
Alderman Absent:  A. Hansen

Staff Present:  J. Wolinski, J. Carroll, K. Cox, H. Hill, A. Jackson, J. Brownlee

Presiding Official:  Alderman Wynne

DECLARATION OF QUORUM

Chair Wynne called the meeting to order at 6:40 p.m.

APPROVAL OF THE MEETING MINUTES OF JULY 24, 2006

Ald. Jean-Baptiste moved approval of the July 24, 2006 meeting minutes, seconded by Ald. Holmes.  The vote was 8-0 in favor of the motion.

ITEMS FOR CONSIDERATION

Planning & Development Committee Rules for Planned Developments

Ald. Rainey questioned why these rules were never brought before the Rules Committee that should review them first before approval by the P&D Committee.  She does not fully understand all the legal terminology; agreed by several other Committee members.  Ald. Jean-Baptiste made a motion to remove the rules from the P&D agenda and refer to the Rules Committee for initial review.  Ald. Bernstein seconded the motion and the vote was 8-0 in favor.

Chairman Wynne changed the order of the agenda.

(P3) Ordinance 86-O-06 – Planned Development for 2400 Main Street

THIS ITEM WAS TRANSCRIBED BY COURT REPORTER LEGRAND REPORTING & VIDEO SERVICES, IN ACCORDANCE WITH THE KLAEREN RULES. PLEASE REFER TO THE TRANSCRIPT ATTACHED.

The Planned Development application was by Fifth Third Bank, represented by Mr. Steven Engelman, Lawyer.  Ald. Moran moved approval, seconded by Ald. Jean-Baptiste.  The vote was 8-0 in favor of the motion.

(P6) Sidewalk Cafes for Type 1 and Type 2 Restaurants

Chairman Wynne brought attention to the memorandum received from staff stating the Merle’s Restaurant withdrew their application today.  She acknowledged the representatives present from the other two restaurants: S-Paragon and Argo Tea.  Ald. Wollin noted that she did receive citizen comments with concerns that when these sidewalk cafes are reviewed by staff that sufficient pedestrian passageway is provided, especially for people in wheelchairs and walkers.  Mr.
Wolinski responded that the ordinance states that for sidewalk cafes, there must be a width clearance of five feet. Both representatives understand and agree to the sidewalk café rules and litter plan. **Ald. Wollin moved approval of the sidewalk cafes requests for S-Paragon and Argo Tea.** Ald. Bernstein seconded the motion and the vote was 8-0 in favor.

(P1) **Ordinance 85-O-06 – Planned Development & Map Amendment – 2408 Orrington Avenue (Kendall College Property)**

This item was held in Committee

(P2) **Appeal of the Preservation Commission Decision – 2408 Orrington, Kendall College**

This item was held in Committee along with Ordinance 85-O-06.

(P5) **Appeal of the Preservation Commission’s Denial of Certificate of Appropriateness for the Demolition of the Evanston Landmark at 1218 Elmwood Avenue**

Ald. Bernstein motioned to accept the appeal of the Preservation Commission’s denial, seconded by Ald. Tisdahl. Chairman Wynne raised the question of whether the hearing should be held by the Planning & Development Committee or Council. Ald. Bernstein explained that ultimately the Council is going to have to approve the Planning & Development Committee, so therefore this should just move onto Council to conduct the hearing. The Committee decided to set the hearing date for the next scheduled Council meeting on Monday, September 11, 2006. The vote was 8-0 in favor of the motion.

(P8) **Planned Development Time Extension – 413-21 Howard Street**

Chair Wynne noted that the developer’s current extension will expire on September 8th. Bristol is requesting an additional three month extension to December 8, 2006. **Ald. Tisdahl moved approval, seconded by Ald. Jean-Baptiste.** The vote was 8-0 in favor of the motion.

(P7) **Ordinance 90-O-06 – New Construction Building Moratorium on Central Street from Ashland Avenue to Hartrey Avenue**

Chair Wynne noted that the reason they are considering this moratorium is because there is a study being done not just of the parking issues but also including a study of zoning and other uses of this section of Central Street. She said that staff’s opinion is that the study can be completed in the 120 days; Mr. Wolinski agreed.

**Ald. Tisdahl moved approval, seconded by Ald. Wollin.** Ald. Moran requested an amendment to the ordinance to extend the coverage of the moratorium across the street to 2200 Central Street, across from the Great Harvest Bread Company. **Ald. Tisdahl agreed and amended her motion to extend the moratorium to include 2200 Central Street.** Ald. Tisdahl also reported that the proposal for planned development at the old Central Theatres site is already in the pipeline and will not be affected by this moratorium. Mr. Wolinski informed that project is currently going to go before the Plan Commission. **The vote was 8-0 in favor of the amended motion.**
(P4) Ordinance 87-O-06 – Zoning Ordinance Text Amendment – Solar Panels
THIO ITEM WAS TRANSCRIBED BY COURT REPORTER LEGRAND REPORTING & VIDEO SERVICES, IN ACCORDANCE WITH THE KLAEREN RULES. PLEASE REFER TO THE TRANSCRIPT ATTACHED.

The vote was 8-0 in favor of the motion to approve Ordinance 87-O-06.

ITEM FOR DISCUSSION

(PD1) Ordinance 27-O-06 – Inclusionary Housing Ordinance
This item was not discussed due to lack of time.

ADJOURNMENT

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

Respectfully submitted,

Jacqueline E. Brownlee
1 CITY OF EVANSTON
2 PLANNING & DEVELOPMENT COMMITTEE
3 CASE NO.: (P5)
4 RE: APPEAL OF THE PRESERVATION COMMISSION'S DENIAL OF
5 CERTIFICATE OF APPROPRIATENESS FOR THE DEMOLITION OF THE
6 EVANSTON LANDMARK AT 1218 ELMWOOD AVENUE. Consideration
7 of the application appealing the Preservation
8 Commission's denial of a COA for demolition of the
9 Evanston Landmark at 1218 Elmwood.
10 Transcribed Report of Proceedings of a public
11 hearing on the above captioned matter, held August 14,
12 2006 at the Village Hall of Evanston, 2100 Ridge Avenue,
13 2nd Floor, Evanston, Illinois, at 6:30 p.m. and presided
14 over by M. Wynne, Chair.
15 PRESENT:
16 M. WYNNE, Chair     L. JEAN-BAPTISTE
17 S. BERNSTEIN     A. RAINNEY
18 E. TISDAHL     D. HOLMES
19 E. MORAN     A. HANSEN
20 C. WOLLIN
21 STAFF:
22 J. WOLINSKI     A. JACKSON
23 H. HILL     J. CARROLL

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CHAIRMAN WYNNE: All right. Let's jump to P4. This involves Solar Panels.

ALDERMAN RAINEY: P5 is the demolition.

ALDERMAN BERNSTEIN: P5 is 1218 --

CHAIRMAN WYNNE: Okay. You know what, Alderman Bernstein is correct. Let's switch to P5 just briefly and then we'll go back to solar panels which I'm hoping we'll conclude smoothly. Alderman Bernstein?

ALDERMAN BERNSTEIN: I would move that we accept the appeal of the applicant with respect to the denial of the certificate of appropriateness.

ALDERMAN RAINEY: Second.

ALDERMAN MORAN: Second.

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

(Chorus of ayes.)

CHAIRMAN WYNNE: Now, what we need to do is we have a choice here. We can decide that this appeal be heard by P&D or by the Council. That used to be a significant difference but it isn't anymore. So, Alderman Bernstein, would you like to flip a coin on this and tell us what you'd like to do?
ALDERMAN BERNSTEIN: Yes, I would.
CHAIRMAN WYNNE: Okay.
ALDERMAN BERNSTEIN: Ultimately the Council is going to have to approve the P&D, so let's say by the Council.
CHAIRMAN WYNNE: All right. All those in favor of the Council hearing the appeal?
(Chorus of ayes.)
CHAIRMAN WYNNE: All right. Now, the next item is we need to set a date certain.
ALDERMAN BERNSTEIN: How about the next meeting?
CHAIRMAN WYNNE: All right. We're setting the next Council meeting which, and I don't know the date of that. September 11th, okay. So, we have now set the date. Okay, we're done with P5.
(Whereupon, the hearing on the above-titled cause was concluded.)
CITY OF EVANSTON

PLANNING & DEVELOPMENT COMMITTEE

CASE NO.: (P1)

RE: ORDINANCE 85-O-06 - PLANNED DEVELOPMENT & MAP AMENDMENT - 2408 ORRINGTON AVENUE (KENDALL COLLEGE PROPERTY). Consideration of an amended Planned Development and Map Amendment for a proposed development consisting of 20 single-family detached homes and rezoning of the site from U-1 to R-1.

Transcribed Report of Proceedings of a public hearing on the above captioned matter, held August 14, 2006 at the Village Hall of Evanston, 2100 Ridge Avenue, 2nd Floor, Evanston, Illinois, at 6:30 p.m. and presided over by M. Wynne, Chair.

PRESENT:

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

STAFF:

J. WOLINSKI     A. JACKSON
H. HILL     J. CARROLL
CHAIRMAN WYNNE: Okay. Nothing else looks easy so let's just go back to the top. P1, this is the Kendall property. I had some questions about that. Okay, so we have the Planned Development & Map Amendment for Kendall. And since our last meeting, surprise, surprise, the plan has been changed again. And why don't we have someone, Mr. Buono, to give us a brief overview of what's happened? And then, I note that there are a number of people signed up for Citizen Comment for Kendall, and then I will go to this list. Go ahead, Mr. Buono.

MR. BUONO: Do I need to be sworn?

CHAIRMAN WYNNE: Yes, as a matter of fact you do. This, for the purposes of this matter, we are still under Klaeren rules. So, why don't we do a blanket swearing? If anyone in the room is planning to speak on this issue, you can change your mind later, but if you're planning to speak, could you please stand and be sworn at this time?

(Witnesses sworn.)

MR. BUONO: Robert Buono, B-u-o-n-o, with Smithfield Properties. Madam Chair, I'll just briefly describe the changes that we've made. And we also have
a very brief PowerPoint presentation so that you can actually see a copy of the revised site plan.

Since we last met, we have made certain, what I think could be characterized as significant changes to the property. First and foremost, the application has been or we are seeking an amendment to the application in which the entire property will simply be zoned R-1 as opposed to the small portion that previously contained an R-3 designation. And in order to do that, we have now 20 units, and they are all detached single-family homes which permitted us to seek the R-1 designation as opposed to the R-1 and R-3.

And secondarily, another significant change that has been made to the plan is that the alleys that originally were accessed via Sherman Avenue only are now through alleys so that they run the length of the property from Sherman through to Orrington or vice versa, depending on your perspective. And the third change, in the course of various discussions with various members of the community as well as the City Manager, an additional tree was identified on the plan, an ash tree on Lincoln Avenue that would fall under the tree protection plan. I'm sorry, my apologies, on
Colfax, but which is in addition to the four oak trees that were previously identified on Lincoln Avenue would be part of the tree protection plan.

And I'm sure you've seen in the package that was provided to you, there have been a number of just adjustments and additions to the language of the ordinance that add among other things, by way of example, with respect to the tree protection plan a penalty, a monetary penalty in the event that we do not properly follow the tree protection plan, and as a result, a tree that's either significantly damaged or dies has also been made part of the ordinance. And those really are the primary changes.

CHAIRMAN WYNNE: All right. Thank you.

MR. BUONO: If we could, can we just dim the lights just a little bit so we can see the site plan?

CHAIRMAN WYNNE: Thank you.

MR. BUONO: So, again, this is the primary change. As you might recall from the previous plan, there used to be two principal buildings here, duplexes each containing two units for four units. We have now divided those into four detached units, thereby allowing them to be single-family homes. And you will also note
in the ordinance that we have had to modify our
development allowances in order to accomplish that,
primarily in order to deal with the various setback
requirements that would otherwise be applicable to these
units in order to fit them into the site.

We have also re-orientated these larger homes
on Orrington which was necessitated by bringing the
alley through to Orrington, that the homes as previously
designed had essentially been turned 90 degrees. And we
will show you an elevation of that momentarily which I
will note now has a couple of errors in it that we've
suffered from electronically in trying to reproduce
these tonight. Next.

Again, this indicates now that we are seeking
an R-1 designation for the entire lot and that we are
far within the purview of the R-1 designation for both
impervious service area and building a lot coverage that
we are not seeking a development allowance with either
of those.

Is this the correct tree? This is the ash
tree that I referenced earlier on Colfax that has been
added to the tree protection plan in addition to the
four oak trees on Lincoln Street. We can skip this.
This is simply a blowup of the ash tree to just give you some perspective of its location with respect to the proposed homes on Colfax.

Again, we have done very little change in this but just to give you some indication on the heights of the buildings, and mean building height which is within 35 feet. However, some of the homes are three stories, and therefore, we are continuing to seek the development allowance for that. And that really has not changed from our previous submission.

