Planning & Development Committee
Minutes of September 27, 2004
Room 2403 – 7:00 p.m.
Evanston Civic Center

Alderman Absent: S. Bernstein, J. Kent
Staff Present: J. Wolinski, A. Alterson, C. Ruiz, E. Szymanski, J. Brownlee
Presiding Official: Alderman Wynne

DECLARATION OF QUORUM

Chairman Wynne called the meeting to order at 7:04 p.m. She announced that Ald. Bernstein would be absent this evening and that Ald. Kent is expected to join at Council later this evening.

APPROVAL OF THE SEPTEMBER 13, 2004 MEETING MINUTES

Ald. Tisdahl moved approval of the September 13th minutes, seconded by Ald. Newman. The minutes were approved with a vote of 3-0.

ITEMS FOR CONSIDERATION

(P1) 94-O-04 – Zoning Map Amendment, National Louis University Property
Chairman Wynne acknowledged that three people had signed up to speak in regards to this matter and wished to call on them first.

Mr. John Haser, said that he lives at 900 Isabella Street which is directly across the street from National Louis University dormitories that is being considered for the zoning amendment. He informed that when he attended the Plan Commission meeting he made the similar statement that the dormitory is currently surrounded by R1 completely before it was even a dorm and the University had been R1 property as well. He said they are hoping that if this property will be considered to convert back to R1 if it is not being used as a dormitory for university purposes. He feels this conversion will help the value of the property for the entire surrounding community. Mr. Haser also expressed major concern with existing traffic problems at that intersection and the number of children that cross there. He informed that a number of accidents have occurred at that intersection over the last 3-years that he has lived there. He is hoping for any relief that can be done to minimize traffic and pedestrian problems, will be taken into consideration for that intersection.
Chairman Wynne mentioned for information, that that corner’s traffic signal has been slated to be changed in the near future. Mr. Haser acknowledged that he has been made aware of this and is grateful and hopes it will also aid in the safety of children crossing at that light. Chairman Wynne said she fully understands, mentioning a similar situation in her ward on Forest Avenue with traffic congestion and children crossing at this intersection.

Mr. Harry Foley, 2766 Ridge, said that he lives at the last address on Ridge next to 900 Isabella. He has lived at this address for the past 5 years and have truly enjoyed their residency at this location for a number of reasons including the proximity to the university atmosphere in combination with the R1 residential living. He stated that this ideal living environment is why he and his wife chose this specific location to live. In view of this, he stated that most likely they would choose to move if the National Louis property were zoned or developed anything other than R1. Ald. Newman asked for clarification if Mr. Foley is saying that even if the property is zoned R2 that he would still have this opinion. In follow-up response to this, Mr. Altonson verified that even under R2 zoning would allow for single-family development with less required square footage per lot. Mr. Foley responded that even with this information, he would still prefer the R1 zoning for the property over all.

Ms. Enid Shapiro, lives at 2815 Sheridan. She informed that her residence is in close proximity to the National Louis campus. She feels that in consideration that this property is completely surrounded by R1 zoned property, it would be completely appropriate to rezone back to R1 as well. She stressed the need to preserve, maintain, and endorse any opportunity for R1 single-family development in light of the City’s current saturation of commercial and multi-family development. She urged the Committee to consider this important factor that that it is especially for an area that is predominately R1 zoned.

Chairman Wynne called on others who wished to speak at this time that were unable to sign the citizen comment sheet. She also asked if a representative from National Louis was present to make comment. Staff confirmed that notification of this meeting was forwarded to their representatives. There was no one in attendance representing the university.

Mr. Junad Rizki, 2708 Sheridan, recalled his comments and summarization made at the Plan Commission meeting regarding this matter that this basically meets the standards of the zoning requirements for R1. He said that this is probably the most important factor in considering the zoning and future development for this site. He requested the Committee to strongly consider the factors outlined and the standards met to rezone this property to R1.

