

**Planning & Development Committee  
Minutes of February 9, 2009  
Council Chambers 6:30 p.m. – 8:20 p.m.  
Evanston Civic Center**

Aldermen Present: S. Bernstein, A. Hansen, D. Holmes, L. Jean-Baptiste, E. Moran,  
R. Rainey, E. Tisdahl, C. Wollin, M. Wynne

Staff Present: K. Cox, B. Dunkley, S. Guderley, D. Marino, B. Newman,

Presiding Official: Alderman Moran

**DECLARATION OF QUORUM**

Chair Moran called the meeting to order at 6:56 p.m., a quorum being present.

**APPROVAL OF JANUARY 26<sup>th</sup>, 2009 MEETING MINUTES**

**The Committee voted unanimously 8-0 to approve the January 26<sup>th</sup> 2009 meeting minutes.**

**ITEMS FOR CONSIDERATION**

**(P1) Consideration of Planning & Development Committee Recommendation to Adopt the Draft Downtown Plan as Revised**

Ald. Tisdahl explained that she would not be voting to adopt the Downtown Plan because 25 stories being built as of right is giving too much away. She supports 16 stories as of right. She believes the public benefits are terrific and much of the plan is terrific but she would like the public benefits to kick in earlier. She said she supports the Plan Commission's 5-3 vote in favor of the Downtown Core and not a Central Core.

Ald. Rainey said in reviewing the red line draft she thought the consultants and staff did a great job in reflecting the discussion of the Committee and she was surprised to see that the total number of red lines barely made up a page, which says that there was great respect for the plan as it was presented to them and the major issue is that they amended the plan to reflect the 25 and 35 stories. She said as she watched the plan get developed over the year, it was always her understanding that this was a downtown Evanston plan and not a year's worth of work and tens of thousands of dollars spent on one single height issue. She said she still supports the work they did at the last few meetings.

Ald. Bernstein said he would be voting against the plan also for some of the same reasons as Ald. Tisdahl. He commended the consultants and said there is much of the plan that can work and should be incorporated. He said the original call for a Downtown Plan was because of the saturation happening downtown and he was hoping the consultants would stem the tide. He was hoping the consultants would do a total analysis of the downtown and give recommendations as to where in fact we could give additional height without much impact, for traffic patterns for traffic flow, for parking consideration, for use differences, wayfinding, and a reasonable discussion about increased height. He said he is not very concerned about height, but a 25 story base he feels is giving away the store and everything they have fought for the last 9 years.

Ald. Bernstein said there are many portions he agrees with: the portions where they compliment the City Council about the vibrancy of the downtown. He said he knows they have been largely

reactive and that the developments came to them on an ad hoc basis, and that some of the citizens say the Committee has not said no to any project, which is not the case, as they have rejected many projects that the Council did not deem worthy or that would not give back more than they were proposing to give. He said in this economy, some of the initial theses of the downtown plan are no longer true, such as the fact that the condo market is no longer thriving. He said he has spoken to the Chamber of Commerce who believes small office space may be better to develop. Planning too much in the future, he believes, is a difficulty that this Council should not undertake.

He said he also took issue with the Traditional District Zoning of the 1000 block of Davis Street because it occurred to him that the planners who upzoned most of the downtown, were keeping this as a kind of museum, so in the future they could say that the 1000 block of Davis is what Evanston used to look like, which is not fair compared to what everyone else in the downtown is able to get through their zoning. He added that in this economy the bonuses are going to be very difficult to attain because the margins are getting much smaller. He said he believes form code zoning is the way of the future but that it is more relevant for a town with no development and Evanston is not that town. He thinks the Council has done a good job and the consultants agree, so he does not feel it is broken. He said the additional cost it will take staff and Council to create zoning ordinance enactments on this plan is not feasible. He said three properties were excluded from the plan. He said his decision is of no consequence with respect to 708 Church Street, which will come before the Council, adding that they have already gotten a free ride as far as what the majority of Council thinks is a legitimate height, providing they come up with certain bonus requirements, but he said, he does not see the City being benefited from it.

Ald. Bernstein said he trusts the wisdom of this Council and subsequent Councils but the glaring fact is that the basic thesis of the plan has changed. He regrets the money it has cost but he does not think it was wasted because it has done a lot of good. He said the Burger King corner idea was good example of what he had hoped would come out of the plan: discussions about one way streets or closing or expanding streets.

Ald. Bernstein said he believes the multi modal study takes issue with their analysis of the downtown parking, and he also takes issue with a reduction in the required parking, explaining that there are indications that even though this is transit-oriented development, the residents of the downtown have cars and there is not enough parking, adding that maybe in the near future they will stop having one to three cars but currently they do so to reduce the number of parking spaces for condos or office buildings or for the 1000 block of Davis, to him is short sighted.

Ald. Wynne said she will also be voting against the plan though there are many excellent points that are made in the plan. She said she agrees with Ald. Bernstein and Ald. Tisdahl that parts of the plan she very much appreciated were the standardization of benefits, so that we don't end up with buildings being built patchwork all based on the negotiating skills of whoever happens to be at the table at that time. However, she said, for her the Central Core is an insurmountable issue. She said the Committee has stated their opposition to having a Central Core of this height and in fact the Plan Commission, which was divided on a number of issues, found 5 votes to eliminate a Central Core.

