

CITY OF EVANSTON  
PLANNING & DEVELOPMENT COMMITTEE  
SPECIAL MEETING

RE: PLANNED DEVELOPMENT & MAP AMENDMENT - 2408  
ORRINGTON AVENUE (KENDALL COLLEGE PROPERTY) - NO PLAN  
COMMISSION RECOMMENDATION. Consideration of the planned development and map amendment for a proposed development consisting of 16 single-family detached homes and 4 duplex units.

Transcribed Report of Proceedings of a public hearing on the above captioned matter, held July 11, 2006 at the Village Hall of Evanston, 2100 Ridge Avenue, 2nd Floor, Evanston, Illinois, at 7:18 p.m. and presided over by M. Wynne, Chair.

PRESENT:

M. WYNNE, Chair	L. JEAN-BAPTISTE
S. BERNSTEIN	A. RAINEY
E. TISDAHL	D. HOLMES
E. MORAN	A. HANSEN
C. WOLLIN	

STAFF:

A. JACKSON	J. CARROLL
E. SZYMANSKI	

CHAIRMAN WYNNE: Everyone, we're going to get started in just about five minutes. Legal Counsel and I are working on some procedural issues.

If the Council would take its seats?

All right. Welcome, everyone, to the Special Meeting of the Planning and Development Committee that was called specifically to discuss the Kendall properties at 2408 Orrington. What I'd like to do before we get started is to discuss the procedure that we're going to follow this evening. I've already had conversations with representatives of the opponents and their proponents about this.

What we are doing tonight is we are going to have each side have approximately 25 minutes, and I really will hold people to that. 25 minutes to, I understand that there is a modified plan and we will hear from the proponents for approximately 25 minutes on the new plan, the modifications. Not anything else, just the new plan. Then, we'll turn it over to the opponents and you will have 25 minutes to use in any way you want to discuss the latest modification.

Then, after that time period, we're going to give each side 15 minutes for summation, and the

summation will be on the entire plan. At that time, you can discuss the entire plan. But I really do want to hold it to 15 minutes so then the Committee has the best opportunity it can to discuss this.

As I'm sure all of you know, we have all read the voluminous amounts of material on this. Many of you I'm sure have seen various aldermen at the Plan Commission. So, we are all very well aware of the record. So, we would ask you to not be too repetitive in your summation.

I have one question for the opponents. I see that we have a long list of folks who are signed up here. It was my understanding that you would be having just three speakers to speak during your 25 minutes.

MR. McCLURE: The Kendall Neighbor Group has designated three speakers, correct. And as a matter fact, only two speakers in the first segment and three in the second, the summary segment. We actually thought the summary was 20 minutes for summary.

CHAIRMAN WYNNE: I understand that. But the Chair has made a decision that it's going to be 15 minutes.

MR. McCLURE: Okay. I understand.

CHAIRMAN WYNNE: Just in, you know, 20 minutes is an awful long time and we really do need to make sure we have plenty of opportunity.

MR. McCLURE: Well, you know, that's the reason we have three instead of some -- so, in any event, we have two people who would like to speak from the Kendall Neighbor Group. And then I understand that there is a NEHDA representative who is going to speak for five minutes, in the first 25 minutes.

CHAIRMAN WYNNE: Okay. So, all of the folks who are signed up here, this is a, you're signed up not to speak but to just have us recognize your presence at the meeting?

MR. McCLURE: Well, no, I don't know that specifically. Is there somebody who is aligned with the Kendall Neighbor Group in opposition to the plan that would like to speak in addition to the group? Okay, Galloway. He may come and --

CHAIRMAN WYNNE: Okay. Yes. So, what we're trying to do is make sure that everyone has the best opportunity to make their best arguments. So, rather than have 20 speakers speak for a short period of time, we'd like to have -- and my understanding is, Mr.

McClure, during your 25 minutes, you have how many speakers?

MR. McCLURE: Okay. Here is how I think it will --

ALDERMAN RAINEY: Madam Chairman, didn't you make a ruling?

MR. McCLURE: So, I think perhaps -- I have the solution, it's simple distributing. Dave Galloway will speak for approximately three minutes. And then at the end of that is some people from NEHDA who's going to speak for approximately five minutes. That's eight minutes. Those eight minutes less our 25 total is 17. Dr. Hughes is -- all 17 of them but I'm going to -- time to do perhaps five or six and I'll do ten.

CHAIRMAN WYNNE: Okay. So, it will be Dave Galloway, a representative from NEHDA, Dr. Hughes, and then Mr. McClure.

MR. McCLURE: Well, does NEHDA want to speak at the end or -- okay, that's how it will be then.

CHAIRMAN WYNNE: Okay, all right. Okay, that's what we'll do. And then for the summation, you have three speakers or two speakers?

MR. McCLURE: We have three speakers. Once

again, Dr. Hughes for approximately, briefly for less than five minutes. McClure for less than five minutes. And Bruce Enenbach for approximately five.

CHAIRMAN WYNNE: Okay. All right. I really appreciate your organization. Okay. All right. Let's start with the presentation by the proponents, and this is on the modifications. Oh, excuse me, Mr. Buono, because this is new material, we need to, we are now having a Clarion hearing, so I believe you need to be sworn in by our court reporter.

(Witness sworn.)

MR. BUONO: Good evening. For the record, my name is Robert Buono. I am a principal in Smithfield Properties, the owner of the Kendall College Property formally known as 2408 Orrington.

First, thank you for convening this special meeting. I know you hear a number of issues through the weeks and months and that this one in particular has been before you on many separate occasions. Having said that, the two modifications that I intend to discuss tonight are: one, a reduction in the overall density of the project; and secondly, certain modifications to the proposed elevations on each of the single family homes

and duplexes as well as the addition of two new single family homes, all of which we will show you on our presentation on the screen here.

What you're looking at right now is the original site plan which along the perimeter is comprised of 16 single family homes, and here in the center four duplex units each containing two units for a total of eight units. The modification which is rather obvious is also reflected in the massing model shown in front of you on the stand is the elimination of the two duplex units to bring down the total number of duplex units from eight to four for a total site development of 20 units.

As a result of this modification, the two zoning districts proposed for the property, R-1 and R-3, are also modified. The primary area that you are seeing here is devoted to R-1 which is approximately 91 percent of the total site area or 135,000 square feet with the remaining nine percent or 14,000 square feet devoted to R-3 to accommodate the two duplex buildings. Continue. Continue.

As a result of certain modifications to the elevations as well as specifically complying with the

zoning ordinance as it relates to the definition of height, we had previously shown the height of the buildings to the top of the roof as opposed to their median heights. And these homes, as you can see in this column here, represent the mean height ranging from 35 feet to 35 feet 10 inches for the duplex buildings. However, certain of these units do contain three stories and, therefore, exceed the two-and-a-half story limitation imposed under the R-1 and R-3 Districts. However, with respect to mean height, with the exception of the two duplex units, the homes as currently designed are within the 35-foot limitation.

One of the things that we have done over the last approximately six weeks is meet with a variety of neighbors about the elevations of each of the homes, actually the one in front of you right now represents an older elevation. What we did was we went around the neighborhood and we photographed a variety of homes in the immediate vicinity, met with neighbors with those photographs, and discussed what elements of each house people found attractive, appealing, representative of the neighborhood as there had been much discussion about our elevations not reflecting that. We took all those

comments and those photographs and modified each of the homes to try and incorporate the aspects that had been described to us, and as well develop two new elevations that were not reflective in any of the previous ones.

Again, this is an older elevation and the changes will become immediate in just a moment. A big part of our discussion included, one, the fenestration that, first of all, we just simply had too many windows which gave the previous elevations a too modern or contemporary aesthetic in comparison to the neighborhood around it, and that we needed to focus more on incorporating double-hung windows.

Another big issue that was raised was a feeling that each unit was flat, that it had no projections that would be created by entryways, terraces, porches, bay windows, roof eaves. So, in this particular elevation, what we've done also is create a small terrace in front. These areas where the roof is peaked are set forward slightly in order to modify the elevation, to give the massing less flatness and, in my opinion, a more desirable unit.

Again, this is the old, this is the new. And again you can see a significant change in the

fenestration of the property, again including double-hung windows. Here the door is inset with a more significant stone base to create more of a bottom to the building, again to give it more of a bottom, middle and top. Next.

This, in this which is more of a prairie style home, what you start to see here are bay windows that project slightly off the building, again to break up the massing of the building, more double-hung windows, and a slight change here in how we're handling both this element that incorporates the doorway and the second story window as well as the base, again in an attempt to break down the facade further.

Let's go back to the original just please for a moment. You're not going to see a lot of significant change here. It's actually difficult to depict this in a computer rendering but this is a stucco home which obviously in a computer rendering we're not able to give you some sense of the texture that's created by stucco which is prevalent among some of the homes in the neighborhood.

In particular here, we have this kind of grayish white color which really isn't representative of

probably even the stucco that we could achieve. So, a slight reorganization of the windows but very similar in terms of the roof lines and the overall really the lines of the house other than trying to create again here with the double-hung windows and the door changed a bit in the massing, the front of the building. Here, and this is, albeit now slightly redundant in that, again with the windows and the incorporation of a terrace which I think creates actually a more interesting and pleasing elevation.

Back to the original please. This is a subtle change but I think it does have a difference on it, but if you see how we've handled the roof line here in comparison to here, I think it gives the building a little softer texture. And actually, this element was picked up on buildings, some of the homes in the neighborhood particularly on Orrington Street. But this one is otherwise very similar to the original.

This is a brand new elevation, a brand new house. A comment that we heard often was that the incorporation of porches should be an option that was available to someone that might be living in this development. And we have developed two options here

that include this porch and then some modification of the, or incorporation really of a roof line over that porch which creates an obvious change to everything else that we've shown previously. And actually, this detail work is reflective of a home currently on the site, a detail that you see in certain other instances throughout the neighborhood.

Again, here, this is rather than a porch, just approximately half of the home as you saw previously. This goes all the way across with a more formal center entry and really showing more masonry. What you're seeing in all of these houses is essentially the appearance of a two-and-a-half story home although some internally are actually three stories which is why we are seeking that development allowance or trying to at least give the appearance both in height and in the elevation that they are two-and-a-half story. And in certain of the units, they simply are attic space, that they are two and a half stories.

Finally, this is Sherman Avenue and you're looking at originally the duplex units. And if we could go to the new one, obviously I think particularly here with the reduction in the amount of windows, it actually

makes the buildings feel a little bit more smaller and inviting. And what we've tried to do here is to orientate this obviously on Sherman Avenue with a single entrance here so that it gives the feel along the street scape of a single-family home with another unit directly behind it.

Very minor changes as a result of this. We reduced the number of estimated residents from 61 to 53, the number of peak hour vehicular movements from 31 originally to 25. Similarly, in terms of the economic impact on this property, as you know when it was occupied by Kendall College, it paid no real estate taxes. Currently, we pay approximately \$164,000 a year in real estate taxes because it is no longer owned by a not-for-profit. And we have, the resulting taxes are approximately one million dollars which is about just less than \$100,000 reduction from the previous design as a result of smaller, or I should say lower density.

What happens on the R-1 side is because of the increase in the size of the R-1 plan. We actually have allocated approximately 8,713 square feet of land per unit on a density perspective, not on a lot size perspective which depending on how you might read the

zoning code can go either way. But in terms of overall density where R-1 allows 7,200 square feet of lot area per unit, we've allocated significantly more land on the R-1 side.

On the R-3, the other, the only really minor changes here are the impervious surface and lot coverage has improved slightly as a result of the elimination of the two duplex units. And I think those are really more technical issues, but it's just something, I want to point those out for the record. With respect to the development allowances in the R-3, as a result of eliminating the two duplex units, we no longer require an allowance that permits the development of those units without frontage on the public street because now both the duplex units front Sherman Avenue with the elimination of the ones behind it.

That concludes my portion of describing the modifications of the plan. I believe I have maybe approximately five minutes remaining?

CHAIRMAN WYNNE: No, you have more than that.

MR. BUONO: Ten? I really talk --

CHAIRMAN WYNNE: You have 15 more minutes.

MR. BUONO: I don't need 15 more minutes.

However, I do know that there are one or two, maybe three people from the neighborhood who wish to speak in support of the project. And with your permission, I wanted to allocate a portion of my time to that.

CHAIRMAN WYNNE: If they would direct their comments to your latest modification.

MR. BUONO: I am assuming that they will do that.

CHAIRMAN WYNNE: Okay, thank you.

MR. BUONO: And I'm certainly available along with all of our experts should any of you have any questions about the modification of the plan generally. We are all here tonight. Thank you.

CHAIRMAN WYNNE: Thank you. We need to swear you in, okay. Oh, you know what, actually we have a good suggestion up here. Everyone who is planning to testify, if everyone could just stand up right now and we'll swear you all in. If you have any thought that you're going to testify.

(Witnesses sworn.)

CHAIRMAN WYNNE: Thank you. Thanks, Alderman Bernstein.

MS. HALSTON: I am Mary Kay Halston. I am the

homeowner residing at 731 Lincoln Street directly across from the property which we are discussing here today. I have been part of the ongoing, from the original announcement for sale, and from the beginning, I have been in favor of a reasonable residential development for the new use. From the beginning, I have never been in favor of condos, nor am I insistent upon all single-family homes.

I find that this plan is more than reasonable and I want this plan approved and built. I agree a development for this land should be reflective of the community in which it resides. Through the efforts of our community, the developer has implemented the feedback regarding the design of this property. The proposal is not merely good design. This is a design that will elevate the value of our community, not exclusively from a monetary aspect but from aspects of people, families, architecture, quality of life, enjoyment and safety.

I am in favor of leveling the existing structures to make way for these homes to be built. I do not feel a reasonable argument has been made to retain buildings. I'm going to skip a bit here just to

be brief. I think you understand my point of being here. I don't miss the 5:00 a.m. garbage trucks and the morning deliveries by semi trailer or the once a week grease trap removal siphoning out debris.

MR. McCLURE: Excuse me. That doesn't have anything to do with the new plan.

ALDERMAN JEAN-BAPTISTE: He doesn't have standing to object.

CHAIRMAN WYNNE: No. We did want to have your testimony addressed to the modifications because that's what we're dealing with at this point.

MS. HALSTON: Okay. I feel like I have. I can conclude. Thank you.

CHAIRMAN WYNNE: Okay. Thank you very much.

MR. JOHNSON: My name is Matt Johnson, I live at 711 Lincoln Street. I've been there for ten years. I've been involved over the last three years with the community. And I'd like to thank the community for their efforts and passion around this project.

I have with me now a petition from all of these people on Lincoln for the current plan whose front doors face the property that are in support. So, I'll keep it brief and just say we support the plan as it

currently stands. Rob and his team have done a wonderful job of engaging the community, listening to feedback. I think as Mary Kay summarized, this represents a wonderful addition to Evanston. I'm very excited about moving ahead as are the undersigned members of the petition. Thank you.

CHAIRMAN WYNNE: Thank you.