Mr. John Austin, 2801 Gerard, said that he lives approximately a block away from the National Louis University dormitory. He emphasized to the Committee that historically this property came to National Louis as a gift. Therefore any consideration on the sympathy of National Louis making any substantial profit to gain on the sale of the property in light of the zoning, should be minimal. He feels the University has always
profited on their residency here as a gift from the beginning. Mr. Austin requested that the Committee keep this information in consideration of the rezoning of the property to R1 to benefit all the surrounding community.

Ms. Susan, 811 Roslyn Place, expressed her concerns for the safety of children crossing at the intersection of Isabella, Ridge, and Sheridan. She is in total support of rezoning the National Louis property to R1 to match the surrounding single-family zoning. She has spoken with all the residents on Roslyn Place and swears that all are in support of rezoning the university property back to residential.

Chairman Wynne closed citizen comment.

Ald. Newman stated that from his understanding, this is about .73 acres on a total of 6.7 acres. In addition to this, there has been notice of all meetings sent out to the representatives of National Louis as well as the residents. He noted that they can continue to use the property as a university and sell for continued use as a university. However, what they can't do is take down the buildings around the .73 acres. Staff verified this to be true.

Ald. Newman moved that they make that portion of the .73 of the 6.7 acres as R1 zoning. Ald. Tisdahl seconded the motion. Chairman Wynne asked Mr. Alterson if a university has to continue in the current use as a dormitory or could it be converted to some other similar use. Mr. Alterson responded that the Zoning Ordinance allows it to be continued with a use of the same or lesser intensity. Ald. Newman reminded that if someone comes along requesting to continue the same use, this could qualify for another 50 years. The motion was approved with a vote of 3-0 in favor of the motion. Ald. Newman asked on the .73 acres with R1 lot size requirements, how much can be built there. It was pointed out that 4 houses could be built. Mr. Wolinski informed that an acres is 40,000 square feet and you need 7,200 square feet per residential structure.

Ald. Tisdahl thanked her constituents that attended the meeting this evening on behalf of this matter. She explained that this would be introduced this evening before Council with final approval at the next meeting in 2-weeks. Mr. Wolinski informed that Corporation Council reviewed the transcript from the Plan Commission and felt that significant findings were not made. Therefore, legal staff recommended that the Committee consider that staff work with the Committee to come up with findings to meet the standards. Ald. Newman suggested that legal staff do some recommended findings based on the transcript and factual testimony in the transcript since the P&D Committee is in possession of this. Therefore, it was the consensus of the Committee that this matter will be introduced and referred back to Committee giving legal staff the opportunity to come back with findings of the standards for formulation of the final ordinance.

(P2) Plat of Subdivision – Sherman Plaza
Mr. Wolinski informed the Committee that this is a ministerial act on their part. Chairman Wynne questioned if this can be done without Ms. Aiello's input. Ald. Newman pointed out that the questions he has regarding this matter are of an executive
session level and he is not comfortable with proceeding without comment from Ms. Aiello. She was called over to the P&D meeting. Ald. Newman asked when did this subdivision go into effect. Ms. Aiello responded that this wouldn’t get recorded until they do the actual swap closing which can not be done until all the conditions have been met. Ald. Newman said they are approving this subject to both parties completing the swap and the developer receiving final confirmation of all findings, etc. Ms. Aiello concurred. He requested that this be understood by Council because this divides the property into 4 lots and should be clarified on all issues. Ms. Aiello agreed. Chairman Wynne stated that this is subject to the swap which is also subject to the redevelopment agreement. Ald. Newman asked if this is a request of the developer. Ms. Aiello responded that they would like to have it all done because they are looking to close October 15th and this gives them a little extra time to finalize paper work for the swap.

In view of this scenario, Ald. Newman recommended to give the City Manager the authority to make this subdivision conditional on that project be initiated on the construction of the Sherman Plaza. Chairman Wynne questioned what the ordinance states. Ms. Aiello explained that this is not an ordinance but a motion by Council. Therefore, this would be subject to the swap closing conditions being met. Ald. Newman suggested that this could be held until the next meeting. Ms. Aiello noted there is a request from the developers to suspend the rules for the amendment in order to allow time to get all the paperwork done and be ready by closing date.

