Planning & Development Committee
Minutes of June 14, 2004
Room 2403 – 7:00 p.m.
Evanston Civic Center

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

Alderman Absent: S. Bernstein, M. Wynne

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

Presiding Official: Alderman Kent

DECLARATION OF QUORUM

Chairman Kent called the meeting to order at 8:13 p.m. He apologized for the Committee’s tardiness in starting this meeting due to Executive Session held previously.

APPROVAL OF THE MINUTES OF THE MAY 24, 2004 MEETING

Ald. Tisdahl moved approval of the May 24th minutes, seconded by Ald. Newman. The vote was 3-0 in favor of approving the minutes.

ITEMS FOR CONSIDERATION

(P1) Sidewalk Café for Type 2 Restaurant at 1634 Orrington (Ben & Jerry’s)
Chairman Kent acknowledged Mr. Rodney Lane, General Manager. Ald. Newman asked how many tables they are planning to have at their café and what their planned procedure is to keep the café clean. Mr. Lane responded that someone from their staff will constantly clean off the tables and pick up any debris around the café. He said that staff will bring in the tables each evening. Mr. Wolinski stated the rules upon request: that there be a dedicated person for clean up for the outside café tables at all times. Ald. Newman addressed Mr. Lane that it is very important to follow this rule and the requirement of picking up not only their garbage and debris but any other that come within the required radius of their establishment to keep clean. He used Chipolte as an example where the maintenance of their café has not been kept up because on several occasions he has gone by and picked up wrappers with their name on it. He reiterated the importance of all businesses living up to the responsibility with complying to the regulations for sidewalk café maintenance or risk their permit being revoked or not extended for the following year in order to assist in keeping the downtown area clean. Mr. Lane assured that they would follow the regulations.

Ald. Newman moved approval, seconded by Ald. Tisdahl. The vote was 3-0 in favor of the motion.
(P2) Sidewalk Café for Type 1 Restaurant at 1932 Central (Bluestone)
Mr. John Enright, owner of the Bluestone, was in attendance. He noted that this would be their third year for a sidewalk café permit with liquor with no previous problems. Ald. Tisdahl confirmed and recommended approval, seconded by Ald. Newman. The vote was 3-0 in favor of approval.

(P3) Sidewalk Café for a Retail Food Store at 2106 Central (Foodstuff’s)
Chairman Kent acknowledged Mr. Steve Wessel, Controller of Foodstuff’s. He noted that they would have 4-5 tables and would be serving salads, sandwiches, etc. Ald. Newman asked if Foodstuff’s, under Retail Food Store, would be considered the same as Wholefoods, who have operated a sidewalk café in the past. Mr. Wolinski concurred. Upon question, Mr. Wessel informed that although there are a total of 4 Foodstuff’s, he works specifically for the Central Street location. He runs the entire operation and has managers that run the store who will supervise the employees that will work the sidewalk café. He assured that they have read and understand the rules and regulations for operation of a sidewalk café and will abide by them.

Ald. Newman moved approval, seconded by Ald. Tisdahl. The vote was 3-0 in favor of the motion.

(P4) Sidewalk Café for Type 2 Restaurant at 930 Church (Noodle’s & Company)
Chairman Kent acknowledged Mr. Morrell representing Noodle’s & Company. Mr. Morrell stated that this would be their first year requesting a sidewalk café, however he is familiar with Evanston regulations. He said that their restaurant is a type 2 but their customer’s order at the counter and they do have food runners that bring the orders to them and constantly bus the tables. He informed that he is the district manager and is not at the Evanston location all the time. The general manager is Scott Hasselburger; the assistant manager is Bobby Wanger, who are both familiar as well with the sidewalk café regulations. Ald. Newman moved approval, seconded by Ald. Tisdahl. The vote was 3-0 in favor of the motion.

(P5) Sidewalk Café for Type 2 Restaurant at 1549 Sherman (Italian Coffee Bar)
Ald. Newman moved approval for this sidewalk café. He stated that Ald. Bernstein told him prior to the meeting that he also approved of this request. Mr. Christopher Casas was in attendance representing the Italian Coffee Bar. He listened to the previous cases and assured he understands the regulations as well. Ald. Tisdahl seconded the motion and the vote was 3-0 in favor.