Ald. Wynne said the community has supported many aspects of this plan and has been very dedicated and faithful to the entire process and she salutes everyone who has come out throughout that entire process. She knows how time-consuming it is and how much effort people have put into it and she regrets that she cannot vote for it, but this is a critically important issue and it is one that she cannot agree with.

Ald. Wynne said she said she is additionally concerned about the parking questions which she does not feel have been properly answered and because of these 2 issues, she is voting no. She

added that there is much in this plan which is absolutely adoptable but not with a Central Core that so clearly is not wanted and not needed in our downtown.

**The Committee voted by majority 6-3 to adopt the Downtown Plan as amended.**

Chair Moran thanked the consultants and commended them, saying this is a plan people will resort to many times over the years due to their good work.

**(P2) Ordinance 1-O-09, An Ordinance Amending the Zoning Map to Re-Zone the Properties at 912-946 Pitner Avenue from the I2 Industrial District to the MXE Mixed Use Employment District.**

**Ald. Jean-Baptiste moved approval of the ordinance. Ald. Tisdahl seconded the motion.**

Chair Moran noted that there is one speaker who wishes to speak about this issue.

Mr. Murray, representing Mr. Spatz, said he presented in July and August of 2008, a proposal to change the zoning classification for the property between 912 and 946 Pitner from the existing I2 District to the MXE recently configured and formulated district, which allows a residential component to be included within the context of the industrial and commercial other uses that would be permissible in this particular area. He said that for years this has been a transitory mix of types of uses. It is immediately adjacent to a residential district to the west, involved in the industrial aspects of the district to the east and to the north. Mr. Murray said that with the exception of Nels Johnson Tree Service, all of the individual owners of properties within this 600 linear feet of Pitner are in favor of the inclusion of the residential component and the change from the I2 to the MXE. He said whether you measure it by assessed valuations, by individual owners or by the totality of the space that is involved, approximately 80-90% of the people who own property in the district that is supposed to be changed, are in favor of this change because they see that the addition of a residential component does not have a negative aspect to it despite some suggestions about who is entitled to utilize the parking along the roadways that border the property.

Mr. Murray continued that in the evolution of this request there have been many changes but virtually the entire neighborhood is in support of this change. They see that the residential component adds a burden for the potential property owner who would use it, which is to take care of motor vehicles and the other attendant details of any residential development in any part of the city. He asked that the Committee concur in their conclusion and the Plan Commission's conclusion that this is an appropriate use and an appropriate map change. He thanked the Committee.

Chair Moran thanked him.

Mr. Philip Couri, who represents Nels J. Johnson Tree Experts Inc., the business at 912 Pitner, said that it is important to note that Mr. Johnson has been entrenched in the Evanston business community since 1930 and that his business has been located on Pitner since 1950. He said there were many discussions in the Plan Commission hearing about the benefit of changing the zone to a mixed use but that the primary purpose in changing any zoning district would be to benefit the common good and inherent in that you must consider whether the effect would be adverse on the current business owners who it may affect, explaining that his client has 2 issues of concern: the first is parking. He said this proposed plan will considerably change a significant parking problem. He said there are not parking restrictions currently on Pitner so businesses all around are taking advantage of this by parking over night. An auto repair shop puts its cars on the street and semi trucks park there overnight while waiting to make deliveries the next day and it is

causing a huge problem because his employees who come to work as early as 5:30 in the morning have no place to park. He explained that to changing this to mixed use will increase pedestrian traffic, visitors and the number of people that are inhabiting this block and it will inevitably increase parking demands where there is not enough parking already, adversely affecting his client's business, his employees and their business structure. He said of all the reasons offered by the petitioner that said this is beneficial, no parking studies were done and no statistics brought to anyone's attention about how this is going to affect parking which will not only affect his client, but other businesses in the area.

Mr. Couri distributed photos of Pitner taken by the owner of Nels Johnson Tree Experts, labeled in the corner with the time they were taken. The first was taken looking north on Pitner from Main Street, showing congested parking. The second was taken from the east side of the street looking at the site where the proposed zoning would take place on the west side. He said testimony was given at the Plan Commission meeting that there are parking spaces but this was never backed up. Some pictures showed the need of Nels Johnson's employees to park on the street because their parking lot is already full and employees currently have no other place to park. Mr. Couri explained that the photos were illustrating different vantage points up and down Pitner showing that there is congestion at many different times of the day. He said they believe much of the problem is due to the fact that there are no restrictions on overnight parking and a telling sign of this is a photo looking north from main street taken at 6 a.m.. He concluded that the petitioner offers nothing to show that the change in zoning will adversely affect the parking problem.