MR. GEMMELL: Good evening. My name is Tom Gemmell. I live at 720 Colfax Street directly across from the property as well. I'll keep this very short.

On behalf of the neighbors that live on Colfax directly across the street from the development, we also signed the petition in support of the plan. And I'd like to, if possible, follow up later with the 15 minutes session if possible for summation.

CHAIRMAN WYNNE: Thank you. You still have a few minutes if you'd like to --

MR. BUONO: I only have one more request, and that is that the modifications as shown on the PowerPoint presentation, and I have each of those exhibits here, be entered into the record as evidence.

CHAIRMAN WYNNE: They will be, yes. And the petitions?

MR. BUONO: As well as the petitions, yes.

CHAIRMAN WYNNE: Okay. They'll be entered into the record. Thank you.

MR. BUONO: Thank you. Would you like a hard copy of it, I presume, of the exhibits?

CHAIRMAN WYNNE: Yes, we would.

MR. BUONO: Okay. That's all.

CHAIRMAN WYNNE: Okay. All right. Thank you very much. We'll now move to the opponents portion of the time if that concludes the proponents.

MR. GALLOWAY: Madam Chair, I have a question.

CHAIRMAN WYNNE: Yes?

MR. GALLOWAY: Because really my comments deal with the project in general and not necessarily with the specifics presented this evening. Would it be better for me --

CHAIRMAN WYNNE: Yes, then you would not be speaking in the first 25, in the next 25 minutes.

MR. GALLOWAY: I'll just --

CHAIRMAN WYNNE: Okay. All right? Okay. So, Mr. McClure, who do we have first? Someone from NEHDA or Dr. Hughes?

MR. McCLURE: Okay, Ed and then I and then

NEHDA.

CHAIRMAN WYNNE: Okay. Thank you. And Dr. Hughes, you were sworn, correct?

DR. HUGHES: That is correct. The mass swearing in, I was part of it. Thank you very much for --

CHAIRMAN WYNNE: Okay. I have you starting at about ten minutes of 8:00, okay.

DR. HUGHES: I have timed my remarks for six and a half minutes, so hopefully I will be done within that period of time.

I'm Ed Hughes. I reside at 810 Lincoln Street, three houses west of Kendall, the Kendall site.

I'm an affected neighbor and a member of the board of the Kendall Neighbors.

I want to provide for you this evening a brief overview of the position of the overwhelming majority of the neighbors regarding the Kendall site. Other neighbors --

CHAIRMAN WYNNE: Hold on. It's not just the, we're talking right now about the latest modification.

DR. HUGHES: That is correct.

CHAIRMAN WYNNE: Okay.

DR. HUGHES: That is correct. Other neighbors will go into greater detail on a number of the topics.

Last week I wrote you a letter, the aldermen, addressing the core of the arguments being used to support the developer's positions. There are 18 buildings being proposed, and last night, excuse me, I handed out a second letter stressing how much things have changed since the new proposal was put forth and the simplicity of now what we are facing. And I would like to enter these letters into the record, if I might.

CHAIRMAN WYNNE: These are the two letters that you sent to the City Council?

DR. HUGHES: The Council.

CHAIRMAN WYNNE: Yes. The one we received last night and the one we received last week?

DR. HUGHES: Last Tuesday, correct.

CHAIRMAN WYNNE: Okay, thank you.

DR. HUGHES: Now, again the second letter stressed the simplicity of what we are facing at the moment. There are 18 buildings being proposed for the property. We support 18 buildings. There is no issue with the building density at this time. We also, Rob, further applaud the efforts that you have made to

improve the aesthetics of the buildings, okay. We applaud those efforts. There is no, as I said, there is no issue of building density.

The issue is what is to be the nature of the buildings and what is the zoning to be associated with them. We ask that onto the identical footprints of the duplex units on Sherman Avenue two single family homes be substituted. It is a very straightforward and simple request. With this substitution, there would be no need for the spot zone sliver of R-3 on the site. We asked you to ask the developer to make that substitution. If that substitution were not to be forthcoming, we asked you to vote down the current plan and vote in R-1 and then let the developer amend his plan.

Why is the developer fixated in including two duplex buildings on the site when many individuals have requested that he convert completely to single family homes? In the multiple discussions out here with the developer over recent months, the developer has said he cannot sell 18 single-family homes, that it represents a downside risk to him. This was by the way the argument number 14 I pointed out in my letter to you last week. He feels he can sell 16 single-family homes but not 18.

This argument surpasses understanding. This morning, I spoke to Clair Succhi, the doyen I might add of Northeast Evanston realtors working with Coldwell Banker. She was the agent for the sale recent of 723 Colfax and 811 Lincoln Street. I asked her whether she agreed with the developer's position that he could sell 16 homes but not 18. Her statement was I cannot imagine what his thinking is. I feel confident he can sell 18.

This afternoon, I had the occasion to speak to another realtor, Eleanor Hall, who also is with Coldwell Banker. She actually wrote me a letter in which she stated, "As a long-term Evanston realtor, 22 years, I've been asked to evaluate the prospects of selling 18 homes on the Kendall site versus the marketability of 16 homes on the site. I consider this a non-issue. Built with character and top quality materials and craftsmanship, there is more than sufficient demand for 18 new homes in Northeast Evanston. Additionally," and this is very important that this be heard, "duplexes in the area of single family homes will diminish the value of the single family properties," David Flick has testified to this effect, "and have an overall negative impact on Evanston's tax base."

Per Eleanor's letter, with all single family homes on this site, every home to be built will be worth more. The developer can sell them for more money and make more money than with duplexes. Every home facing the property including those, I might add, on the 700 block of Lincoln and on Colfax will also be worth more money. Further, the City's tax revenue will increase faster and further. Everybody benefits.

I'd like to reemphasize that point, with all single family homes, everybody benefits: the neighborhood, the city and the developer. And it can be done with an identical time frame that implementing the current plan would take. It would not require any further time.

I would like to say a word by the way of the 19 signatures representing 15 residents submitted by the developer in support of this plan and then further just submitted by the residents. My first letter stressed logic. I would now like to stress math. At the public meeting of neighbors at Roycemore School in February 2nd, the neighbors voted to reject the developer's plan by 89 to 16. Many of the current 19 signatures representing 15 residents --

CHAIRMAN WYNNE: Dr. Hughes?

DR. HUGHES: Yes?

CHAIRMAN WYNNE: I believe that you are drifting from discussing the latest modification.

DR. HUGHES: Well, 19 signatures were just handed to you within the last 15 minutes. I'm speaking to those signatures handed to you in the last 15 minutes.

CHAIRMAN WYNNE: I recognize that, but I think, Legal Counsel and I think that you're moving a little bit away from discussing this latest modification.

DR. HUGHES: The signatures were submitted in support of this modification.

CHAIRMAN WYNNE: Right.

DR. HUGHES: I would like to contend, to just finish my brief comments regarding those specific signatures submitted for this modification.

CHAIRMAN WYNNE: Okay.

DR. HUGHES: Some of those 19 signatures, by the way, were in support of greater than 120 townhouses in the first plan, then the 55 townhouses, then 16 townhouses, then 8 townhouses, then the four duplex

buildings, and then the two duplex buildings. I would suggest there's an issue of credibility here.

Further, in the new design, there is an issue of equity. And that is when the original goals posited by the Kendall Neighbors was a like would face like. That goal has not been achieved. To see the neighbors who now have single family homes facing their properties sign petitions for modifications to place duplex structures in front of other neighbors I find less than a little sporting.

Last night, we heard -- by the way, not one single neighbor facing the duplex structures signed the developer's petition. Last evening, we heard it eloquently stated that there is a reason we have zoning.

Its purpose is to preserve neighborhood integrity and character. The City's Planning Department has called this neighborhood surrounding the Kendall site one of the most desirable, not only in Evanston, but in the entire North Shore.

We have come a long way. We are very close. Many feel that close is good enough. By the way, that's an argument, that's a -- for arguments 15 and 17 in my letter. There is no reason for Evanston, that Evanston

needs to settle for second best or give in because we are close. We do not, in our schools in Evanston educate our children to accept second best. Never have I found educators arguing that a B is just fine. Let's all search for that. That is not what Evanston is about. Evanston is about excellence.

There is no reason to settle for second best because nobody benefits from doing so, not the neighborhood, not the City, and not even the developer.

There is no rationale for a sliver of R-3 zoning in this R-1 neighborhood. We ask that you reject the developer's R-3 plan and support single family homes on this site. Thank you very much.

CHAIRMAN WYNNE: Thank you, Dr. Hughes.

MR. McCLURE: My name is William McClure. I live at 12 Milburn Park. I'm speaking on behalf of the Kendall Neighbors.

The job of any good company like the City that you are administering now is to think in terms of risk also. This particular plan, although it is different from the last one, is different in very little respects and poses the same questions and the same problems that many of the other manifestations of the plan have. It's

impossible to simply restrict the comments to the slope of a roof so I would address the procedure that is being used to review it.

Part of the process that we have been going through, Preservation Committee, Planning Commission and now Planning and Development, has simply ignored some of the standards that should have been addressed. I suggest this not in terms of anything that we should now do and remake, simply indicating that it's a risk to take into account this new plan which is the same as the last one R-1 R-3. The same is true with respect to the City code and its demand as to how things should be handled relative to the relationships of the committees, specifically Preservation, Plan Commission and P&D.

We find the same element to be presented to this evening in the new plan, that is R-1, R-3, R-3 being the risky element that I see no reason why the City or the neighborhood should take on. What is the risk? Specifically in two short words--spot zoning. Spot zoning in the State of Illinois is something that is not tolerated. The case law is very well established. And there is no exemption in the state law for spot zoning within a planned development. When you

do your Lexis-Nexis, search on that. When you do your research, you will realize that there are only three communities in the State of Illinois, the City of Chicago, Aurora and Bloomingdale that have specific planned development zoning ordinances that would give them additional leeway.

Evanston is not one of those communities because it has chosen to play the game in a more fairly and evenly balanced way to make certain that anything that's done within a current residential district or business or commercial adhere to the same standards. No special consideration for planned developments. That does not mean that variances are not available. It doesn't mean that special uses are not available. But it does mean that a spot zoning is unavailable just like it would be under any other circumstances.

This is the preface really to considering comments that were said, that were given to you. And I believe you have probably used it to frame your reference with respect to Jim Wolinski's June 19th memo to the City Manager. He indicates that there is lower density. True, this plan like the last one is lower in density and there is no density argument anymore. That

disappeared. So, the question has to be asked, if there is no density problem, what is the problem?

The problem is specifically that in mixing R-3 into an R-1 neighborhood, you put the neighborhood at great peril, specifically the Sherman Avenue corridor which one half block south of the intersection of Colfax and Sherman has R-5 zoning. There is no such zoning north of Noyes on the east side of Sherman. To introduce R-3 on the heels of the very close R-5 opens up the whole corridor from Colfax up to Central on Sherman for speculators and developers who would simply come in on the heels of this type of a decision and say you already have R-3, R-5 not too far away, it's on both sides of the street, why not give us R-3, R-4, R-5?

Once that is breeched and this is the example of how it would be breeched, it is impossible to give the same cogent arguments with the same forcefulness that we can today. That seems to be an incredibly high price to pay. To pay for what? What does the developer get out of it? There is definitely a convenience. The mix that he prefers in his marketing approach has been addressed. I don't belittle it. I just think that it is too little to set off the amount in the risk that the

community and the City would have to take in order to accommodate him.

Mr. Wolinski made the point that the new zoning was a small, the R-3 portion was a small portion of the total property area. Unfortunately, that doesn't go to the point of the R-3 existing. Once it does exist, it doesn't really matter how small it is. Four duplexes, eight duplexes, with respect to the danger that it impedes upon the area is the same. We're grateful for less density but we need an element of understanding for the neighborhood from Mr. Buono and Smithfield that indicates he understands it is in fact an R-1 area surrounded literally by R-1 with the exception of the Roycemore School.

The sea of R-1 beyond it has encompassed it and is being eroded on the south side, true, and that's the erosion that we're trying to stop. If this is given over to R-3, it will simply be part of the same progression that took place north of Emerson, then north of Noyes. There will be no way to stop it. And I submit to you that that will be detrimental to the overall housing value as testified in the appraisal that was put forth to the Plan Commission that you'll no

doubt have read, and that that erosion isn't simply aesthetic. It's monetary, it's quality of life and it's the whole atmosphere of Northeast Evanston.

In other words, if it's given over, when will it stop? I see no probable point of stopping until it gets to Central Avenue, something that I think is very undesirable. Thank you.

The good architecture that Mr. Wolinski indicated is in the new plan, and then by virtue of that new plan, this new plan, it really is still quite a way from complementing what the neighborhood is all about. Part of it is the height, that is, it's much taller than the surrounding structures. The other part of it, a good part of it is the size of the lots. By having the internal green space that Smithfield has set its heart on, it has taken away the lot size from the individual homes.

You'll see in your package some properties that Booth Hansen and Smithfield have done admittedly in the City and they wouldn't be necessarily representative of what they're going to do here but it does indicate the quality of their architecture. In the last page is single family homes that were done in the City. What

needs to be done is to look at that very carefully and to see if the Plan Commission's comments that they are McMansion-like and "it smacks of the 1950's urban renewal slash and burn development" are appropriate. That's a decision that you will have to make.

But to simply look at these renderings and to say that it looks good on paper when you haven't seen it in reality and you haven't listened to the Plan Commission's judgment that in fact it does not fit into the neighborhood we believe would be a serious mistake.

There is no benefit to the City. The City will not have any higher rate of taxes. It's essentially comparable.

We understand now that giving over in this 18 building to 18 building comparison that there is no benefit one way or the other. There is a detriment in the possibility of what R-3 will do. It isn't aesthetically pleasing within the neighborhood that surround it, individually, architecturally significant homes done by individually different architects, not in any sort of a way comparable to the uniformity that is being proposed.

So, if there is no benefit, I would ask you to

ask yourselves why would you do it? Why would you even think about R-3 when R-1 is a half a baby step away and it's exactly what the neighbors want, what they've voted on, the petitions that they've signed and pleaded with you, the City Council, not to give way in their neighborhood. Why would there be any reason to even consider R-3?

There is only one. To give an accommodation to the developer. Ostensibly because he deserves it for some reason, I don't know. He is getting quite a bit if he gets R-1, a square block in the middle of one of the prime communities in the prime area within that community that's currently within a historical district, clear cut in order to build as he wants. I mean, what more could you ask for realistically?

Why ask for the extra step of R-3 when it has the possibility of doing so much danger? That's the risk element that I think you really have to think into consideration in looking at this as why would it even be considered. It's too much risk and too little benefit.

There is a plan out there. It's very close. It's a win-win for everybody. It might even be this plan if it were without duplexes and are all single

family homes and the site plan were tweaked in such a way that it had a better layout. I don't know that until we see it, but we do know that we're not far apart and the thing that is driving the wedge between us and our agreement is spot zoning in R-3, thoroughly condemned in the state that we live in for a good reason. There's a reason why we have zoning. It has to be adhered to. Thank you very much for your patience and your opportunity to speak.