Here on Sherman Avenue, we are depicting what are now detached single family homes which are very similar in scale and design to the previous duplex here, except in this case now there are single-family homes. And Orrington here, we had a little trouble on this plan and I will go to it in more detail and explain to you the modifications that need to be made to that. And I think we'll just quickly go through these elevations. They have already been shown and we don't need to comment on them.

Okay. On the Orrington elevation, we inadvertently incorporated what was previously the side elevation of this particular home. And what we are
intending to do is replicate this window scheme on this elevation and we have created a small terrace here that will have stairs out to it so that you do not have the perception that this house is turning its back or its side to Orrington. In order to create these houses or to more or less replicate these houses, we do have side entrances that go through a large courtyard that's accessed via Orrington. If you're walking up to the house, you would also be able to access the house via this terrace. So, it's simply a longer, frankly more narrower house at least from the perspective of walking down Orrington in comparison to what was previously there although I would note it's still a rather significant home in terms of its massing and its presence on Orrington.

Now we have to switch to PDF documents as we had some issues with our PowerPoint presentation. And I would like to show you briefly the side elevations of the proposed homes, noting that they are more or less the same as the front elevations. In terms of the materials used in the front will turn to the side of the houses in terms of what is visible from the public way, but there will not be a change in materials.
What you saw then was the front elevation of this home and now you are looking at the side elevation, albeit in black and white. It's the same masonry materials and window and roofing materials that we saw in the front. And that is a theme that you will see throughout each of these. And those elevations should be part of your package, or if they're not, we have some additional copies of all those that we can provide you. And I'm happy to go through each of them if you'd like or if in the interest of time you'd rather I not --

CHAIRMAN WYNNE: I think it's not necessary.

MR. BUONO: Okay. Then we won't. I would also note that during our discussions with the community, that it was requested of us that the Preservation Administrator, Mr. Reese, review the materials proposed for these homes to determine whether or not they have consistency with what has been previously approved by the Preservation Commission for new constructed homes in a Historic District. And my understanding is that review has been completed and we in fact did make one modification, and that relates to composite decking which is a non-naturally occurring
although a green material. But it has a synthetic quality to it that was previously proposed for portions of certain railings and decking on the front of the homes that was visible from the public way, that while that material is still permitted, really it will be permitted in the rear yard or it is not otherwise visible from the public way. And that change is reflected in the package that you have.

And secondarily, a continuation of the preservation issue, that if and to the extent a potential home buyer or owner here is seeking to construct a house with us that is materially or substantively different than what's been proposed here and cannot otherwise be addressed from the minor change provisions of the City Zoning Ordinance, that that home will require further review by the Preservation Commission. Also, that is reflected in the proposed revised ordinance that you have before you tonight.

CHAIRMAN WYNNE: Okay, thank you. Does that complete your presentation?

MR. BUONO: That concludes our presentation. I'm available certainly to answer any questions.

CHAIRMAN WYNNE: Okay, thank you. I think
what we'll do now is hear from some of the folks who are
signed up on the Citizen Comment list.

MR. BUONO: Just for a point of order --

CHAIRMAN WYNNE: Yes?

MR. BUONO: We also need to introduce the new
exhibits that are part of the proposed ordinance. And
if this is the appropriate time, I have a package here
and would ask that you consider accepting all these new
exhibits and maybe made a part of the ordinance.

CHAIRMAN WYNNE: As part of the record, yes.

Why don't we do that? Yes. Okay, thank you.

Okay. First, I have Jeanne Lindwall, then I
have Bill McClure, Nick Agnew, Bruce Enenbach.

MS. LINDWALL: Thank you. I am Jeanne
Lindwall. I live at 625 Library Place and I am
representing the Northeast Evanston Historic District
Association tonight. And I've got information that we
had -- I guess you're handing it out, right? Oh, no,
you're handing out something else.

This is information that we had asked be
included in Friday's packet. It wasn't in the packet I
picked up, so I don't --

CHAIRMAN WYNNE: We received the letter from
MS. LINDWALL: I know that Alderman Rainey did not.

ALDERMAN RAINEY: No, but I do have it now.

It was right here.

MS. LINDWALL: All right.

CHAIRMAN WYNNE: I received it in my Friday packet. Yes.

MS. LINDWALL: Okay, great. Well, anyway, it would have been our preference to see as many of the contributing structures as possible retained and reused within the context of the Historic District. These buildings are important to the history and development of Northeast Evanston, and in particular, retention of the administration building would have been an appropriate way to increase density on the site. Retention of the contributing buildings also would have been an example of a sustainable development where buildings were reused rather than ending up in a landfill.

However, we also recognize that change is a natural part of the growth and development of any neighborhood, including those in historic districts. We
can support a development based on R-1 Zoning that reflects the character and integrity of the neighborhood in the Northeast Evanston Historic District which we believe the current Smithfield plan does. However, we do not want the City Council to base its decision on Smithfield's appeal on the Preservation Commission's denial of the Certificate of Appropriateness for Demolition and New Construction on the assertion that there were no contributing buildings on the Kendall property.

In fact, there are five contributing structures that were identified in both the National Register and local district nominations, two of which were identified as significant structures in the National Register nomination. We submitted written comments on the appeal of the Preservation Commission decision to you which hopefully you have and had an opportunity to read.

In reviewing the planned development ordinance, I would like to point out that while the front elevations have been provided for the nine house types, there are no side or rear elevations that were included in the draft ordinance. While it can be argued
that the rear elevations are not readily visible from
the street which is the Preservation Commission's
standard for review, side elevations will be visible.
And for the four corner houses and the two interior
houses on Orrington, the side elevations will be a
primary view from the street.
This ordinance should not be adopted until the
developer has provided at a minimum the side elevations
for these houses or send the entire -- well, good.

CHAIRMAN WYNNE: We received it.

MS. LINDWALL: All right. It was not in the
draft ordinance so no one in the community has seen
that.

Then the next point is Section 7-A permits the
increase in maximum building height of the single-family
units to three stories or 39 feet. All of the plans as
Mr. Buono has indicated now have a mean building height
of 35 feet. So, I was hoping that you would be inclined
to change the 39 to 35 feet to correspond to the
elevations that are in Exhibit D. We also suggest that
just the maximum building height, that the reference be
changed to maximum mean building height just to clarify
and be consistent with the definition that's in the
Finally, or also in Section 8-E, there is a need to correct that. In the fifth line of E and the next sort of last line on page 19, the reference to the L-5 house needs to be changed to L-6. That's the, this is indicated on the tree protection plan in Exhibit F.

I think that was just a typo.

As I indicated earlier in my remarks, NEHDA is supportive of the current site plan. In making this decision, we hope that the City Council recognizes the need to ensure that in exchange for allowing the developer to demolish important contributing structures in the Historic District, that the replacement structures contribute positively to the character of the Historic District and Evanston's tax base.

Permanent R-1 Zoning that will not disappear should the developer choose not to proceed to build this project is equally critical in maintaining the stability of the Northeast Evanston Historic District. Thank you for your consideration.

CHAIRMAN WYNNE: Thank you. Mr. McClure?

MR. McCLURE: My name is William McClure, 12 Millburn, on behalf of the Kendall Neighbor Group. And
I have four points that I would like to make very briefly. But first of all, let me say that we couldn't be happier, the plan, we think that there are some things that we ought to note to you in the ordinance we should take into account. But our discussions have been very productive with Mr. Buono and Smithfield, and I'll go into that in some detail to indicate that there is obviously some credit to be taken that is not due to our group and somebody else should be thanked.

But in any event, I did want to say that one of the things that I've been able to discern from reading the ordinance which I had available today for the first time is that there appears to be, that R-1 is tied to this planned development. And I would like to note for the Council's consideration that perhaps a more straightforward way would be that this property should gain an R-1 designation in and of itself. Because to tie it to this particular piece of property and planned development could jeopardize the property in the future.

That is, there is in Section 12, for instance, the consideration that if after five years it were not developed, that it would in fact -- I can't remember the exact language, I don't think it says revert to but,
self execute to the point where it will become R-1 which is the first time when I was reading the ordinance that it alerted me to the fact that this ordinance, although the title of it seems to say it is being taken into consideration and changed to R-1, it is not actually being done anywhere in the executing language itself.

CHAIRMAN WYNNE: Mr. McClure?

MR. McCLURE: Yes?

CHAIRMAN WYNNE: Actually, while you're on that point, I'd like to ask Mr. Wolinski to address that.

MR. McCLURE: Sure.

CHAIRMAN WYNNE: Because the Staff has a different view than your interpretation.

MR. McCLURE: Okay.

CHAIRMAN WYNNE: So, let's get that from him.

MR. WOLINSKI: Yes. We have discussed this issue, Assistant Corporation Counsel Szymanski and myself, and we feel comfortable with the language that is in Section 12 right now, that should the project not be fulfilled, that the property will be designated as R-1 Single Family.

MR. McCLURE: Well, then I guess my question
would be, and that's after five years, is it not? Or did I misread something?

MR. WOLINSKI: No.

CHAIRMAN WYNNE: It's in Section 12.

MR. WOLINSKI: Well, five years is the amount of time given for the completion of the planned development.

MR. McCLURE: Okay. So, I guess my question would be there has got to be some time gap between now and the non-completion of the project, you know, theoretically. So, what happens during that gap? I mean, how is it then zoned? What zoning status does it have from now until the 'if' clause in Section 12?

MR. WOLINSKI: If the planned development is approved by City Council, it becomes R-1.

MR. McCLURE: Okay. So, immediately upon approving the planned development?

MR. WOLINSKI: Yes.

MR. McCLURE: And if this planned development were not to go forward for some reason, would it still have that R-1? It would have that R-1 status?

CHAIRMAN WYNNE: Yes.

MR. WOLINSKI: Let me correct that.
CHAIRMAN WYNNE: That's my understanding.

MR. WOLINSKI: I think Mr. McClure's question is if this is not approved, if this planned development is not approved, is that correct?

MR. McCLURE: No, it's not. Actually my question is if it is approved and it doesn't go forward.

CHAIRMAN WYNNE: If the plan, yes, then it's --

MR. WOLINSKI: Yes. It's still R-1.

CHAIRMAN WYNNE: It's self executing.

Alderman Bernstein?

MR. McCLURE: Okay. Well, then --

CHAIRMAN WYNNE: Hold on, Mr. McClure.

ALDERMAN BERNSTEIN: Why do we need to 12? If it is in fact R-1, why do we need 12?

CHAIRMAN WYNNE: Hold on. Hold on, one at a time here. Let's hear from Mr. Hill and then Alderman Tisdahl.

MR. HILL: Section 4 of the ordinance now creates the R-1 Zoning, and then thereafter we have the planned development override on the R-1 Zoning. If after five years or after two years without an extension the property is not developed in accordance with the PD,
the PD expires and the property automatically becomes, remains and becomes R-1 Zoning. So, there is no doubt in anyone's mind this is the intent of this ordinance is to make it R-1 now, R-1 now subject to the planned development. And if the planned development fails, to be certain that there is no connection to the planned development only for R-1, the property becomes R-1 completely. It's R-1 now and R-1 if the property fails.

MR. McCLURE: Okay. Well, then I stand corrected. I misunderstood or I failed to realize, it was actually Section 12 that introduced the ambiguity into my mind. So, I am comforted to know that it is in fact R-1 independent of the planned development. Good.

CHAIRMAN WYNNE: Alderman Tisdahl?

ALDERMAN TISDAHL: Thank you. Mr. Hill answered my question.

CHAIRMAN WYNNE: All right. Okay.

MR. McCLURE: Which brings me to the second point but it's tied to the first point so maybe it, too, is moot. I was simply going to encourage the Council to take that plan because it would, I should say to take that next step because obviously it is tied to the tax base of the City. If we want it to be something other

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than R-1, then that would produce taxes. My calculation, a rough calculation is it would produce about a half a million dollars a year in taxes which would be a shame to lose. Our neighborhood group's prime purpose has been to secure R-1 housing, but obviously the taxes are very important also.

I would like to make two other points. One is with respect to the notice provisions on the public meeting that the ordinance itself incorporates and says is taking place this evening. We've had opportunity but, you know, frankly we only were first aware of the site plan today and the ordinance was available today for my first reading. And I just don't know how many other people in the public are going to have that same kind of access. All I'm suggesting is that in order to be safe since you are operating under the Klaeren rules, that it might be prudent to think in terms of other people who have no idea about this ordinance or the site plan because they simply were not given notice.

CHAIRMAN WYNNE: All right.

MR. McCLURE: My fourth and final point is that we're absolutely delighted this is 20 units. We met with Smithfield a few days after the last meeting,
and it was at that time when there were 20 units. And when we walked out of that meeting, although the neighborhood group in order to gain the R-1 status realized that it would have to give up something, we thought that we would only have to give up 23 units total with our arm twisted after incredible negotiations. Well, we were wrong. Mr. Buono was able to extract and give good reason for getting 25 units. It is now at 20 units.

I simply wanted to say that that was not our doing. We have no idea about it and are unable to come up with a satisfactory explanation as to exactly why it occurred. But kudos to whomever did it and was able to reach an accommodation with the developer so that it was at his satisfaction also. Congratulations to both of you.