Mr. Couri continued that the other issue is that the businesses in this area have coexisted harmoniously for fifty years and inevitably when you are changing the zoning to residential, there is the potential for it to disrupt this harmony, meaning that eventually a resident will be upset that Nels Johnson has trucks going at 6:00 a.m., that they don't like the noise or the smell or the people walking. He said there are going to be complaints and they will definitely directly affect his business. Mr. Couri said to gloss over and say this is good for everyone on the street and for all the businesses if you look deeper into the issue, you are changing the dynamics of this area and when you change the dynamics, it is going to affect your business. He said also, they do not know whether there is sufficient water or sewer. He said the petitioner argued that it is going to increase the property values: he said he does not know that, for if someone wants to buy his client's business and he sees there is residential there, he may say he does not want anything to do with mixing residential with this type of business. He said they do not know, but what they do know is they've been coexisting harmoniously for a long time and this change in zoning could disrupt that harmony, especially when you have a business owner who has been entrenched in the community for as long as he has.

Mr. Couri noted that this is not necessarily about public good. This is about developing property and hopefully selling and making a profit on it. He said he believes there are other businesses on the west side of the street that are not part of the zoning have problems with this, saying that one person came forward during the Plan Commission meetings who said he does not want this. It is not his re-zoning and it is going to directly affect him. He is across the street on the east side. He said there are a number of issues to be considered and for all these reasons he thinks the re-zoning should be denied.

Chair Moran thanked him.

Ald. Jean-Baptiste said he is the alderman of the ward in which this property is located. He noted that C.E. Niehoff at Lee and Pitner has submitted a proposal to significantly expand the parking on his own property. He is adding approximately 60 spaces which will alleviate some of the parking problems. He said he grew up approximately one block away from Nels Johnson and

they have never heard anyone complain that they live in an area adjacent to such a business, so he believes the possibility of it becoming a major nuisance is very low. Residents have coexisted with the businesses, and it is a stone's throw from many residences. He said he understands that they want status quo.

Ald. Jean- Baptiste said he has not heard complaints about parking and that people have utilized the parking lot in Main Street Plaza. Mr. Bond, the owner of Main St. Plaza, has been very liberal in his relationship with the adjacent community, allowing people to park there. He said he allows the church goes and businesses to use the Main Street Plaza parking lot. He said he understands their concern but he does not believe the conditions there will not be as drastically altered as they believe, but if they need to make further modifications, they can do so. He reiterated that due to the fact that C.E. Niehoff who has several employees who park on Pitner, will now expand those employees' parking options, it should alleviate the parking problem. He asked that the Committee support this proposal.

Ald. Rainey asked Mr. Dunkley how they can distinguish between a private educational institution and a public educational institution. One is a special use and one is a permitted use. Mr. Dunkley replied that a public education institution is publicly owned. Ald. Rainey said judges have said a cultural facility is the same thing as a school or a church and their activities do not differ, so she was wondering how the activities differ. Mr. Dunkley said he cannot answer from a historical perspective why they are so clearly differentiated for public and private educational institutions but he will research the ordinance which was created in 1993. He added that there are more challenging uses in the zoning ordinance that they are hoping to tighten up as they move forward on the zoning ordinance update, which is forthcoming. Ald. Rainey asked why a public educational institution is a permitted use in this district, to which Mr. Dunkley replied that they also have the situation where entities that are creatures of the state, for instance other non-municipal government bodies are not held to follow zoning ordinances. It is publicly owned land, so to require them to go through a special use process, may be problematic. He added that he does not have a quick and simple answer to her question.

Ald. Rainey asked whether government or public uses are permitted uses in all zoning districts to which Mr. Dunkley replied they are generally permitted uses but he would not say they are all permitted uses.

Regarding 912-946 Pitner, Mr. Murray said in response to Mr. Couri, that they think that the safeguards that are contained within the ordinance that impose a responsibility on any property owner to provide for sufficient off street parking for any residential use within a structure built or converted or otherwise attempted to be utilized for residential purposes, is more than a safeguard for any other business owner that might be utilizing the public way as parking for his or her employees. He concluded that they see that the addition of a residential use in this area is benevolent at the very worst, and probably a good idea that presents the opportunity for the municipality to offer an additional type of housing which combines the workplace and residential, for those interested in this loft type existence.

Ald. Tisdahl asked Ald. Jean-Baptiste what Mr. Johnson's options are if the parking does prove to be a problem and whether they will do a parking study and change the over night parking, to which Ald. Jean-Baptiste replied that the current parking situation is not a problem except for people coming into the area to work. The residential neighborhood is single family homes so it is not as dense a community as you would have with multi dwelling units and it is still a hypothetical situation because you have a significant outlet with the Main Street Plaza parking lot so until they are presented with a specific problem, they can not cross that bridge. Ald. Tisdahl asked if he would remedy a problem if it came up and he assured her he would.

Ald. Rainey asked the meaning of “dwellings multiple family,” to which Mr. Dunkley said it is a building with three or more units, if it could fit within the requirements. Ald. Rainey asked what the potential is for multi-family to which Mr. Dunkley replied that they are very small lots so it will be difficult to consolidate them: He said you could only fit a small number of units on a single lot. He guessed that they could fit approximately 10 explaining that as you consolidate lots you have more flexibility with what you may be able to build with new construction.