CHAIRMAN WYNNE: Thank you.

MR. McGUIRE: Good evening. My name is Jim McGuire and I live at 2241 Sherman Avenue, just a half a block down from the Kendall properties. And I'm a member of the NEHDA board and I'm here to speak for NEHDA.

Since its designation in 2000, Northeast Evanston Historic District has greatly contributed to the stability of our neighborhood and has positively affected decisions by new and long time owners to make substantial investments in their single family homes. The NEHDA board of directors has reviewed the developer's latest plan for the Kendall College site and has the following comments. Because the Kendall

property forms the northern boundary of the Northeast Evanston local historic district and is the middle of the Northeast Evanston national historic register district, the character of the development that goes on the Kendall site will have a substantial impact on the property values of the adjacent neighborhood and future investment decisions.

Under his latest plan, the developer proposes to demolish five structures that contribute to the architectural and historical significance of the district. We wish to remind the Council that the developer asked for and was denied permission by the Preservation Commission to demolish four of the structures. He has not yet requested demolition of the single family house at Colfax and Orrington. An application to demolish this house still needs to go before the Preservation Commission.

The developer's decision not to preserve any of the structures on the property, and particularly Wesley Hall and two single family houses on Orrington Avenue is particularly troubling considering the care that the City has taken to work with developers in the past on development sites in historic districts,

specifically Lomar Park, Cove School and the Dryden Mansion to ensure that developments within historic districts creatively use the sites yet are sensitive to the historic context of the surrounding neighborhood. The premium that the prior Council has placed in good site planning within the City's historic areas is reflected in the Evanston Comprehensive Plan and the Evanston Zoning Ordinance that advocates for a sensitive development, in particular the adoptive reuse of structures like Wesley Hall.

Density is not an issue with this plan. But sensitivity to its site despite reducing the number of townhomes over previous plans, this site plan still fails to meet basic City standards. At the Plan Commission meeting last month, the developer indicated that he would be willing to create a plan to develop Wesley Hall as four condos, thus eliminating the duplexes on Sherman. The developer also indicated that he would be willing to think more creatively. Wouldn't you like to see that plan before your Committee takes future action?

There are overwhelming benefits and strong neighborhood support for retaining Wesley Hall as well

as the two houses on Orrington Avenue. A site plan like that would be a real public benefit as public benefits were originally conceived. The plan before you advocates clear cutting an entire block in a historic district, an action that is totally unnecessary considering that a good site plan is within reach. Clear cutting the block would be a step backward to a time to the 1950's and 60's when Evanston rushed in to development decisions to its detriment and the losses were immense. Fortunately, subsequent Councils and enlightened City Staff saw their benefit and thoughtful development and the results were resounding successes at Lomar Park, Cove School, and soon the District 65 site. The Kendall block deserves nothing less.

Finally, the City needs to require the developer to follow established rules regarding procedure, specifically the standards for preservation and the review of a design of a new building within the historic district. Obviously the City Code requires that the project go before the Preservation Commission before anything can be built. NEHDA believes that the best design solution for this site involves rezoning the entire block to R-1, establishing an alley system that

extends from Sherman through to Orrington that reflects conditions in the surrounding neighborhood, redevelopment the administration building into four condominium units, and if possible, retaining the two houses on Orrington Avenue as particularly important to story and character of the historic district.

Every effort should be made to incorporate Wesley Hall into the site plan by amending the unique use provision of the zoning ordinance. If you ask, the developer will come back with a better plan for the site. It will take him no longer than it will take the Staff to write an ordinance. Isn't a win-win-win the best solution for all involved? We think so and hope you will, too.

You are the key. We respectfully ask that you reject the developer's current plan and ask that he returns with a better one. Thank you.

CHAIRMAN WYNNE: Thank you. Can you hold it for one -- are you one of the opponents?

MS. KEIFER: I'll make it real quick.

CHAIRMAN WYNNE: Okay. Because your time is up. It's been 25 minutes.

MS. KEIFER: Can I have just two minutes?

CHAIRMAN WYNNE: Yes, you can have two minutes.

MS. KEIFER: Okay. My name is Paula Keifer. My husband and I live at 2505 Orrington. It's the house on Millburn and Orrington on the corner, it's a George Maher historic home.

It's been almost two and a half years that this issue has been in front of you, the City Council. We pay close to \$20,000 in taxes and yet we have to take time from our jobs, our family, our personal lives to protect our most valuable investment, our home. This is your job, not ours. We trusted you. This is the reason you're in the position you're in.

My husband and I have been involved in real estate for 30 years. We've done real estate development. We know exactly what's going on here. I've been a life-long resident of Evanston. This project will depreciate the value of your homes. There is no doubt. There is no argument. This is not an issue, this is a fact. To say anything else or to discuss it any further, it's ludicrous.

There are a whole group of neighbors that are not coming tonight because they are so thoroughly

disgusted and fed up. We're hoping that you'll make the right decision. We're completely against these modifications.

CHAIRMAN WYNNE: Thank you. We're going to take one, just one or two minutes to let our legal counsel answer a question for Alderman Bernstein. This won't take more than two or three minutes.

(Discussion among the Commissioners and legal counsel.)

CHAIRMAN WYNNE: We'd like to get everyone's attention. We needed some clarification up here. Alderman Bernstein is going to, he'll make public what his question was and what the answer was from our legal counsel.

ALDERMAN BERNSTEIN: Basically, we're here, the keepers of the City's money. And when a statement is made and what I implied as a threat to litigate against the City, I asked the question specifically with regard to whether or not it is in fact spot zoning to create a zone that includes R-3 in R-1.

My knowledge is that we're down-zoning this completely from U-1 which is a far more intense use than any residential zone in my opinion. So, I asked Counsel if in fact in her opinion that this is a legitimate use

of our function, if in fact we choose to go this way. She assured us that this is not spot zoning. She further assured us that there was ample testimony in the record with respect to the nature of the community, I'm not going to address that at this time.

But this is not an R-1 area, this is currently a U-1 block. Adjacent to it is an R-5. Adjacent to it is another university block. On the north and the east, they're R-1 zones. But to say it's surrounded entirely by R-1 is a bit disingenuous.

And my question of Counsel, because clearly I don't want to litigate, we may anyway, but that was the question I asked and that was the answer I was given.

CHAIRMAN WYNNE: Thank you. Did you want to say anything, Ellen?

MS. SZYMANSKI: Madam Chair, that is exactly the -- that is the discussion and the opinion that I gave to Alderman Bernstein. The issue of spot zoning has come up in this case prior to this evening. And my opinion is and has always been that the record is sufficient to support a determination that although the R-3 zoning is not R-1, that it is sufficiently connected with other zoning in the immediate vicinity as borne out

by the record, that it is not spot zoning.

CHAIRMAN WYNNE: Okay, thank you. Any other questions from the Committee?

MS. SZYMANSKI: I think Ms. Jackson also had a comment to add.

MS. JACKSON: No.

CHAIRMAN WYNNE: Okay. No, she doesn't right now. Okay, is that clear to the members of the Council? The Committee?

Okay. All right. We are now going to move to the summation period of time. And we're going to have each side take 15 minutes. And, first, we'll go with the proponents. Mr. Buono? Okay, was there, I'm sorry. There's a hand, just a moment, Mr. Buono.

AUDIENCE MEMBER: I don't mean to interrupt but I have a question about the zoning map because the last time I looked at it, I looked at the square block that includes Kendall. To the north is R-1, to the south is R-1, to the west is R-1. R-5 is not adjacent, it's farther down. It's farther south. The part that faces along Colfax appears to be R-1, at least from the map that I saw. Is that correct or not?

CHAIRMAN WYNNE: Arlova?

MR. McCLURE: Hopefully that will balance the indication of being disingenuous. It is in fact surrounded by R-1.

MS. JACKSON: Well, the lot across the street is U-1 and, to the east.

CHAIRMAN WYNNE: Let's let Ms. Jackson answer please.

MS. JACKSON: To the north, the west and the south is R-1.

CHAIRMAN WYNNE: To the east is?

MS. JACKSON: Abutting.

MR. McCLURE: To the east is Roycemore School?

MS. JACKSON: Correct.

ALDERMAN BERNSTEIN: Okay, keep going.

CHAIRMAN WYNNE: Okay. All right, Mr. Buono, we'll start you on your 15 minutes.

MR. BUONO: Thank you. I considered responding point by point to some of the issues that were raised here during the opponents' presentation, and at least for myself I've concluded that much of what was raised was precisely what was raised at the Plan Commission and that there is ample testimony for and against those positions that I think little would be

accomplished by me repeating all those tonight if you have gone through the arduous process of reading all that testimony.

I think rather that I will devote or allocate most of my time to anybody else that wishes to speak but I think leave you just simply with these couple of ideas. And that is, as you all know, we've spent now nearly three years on this project. And as I recognize at the Plan Commission that the initial project as proposed not only was unacceptable but created a certain amount of ill will and lack of credibility on my part which I have over the last nearly three years made a very sincere attempt to design a project that meets with virtually every demand that was made of me early in this process from density to design to front yards, side yards, rear yards, special setbacks on Orrington, parking spaces, height.

In every instance where I could identify what seemed to be a consistent theme, I attempted to address. And in some of the testimony you've heard tonight, I think you have an appreciation for what often are conflicting ideas. R-1 through the entire property but lets preserve certain of the buildings, in fact, with

respect to Wesley Hall, let's make it a condominium building. Not necessarily a four-unit building, I don't believe that correctly characterizes my testimony at the Plan Commission, but yet a building that doesn't meet the unique use definition, would require a text amendment, would actually require an R-4 zoning under the current zoning ordinance. And in fact, it's something I proposed at one time in this project.

I can tell you that we have attempted to do it. I think we've done actually a rather good job. I think most importantly, it's a project that at least I believe that can succeed for me, and when I say for me I don't mean in terms of maximizing profit but rather that it's an attainable project. It's a project that makes me nervous because it's a lot of one type of product that is going to be very expensive.

And from my perspective, some density helps mitigate that risk. And I think that's important to Evanston, not simply me. It's important to all of us that this project succeeds, not just for the surrounding neighborhood but for the City itself. And it's very much my hope that that will happen.

And I think it's also important to note that

those people that live, you know, directly across the street, not every one of them, I recognize that those living across on Sherman have reservations if not complete opposition to the project, but there are real people that live right here that really support this project and really are the most impacted by it, and that that voice I know will receive appropriate consideration. And it's not something frankly that we've heard much of throughout this process. And I understand why. Frankly, it's rather, it makes me more comfortable than I had been in previous times knowing that we have some of that support.

So, having said that, I would, I thank you for in some respects tolerating this for all these years at this point. And we look forward, if given the opportunity, to redevelop the property. Thank you.

CHAIRMAN WYNNE: Thank you. Dr. Hughes? Oh, I'm sorry. Hold on. Okay, all right. I'm sorry. You do have additional time. I didn't realize there was going to be an additional speaker. Okay. Mr. Gemmell?

MR. GEMMELL: Thank you. Just to reiterate on the petition issue. It doesn't lack credibility. I live across from it. I led this group for three years

almost along with Matt Johnson. I did not sign that petition when it was 173 units, 113, 73, 65, 53, 56, 48, all the way down. I did sign it now. And so did the other people.

There's only one person that I know of on the petition that was presented to you today that agreed to a higher density before this plan. These are real petitions, real signatures of people who live directly across the street and will see it everyday.

We were set out on a task almost three years ago to work with the developer towards a collaborative decision, a collaborative plan. And we were asked to do so in good faith. And we worked very, very hard to do so and I think Smithfield Properties, I mean, I opposed this guy vehemently. And I handed petitions to you and I stood up and argued against it.

I worked with this guy in good faith along with Bill McClure and we got this plan down to what they understand is a reasonable density. And you have to understand that between Matt Johnson and I, we're here today supporting it. We're the same people who led this group and were selected by the neighbors to represent this group. And we're in support of the plan.

You can't have good faith dealings with a developer unless you have good faith and you have a stationary target to shoot at and to work towards. But what we have is a moving target and you have to keep this in mind. The issue now as presented by the group that I led is not density anymore, it's R-1/R-3 mix. You can't have it, it's absolutely can't have it. It's going to cause all these terrible things.

You must understand that this same group including myself, including Matt Johnson paid for an architect to present plans at a community meeting and those plans included alternatives that were considered acceptable alternatives. We presented it to the neighborhood at the time and those acceptable alternatives included a plan that had duplexes in it and had more density than what is currently being proposed.

And I would show it to you at your convenience. Thank you.

CHAIRMAN WYNNE: Thank you. Is there anyone else from the proponent?

MS. GEMMELL: I'd like to add to that please.

CHAIRMAN WYNNE: Are you a proponent?

MS. GEMMELL: Proponent.

CHAIRMAN WYNNE: Okay. Were you sworn before?  
Sorry.

(Witness sworn.)

MS. GEMMELL: It's Jennifer Gemmell and I'm at 720 Colfax, directly across the street from the project. I'd like to say that tonight my credibility came into question. I was the person who passed this most recent petition around and I did that with the utmost integrity. And I do believe that I was always a proponent of R-1, but when I saw the developer come to a consensus and make so many moves toward the neighbors, I think it was my right to change my mind. And I'm in full support. And to raise my blinds and close my blinds every night and see these buildings, I would not only feel comfortable but very pleased.

The other issue I think we need to consider is what this is all causing in our neighborhood. There are people who don't know me and there are people that when my husband stood up to speak this very evening were whispering and rolling their eyes and were saying things like, oh, there he is, loud enough that I could hear it but I'm sure they don't know who I am but now they do.

This is making it hard to live in our

neighborhood. It's tearing everybody apart. And if we were in a perfect society, we would respect the fact that every person comes here with a different dream. Some people are in it for preservation. I'm in it because I see a plan that's a good plan and I see a potential for maybe a best friend for my children across the street. That's why I'm here. And hopefully neighbors can respect that and they don't roll their eyes and whisper and dislike me just because of where I am on this issue.

But it's unfortunate because people have become so passionate and they've forgotten that we each have a reason for believing what we believe. And I think it's just time, you're our elected officials, I think it's time for you to step in, give us relief. You've heard everything that we could all say. Use your best judgment and help us to just get back to being neighbors and talking about how crummy the Cubs are and not putting up signs against each other. Thanks for your time.

CHAIRMAN WYNNE: Thank you. That concludes the 15 minutes of summation for the proponents. Now we will have the opponents. And Dr. Hughes, are you

starting?

DR. HUGHES: Dave Galloway is going to speak for three minutes or so.

CHAIRMAN WYNNE: And I have the time as 8:35.

MR. GALLOWAY: I'm here this evening at the request of a number of members of Design Evanston expressing some observations and opinions that were also voiced by a number of members of the Plan Commission. If we look at this project and we list all the elements that make up this deliberation, whether they be citizens or the property. We have a vast number of citizens that live in an R-1 zoning district. We have a property that is zoned U-1. We have some significant historic residences of varying integrity. We have property across the street from this on the east which is U-1. And we have a developer who deserves to make a profit on this project.