CHAIRMAN WYNNE: Thank you.

MR. McCLURE: We did try to get hold of Mr. Buono and I know that he's been busy perhaps out of town in order to gain access to the plans earlier but were unable to do it. That's why I made special mention about the public notice. Thank you.

CHAIRMAN WYNNE: Okay. Thank you. Mr. Hill,

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would you like to address that point so that it doesn't

go out there unresponded to?

MR. HILL: Well, with respect to public

notice, this meeting of the Planning & Development

Committee and the meeting of the City Council, at least

the meeting of the Planning & Development Committee was

noticed two weeks ago with respect to the meeting and

the subject of the meeting which was this very

application. And the requirements that the City is

operating under imposed by statute is that the general

nature of what to be discussed is noticed on the agenda,

and by noticing the application itself, the public is

aware of the meeting.

So, being aware of the meeting and being aware

of the general nature of the subject matter of the

meeting is what the City and the Planning & Development

Committee is required to do and the City Council is to

do. So, with respect to that, we are in accordance with

the legal requirements for notice for the meeting. The

public being aware that this item was being discussed is

the obligation of the City Council and Planning &

Development Committee.

MR. McCLURE: So, no need to have the
MR. HILL: With respect to that, the ordinance was available on Friday as I understand it. I'm not certain if all the elevations were available on Friday but the ordinance was available. And our requirement is to have an agenda item informing the public of what will be discussed that night and the entire public is aware that what is being discussed tonight is the application for what has been known as the Kendall Park property for the rezoning and the text amendment. So, we do meet the standards.

MR. McCLURE: Your mention with respect to the elevations prompts me to reiterate the point of Ms. Lindwall that the side and the rear elevations would probably appropriately be included in the ordinance itself.

MR. HILL: As I understand it, the materials which the developer moved for admission by this Committee and which the Chairman accepted into evidence do include the side elevations. So, those exhibits will be attached to the ordinance and will be before the City Council for final action. So, the ordinance with all the exhibits including side elevations, is it rear
elevations also, will be and is now included for consideration by the City Council.

MR. McCLURE: Thank you for your time.


MR. ENENBACH: I'll be real brief presenting -- Bill pretty much covered the R-1 caution which I would have in the same regard. It's been a long road, Bob, and we're very happy with what we have on the plate right now. You couldn't have scripted this or made this up, it just happened. And although it was a long time, I think we're in a place where we're all very happy with the program as it is now.

MR. WOLINSKI: Excuse me. Bruce, for the court reporter, could you spell your last name please?

MR. ENENBACH: I'm sorry, E-n-e-n-b-a-c-h. We're all looking forward to a nice development. So, that's all I have to say. Thank you.

CHAIRMAN WYNNE: Thank you. All right. Now we have, the discussion is now here before the Committee. Yes, Mr. Buono?

MR. BUONO: Am I permitted at some point to
discuss further Section 12 of the ordinance?

CHAIRMAN WYNNE: Yes, you can. Go ahead.

MR. BUONO: Initially, Section 12 of the ordinance was actually suggested by me when the concern was raised about two zoning lots, one R-1 and one R-3, and that the idea that in the event the property was not developed, particularly that portion under the R-3 designation would 'revert'. I use that word in quotations because I think that really isn't what is applicable here but that it would become an R-1 lot after a certain period of time if the property was not developed under the planned development.

Typically, it's my understanding that in planned developments, that there is reversionary language. But many times it relates to the then existing zoning, in this case, the U-1 District. And the concern at that time was that if the R-3 portion wasn't developed, then it might revert to R-3 -- excuse me, to U-1. Similarly, there was a concern that generally if the plan was not developed per the planned development, that the entire property would revert to a U-1 District.

And while I now, I personally completely
disagree with Section 12 of the ordinance. I believe that we are going to create a problem by having, potentially create a problem with that section because currently we have an R-1 underlying zoning. It's very clear in the ordinance as Mr. Hill pointed out under Section 4 that is subject to the planned development. And if after five years as it's currently written the property is not fully developed under the planned development, it reverts to R-1. And given the nature of this development, the site development allowances and the various other obligations, and shall we say relief conferred to the property under the planned development, that that would be extinguished automatically unless an extension was otherwise given.

And from my perspective, it first of all places an entire city block as a nonconforming use which generally is something to be avoided. Secondly, we could be presented with this possibility, that of the 20 homes, 16 are developed and there are four lots. It's conceivable that somebody might want two lots and hold that lot because they don't want a neighbor at the time they're living there. And then we are confronted with a lot that would have otherwise been buildable under the
planned development.

But now if it were to revert strictly to an R-1 designation only, while I don't want to say it's undevelopable, if that's a word, certainly it's problematic and it would likely require a complete review all over again of that particular site. It seems to me that the planned development actually affords not only myself but the City and the community with very specific protections and obligations and rights that will be lost. And that's my primary concern on Section 12.

CHAIRMAN WYNNE: An interesting point. I think, you know, I think that most, the initial thinking on this is that this provision would apply as if nothing had happened. And your point is that if something has partially happened but hasn't been completed, then we'll end up with these nonconforming lots.

MR. BUONO: That's correct.

MR. HILL: That is correct. I'll figure out how to use this. That is correct but I believe the intent is of those properties which are constructed under the PD and the PD then fails, those properties are legal nonconforming. The remaining properties that are...
not constructed are then bound by the underlying R-1
District, do not have the benefit of the PD, have to be
bigger lots and properties in accordance with the lot.
It's an incentive to require the developer to build as
proposed because the developer could wind up with
certain lots that perhaps are not buildable.

MR. BUONO: So, then it's conceivable if 19
homes are constructed, that the PD would expire and
those 19 people residing on that property or homeowners
who bought subject to the planned development would no
longer have the benefits of it?

MR. HILL: They would -- yes, they would legal
nonconforming uses, period.

MR. BUONO: And therefore, the various
obligations under the planned development that are
currently being imposed would no longer be imposed upon
the owners of that property?

MR. HILL: After construction, yes, they are
legal nonconforming. They have the burdens of the
nonconforming property with respect to demolition or
anything of that nature, yes.

MR. BUONO: So that, then by the definition,
the covenant running with the land would be extinguished
and released because the planned development was no longer in place?

MR. HILL: You may have a point there that with respect -- but what covenant is remaining running with the land at that time?

MR. BUONO: The planned development is recorded against the property as a covenant running with the land.

MR. HILL: Correct. The planned development has failed, the planned development has terminated, the properties are legal nonconforming uses. The property that's not built upon it has to be built pursuant to the underlying R-1 Zoning.

MR. BUONO: Okay.

CHAIRMAN WYNNE: But what are the benefits that you're referring to of the PUD for the residents who will live there?

MR. BUONO: I frankly think there are more obligations than benefits but the benefit of knowing that your house is a legal conforming use, by way of example. And I presume in the Evanston Zoning Ordinance, and I don't know this, if your house were to burn down, I believe under a certain period --
CHAIRMAN WYNNE: Can't rebuild if it's legal nonconforming.

MR. BUONO: Pardon me?

CHAIRMAN WYNNE: You can't rebuild it if it's nonconforming, you're right.

MR. BUONO: Correct.

CHAIRMAN WYNNE: You're right.

MR. BUONO: That you no longer have the benefit of the planned development, that the private alleys might no longer be private alleys as proposed the planned development ordinance. That the open space would not be subject to the various regulations that are otherwise imposed which are to the benefit of those people that bought there --

CHAIRMAN WYNNE: That's right.

MR. BUONO: In reliance, frankly, on that underlying zoning. And frankly, many conditions which the City and the neighborhoods imposed upon the property, obligations to maintain lighting, what structures can be built in the public space, shoveling snow, scavenger service --

CHAIRMAN WYNNE: And garbage pickup, yes.

MR. BUONO: Those type of things all become
extinguished. And it seems that just from a public
policy standpoint, that nothing is lost by having the
PUD remain in place. And that is not, from my
perspective, at least from the zoning experience, it's
not an atypical experience that in the event a planned
development is substantially complete by a date certain,
that the PD stays in effect for the benefit of everyone.

CHAIRMAN WYNNE: But then any, let's say you
drop out as the original proponent of the PUD and it
fails, 15 houses or 12 houses are built, then you hit
financial hard times, anyone else who comes in has to
come in under the PUD that we had put into place.

MR. BUONO: From my perspective, the answer to
that is yes. Any successor --

CHAIRMAN WYNNE: Steps into your shoes.

MR. BUONO: Yes. Whether they be a homeowner
or another developer or God forbid my lender.

CHAIRMAN WYNNE: You know, I have to say I
think that this is raising some very interesting points.

Hold on. Yes, Jim Wolinski?

MR. WOLINSKI: If the planned development were
to expire in five years and you are not completed with
your projects, then I think it would behoove you or
whoever was the owner at that time to come before the Council and ask either for an, probably for an extension of the planned development I would assume.

MR. BUONO: And under the ordinance, we certainly have that right to request that extension.

MR. WOLINSKI: Yes.

MR. BUONO: Although short of requesting it by way of example, I hope with all due respect not to be here in five years making such a request, but it's certainly conceivable based on how this is designed that a single-family home purchaser would buy two lots and have a lot adjacent to them. It's not unusual in a circumstance like this. And in five years, it is unlikely that I would be the person asking for the extension and I think then that begs the question, if in fact there is some portion of the property then undeveloped, is it incumbent upon the owner of that property to request an extension of the planned development? And failing to do so, its expiration is automatic under Section 12, and without repeating what I said earlier, the benefits and obligations conferred to the property are no longer applicable.

CHAIRMAN WYNNE: That's a very good point,
another interesting point.

MR. HILL: What we're trying to understand,
your point is well taken, but the issue remains if the
developer is not successful and five properties are not
built upon under the scenario that you're proposing,
what we have is five lots R-1 subject to the PD or not
subject to the PD. If the PD has failed, the PD has
expired by its own terms no matter what. And if the PD
fails, is not the property legal nonconforming because
it does not have the benefit of the planned development?

MR. BUONO: I agree with you. Legally it
becomes as preexisting nonconforming use under the
zoning ordinance. It's very clear that that's what
would happen. I think the question is is that an
appropriate event to occur given what's imposed by the
planned development? I could certainly make an argument
that that could further impair the ability to develop
the property. And I understand where you're coming from
because I think that ultimately what we're talking about
here is where do we draw the line? At what point is it
developed and not developed?

By way of example, if nothing is developed,
it's obvious it's not developed and a reversion to an R-
1 1 seems to, from my perspective if I'm sitting in your
2 chair, I don't think that's a bad thing if that happens.
3 On the other hand, if 18 houses are developed, that
4 might be a whole different question. So, maybe we're
5 just simply talking about matters of degree here. At
6 what point for purposes of the planned development
7 staying in place does -- how do we define completion?
8 And maybe that's where there's a middle ground.
9
10 CHAIRMAN WYNNE: Alderman Rainey?
11 ALDERMAN RAINEY: Well, I think he's going to
12 the right place.
13
14 CHAIRMAN WYNNE: But did you want to say more,
15 Mr. Buono?
16 MR. BUONO: No.
17
18 CHAIRMAN WYNNE: I know. Alderman Rainey, go
19 ahead.
20 ALDERMAN RAINEY: Just to backtrack a little,
21 would there be an advantage in doing what Jeanne
22 Lindwall suggests? And that is bringing out the old R-1
23 Zoning map amendment from a year or so ago and passing
24 that first on this property, and then passing the -- I
25 mean, that's been an argument of the Historic District
26 group.
CHAIRMAN WYNNE: All right. I think --

ALDERMAN RAINEY: So, first rezone the property separate and apart.

CHAIRMAN WYNNE: Well, I think -- well, Steve, you go ahead.

ALDERMAN BERNSTEIN: That would get us back to the reversion, an R-1 rather than U-1. But the problem is, in other words, right now if it reverts back it goes to U-1. Our contemplation here is R-1 now. But I think the problem is if God forbid a building burns down and full completion hasn't been, and this paragraph 12 theoretically to me sort of muddies the water, it reverts back even to an R-1. It doesn't revert back to an R-1 that's subject to the PUD. So, if it reverts back to the R-1, it has to have 7,500 square feet, has to have 27 feet from the front to all the side yards which this doesn't have.

ALDERMAN RAINEY: Why can't we amend the ordinance to include an exception for those kinds of disasters and make an exception for them?

ALDERMAN BERNSTEIN: Because then you have to, I mean, we are in Evanston a city of legal nonconforming uses, all right.
ALDERMAN RAINEY: But this is a planned development. We can do almost anything.

ALDERMAN BERNSTEIN: But the difficulty is if in fact it ceases to be a planned development because of an non-completion. So, I think the question of degree is not, you know, a good one. All right? Because what we don't want to do is to have these people buy a property which they believe is rebuildable if God forbid it burns to the ground. If in fact it's not a PUD, then the lenders might not lend on it either because there is no collateral on which they can base their claim.