(P6) 800 Elgin/1800 Sherman: Optima Horizons Amended & Restated Resubdivision
Mr. Matt Cison was present from Optima. He explained briefly that the previous subdivision approved for the site has been amended to more accurately reflect building conditions as well as the approved construction drawings. Ald. Newman asked what the responsibility is of the Committee. Mr. Wolinski responded that this is a ministerial act.
Ald. Newman expressed his disapproval of the building and its overwhelming massive appearance. He asked if Optima has responded to the complaints from Sherman Gardens regarding the illumination from the lights on the building. Mr. Cison assured that they have resolved that issue. Ald. Newman continued to point out several other aesthetic issues with the outcome of the building that he disapproves of. He pointed out that this building is a perfect example of a major development that came in as-of-right and the main reason why he supports item (P9) on the agenda to establish minimum standards for planned developments. Mr. Cison claimed that they received some very positive comments at the Site Plan & Appearance Review meeting.

Mr. Wolinski repeated that this is a resubdivision and requires a ministerial act on the part of the Committee. As long as they meet City codes and has been signed off by the various City Departments, there is no problem with this. Ald. Newman asked for clarification on why this is being done now and not before building permits were issued. Mr. Cison explained that this procedure was done previously, however this occasion reflects the minor revisions to the construction drawings that have been made from the original. Mr. Alterson added that this has actually already been done but has been revised largely because of some internal revisions to the hallways above the first floor, which reflect ownership interest. Ms. Aiello also noted that once a building is built, because it may be slightly different than what was originally approved, this procedure sets the record straight so that accurate information is on file. She also concurred with Mr. Cison’s comment that this plan was received well in Site Plan by a majority of the Committee members. Ald. Newman said that it appears that mixed message have been received on this development.

Ald. Newman moved approval of the Optima Horizons Amended & Restated Resubdivision. Ald. Tisdahl seconded the motion and the vote was 3-0 in favor. Ald. Newman stated that he want the record to reflect the reason he asked those questions was because the building that was constructed did not have any approval of the City of Evanston. It was built within the Zoning Ordinance as a matter of right. Although this went to Site Plan, there was no planned development process required with no zoning relief to be considered.

(P7) Ordinance 62-O-04 – Zoning Text Amendment: O1, Office Districts Uses
Mr. Wolinski explained that this ordinance is just to clean up some language when the O1 District section of the Zoning Ordinance was amended under Ordinance 41-O-04 adopted on April 13, 2004. He noted that a couple of uses were mistakenly omitted that the Plan Commission had recommended be retained, specifically “retail goods and retail service establishments.” The Committee members concurred. Ald. Tisdahl moved approval of Ordinance 62-O-04, seconded by Ald. Newman. The motion was approved unanimously 3-0.