There was a consensus of the Committee to hold this until the October 11th meeting and would not effect the process. Therefore Ald. Newman recommended in agreement with the other Committee members, to give the City Manager’s Office the authority to do the subdivision conditional on the project going forward with closing on October 15th as planned. Ms. Aiello stated that they would not release this until signed off as part of the conditions with closing. The Committee directed Ms. Aiello to prepare something in writing to this effect to go before Council this evening. Ms. Aiello complied.

Ald. Newman moved approval to give authority to the City Manager to go forward and approve the subdivision subject to the land swap agreement being met. Ald. Tisdahl seconded the motion and the vote was 3-0 in favor.

(P3) 715 Sheridan Road Resubdivision Plat
Mr. James Murray announced that he was here on behalf of the owner. He gave an overview of their request for plat approval to divide the existing 57,000 square foot lot into two lots with the results of one lot being approximately 20,000 and the other lot being the remainder. The larger of the lot, being approximately 37,000 square feet would have the existing residence on it. The owner proposes to construct a new residence in the character of the existing residence on the smaller lot that will be more remote from Sheridan Road. Ald. Newman pointed out that in order to construct the new residence it will have to meet the approval of the Preservation Commission. Mr. Murray informed that this matter has been through the Preservation Commission and they did not formulate the recommendation to this body relative to the subdivision. They did however review the residence and they responded to some of the concerns that the Commission had by
adding windows to the Sheridan Road side. He said the vote in the Preservation Commission was 3 in favor, 2 against and 1 abstained, which did not allow them come to a recommendation to P&D relative to the subdivision and to the residence that is to be constructed on the subdivided lot. He said they are before the Committee without that recommendation but are able to provide detailed drawings and plans that illustrate the proposed new construction of the coach house, the existing house and the entire lot configuration. He handed out copies of the drawings to the Committee members. He pointed out that the design of the new proposed residence pays very close attention to the design details of the existing landmark residence.

Chairman Wynne said she had a couple of points of concern with this. First, the Committee was not supplied with the standards in their packet. A list of those standards has been forwarded this evening to the Committee. She asked that at the Preservation Commission meeting did they address the subdivision, the structure to be built or both together? Mr. Murray responded that they considered all of it, however just the ministerial decision on the subdivision is only before the Committee this evening. Chairman Wynne informed that she received a email message from Ms. Lloyd today indicating that one of these lots is going to be built on and one is going to be left as unused property. She asked for clarification. Ms. Susan Lloyd addressed the Committee. She is the owner of the 1 1/3 acre property. She explained that in an earlier subdivision approved by the City Council that never entered in, the actual lot was divided into three different properties. What she is proposing to do now to this single lot is to divide it into two, build and occupy a house that looks like a coach house to the existing larger residence, and then legally prevent any other development from happening on the rest of the property. Therefore, she can sell the larger residence with a substantial amount of land, live in the smaller home, and give an easement to the new owners into their garage so that there is only one driveway. There will be a permanent easement on the property so that either the new owners or herself can't develop it in the future. Ms. Lloyd clarified to Chairman Wynne that this is what she intended to explain in her email.

Ald. Newman said that it appears the new residence is going to be far back off of Sheridan Road. Ms. Lloyd confirmed this and Mr. Murray added that because of the great differential in distance, only the upper story of the new residence will be visible from Sheridan. The new residence will be closer to the lake and there is a difference in elevation, which virtually makes the house non-visible from the street frontage. Ald. Newman said that if this is the case, in his view, it has much more limited preservation issue in terms of the standards in the Preservation Ordinance. He asked when someone comes in for a subdivision of a lot in the historic district and they want to build a structure, do they have to get approval for the subdivision and then later approval for the structure? He said this is what is confusing with this issue. He questions if the new structure still should require approval if it is not visible. Mr. Murray said it is presumed to be visible because it has two accesses one from the street and one from the lake. Ald. Newman questioned that in order to move forward with the owner’s plan, if the Committee approves this subdivision, this will still have to go back to the Preservation Commission for approval of the design of the new structure. Mr. Murray concurred. With this in mind Ald. Newman stated that he would definitely want to approve this in
view of the lot sizes, preserved open space and the proposed design detail of the new structure. His concern is that he was under the impression that upon approval of the subdivision and with the plans that have been presented, he assumed the owner could then proceed forward with obtaining building permits. However, this still must go back before the Preservation Commission. He disagrees with this process, Chairman Wynne agreed.