So, I mean, that's, so to the preexisting R-1 only answers the question of if he doesn't do it does it revert back to a U-1 rather than R-1. What we're talking about now is what happens -- it is an R-1, given that, however we get there it is. And Herb went through sort of a scenario, it's an R-1, it's an R-1 subject to a PUD. And even if the PUD fails, it reverts back to R-1. And what I'm suggesting is that it's a bit ambiguous, it confuses me because I don't know why it's required unless it gives people arguing room later on that it wasn't really an R-1. Herbert, you see what I'm saying?
And I don't think that we can generically modify an ordinance with respect to this property and not impact other legal nonconforming structures.

CHAIRMAN WYNNE: Right. Alderman Rainey and then Alderman Tisdahl.

ALDERMAN RAINEY: I guess I'm, it's just discouraging to know why this is coming up in the last hour when we've been discussing this for so long. It's just discouraging.

CHAIRMAN WYNNE: But nevertheless, we should solve this problem. Alderman Tisdahl?

ALDERMAN TISDAHL: I do remember this being in one of the many ordinances and relating to R-1 and R-3, and I thought that this was left in as a sort of mistake when I read it because it I assumed had to do with the R-1 and the R-3 language. None of us want to have someone buy a home in Evanston and God forbid it burns down and then they can't build and they find out there was a technicality that prevents them from rebuilding. So, if we can fix it by removing Section 12, Herb, will that -- what awful thing would happen if we remove Section 12?

CHAIRMAN WYNNE: Go ahead. Yes, that was
MR. HILL: Well, first of all, Section 4 of the ordinance accomplishes what Alderman Rainey was saying in the beginning. Section 4 clearly establishes the property as R-1, period. To that extent, one could argue that Section 12 is a redundancy.

But the second issue you have is the whole point that this is a planned development to be built in stages, and the fact is if a planned development is not completed, the property that has been constructed when the planned development fails is a legal nonconforming use subject to the standard predicament of a legal nonconforming use which has been discussed here. And how to get around that is not, paragraph 12 doesn't solve that problem one way or the other, that remains no matter what. If the PD fails, this property will be R-1 legal nonconforming for what's built. And what the developer is asking for now is something different to address that legal nonconformity issue. Is that --

MR. BUONO: And Mr. Hill, just to, as you know, in the drafting of this ordinance, this is a provision that I have consistently objected to. And to answer Alderman Rainey's question of why we're
discussing it tonight is that the intention actually
was, is my understanding, was to discuss it tonight and
attempt to resolve it. And it seems to me that a
relatively simple way to resolve it is just simply to
make a decision as to what constitutes completion under
Section 12 and what doesn't. I mean, I think it's
something more than zero units and it's something less
than 20 units. And that's certainly something, at least
from my perspective, that I could be comfortable with.
I can't answer from a policy standpoint.

CHAIRMAN WYNNE: Well, my question to Staff
then is what is the risk to the City if we determine
that something less than 20 units is completion? If we
said 16 units completed is completion, then play this
out, what happens?

MR. WOLINSKI: Let me say this about what Mr.
Buono just said. If we are left with four or five lots
that are not developed after five years, we've already
discussed the fact that these are lots that are legal
nonconforming. However, what's to prevent the owner at
that time, given the fact that he can acquire
sufficient, whatever he's lacking that's making it
nonconforming, and actually build according to R-1?
MR. BUONO: Let me try to answer that question. By way of example, if you look on the site plan, there are homes on both Colfax and Lincoln identified as C-1 through C-6 and L-1 through L-6. If the owner of, if the buyer of C-2 also wishes to buy the lot per the plat of subdivision that C-3 was to be built upon and the planned development expires, it isn't clear to me, at least from your question, how the then subsequent owner of Lot C-3 could acquire any other property in order to make it conforming or at least conforming enough that variations are otherwise available to make it a now buildable lot.

And secondarily, what happens in that particular instance under the way the ordinance is currently written, that if 19 of the lots are built and one owner owns two lots and decides it no longer wants it to remain that way, that the entire property is no longer subject to the planned development under this provision of Section 12. And again, to repeat myself, it's not simply an issue of a preexisting nonconforming lot and whether it is developable or not under that scenario, but whether the rights and obligation and benefits conferred by the PD I think really, not only is
a matter of policy, but from my perspective as the developer and any subsequent owners that they're going to be essentially penalized for that because they no longer have those benefits, and that the community as a whole may be penalized because it no longer has those obligations.

CHAIRMAN WYNNE: All right. Alderman Bernstein?

ALDERMAN BERNSTEIN: Yes. I think what we're trying to do is protect those people that build and buy under the PUD. To the extent that there are over, you know, additional lots, they'll take it subject to whatever rules are still being applied. It's not a question of R-1 versus something other than R-1. It's a question of this PUD within the R-1, and I don't see a problem with just calling it a PUD notwithstanding even how many are built.

I mean, quite honestly, we've already established the maximum number. Our land forgiveness is with respect to the PUD, that down the road, you know, if he builds one and the subsequent owner wants to build 19, unless they come back in front of this body, they can build pursuant to the same standards and the same
lot. So, I don't know, we can't get in this situation.

That's why I'm concerned about Section 12

because it looks to me like we're sort of hedging here

and we're not hedging. This is a planned unit
development. If we decide to go for it, it's underlying

R-1 zone subject to the planned unit development which

is not more than 20 units, configured in such a way as

presented tonight, period. And it's for this developer

or any subsequent owner of the property.

So, if he stops at 15 and somebody wants to

come in and theoretically can acquire, I guess you can

go on -- I'm trying to think of a situation where you go

into a planned unit development and you have, you want

to change it to do more than what you are allowed under

a planned unit development, I mean, you want to put in a

bigger lot, I don't think we're going to say no. But I

mean, do you understand? It's not, the underlying

zoning is not the issue.

The issue is the guy who buys houses number 1

through 14 and what protections are his protections. I

mean, basically he's, I mean maybe the protection would

work in his benefit, the guy who's got the outside lot,

and then it goes and reverts to this R-1 zone type. Now
he's got a longer, a bigger setback between the two
houses. He might benefit in that situation. But go
ahead.

MR. BUONO: I'm going to add one more thing to
make it even more complicated, that the ordinance
requires us as I have represented will be done, that a
homeowners association will be formed and there will be
a declaration and a covenant running with the land, and
that homeowners association document will be consistent
with this planned development. Therefore, you really
run the issue of in the event that there is a vacant lot
in the future, to go back to Jim Wolinski's question, is
I'm not sure that a subsequent owner of the property
would even have a right to seek a change in the plan
without the consent of all the other homeowners as part
of the homeowners association because it's subject to
planned development.

CHAIRMAN WYNNE: I mean, that adds --

MR. BUONO: I just thought of that.

CHAIRMAN WYNNE: That's an interesting
wrinkle, but I think actually that helps.

MR. BUONO: I think it does help, you're
right.
CHAIRMAN WYNNE: Right. I mean, right, I mean you're telling us that there's already a covenant for this. I would say that if nothing happens, if the PUD fails with nothing on it, then the goal of it reverting to R-1 is achieved. But I think if we eliminate Section 12, that the PUD stands even if three houses are built. And the homeowners, I mean, as soon as the house is complete, when does your homeowners association go into effect? As soon as you have two people to join it, correct? Or one?

MR. BUONO: The first house that's completed, in fact under the ordinance we're required to do it prior to the issuance of a certificate of occupancy.

CHAIRMAN WYNNE: So, then you've got covenants running with the land which --

MR. BUONO: But those covenants then are not consistent with what was relied upon in creating those covenants, and that is the planned development itself. And in the future, I mean, there is nothing that precludes the City Council from amending a planned development if it's so inclined to.

CHAIRMAN WYNNE: Well, one of the points, things that you're saying, what if someone -- are you
saying what if someone buys two lots just because they
want to have more space around their house, and so under
that scenario, if we follow this strictly, if that
person who has bought Lot 19 and 20 and they decide I'm
not building House 20, I like my house with a lot of
extra land on it, and that would mean the PUD has failed
if we decide that the PUD is, all 20 houses is the
fulfillment of the PUD. Right? Okay.

I think we should eliminate Section 12. I'll
make the motion that we delete Section 12.

ALDERMAN BERNSTEIN: Is there a better
argument for keeping it, Counsel?

MR. HILL: Eliminating Section 12 still
doesn't address the problem that we're talking about.

CHAIRMAN WYNNE: Well, but it doesn't create
any more problems.

MR. HILL: No. 12 can come out, 12 is not the
lynchpin for what is being discussed now. But the
lynchpin for what we're discussing now is, is there a
definition for failure of this PD. Otherwise --

CHAIRMAN WYNNE: But that would apply
generally to everything in Evanston.

MR. HILL: Well, this is a unique -- I don't
know if we've had a PD with 20 separate buildings to be constructed on it. That's why this is the unique situation that it is. And we have a condition of the PD that all 20 units be built within two or five years, and that is where the problem comes in. And that's the issue to be discussed.

Does this Committee want a time limit on this PD in the phases? You could break it down. So many have to be built in the first year, second year, however you want to look at it, or have no time frame in the PD, just be there. And anyone who buys a lot will build according to the elevations and materials in this document and they can't build differently from that.

MR. BUONO: May I make a suggestion? Because this might help.

CHAIRMAN WYNNE: Okay.

MR. BUONO: Maybe it should be tied to the infrastructure improvements. If absolutely nothing were to happen, for instance, let's start with this threshold because it's in the ordinance, that there is a requirement that a demolition permit be obtained within nine months following the adoption of the planned development and it's subject to force majeure that a
demolition be commenced 30 days thereafter and
diligently pursued to completion I believe is the
language. It seems to me that failure to do that might
be a justification then to go simply back to the R-1.

Secondly, if within a certain period of time
the, I'm going to say the common area improvements
limited primarily to the two private alleys and the
green space are not completed within a certain period of
time, that that might be yet another threshold by which
the 'reversionary' language would take effect. But that
if the demolition were timely completed and the
infrastructure timely completed, that the PD stay in
place.

MR. HILL: A modification of that could be
that the PD stays in place only for those units
completed within a certain period of time. And those
units have all the benefit of the homeowners association
and everything else. The lots that are not constructed
upon within that time limit, those do not have the
benefit of the PD. Those lots then become general R-1
zoning with whatever their configuration is.

CHAIRMAN WYNNE: But they're nonconforming.
They're not buildable lots. And how do you --
MR. BUONO: That's what I'm worried about.

CHAIRMAN WYNNE: And how do you share, and also how do you share one of these alleys with half the people being subject to the PUD and the other half not if there are general PUD obligations about the use of the alley and the ownership of the alley and the maintenance of the common space?

MR. HILL: Well, the sub-solution is follow generally what the developer has proposed and then remove the time limit for completion. And therefore, the PD is in effect, period, and everyone has to build according to the PD.

CHAIRMAN WYNNE: I have several people -- Judy Fiske, you've had your hand up so why don't we just hear from you quickly? Go ahead, why don't you come over so it can be heard? Because we are being, this is being transcribed.

MS. FISKE: Judy Fiske, 2319 Sherman Avenue. I'm going to make a suggestion, a simpler suggestion. I'm sorry. And that is that we've always looked at a planned development with the idea that there was going to be more development on the property than would be allowed under, as of right under R-1 Zoning. Now, as of
right, R-1 would allow if you just do simple arithmetic, allow 21 units on the site. That doesn't provide for an alley, I'm assuming that that would reduce the number of units permitted as of right to 20 units on the site. I think if we simply had a redefined site plan, we could have a true R-1 development on the site. I don't know whether it would fulfill, you know, the design wishes of the developer, but that is a way to solve the problem is do a true R-1 development. 7,200 square-foot lots are within the allowances allowed under the planned development. And the long term issues would be solved that way, so that's my suggestion.

CHAIRMAN WYNNE: Thanks. Alderman Jean-Baptiste? You turned your light on several moments ago.

ALDERMAN JEAN-BAPTISTE: Yes. My intervention was simply a question as to who loses what if the planned development was to have no end point.

CHAIRMAN WYNNE: Right. Yes. ALDERMAN JEAN-BAPTISTE: And I don't know, maybe --

ALDERMAN BERNSTEIN: And no beginning.

ALDERMAN JEAN-BAPTISTE: I mean, once we pass it, that's what it is and that's what it, you know, and
it has no end point. So, who loses what? Are we concerned that the developer would just walk away from it? And so, and if he did, I mean, what are the consequences? What are we looking at? I'm not sure as to what we are trying to protect.

CHAIRMAN WYNNE: Well, I think part of, I mean, the provisions in here on the time line is to make sure that this essentially pushes the development forward to make sure the development comes to a completion.

ALDERMAN JEAN-BAPTISTE: But what if --

CHAIRMAN WYNNE: But you're right. The question is that what if three years from now --

ALDERMAN JEAN-BAPTISTE: What if the development doesn't go forward?

CHAIRMAN WYNNE: -- seven houses are built?