Ald. Jean Baptiste said he does not think that 10 units could fit on that size lot, to which Mr. Dunkley, agreed, he may have been overstating what is possible, as they are only about 125’.

Mr. Murray said that Mr. Spatz has done some research into this area and he is one of the owners involved in the request for the rezoning.

Mr. Spatz said that it is price prohibitive to make the conversion from the existing uses to a straight residential use, multifamily or otherwise on the basis of current property price levels and that in the course of taking a look at what could be done in some of these lots, and the only one is at the northern end of the block that has the capacity to be converted in any fashion, not more than 5 or 6 units maximum could fit, as a means by which to convert the entire property or make use of the property as a residential and industrial commercial enterprise with the market they are attempting to address.

Ald. Bernstein asked whether someone could tell him whose cars are in the photo taken at 6:00 a.m. looking north from Main Street and whether they are Nels Johnson’s employees’. Mr. Nels Johnson responded that when he gets to work at 6:00 a.m., 50% of those cars are already there. Then his employees park there. It is a mix. He said there are semi trucks parked there sometimes. He said he has called the City about it and they have said there are not many streets where the semis can park overnight, so, he said, they are dealing with a changing environment constantly. He said when he comes down Main St. and turns north on Pitner on his way to work, he has almost been hit a couple of times by people shooting up to the C.E. Niehoff company. They are also coming to work and it is a dangerous environment and now you are going to add residential to it and who knows what ages. He said it is a very peculiar thing and the area they are talking about is only a short part of that block. The other side is AT&T, there’s a chemical company, a steel company on the corner, and his company. He said he has never, in all the meetings they have had, ever been shown a plan of how the parking is going to be accommodated and he does not understand how they will put off street parking in little shops. He said the only building is Mr. Spatz’s building that has off street parking and the other ones north of his, do not, so it seems the parking is going to be on the street. He said the other companies are parking on Fowler, which is residential and residents on Bradley have asked them to please park there, so they don’t but he said all the companies on Main Street are parking on Fowler and Pitner and it is an issue. He said he did not pose those photos, that they are real and that it is an issue.

Mr. Spatz said he developed a property at 930 Pitner a few years ago and he and his partner own 940 Pitner and that the majority of the parking on the street is by Nels Johnson’s employees, which is fine. Any new projects that would be done in the neighborhood would have to fulfill the parking requirements per the ordinance, which means off street parking, so as far as adding further congestion to the neighborhood, he does not see where that is going to happen. He said in a contemplated project that they met with Mr. Dunkley on last week at 940 Pitner, they were adding 3 or 4 spaces to the street by eliminating a curb cut at 940 Pitner which is an auto repair shop. They took their own photos as part of their presentation during the process and during the time that Mr. Johnson spoke of, they specifically checked his off street parking adjacent to his building and while the street has his employees on it, but only 25% of the spaces to the south of his building were occupied. He said he guesses that only the office staff is allowed to park there and not the construction staff.

Ald. Rainey said the issue is that this is not a zoning change for this economic environment. This is a zoning change for going forward. She said she does not have a problem with it. She did not know there was an issue with a long time employer who does employ lots of people. She said in a recent conversation she had with the Chamber of Commerce, they said one of the most important things is maintaining, stabilizing and enhancing people that we already have. She also said she finds it hard to believe that they have not had a meeting with the neighbors and that there should be one. She added that this is just for introduction. Ald. Jean-Baptiste agreed with Ald. Rainey that there should be a meeting, especially with C.E. Niehoff taking the initiatives they are taking. He said he would arrange a meeting with Mr. Bond, Mr. Johnson and Mr. Spatz.

Mr. Couri said he believes the question is not whether or not there is a parking problem, because there is one, but whether this change in zoning will exasperate that parking problem. He said if their answer is yes, it could potentially do so, they will have an adverse effect on a current order, no matter who is parking there and by increasing the residential inhabitants or the pedestrian traffic whether it is visitors or people spending the night, it is going to create more of a problem with the parking. He said regarding the requirements for off street parking there has been no proposal shown and the lots are tiny so he does not know where they are going to put this off street parking.

**Ald. Jean-Baptiste moved to introduce the ordinance and hold it in Committee for further discussion.**

**The Committee voted unanimously to introduce and return the ordinance to Committee.**

**(P3) Consideration of a Plan Commission recommendation to deny a request by the Joan Dachs Bais Yaakov School for a Map Amendment to Rezone the Property at 222 Hartrey Avenue from I2 Industrial District to C1 Commercial District.**

Mr. James Murray said he was there on behalf of the school in their application for a map amendment. He explained that there are several aspects of this process, the history of which is of significance and that also present were several of their witnesses who appeared before the Plan Commission, Mr. Weiss who is spearheading the project on behalf of the ownership and Mr. Hedlund, the architect, and that all are available to respond to the Committee. Mr. Murray explained that the intention of this hearing is to overcome what has been a negative vote by the Plan Commission with reference to the suggested map amendment from an I2 to a C1 District. The entire intent of this proposal has been to allow the owner of the school to utilize the space as a boys' school of orthodox Jewry, covering preschool through 8<sup>th</sup> grade.