The scheme, conceptual scheme that we have discussed consists of a project which in a sense compromises all of those positions but gives everybody a little piece of the pie. This game and concept would retain Wesley Hall and adoptively reuse it in whatever multi-family residential manner the developer sees most

appropriate. To the south of that property, we would suggest the developer could develop and build a multi-family project, new, of similar character and massing as Wesley Hall, and the entire rest of the property would be developed with R-1.

We do not see any problem with the increased density on the east side of the property given, (a) that the property presently is zoned U-1, and that more importantly, that the property across the street from it is U-1 and for all likelihood the density on that property will not be reduced below anything in the U-1 category. So, at the risk of offending everybody, that is the thoughts of a number of us that I felt was important to share in the spirit of trying to compromise and understand all of the positions that have been brought to bear by this project. Thank you for your time.

CHAIRMAN WYNNE: Thank you. Now Dr. Hughes?

DR. HUGHES: First off, Tom Gemmell's credibility was never in question nor was Jenny's. What we're talking about, however, I will argue that some of those 19 signatures did indeed support greater than 100 density of townhouses. But however, it's very

important, 19 signatures came to you tonight. 89 to 16 on February 2nd in the neighborhood spoke. The signs speak for themselves and Bruce Enebach will talk about the overwhelming majority of the neighbors. It's very important.

I think, Jenny, one way we can very easily bring the neighborhood together, I disagree that the tension that seems to be articulated, I did not whisper when Tom was to come up or roll my eyes. One way that can very easily bring the neighborhood together is have an all R-1 development. Everybody will benefit including those on the 700 block of Lincoln and Colfax. Their property levels will rise more. They can look out on children across the street just as well.

Steve, R-3, excuse me, the block is surrounded by R-1, I believe that has been pointed out. And if the R-3 with the exception of the east which is going to stay there, okay, and if the R-3 sliver is allowed to exist, it will be totally surrounded by R-1. No questions about that.

Very important, we of the Kendall Neighbors do not support the preservation of Wesley Hall. It's very important. Members of the Preservation Commission came

with this perspective. We do not support that. And Rob Buono and have had a discussion about that. We are not in support of the preservation of Wesley Hall. We are in support of an R-1 development without R-3 sliver. It's very important that that be understood, the overwhelming majority of the neighbors.

Further, as I've said in my final comment, there is no benefit to the City for R-3 zoning. There's reasons why there is zoning. The integrity of this neighborhood would be preserved, and most importantly for all, Evanston would be better off with an all R-1 neighborhood in this, as City Planning Department has stated, one of the most desirable neighborhoods on Evanston and in the entire North Shore. Thank you very much.

CHAIRMAN WYNNE: Thank you. You have ten more minutes.

MR. McCLURE: Well, luckily I'm not going to talk for ten minutes. I will speak for probably four or so, and we have our closing speaker.

Hopefully the zoning map was good for refreshing our memory as to exactly what we're talking about. Certainly there are other things within

proximity to the project that we're talking about and that of course is the concern. It's not as though there isn't anything that can't be used to bootstrap R-3 coming in to the area and making an argument by a cogent and articulate developer who would say what's the problem?

Well, we want there to be a problem. We want there to be the integrity of the R-1 neighborhood that would in fact create a barrier to that kind of development because we see it as being undesirable for various reasons, aesthetically, tax base. But mostly, it's no longer the same neighborhood that we have now and there is no reason to change it. I mean, if there were some great benefit that were being offered to the City, to the neighbors, the public benefit is nonexistent under the planned development. Nothing has ever been given to us as a public benefit.

But if there were such a benefit, then we would of course have to consider it. But nothing has been offered except the benefit of being able to perhaps market a better project because it does in fact give him a more comfortable feeling with respect to what he's offering in the community. A mix, not to be completely

dismissed, but certainly a minor consideration given what we are asked to give up.

A comment was made by Mrs. Gemmell that she was an R-1 supporter and that making a move toward R-1 by the developer was done in sincerity and she finds that to be good enough. I guess I can't disagree with her sentiment and her genuine feeling about it. And I do admit that she has the privileged position of being across the street.

But I have to say two things. One, the petition that was handed to you is in fact 15 pieces of property out of a total of 154, 15 homes out of a total of 154 within the 500 feet which are in fact the affected neighbors. That's slightly less than ten percent. They have to be listened. Minority representation is incredibly important.

But don't get sidetracked. The people have spoken much more loudly through this group that you created and we have followed the process, and we brought you to the conclusion of their vote on February 2 in which they voted 89 to 16 against this plan. Certainly not the latest modification with the four removal, but this plan but for that. That was the reason why they

send anti R-3 petitions, to demand that there be a 75 percent of the City Council in order to pass it. They're adamant about it. They don't want it in their neighborhood and we haven't been given a good reason why it should be in the neighborhood.

Yes, let's do redevelop the property. Let's do it quickly and let's get on with it. Let's get a good site plan of all R-1, sit down and talk about and get out there and dig the first hole so this can go forward. We want this as much as anybody. But we have to do with a good roadmap and we don't have one now because of the long term consequences that are being introduced with R-3.

Perhaps they're unintended. Perhaps they're not done with any malicious or other spirit than it's a good idea. But you have to look forward to the future and realize that there is more at stake than just a marketing mix and an offering of two or more products. Thank you for your time.

CHAIRMAN WYNNE: Thank you. Mr. Enenbach?

MR. ENENBACH: I'm Bruce Enenbach, 802 Clinton Place. I'm a representative of Kendall Neighbors Group. I've been a resident for 30 years although I find that

hard to believe. I'll be very brief.

The people who live in the neighborhood surrounding the Kendall site have set a clear and consistent message to Smithfield for over two and a half years now. And it is as reasonable as it is simple. The neighborhood warrants an R-1 development, a real R-1 development with real R-1 lots consistent with the character of our neighborhood, the R-1 neighborhood in which we have all invested.

Smithfield's proposals have justifiably been met with rejection at every turn and we believe they should continue to be rejected here. Smithfield may contend that they have come a long way but they continue to not meet a fundamental requirement which has been asked of them for over two years now. The neighborhood warrants an R-1 development.

Smithfield is a big Chicago real estate developer who has been in this business for some time. And as such, should be considered to be experienced and capable businessmen. They entered in this with a complete understanding as to the risk associated with their purchase. They purchased the property without any contingency as to zoning. They entered into this with

their eyes wide open.

Accordingly, this developer should be expected to exercise good judgment as to what zoning might reasonably be expected. A reasonable developer would have come to the conclusion that it would most likely and logically be rezoned to be in conformance with its surrounding neighborhood. Smithfield with its experience knows this.

But Smithfield decided to go for it. They decided to speculate a little bit. That's their prerogative, I have no problem with that. They may choose to pursue a larger return. The development business is a risky business to be sure, but the farther the developer goes out on a limb, the farther he takes it from reasonableness, the more risky it gets.

By taking on these increased risks, he may increase his return on investment significantly. But on the hand he may lose. Such is the lot of those who choose to enter the real estate development business. Smithfield has gone out on a limb. The increased risk taken on voluntarily by Smithfield does not obligate the City to accommodate them. It was their choice to make.

We the citizens of Evanston do not owe

anything to Smithfield. We do not have to feel sorry for them, particularly when it has been made very clear what it is that is acceptable, and what is acceptable is in fact reasonable. The neighborhood warrants an R-1 development. R-1 would be reasonable to expect and the developer could make a significant amount of profit in a development with R-1 zoning.

Within R-1 zoning, the land cost would approximate approximately \$500,000 per lot. Of course we see \$500,000 tear downs all the time. These guys must be faring pretty well, so Smithfield ought to be able to fare at least as well, perhaps even a little better given their vast experience. And indeed it can.

In the development business, time equals money. For the life of me, I cannot understand Smithfield's tolerance for wasted time. Had a reasonable development been proposed at the onset, we'd be moving in new neighbors into new homes right now. But that is not what happened. And we continue to have an unreasonable proposal before us today.

There are those, there are some who would consider the latest rendition good enough but they are clearly in the minority. Take a look at this map. This

is roughly a thousand feet within the subject property.

The colored in in pink represents owners within a thousand feet who have signed notarized petitions to the City in support of R-1 and/or have signed notarized petitions to the City opposing R-1 and/or has signified their continued support with a sign on their lawn. Colored in purple in here represents property owners who have signed a petition given to the developer and then to you tonight in favor of the current plan.

The blocks adjacent to the subject property show in excess of 75 percent of support to continue our quest for an R-1 development. R-1 is the underlying fundamental theme that has been going on for two and a half years. R-1, R-1, R-1. Alderman Wollin has expressed her support for an R-1 development on more than one occasion and we very much appreciate her support. We additionally understand and appreciate the support of other aldermen in support of Alderman Wollin's position.

And we respectfully submit that it is time for the rest of the Council to follow Alderman Wollin's lead by rejecting this latest proposal. It is simply unconscionable to consider this zone anything other than

R-1. We've been saying it for two and a half years now.

The future of our neighborhood needs your help. Our neighborhood warrants an R-1 development. Thank you very much for your time and we appreciate your support.

CHAIRMAN WYNNE: Thank you. All right, right on time, thank you. Okay. Now, I'm going to close public testimony. I'm now closing the public portion of this and now I'm going to bring it up to the Committee level. Before, I'd like just for procedural sake to discuss what are the particular options that are in front of the Committee so we're very clear on what our choices are here. This came to us without any value. I'm just, I want to make clear what the various options are.

I think what we're, you know, I want to be clear on what came from the Plan Commission, and I'm going to ask Ms. Jackson to describe that.

MS. JACKSON: There was a negative recommendation, a recommendation to the Council to deny the planned development which received three votes in favor and three votes in opposition which resulted in a non-recommendation.

CHAIRMAN WYNNE: Hold on though. If it's

three and three, it's not a negative recommendation, it's a non-recommendation.

MS. JACKSON: Right.

CHAIRMAN WYNNE: So, it's a non-recommendation on the PUD.

MS. JACKSON: Right. Recommendation regarding the map amendment, however, was positive. So, the Plan Commission, the majority of the Plan Commission did not have a problem with the proposed map amendment but did have a problem with the planned development request.

CHAIRMAN WYNNE: Okay. So, at this point, we have a non-recommendation on the PUD and we have a positive recommendation on the map amendment.

MS. JACKSON: Yes.

CHAIRMAN WYNNE: Okay. And further, in order to do this appropriately, we would have to first address the map amendment, obviously because you can't do the PUD unless you have the map amendment first.

So, our choices just so everyone is keeping track are, first, with respect to the map amendment, either to accept the Plan Commission's recommendation or reject the Plan Commission's recommendation. And then after that decision is made, then we make a decision as

to whether to approve the PUD because there is no recommendation from the Plan Commission or to deny the PUD. Everyone clear on that? As modified, as presented tonight.

ALDERMAN BERNSTEIN: We don't have to go back to the Plan Commission because it's modified downward, is that correct?

MS. SZYMANSKI: That is correct.

CHAIRMAN WYNNE: Okay. So, we don't need to go back.

AUDIENCE MEMBER: Can I ask the Chair a question?

CHAIRMAN WYNNE: Yes.

AUDIENCE MEMBER: If somebody has a comment with respect to what came out of the Plan Commission, something that I frankly don't understand and I believe I should --

CHAIRMAN WYNNE: All right. We'll ask, who asked the question? Judy?

AUDIENCE MEMBER: Judy Fiske.

MS. FISKE: My understanding at the Plan Commission meeting --

CHAIRMAN WYNNE: We can't hear you. Could you

come over here?

MS. FISKE: It's Judy Fiske, 2319 Sherman Avenue. My understanding at the Plan Commission meeting was that Jim Wolinski advised the Plan Commission that the R-3 zoning could not be considered in isolation from the planned development itself, that they both had to be considered in the same discussion so that the recommendation was for the Plan Commission not to recommend on the zoning, again in isolation from the planned development.

MS. JACKSON: There were two votes, one for the PD and one for the map.

MS. FISKE: Yes, I know that. But Jim Wolinski said in response to the vote on the rezoning, that the vote on the rezoning could not be considered in isolation from the plan. In other words, the recommendation was not, for the Plan Commission not to comment on the rezoning in isolation from the plan.

CHAIRMAN WYNNE: That's not clear at all.

MS. FISKE: Okay. Well, Jean, can you help me?

CHAIRMAN WYNNE: Hold on, hold on. We'll ask --

ALDERMAN RAINEY: Point of order, Madam Chairman. We have numerous members, highly paid members of our City Staff here.

CHAIRMAN WYNNE: Right, that's what we're going to do, Alderman Rainey.

ALDERMAN RAINEY: Could we do a Staff report on how to interpret the truth here?

CHAIRMAN WYNNE: Right, and that's what I'm about to ask Ms. Jackson.

ALDERMAN RAINEY: Thank you.

MS. JACKSON: I guess I would just refer you to the transcript then.

CHAIRMAN WYNNE: Which we've all read. Arlova, we have the, the map amendment has to be taken first, correct?

MS. JACKSON: Exactly.

CHAIRMAN WYNNE: And so, it would be done in isolation. I mean, you have to do that --

MS. JACKSON: You have to vote separately.

CHAIRMAN WYNNE: Yes, because you can't have a PUD unless you have the map amendment.

MS. JACKSON: Correct.

CHAIRMAN WYNNE: Okay. Now, okay, we have an

additional question from Alderman Tisdahl. Did you want to present your question? This is for the Staff.

ALDERMAN TISDAHL: Yes, I do. So, would you please, Ms. Szymanski, describe the map amendments that we all know?

CHAIRMAN WYNNE: Turn on your mike.

ALDERMAN TISDAHL: I did.

CHAIRMAN WYNNE: Try again.

ALDERMAN TISDAHL: It's on.

CHAIRMAN WYNNE: Talk right into that mike, Liz.

ALDERMAN TISDAHL: Testing, aha, all right. Ms. Szymanski, could you please describe exactly what the map amendment says? Is this the R-1, R-3?

MS. SZYMANSKI: Actually, I think that's more a question for an expert in the zoning area. Ms. Jackson?

MS. JACKSON: The proposal is to change a portion of the lot which is currently U-1 to R-1 and R-3 into two zoning lots, one of which has 16 single-family detached dwelling units and the other which has two two-unit duplexes.

ALDERMAN TISDAHL: Thank you. Now I know

exactly what I'm voting on.

CHAIRMAN WYNNE: Okay. And then the PUD element is?

MS. JACKSON: The entire proposal.

CHAIRMAN WYNNE: As designed and presented to us.

MS. JACKSON: Today.

CHAIRMAN WYNNE: With these drawings.

MS. JACKSON: Yes.

CHAIRMAN WYNNE: Okay.

MS. SZYMANSKI: Madam Chair, I think I'm sensing some confusion and concern as to whether or not the map amendments can be approved separately from the planned development. The standards you must consider separately because they are standards for text amendment and standards for the planned development. However, this is a unified application. It is interrelated. There is one vote on the whole application. The text amendment won't be granted, can't be granted separately because it's all one application.

CHAIRMAN WYNNE: It's a map amendment.