ALDERMAN JEAN-BAPTISTE: He demolishes, we have green space, he builds one, two, three, however many and he is unable to go forward. Who loses what?

That's what I'm trying to find out.

CHAIRMAN WYNNE: Well, we lose tax base because it's vacant land and, I mean, if it's unimproved land --
ALDERMAN JEAN-BAPTISTE: Well, that's true, but I think that, you know, somebody will come and purchase and build.

CHAIRMAN WYNNE: Right. Well, I think the market will take care of that.

ALDERMAN JEAN-BAPTISTE: Yes, the market will take care of that. So, I'm not sure as to what we're looking -- so, is the answer that the City is concerned about losing tax revenue if the PUD doesn't have an end point and the developer is not pressured into building?

CHAIRMAN WYNNE: I don't know. But let's --

ALDERMAN JEAN-BAPTISTE: I'm still --

CHAIRMAN WYNNE: Alderman Tisdahl, then Alderman Rainey, then Alderman Bernstein. Alderman Tisdahl, do you remember why you turned your light on?

ALDERMAN TISDAHL: Yes, I have a vague recollection of it. I wanted to know somewhat the same thing that Alderman Jean-Baptiste does. It seems to me that who loses if the PUD isn't completed would be whoever buys the property next because they are stuck with building the houses to conform to exactly, you know, what's been described here. Can't they come back to the City Council and ask for some relief if that were
CHAIRMAN WYNNE: Well, they could --

ALDERMAN TISDAHL: Why are we trying to, I'd rather protect the person whose house is built and whose house might burn down so that, they're an Evanston citizen and I think they have a right to rebuild. The person who buys the property could know that it was subject to a PUD and if they wanted to build a different house, they could come and ask us.

CHAIRMAN WYNNE: That's right. They could, but you would also say probably that the market would take care of anybody who stepped in and decided to take over this PUD if Mr. Buono fails financially. Then if you're buying the property, you'll adjust the price so that you could complete the PUD.

ALDERMAN TISDAHL: And Mr. Buono also has a lot of money behind him, so I'm not in a panic.

MR. BUONO: I think maybe, again trying to simplify it, it's the self executing nature of it if you really want to focus on the language of Section 12.

CHAIRMAN WYNNE: But I think we're going to take out Section 12.

MR. BUONO: Okay.
CHAIRMAN WYNNE: Okay. But I think we're all still wondering about these questions about, you know, we've created a PUD, we've told you that it has to be done by a certain time. And the question is if you don't, you know, as Alderman Jean-Baptiste says, what happens? So, you know, and I think we're saying that the market will step in but because we've required the PUD to be finished by a certain time, then logically that would mean that we're also going to require that either there be an extension or that the PUD is extinguished.

MR. BUONO: For whatever it may be worth, this is a very significant issue in the City of Chicago.

CHAIRMAN WYNNE: Oh, really?

MR. BUONO: It is. And for many years, planned developments were adopted by the City of Chicago that did not contain a sunset provision. There were planned developments on the books at one time that had been there for 20 years that had no sunset provision, and frankly, very little detail as to what type of development could take place on a particular property. And you can imagine in certain neighborhoods what happened, that a planned development passed 20 years ago.
might not have been appropriate today.

There was a lot of litigation on some of them and one of the things that the City Council did in Chicago was implemented a sunset provision similar to what you have here in Evanston. And typically, it is a six-year sunset provision that in the event you do not substantially, if you don't begin construction, it focuses on the commencement of construction as opposed to the completion of construction. That's an easier concept in certain buildings.

For instance, in a high-rise building, once you started, you more or less need to finish it. It isn't like building 20 houses or a project that might have several buildings that are going to be done in different phases. But the focus or at least the resolution to that issue in this exact same set of questions that are being asked here tonight have been discussed in the city is who is harmed by this, who is helped by it. And by focusing on the commencement of construction, that ultimately was the compromise because that after all is the goal of the planned development, that we specifically tailored a piece of property to a particular type of development. And it's in everybody's
interest, the developer's, the community, the City Council's to see that project get underway.

I acknowledge this one is slightly more complicated because we essentially have 20 developments. We have the overall infrastructure and then 20 houses that are built on. But from my perspective, I certainly don't see a harm to anyone, anyone, the community, the City or the residents of this property if only 15 houses are built after five years and the planned development still remains in place. It seems to me that everybody has received the benefit that they bargained for one way or another, notwithstanding the fact that five houses haven't been developed.

And I don't know that that won't be any more complicated than focusing on the commencement of construction and that it has to be substantial. And we could define what substantial was within a certain period of time. I've given a couple of examples of the demolition, of the infrastructure, even if you were to peg it to a certain number of houses. I mean, I could see somebody saying, well, you know, five houses that really isn't enough. And frankly, that is a risk that a buyer of a home may have to assume as part of acquiring
a home that's in a homeowners association.

We don't really, we can't play out every scenario, but I think we can at least set a threshold that's fair and is ultimately beneficial to everyone.

CHAIRMAN WYNNE: Alderman Moran? Have I gotten everyone else.

ALDERMAN MORAN: I think what Mr. Buono -- I'm sorry. I think what Mr. Buono said is the thing that makes the most sense to me as I go back and forth between these points. One, we get a commitment to begin the infrastructure developments within a specified time frame. We then know that the thing is moving forward. And then, I think, you know, we redefine completion at some level of completion that gives us confidence that, you know, there's a critical mass to this development whether that's 15 or 14 or 16 or whatever. But we will have realized the fact that we reached critical mass, that for somebody to, you know, if we said two or three, somebody could just step away from the project and, you know, we'd be back in never-never land.

But if somebody gets like 15 houses in there, I think we have reason to believe that the situation that you're referring to, Melissa, is that if somebody
else has to come in and sort of adopt the project, the
project is going to be defined at that point. It's
going to be defined at that point. It's going to have
enough on the ground that this next person is going to
say this is how we finish this thing out.

So, I think those are the ingredients for what
we want to accomplish.

MR. BUONO: Could I, let me try to help to cut
to the chase here.

CHAIRMAN WYNNE: Go ahead.

MR. BUONO: What we ought to do with Section
12 is use the definition of substantial completion. I'm
comfortable with this with respect to the reversionary
interest to be 15 units and that rather than it be self
executing, that the expiration or shall we say I guess
the termination or revocation of the planned development
and the then placement of the R-1 only zoning at least
go through the process the City Council would otherwise
go through in amending a planned development. Rather
than it be self executing, because then at least there
is a public process so this kind of discussion can take
place to see whether or not from a public policy
standpoint there is merit to the repeal of the planned
development and simply placing it as R-1.

Now, frankly, the City Council has got the right to do that whenever it so chooses. You could pass it today and at the next meeting someone could introduce an amendment doing that exact same thing. But at least eliminate the self executing aspect of this so that there is a public process and an opportunity for the developer and the community and others to be heard as to whether or not that should happen.

CHAIRMAN WYNNE: Okay. Is there some consensus on this? Yes, Steve Bernstein.

ALDERMAN BERNSTEIN: Yes. What if anything prohibits us -- oh, Ann was first. Go ahead, Alderman Rainey.

ALDERMAN RAINEY: Well, I think it is so fascinating. A month ago we were fighting over whether or not there should be 40 units. Now we're talking about, well, let's just make it 15. I think this is a fascinating digression.

Having said that, I am getting more and more frightened about the discussion, about the project not being completed, about the amount of lots not being developed. And I am getting more and more concerned
about this Council not imposing an amendment on this ordinance that requires that any sale of this property be sold to a taxpaying entity. This is getting to be a greater and greater concern of mine. When there were 24 units or 40 units, that was a concern of mine.

Now as we start whittling away at the amount of improvements on this property, I get more and more concerned because we're going to absolutely have to impose that requirement on this ordinance. And I was told that there would be information at our desk tonight about including that amendment in this ordinance and I don't see it here any place. I think we've done it with the Georgian, or the Mather, we've done it with Vineyard, and I think we have to do it with this. I think we absolutely have to do it with this.

This is so perfectly located for not-for-profits, non-taxpaying entities. And I don't just mean Northwestern.

CHAIRMAN WYNNE: Alderman Rainey, that's a very good point and we are going to get to it. But I think we should finish this and then move on to that.

ALDERMAN RAINNEY: I just want, I just --

CHAIRMAN WYNNE: Because the two are
independent points and --

ALDERMAN RAINLEY: Well, you might think they're independent, Alderman Wynne. I think they're very connected. But, yes, let's finish this discussion.

CHAIRMAN WYNNE: Let's finish this because I think we're about to finish this, and then we will, that is the next point that we'll raise. Alderman Bernstein?

ALDERMAN BERNSTEIN: Yes. Mr. Wolinski has reminded me, refreshed my recollection with respect to prior ordinances wherein we legitimize any property that's built pursuant to a PUD in perpetuity. So, there won't be a legal nonconformity if it reverts back to an R-1, all right? Because the people we're trying to protect, and we also want to, you know, I mean, the fact that he's not going to complete them is maybe a penalty for the developer but I think it's in everybody's best interest to enhance the marketability of this project so he can finish 20 and sell them in the first two years.

But number 1, the person that buys number 1 which is an undersized lot in R-1 zone, all right, if in fact we erase, vacate the PUD, subsequently rendering this guy's house a legal nonconforming structure and it burns down, he then has to come back in here and ask for
permission for variations to allow him, and depending
what the consensus of the Council is he may not get it.
So, he may not be able to rebuild.

We have historically put language into
ordinances that in effect legitimize in perpetuity
properties that are built during the PUD designation, if
in fact it ever goes, if it's rescinded for whatever
reason, it's not rescinded as to those people. The tax
exempt is a different situation, too, but this is, you
know, we're talking about the underlying zoning versus
the PUD. And if we want to protect the underlying PUD
for the marketability of the project so that banks ask
when they see the statement about what can be done, they
say, hey, why would we loan money on a property that is
only an undersized lot if it burns down? It's not
subject to rebuilding unless they come in and get
variations which may not be available at the time.

So, I don't know, I mean, I don't know why we
don't just keep it a PUD with a maximum of 20 units, R-1
zone, eliminate some of the uses. I mean, if we keep
the PUD, can we prohibit other R-1 uses? I mean, then
we run the risk theoretically jumping onto the next
point of a not-for-profit purchasing all of these units
and using them for their own purposes and taking it all off the tax rolls. That's another issue. We're not fighting that one now but I think this is, I just don't understand why we're -- it's a PUD, it's a PUD.

CHAIRMAN WYNNE: Okay. Make a motion. Make a motion.

ALDERMAN JEAN-BAPTISTE: Right. Take lead, go ahead.

CHAIRMAN WYNNE: Provide us some --

ALDERMAN BERNSTEIN: All right. I would like the inclusion of something in the ordinance, and again this is with respect --

CHAIRMAN WYNNE: Take out 12.

ALDERMAN BERNSTEIN: Take out 12, I don't have a problem taking out 12. You know, putting in substantial completion versus --

CHAIRMAN WYNNE: Let's do that right now.

ALDERMAN BERNSTEIN: -- self actuating.

Section 12 troubles me because it adds another element which you can argue about later. I would eliminate, I move that we eliminate Section 12.

ALDERMAN WOLLIN: Second.

CHAIRMAN WYNNE: Second by Alderman Wollin.
ALDERMAN BERNSTEIN: And subsequent thereto that we include, because we're leaving in the parameters in which the developer must act and I think his language is probably better than ours with respect to the demolition and infrastructure creation. Those have to be created in a certain time frame. But thereafter, any houses that may be constructed or that are constructed during the PUD shall be legal structures in perpetuity.

CHAIRMAN WYNNE: Okay. So, that's separate from whether there is a 15-unit --

ALDERMAN BERNSTEIN: Right, well, right.

Exactly.

CHAIRMAN WYNNE: Okay. So, any motion, you're saying that any houses constructed during the period of the PUD are legally conforming housing units.

ALDERMAN BERNSTEIN: Right. Now, if we want to keep the developers --

CHAIRMAN WYNNE: Let's stop here. Let's --

ALDERMAN BERNSTEIN: -- to the fire, we can add the other.

CHAIRMAN WYNNE: Right. Hold on. First you made that motion.

ALDERMAN BERNSTEIN: Yes.
CHAIRMAN WYNNE: Is there a second for that motion?

ALDERMAN WOLLIN: Second.

CHAIRMAN WYNNE: Seconded by Alderman Wollin.

All those in favor of Alderman Bernstein's motion --

ALDERMAN MORAN: Can we discuss this?

CHAIRMAN WYNNE: Sure, go ahead.

ALDERMAN MORAN: We're not doing good work now and I think we should stop. And what we need to do is take all relevant considerations, make note of them and spend a couple of weeks or three weeks, whatever it is until our next meeting, recasting this ordinance in a way that will be consistent. We'll have given it the consideration it merits. We'll have legal do what work it needs to do to make sure that we're on solid ground. I think we've heard what the concerns are and I think we should address them in a deliberate fashion.

ALDERMAN RAINEY: Second.