(P8) Ordinance 66-O-04 – Sherman Plaza Planned Development
Ald. Newman immediately questioned why there is the request to suspend the rules for this item tonight. Ms. Aiello responded that the planned development will be introduced and she directed attention to the letter that was distributed to the Committee this evening
from the development team requesting that Council suspend the rules for approval to the changes to the planned development. She noted that all the other documents pertaining to the amendments to the redevelopment agreement and the public improvement concerns were introduced at the previous Council meeting. Ald. Newman still questioned the necessity of suspending the rules and if there is any major impact on the process. He noted that there are two Planning & Development members absent tonight, one of who has some problems with this development. He said this request would be considerable at this point if it will assure action to begin construction sooner, otherwise he does not see why this can not go through the normal process. Mr. John Terrell responded explaining that they are on a tight schedule of approvals all along so that they can start construction by the end of summer. He said these approvals are tied to the financing of the project. Ald. Newman informed that when Council is asked to suspend the rules it should be under extraordinary circumstances. That is why he questions if this can not be done in the normal course of business. Mr. Terrell stated that the intent, as they have discussed with staff, is that they want to have all the entitlements in place from the City so that their financing team is assured of this approval because the due diligence period is going to soon go into effect. He reiterated that their request to Council to suspend the rules is primarily tied to the financing approval for this project. Ald. Newman asked if everything else has been done to proceed with the project. Ms. Aiello informed that this would conclude everything being done as far as it relates to the City’s entitlement. Mr. Terrell responded that there are still some issues remaining as far as the conditions to the letter intent of the loan, however the pre-conditions in terms of the loan commitment have been done. Ald. Newman asked what else is needed to finalize and start construction. Mr. Terrell responded that final documentation and signatures needed would remain and the lenders due diligence because this is part of the process that the finance team is going to be concerned with. Therefore, they would like to present to them with documentation that shows completion in terms of entitlement from the City. Ald. Newman still questioned why suspension of the rules needs to be done in this case when the normal procedure would still seem sufficient for presentation to the developers financing team. He pointed out that this has been going on for over two years now. Chairman Kent agreed and noted that this item has been marked for introduction tonight. He stated that he can not speak for the two alderman that are absent this evening, however he knows that at least one of them did have some questions. He was under the impression that this item could be introduced this evening and referred back to Committee to allow the absent alderman the ability to address any concerns they had and he assumes they were under the same impression. Ms. Aiello stated that this project has been before the Economic Development Committee and the Parking Committee where the two absent alderman have been present. Ald. Newman said regardless of that fact, in both of those Committee meetings they did not go over the planned development and what was addressed in those meetings has nothing to do with what is on the table for consideration tonight with Planning & Development. He requested the applicant to elaborate on the changes from the original plan that was presented under the approved ordinance 145-O-99. Mr. Terrell presented to the Committee two illustrations showing the original plan and the revised plan. He explained in detail the modifications as explained on the agenda items sheet and within the attached documentation in Council’s packet.
Upon completion of the applicants’ presentation of the modifications, Ald. Newman summed up that the three modifications under this request are:

1) Change in retail – reduction in taking off the 3rd and 4th floors originally presented.

2) Increase in number of condominium units by 33.

3) A height change to the retail and actual high point of the condominium building.

(All modifications are specified on the agenda item sheet and in Council’s packet.)

Ald. Newman requested the developer’s assurance that these are the only changes being requested under this ordinance and to proceed with this project. The developer gave their assurance, which was backed by Ms. Aiello.

Ald. Newman moved approval of Ordinance 66-O-04 and to the changes as presented and agreed upon and recommendation for Council to suspend the rules as requested. It was also noted to amend Section 3(C) to reflect the modification. Ald. Tisdahl seconded the motion and the vote was 3-0 in favor of the motion.

(P9) Ordinance 59-O-04 – Zoning Ordinance Text Amendment
Chairman Kent noted that this item was referred back to the Committee from the May 24th meeting. Mr. Wolinski informed the Committee that staff feels at this point that the recommendations of the Plan Commission do not support the minimum standards that they have put forward. Therefore, Legal Counsel has advised that they need to work on the findings of these proposed minimum standards and bring the ordinance back to the Committee.

Ald. Newman moved that the P&D Committee ask the staff to incorporate some proposed findings and that the ordinance reflects those findings and present back to this Committee. Additionally, in concurrence with this motion, he requested that the Committee direct staff to schedule a meeting with the City of Evanston/Northwestern University Committee for June 22nd so that there is a public meeting regarding how this ordinance will effect the Consent Decree with the University. He further requested that staff inform and invite all individuals recommended for members of this specific Committee be notified and invited to attend. Ald. Tisdahl seconded the motion and was approved 3-0.

OTHER BUSINESS

Mr. Wolinski informed the Committee that it appears that for the meeting on June 28th they will have the application for the Mather Landmark status on P&D’s agenda. Ald. Newman stated that due to the Committee’s agenda load, he would suggest that staff put this item on the agenda but requested to the other Committee members that they address
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this by setting a special meeting for this item only to allow sufficient time for discussion, comments and concerns to be addressed. The Committee concurred. He also requested that staff notify the management at the Mather to avoid the residents from wasting their time in attending the meeting on June 28th.

ADJOURNMENT

With no further business, the meeting was adjourned at 8:47 p.m.

Respectfully submitted,

Jacqueline E. Brownlee

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