MS. SZYMANSKI: I'm sorry, the map amendment. It can't be granted separately, it's a unified

application. So, you do go through the standards for map amendments. If you find that the application meets them, then you go on to the planned development standards. If you find that those are met, then you'd be in a position to recommend approval to the City Council.

CHAIRMAN WYNNE: But that is a two-step process.

MS. SZYMANSKI: It's a two-step process but the result is all one. I thought the concern from some of the speakers was that the map amendment would be approved separately. It can't be granted separately at the Council level. You will discuss it differently here, you have to because there are two components to it. Your vote is a unified whole.

CHAIRMAN WYNNE: Okay. Alderman Bernstein?

ALDERMAN BERNSTEIN: Can I respond? I think that the City Council has the authority to zone this U-1 property in any way it sees fit. With respect to this application, and I would agree that these two go hand in hand. But we could go back to the drawing board and zone this all R-3 or do what one of the speakers indicated about, you know, multi-family use which was

not exactly for the opponents to hear but that's the context in which it was taken.

I think that, you know, we do, I read the transcript. The vote was taking place. I understand the conflict because absent the approval of this plan, we have to go back to the Plan Commission and start from square one with respect to a proposed map amendment to whatever zone we choose to make it.

I choose not to do that. I'd like to get this property developed. It's been vacant too long. But I would move that we initially accept what I'm perceiving as a recommendation of the Plan Commission to allow the modification or the map amendment to an R-1/R-3 combination of this zone, this U-1 zone.

CHAIRMAN WYNNE: Is there a second?

ALDERMAN WOLLIN: I'll second it.

CHAIRMAN WYNNE: Okay. I think the procedure is we need to take the map amendment first, and in front of all of you, you should have the standards for the map amendments. I've asked Staff to provide those to all of you. Oh, what am I holding?

ALDERMAN RAINEY: Madam Chairman, in the transcript, they're page 28, 29, 30.

CHAIRMAN WYNNE: I can't, I'm sorry, Alderman Rainey, I can't hear you.

ALDERMAN RAINEY: I'm just going to tell you that in the transcript, page 28, 29, 30, is the discussion of the standards.

CHAIRMAN WYNNE: That's the discussion of the standards for --

ALDERMAN RAINEY: For the map amendment.

CHAIRMAN WYNNE: Map amendment, yes, that's right. And they're, but we also need to discuss the standards, if we get to it, for the, we need to discuss the standards for the PUD which were not discussed by the Plan Commission.

Okay. So, what we need to do first though, what we're going to do first is take the map amendment issue. And Alderman Rainey is correct, in the, I think it's the June 14th transcript. There is a discussion step by step of the Plan Commission of the map amendment standards.

ALDERMAN RAINEY: And Madam Chairman?

CHAIRMAN WYNNE: Yes?

ALDERMAN RAINEY: And beginning on page 7 is a discussion of the standards for the development. I

mean, if anybody cares.

CHAIRMAN WYNNE: All right. Though we need to have a discussion first of the map amendment.

MS. SZYMANSKI: Madam Chair, Ms. Jackson is prepared to direct the Committee in its consideration of the standards for the map amendment.

CHAIRMAN WYNNE: Oh, I'd like to hear if there is some discussion from the Committee first about the project, and then we'll walk through whether it meets the standards or not. I need to have some lights in order to have a discussion. We need the Mayor here to turn this on again. Sorry, everyone.

Okay, all right. We have lights now. We have a multi-talented staff here. Okay. I didn't see what came on first. I think Alderman Tisdahl was trying first, and then comes Alderman Jean-Baptiste. All right, Alderman Tisdahl.

ALDERMAN TISDAHL: Thank you. It was almost three years ago when I was once upon a time the alderman for Kendall that I made a reference to the Plan Commission asking to have the property rezoned R-1. And I would like to thank all the neighbors who have done a wonderful job and done exactly what Alderman Neuman and

I asked them to do and met with Mr. Buono. I would like to thank Mr. Buono who has done a wonderful job. And I think it is indeed a good plan.

I do not think that it is the best plan that we could have. I still believe what I thought when I was a brand new alderman that it is an appropriate R-1 area, that it is surrounded on three sides by R-1. So, when I was a brand new know-nothing alderman and I looked at the map, it looked to me like an R-1 area, and it still does.

I understand that the community has worked long and hard. And I am very impressed with the quality of the work that you all have done together. But I think that a community has a right to rezone in an area and that that's an important right for us to have. I think this is a good plan. I don't think it's the best plan and I think the best plan would be R-1.

I think our community is losing single family houses as a percentage of the housing stock in our community, that the percentage of condos is going up and that all those wonderful people in the condos when they have families would like a single family house to move into. And I think Mr. Buono will build wonderful houses

and that they will sell. So, I support having this be R-1.

CHAIRMAN WYNNE: Thank you. Alderman Bernstein.

ALDERMAN BERNSTEIN: Yes, let me give some history because I don't take this vote lightly. My rookie year in the Council precedes yours by four years. And when I was a young alderman exposed to this property, I was continually beset by Alderman Neuman and complaints of the students from Kendall urinating on lawns in the area, and the parking, over-parking in the street and the Parking Committee. And you know, that was my first entree into the City Council vis-a-vis this project.

This was when Kendall College was viable, going strongly, and had no intention of moving. And the understanding I had from the alderman of the ward at that time was that there was a great animosity by many of the neighbors against the student body there. People are shaking their heads, I remember it this way. I may well be wrong. I've been wrong before, and if that was so, I'll be wrong again.

I don't claim to be omniscient but I try to do

my homework. When this first project was presented, it occurred to me that it was a ridiculous project. Mr. Buono characterizes as losing some credibility. You initially lost great credibility with me because I thought it was just ludicrous to conceive of that many units on this block.

And it's interesting because when Mr. Gemmell came before us, I actually made comments that he was the most obnoxious proponent or opponent that I'd ever seen. And he was not willing to give an inch, which is okay. I admire passion, I admire advocacy. What I also admire is good faith. And Mr. McClure indicated that we charged the community with the responsibility or the prospect of getting together with the developer.

When I talk in terms of negotiation, there has to be some room for movement. Had the community said three years ago R-1 or nothing, please don't encumber us with a need for this conversation with the developer, that would have been it. But I think that the developer moved in good faith.

We're not here to guarantee him a profit. And the fact that the longevity he's had in the project doesn't endear him to me any more, it doesn't get a

vote. You know, the fact that you're left standing after three years in and of itself doesn't win my vote. But I always start with what the community is.

And if you recall, Dr. Hughes and Mr. McClure and Ms. Hughes, I came to your house for about two and a half hours one Saturday morning. And we started a tour of the community and we looked at the lighthouse from the very corner of the property. And it's a wonderful property, looking over a long field. And I acknowledge to you that I hadn't been in that area very much. You know, I'm a south sider. I don't get north very much.

We then proceeded north and then east and then back west. We never came by a long field. We never went south of the property. And you commented to me about the wonderful setbacks on Wesley Hall which is approximately 90 feet. And I think I remember telling you be careful what you wish for because R-1 zones don't necessarily mean a clone of what you think. It might mean these McMansions, the kind of things which we have since addressed hopefully.

But that was one part of my puzzle. I've met on several occasions with the people from the developer. And they came back with a far reduced plan with those

townhomes in the middle. Again, you know, we looked at the mockup and he had come a great distance. But to me, you don't come in and say when you're allowed ten, you don't say I want a million. You're allowed ten, well, let's split the difference. That's not how we do business here.

We try to do what I think is an appropriate development for an area. And again, I take the area as I find it. This is a hybrid area. Mr. Harwood, a gentleman who has written us long had on many occasions wrote a note that was in our packets tonight in which he said he moved in here in 1933 across from Kendall College. So, my sense is that everyone moved in when Kendall College was existing.

There was a viable dormitory housing 650, I thought it was even more students. There was a viable commercial restaurant which was open six days a week in most nights which generated traffic in and out and in and out into this R-1 zone. So, forgive me sitting up here and reviewing the totality of what I'd seen if I don't come to the same conclusion that this is an R-1 zone, okay.

It is not surrounded by R-1. It is on three

sides, I apologize, I thought actually the R-5 came closer to the southern border than it did. But as I've been sitting here tonight, I'm talking about, I'm hearing win-win-win. I'm hearing people who want to have an alley cut through and leave Wesley Hall.

Well, this property, and this is his problem, he may have overpaid for this property. He is a big boy. I don't know, I wouldn't want to pay his carry charges on this however much he paid. He chose to do that. And quite honestly, I'm glad he's still here. Maybe it's because Northwestern didn't want it. Maybe he can't unload it. But my sense is that he'll sell wonderful properties, wonderful new houses, and that anything that goes in there, and I mean anything, even a development of multi-units adjacent to a condo conversion of Wesley Hall, would enhance the area.

Because the history of, in my history -- well, okay, this is again my opinion, all right, fallacy number one, new construction in an area and the diminution of the impact of a U-1 zone which is a very dense use, very dense use, to me has to enhance the area. But we're not looking at that. And along the way, as I recall listening to Mr. Gemmell and others who

I've spoken to, there was some consideration of initially townhouses. I think that was even proposed. I've heard so many incarnations of what could have been done, that when I saw a 29-unit development in the context of one of these mockups which to me who lacks spatial ability really helps me.

I mean, I've walked around that property a dozen times at least since our meeting, okay. I've read all the transcripts. I've watched a video of your meeting that I wasn't able to attend. And to me, when you come up here and claim that the addition of these two houses, that these duplexes with two dwellings as opposed to one is going to be the death knell to the community, I can't buy it. I really can't.

When I looked at that, and I was raised in a duplex for most of my life, I looked and I said where is the second entrance? So, from all appearances, when you look at this duplex, there's only one entrance. I don't know how that's going to enhance the marketability but -- is that correct? That you enter from the front -- well, I'm just, it's a rhetoric.

MR. BUONO: There's on entrance in the front, one is in the back.

ALDERMAN BERNSTEIN: All right. So, it's concealed in the back. All right. So, from the street it looks as if it's single family residential.

You've conceded the fact that there is no longer a density issue which historically has been the biggest rub. So, we get back to the character of the neighborhood. And I'm sorry I'm rambling but I get so -- huh?

CHAIRMAN WYNNE: Go ahead.

ALDERMAN BERNSTEIN: I always do, I know. I get so frustrated and, you know, I've told people from this dais before that I, you know, I try to keep myself in tune, in tone here. I try to conceal my anger. People who come up and tell us they're going to sue us don't get my attention other than in the negative way, all right. I just, you know, you have every right to utilize every available opportunity if you feel aggrieved. We have every right up here because you elected us. Your elected representative has indicated her concurrence with R-1.

I hope that the rest of us don't because my sense is that this is a very good development. It's very reasonable. We don't have a binding appearance

review but under the planned unit development, we can compel this gentleman to create those renderings. And Melissa and I were standing across the street one day with your daughter from the Rozak project, and Caroline then three years old said, Mommy, that building doesn't look like that picture. You remember that? These buildings will look like those pictures.

Now, I have no aesthetic sense whatsoever, but I also know that the Preservation Commission will be voting on the appearance of every one of those buildings. They're not going to put any glitz and glass in that area. They are going to be put what I speculate are going to be a million and a half or upwards homes, maybe even more by the time we get to construction.

But there's a time when we have to make a decision. This is our time tonight. This is my time tonight. I have not come to this lightly. But I do believe that the project is very, very nice. I'll go that far. I don't think it's a bad project. I don't think it's unreasonable. I don't think it's a lose-win situation. I don't think it's the end of the most attractive area in the City, and it is an incredibly beautiful area. I have many friends there. Perhaps

after tonight I have fewer friends there, but that's, you know, that's the job I have to do up here.

I really believe from my heart of heart that this is not going to hurt your community. It is going to enhance the area. It's going to rid us, now, the buildings are historical but they're also so poorly maintained that I'm wondering why the neighbors haven't screamed about it historically. I'm wondering why Kendall had gotten away with allowing them to become as disheveled as they became. Maybe it was toward the end of their reign there.

But I am supporting this fully and I'll take it in two steps. I've already made a motion to accept the R-3/R-1. For purposes of the record, an even vote from the Plan Commission is not a negative vote, it's a neutral vote. They give it to us with no recommendation. I would really like them to give it some recommendation because we're depending on them to do our heavy work. Unfortunately, it doesn't turn out that way.

I think all of us have read a thousand pages of transcript. And I know I've met with neighbors, it has to be 30 or 40 actual physical hours, which is fine.

That's what I'm supposed to do. That's my job and I've accepted it and I'm undertaking it responsibly. But what I do want to do is to send a message to developers that Evanstonians will either negotiate in good faith or say, hey, no, we're not going to talk to you. Negotiation to me absolutely requires the desire and the ability to modify your position in some way.

So, for the last three years, apparently we're telling this guy he's been wasting his time. I can't abide that because as Mr. McClure said, we helped to create this. It's easier for us up here if everybody reaches a compromise. Makes our lives a whole lot simpler. We vote aye and we ratify whatever it is you've come up with.

I'm sorry that the neighbors are upset by this. I don't think that in my opinion your frustration will be going out after the construction of this. I don't think that the nay-saying and the dooms saying will be borne out if these units get constructed. In fact, my sense is that we'll be listening to you folks because your property values will be so enhanced that your assessed valuations will be up and you'll be screaming about the taxes you're paying, because that's

customarily what we hear.

All right. I do appreciate the neighborhood and I do appreciate the zealousness with which you got this down to this kind of a development. I mean, this to me is remarkable that you've come this far. And that's a credit to everything you've done. And as far as I'm concerned, you've won. You don't believe that but I'm telling you in my sense when I first heard about this, I was ready to give far more so long as there was a good plan.

I think this is a good plan and I don't think it's going to hurt anybody. It is going to bring in the revenue. It's been, you know, \$165,000 in taxes, not enough money. It's been off the tax rolls forever until the last three years. Let's get on with our lives. I am asking my fellow Council members to vote to approve this plan in its current, in its newly proposed formation. And I apologize for being so long winded.

CHAIRMAN WYNNE: Okay. Thank you, Alderman Bernstein. I want to just tell the Council what's been passed out to them up here. You have two things: one of the standards for a map amendment; and the second item, the longer item, are the standards for special use

because PUD's are special uses in these two areas.

Okay?

I have no more lights. Would anyone else like to say something? I'm sorry, Alderman Wollin. I checked off the wrong person.

ALDERMAN WOLLIN: Thank you, Madam Chairman. This is a hard one. It is a difficult one. And I think it is for all of us. It is especially for me.

Almost two years ago when I decided to run, there were two big development issues in the First Ward, one was Mather and the other was the Kendall property. During the course of the campaign, I made very clear my position. I supported Mather's redevelopment and I supported R-1 for Kendall.

When the first projects came in, I called it the medieval village. It was so dense, it was almost impossible to see where all the units were fitting on the property. And it was easy to say this is unacceptable. This just cannot be done.

And over the course of the last two years, I have met with neighbors. I have met with the developer.

