Planning & Development Committee
Minutes of August 16, 2004
Room 2403 – 7:00 p.m.
Evanston Civic Center


Alderman Absent:  J. Kent

Staff Present:  J. Wolinski, A. Alterson, G. Morgan, C. Ruiz, E. Szymanski, J. Brownlee

Presiding Official:  Alderman Wynne

DECLARATION OF QUORUM
Chairman Wynne called the meeting to order at 7:10 p.m.

APPROVAL OF THE JULY 26, 2004 MEETING MINUTES
Ald. Bernstein moved approval of the July 26th minutes, seconded by Ald. Tisdahl. The vote was 4-0 in favor of the motion.

ITEMS FOR CONSIDERATION

(P1) 540-548 Wesley Resubdivision Plat
Mr. Wolinski informed the Committee that Site Plan & Appearance Review Committee approved this on the 7th of July to Mr. James the developer who is the applicant. Mr. James spoke briefly telling the Committee that this conforms to the Zoning Ordinance and two lots are currently vacant. There are no drainage problems and this is a very straightforward resubdivision. Ald. Bernstein clarified that with the resulting lots all be conforming; the Committee’s job here is ministerial.

Ald. Bernstein moved approval, seconded by Ald. Tisdahl. The motion was approved by a vote of 4-0.

(P2) Resolution 44-R-04 – Resolution to Deny the Recommendation of the Preservation Commission to Approve Landmark Status for 422 Davis/The Georgian
Chairman Wynne recalled the special P&D meeting regarding The Georgian where they took testimony and public comment and the Committee voted 5-0 to reject the recommendation of the Preservation Commission. At that time Council advised that they would need to codify the resolution and bring it back to Planning & Development. She noted that this was included in their packets and Council told her that they need to approve the codification of that vote. She informed the four people signed up to speak on
this matter that at the special public hearing where 36 citizens spoke and she does not believe it necessary to take any further comment on this matter. Ald. Bernstein said that he has no problem hearing the four citizens signed up to speak. He suggested the time be limited for each speaker and not to be repetitive, Ald. Tisdahl agreed. Chairman Wynne suggested a limit of no more than 2 minutes per speaker. Ald. Newman also reminded that testimony should be limited to this resolution on the agenda at this time; no comments on the Committee’s rejection of the Preservation Commission’s recommendation to approve landmark status of this building.

Chairman Wynne called on citizens signed up to speak in the order signed.

Ms. Judy Fiske, distributed a letter to the Committee urging them to accept the report of the Preservation Commission to designate The Georgian as an Evanston Landmark (available in Community Development Administrative Office). She also expressed her opinion that she felt the proper procedure was not followed appropriately. She said according to the Preservation Ordinance, no testimony regarding rehabbing should have been introduced into the process and their attorney rejected at that time to this.

Ald. Newman felt they need to revisit the Preservation Ordinance on this issue because he finds this idea that you landmark something and then say to the property owner to go and file their petition. He believes it factors and should be very clear in the ordinance especially in regard to commercial property. He feels that how this property is going to be redeveloped and its potential in the future should be part of the discussion. He noted that they can do what ever they want in terms of what the criteria is going to be to make something a landmark. Therefore to the extent there's a dispute, the ordinance must be clear. He reiterated that he sees no problem at all when you have a discussion of a landmark that redevelopment potentials should be a part of the dialogue. Chairman Wynne asked if he would like to direct staff to bring the Committee back something on this issue? Ald. Newman responded that he feels they need to have a meeting to discuss this matter and other issues such as whom should receive notice when the Preservation Commission is considering making something a landmark. There are several other issues that need to be addressed with the Preservation Ordinance. All the issues should be addressed at this special meeting. Mr. Reifman, attorney representing Mather Lifeways, agreed that the record needs to be absolutely clear that the Planning & Development Committee made its particular decision based on some specific criteria within the Preservation Ordinance and not based on whether the property is rehabbed or not. He noted that all five criteria that were nominated were considered and discussed. He said, however, that the Committee’s decision to go forward and make changes to the Preservation Ordinance is a different matter. He said from a legal perspective, the matters the Committee is voting on are the five criteria discussed. Ald. Newman responded that he did not want to imply in any way by the aforementioned. He noted that when he cast his vote, he was looking at whether or not the nomination met the standards and this is what he was focused on. The other Committee members agreed.

Ms. Jill Wortman distributed a letter which repeats her previous comments from the special meeting. She added that she thinks the Preservation Commission did make a
recommendation based on the standards and they stated the case why this building did not meet the standards of the criteria to be designated a landmark. She said on behalf of the neighbors she represents, she has fifty-seven (57) names listed at the bottom of her letter, all believe that The Georgian is their historical integrity. She said that this building represents the past and is their gateway into the future of Evanston's downtown with all the new buildings.