**Ald. Newman moved approval, seconded by Ald. Tisdahl.** She stated that she was in support of this from the beginning but also agrees with Ald. Newman’s view with the preservation process. The Committee agreed that this situation needs to be addressed and the process re-evaluated because it is clearly an unnecessary step and consumption of time when both cases can be considered together by the Preservation Commission and forwarded as one complete package. Chairman Wynne stated that especially in a case such as this where she can support because of the sensitivity shown by the property owner to preserve the historical nature of the existing property, even with her strong belief in preserving these larger lots that are unique and magnificent. She asked the architect, Mr. Knutson, what materials are proposed for the new structure? He responded that brick construction in similar detail to the existing structure would be used.

Ms. Szymanski stated to the Committee that with respect to what she senses will be a motion to approve the plat of subdivision, she drew attention to the Ordinance, Section 2-9-12 (D) and (E). As Ald. Newman said earlier, this is not discretionary because of the particular language of this ordinance. As the Preservation Commission does not have findings because there was no recommendation or findings of record, what Council would need to do to approve this is to make a positive finding on the standards in 2-9-12 (B). She suggested that if the Committee is comfortable in doing that this evening it need not be in writing. Otherwise staff can prepare findings and bring back to the Committee in 2 weeks. The Committee agreed that they would be more comfortable with staff doing the findings and bringing back something in writing. Mr. Murray stated that this would be a motion before the City Council at whole and the fact that it would be delayed for 2-weeks would not have a substantial impact.

Ald. Newman stated that it is the sense of the Committee to approve this with direction to staff to come up with findings rather than the Committee doing so at this time. Mr. Wolinski noted that this is an action item therefore he suggested holding this in Committee, which was agreed. Chairman Wynne urged on behalf of the Committee, that the Preservation Commission, also the Plan Commission, make sure that when they are making these recommendations to the Committee that they do walk through the standard and make findings of fact. **The vote was 3-0 in favor of holding this item in Committee for staff to prepare findings of fact to be presented at the October 27th P&D Committee meeting.**
ITEMS FOR DISCUSSION

(PD1) Exemption from Special Use Provisions for Homeless Shelter
Chairman Wynne acknowledged that this is a recurring yearly procedure to set a date for a hearing, which has been recommended for the next meeting on October 11th. Ald. Newman recognized that this has been an ongoing procedure for many years without much opposition or numerous problems with the shelter’s operation. However, he felt it important to mention some recent problems have again arisen with homeless individuals in close proximity to the shelter where these incidents have occurred. The complaints are sleeping in vestibules and urinating on private property as well. He realizes that this problem is not directly at fault of the shelter however because of the nature of the problems, this is a concern that may be directed towards the shelter with accusations of overflow onto the surrounding neighborhood. He said that there might be some opposition or concerned citizens in attendance at the hearing that will raise these issues.

The Committee agreed to hold the hearing at the October 11th meeting.

(PD2) Ordinance 28-O-04 – Amendment to Section 4-5-2 of the Evanston City Code with Modifications to Section F-502 and F-503 of the BOCA National Fire Prevention Code
The Committee asked if any notification was sent out regarding this update to all the buildings that would be affected by this ordinance as was done when this previously was before them. Chief Berkowsky informed that no notification was sent out because at this point it is only at a discussion level. Whereas he is updating the Committee on research and new legislation and staff's recommendation to make any changes at this point before notifying those buildings that would be under effect of this ordinance. Chairman Wynne asked Chief Berkowsky for a summary of the recommended changes. Chief Berkowsky gave a summarized update pointing out first the buildings listed that they still insist should require this sprinkler retrofit ordinance. He distributed a copy of a CNN news article to the Committee members regarding a deadly fire where 3 students died in a fraternity house. He stressed the importance of his continued urgency that all university housing be included and made to comply with this ordinance. He informed the Committee of a large fire that occurred on April 15th at a large rooming house at 720 Foster. He recalled that approximately 2-years ago the owner of this property spoke against this ordinance stating that their property was clean and in compliance. This proves that even the buildings with no property maintenance issues and everything up to code are subject to fire hazards, no property is exempt. He noted that upon rebuilding 720 Foster a sprinkler system was installed, which is required for new construction.