I have attended every Planning Commission except one when I had a school conflict. So, I've listened to all

the testimony, not just read it but listened to it and been there.

I was there with others for the infamous last night of the Planning Commission when we all were shocked because there all of a sudden came the Planning Commission's suggestion for Philadelphia style townhouses along Orrington. And I looked at other people in the room to see if we were all on the same planet and had been in the same place and heard the same things. They seemed to be non-responsive to the things that the neighbors had been so articulate about wanting in the neighborhood for this development as well as the kinds of things that Mr. Buono was suggesting for his development.

So, we all kind of looked at each other and said where do we go from here? This doesn't make any sense at all. And so, we continued to try to work through it on our own, without any help from the Planning Commission, I mean, with all due respect to Mr. Galloway who is still here.

We really had no, I mean, we really had no idea where that came from. And it wasn't anything that any of us were asking for. I do think that the plans

that have come out from the one that we, the modified plan that we have in front of us is an attractive plan.

I think the architecture is attractive. I think we will write into the ordinance the kinds, if it gets that far, the kinds of architectural styles and materials that we want to see included. I know that Smithfield wants to build a quality development.

My problem is that we are like this close to what we need, and it isn't that hard to do because we could put two family homes in instead of those two duplexes and have something that I think would make 98 percent of us happy anyway. So, I regretfully, and we've had discussions, very pleasant discussions as well as some tough discussions with Smithfield and with neighbors, and I didn't quite get there. I tried as hard as I could. And I appreciate Mr. Buono's, you know, acceptance of removing those two interior duplexes, that was a huge step. And I just wish we could take another step farther.

I don't believe some of the testimony we heard tonight that we are going to decrease property values. Impossible in this neighborhood. These homes are going to be such quality homes that nobody's property is going

to go down and I'm afraid our taxes are all going to go up as Mr. Bernstein said because of the increased value of the property. So, that's not my concern, that we're somehow degrading the neighborhood by having two duplexes in here.

I do however, you know, I will however maintain my commitment to my R-1 position. I think it would be easy to attain by the substitution of those two homes as opposed to the duplexes. And that would be the only change that I think that I would, you know, in a last desperate plea ask to be made. And I do appreciate all the work that's gone on, and I mean it, from every single person. And I couldn't help but be moved because by Jennifer's testimony, because that is one of my greatest fears is that the animosity that has precluded some friendships and some neighborliness in this area, it's unfortunate. And I am hoping that we can heal that and move on because that's not the kind of neighborhood we certainly want to have in the First Ward or any ward.

So, I will be voting for an R-1 position, but I do appreciate all the work that both the developer and the neighbors have put forward in this plan. And I understand that it's been a long process and I have been

part of it every step of the way and we almost got there.

CHAIRMAN WYNNE: Alderman Jean-Baptiste.

ALDERMAN JEAN-BAPTISTE: I think like Steve, I've been observing this process over a long period of time. I'm familiar with the Kendall neighborhood. My son went to Roycemore. My stepfather for a long time worked at Kendall College mopping the floors or cutting the grass. And I remember in high school I used to go help him do some of that work.

And more recently, I've interacted with some of the neighbors in the Kendall community to understand the issues and to see how I can best use my vote to do something positive, to help do something positive in the neighborhood. I had been in touch with every alderman who had served that area during this process and I had thought all along that the road that the aldermen were playing was to lead negotiation to see if they can work something out. And it seems that the aldermen have done a great job of leading negotiation because we've gone from numerous units to now discussing 20. And even, you know, having reduced this 20 is a further reduction from 22, 24? Yes, 24.

So, you know, it seems that negotiations has gone on but apparently there is an absolute position on here. And that absolute position is I'm going to negotiate for R-1 only and nothing else. I sort of misunderstood the current alderman's position in terms of the negotiation process because, again, I thought that we had gotten into a negotiated position. So, and I was, like you, hoping to come here and support the negotiated position. Now I'm being asked to do a harder thing, and that is to make a judgment.

I reviewed Dr. Hughes' letter where he laid out about 17 arguments. And Dr. Hughes, you know, we've sat down, we've talked, and I appreciate the discussions that I've had with you and your wife. But I think some of the discussions, some of the points you raised here can go either way. You know, at this particular point in time, it is at the point where we have to make a decision.

And the Council has to make a decision, as I have spoken to Mr. McClure earlier, about the pluses and minuses of the R-1 and R-3. The discussion was, well, you know, why do we have to make these choices. We don't have to make these choices. But we are faced with

that, you know, our duty and responsibility and we have to make a decision one way or another. And coming to that decision, as I was indicating to you, has been an informed process because we've been engaged.

So, I think that, you know, your first point, Dr. Hughes, this has been going on so long, can't we just bring it to an end, I don't think that's the motivation but we are at the point of making a decision.

And so, we'll make a decision and whichever way this will go will determine whether the developer goes forward or whether the community accepts that. Anything is better than Kendall? No, not anything, but certainly the R-1 and R-3 that is being proposed is better than Kendall in terms of the impact on the community, the traffic as Steve spoke about. And it will bring you from a U-1 to an R-1/R-3.

The developer's plan is better than what is there, that is true in my opinion. And I think Mr. Galloway's option is not, to me, a viable way to go. It is not a bad plan. I think everybody who has spoken so far has said that it's not. I think even the opponents have stated that it is not a bad plan but that you feel that it opens the door for speculation.

So, there are a number of issues that you raised here that I think are good arguments against the proposal, but it cuts both ways. So, at this point in time, my position is that I think that the negotiation has been successful, that we have moved through your participation, through the participation of the neighborhood, to giving us something that is good for the City, that will increase, that will meet a number of the standards that we would like to see met that are required, that is to increase the property value of the neighborhood, that the architecture will be generally consistent with the neighborhood.

And in a broad sense, I think the proposal that is put forth will enhance the quality of life in the neighborhood. So, I'm in support of it.

CHAIRMAN WYNNE: Thank you, Alderman Jean-Baptiste. Any other discussion from the Committee members? Alderman Bernstein, you made a motion?

ALDERMAN BERNSTEIN: I did.

CHAIRMAN WYNNE: You made a motion, and it was seconded by I believe Alderman Rainey?

ALDERMAN JEAN-BAPTISTE: Alderman Rainey.

CHAIRMAN WYNNE: Okay. Ms. Szymanski?

MS. SZYMANSKI: Thank you, Madam Chair. A procedural matter, with respect to the vote on this particular application, ordinarily a map amendment would require six votes. In this particular instance, there is a petition that's been filed by the opponents. I would ask that Ms. Jackson state for this Committee on the record her review of the application, petition rather, and her determination whether or not it meets the standards.

MS. JACKSON: Certainly. We actually received two petitions, one on February 6th and one on March 16th. The second included notarized signatures from each property owner. I reviewed both and found that they meet the standard for an opposition to a map amendment which is down in Section 6347 of the zoning ordinance which requires that signatures from at least 30 percent of the owners of the property within 500 feet of the subject property object to the proposed rezoning. As a result, passage of the requested map amendment will require a three-quarters vote of City Council.

CHAIRMAN WYNNE: I'd like Ms. Szymanski to clarify though for this evening's purposes. This is not the final vote. This is the Committee. And so, for

purposes of introduction of this matter before the City Council to move to introduce it, we only need a majority of a quorum that's present this evening. For purposes of passing it, it does require the seven votes on the floor of the Council. But to move a matter out of a Committee requires majority of a quorum.

MS. SZYMANSKI: That is correct, Madam Chair.

Over the years that the 1993 Zoning Ordinance has been in effect, the Committee has had numerous occasions to consider map and text amendments which both require six votes. At the Committee level, the vote required to have Planning and Development recommend approval to the City Council has always been by a majority of a quorum present.

CHAIRMAN WYNNE: All right. That's clear.

MS. SZYMANSKI: And if I may also get back to the petitions that Ms. Jackson described to you, as part of the motion to grant the planned development and the map amendment, should that be the -- that is the case, I would ask that adoption of the petition be included as part of the motion.

ALDERMAN BERNSTEIN: Adoption of the application?

MS. SZYMANSKI: Receive into evidence and --

ALDERMAN BERNSTEIN: Oh. That's not much, sure. This petition?

MS. SZYMANSKI: Yes.

CHAIRMAN WYNNE: I'm sorry, which petition?

MS. SZYMANSKI: The petition.

ALDERMAN BERNSTEIN: I'll make a motion. I'll so move.

CHAIRMAN WYNNE: Okay. The petition of the 30 percent --

MS. SZYMANSKI: That is correct.

CHAIRMAN WYNNE: Okay. All right. All those in favor of accepting the petition, please signify by saying aye.

(Chorus of ayes.)

CHAIRMAN WYNNE: All right. Alderman Rainey?

ALDERMAN RAINEY: Madam Chairman, before we vote on whether or not we support a map amendment, I would really like to have a little more in-depth discussion with the developer and among ourselves regarding the removal of the two duplex buildings and allowing for additional allowances with additional single family homes. I'm not sure that I heard any

reasons other than the anxiety of not being able to sell 20 individual single family homes. So, I'm not comfortable that that's not a really good solution here.

And that would also of course allow us all to support the two aldermen in their R-1 zoning, although I have absolutely no problem with the R-3 zone and I will vote for that.

But I don't feel comfortable that I understand why the developer will not add in a few more single family homes in exchange for the duplexes.

CHAIRMAN WYNNE: Mr. Buono, can you provide more information?

ALDERMAN RAINEY: One of the things I think it would do, and I'm sure there's the economics here, I am ignoring it completely by the way, there is no diversity in the kind of people that are going to be buying these places. And one of the things I like about the duplexes is it will allow somebody to get into this development and then maybe when somebody over here retires, a nice young family that moved into the duplex can move because they'll want to stay in the same neighborhood, they can move into one of the big houses.

But what would be so wrong adding four houses

that are not as large as these other houses in place of the duplexes?

CHAIRMAN WYNNE: Alderman Rainey, did I hear you correctly? Four houses?

ALDERMAN RAINEY: Yes. Three or four, yes.

CHAIRMAN WYNNE: You're suggesting four smaller houses?

ALDERMAN RAINEY: Four smaller houses.

CHAIRMAN WYNNE: Separate single family houses.

ALDERMAN RAINEY: Or three medium-sized houses, you know, yes.

CHAIRMAN WYNNE: All right.

ALDERMAN RAINEY: I mean, and given that we would acknowledge the need probably for additional development allowances.

CHAIRMAN WYNNE: To permit the -- all right. Mr. Buono? Can you --

ALDERMAN RAINEY: But maintaining the same number of units.

CHAIRMAN WYNNE: Can you expound on Alderman Rainey's question?

MR. BUONO: Yes. I will try to at least. In

the course of negotiating this site plan, I always believed that separate and apart from economic issues, and I fully understand that that is not the purview of the City Council nor should it be the major concern of the neighborhood. Attainability I think in good planning, however, are appropriate goals I think for all of us. And the original plan that went before the Plan Commission which was rejected resulted in a series of separate plans, the one that you see before you tonight, included a fairly thorough analysis as is required under the ordinance of the plan's compliance with the Comprehensive Plan of the City of Evanston. And in fact was criticized I think in some respects for not adhering to creating various housing opportunities in the development.

And while it may sound self-serving, I very much believe that the plan which is now before you tonight that contains single family homes and townhomes made it possible to accomplish exactly what you described. And therefore, from a developer's perspective, is a more viable, a more attainable development which from my perspective is a reasonable and appropriate way to manage what obviously is a

significant risk with the development.

I've often said to people that the best thing that could happen to me here is if one person wanted to build one house on this property and build an estate. That's the easiest thing for me to do, that having 50 units doesn't make it easier. It makes it different but it doesn't make it easier for me. And when I say that, I don't mean that in a selfish context. I mean it in the context of trying to figure out a development that satisfied a multitude of interests many of which you've heard tonight.

One of the objections to the additional duplexes that we have now eliminated was that they did not front on any of the four streets surrounding the property. And that actually has been a common concern expressed throughout this process. In order to add additional single family homes, to use the example I think that you used, either three or four, you really start to run into some functional problems particularly when you're trying to maintain frontage on a public street, access to the garages, along with the various setback, particularly side yard requirements.

And in terms of the space available, a duplex

solution seemed the most appropriate way to utilize the land, give it an appropriate appearance on Sherman Avenue while achieving at least a portion of the goal that I was seeking which was to provide more housing opportunities or a differentiation among the housing that we were proposing. And that really, it was a result of a lot of negotiation directly with Mr. McClure and Mr. Gemmell and myself where those ideas were developed. So, they really came out of I think a sense of compromise and negotiation rather than a set of rigid principles.

And to answer your question directly, I presume that's ultimately where you want me to be, is that four detached homes could be created. To tell you otherwise would be a misstatement. Within the context of the land, four additional homes substituting those houses could be created. Do I believe it's the best plan? I don't. But it could be done. And particularly if frontage on the street wasn't required.

But to be redundant, I ultimately don't think it's the best solution in order to achieve what sounds like, at least from some of your comments, something I completely agree with which was some different housing

opportunities.

CHAIRMAN WYNNE: Thank you very much. Does that answer your question, Alderman Rainey?

ALDERMAN RAINEY: I think so.

CHAIRMAN WYNNE: All right. We have a motion regarding the map amendments.

MS. SZYMANSKI: Madam Chair, you can move to adopt the record and recommendation of the Plan Commission as to the map amendment.

CHAIRMAN WYNNE: All right. Does everyone understand that? Because --

ALDERMAN BERNSTEIN: Then, we're going to get more --

MS. SZYMANSKI: Yes.

ALDERMAN BERNSTEIN: I would move to adopt the references in the transcript.

CHAIRMAN WYNNE: The various findings that had been made.

ALDERMAN BERNSTEIN: Right.

CHAIRMAN WYNNE: All right.

MS. SZYMANSKI: For the amendment.

CHAIRMAN WYNNE: For the map amendment which, remember that's the one that the Plan Commission voted

positively.

ALDERMAN RAINEY: Right, four to two.

ALDERMAN JEAN-BAPTISTE: Second.

CHAIRMAN WYNNE: Okay, there is a second. Any further discussion? Alderman Hansen, did you turn on your light?

ALDERMAN HANSEN: I was just going through --

CHAIRMAN WYNNE: Go ahead.

ALDERMAN HANSEN: I just wanted to be brief because I don't want to reiterate everything that Alderman Jean-Baptiste and Alderman Bernstein have already stated. I think it was about a year ago that I met with Dr. Hughes and Mrs. Hughes in their home and Tom Gemmell was also there. And they gave me their position and their reasons. And I understood their position as to R-1 and what they wanted to see at the Kendall site.

But I walked away questioning the fundamental reasons behind, as Alderman Jean-Baptiste put it, an absolutely position of R-1. And I've talked with Alderman Wollin along the way to get updates as to what was going on and see what was happening in terms of a year ago when Kendall was not in the table of P&D. And

it's been gone for a year now in terms of negotiations between the developer and the neighbors.

And I guess I still question that absolute reasoning or that absolute position of R-1 in an area where there is a mix. It is not completely surrounded by R-1. There's the University District. There is R-5.