Mr. Bill Schwimmer expressed his disappointment with Council’s decision and not taking preservation in Evanston on a more serious level. He said what the City is continually doing is destroying the architectural integrity and Evanston’s historical past. He said it would seem that the Preservation Commission’s recommendation was not given due course of discussion.

Mr. Reifman asked the Committee if they would consider an amendment to represent what they discussed previously regarding clarifying the Committee’s decision based on specific criteria. He referred to the first whereas clause on page 4 of the Resolution, requested that language stating “solely on the basis of the criteria set forth in Section 2-9-4 of the Ordinance.” Ms. Szymanski stated that the Resolution was reviewed and substantially drafted by Corporation Counsel. She is not comfortable in recommending that the Committee make any changes at this time.

Mr. Ruiz informed the Committee of an important issue to remember that when staff sent this item to their attention, originally there was also a copy of the nomination for the National Register. He noted that in his memo that Council had until September 16th to respond and this matter is still pending. He said that Council can take action at the next meeting on September 13th, one way or the other, because the City Preservation Commission has also been requested to advise the Advisory Board in Springfield about the nomination for the National Register. He noted that the Committee does not have to take any action as of right being a local government in the State of Illinois. However, this is the chance to give Council’s opinion and to specify that the Mayor should submit a letter in support or not in support of the nomination. Mr. Ruiz wanted to remind the Committee that the Mayor send a letter indicating her view but then City Council might want to take further action to make sure that it is clarified of Council action and not just the Mayor’s action. He reiterated that this is still pending however the Committee does not have to do this if they choose not to do so as long as this is clear. Chairman Wynne asked Mr. Ruiz that if Council passes this resolution this evening, doesn’t this suffice as their response. Mr. Ruiz responded that this does not effect the nomination for National Register because it is a separate entity from their rejection of granting the landmark status. He said that they only have the opportunity to comment on the nomination for the National Register. Chairman Wynne noted that the State has requested City Council’s comments on the nomination, therefore if they pass this resolution then they can direct staff to draft a letter stating that the Council voted to reject application for landmark status of The Georgian and that this would represent the Committee’s/Council’s position on this matter. Mr. Ruiz responded that this could be acceptable however whatever the Council’s decision, it must be clarified. She asked if this would be a proper response to the State. Mr. Ruiz responded that his understanding is that if Council does not
recommend the National Register nomination then they have to address the standards for this and how they have not been met. He said this is the advice he received from the State representatives. Chairman Wynne noted that the Committee does not have those standards before them so how are they able to address this unless they base this on their vote regarding the landmark status. Mr. Ruiz agreed and said this is why he recommended that on September 13th that Council can take action and staff can forward those standards to the Committee beforehand in order for them to properly respond.

Chairman Wynne asked for the Committee’s opinion on this. Ald. Newman recalled that the last time this happened they received complaints from the group that opposed the Northeast Historic District that the Mayor had written a letter in support of it. In his opinion, he thinks it is relevant if they have a resolution that does not accept the landmark status should be sufficient. He said what it is up to the State what they want to do with it because they can in terms of what their own decision making process is. He stated the City is only informational. Ald. Tisdahl agreed with Ald. Newman. Chairman Wynne also agreed but asked do they want to have the standards come back to the Committee for further response. Ald. Newman responded that this Committee is not arguing the case, it is the Mather’s responsibility. He does not believe the City Council is involved in this process but is responsible to let the State know what Council has voted on in support of their decision.

Ms. Fiske stated strictly speaking under the certified guidelines, the request for comment goes directly to the City’s Preservation Commission and to the Mayor, not to the City Council. She noted although in Northeast Evanston, City Council did ask to be informed of when the National Register nomination was submitted. She stated that since our local criteria are based on those of the National Register but are somewhat different in that they focus more on local relevance, she feels it is not appropriate for the City Council to comment on this. Ald. Newman responded that this is another point that needs to be cleared up with the Preservation Ordinance. He noted that the Preservation Commission when this Committee/Council is the final authority, should be nothing more than advisory to the City Council. He stressed that this is what the Preservation Commission’s sole principle is here. He said as far as anyone wanting to know where the City of Evanston stands, that is the City Council’s job. He stated the last time this occurred it would have been very helpful in the case of the Northeast Historic District if the City Council as opposed to the Mayor, if the responsibility positions would have been clarified. Therefore, he strongly believes that this needs to be very clear in the ordinance that City Council speaks in regard to landmark status or preservation district on behalf of the City as the final authoritative body. He said if the Mayor wants to send her own letter she certainly can but he definitely feels this issue needs to be cleared up and not be told that there is any dispute regarding position.

