Planning & Development Committee
Minutes of June 27, 2005
Room 2200 – 6:30 p.m.
Evanston Civic Center


Others Present: Mayor Morton, L. Widmeyer, D. Galloway

Presiding Official: Alderman Bernstein

DECLARATION OF QUORUM

Chairman Bernstein called the meeting to order at 6:55 p.m.

APPROVAL OF THE JUNE 27, 2005 MEETING MINUTES

Ald. Wynne moved approval of the June 13 2005 minutes, seconded by Ald. Tisdahl. The minutes were approved unanimously.

ITEMS FOR CONSIDERATION

(P1) Plan Commission Recommendation: Federal Historic Districts (Text Amendment)
Chairman Bernstein noted that the Plan Commission’s recommendation is not to amend the Zoning Ordinance to exclude special uses and variances in federal, but not local, historic districts from review and comment by the Preservation Commission. The original reference for this was made by Ald. Rainey.

Ald. Rainey stated that this was a reference she made that grew out of the concern she heard during the Oakton Historic District campaign. This district, which is basically bound by Oakton, Asbury, Ridge, and Howard, is a district that actually brings to light the wonderful bungalows and many other forms of architecture. She said that during that debate, people that live in wonderful homes that spend thousands of dollars maintaining their homes, became absolutely intimidated, terrified, and felt threatened by the Preservation Commission. She pointed out that this was just after the campaign took place for the Northeast Historical District. The reason they went to just the National District was because of the fear of the rules and regulations and requirements imposed on local districts, the proponents said that they would only do a federal district. Ald. Rainey stated that under the federal district you are not required to go to the Preservation Commission for approval for major alterations to your home. In fact, if you are a federal
historic district, the National Park Service, which is the oversight agency, states that you can tear down your home, replace wood windows with aluminum, whether you are a contributing or non-contributing property in the district. She said their role is to determine whether or not the district qualifies by virtue of the number of properties in the district that are contributing. She stated that people have worked very hard on the Oakton Historic District and is now finally approved as of two weeks ago. Ald. Rainey informed the Committee that there was such contention; people that she used to consider her friends, that no longer speak to her now, from the people that did not want the district because they feared what they called the “Preservation Police”. She said that when you are in a federal district with no overlapping local district, if a property owner wants to make a change to their home, whether it is a contributing home or non-contributing home, the City’s local ordinance requires you to go to the Preservation Commission for review. She said that in those cases where the changes to your home require you to go to the Zoning Board of Appeals for a variation or special use, the property owner will also have to go before the Preservation Commission. When she attended a Plan Commission meeting she recalled someone from the Zoning Board of Appeals say that “the Preservation Commission has no control over changes to a home, unless it is a landmark, in a federal district; all they can do is make a recommendation.” She then heard the Plan Commission members say “whatever the Preservation Commission say about the homes in a federal district, they will listen to their recommendation.” After hearing this comment from the Plan Commission, the people in the Oakton Historic District were very disturbed by this statement. In conclusion, it appears that although the Preservation Commission is only making a recommendation, in reality this recommendation is taken into consideration.

Ald. Rainey stated her argument is for people that are required to go before the Zoning Board of Appeals, that there is no reason to give such a terrible reputation to a federal district by the threat that the people feel for having to go before the Preservation Commission as well. The property owners in the Oakton Historic District are not people who are going to put some outlandish addition on a Chicago-style bungalow. The people in this district love the style of the bungalow homes and the overall historic architecture of their neighborhood. She said the people in her district do not want to be threatened by potentially having to do things that they just don’t thing they need to do. She said this requirement even includes the non-contributing structures. Ald. Rainey noted that it was suggested to just eliminate the non-contributing structures, however this would not be sufficient. She pointed out it was the intention of the federal preservationist to have National Historic Districts without the rigid rules in place to oversee them and control them. This is the reason why they step back and don’t do what local historic districts require because the City of Evanston’s Preservation Ordinance is very firm and places many demands on property owners with contributing homes.