And I think that what the developer is asking is not unreasonable in terms of the R-1, the R-3. So, I wish that I could vote along with Alderman Wollin. I think she's done a phenomenal job and has worked very hard to get this project as close as to what Alderman Wollin and the neighbors, the opponents would like for it to be.

We're talking about the map amendments, so I just wanted to make some comments in terms of the standards. In terms of Standard A, I believe this is going to incur obviously new housing construction and it is going to convert these under-utilized buildings that were used as a college and had not been used. You could almost liken it to vacant property without a structure at this point. And it is going to increase the housing variety and enhance the property tax base. I also think

I can argue that it's going to preserve Evanston's historical residential architecture in the

sense that the developer has worked with the community and the neighborhood and has curtailed the designs of his buildings to make it more appropriate and more like the housing that are already exists in the neighborhood.

As to Standard B, again I already said that, you know, this is an area that is a mix of multi-family and single family, so I think that the R-1/R-3 is appropriate. I agree with Alderman Wollin that in terms of Standard C, that this will not have an adverse effect on the value of the adjacent properties. In fact, I think it will enhance the adjacent property values.

And Standard D, the adequacy of public facilities and services, again, this was a former college. I think in the transcript it talked about 650 full time students, 170 employees, 143 dorm beds, traffic vehicular movement operating or approximately 235 at peak hours. And you're talking about 20 units now or in terms of what's been proposed approximately, and this was, I'm quoting from the transcript of the developer so I'm sure this has gone down with the removal of the two duplexes, but at the time it was 61 residents with 30 peak hour vehicular movements in the A.M. and P.M. So, it is, I mean, such a decrease in

terms of the effect that it will have on public services for that area as it stood as a college and what the proposal is.

So, I am in agreement and am going to support R-1/R-3.

CHAIRMAN WYNNE: Thank you, Alderman Hansen. There are no more lights, so at this point I will make, I wanted to, as Chair I will take my turn.

I have to say, Mr. Buono, when you first came to us three years ago, I was appalled. It was awful. I still remember that night. I think I was the one who finally asked you to just tell us what the total was, and there was a gasp.

I didn't think that we would ever get to the situation that is now here. I admire the neighbors. You have stick-to-it-iveness faced with something that obviously you had to fight. I think you've done an excellent job. I remember I met with Mr. McClure and Barbara Jans in your home. And I have walked around the property every time I've driven in the area. I've imagined the various plans that I have been hearing about coming before the Plan Commission.

I listened really carefully to Mr. McClure,

your very eloquent statements. And I have to say I don't think that the addition of the R-3 is as dire as your arguments make it out to be. I think Alderman Rainey's point is an excellent one. I live at a part of the City that we have grand-fathered portions of it in. It's mostly R-1.

But what we do have is families who continue to stay in the neighborhood through the cycle of their lives. We have people who move from smaller homes into larger homes, and then into smaller homes as their families got smaller. And one of the things that they most value is that they continue to stay in the neighborhood. They're still connected.

So, I think that the addition of four townhouses, although I doubt very much that someone would call them starter homes, does provide some variety. And I have to say I agree with Alderman Bernstein, this neighborhood isn't as purely R-1. Yes, it's R-1 on three sides but as everyone said it's not completely. And R-5 is not far away. I don't think it's going to creep north. I think actually this development is going to keep it from creeping north and enhance the values of every other properties surrounding

it and make it less vulnerable to redevelopment.

So, I do admire the stick-to-it-iveness of the neighbors. I think that you've done an admirable job and I think that this is a victory. This is certainly a victory if you look back.

I did want to make one comment with respect to the community relationships. Before I was on the Council, I was involved in a bitter, bitter zoning fight in my neighborhood. We were famous because we produced the longest ZBA transcript that had ever existed in the City, 900 pages of transcript. Most of those relationships have healed but it took a long time. I hope it doesn't take as long a period of time in your community. This isn't worth dividing a neighborhood over. I think you all can look at this, and I'll tell you, my side lost. And we did win, we kept the property on the tax rolls but it took a long time and it's too bad.

So, I think all of you should view this as a victory and realize that as Mrs. Gemmell said, everyone can have their opinion. So, I am going to support the map amendment.

And now, if there are no other lights, I'm

going to call the question on this. Alderman Rainey?

ALDERMAN RAINEY: I just want to add one thing that I couldn't decide whether I was going to mention this or not. But there were statements made that R-3 is going to denigrate the neighborhood. And I wish when people make those kinds of statements, they think about the diverse housing stock and the diverse zoning districts in our residential neighborhoods. And when you say that, what you're really saying to some of us is, you know, we wouldn't want to live where you live because, you know, the zoning in your neighborhood denigrates your community. And that isn't the kind of thing I would hope good neighbors say. And certainly R-3 is the closest you can come to an R-1.

And to say that it denigrates is I think a very big mistake to use those terms. And I would hope that the Council never buys in to that kind of argument.

CHAIRMAN WYNNE: Thank you. All right. All those in favor of the map amendment as motioned, please signify by saying aye.

(Chorus of ayes.)

CHAIRMAN WYNNE: Any opposed?

(Two noes.)

CHAIRMAN WYNNE: Okay. Then we need to move on to -- that was seven to two? Six to two, thank you. All right.

All right. Now, we need to move on to the other half of this which is the PUD.

MS. SZYMANSKI: And Madam Chair, may I make a preliminary comment here? Ms. Jackson is prepared to lead the Committee through its discussions of the standards. You have the worksheet in front of you.

One of the standards, if you'll turn to your first page, that's Section 3510, a little bit below halfway down the page, you'll see G. G is it preserves significant historical and architectural resources. I remind the Committee that we have pending from the Applicant an appeal for the denial, Preservation Commission's denial of the certificate of appropriateness.

Last July, July of 2005, that application was stayed pending the outcome of this case. They're traveling in tandem. It's in the Committee, stayed in Committee. We need to place that on the agenda for you to act on because the Applicant cannot go forward with his planned development unless the certificate of

appropriateness is granted. All of that leads me back again to G.

CHAIRMAN WYNNE: So, if we say that it does preserve significant historic -- tell us what.

MS. SZYMANSKI: That's where I'm going with this. The finding would be that the significant historical, or that they are not significant, excuse me.

CHAIRMAN WYNNE: Okay. There are no significant --

MS. SZYMANSKI: They are not significant as represented in the Applicant's appeal from the denial of the certificate of appropriateness which the Council and the Committee will act on.

CHAIRMAN WYNNE: Is that clear to everyone?

ALDERMAN JEAN-BAPTISTE: No, not really.

CHAIRMAN WYNNE: Not really. Okay, Ellen, try again.

MS. SZYMANSKI: Okay. Finding that significant historical and architectural resources are preserved --

ALDERMAN JEAN-BAPTISTE: Could you back up a little bit?

MS. SZYMANSKI: Sure.

ALDERMAN JEAN-BAPTISTE: I'm a little bit, there was an application submitted, right? To preserve --

CHAIRMAN WYNNE: To the Preservation Commission.

MS. SZYMANSKI: Yes, there was.

CHAIRMAN WYNNE: And that's been stayed?

MS. SZYMANSKI: Yes, it has. I've got the minutes of the Planning --

CHAIRMAN WYNNE: That's all right. And we know it's been stayed.

MS. SZYMANSKI: Yes.

CHAIRMAN WYNNE: So, what does that mean we have to do?

MS. SZYMANSKI: It means after you approve the application here for the planned development, you would then have to act on the certificate of appropriateness and grant that, because otherwise the Applicant's relief is meaningless. Without a certificate of appropriateness, he has a planned development but he can't demolish. So, we need to bring that back on the agenda with this one at the Committee level as well as City Council.

CHAIRMAN WYNNE: So, first we approve this and then we approve the certificate of appropriateness?

MS. SZYMANSKI: Yes. You don't, tonight you don't act on the certificate of appropriateness. I'm just letting you know --

CHAIRMAN WYNNE: That's the next step.

MS. SZYMANSKI: That is correct.

CHAIRMAN WYNNE: Okay, all right. Is that --

ALDERMAN JEAN-BAPTISTE: In regards to G though, are you suggesting that if we intend to act on the certificate of appropriateness, we need to, we cannot vote this one up? We cannot vote G up, we've got to vote G down?

MS. SZYMANSKI: Your statement would be that there are no significant historical and architectural resources to be --

ALDERMAN JEAN-BAPTISTE: Preserved.

MS. SZYMANSKI: Yes.

ALDERMAN JEAN-BAPTISTE: Okay. All right.

CHAIRMAN WYNNE: All right. Does everyone understand that?

MS. SZYMANSKI: To be preserved.

CHAIRMAN WYNNE: Okay. And the reason why we

need to walk through these standards is because we had a non or a neutral recommendation. All right. So, would anyone like to make a motion with respect to the PUD? Alderman Bernstein.

ALDERMAN BERNSTEIN: I would make a motion. I move that we accept and recommend to the City Council approval of this planned unit development as amended this evening.

CHAIRMAN WYNNE: Is there a second?

ALDERMAN JEAN-BAPTISTE: Second.

CHAIRMAN WYNNE: Thank you. Now, Ellen, we do need to walk through these standards.

MS. SZYMANSKI: Yes. And that's where I've asked Ms. Jackson to take over and direct you.

MS. JACKSON: Well, the first standard, letter A, "Is it one of the special uses specifically listed in the zoning ordinance?", I have the section numbers listed for both the R-1 and the R-3 Districts. The second standard --

CHAIRMAN WYNNE: And it meets the standard.

MS. JACKSON: Yes.

CHAIRMAN WYNNE: All right. Okay.

MS. JACKSON: The second standard refers to,

"Is the planned development in keeping with the purposes and policies of the adopted comprehensive general plan and the zoning ordinance as amended from time to time?"

This actually is the same standard that was just addressed by Alderman Hansen for the amendments if you choose to --

CHAIRMAN WYNNE: Do we need to vote on this individually?

MS. SZYMANSKI: You could do it either way. I think that it would simplify matters to make it all in one motion.

CHAIRMAN WYNNE: All right. Okay, why don't you continue, Arlova?

MS. JACKSON: The next one regards whether or not the proposed use will cause a negative cumulative effect when its effect is considered in conjunction with the cumulative effect of various special uses of all types in the immediate neighborhood. I don't know if anyone has a --

ALDERMAN JEAN-BAPTISTE: Has a what?

CHAIRMAN WYNNE: A comment. I think actually we talked about that, that we don't think it would have a negative cumulative effect.

ALDERMAN BERNSTEIN: There's no other special uses in the neighborhood --

CHAIRMAN WYNNE: Right.

ALDERMAN BERNSTEIN: With respect to other special uses --

CHAIRMAN WYNNE: There are none.

MS. JACKSON: D, it does not interfere with or diminish the value of the property in the neighborhood. I believe several aldermen --

CHAIRMAN WYNNE: That's been discussed.

MS. JACKSON: Yes. Similarly, for E, it can be adequately served by public facilities and services. And the same for traffic congestion, about the reduction from a university against a residential use.

CHAIRMAN WYNNE: Right.

MS. JACKSON: G, obviously we would have to find that there are no historical or architectural resources to be preserved. For H, preserve natural and environmental features. The proposal has a significant amount of open space.

CHAIRMAN WYNNE: And it has a landscape plan as well.

ALDERMAN BERNSTEIN: Preserving trees.

CHAIRMAN WYNNE: The trees, yes. Alderman Wollin?

ALDERMAN WOLLIN: Right. The testimony shows that the developer has said that he will make every significant effort to save the oak trees that are in the corner of the property.

CHAIRMAN WYNNE: Okay, thank you.

MS. JACKSON: And finally, that it would have to comply with all other applicable regulations of the district and other applicable ordinances except to the extent that they will be allowed variances.

CHAIRMAN WYNNE: All right.

MS. JACKSON: Which would have to be the case for it to be built.

CHAIRMAN WYNNE: Okay. All right. Now, so that's --

MS. SZYMANSKI: You can keep on moving and have one whole motion for all the standards. So that takes you down to 68110-A, General Conditions of Residential Planned Developments.

MS. JACKSON: The planned development must be compatible with surrounding development which has already been addressed. The height, bulk or scale of

the planned development must exercise influences in conformance with the preferences and intents of the zoning ordinance as set forth in Section 612, Purpose and Intent, which we've discussed. The planned development and all landscaping must be compatible with and implement the comprehensive general plan and any adopted land use or urban design plan specific to the area, the zoning ordinance and any other pertinent City planning and development policies, particularly in terms of land use, land use intensity, housing, preservation, environmental concerns, traffic impact and parking, impact on schools, public services and facilities, neighborhood planning and conservation of the taxable value of land and buildings throughout the City and retention of taxable land on tax rolls.

I think there's been testimony today and on the record addressing all of these.

CHAIRMAN WYNNE: Okay.

MS. SZYMANSKI: Again, in your finding on preservation, that's Sub-paragraph C, Roman I-4. Preservation would be that finding on that. Ms. Jackson, can you be more specific with respect to that standard?

MS. JACKSON: I'm sorry, I missed what --

CHAIRMAN WYNNE: This is that there are no significant historical sites.

MS. SZYMANSKI: As we just stated.

CHAIRMAN WYNNE: As we stated earlier.

MS. SZYMANSKI: Yes, good.

CHAIRMAN WYNNE: You're supposed to keep going.

MS. JACKSON: The standards for 68110-B, Site Controls and Standards for Residential Planned Developments, the minimum area for an R-1 and/or R/2 and R/3 which is a minimum size of 14,400 square feet for an R-1 planned development and 10,000 square feet for an R-2 or R-3 planned development has been met. In an R-1 District, planned developments involving new construction must maintain the following minimum ground floor areas. One-story dwellings must have no less than a hundred square feet ground floor area, and multiple-story dwellings -- I'm sorry, that's supposed to be 1,200 I'm sure. Multiple-story dwellings must have no less than 900 square feet ground floor area. That's met.

Along all boundaries of the proposed planned

development not abutting a public street, the developer shall provide a transition landscape no less than ten feet wide of vegetative landscaping, fencing or other decorative walls. That will require an exception.

Number 3, walkways shall be logical, safe and convenient for access to dwellings, facilities, and off site destinations. Walkways used by children shall have minimal automobile context. The developer shall provide bike paths where needed. The site plan shall segregate pedestrian and motor vehicle ways. I believe the revised plan provides an additional walkway area in response to some of the testimony at Planning Commission to address this issue.

Number 4, parking, loading and service areas shall avoid adverse effects upon residential uses within and without the development. Vehicular access shall provide minimum hazards to vehicular and pedestrian traffic. It's a central circulation with only one entry and access onto one street to avoid the potential for conflicts between vehicular and pedestrian traffic.

The development shall provide for underground insulation of utilities if possible. I believe the developer would make all attempts to do that. The

Applicant has provided a market feasibility study and a traffic study. So, those two have been met.

