this evening have worked along with her department with no problem. The Committee members were satisfied with this response. Mr. Alterson brought to attention the clarification that the City Code prohibits Type 2 restaurant from having liquor at sidewalk cafes; this would apply to Flat Top Grill and Chipotle’s. Chairman Kent asked the representatives from those two locations for comment. Megan
from Flat Top Grill responded that it was their intention to serve liquor at their café and was under the impression that this was allowed for the last several years they have operated the sidewalk café. Mr. Alterson assured that no liquor was approved for a type 2 restaurant; the only way would be if Flat Top were to request a change to be considered a type 1 if they qualified. Megan felt that their restaurant should be considered a type 1 because they do offer full wait and bus service and use non-disposable dishware at the sidewalk café. The Committee recommended that Megan meet with the Zoning staff to further discuss this matter, until then, no approval can be made to serve liquor for this sidewalk café. The representative from Chipotle informed the Committee that they have no intention to serve liquor at the sidewalk café and will remain to serve liquor only indoors.

Ald. Wynne moved approval of the sidewalk cafes (P1) – (P10) with the exception of no liquor service for (P2) and (P5). The other café’s requesting liquor are type 1 restaurants and approved for this service. Ald. Bernstein seconded the motion and the vote was 4-0 in favor.

(P1) Sidewalk Café for Type 2 Restaurant at 1745 Sherman (Einstein Brothers Bagels)
Approved.

(P2) Sidewalk Café for Type 2 Restaurant at 707 Church (Flat Top Grill)
Approved without liquor.

(P3) Sidewalk Café for Type 2 Restaurant at 1724 Sherman (Starbucks)
Approved.

(P4) Sidewalk Café for Type 2 Restaurant at 901 Church (Baja Fresh)
Approved.

(P5) Sidewalk Café for Type 2 Restaurant at 711 Church (Chipotle)
Approved without liquor.

(P6) Sidewalk Café for Type 2 Restaurant at 1743 Sherman (Taco Bell)
Approved initially. Upon Ald. Newman’s arrival, he pulled this item from the approval list to hold in Committee for further questioning of the management of regarding past and ongoing problems at this establishment.

(P7) Sidewalk Café for Type 2 Restaurant at 500 Main (Café Express South)
Approved.

(P8) Sidewalk Café for Type 2 Restaurant at 600 Davis (Café Mozart)
Approved.

(P9) Sidewalk Café for Type 1 Restaurant at 1450 Sherman (Tommy Nevins Pub)
Approved with liquor.
(P10) Sidewalk Café for Type 1 Restaurant at 505 Main (Oceanique)
Approved with liquor.

(P11) Misa Subdivision Plat, 1243 Maple Avenue
Mr. Wolinski briefed the Committee on the background of this case. He noted that this property is located in the Ridge Historical District and by City Code, must be reviewed by the Preservation Commission. The Commission reviewed this proposal at their meeting in December and ended up in a tie vote of 4-4, therefore failing to make a recommendation. The Site Plan & Appearance Review Committee reviewed it and approved it. However according to the Preservation Commission rules and Council rules, in order for the Council to approve this subdivision at this point, you would need findings of fact that would be in accordance with the standards listed in the Preservation Ordinance. He said that Committee would have to establish findings of fact at this level.

(Ald. Newman arrived at 7:35 p.m.)

Ms. Szymanski suggested that one way of approaching this would be if the Committee were to give staff a direction as to whether the Committee would be inclined to approve or not approve the subdivision. She said between now and the next Committee meeting, staff could prepare proposed findings for the P&D Committee’s consideration.

Ald. Bernstein moved approval of the Misa Subdivision with direction for staff to forward findings of fact. He noted that this property is located in the 4th Ward and what this proposes is only a division of the property. He noted that since this is in a historical district, which in effect means that the Preservation Commission would have to approve any construction that is done on the property. Ald. Tisdahl seconded the motion. Mr. Wolinski reminded the Committee that this item is up for action tonight, therefore would have to be held in Committee. Ald. Bernstein amended his motion to hold in Committee, seconded by Ald. Tisdahl. The vote was 5-0 in favor.