Ald. Rainey said that she asks simply that a word be changed in our Ordinance to eliminate the Federal Districts from having to go to the Preservation Commission for review. She feels that many, including members of the Council and a large number of preservationist, have not really experienced what many homeowners have felt regarding preservation review and no fear should be in that process. Instead, any experience with
preservation review should be embraced and welcomed by any homeowner. She assured that this is not the case by homeowners in the Oakton Historic District that are very concerned with anything involving preservation review. She said that it could have been a beautiful effort but just the opposite is occurring. She realizes that she is going to hear tonight from some members of the Northeast Historic District that they hated the idea of being in a federal district and now they love it, however this is not so in south Evanston. She said that many residents in south Evanston have boycotted all these meetings and refuse to go to the Plan Commission because they feel it’s a put up for the preservationist and that it would only be a big waste of their time and effort. She noted that she does not see anyone in attendance that is in opposition to the Oakton District and regrets that. Ald. Rainey informed the Committee that she told those opponents that if they had of gone to the Plan Commission it would have helped the cause and possibly there would be more sympathy for this amendment because she feels the Plan Commission did not educate themselves at all in terms of the difference between the local and federal districts. In conclusion, Ald. Rainey begged her fellow Council members to consider a way to support this.

Ald. Tisdahl pointed out that there are several points of discussion that refer to the garage at 705 Milburn in the transcript, which is evident of how well this system has worked. She noted that this garage is still there, which Mr. Wolinski stated is still in litigation. In all, she pointed out that this garage is still there, so the process did not change that outcome at all. Ald. Rainey responded that whole situation was a huge disaster and she does not want to see people use this as an example of why this process does not work. Ald. Tisdahl agreed because that particular case was not resolved by the Preservation Commission. Chairman Bernstein stated that in his opinion, this was more a zoning mistake rather than preservation and will ultimately be determined by the court system. Ald. Rainey stated that somehow that is no relief to the matter at hand.

Ald. Moran said that this matter calls in to question larger issues pertaining to the City’s preservation ordinance, which allows these situations to arise. He noted that in the Northeast Historic District that the City went through many months process suggesting that almost ¼ of the City be included in a historic preservation district that required people to go through the process of administrative procedures to do relatively small things in relationship to their property. He stated that there was nothing democratic about this procedure because if there were several people who noted to put that much the City into regulatory procedure on authority, they could and did. He said that it was only through the efforts of some by a vote of 60%. He recalled that Council at that time had deliveries weekly of petitions signed by an ever growing number of people who said that they had no desire to be part of this and that they reject this notion. Ald. Moran said from his own familiarity with people who supported this, they had the highest regard for Evanston, their property maintenance as a whole and their heritage. Those property owners resented the fact that without a single signature on a petition to establish these districts, they would all be incorporated and subjected to the wishes of few people. He stated that what they have here is an extension of that process of where as opposed to land marking versus a more tightly defined geographical local of properties; huge amounts of the City can be just thrown in under our local preservation ordinance into a
district with extensive requirements. He said that now they find themselves in this circumstance that Ald. Rainey is asking for mercy for her constituent. Ald. Moran said that because of this he is in support of Ald. Rainey’s request. However, he feels that there not only needs to be some significant review of the Zoning Ordinance but also of the Preservation Ordinance to figure out where the City is going with preservation. He stressed his opinion that he views most Evanstonians as preservationist and that most have a strong sense of that value. He said that somehow this City has struggled their way into this Century without needing the City to determine the historic value and beauty that exists here and the desire to preserve that reputation.