Mr. Reifman noted that the owner of the Georgian intends to object the National Register designation, however there is the eligibility criteria. He said that if the Mayor indicates that she is not in support and if the property authority of the local government indicates that it is not in support, the nomination will not move forward. He cited Section 2-9-3 (G) regarding “Powers and Duties” of the Preservation Commission where it states “so
only upon request of the Council.” He noted that it is important that City Council makes a clear statement that Planning & Development made a specific policy decision. He requested to the Committee that the resolution be amended to clarify the Committee’s decision.

Ald. Bernstein moved to amend the resolution to include in the “whereas” clause that the Council made a decision based on an analysis of the standards. Ms. Szymanski noted that Council is acting in the legislative mode. She informed the Committee that she did review this with Corporation Council and this is the resolution that he did recommend and that Council considers. In view of this, she urged the Committee to defer to Corporation Council if any amendments are considered. Ald. Bernstein asked Ms. Szymanski if she has any sense of why it wasn’t specifically indicated. She responded that it is the legislative judgement of the Council. She said Council could, as it can in other cases, listen to the evidence presented and the standards. In this case, if in fact the Council’s decision is based solely on the standards, that is acceptable and is acting in its legislative capacity. Ald. Bernstein asked legal staff that if Chairman Wynne went through the standards does this Committee need to make findings of fact with respect to this. Ms. Szymanski responded no. With this in mind, Ald. Newman recommended to adopt the resolution that the City lawyers drafted and to send a record of the City Council’s action.

Ald. Newman wanted to make clear that just because this Committee is agreeing that this building is not a landmark does not mean in any way that they are endorsing this project. He noted that there are very serious and legitimate neighborhood issues and concerns that need to be addressed, including his own questions about this project. He reiterated that the mere fact that he does not believe that this building is a landmark does not mean that he disagrees with the people that have signed the petition in opposition and any others that oppose. He thinks it is unfortunate that this project was entangled in the preservation process. Ald. Tisdahl agreed and added that she voted based on the standards at the time she voted and thinks that all the other testimony was taken into consideration. However the Committee’s responsibility is to address and vote on the standards. The Committee concurred. Ald. Bernstein’s motion to amend the resolution did not receive a second. Ald. Bernstein moved approval of Resolution 44-R-04 as drafted. Ald. Tisdahl seconded the motion and the vote was 4-0 in favor.

Ald. Newman asked staff the status of the proposed project. Mr. Wolinski informed the Committee that a zoning analysis has been performed on the plans submitted and is currently being reviewed by legal staff. He said construction is not expected to proceed before 2006. Building plans have not been submitted and will require the planned development application submission. He noted that this proposed project is still in the early stages and has several approval processes to go through including Planning & Development Committee review.

Chairman Wynne clarified what has occurred thus far. She stated at Council there are two actions that need to be performed. She pointed out on Council’s agenda there are two items to be addressed, one regarding the Preservation Ordinance which requires them
to accept the recommendation of the Preservation Commission via the ordinance and to reject this by way of the resolution. She pointed out that procedurally they need to introduce this according to Corporation Counsel but first they must introduce the ordinance with the recommendation and defeat that and then present the resolution rejecting this ordinance. Ald. Newman disagreed and stated that he feels they should vote on the recommendation of the Committee, which is the resolution, to reject the recommendation of the Preservation Commission and then they remove (P3), which is the ordinance, from the agenda. Ms. Szymanski explained that she has discussed this with Mr. Hill at length and their concern here is to make the ordinance procedurally correct. She noted that the ordinance has a quirk in it with regards to if there is going to be an approval in designation of a landmark, this is by ordinance. She said they now have an affirmative recommendation from the Preservation Commission as embodied in the ordinance to grant that designation. She said that affirmative recommendation needs to be disposed of; speaking in terms of understanding that the will of this Committee would be to reject the designation. Therefore, the Preservation Commission recommendation must first be disposed of. After that, because of the quirk in the ordinance, there is another step that is to pass the resolution to affirmatively reject this ordinance. Ms. Szymanski stated the Law Department’s recommendation is that both of these steps be taken to make it absolutely correct with following the procedure.

Chairman Wynne clarified that legal staff’s recommendation is to take (P3) before (P2). Ms. Szymanski concurred, recommending to act on this and then dispose of (P3) completely. Do not remove this item from the agenda. Discussion took place. Ald. Newman feels this procedure has been followed with this resolution. After further discussion and agreement of the Committee, Chairman Wynne stated the Committee’s recommendation is to follow Corporation Counsel’s direction. She clarified the steps that the Commission must move to introduce and then to suspend the rules and proceed to vote negative on the ordinance. To follow, Council must then move to the resolution to permanently reject the landmark designation.

**ADJOURNMENT**

With no further business, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

[Signature]

Jacqueline E. Brownlee