Mr. Murray said the building is more than large enough to accommodate their needs, the parking lot is 3 times the size of what they might need, and far more than would be necessary to accommodate any school of a similar size. It is a perfect fit according to the planners and designers and virtually everyone who has looked at the project. Nevertheless, he said, there is opposition which suggests that the real problem is the loss of tax revenues resulting from the property tax imposed on this parcel, and that this point of view can be resolved by a negotiated undertaking by him on behalf of the school to provide a contribution in lieu of taxes on an annual basis on behalf of the school, to cover the City's share of the property taxes that will be imposed upon this parcel. He added that it seems to be unsettling that this particular school is a private school and that these differences may be an issue.

Mr. Murray explained that the preference would have been to review this project as a special use. They, however, came to the city with four or five different applications for review, plus requests for interpretations by the zoning staff and have essentially included every potential zoning relief in order to get this matter before the Committee this evening. They considered the likelihood of

the benefit to the City of having a C1A District at this location but they eliminated it because of the negativity that is associated with being able to spot zone regarding the density and height of projects that might be constructed in such a district. He said C1 is the project site's closest significant neighboring zone of utility. The shopping center to the south is C1.

Mr. Murray said the other aspect of opposition seems to be rooted in the idea that this site is clearly the best site in the City for industrial development. Mr. Murray reviewed for the Committee that Shure occupied this space as well as the Vineyard space for many years. They gave up the space in order to relocate to Touhy and Lehigh, which made the opportunity to make two of these parcels available and the Centerpoint Company came to town and said they would buy it and make it into a viable industrial space and they had the substantial assets with which to make it happen. They applied the best minds, the best parking techniques, the best services and all the rest and the property stayed vacant for 6 to 7 years. It is still considered a prime industrial property even though it lacks visibility, proximity to major transportation lines, be they street, rail, airport or otherwise. It has little attraction for the amalgam of industrial sites that have become a reality through the economic shift of manufacturing or construction or fabrication of materials all of which have been outsourced now to China or the Asian perimeter and what is happening is that the industrial entities that used to require 25,000 or 30,000 square feet to build, package and ship their goods are now 10,000 square foot entities that simply drop ship and do design and forget about the manufacturing. It is all coming in on containers from the west coast and Asia. So as part of this process they attempted to find the means by which to provide the opportunity to get this matter before the Committee. The special use did not work because Mr. Dunkley decided that this is not a religious institution. He decided that this is not a use that would fit within the context of a special use application for the I2 District. It became apparent that the only way to get before the Committee was to make some kind of a map or text amendment, or put in a request for that to be done. But in the process it was also their determination to go forward on the basis that they are applying for a Special Use regardless of what the actual application said. So as a result, they brought a traffic study, architectural documents and a surfeit of materials and persuasive testimony that was unrebutted by the Plan Commission. He said there were no objections voiced in the Plan Commission other than the City in their efforts to attempt to save this prime industrial site that has not found an occupant for over 7 years. The CTA is thinking about creating an L stop at Dodge or some nearby street that workers could utilize to find their way over to 222 Hartrey walking through the neighborhood or down the park's access way that is on the other side of the CTA. But it seems that this is such an insular site. Its west and east boundaries are major streets. One separates the Shure property from single family residential to the immediate east. The channel and the Vineyard property isolate it to the west, the CTA to the north and shopping center to the south. Vehicles coming to the property have to enter at the west end of the property, circle it, park, and leave by going to the west to exit the property. The impact on any residential or any other commercial use is minimal. Mr. Murray said there are 6 buses that drive the 250 students to school every day so there are no lines of parent operated cars coming to the site to interfere with the intersection of Kedzie and Howard, or McCormick or the light next to the bridge. He said there are really no serious negativities to this use: they fit together like hand in glove, but the opposition perceives the problem to be the inability of this property to generate and contribute its fair share to the operations of the City. He said he is here on behalf of the organization to say that they are willing to negotiate to a conclusion a contribution in lieu of taxes which will allow them to provide their fair share to the coffers of the City as a means by which to establish this site as a C1 District instead of an I2. He said they are there to present whatever additional evidence: photographs, diagrams, site plans and material boards, that the Committee may require.

Mr. Murray said he and his client would hope that the Committee would find that there is more to the vote at Plan Commission than a simple 4-3 requirement and they would hope that the Committee would find that this is in fact a worthy thing to do at this site not just because of the

school, because the school the intended occupier of the space, is not the only reason: C1 is the right zoning classification for this property. It is adjacent to the C1 district, it is part and parcel of the same land, and why it did not get converted at the same time he does not understand because the likelihood of being able to do a better job of marketing would have been based within a commercial use of that site.

Mr. Murray concluded by saying he hoped the Committee would give very serious consideration to reversing the intent of the Plan Commission and approving the map change that would allow them to go in even as a permitted use. He said it would changed the concept that private institutional uses perhaps ought to be special uses in most zoning districts, whether they be residential or commercial. Perhaps it is beneficial to pursue that as a public policy but they think that they should not be impaired in acquiring and utilizing this site for a proper use that would ordinarily be embraced if they have done what they can to minimize any loss in revenue the City might bear as a result of its existence. He asked the Committee to review the approximately 250 pages of interesting conversation in the record. He said they think the predominant and appropriate view is that this map change is a good one and does beneficial things for both the City and the neighborhood.