CHAIRMAN WYNNE: I think that's a good suggestion, Alderman Moran. But I think that we have to give Staff a good sense of what we're interested in. And I want to ask Staff, do you have a sense of what Council's concerns are? We have eliminated Section 12,
you heard the motion from Alderman Bernstein.

ALDERMAN JEAN-BAPTISTE: Yes, we proposed.

CHAIRMAN WYNNE: Well, we proposed to eliminate Section 12. I think Alderman Bernstein's motion to make sure everything is legally conforming despite its potential failure or termination of the PUD is also clear. And I think that the other issue is with respect to what constitutes a completed PUD in this instance. Yes?

MR. WOLINSKI: If I could piggyback on what Alderman Bernstein said? We just talked about this briefly, that we want to make sure that whatever is built does not have a legal nonconforming status so it doesn't have the condition of disaster to it then it cannot be rebuilt.

However, any lots that are not built upon during the period of the PD, could we also put language for those lots as well? I'm not thrilled about creating nonconforming single-family lots that are going to have to go through a procedure which may or may not be approved and then we have dead space.

ALDERMAN RAINey: I agree.

CHAIRMAN WYNNE: Okay, that's another good
point. Okay. But does Staff also understand the issue of when is the PUD completed substantially, when do we determine -- it's Alderman Moran's point of is 15 units the point at which we have determined it's completed?

MR. WOLINSKI: Yes.

CHAIRMAN WYNNE: Yes, and then -- okay. And also when it starts. Okay. I agree that I think that at this point we need to stop because clearly a lot of this needs to be worked on by Staff and thought through over a longer period of time. Alderman Moran, did you have an issue? Or not?

ALDERMAN MORAN: Mr. Buono, you have consternation.

MR. BUONO: I have significant consternation.

ALDERMAN MORAN: Can you let us know what that relates to?

CHAIRMAN WYNNE: Yes, you have to come back.

MR. BUONO: I have consternation because I raised this issue three weeks and I just can't believe at this point when I'm this close to finishing or at least getting an up or down vote that I have to go through this again. It's completely selfish but it's hard for me to disagree with what you just said.
CHAIRMAN WYNNE: Okay. Well, we've got our answer then.

ALDERMAN MORAN: I feel bad but I think we need to get it right.

CHAIRMAN WYNNE: Yes. We're very close but it's very important that this be done correctly.

MR. BUONO: So, should we bring up the tax exempt issue before it comes up at the next meeting?

CHAIRMAN WYNNE: Yes, absolutely. I think we're setting this aside to be dealt with by the Staff and this issue. But now, Mr. Hill is going to address the tax exempt issue.

MR. HILL: Before I address the, before we discuss the tax issue, I need a clarification, the will of this Committee with respect to the PD and when we're talking about property being conforming. The point that I would understand, if the developer reaches a certain threshold number, was it 15 or 16 units, then all these properties will perpetually and in perpetuity benefit by and benefit from the PD, and should any of those properties be destroyed, that property must be built in accordance with the PD.

So, with that in mind, all we need is the 16
units, whatever the number of units it was, 15 or 16
units as the threshold, when that kicks in, all the
properties are then protected by the PD?

CHAIRMAN WYNNE: No. Actually, Steve,
Alderman Bernstein is raising the point that any
property built during the course of a pending PUD is a
protected conforming use. The issue of whether the
number of units that we need to reach before it's
determined that the PUD is completed is separate. Does
that make sense?

MR. HILL: Yes, but it may be unnecessary.
The point is --

CHAIRMAN WYNNE: Well, that's Alderman Jean-
Baptiste's point.

MR. HILL: Any structure that's completed can
only be rebuilt in accordance with the PD. Once the
first structure is up, if that structure is destroyed,
that structure what we're saying here can't be bigger
than, it's limited to the PD. So, perhaps what we're
talking about the kickoff is the first unit is
constructed, the PD then is in effect, all other
construction must be made naturally pursuant to the PD,
and all construction prior throughout is protected by
the PD.

Is that the concept we're talking about?

ALDERMAN JEAN-BAPTISTE: Yes, I think, you know, that's what we're talking about.

CHAIRMAN WYNNE: Alderman Bernstein?

ALDERMAN BERNSTEIN: We're talking about theoretically penalizing the developer for not selling quickly enough versus protecting the first homeowner who buys. So, if we're talking about extinguishing the PUD at any point in time, there has to be protection for buyer one.

CHAIRMAN WYNNE: Right.

MR. HILL: Correct. So, then --

ALDERMAN BERNSTEIN: And he's not going to be able to come in as of right if we revert back to an R-1 not a PUD. Do you understand what I'm saying? These properties don't have 7,200 square feet and the setbacks are wrong and the side yards are wrong and the rear yards are wrong. And they're going to be parking in the required rear yards anyway I think and it's practically because it's -- I mean, we're making a planned unit development. We have a maximum of 20 units, the dimensions of which are already preordained. We have it
on file.

Number 1 has to be protected, so we can't go, we can't say, well, you know, if he doesn't act quickly enough, that's penalizing him. And I don't know really how that's penalizing him anyway unless his pocket is deeper than God. He's already been three years into the process. It's in his best interest to build and sell these properties, I'm guessing, all right. I mean, I'm not going to count his pocket but it's my understanding that he's in this to make money which is not a bad thing although, you know, it seems to be a bad thing up here sometimes.

We have to protect number 1. The first house that goes up in that development has to have the ability to be reconstructed, not bigger but on the very same footprint and with the same elevations and whatever because if it burns down and it's somehow, the PUD because he doesn't act reverts back to an R-1 without a PUD, then all those houses that preexist are legally nonconforming, the destruction of which will not allow them to reconstruct absent some kind of variation from this Council. So, we have to protect number 1.

And, you know, I mean, I'm not sure once you
get started, demolition and infrastructure probably is a pretty good way because once you get started, I mean, I don't know why he wouldn't get started but he should get started and do those things initially. I don't really care about, you know, dissolving the PUD because that's not going to hurt him, it's going to hurt people who purchased under the PUD.

MR. HILL: That the standard should be once the first property is completed, constructed, the PD is in effect and he's satisfied the terms of the PD and the City has all the benefits of the PD, that's to achieve the objective that Alderman Bernstein wants, that the underlying first property owner can rebuild. That first property owner can rebuild to the extent of the PD.

ALDERMAN BERNSTEIN: But to the extent that people are concerned that he's not going to act in good faith and with rapidity --

CHAIRMAN WYNNE: And complete it.

ALDERMAN BERNSTEIN: And go forward and complete it, what I'm saying is, is there a method by which we can legitimize? I don't care if the PUD is rescinded so long as that individual home --

CHAIRMAN WYNNE: And he's saying yes, we can
do that.

ALDERMAN BERNSTEIN: All right. But that, you understand, that's the language, if we're talking about giving him some kind of a penalty for failing to act quickly which I guess is the rationale behind these clauses, I just want to legitimize. So, for purpose in perpetuity, any house that is constructed while the PD exists may be rescinded. Subsequent Councils may decide that one house, you know, I don't know what's going to happen but that one house has to be able to be conforming.

CHAIRMAN WYNNE: Okay. What if we -- I think this issue is, I think what we need to say is that within five years, that you need to -- I think your point about the sunset provision is well taken. I think Steve's point is an excellent one, too. I don't think we need to say that the PUD, well, our goal was to get you going and our goal also is to protect every single homeowner here so that when their house burns down which now seems like it's really common from our discussion over here, that they can rebuild, you know, their old house.

And so, I think by saying that the
commencement of the infrastructure improvements and the completion of a single home constitutes the beginning of the PUD. And what we need to do is rather than have a sunset provision at the end, we need a starting date for you that you must start by, and that then, we then put in a provision saying that, I don't know, it's sort of belt and suspenders, that any house built during a time period of an effective PUD is a conforming use. Does that summarize it?

ALDERMAN BERNSTEIN: And you're not going to build the infrastructure before House 1?

MR. BUONO: Ask me that again, I'm sorry.

CHAIRMAN WYNNE: Okay. So, I think what we need is we need a commencement date and we need this provision about protecting every home.

ALDERMAN BERNSTEIN: Demolition and infrastructure.

CHAIRMAN WYNNE: Right.

ALDERMAN BERNSTEIN: My question is are you planning to build without first having demolished any of those properties and/or construct the alleys?

MR. BUONO: The answer to the first question is no, and it's certainly conceivable that construction
of the homes or some of the homes will happen
simultaneously with the construction of the
infrastructure.

ALDERMAN BERNSTEIN: Okay.

CHAIRMAN WYNNE: Okay. Can we give this to
Staff with this direction and have them come back with
something? Alderman Jean-Baptiste?

ALDERMAN JEAN-BAPTISTE: Before you do that,
there's this lady in the back.

CHAIRMAN WYNNE: Oh, yes, I'm sorry.

ALDERMAN JEAN-BAPTISTE: She's getting --
holding up her hands now.

CHAIRMAN WYNNE: Yes, I know. I'm sorry, go
ahead. Can you stand up and state your name?

MS. LUCCHESI: Yes, Cheryl Lucchesi, 2230
Orrington which I will --

CHAIRMAN WYNNE: We need you to come to the
microphone because this is being transcribed by a court
reporter.

MS. LUCCHESI: First of all, I want to commend
everyone involved including Mr. Buono on the development
that we've come up with today and I think it's great.
But I do believe, I hope we're not losing, and I'm kind
of confused by everything that just transpired here, but
have we lost the incentive to have a completion date for
this? Because as a homeowner with 120 feet on the
property, I would like to not have ongoing construction
over an endless period of time. And in Mr. Buono's best
interest, obviously he would like to build and sell
these in two years and I totally understand that.

But we never know what the real estate market
is going to do and we never know what the needs are
going to be, how long it may take to sell and build
these homes. And I don't think we should lose sight of
some type of an incentive in there, to create an
incentive to sell those properties and build those homes
within a reasonable time frame for the homeowners who
live adjacent to the property so we are not living with
a constant construction site next to our homes either.

CHAIRMAN WYNNE: We understand that.

MS. LUCCHESI: Okay.

CHAIRMAN WYNNE: And that's what we've been
struggling with all evening is to determine what would
be substantial completion.

MS. LUCCHESI: Right. I would ask that, and
15 is three-quarters of the way there. I would say 16
to 18 would be what I would vote for but it's up to you.
I'd like to see 16 instead of 15 I guess.

CHAIRMAN WYNNE: Yes, okay, hold on. Hold on.

Alderman Bernstein?

ALDERMAN BERNSTEIN: Let me ask you a question then. What if he doesn't? What do we do?

MS. LUCCHESI: What if he doesn't build 16 houses?

ALDERMAN BERNSTEIN: Yes. What's the penalty for his nonconforming to this, non-complying? Does he get a per diem -- I mean, you know, those are certain things --

MS. LUCCHESI: That's certainly something to consider. I mean, there is a tax -- which I mean, you're obviously well aware there is a tax consideration here once you've demolished the properties and you have a lower tax base on that land as opposed to a building.

Maybe what you do is institute a tax basis on the undeveloped properties that are consistent with the property that would be developed.

ALDERMAN BERNSTEIN: Okay. We don't establish the tax base. That's another office.

MS. LUCCHESI: I mean, the penalty that is
consistent with that.

ALDERMAN BERNSTEIN: So, that's the difficulty on finding. You know, we're trying to penalize him but the reality is there is no penalty. I mean, we can't, you know, just that it's sort of, at some point in time you have to assume that a developer is getting in this to complete the project, sell his houses and get on with his life.

CHAIRMAN WYNNE: Or his lenders are doing that.

MS. LUCCHESI: No, I totally agree.

CHAIRMAN WYNNE: So, I think that his lenders will step in and finish it. Wouldn't you agree, Mr. Buono?

MR. BUONO: We agree with that.

MS. LUCCHESI: All right. When we say the planned development in perpetuity, does that mean if someone rebuilds their home it does or does not have to be with respect to it being rebuilt in a Historic District? Would it then mean that the construction limitations we're setting on these homes would exist in perpetuity?

CHAIRMAN WYNNE: Yes.
ALDERMAN RAINNEY: Yes, it does.
CHAIRMAN WYNNE: Right.
ALDERMAN BERNSTEIN: The PUD only talks about the boundaries.
CHAIRMAN WYNNE: No, the PUD also talks about building height and materials and all of that.
ALDERMAN BERNSTEIN: I mean the footprint of -- well, I think your question is --
MS. LUCCHESI: Because it seems to me that as a historic, yes, exactly.
ALDERMAN BERNSTEIN: Preservation will always have the ability to say yes or no to any construction.
MS. LUCCHESI: Okay.
CHAIRMAN WYNNE: No. No, no, unless --
ALDERMAN BERNSTEIN: On the PUD?
CHAIRMAN WYNNE: No, unless they differ significantly from this.
ALDERMAN BERNSTEIN: Well, yes, okay.
CHAIRMAN WYNNE: So, if someone comes in and decides I want to build a modern house that's not according to these plans, they have to go to the Preservation Commission and convince them.
MS. LUCCHESI: Okay. So, the perpetuity would
be to be consistent with the homes that are already
built within the planned development.