Section 68110-C, Development Allowances for Residential Planned Developments, they are asking for an exception to a height increase for three stories, for the duplexes a median height of 35 feet and 10 inches. No exceptions are requested for a density increase. And an exception is requested allowing dwellings to be closer to development boundaries or streets than 15 feet. And no exception is requested for an increase in building lot coverage.

CHAIRMAN WYNNE: Thank you. Okay. Any other discussion about the PUD and the standards?

ALDERMAN BERNSTEIN: I would just add to my motion that construction of all the dwelling units be in strict compliance with the testimony hereto this evening with respect to materials and materials.

CHAIRMAN WYNNE: I have a question about that. Mr. Buono, have you discussed the materials that you are planning to use? I know you gave us a detailed description with drawings, but frequently with PUD's, we have incorporated the materials that have been presented into the ordinance that we draft.

MR. BUONO: I have stated many times on the record and I will again tonight that it's our intention that as part of the planned development ordinance, that the specific materials that we've represented will be listed in an exhibit, made part of the planned development ordinance. As well as the elevations of the homes that have been presented tonight will also be part of the planned development ordinance.

CHAIRMAN WYNNE: Right. Yes, we were incorporating those exhibits. Okay, thank you. Alderman Jean-Baptiste? Wait. Ellen -- Ms. Szymanski wanted to make --

MS. SZYMANSKI: Yes. Mr. Buono, with respect to the materials, are you at the stage at which you can give us the name of a manufacturer and the shade of a color, a color number such as Pratt Lambert 16 Green? With respect to the roofing, can you tell us if it's Jones Company's Slate Grey Number 6?

ALDERMAN BERNSTEIN: Do we have to do that now?

MS. SZYMANSKI: I just wanted him to be prepared to do that in his exhibit so that we can incorporate it with specificity.

MR. BUONO: To answer your question, we have previously presented material boards with specific manufacturers for the different materials. And my understanding is that that would also be incorporated, and that to extent required, that they could be replaced with materials of equal or better quality in the event that a manufacturer may not have them readily available or available at all.

MS. SZYMANSKI: You've addressed my concerns with your representation. Where I was going with it is it's difficult to discern or impossible to discern from a written record what shade something is. If you've identified it with that specificity, then I'm satisfied.

CHAIRMAN WYNNE: Did someone else have a question? I'm sorry, I might have missed it. Oh, Alderman, yes, go ahead, Lionel.

ALDERMAN JEAN-BAPTISTE: Mr. Buono, in none of the discussions have I seen any mention of what has become a pattern although not an obligation on the part of the developers to make contributions to affordable housing fund, to hire local Evanstonians to work during the construction project, or to make contributions to our youth training programs. Is it your intention to

come back with a proposal? I don't know whether there has been any discussion of such at all.

MR. BUONO: To answer your question, specifically there has not been any, what I would say substantive discussion in that area. We've had much discussion in the public benefits area which as you know from the testimony has been orientated toward the affordable housing trust fund and a financial contribution to that would show we intend to make them would be part of the planned development ordinance.

With respect to local hiring which actually our firm has extensive experience with having done several projects with various hiring requirements, that we are comfortable having that type of discussion so long as the appropriate resources are made available to us in helping us identify local qualified firms to work on a project like this.

ALDERMAN JEAN-BAPTISTE: Okay. Can I suggest that maybe we ask the alderman of the ward to perhaps, you know, lead us in that discussion and come back with a proposal so that we can consider?

CHAIRMAN WYNNE: I agree. We need to do that.

ALDERMAN JEAN-BAPTISTE: Okay, thank you.

MR. BUONO: And I would ask if there has, if that type of language or program has been previously incorporated into other planned development or otherwise, that somebody provide me with that. That might be the most expeditious appropriate way to do it.

CHAIRMAN WYNNE: I think that the thing to do would be to meet with the alderman of the ward and City Staff and provide you with a framework of what the Council has looked at before.

MR. BUONO: Very well.

CHAIRMAN WYNNE: All right, thank you. I think we have covered all -- Alderman Rainey, I apologize.

ALDERMAN RAINEY: I had a concern about the duplexes. From the representations I've seen, they are identical to each other. And I don't like that at all, I think they should be very different. And I'm just wondering if that was just, you know, that had no meaning or if that is accurate, that they are going to be identical to each other.

MR. BUONO: They are intentionally, while they are identical from the standpoint of the shape, the exterior shape of the properties, they are not identical

when it comes to the masonry, the fenestration and also the roofing materials. And if you'd like, we can I think get it back up on the PowerPoint. We did believe, however, that it was appropriate to establish some continuity between those two buildings as an anchor on that side of the project. And again, if you'd like I think we can get that up there and we're happy to discuss it.

ALDERMAN RAINEY: While they have the same footprint, and I guess, do you mean also that they have the same identical structural appearance but not material, is that it?

MR. BUONO: That's correct.

ALDERMAN RAINEY: The decoration is different.

MR. BUONO: The facade roof and windows, doors, are of the same shape. But they are a different color for, I guess, simplification purposes. But the masonry would be a different color. The roof material would vary. The windows will vary and the doors will vary.

ALDERMAN RAINEY: And then, the two homes on Sherman, I mean, the two homes opposite on Orrington, they're exactly the same? The footprint?

MR. BUONO: In terms of the footprint, again using the same principle that we did on the Sherman side, whereas the rest of the development has varying homes, and in fact, we would incorporate into the ordinance a restriction on repeating homes multiple times.

ALDERMAN RAINEY: As long, I mean, I don't have a problem with the shape being the same, the design being the same type. But I do, I don't have a problem with the design being the same but I do have a problem with the facade materials being the same.

CHAIRMAN WYNNE: And I think that he's addressed that.

ALDERMAN RAINEY: Right, but I didn't know that though before, yes.

CHAIRMAN WYNNE: All right, thank you. Good question though, Alderman Rainey. Okay. So, I believe now we are ready to vote on the PUD though we have one more item. Yes?

MS. JACKSON: We didn't discuss public benefits formally in terms of how they're laid out in the ordinance.

CHAIRMAN WYNNE: Oh, thank you.

MS. JACKSON: So, it's on the back of the handout. I won't read them all. I would think that enhancing the local economy and shrinking the tax base would be a relevant public benefit. In addition to development which preserves natural vegetation, you know, specifically the growth, I think there's -- okay:

- (a) preservation and enhancement of desirable site characteristics and open space;
- (b) a pattern of development which preserves natural vegetation, topographic and geologic features;
- (c) preservation enhancement of historic and natural resources that significantly contribute to the character of the City;
- (d) use of design landscape or architectural features to create a pleasing environment or other special development features;
- (e) provision of a variety of housing types in accordance with the City's housing goals;
- (f) elimination of blighted structures or incompatible uses through redevelopment or rehabilitation;
- (g) business, commercial and manufacturing development to enhance local economy and strengthen the tax

base; and/or

(h) the efficient use of the land resulting in more economic networks of utility streets, schools, public grounds, buildings and other facilities.

CHAIRMAN WYNNE: Thank you. And Ellen, did you say there was one other thing?

MS. SZYMANSKI: Yes, Madam Chair. With respect to, there's a requirement in the zoning ordinance that construction of a planned development be completed within two years after approval. The Committee has at times been presented with a request by an applicant to extend that approval time. I don't believe there is any testimony in the record on the completion, the time limit. Will that be done within two years is my question.

MR. BUONO: No. In fact, actually I did not understand that this was the appropriate time to make that request. I actually thought that happened during the drafting of the ordinance. But I have considered it and given the nature of the project and the various customization of each home, we would be seeking an extension of that in order to allow us to completely

this, particularly because each house will be completed individually when a buyer has been identified and secured. And it is likely that that will take some time, beyond two years.

CHAIRMAN WYNNE: Do you have a sense of how much time you need?

MR. BUONO: My preference is to have a six-year time period for the development of the houses but independent of the demolition of the structures of the property which I recognize need to happen in a much shorter period of time.

CHAIRMAN WYNNE: Six years seems an awfully long time. I believe we gave the Mather approximately the same amount of time and they have two enormous buildings to knock down and rebuild. Alderman Jean-Baptiste?

ALDERMAN JEAN-BAPTISTE: The problem that I have is not so much how long it takes but what will the area look like after you've demolished. So, I think we need to work that out specifically and then consider, you know, the time table because if you've got open holes and, you know, things in total disorder, even two years is just not the right amount of time.

MR. BUONO: I agree with you.

ALDERMAN JEAN-BAPTISTE: But if we can find a way to make the area pleasing and, you know, use the area almost as a green space while the project is going along, then it would be --

CHAIRMAN WYNNE: That would mitigate it, yes.

ALDERMAN JEAN-BAPTISTE: There would be no problem.

MR. BUONO: My notion is that once the project, once the buildings were demolished and the various infrastructure primarily related to water and sewer were completed, that the entire property then would have to be seeded so that we had grass across all of the property as we developed each of the lots. I think that's, I more or less assume that would be, some type of requirement would be there for that.

CHAIRMAN WYNNE: All right. That sounds good. What we can do is incorporate that. But is there any other discussion about the six years? Alderman Rainey?

ALDERMAN RAINEY: The only thing I, I have no problem with six years. I'm sure it's going to take that long probably. But I'm just wondering why we don't do a three-year and then a renewal.

CHAIRMAN WYNNE: An extension.

ALDERMAN RAINEY: Because, I mean, I think we want to see how this thing is going, you know.

CHAIRMAN WYNNE: I agree with Alderman Rainey. I don't think you'll need six years.

MR. BUONO: I hope I don't.

CHAIRMAN WYNNE: And I think that three years, you know --

ALDERMAN RAINEY: And a three-year renewal.

CHAIRMAN WYNNE: With a three-year renewal, with the option for a three-year renewal, I think would make me feel much more comfortable. Alderman Tisdahl?

ALDERMAN TISDAHL: It would make me feel much more comfortable as well because a three-year renewal we could find out if there had been problems with the grass seeding or with holes or with construction. So, I would strongly support a three-year renewal.

MR. BUONO: At what point is the three years measured? When does it commence?

CHAIRMAN WYNNE: Ms. Jackson?

MS. JACKSON: There is a technical definition I believe.

MR. BUONO: I ask this only out of concern

about the timing of obtaining a demolition permit.

ALDERMAN RAINEY: What is your plan? I mean, once there is a, what do we call that?

MS. JACKSON: I'm sorry?

ALDERMAN RAINEY: On the demolition permit, the certificate of appropriateness, what is your plan once that's done?

MR. BUONO: To move as quickly as possible. Frankly, we've been already bid out the demolition of the project, so we have a very good idea of what it's going to cost to take those buildings down. We would be looking to do that really as quickly as possible.

CHAIRMAN WYNNE: How long do you anticipate the demolition taking?

MR. BUONO: The complete demolition is likely to take six months. And depending on weather conditions and the difficulty of removing some of the basement foundations, it could extend a couple of months beyond that. It's a significant demolition project.

ALDERMAN RAINEY: I would say from the date of demolition completion.

CHAIRMAN WYNNE: From the date of demolition completion?

ALDERMAN RAINEY: I think so.

CHAIRMAN WYNNE: Yes. Alderman Jean-Baptiste?

ALDERMAN JEAN-BAPTISTE: I think --

CHAIRMAN WYNNE: Can you, you must not have your mike on.

ALDERMAN JEAN-BAPTISTE: We need to think about this a little bit because, see, I think that during the time that this project is going on, we have to be concerned about the value of the surrounding properties, whether or not this will pose some kind of impediment for people to transfer their property if they want to or the value that they expect. So, you know, I would want to see some language that makes it clear. And I don't have it in my head right now and I don't know whether any kinds of, I mean, how do we measure appropriate progress and how do we police that or enforce that? I mean, are there some penalties and sanctions? I don't know.

But it seems to me that we need to protect the best interests of those who live in the area. So, I would say that between now and the time that this ordinance is completed, that we try to find the best language possible with the assistance of the developer,

our legal department, to get something on paper that assists us.

CHAIRMAN WYNNE: Alderman Rainey? I'm sorry, Alderman Jean-Baptiste. Alderman Rainey?

ALDERMAN RAINEY: I think our ordinance should read that immediately upon demolition, that the property has to be graded and seeded or sodded immediately and maintained, and maintained in a residential fashion. I mean, this is where the issue of this being a single-family residential neighborhood comes in.

CHAIRMAN WYNNE: Right.

ALDERMAN RAINEY: They have to be allowed to have quiet enjoyment. They know that when people are putting on a roof and things like that, there is going to be noise and dust. But in the meantime, there needs to be some tranquility there and I think that's what we should do.

CHAIRMAN WYNNE: Alderman Wollin?

ALDERMAN WOLLIN: Right. I'm picturing another long field while we're waiting for construction.

MR. BUONO: Exactly.

ALDERMAN WOLLIN: But I, and I think we can sit down with legal staff and with the City Manager when

we're working on the public benefits wording and incorporate the wording that we have just talked about and agreed to and put that in the ordinance. Don't you think we can do that?

CHAIRMAN WYNNE: All right. And Ms. Szymanski tells me there is one more item.

MS. SZYMANSKI: I think I'm done after this. Mr. Buono, with respect to the last itself, earlier on there was a reference to vacation of an alley.

MR. BUONO: That's correct.

MS. SZYMANSKI: Can you elaborate on that what your plans are? Whether you can go through the project without that vacation?

MR. BUONO: We have begun the vacation process. In fact, my understanding is all of the appraisals have been completed. The City, I believe the Assistant City Manager is currently reviewing them and that we had an issue with Nicor that retained an easement in there for facilities actually that it no longer is utilizing and we'll be requiring. In fact, I believe we already have paid Nicor the necessary fee in order for them to disconnect it and therefore extinguish the easement for that alley. And subject obviously to

City Council approval, there doesn't appear at this point to be any impediment to vacating the alley.

CHAIRMAN WYNNE: Okay, thank you. All right. We now need to vote on the PUD. I'm sorry?

ALDERMAN RAINEY: I'm sorry. Where is the alley?

CHAIRMAN WYNNE: Where is the alley?

MR. BUONO: The alley is on Colfax and there actually is an alley that runs south of and perpendicular to Colfax currently. And if you were to take that alley and just simply go north of it, there is a small portion of it that was not vacated when Kendall I believe vacated it many years ago. So, there's a small portion that's remaining.

CHAIRMAN WYNNE: All right.

MR. BUONO: There we go. Yes, they're showing it to you right there.

CHAIRMAN WYNNE: It's not a through-alley, Alderman Rainey.

MR. BUONO: No, it is not a through-alley.

CHAIRMAN WYNNE: Okay. All right. I now am going to call the question on the PUD. All those in favor, please signify by saying aye.

(Chorus of ayes.)

CHAIRMAN WYNNE: Any opposed?

ALDERMAN TISDAHL: I'm opposed, no.

CHAIRMAN WYNNE: All right, thank you. So, eight to -- seven to one, excuse me. The PUD will be sent on to the City Council with a recommendation from the Planning and Development Committee with the directions to Staff to work on the issues that we've just discussed.

We are done and I want to thank everyone and thank the Staff and thank all of the participants.

(Whereupon, the hearing on the above-titled cause was concluded at 10:25 p.m.)