Ald. Bernstein said when first he heard of this proposed use a long time ago, he was told that there was already an agreement for a payment in lieu of taxes. He asked whether that was the case. Mr. Murray responded that there has not been one that has been exchanged on paper. He thinks there has been a meeting of the minds and an agreement in principal with reference to that contribution. He added that he could formulate one in writing within moments.

**Ald. Bernstein moved to hold the item so negotiations may be ongoing.**

Ald. Rainey said they waited this long and she would like to get it resolved.

**Ald. Bernstein withdrew his motion to hold, having no second.**

Ald. Rainey asked her colleagues not to hold this for any kind of negotiation. She said her concerns are that this is an I2 district and the closest adjacent district is also I2 because Vineyard is in an I2 district: it was not changed. She said there has been chatter but absolutely no agreement with her, that maybe they would like to give some contribution to the City for their portion. They are not talking about District 65 and District 202 being completely aced out of taxes on this property. She said empty, the tax bill on this property was approximately \$126,000. The owner has to maintain that. She said what we are seeing here is a desperate attempt to correct a terrible financial decision on the part of this school. She said I2 Districts do not permit educational uses and furthermore it is not a Special Use either, in an I2 district, so whatever the theory is about public educational institutions can be anywhere, she said she guesses that is because government can be anywhere but in our zoning code the I2 District does not show it as a permitted or a special use. She continued that the applicant was told that and knowingly purchased this property in an I2 district for use as a private school. She said that several years ago this property was generating \$200,000 and it flies in the face of our problems with our tax base to take this property off the tax roles, to change the zoning code so that a property tax exempt institution may come in and wipe out our tax base. She repeated that she has never seen one thing about a tax contribution. She said she heard them say several times they've negotiated with several elected officials, but it was never her and she has never accepted the thought or the fact of a tax payment being made to the City of Evanston excluding everybody else and to her that is not the issue here. She said there is no separation of the fact that they would change the zoning from I2 to C1 and accept a payment in lieu of taxes. That is not what this is about. This is about this piece of property: She explained that as she was listening to Andy Spatz and Nels Johnson, she was thinking what an embarrassment of riches up on Pitner, and if only she had that

in her ward. She said she has a letter from the Chamber saying one of the largest employers in the City of Evanston is an industrial employer so industry is not necessarily dead and that there are several projects that could have gone into this district, had the neighbors approved. The two developers had said they could not deal with the overwhelming opposition by surrounding residents.

Ald. Rainey concluded that there are only two issues: 1)changing it from I2 is an absolute negative and requires the committee to vote against it and 2)the loss of the tax base from a tax exempt institution. She added that none of those other nonsense issues are the issue.

Ald. Tisdahl said she completely agrees with Ald. Rainey that District 65 and District 202 were being aced out and any payment in lieu of taxes that does not include them would be unfair.

Ald. Bernstein asked Mr. Murray whether there was any sense from his client, payment in lieu should include the other taxing entities. Mr. Murray replied that that would be a substantial undertaking and he has no authority to make that representation. He said he would not tell them that it would not be the source of a conversation of immediacy. He believes it is worthy of discussion but his concern is that adding those two components, they are talking about a difference of 20% of the gross bill, being attributable to a City's share of the total property tax bill to approximately 80% of the total tax bill and this had not been a part of discussions heretofore. It was not part of his understanding of where they might have to go in order to achieve some sort of understanding.

Ald. Bernstein asked whether his clients own the property, to which Mr. Murray replied that they own it outright and that they acquired it in 2006 when Centerpoint said they would knock the place down unless they got an offer that would close within 30 days for the entire site, as is.

Ald. Bernstein asked Ald. Rainey what the other industrial development was that considered going into the site and Ald. Rainey clarified that they were residential developments.

Ald. Bernstein asked Mr. Murray if the thought there was any possibility that his client would come in with substantial payment beyond the City of Evanston, probably about 80%, close to the entire amount, but said if he does not think that is reasonable, let's not waste any one's time. Mr. Murray said it is not in their best interest to waste time either, but he does not think it is entirely a waste of time. He does not think any discussion on this matter that might lead them to an end that is positive for both parties is inappropriate.

**Ald. Bernstein moved to hold the item for the purpose of investigating with Mr. Murray's client the possibility of 80% to 100% payment in lieu.**

Ald. Bernstein explained that he is not sure who the conversations were with, but he recalls that there was some agreement with somebody that obviously wasn't the appropriate person because that would have been the Alderman of the ward, Ald. Rainey.

