Planning & Development Committee
Minutes of November 14, 2005
Room 2200 – 6:30 p.m.
Evanston Civic Center


Staff Present: J. Wolinski, J. Carroll, C. Ruiz, E. Szymanski, J. Brownlee

Presiding Official: Alderman Rainey

DECLARATION OF QUORUM

Chair Rainey called the meeting to order at 6:55 p.m.

APPROVAL OF THE OCTOBER 24, 2005 MEETING MINUTES

Mr. Wolinski noted the amended minutes distributed this evening with a change to the date of the minutes. The Committee accepted the amended minutes and the vote was 9-0 in favor of approving the October 24, 2005 minutes.

ITEMS FOR CONSIDERATION

THIS FOLLOWING ITEMS (P1 – P4) WERE TRANSCRIBED BY COURT REPORTER LAURA BERNAR, IN ACCORDANCE WITH THE KLAEREN RULES. THEREFORE DETAILED MINUTES ARE AVAILABLE WITHIN THE TRANSCRIPT. A SUMMARY OF THE DISCUSSION THAT TOOK PLACE FOLLOWS IN THE MINUTES PROVIDED.

(P1) Ordinance 120-O-05 – Special Use and Major Variation request for a Type 2 Restaurant at 1111 Chicago Avenue
The Court Reporter swore in the architect for the project, Mr. Paul Machalek with Greenberg Farrow, and Ms. Pamela Pate, Manager for Wild Oats. Ald. Wynne motioned to amend the ordinance so that this property does not end up with an open-ended approval for a type 2 restaurant. Ald. Bernstein seconded the motion and the vote was 9-0 in favor of the amended ordinance.

(P2) Ordinance 121-O-05 – Special Use and Major Variation request for a Day Care Center Expansion at 2200 Main Street
Chair Rainey acknowledged Ms. Megan Kashner, authorized agent for the Infant Welfare Society of Evanston, and architect for the project, Ms. Ellen Galland. Ald. Moran moved approval of Ordinance 121-O-05, seconded by Ald. Bernstein. The vote was 9-0 in favor of the motion. Chair Rainey stated that she would recommend suspension of the rules this evening for this case in order to meet their deadline to receive federal funds. The Committee members supported this recommendation. Ald. Wollin pointed
out that this is another example of where the applicant is asking for a suspension of the rules because there were two meetings without a quorum of the ZBA. She stated that Council needs to be cognizant of this dilemma.

(P3) Ordinance 125-O-05 – Revision to a Planned Development at 1100 Clark Street
Chair Rainey acknowledged Mr. Tom Roszak, Developer, and Mr. Bruce Huvard, Attorney for the Developer. There was some discussion between the applicants, P&D Committee members, and staff regarding revisions to the eligibility requirements for the affordable housing component of the project. In conclusion of that discussion, the applicant proposes to make a contribution to the Affordable Housing Fund as an alternative to providing the affordable housing units. The Committee consensus agreed to this alternative. **Ald. Bernstein moved to introduce this item this evening and to bring back the amended ordinance with the aforementioned alternative for the affordable housing component.** Ald. Jean-Baptiste seconded the motion and the vote was unanimous approval.

(P4) Special Use for an Automobile Repair Establishment at 1233 Dodge Avenue
Chair Rainey brought attention to the letter from Attorney James Murray, stating his client’s direction to withdraw their application for the requested special use.

(P5) Major Variation request for an Open Parking Space in the front yard at 2434 Sherman Avenue
The property owners, Jordana and Scott Lipscomb, introduced themselves. Ms. Szymanski informed the Committee that this is a variation by acceptance; therefore the Council is acting on this case legislatively. Ms. Lipscomb informed the Committee that they have been asking the City throughout this process why their particular open parking space is a violation of the ordinance when the similar parking space directly next door at 2435 Sherman is not a zoning violation. She notes that throughout this process the City has not officially told them that the lack of violation next door is due to the fact that their parking space pre-existed the Zoning Ordinance enactment. She wants this verified as correct that if the parking space does pre-exist that it is grandfathered in as not violating this particular Zoning Ordinance. Ms. Lipscomb said that they have requested and recently seen documentation from the City about their parking space and how long it has been in effect and existed. They believe the parking space also existed before the Zoning Ordinance was enacted as well. She stated that they need proof of this in order to support their case and today they did see records in the City Engineer’s office, which shows the entire area including their open parking space was paved by the City in 1928 with concrete. She informed the Committee that she put in a Freedom of Information request form today to retrieve this information, unfortunately the City Engineer has not been able to respond to their request before this evening. Ms. Lipscomb gave further background information on the existing driveway and open parking space. In conclusion, she stated that if in fact the City records show proof as stated previously, they submit that this variance is not necessary and that the parking space does not violate the Zoning Ordinance and is in fact pre-existing.
Ald. Wynne asked if the property to the north has been deemed that their parking space is a non-conforming use and grandfathered in the Zoning Ordinance. Ms. Jackson concurred and also confirmed the Zoning Ordinance that was adopted in 1993. Ald. Bernstein stated the question here is about the existing use rather than the fact there is a curb cut and that this is a new owner wishing to use of this parking space. He would consider this a legal non-conforming use, which pre-existed the Zoning Ordinance and that this item should be held in Committee until the requested information is obtained from the City Engineer’s office.