CHAIRMAN WYNNE: It's everything that's in the
ordinance which includes the elevations and the height.
And if someone wants to vary from that, then they have
to go to the Preservation Commission.

MS. LUCCHESI: Okay. All right, thank you.
CHAIRMAN WYNNE: And if you stay a little
longer, you'll see what they're like. Sorry, I'm
getting all punchy.

All right. Where are we on this?

ALDERMAN JEAN-BAPTISTE: I think the proposal
that was made by Alderman Moran is that Staff goes back
and pulls some language together.

CHAIRMAN WYNNE: Yes, that's a very good one.

ALDERMAN JEAN-BAPTISTE: And I would suggest
that, you know, we get the communications as quickly as
Staff has pulled them together. So that we'll have a
chance --

CHAIRMAN WYNNE: Right, and that we all see
them, you know, sometime in the next three weeks so that
we can start, so we can look this over and think about
this other than at the next P&D meeting. This is
something that you really need to spend some time thinking about and consulting with your zoning lawyers about. Thank you. Alderman Bernstein?

ALDERMAN BERNSTEIN: What about tax exempt?

CHAIRMAN WYNNE: Now we need to address the issue of tax exempt status. Alderman Rainey, why don't you talk to us about that? Would you like to?

ALDERMAN RAINNEY: Certain events over the last 10 or 15 years have led me to believe that you cannot be complacent about property not being removed from the tax rolls. And therefore, I think that every opportunity I get, I'm going to ask this Council to request that property remain on the tax rolls or be transferred to a taxpaying entity. And that's my only concern, that this property is just ripe for not-for-profits. And I have great concern.

When Vineyard was negotiating with us to stay at their previous location and then advised us that they were going to need larger space, we included in that agreement that they sell their Ridge Avenue property to a taxpaying entity and that's exactly what happened. And I want the same for this property. This property has been off the tax rolls for years. The reason why
this project is so exciting in addition to other reasons is that it's all going to be on the tax rolls and I want to make sure that it stays on the tax rolls.

CHAIRMAN WYNNE: Let's ask legal counsel about how we go about doing that. Mr. Hill?

MR. HILL: I hope this, I finally figured it out. With respect to the tax exempt issue, our office has always advised the City Council that in the situations of a special use as this PD is, the City can impose conditions to preserve and enhance the tax base. So, the City could require a covenant running with the land with respect to tax exempt uses on the property. It's up for the City Council to determine whether it desires to do that.

Simple language could be added that a covenant running with the land, as an example, during the duration of the planned development, no tax exempt use shall be allowed on the subject property. That basically covers it there succinctly. There may be better language and we can work on that language should the Council direct us to do that. But, yes, there is the authority and the power, we believe, for the City to preserve the tax base by having that language in the
ordinance.

CHAIRMAN WYNNE: Is there any other discussion up here on the Council? Alderman Jean-Baptiste.

ALDERMAN JEAN-BAPTISTE: I support that proposal. I think Staff should work on language.

CHAIRMAN WYNNE: Okay. All right. Alderman Bernstein?

ALDERMAN BERNSTEIN: Yes. Now we're back to the PUD. So long as it remains in the PUD, it should be off.

MR. HILL: What I would do is --

ALDERMAN JEAN-BAPTISTE: Herb is just making some --

ALDERMAN BERNSTEIN: No, no. But I mean it's important because if in fact the developer doesn't complete it, that's every incentive to sell it to a not-for-profit. Okay? The entire property. So, the commencement to me --

ALDERMAN RAINEY: The covenant runs with the land.

CHAIRMAN WYNNE: It's a covenant.

MR. HILL: The concept that we'll be discussing is that because the City Council is granting
the special use, that special use will tie in to the PD, and the planned development because we granted the planned development, period, because of the granting of the planned development, no property shall be taken off the tax rolls.

ALDERMAN BERNSTEIN: All right. So, there is no necessity for a continuation of a planned development which was I thought you said.

CHAIRMAN WYNNE: No --

MR. HILL: No, I said the concept. I'm trying to articulate it.

CHAIRMAN WYNNE: All right. Okay. So, we can give Staff that direction. I think that that's -- Mr. Buono, did you want to speak?

MR. BUONO: I'm going to object to this significantly more than I object to the Section 12 of the ordinance. Whether my objection will persuade people to see it the way I wish it were to be seen is another thing. But I actually think it's outrageous. I think it's unconstitutional. I think it's discriminatory. I think it violates the equal protection clause. I actually think it's a taking.

And to impose this restriction on me because
I'm obtaining a special use when the person down the street from me owns a single-family home who might receive a variation, who might receive certain consideration from the Preservation Commission, from the Zoning Board of Appeals, from the Plan Commission where it is not a matter of written policy of the City, that that same obligation or restriction or in this case a covenant running on the land is imposed on me but not on another property owner seems to me to be blatantly unfair. Blatantly.

Moreover, in every step of the way now over the last several months, I have agreed to significant concessions along the way, and never once did I think that this type of thing would be imposed on me. It has never once, until the last meeting, been raised as a potential issue. And it seems to me that if, and I think I gave this example, I don't remember to whom but one of the City Staff officials, that if Little Sisters of the Poor, a not-for-profit order of nuns that currently resides in the City of Chicago and I use them as an example because I recently worked on a project with them, wishes to buy a home in this development because its real estate holdings defy its name, Little
Sisters of the Poor, that it wishes to buy a single-family home in our development, why should I be less competitive on my site than the person who lives right across the street from me who isn't subject to the same covenant?

That does not seem equitable to me. Moreover, and I think the real risk here and the real concern, because I have certainly heard the rumors in the last three years of all these things that I was doing with Northwestern and Roycemore, that if an institution like that was interested in this property, is it realistic to think it's interested in it subject to the planned development? I think the planned development frankly affords more protection than anything else. And after this many years, if that was to have occurred, it probably would have happened by now. The property is still zoned U-1 and has a designation that is attractive to institutional uses.

But I have said this before, it's attractive to beyond the two obvious institutions in the neighborhood. The planned development is what affords the protection. And I don't think, frankly, it's just not fair to impose that type of restriction on me on
this particular piece of property when it's not
happening any place else to the neighbors near me or on
a regular basis other than this concept of if a special
use is being designated, or I should say authorized.
And you'll hear the same speech from me again I guess if
that's what it comes to. But I really, really object to
it.

CHAIRMAN WYNNE: Okay. Noted well. At this
point, I think we need to hold this until the next
meeting and then finish it at that one. So, I'm looking
at our agenda and saying that we then should hold the P2
item as well. So, I am going to make a decision. These
are held here in Committee, both of those, and let's
just see what we can get done here in the next few
minutes.

ALDERMAN RAINNEY: Do P2. Why don't we do P2?
CHAIRMAN WYNNE: P2 is the certificate of
appropriateness.

ALDERMAN BERNSTEIN: Yes, demolition order.
It's for this project, the Preservation.
CHAIRMAN WYNNE: And we haven't approved the
project.

ALDERMAN BERNSTEIN: The appeal from the
Preservation.

CHAIRMAN WYNNE: So, we need to hold it.

(Whereupon, the hearing on the above-titled cause was continued to next meeting.)
CITY OF EVANSTON

PLANNING & DEVELOPMENT COMMITTEE

CASE NO.: (P8)

RE: PLANNED DEVELOPMENT TIME EXTENSION - 413-21 HOWARD STREET. Consideration of the request from Bristol Chicago Development for an extension on the construction schedule for the planned development at 413-21 Howard Street for 221 apartments in a building 170 feet to the top of the roof.

Transcribed Report of Proceedings of a public hearing on the above captioned matter, held August 14, 2006 at the Village Hall of Evanston, 2100 Ridge Avenue, 2nd Floor, Evanston, Illinois, at 6:30 p.m. and presided over by M. Wynne, Chair.

PRESENT:

M. WYNNE, Chair
L. JEAN-BAPTISTE

S. BERNSTEIN
A. RAINNEY

E. TISDAHL
D. HOLMES

E. MORAN
A. HANSEN

C. WOLLIN

STAFF:

J. WOLINSKI
A. JACKSON

H. HILL
J. CARROLL

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CHAIRMAN WYNNE: Let's go back, well, let's see. Anything else we can discuss?

ALDERMAN RAINEY: Can we do P8?

CHAIRMAN WYNNE: P8, let's do P8. All right, Alderman Rainey. This is time extension of the Howard Street-Bristol project for an additional three months which gives them until December 8th, 2006. Their latest extension was going to expire September 8th. Do we have a motion?

ALDERMAN TISDAHL: I move.

ALDERMAN JEAN-BAPTISTE: Second.

CHAIRMAN WYNNE: Seconded by Alderman Jean-Baptiste. All those in favor -- was there any discussion? Seeing none, all those in favor of extending this by three months, please signify by saying aye.

(Chorus of ayes.)

CHAIRMAN WYNNE: All right. That is extended.

(Whereupon, the hearing on the above-titled cause was concluded.)
1 CITY OF EVANSTON
2 PLANNING & DEVELOPMENT COMMITTEE
3 CASE NO.: (P3)
4 RE: ORDINANCE 86-O-06 - PLANNED DEVELOPMENT FOR 2400
5 MAIN STREET. Consideration of a Plan Commission
6 recommendation to approve a planned development for a
7 Fifth Third Bank with a drive-thru at 2400 Main Street.
8 Transcribed Report of Proceedings of a public
9 hearing on the above captioned matter, held August 14,
10 2006 at the Village Hall of Evanston, 2100 Ridge Avenue,
11 2nd Floor, Evanston, Illinois, at 6:30 p.m. and presided
12 over by M. Wynne, Chair.
13 PRESENT:
14 M. WYNNE, Chair L. JEAN-BAPTISTE
15 S. BERNSTEIN A. RAINNEY
16 E. TISDAHL D. HOLMES
17 E. MORAN A. HANSEN
18 C. WOLLIN
19 STAFF:
20 J. WOLINSKI A. JACKSON
21 H. HILL J. CARROLL
22
23

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CHAIRMAN WYNNE: Good evening. This is the August 14th meeting of Planning & Development. We have a quorum so I'd like to get the meeting started. Do I have a motion regarding the minutes?

ALDERMAN RAINEY: I move approval.

CHAIRMAN WYNNE: Is there a --

ALDERMAN HOLMES: Second.

CHAIRMAN WYNNE: Seconded by Alderman Holmes.

I want to let everyone know the court reporter has requested that I identify the seconder. All those in favor, please signify by saying aye.

(Chorus of ayes.)

CHAIRMAN WYNNE: Okay. The first thing that we're going to do is have Mr. Wolinski discuss with us the new Planning & Development Committee rules, and then we have to approve the new rules. So, Jim, I'm going to turn this -- Alderman Rainey?

ALDERMAN RAINEY: Yes. Madam Chairman, I was curious when I saw those rules why they were never brought to the Rules Committee to discuss. I mean, we don't normally discuss rules on the Council floor before discussing them in the committee.

CHAIRMAN WYNNE: Would Staff like to respond?
ALDERMAN RAINEY: And furthermore, just as aside conversation here, I have no idea what that memo said. I'm not very smart when it comes to legalese and I did not understand it. So, I'm going to ask you to be very patient and go through them line by line.

MR. WOLINSKI: In answer to --

CHAIRMAN WYNNE: All right, Alderman Jean-

ALDERMAN JEAN-BAPTISTE: I'd just like to move that we take this off of the agenda of the P&D Committee and take it to the Rules Committee and we sort that out there. And then, you know --

CHAIRMAN WYNNE: And bring it back?

ALDERMAN JEAN-BAPTISTE: Bring it back.

CHAIRMAN WYNNE: Okay. Alderman Rainey, would --

ALDERMAN BERNSTEIN: Second.

CHAIRMAN WYNNE: A motion has been made and seconded by Alderman Bernstein to remove this matter from our agenda and place it on the Rules Committee agenda for discussion there. All those in favor? (Chorus of ayes.)

CHAIRMAN WYNNE: All right, fine. That's what

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we're going to do.

I'm going to take one thing slightly out of order here in the interest of allowing people to not have to sit through a lengthy meeting. So, the first item we're going to do is P3 which is Ordinance 86-0-06, Planned Development for 2400 Main Street. This is a consideration of a Plan Commission recommendation to approve a planned development for a Fifth Third Bank with a drive-thru at 2400 Main Street. And I'm hoping that my decision to change the agenda will prove to be correct.

First of all, Jackie, do we have a sign-in sheet? Do we have the -- okay. Mr. Engelman, if you'd like to start, you may.

MR. ENGELMAN: Thank you, Madam Chair.

Members of the Planning & Development Committee, good evening. For the record, my name is Steve Engelman. I'm here on behalf of Fifth Third Bank. We are here asking for this Council's, for this Committee's recommendation to the Council to concur with the Plan Commission in granting a planned development and special use for the creation of a financial institution with four drive-thru lanes at 2400 Main Street in the Main
Street Common Shopping Center. The facility is going to be erected by Fifth Third Bank and will in fact be their flagship facility here in Evanston.