**Ald. Bernstein's motion failed.**

**The Committee voted by majority 7-1 to pass the motion to deny the requested use.**

**(P4) Consideration of a Plan Commission Recommendation to deny a Request by the Roycemore School for a Map Amendment to Rezone the Property at 1200 Davis Street from 01 Office to R4 General Residential Resolution**

**This item is part of a combined application requesting several forms of zoning relief at the same address and should be considered with those items. Plan Commission voted to send**

**two recommendations to Council, both of which to be considered with this application.**

**(P5) Consideration of a Plan Commission recommendation that City Council consider a text amendment to the zoning ordinance, adding private educational institution to the list of special uses in the O1 Office District as an alternative to the map amendment for the property located at 1200 Davis Street requested by the Roycemore School.**

**(P6) Consideration of a ZBA recommendation to approve multiple requests by the Roycemore School for zoning relief at 1200 Davis Street consisting of a Special Use to operate a private educational institution in an R4 District along with two major variations.**

Ald. Bernstein prefaced Mr. Friedland's remarks by explaining that 1200 Davis is one of the two buildings owned by the General Board of Pension Benefits of the Methodist Church. He said unlike the former project presented, this property is already off the tax rolls, so the City would not be losing any tax revenues. He said when Roycemore came to the community as he asked them to do before making any plans, to determine the willingness of the community to go along with this transaction, their intent was to seek a text amendment to allow university use or school use in an O1 District and he explained to them that even though he strongly supports Roycemore's use of this building for its intended purpose, he could never vote for that because of the potential it opens up for other O1 Districts in town. At his behest, they changed their strategy and are requesting a Special Use in an R4 District. He added that the concerns expressed by the residents that are opposed to the R4 District, and what the Plan Commission overruled is in regard to the potential intense density that could occur if it was not R4 General Residential. In as much as this is a concurrent application, which the Zoning Board approved, this is a combined application which means unless Roycemore moves in there it will not be converted to an R4 District. That is not to say that 4 or 5 years from now if Roycemore decides to move out, it will still be an R4 District, but he does not think that will be the case given the history of this school in Evanston and the fact that they plan to enhance the property by the inclusion of a brand new gymnasium and rehab, and the fact that it fits their needs. Roycemore keeps the use to a minimum, which he believes was the concern that the adjacent residents had. An office use could substantially increase the generated traffic of the site..

**Ald. Bernstein moved to overrule the decision of the Plan Commission and he asked that staff prepare an ordinance concurring with the application to change it to an R4 District with approval of the Special Use and Variances.**

Ald. Bernstein clarified: The Plan Commission voted to deny by majority of 6-1 a map amendment to change the property from an O1 Office to a R4 General Residential District. Without any application appearing before them, the Plan Commission suggested and approved in a consensus vote inclusion of a school as a special use in an O1 District. Because of his concern about allowing schools as a special use in the many O1 Districts that are close to a certain university, he does not want this change to happen in all O1 Districts, so he asked the applicant to make the change that they are applying for tonight. His motion is to overrule the denial by the Plan Commission.

Chair Moran clarified that he is moving the approval of the relief sought in Item P4 as well as approval of P6 and P5. Ald. Bernstein agreed that that is what he is saying.

**Ald. Jean-Baptiste seconded the motion.**

Mr. Steve Friedland, representing Roycemore School introduced himself, Joe Becker, the Headmaster of Roycemore School, Stephen Yas and Joe McNeil, Architects from Yas Architecture.

Mr. Friedland explained that they applied for a re-zoning to R4, which necessitated a request of Special Use for a private educational institution and two variations: a front yard variation on Davis Street from 15' to 13' and an impervious surface of 63% rather than the 55%. They had two hearings before the ZBA and Plan Commission. The ZBA unanimously recommended approval of the Special Use and both variations and adopted findings in accordance with the applicable standards but the Plan Commission did not vote to recommend a rezoning to R4. He said however that the transcript indicates that the Plan Commissioners are in favor of Roycemore's move from its existing location at 640 Lincoln Street to this location at 1200 Davis, but they prefer to see it done in a different matter, as Ald. Bernstein indicated. He said the Plan Commission's suggestion was to amend the O1 District to permit educational institutions as a Special Use and then apply for a Special Use in an O1 District, emphasizing that the Plan Commission was in favor of this particular use. He concluded that the applicant believes R4 is the right zoning.

Mr. Becker thanked the Committee for the opportunity to speak to them. He said Roycemore has been a proud member of the community for 94 years and looks forward to continuing to be a good neighbor. They want to continue to make their facilities available, as they have in the past, to various groups and encouraging their students, teachers and parents to support a number of community activities. They are the only junior kindergarten through grade 12 school in Evanston. They have 253 students and take great pride in the fact that they are a diverse school. They geographically draw from Evanston and Chicago and about 20 suburbs. About 30% of their students are of color and nearly half of their students receive financial aid. He said they have done many things very successfully but a number of years ago they recognized that there were opportunities that they were not able to take advantage of simply because their current facility was inadequate. So they set out on a search and the 1200 Davis building really fits virtually all of their criteria: It allows them to remain in their historic home of Evanston, it is central to their geographic base, it brings them closer to public transportation, it is 70% larger than their current location, the space for classroom and laboratories would increase by 40%, there will be dedicated space for student performances, there will be a full sized gymnasium that will accommodate their long standing commitment to physical education for all, not just the gifted athletes, there will be room for a modest increase in enrollment and they do hope over the next 10 years to grow from the current 253 to about 350 students, which they will do primarily by adding an additional class of early childhood (3 year olds) and by increasing the size of their upper school in particular, where it becomes really important that they have a critical mass for certain kinds of activities and certain kinds of curriculum options and finally, the building has 3 stories and 3 wings, and they have three divisions, so it fits hand in glove, at keeping the identity of a lower, middle and upper school while simultaneously unifying them under one roof.