Ald. Wollin stated as Alderman of the Ward that there have been neighbors that have come to her and asked about this case. She said firstly, that one of the criteria is that it creates a hardship, which she feels there is no hardship in this case because there is plenty of space to park at the curb in front of their house. Secondly, it was noted that it does not constitute zoning compliance because of the fact that a realtor advertised it as a parking space. She noted that the parking space had previously been covered with one foot of dirt and does not appear from the air that it is a paved area. She said the person that did rehab the house to resell it did apply for permits for interior work and for the fence, part of the fence being a brick wall, but there was never any permit for paving to make this a permanent parking space. She further noted that it is approximately 5 feet shorter than a legal driveway and the question raised by many neighbors is how in fact this occurred in the first place by the City. Ms. Lipscomb responded that they feel entitled to this parking space and was under the impression that the space was included in the purchase of their property.

Ald. Moran moved to hold this item on the agenda until further information is obtained from the City Engineer’s office, seconded by Ald. Bernstein. The Committee members agreed.

Mr. Wolinski informed the Committee that when the previous owner bought the property to rehab it they applied for interior remodeling and fence permit. He admitted that his office received many calls from neighbors about the fact that this fence was encroaching in the public alley. On numerous occasions Community Development staff had to talk with the neighbors that were concerned about this and to show them the plat of survey that illustrates this very strange ten foot incursion, which actually belongs to 2434 Sherman and he believes for years has been thought of and used as the public alley. Mr. Wolinski noted that the brick paving system was not put in at that time when his department finished their inspections of both the interior of the house and the fence. With this in mind, he questions when it was paved over if in fact it was a public alley or driveway.

(P6) 2400 Main Street Resubdivision Plat
Chair Rainey acknowledged Mr. Stephen Engelman, attorney on behalf of the property owners Kap-Sum Properties, LLC. This resubdivision is for the Main Street Commons to create three lots of record to be used for commercial shopping use. Lots 1 and 2 are currently vacant and the uses are not yet known but will be commercial uses. Ald.
Bernstein moved approval, seconded by Ald. Jean-Baptiste. The vote was 9-0 in favor of the motion.

(P7) 2100 Ridge Avenue (Marywood Academy) – Nomination to the National Register of Historic Places
Chair Rainey noted that this application was made by Ms. Barbara Gardner. Mr. Ruiz informed the Committee that City Council authorization that the Preservation Commission is requesting, to send its recommendation to IHSAC is due on December 2, 2005. He noted that if this authorization is not granted by City Council, the nomination will go forward without the Commission’s input. Several Committee members were concerned with acting on this matter at this time due to current activity regarding the Civic Center landmark nomination, etc. Ald. Bernstein moved that Council take no action with the recommendation for the nomination to the National Register of Historic Places for 2100 Ridge Avenue. Ald. Moran seconded the motion and the vote was 9-0 in favor.

(P8) 1625 Hinman Avenue (The Homestead) – Nomination to the National Register of Historic Places
Chair Rainey noted that this application is by the property owner Mr. David Reynolds. Ald. Bernstein questioned whether this action would have any effect on the Mather situation which is adjacent to this property and setting a precedent. Mr. Ruiz responded that they are entirely two different subjects of matter and should set no precedent due to the properties being adjacent to one another. He assured that this nomination is only recommended for The Homestead and has no bearing on the case with the Mather. Ald. Wynne moved to accept the nomination of The Homestead, seconded by Ald. Bernstein.

Ald. Tisdahl raised question of the tax credit for this property and its impact if any on the property taxes. Mr. Reynolds responded that once you exceed the basis that you have in the building, capital improvements to the building, over a 5-year period, are eligible for a 20% tax credit which goes against the owners income taxes. He said there is no effect whatsoever on the property taxes. The vote was 9-0 in favor of the motion.

Ms. Barbara Gardner, former Chair of the Preservation Commission, expressed her disappointment with the P&D Committee giving a “no action” motion and vote approval for the 2100 Ridge, Marywood Academy nomination. Chair Rainey stood behind the P&D Committee’s position, which Ms. Szymanski seconded and agreed with the Chair’s position upon reading the guidelines from the ordinance.

ITEMS FOR DISCUSSION

(PD1) Landmark Nomination – 2100 Ridge Avenue
Staff recommended that this item would require some length of time justifying the need for a special meeting to be set to address this item. Mr. Ruiz and Ms. Szymanski confirmed that the 120 days to either designate for landmark nomination or reject the
landmark nomination begins tomorrow as day one. In conclusion, the consensus of the Committee was to hold the special meeting on Tuesday, January 17, 2006 at 7:00 p.m. in the Council Chambers.

(PD2) Items for Future Consideration
Mr. Wolinski went through the remaining items left on the list with the P&D Committee.

*) Ordinances regarding Inclusionary Housing and Amendments to the Condominium Ordinance, staff will bring recommendations before the Committee either at the November 28th or December 12th meeting.

*) Ordinance 3-O-01 – Ald. Moran motioned to remove this item from the list. So moved and approved by the Committee.

*) Ordinance 108-O-00 – This item is scheduled for the November 28th P&D Committee meeting. Ms. Carroll noted that she is still reviewing this with the Human Relations Director, therefore the date is still tentative.

*) Ordinance 7-O-04 – This item will remain held in Committee on the reference list. Mr. Wolinski explained the latest proposal for this matter, which the Committee agreed to hold.

*) Ordinance 109-O-03 – Chair Rainey requested to keep this item on the P&D Committee reference list, agreed by the Committee members.

*) The last two items on the list regarding: 1) Amendment to Zoning Ordinance to include use variations, and 2) Consideration of developing a plat of re-subdivision ordinance will be recommended for review by the Plan Commission.

ADJOURNMENT

With no further business on the agenda, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Jacqueline E. Brownlee