(P12) Nomination of Two Citizen Members to the Northwestern University/City Committee
Ald. Newman is of the opinion that this item has already been approved previously. He noted that the nominations are to a non-voting Committee and will be conducted as open meetings. He noted that there has been some concern expressed regarding the rules for nominating members to this Committee. Ald. Tisdahl said that she would like to have someone from the 7th ward be appointed to this Committee as well since her ward encompasses Northwestern. She has someone in mind for her nomination, Ms. Judy Berg who is the Chair of the neighborhood association around the stadium. Ald. Newman suggested this item be held in Committee to confirm if an additional nomination can be made and to allow Ald. Tisdahl an opportunity to discuss this with her nominee. The Committee unanimously agreed.
(P13) Ordinance 49-O-04 – Zoning Text Amendment: Mixed Residential Uses/Unique Uses

Ald. Newman does not see this item as a project presentation because in actuality this is asking for an amendment to R1-R4 districts and should not be project oriented. He has a definite problem with this approach to amend the Zoning Ordinance for one property and is very concerned with the speculative outcome and what it could cause for other R1-R4 districts and properties. He noted that the proposed ordinance is very expansive and there is wording that insinuates the basis of economics and this is not what should be done in residential neighborhoods nor should those districts be supportive of economic development projects. He pointed out in the ordinance where it refers to residential preservation unique use exception where it says “when a particular residential use is not listed as a specially permitted use within a zoning district but would be of substantial land user economic benefit if approved for a contributing structure in a designated historic district.” He reiterated that for this one property, the City would be opening up and changing R1 citywide. In his opinion, this is inappropriate to change the entire R1 district because it could be an economic benefit for the City. He said this will also open up all sorts of possibilities in the residential districts causing residents to have to defend their neighborhoods from economic development projects that they currently do not have to worry about as much because those uses are not permitted.

Mr. Murray directed the Committee to page 7 of the ordinance and pointed out that there are two very specific criteria there. He noted that the zoning lot has to have at least 15,000 square feet and that the dwelling units that might be contained within the particular project have to have a minimum floor area of 2,000 square feet. He believes that these two elements narrow the gate, which might be applicable to the number of projects or properties that would be of concern.

Ald. Bernstein understands Ald. Newman’s comments and in part this addresses a defect in the ordinance, which was brought about in 1993 when they precluded the use variations from the zoning ordinance. He feels that the unique use is a catch all and he felt the same way as Ald. Newman when he read this proposed ordinance as well. He does feel there are sufficient protections here to make this an ordinance that won’t open the floodgates to all type of mixed-use proposals within the residential districts. He said that an alternative would be for the applicant to come in because all other methods of use are precluded by their ordinance. The applicant could also ask for a Certificate of Appropriateness because the building is in disastrous condition. He noted that according to his understanding of the Preservation Ordinance, the applicant might have a shot at getting the approval to demolish the property then they could develop it into 7200 square foot lots. Ald. Newman feels the ordinance is not consistent and reiterated that it is too expansive. He does not agree with this approach to deal with the problem for this one property. Ald. Bernstein acknowledged Ms. Liza Shuldiner, a neighbor of the property who has done an excellent analysis of “unique use”. Ms. Shuldiner made comments to the inconsistencies in the ordinance as she understood from her review. She feels that there are sections in the ordinance that are misleading. Ald. Tisdahl agrees with Ald. Newman’s view as well. She noted that the Kendall College property was mentioned throughout this packet and she questions how this zoning amendment to the R1 district
could effect possible development on the Kendall property. She could not support or vote in favor to allowing mixed or unique uses in combination with the R1-4 districts. Ms. Betty Ester also commented on this issue and requested that the Committee not open this door that will allow different uses in combination with R1 uses.