Ald. Rainey responded to Ald. Moran’s comments. She pointed out that when the Oakton Historic District was being proposed and discussed, there was a lot of support for it. In actuality, this requirement was not known clearly about being considered a federal district and still having to go before the Preservation Commission for review. She noted that many homeowners in the federal district believed that with property that was not landmarked, that they would be required to go before the Preservation Commission. Once those property owners found out, they were not happy and strongly opposed this position. Having to be required to go before the Zoning Board for any major alterations was enough and should be considered enough without the additional burden of Preservation Commission review. Ald. Rainey said that the professional review and opinion by the Preservation Planner, Carlos Ruiz, should be sufficient and she would encourage anyone that has any preservation issues to go to Mr. Ruiz for advice.

Mr. Tom McMahon, 5 Milburn Park, said that he and his wife consider themselves preservationist and agree with Ald. Moran that many homeowners in Evanston also consider themselves true preservationist. He expressed his agreement and support for Ald. Rainey’s reference and disagrees with the Plan Commission’s recommendation. Mr. McMahon also read from a prepared statement regarding preservation.

Mr. Dave Galloway, 728 Noyes, expressed his disapproval of amending the Preservation Ordinance and explained his view of why the Plan Commission recommended no making any changes. He feels “if it ain’t broke – don’t fix it.” He was disturbed by Ald. Moran’s comments and position since he has supported issues that involved the same issues in the Preservation Ordinance. He is sensitive to the fears expressed, however he is very concerned with the reputation being portrayed here giving the Preservation Commission a “black eye” perception. Ald. Rainey clarified that she does support the Preservation Commission’s efforts and position and understands the need for their review for contributing structures in local districts but it is not necessary for non-landmark properties that are in a federal district.

**Ald. Wynne moved reject the Plan Commission’s recommendation to not make a text amendment to the Zoning Ordinance to exclude special uses and variations in federal, but not local, historic districts from review and comment by the Preservation Commission. Ald. Rainey seconded the motion and the vote was 9-0 in favor of the motion.**
Ald. Wynne moved to strike the word “federal” from Section 6-15-11 in all places it applies and recommend that staff come back with an ordinance pertaining to this text amendment. Ald. Rainey seconded the motion and the vote was 9-0 in favor of the motion.

(P2) Major Variation Request for a Rear and Second-Story Addition at 1044 Elmwood

Mr. John Malarkey, attorney for the applicants, gave opening comments. He introduced the applicants/property owners, Kristin and Troy Henikoff, and their architect Foster Dale. Mr. Dale gave a presentation of the proposed addition and rehab and remodeling project to convert an existing church into a single-family residence. He explained the variations requested in order to allow the construction of the addition.

Mr. Henikoff said that he and his wife and their two children currently live at 1007 Maple right around the corner from the subject property. He gave a synopsis on the history of the building at 1044 Elmwood. He noted that he has owned the property for over two years now and have been working on this project almost as long. He distributed six photos showing views of the front of the building from Elmwood. He assured that they would be making no changes to the front of the church. He explained the zoning requests, especially the lot coverage and impervious surface area variations. He explained the need to provide the off-street parking because of the scarcity of parking in the area, especially with the close proximity to Nichols School. Also there are several multi-family buildings that provide no off-street parking for their tenants. He presented a zoning map aerial view of the neighborhood to demonstrate the pattern of the houses in the block and how they are situated on their property. Mr. Henikoff said that he feels that this renovation of the building is in the best interest of the neighborhood by preserving the 100 year old structure. He further noted that the property has been off the tax roles for over 100 years and would no longer be if it becomes their residents. He handed over a 3-page signed petition supporting their proposed project that was signed by many neighbors living in the area.

Ms. Rebecca Dudley, 910 Greenleaf, spoke in support of the Zoning Board’s decision. She submitted a petition of 40 signatures of residents in the Nichols School Neighborhood, who also do not support the proposed variance on the basis that it is out of character with the open space of their neighborhood. She noted that her property and the Hunter’s property, both adjoining the subject property, would be most negatively impacted upon by the proposed addition. She feels the addition is massive for the property and that the structure can still be made into a residential use without the proposed addition. This addition would also come to close to the lot line between their properties.

