Planning & Development Committee  
Minutes of May 9, 2005  
Room 2403 – 6:00 p.m.  
Evanston Civic Center

Alderman Absent:  J. Kent  
Staff Present:     J. Wolinski, A. Alterson, G. Morgan, C. Jones-Scherbaum, E. Szymanski, J. Brownlee  
Others Present:  L. Widmayer  
Presiding Official:  Alderman Tisdahl

DECLARATION OF QUORUM
Chairman Tisdahl called the meeting to order at 6:10 p.m.

APPROVAL OF THE APRIL 25, 2005 MEETING MINUTES
Ald. Wynne moved approval of the April 25th minutes, seconded by Ald. Bernstein. The minutes were approved by a vote of 4-0.

ITEMS FOR CONSIDERATION
(P1) Request for Building Permit Fee, City Tax Stamps, Interest Charges Waiver
Mr. Wolinski brought the Committee’s attention to the letter staff handed out at this meeting from the applicant, Mr. Neil Davidson. The applicant has requested to hold this item over until the next meeting on May 23rd. The P&D Committee accepted the request. Ald. Bernstein moved to hold, seconded by Ald. Wynne. The vote was 4-0 in favor of the motion.

(P2) Sidewalk Cafés for Type 1 and Type 2 Restaurants at Various Locations.
Ald. Bernstein moved approval of the Italian Coffee Bar sidewalk café permit. Ald. Wynne seconded and the vote was 4-0 in favor.

Mr. Wolinski informed the Committee that Chipotle has been held due to garbage and litter problems. He introduced Ms. Cheryl Jones-Scherbaum, the Property Standards Inspector for the downtown area, and asked her to give an update on the status of Chipotle. Ms. Jones-Scherbaum gave a brief history of the occurrences with Chipotle regarding their garbage dumpster. She presented several photos for proof of the non-compliant situation with Chipotle’s garbage dumpster overflowing and no apparent locks
in place. She noted that they have three dumpsters total for their restaurant. The pictures were taken on different days, however her usual downtown sweep to inspect the dumpster situations in the alleys is every Monday morning. She said that all photos were taken since the P&D Committee’s last meeting on April 25th.

Mr. Merrill Kassoff, General Manager of Chipotle, asked to respond to Ms. Jones-Scherbaum’s statements. He informed the Committee that since the last meeting he has called his waste management company twice. He said the first time they came out 3-days later and replaced the locks on the dumpsters, but ended up taking away one of the dumpsters to replace with a new one. He said this morning the waste management company delivered the fourth dumpster and picked up two of their locks with the assurance that they would bring all new locks within 7 to 10 days for the remaining two dumpsters without locks. Mr. Kassoff feels that he has appropriately followed up with the request of the Committee since the last meeting and that he has given his waste management company an opportunity to cooperate. Ald. Wynne asked how many pick-ups the restaurant has during a week. Mr. Kassoff responded 3 pickups. Chairman Tisdahal suggested that maybe Chipotle might want to consider other refuge companies if this one does not suffice after given several chances. He noted that Chipotle has dealt with the same waste company for many years with no complaints up until now, therefore he would like to work with them and give them an opportunity to supply service that is acceptable by the Property Standard’s expectations. Ald. Bernstein noted that all the pictures presented by staff have been taken since the last meeting so he questioned if the Chipotle’s senior management has been informed and discussed this with the scavenger service. Mr. Kassoff responded that he has talked with the waste management company personally and that the regional management has been satisfied with this company also. He assured his support in his waste company to come through and for service to improve. Ald. Bernstein stated that response may not be acceptable because it is the responsibility of the business to assure that they conform with the garbage and litter pickup requirements no matter what extent it takes to keep in compliance. He noted how important it is to understand that there was a serious rat infestation problem in the downtown area and if one business is not doing their share it effects all the businesses in the area. He pointed out that Chipotle’s dumpster is the only one out of approximately 12 dumpsters in a row, according to the photo, that seems to be in non-compliance. Ms. Jones-Scherbaum informed the Committee that most restaurants have a 5-day pickup during the week instead of only 3, which she strongly urges would help this situation.