Ald. Newman again questioned why they are involving the entire City in this project by making an amendment to all the R1 districts. He does not want to add any more action in his ward allowable that could be effective if this amendment is made to the R1 district. He suggested consideration of adding a R1a district with a Planned Development and zone those properties to be effected by this zoning amendment such as 1314 Ridge. Ald. Wynne agreed with this idea but would be worried about the special legislation involved. Ms. Szymanski said that she could review that issue after clear direction from the Committee. The owner of 320 Dempster said to the Committee that he would like consideration of such a district proposal for his property. He just finished a 3-year historical restoration project on this duplex house, which was designed by an Evanston architect. He informed that he just received a citation approval from the U.S. Park District as to the historical restoration of his property. He said that behind the duplex sits a 4,000 square foot carriage stable that dates back to the 1870’s which the City was not aware of nor the Illinois Department of Preservation. He is now having a problem as to what he can do with the property because he does not want to tear it down and the problem of questioning what his best course of action is. He said they are looking for a way to stabilize the building and restore it back to its original condition. He was relying and looking for guidance from City Council and staff for an alternative means to allow him the ability to rehab the historical building for a different or mixed use. He is sure there are several other properties throughout Evanston that also need special zoning.

Discussion amongst the Committee followed regarding how to proceed with this. Ald. Newman does not want to see this case go back before the Plan Commission and through the process again. The other Committee members agreed and asked legal staff if they could proceed from the publication that has been sent out or for an alternative suggestion. Ms. Szymanski said that she would not be comfortable giving any suggestion at this time until she has had an opportunity to review all the legalities. Chairman Kent suggested they hold this to allow legal review and to give staff the opportunity to address the other questions raised by the Committee. Ald. Newman asked Mr. Murray if his recommended concept of R1a work for this property and proposed project. Mr. Murray said to bear in mind that the project that is under consideration in Ordinance 50-O-04 is substantially different from the original plan that contained 3-unit attached dwellings. The project has changed to a proposal of working with the two existing buildings of the Dryden estate with a subdivision for individual single-family development of seven additional lots. Ald. Bernstein pointed out that the ordinance in Council packets is wrong because it relates back to the previous plan. He feels some empathy for this applicant because he has been cooperating and doing what the City has asked him to do and it would be to his detriment to delay any length of time to go back to the drawing board with another rezoning. He recalled past discussion with Mr. Widmeyer regarding this being the Plan Commission’s attempt without spot zoning to accommodate a project for this site that the majority of the neighbors and community would like to see on this property. He said the
catch all would be the individual lots of 7200 square feet; he questioned if the applicant will have to come in prior to any construction before the Preservation Commission for each lot. Mr. Alterson responded that he is uncertain where the confusion comes in, however keep in mind that in the Ordinance in the whereas clause they stated what was in the notice, which was the original townhouse concept that has since been eliminated. He clarified the Plan Commission’s recommendation is not for the townhouses but was just a re-statement of the history of the development. Ms. Shuldiner informed the Committee that the October 23rd minutes of the Plan Commission are missing from the Council packets, which contain a healthy dose of discussion and neighborhood comments. She requested that these minutes be forwarded to the Committee for their review.

Mr. Murray concluded that Ald. Newman’s concept may be the way to go however he announced that his client has been very patient throughout this lengthy process of the past 18 months. He requested to the Committee that some type of vehicle be put in place to keep the progress moving forward instead of halting progress. He offered to work with City staff on any issues to expedite the process. Ald. Newman reiterated that he does not want to send this back to the Plan Commission. The Committee requested that staff look into the legalities on how to proceed without delaying the process. **Ald. Bernstein moved to hold this item to give staff time to respond back to the Committee, seconded by Ald. Newman.** Ald. Newman also wanted to propose some type of R1a district as well and directed staff to review this concept. **The vote was 5-0 in favor of the motion.**

(P14) Ordinance 50-O-04 – Planned Development & Unique Use: 1314 Ridge Avenue
Ald. Bernstein moved to hold this item in Committee, seconded by Ald. Newman. The vote was 5-0 in favor of the motion.