Ms. Lucinda Fox said that she is a 12 year resident of Evanston and loves the historic and diverse structures that this City is known for. She currently lives in a historic house and supports the Henikoff’s proposal because she feels that it would be the best use and preservation of such an historical and significant building.
Ms. Paula Jacobi lives in the neighborhood and has looked over the plans and discussed the proposed project with the homeowners. She fully supports the Henikoff’s and their proposed renovation and addition to the existing church building.

Ms. Joan Batile said that she is a neighbor of the Henikoff’s at their present home and boasted on how well they have taken care of their property now and the detailed renovation to the house to bring it up from what it looked like when they first bought it. She has known the Henikoff’s for five years now and couldn’t think of better people who she is confident will do the utmost and detailed job on the renovation of the existing church building. She fully supports their efforts.

Mr. Doug Gamstel, 2038 Hawthorne, said that he would like to see the property added to the tax rolls also. Also, he can not understand why the Zoning Board would vote such a beautiful project down when they should be recruiting someone like Mr. Henikoff for his advice on preserving other historic buildings in Evanston.

Ald. Moran raised questions on the height of the west elevation to the peak of the roof of the addition, which Mr. Henikoff responded to. Ald. Wollin asked preserving the stained glass windows of the church. Mr. Henikoff noted that it is not the original stained glass and is virtually worthless at this point. In addition, he would have to comply with the current regulations for windows on a single-family home. Ald. Hansen informed her fellow Committee members that she was present at the Zoning Board meeting and heard the presentation. She does believe the proposed renovation and addition to the existing church building would be the best use and preservation of the historical building.

Mr. Albert Hunter, 1040 Elmwood, feels that the addition to this building is way too much on way too little. He said that there are too many hypotheticals that have been raised because when the property was purchased all the rules were in place as to what can be done and not done on the property. He said that his views will be blocked by the proposed addition and would negatively affect his light and air to his own property and backyard use. Also the proposed condensing unit will be right next to his property which will deter the use and enjoyment of his backyard as well. He is very much opposed to the proposed addition and granting of the variances requested. He urges the P&D Committee to uphold the Zoning Board’s recommendation to deny the major variation request additions to this structure.

Mayor Lorraine Morton informed the Committee that she has spoken with Mr. Henikoff several years ago about his plans to move his business to Evanston, which he did into the Rotary Building downtown. She continued that Mr. Henikoff also moved his family to Evanston at that time and have been interested in renovating and preserving the beautiful church building on the subject property. Therefore, she is convinced of his willingness to be giving to his community and he has also invested his business into Evanston as well. She pointed out the current coach house on Mr. Hunter’s property that is also too close to the lot line. Also the property at 910 Greenleaf is currently nonconforming by being too close to the lot line as well. She recalled the original owners of the house at 910 Greenleaf and how the property that house is built on once belonged to the Church. So
therefore, the Church originally gave up their own property for that house to exist today. Also, it appears that both adjoining properties to the subject property are non-conforming with yard requirements, so the subject property would also be too. Mayor Morton pointed out that this no small renovation job; the restoration of this building will be enormous and expensive and she is confident that Mr. Henikoff will do a most impressive job with such a project.

Chairman Bernstein expressed his concern with the condenser unit and asked Mr. Henikoff to explain the proposed location of the unit. Mr. Henikoff responded that the condenser unit will be located under their porch right next to his bedroom window. He has already taken this concern into consideration and will be investing in a special condenser unit that has a very light fan sound when in use.