Ald. Bernstein directed staff to forward a copy of the ordinance to the manager of Chipotle. He moved to hold this over again until the next meeting with the Committee consensus of not being comfortable with the responses from the applicant. Ald. Wynne seconded the motion.

Mr. Kassoff expressed his dismay with seemingly being the only restaurant being denied a sidewalk permit after years of receiving one. He feels that they have proven their efforts to comply and improve their garbage situation. He noted that there are several other restaurants that he has witnessed with the same problem but were not sited. Ald. Newman recalled that 2-years ago when Chipotle received their first sidewalk permit, he
personally was picking up trash and blown napkins from their restaurant and the same situation occurred last year as well. He said based on Chipotle’s history, this permit should be held at this time, if not denied all together. Mr. Wolinski also recalled that Council had expressed their wanting extra inspections for the downtown area during the sidewalk café season and staff will do their best to try and site any non-compliance, however it is impossible to site every little thing. He said that Ms. Jones-Scherbaum already had a case with Chipotle and the natural course requires a re-inspection.

The vote was 4-0 in favor of the motion.

(P3) Ordinance 56-O-05 – Extending Moratorium on Issuance of Building Permits on Central from Bennett to Marcy

Mr. Wolinski briefed the Committee that there was concern that this is a 90-day moratorium which will come to an end on June 12th. There are only two Council meetings prior to that date. He and Legal Counsel discussed this with Ald. Moran and felt that the Plan Commission was going to have the recommendation on the “B” districts and it appears that they may not, therefore an extension would be more or less a safeguard just to introduce the ordinance tonight and if it is needed act on it in 2-weeks so that there is no need to ask for a suspension of the rules. Mr. Wolinski pointed out that there is a one day window here where technically someone could come in and apply for permits; if the ordinance is introduced tonight it would protect against that happening.

Ald. Wynne questioned how is it that at the last meeting they agreed that the Zoning Committee of the Plan Commission decision to close the B1 discussion with the understanding that they were going to reopen the discussion of “B” Districts to analyze them. Mr. Widmayer responded that the Zoning Committee of the Plan Commission has done that and are looking at the “B” Districts all together. Ald. Wynne assumed that everything could be done within the extension period. Mr. Widmayer stated that it can be done but he would recommend another 90-days. She said that altering B1 district was not necessarily a good idea because it might solve this problem but create other problems, therefore the plan now is to examine all the “B” districts. Mr. Widmayer affirmed and said that they are planning to do is look at some of the real neighborhood corner business areas that are being affected where the change does not make sense. He said the Zoning Committee is now looking at a new zone for B1a, which is probably what is needed as a compromise between B1 and B2 that would accommodate the neighborhood business districts. Ald. Wynne asked if it could be assumed that if the moratorium is extended this will give enough time to accomplish this part of the “B” District analysis. Mr. Widmayer agreed but noted that the Plan Commission will still need more time to complete their review of all the “B” districts. Chairman Tisdahl suggested this proposed new zone for the business district further east of the location in this ordinance. Mr. Widmayer agreed.

Ald. Newman asked about the status of the review on the R5a and R4a districts that the Plan Commission was working on. Ms. Szymanski and Mr. Widmayer both assured that item would be ready for Wednesday night’s meeting. Mr. Widmayer explained that discussion centered on multi-family zones abutting a heavy concentration of single-family homes. There is a desire to look at making the single-family home the only uses
by-right but all of the other uses in the R4 district will still be available as a special use. Ald. Newman approved of this concept and pointed out where it would assist in the Northwestern area where people are buying single-family homes and two-flats and converting them without any notice to the neighbor. This concept would require those conversions to be noticed and receive a special use. Ms. Szymanski noted that there actually is some additional work that is going to be needed on this matter with respect to additional evidence in the record to support the changes. She had prepared a legal opinion that apparently was not transmitted in the Council packets. Mr. Widmayer stated that the Plan Commission is going to try and get this through at their Wednesday night meeting. Ald. Newman requested to the Committee members to stay on top of this matter to make sure that it goes through because it is a very important amendment that needs to be made. He also pointed out the need for consistency as to what is an acceptable height abutting R1 districts because it is obvious that a 4-story building is not appropriate. He said that it is important that this needs to be uniform throughout the City, not just in certain areas of the City. Chairman Tisdahl agreed and added another concern is the canyonization effect that is occurring in many neighborhood business districts that this amendment could also help to alleviate.