(P15) Ordinance 40-O-04 – Special Use for 2401 Brummel Place (Religious Institution)
Ald. Rainey was called over for discussion of this item. Mr. Wolinski brought attention to the memorandum that staff received just this afternoon by email. He requested to the Committee to hold this item over to allow staff time to review.

Mr. Sargis asked to summarize the three points addressed in his memorandum. The first point is with regards to the parking lot and the estimated cost of maintenance. The memo has attached an updated report from Gewalt-Hamilton on the condition of that west parking lot and the estimated cost of maintenance over the next 5 years. Because of the high cost, the Vineyard proposes to repair and maintain the north half of that parking lot and fence off the southern portion. If in the future there becomes a need for more parking, the Vineyard will do similar repair and maintenance to the southern half of the parking lot. Also with regards to the parking lot, he was under that language would be changed in the ordinance to address the requirement of “resurfacing” the MWRD lot located on Skokie property, to “repair, resealing, restriping and sewer cleaning”. It was noted in Gewalt-Hamilton’s recommendation that resurfacing is not indicated immediately for that parking lot.
Mr. Sargis second point is with regards to the provision concerning traffic flow in and out of the Hartrey Avenue entranceway. He does not see how it is feasible or practical to require movable horses and signs or other barriers before and after all activities at the Church if the Hartrey properties are to have access to Howard Street via Brummel Place. This provision will also effect any development that comes to 222 Hartrey. He suggested that this condition be reevaluated to consider only blocking this exit for church use for functions where total attendance is expected to be greater than 100. Finally, the last point is with regards to the Vineyard’s concerns over the formality of the landscaping requirement. The Vineyard has no control over the north-south access, which will also be heavily used by shopping center traffic. He is concerned with the cost of landscaping maintenance with the combination of shopping center traffic and the plowing and salting of the road as well. He also noted that he has not come across many special use conditions relating to landscaping at this level of notice and detail. He feels it is appropriate to have a landscaping conditions that (1) has a landscaping plan, (2) is approved as part of the zoning application or delegated to staff for approval, (3) the applicant be under obligation to maintain the conditions of approval according the their landscaping plan, and (4) the City has enforcement authority if there is every any problem. He feels these conditions would be sufficient in this case.

Ald. Rainey responded to the alternatives from the applicant. She said it is very unusual for anyone to propose only resurfacing and maintaining half a lot; this not appropriate nor acceptable. She urged that the entire lot should be maintained in whole. She said with regards to the landscaping condition, for the applicant to submit their landscaping plan for Site Plan and Appearance Review Committee approval. She requested that staff review the traffic issue with regards to the Hartrey Avenue access. Rev. Hanawalt explained their parking lot alternative for resurfacing, which they plan to totally de-weed, fill in any cracks, reseal and restripe. Ald. Rainey said this would be acceptable to her in place of resurfacing. The Committee accepted. Further discussion continued between Mr. Sargis, Ald. Rainey and members of the Committee regarding his alternatives recommended in his memorandum. After discussion, Ald. Newman recalled staff’s original request to the Committee to hold this item to give them time to review the applicant’s memorandum in further detail. It was the consensus of the Committee to hold also allowing staff time to address the traffic flow issues.

Ald. Bernstein moved to hold for the reasons stated above, seconded by Ald. Wynne. The vote was 5-0 in favor of the motion.

OTHER BUSINESS

Mr. Wolinski reminded the Committee of their special meeting on Monday, April 19th at 7:00 p.m. for discussion of the Inclusionary Housing issue.
ADJOURNMENT

The meeting was adjourned at 9:01 p.m.

Respectfully submitted,

[Signature]

Jacqueline E. Brownlee