Ald. Wynne expressed her support for the project and also agrees that it would be the best use and preservation of that building. She feels the renovation will be an asset to the community and neighborhood and that the property owner has shown the utmost concern and consideration for the neighbors and for the property. She is a bit concerned with the condenser unit and would like to see some type of condition in the ordinance to assure that every consideration is given to the location and control over the noise level. Ald. Tisdahl would tend to agree with Mr. Hunter in that the additions are too much on too little. However, in view of the other options that could occur on that site, she would have to support the proposed project and use of the building. Ald. Moran applauds the applicant’s efforts to preserve this structure and even agrees that the plans are done with taste and consideration of the historic building. However, the size of the addition does negatively affect the adjoining properties. He feels the plan is too aggressive and that there are other options that can be considered, therefore he can not support this particular project and would vote to uphold the Zoning Board’s decision. Ald. Jean-Baptiste said that he would be inclined to support this project, however he does not see why the need for so much living space addition. Mr. Henikoff explained the addition will provide for their bedrooms and added bathroom needed. Ald. Wollin expressed her support for the project and also agrees that it is the best use in preserving this property. She also is in favor of bringing the property on to the tax roll.

Ald. Wynne moved to reject the Zoning Board of Appeals recommendation, seconded by Ald. Wollin. The vote was 8 in favor of the motion and 1 voting nay (Moran). The Committee directed staff to bring back an ordinance reflecting this major variation request for the July 11th meeting.

(P3) Ordinance 83-O-05 – Planned Development, 645 Custer
Mr. James Murray, Attorney for the applicant, introduced the manager of Clearwater LLC, Mr. Steve Lome, and the architect, Mr. James Nagle. Mr. Murray gave a brief overview of the planned development for 645 Custer that is presently located within the MU Transitional Manufacturing district. He said that they are requesting the planned development as a form of special use including such development allowances or other relief as it may be necessary to allow the redevelopment of the subject property. The project is proposing 19 residential units and accessory parking. The exceptions being
requested are to the parking, yard, building height, yard obstructions, lot size, floor area ratio, and open space requirements. He turned the discussion over to Mr. Nagle who can better describe the actual layout and design of the project.

Mr. Nagle gave a presentation of the proposed project using a 3-dimensional model and several site diagrams of the property.

Ms. Sue Carlson, 2679 Stewart, expressed her concern with the inclusion of affordable housing in this project and if the developer has made an offer to either include in this proposal or some other site or payment consideration. Mr. Murray responded that there has been some discussion between Mr. Lome and the Ald. Hansen. Discussions have not concluded to date, however it has been suggested that some type of payment-in-lieu of might be considered. Ald. Jean-Baptiste asked how much the purchase price per unit is expected. Mr. Lome responded that in keeping with competitive prices, the units will range from $400,000 to $575,000 per unit, which is the going rate at this time for the area and type of development. Chairman Bernstein asked Ald. Hansen for an update on the discussion regarding affordable housing. Ald. Hansen elaborated on the discussion with Mr. Lome and that some type of contribution to be made towards affordable housing funds may be offered by the applicant. She personally would be very satisfied with any contribution by Mr. Lome and pointed out that she feels there is sufficient affordable housing in that area that either currently exists or is in the beginning redevelopment stage. Ald. Holmes added that it is very hard to require a developer to provide Inclusionary housing or to make a specified payment if there is no affordable housing ordinance in place at this time. Ald. Hansen agreed. On the other hand, Chairman Bernstein and Ald. Jean-Baptiste said that City Council has a right to request a developer to give something back to the community and providing or contributing to some type of affordable housing, is suffice in that order. For example, the project developer for 1228 Emerson gave back in the way of payment-in-lieu-of for a substantial amount.

**Ald. Moran moved for introduction of this item and refer back to the P&D Committee to allow the opportunity for further engagement in the discussion between Ald. Hansen and the developer regarding affordable housing or some type of payment-in-lieu-of. Ald. Jean-Baptiste seconded the motion.** Ald. Wynne recommended that those discussions should include staff’s input as well. She suggested Mr. Wolinski and Ms. Carroll be included, which was agreed to by Ald. Hansen and Mr. Lome. Ald. Rainey added, as a thought, suggesting that a contribution could be made to a specific project. She suggested the upcoming project at 736-38 Dobson for an affordable condominium conversion be a consideration. **The vote was 9-0 in favor of the motion.**
ADJOURNMENT

The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Jacqueline E. Brownlee