**Ald. Newman moved to introduce Ordinance 56-O-05 with the recommendation to amend to 90-days.** The Committee asked Legal if this is acceptable, which Ms. Szymanski responded that this can be done. However she would like to remind the Committee that consistent with previous opinions of the Law Department the shorter the time the better on a moratorium. She said that this can be renewed if needed based upon the appropriate findings. Given the nature of the moratorium and the effect that it has on property rights and persons desiring to build, Legal always recommends the shorter period. Ald. Wynne responded that she believes the 90-days is shorter than 180-day request for moratorium, which has been requested in the past. She would like to give the Plan Commission enough time and opportunity to finish their review. She feels the 90-day extension can be supported on this fact. **Ald. Bernstein seconded the motion and the vote was 4-0 in favor.**

**OTHER BUSINESS**

Kendall College Property

Mr. Wolinski brought attention to the two letters that were distributed to the P&D Committee this evening from Schain, Burney, Ross & Citron, Ltd. These letters were received via fax this afternoon. He informed the Committee of the meeting hosted by the City Manager concerning the Kendall Development, with Mr. Buono, Mr. Malarky, and several members of staff that was held last week. He also noted that Ald. elect Wollin and Ald. Bernstein were also present. He said that Smithfield finally brought a model in of what they are proposing to do. Smithfield actually presented two different models of basically what they have seen before but in three-dimensional form. He said that there were several suggestions made back and forth with the end result of the meeting being that Mr. Buono felt he had enough input from the Alderman-elect and staff to go back and try and re-work his plan to address some of that feedback. The first letter refers to the hearing before the Planning and Development Committee and that there have been
ongoing meetings regarding the changes to the development plan and that the revisions will not be ready by the May 23rd meeting as the Committee previously directed. He said that the developer is requesting to come back before the Committee sometime later in June with a complete package. The second letter is regarding the appeal by Smithfield of the Preservation Commission’s denial of Certificate of Appropriateness for the demolitions on the Kendall site. He said that matter is scheduled for the City Council deliberations on May 23rd and the developer is also asking that these be stayed again to keep the whole process as a package.

Ms. Szymanski noted that the appeal is at the City Council level, so that request needs to be addressed as an agenda item. The other request needs to go before the P&D Committee as an agenda item as well. Ald. Bernstein asked with the concurrence of the applicant if they can stay the appeal, which Ms. Szymanski affirmed. Chairman Tisdahl said in her view this entire case has gone on for a long time and the City has been criticized for aiding in the time constraints and now the time is being lengthened by the developer’s request at this point. She asked what the discussion consisted of at this meeting and if there was any real movement. Ald. Bernstein responded that he felt the meeting was productive and that there was a great deal of movement. He said that the developer came in with a project that was 45 units presenting a very nice rendering model. He and Alderman-elect Wollin both felt this proposal to be too dense but they talked about the ultimate issue of whether or not the City Council is going to ask for an R1 rezoning or whether there is some negotiating room. Mr. Wolinski added that the three-dimensional model really helped in getting a better concept of their proposal and this would have been helpful to see six to eight months ago probably resulting in better progress than what has occurred. Ms. Szymanski reiterated the process to put these items on the Council and Planning and Development agenda’s appropriately.

Other Future Agenda Items
Mr. Wolinski informed the Committee members that Mr. Jack Siegel will be present at the May 23rd meeting to discuss the legal issues surrounding Inclusionary Housing. He also informed the Committee that the 1603 Orrington project may be ready for the May 23rd meeting.

Ald. Newman’s Farewell
Ald. Newman gave a special thanks to Mr. Wolinski, Ms. Brownlee, and Ms. Szymanski for all their help and assistance throughout his tenure. He wished to thank all staff that has assisted him over the years. He said that it has been a good experience as a member of the Planning and Development Committee. He gave a history account of how he came about being on the P&D Committee after A&PW back in the early 1990’s. He also thanked his fellow Committee members and how he has appreciated working with all of them.
ADIJOURNMENT

Ald. Newman moved to adjourn at 6:48 p.m.

Respectfully submitted,

Jacqueline E. Brownlee