Chief Berkowsky stated that the City needs to take some type of action on this especially for the aforementioned types of occupancies and those listed in his memorandum. He recognizes the high cost to install this type of sprinkler system but it is only going to get more expensive with time. He feels the Fire Prevention Bureau has done a good job in encouraging sprinkler systems but they need more tools in enforcing this requirement. He noted that in current legislation, the State of Illinois recently passed a new law entitled
"Fire Sprinkler Dormitory Act" which requires all public and private dormitories in Illinois to install sprinkler systems by 2013. However this law does not include fraternities and sororities. He said to subsidize cost the Bill provides for the Illinois Finance Authority and the Office of the State Fire Marshal to administer a revolving loan program. It also allows institutions to levy a surcharge passed onto student fees every year. He also mentioned pending legislation in Washington that could have an impact on existing structures in Evanston.

Chief Berkowsky reiterated his opinion that he feels the 8-year period for compliance to install the sprinkler system is too long. He stressed his reasoning why he would like fraternities/sorority to be included to this listing with all other university housing and rooming houses. He said this is of major concern. He is also very concerned with nursing homes and hospitals. He would like to see the members of this Committee consider the modifications as proposed to start moving towards addressing these types of occupancies that need to be a priority.

Chairman Wynne asked if there are any off-campus frat or sorority houses that would also need to be considered. Chief Berkowsky responded that all Greek housing is on-campus property. She said this housing should follow under university dormitory housing. Ald. Newman brought up several locations off-campus that he thought was Greek housing. Chief Berkowsky noted that Greek housing is not considered under university housing this is why it is crucial to bring that particular housing under this ordinance. He said that even though these buildings are on university property, the university according to their leases does not operate them and it is the responsibility for the building to be maintained and operated by the management of each specific fraternity or sorority. Chairman Wynne asked what percentage is Greek housing. The Chief counted 18 fraternities and 12 sorority in total. She asked if it would be legal or appropriate to pass this as an ordinance requiring fraternity and sorority housing to be included in this. Chief Berkowsky said it absolutely can be done that way and asked to Committee for direction to proceed.

The Committee discussed and agreed on Chief Berkowsky’s proposals and recommended course of action. Ald. Tisdahl suggested that notice be sent out to all effected building owners informing them of this discussion that has taken place and that they also be notified when this comes back before the Committee.

It was the consensus of the Committee to direct staff to draft an ordinance and send out notice of this item being forwarded to the Committee on the October 25th meeting.

Ald. Newman presented photos of City-owned garbage cans in a park across the street from a non-owner occupied rooming house. He requested that staff keep on top of this situation and cite any property owner if accountable.
COMMUNICATION

(PD3) Letter from the Citizen’s Lighthouse Community Land Trust Board
This letter was addressed to Ms. Robin Snyderman Pratt thanking her for the work done by the affordable housing task force. The Citizen’s Lighthouse Community Land Trust Board (CLCLT) said that from their understanding at the last meeting that City staff were to do some research and bring back before the Committee for further discussion. They expressed their concern with not hearing anything to date on this matter and requested an update. Along with this letter, Ms. Snyderman Pratt sent a memorandum to the P&D Committee with the Housing Commission’s recommendations for inclusionary housing. (Memo available in Community Development Administrative Office.)

ADJOURNMENT

With no further business, the meeting was adjourned at 8:31 p.m.

Respectfully submitted,

[Signature]
Jacqueline E. Brownlee