Mr. Becker concluded that they are passionate about wanting to continue what they have done for many, many years and they do not plan on going anywhere. He concluded that they look forward to the Committee's favorable consideration of their request.

Chair Moran thanked him.

Mr. Stephen Yas presented slides of the plans, saying the building is so well-suited it is almost designed for the school. The slides presented showed: the existing building with side yards, front yards and the small park in the southwest corner of the property, which will be kept as such, explaining that their objective is to renovate and restore the building and add a gymnasium; the parking lots and the proposed location of the gymnasium; the front yard on Ridge which is to be maintained; the proposed small park directly adjacent to the kindergarten and preschool classrooms in the inset of the building on Ridge; the hedgerow along Asbury, which is to remain; the existing building with the three wings, showing where the students will be dropped off above

grade as well as below, inside; a proposed play lot on the Asbury side of the building; a new driveway from Grove Street to an existing dock and service area on the south side of the building; and a proposed courtyard with markings for the students to play foursquare as they do at their current location.

He said the middle level will be the main entrance, a library/learning center, media center, administrative offices, art classrooms, a faculty lounge, an auditorium/multipurpose room, a gallery for students' art and a bookstore. The lower level will house kindergarten classrooms, extended day program rooms and rooms for school activities for some of the lower grades. The upper level will house the upper class rooms, science class rooms, upper middle school offices.

Mr. Yas explained that in order to meet the building code for this use, they have added indoor stairwells, the one on Davis Street requiring a variance from 13' to 15'.

He showed the blending of the new building materials with the old and the compatible window modules. He showed the glass enclosed stair addition on Asbury and the gymnasium addition. He added that a very positive feature is that pickup and drop off will occur on site.

He thanked the committee.

Mr. Friedland said regarding the zoning issue, that their proposal is R4, which they decided was appropriate because of the zoning of the surrounding property: to the north is another office district; to the east it is R6, the most dense residential district in the City; to the west on Asbury it is R1; the park is zoned O1; and to the south on Grove it is R1. He noted that this is consistent with a property on Church where there is an existing R4 zoning, which is bounded on the north by office zoning, on the east by R6 and on the west by R1 zoning. These are the same conditions as this site. In choosing R4 they also considered the historic use of the property. It has been office for many, many years and has been considered the western extension of downtown Evanston. It has never related to the R1 District to the west, which is another reason they felt R1 was not appropriate for the site. He said there was a suggestion that the condition to the south of Grove, where on the west side of Ridge there is R1 zoning was an appropriate comparison, but south of Grove there is R1 zoning on the west and east side of Ridge. Their site is R6 on the east side of Ridge. They appreciated the Plan Commission's concern of loss of office property and tax base but it is not currently part of the tax base and changing the O1 District citywide to permit an educational use could result in more loss in property taxes in the future.

Mr. Friedland explained to the Committee that Roycemore is the contract purchaser for the property and under their contract the timing for their closing is based on the General Board moving into its new site, which has not even been built yet. They have a window of closing from August 1, 2010 to November 1, 2010. He said that Special Uses by code have to take out a building permit within one year but they will not yet be the owner of the property and would not be able to do that so they are requesting that as part of the approval of the Special Use, the Committee extend that time. Their intension would be that they would immediately be going in for a permit upon closing but there is some asbestos abatement they must do in the building, so since November 1<sup>st</sup> is their end date, they would ask for a another 4 months, which would give them a deadline of March 1, 2011 to get their permits.

Chair Moran thanked him.

**The Committee voted unanimously to pass the motion to overrule the Plan Commission's decision and to grant the R4 Special Use.**

**Ald. Bernstein moved to amend the motion to include an extension of the date to get permits to not exceed March 1, 2011.**

Mr. Ken Cox said Ald. Bernstein's allusion earlier to ask staff to prepare an amended ordinance for the next meeting is correct. Since this was a joint application by Roycemore, we would draft an ordinance that affected the rezoning of the property, the Special Use and the variations. So for next meeting staff will prepare an ordinance that includes all of those three and if the Committee so decides, upon the current motion to include the extension of the applicant's opportunity to get a building permit to March 1, 2011.

Ald. Rainey asked whether offices are a permitted use in R4, to which Mr. Cox replied that they are not. Ald. Rainey said then they might have an illegal use if they change the zoning now, since there will be offices there until November 1, 2010. Mr. Dunkley said it would be considered a legal nonconforming use so they could continue but they could not make any additions or expansions or increase the impact of the use.

**The committee voted unanimously to approve the motions and the amendment to change the permit date.**

**ADJOURNMENT**

The meeting was adjourned at 8:45 p.m.

Respectfully submitted,

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Bobbie Newman