I have with me from the development team tonight Laura Johnson, Vice President of Real Estate for Fifth Third Bank, and Jeff Kutsche from The Architects Partnership, the architect for the project. I'm going to have Ms. Johnson step up and explain to you a little bit about who Fifth Third Bank is, and then Mr. Kutsche will explain to you a little bit about the project.

Thank you.

MS. JOHNSON: Hi, I am Laura Johnson with Fifth Third Bank. I'm a Real Estate Manager with Fifth Third Bank. Thank you very much for your time this evening and for the switch in the agenda.

Fifth Third was founded about a hundred years ago with a merger in Ohio of Fifth National Bank and Third National Bank. Today we have over 1,100 banking centers and about 148 or so of those now are in the Chicagoland area. We are the tenth largest financial institution in the US with assets of over a hundred billion dollars. We're a good neighbor and a generous contributor to the communities that we serve, and we're
very much looking forward to opening our second, as
Steve said, flagship banking center here in Evanston.
Thank you.

CHAIRMAN WYNNE: Thank you.

MR. KUTSCHE: Hi, my name is Jeff Kutsche with
The Architects Partnership. And I would like to give
you just a quick overview of the development that we're
talking about. You may be familiar with it. It's Main
Street, just east of McCormick. It's currently a vacant
outlot that is right on Main Street in front of the
entrance to the Sam's Club, Marshall's, there's a
Starbucks right there on the corner of the existing
development. There is an adjacent outlot a little bit
farther to the east. This is the larger one of the two.
This is the new section that currently has
stop lights if that gives you some reference for you.
We're proposing to put a one-story, 4,200 square-foot
branch bank facility. It will have seven offices, room
for five tellers, room for three drive-thru lanes and an
ATM lane. The three drive-thru lanes includes the one
that's adjacent to the building. We're not proposing
any curb cuts along Main Street nor are we proposing any
curb cuts along what basically is the main access drive
that goes back to the shopping development and to the Sam's Club.

This curb cut here is an existing cut that was put in place when the development was created. And so, we're using again the curb cut that was I think originally intended. We are adding curb cuts off of the parking lot to facilitate some traffic. This parking down here is existing parking and we're merely breaking the curb here and here to provide access to our site and exit from our drive-thru facility. We are honoring all of the setbacks required off of Main Street, off of any location actually. I have made the presentation to the Plan Commission obviously, otherwise we wouldn't be here, and have received not only their support but acknowledged that we're really not seeking anything that is outside of any code requirements that the City has.

The building -- oops, won't build it that way. The building itself is, as I mentioned, a one-story, all masonry building. What you see in brown is brick. It's modular brick, it's, you know, the same kind of normal size brick that you'd see in a lot of places, not going with the general size at all. The gray color is a little bit misleading but is a stone, cast stone
material all around the cornice of the building, all
around the entry, creating a water table look near the
bottom of the building. We're carrying those same
materials through the drive-thru canopy itself including
the columns and including the canopy for it.

The mechanical equipment, with the exception
of the transformer, is on the roof. It's all screened
by the height of the parapet of the building. We, again
in working with Staff, we believe that this architecture
ties into the existing architecture of the facility and
creates a more homogenous look and I think very
consistent with the setting itself.

CHAIRMAN WYNNE: Thank you. Are there any
questions regarding this matter? Alderman Bernstein.

ALDERMAN BERNSTEIN: Can you show me where the
north facing wall, is that the second picture?

MR. ENGELMAN: The north elevation?

ALDERMAN BERNSTEIN: That's the north
elevation. And then orient that, this is number 2,
there's a parapet in the middle of the building.

MR. ENGELMAN: Right. This would be the one
you're talking about?

ALDERMAN BERNSTEIN: Yes.
MR. ENGELMAN: I'm going to put up the landscape plan and that would be the rest, this is the east elevation.

MR. KUTSCHE: The entrance is the east elevation.

MR. ENGELMAN: Right.

ALDERMAN BERNSTEIN: Okay. All right. So, the lanes go north-south.

MR. KUTSCHE: You enter from the north and you enter from the south, that's correct.

ALDERMAN BERNSTEIN: Thank you.

CHAIRMAN WYNNE: Okay. Any other questions?

Alderman Wollin.

ALDERMAN WOLLIN: I just wanted to say the landscaping plan I think is desperately needed in that area. So, I'm glad that it's part of the plan.

MR. ENGELMAN: Thank you, Alderman. Just before you vote, I do want to say that I think this is an exciting project because it really brings a needed service to an under-served area of the City. I have up here a map of all the existing locations of banks with drive-thru facilities, both inside the City and on its borders. The site location right here is where it is,
and you can see the nearest banks are all about a mile away and this one sits in the center.

So, it really brings a use that is needed in that area and should supplement the revenues and the customers to the shopping center as well as providing a necessary amenity to the neighboring community.

CHAIRMAN WYNNE: Right, thank you. Do I have a motion? Mr. Wolinski?

MR. WOLINSKI: Yes, thank you, Madam Chair.

Just a note to let you know that this project was recommended for approval both by site plan and by Staff and that it is on for introduction tonight.

CHAIRMAN WYNNE: Okay.

ALDERMAN MORAN: I would move that it be introduced.

ALDERMAN JEAN-BAPTISTE: I second it.

CHAIRMAN WYNNE: Seconded by Alderman Jean-Baptiste. All right. All those in favor, please signify by saying aye.

(Chorus of ayes.)

CHAIRMAN WYNNE: All right. The motion carries.

MR. ENGELMAN: Thank you, Madam Chairman, and
thank you again for changing the order of the agenda.

CHAIRMAN WYNNE: No problem. All right.

Thank you.

(Whereupon, the hearing on the above-titled cause was concluded.)
CITY OF EVANSTON

PLANNING & DEVELOPMENT COMMITTEE

CASE NO.: (P4)

RE: ORDINANCE 87-O-06 - ZONING ORDINANCE TEXT AMENDMENT - SOLAR PANELS. Consideration of a Plan Commission recommendation to amend Chapter 4 'General Provisions', Chapter 18, 'Definitions', 6-4-6-3 and the creation of Section 6-4-6-8 to address the location, size and appearance of solar collectors.

Transcribed Report of Proceedings of a public hearing on the above captioned matter, held August 14, 2006 at the Village Hall of Evanston, 2100 Ridge Avenue, 2nd Floor, Evanston, Illinois, at 6:30 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:

J. WOLINSKI        A. JACKSON
H. HILL             J. CARROLL

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CHAIRMAN WYNNE: Okay. P4, this is changing our regulations regarding the location, size and appearance of solar collectors. And if all of you read your transcripts, you'll understand what the changes are to be made. And if anyone completely understands, they can tell us now what they were.

MR. WOLINSKI: Alderman Wynne --

CHAIRMAN WYNNE: This seems like a good thing.

MR. WOLINSKI: Ms. Jackson is here to give you just a short presentation.

CHAIRMAN WYNNE: Can you give us the five-sentence version of this, Arlova?

MS. JACKSON: Sure. This was a text amendment that was suggested by the Environment Board. Our regulations for solar panels were largely brought to light in a ZBA appeal a couple of years ago where we realized they were pretty restrictive in speaking with people in the field that actually install these. So, we held several hearings at the Zoning Committee of the Plan Commission over the past several months to try to come up with something that would address their appearance which was largely the concern of the Plan Commission but also provide homeowners with an
opportunity to actually have an installation that would be of value.

The previous regulations only looked at height and length measured as a percentage of the length of the wall that they were on, and that was it. They were allowed in any yard. Our current regulations are a lot more detailed. We try to make sure that if they are visible from the street, they have a parallel pitch to that of the roof. We encourage people to integrate the collectors into the structure of the roof. We also allow for ground-mounted installations and don't penalize people in terms of lot coverage and impervious surface if they don't have an area to put it on their roof.

And we spent a lot of time talking about how they would look and we found that it was easier just to provide a diagram which we also plan to include in the ordinance so that it's crystal clear or as clear as possible where they would be permitted. And the issue about being visible from the street we have interpreted as being visible from the street at the property line. So, where it may be visible --

CHAIRMAN WYNNE: The front property line?
MS. JACKSON: Right, or street side if you're corner.

CHAIRMAN WYNNE: Okay.

MS. JACKSON: If you have any questions?

CHAIRMAN WYNNE: Does anyone have any questions?

ALDERMAN TISDAHL: I just have a comment. You have wonderful people working on it, yourself included and Ms. Galand and Mr. Scara.

MS. JACKSON: Yes.

ALDERMAN TISDAHL: That was a good combination.

CHAIRMAN WYNNE: Yes, it was. Now, do we know, Arlova, how many people use, have solar collectors on their house?

MS. JACKSON: I think someone cited in --

CHAIRMAN WYNNE: Within the City.

MS. JACKSON: It's in one of the transcripts. I want to say 66 or 60. Currently.

CHAIRMAN WYNNE: 66? Oh, is that, I wasn't certain whether that was the number. Okay, all right. Okay, thank you.

All those in favor of introducing this
tonight, please signify by saying aye.

(Chorus of ayes.)

CHAIRMAN WYNNE: Okay. All right. And I believe that then completes our agenda.

MR. WOLINSKI: Could I go over the agenda please?

CHAIRMAN WYNNE: Alderman -- I mean, excuse me, Mr. Wolinski is going to summarize for us what we've done.

MR. WOLINSKI: Yes, if I could. I will attempt to.

CHAIRMAN WYNNE: You're going to in less time than it took us to do it.

MR. WOLINSKI: Absolutely. The Planning & Development Committee rules for planned developments have been referred to the Rules Committee.

P1, Ordinance 85-O-06, the Planned Development & Map Amendment for Kendall College Property has been held in Committee, as has P2, the Appeal of the Preservation Commission Decision concerning 2408 Orrington Kendall College. That has also been held in Committee.

P3, Ordinance 86, the Planned Development for
2400 Main Street has been approved for introduction to the Council.

P4, Ordinance 87, the Zoning Ordinance Text Amendment for Solar Panels has been approved for introduction to the Council.

P5, the Appeal of the Preservation Commission's Denial of the Certificate of Appropriateness for the Demolition of the Evanston Landmark at 1218 Elmwood, P&D Committee has accepted to hear the appeal and it will be in front of the Council on September 11th.

As far as the Sidewalk Cafes, the sidewalk cafes for S-Paragon and Argo Tea were approved and Merle's was withdrawn at the request of the applicant.

Ordinance 90, New Construction Building Moratorium on Central Street from Ashland to Hartrey was amended to take it on Central from Ashland to 2200 Central. I believe that's the dentist office building, Alderman Moran? Yes. That is approved for introduction.

Planned Development Time Extension for 413 Howard, that's approved for action at the Council. That's the work of the Committee tonight.
CHAIRMAN WYNNE: Thank you all for coming.

We're adjourned.

(Whereupon, the hearing on the above-titled cause was concluded at 8:45 p.m.)
CITY OF EVANSTON

PLANNING & DEVELOPMENT COMMITTEE

CASE NO.: (P7)

RE: ORDINANCE 90-O-06 - NEW CONSTRUCTION BUILDING
MORATORIUM ON CENTRAL STREET FROM ASHLAND AVENUE TO
HARTREY AVENUE. Consideration of an Aldermanic request
to impose a moratorium on all new construction for a
period of 120 days between Ashland Avenue and Hartrey
Avenue on Central Street.

Transcribed Report of Proceedings of a public
hearing on the above captioned matter, held August 14,
2006 at the Village Hall of Evanston, 2100 Ridge Avenue,
2nd Floor, Evanston, Illinois, at 6:30 p.m. and presided
over by M. Wynne, Chair.

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

STAFF:
J. WOLINSKI        A. JACKSON
H. HILL            J. CARROLL

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CHAIRMAN WYNNE: Let's deal, should we deal with solar panels?

ALDERMAN TISDAHL: Could we do Central Street really quick?

CHAIRMAN WYNNE: We're never going to get to the solar panel. All right. That might be a little bit longer discussion, Liz, but okay. P7, Ordinance 90-0-06, this is a new construction building moratorium on Central Street from Ashland Avenue to Hartrey Avenue. And the reason why we're considering this is because there is a study being done not just of the parking issues but the study of both the zoning and other uses of this section of Central Street which the Staff tells me they think they can complete in 120 days. Things have changed since Chicago Avenue Corner study then, Jim.

MR. WOLINSKI: We're going to try.

CHAIRMAN WYNNE: Okay. Do we have a motion regarding this?

ALDERMAN TISDAHL: I move approval.

ALDERMAN WOLLIN: Second.

CHAIRMAN WYNNE: All right. And then seconded by Alderman Wollin. Alderman Moran?
ALDERMAN MORAN: Yes. I would request an amendment to the ordinance to simply extend the coverage across the street to 2200 Central Street which is currently across the street from the western boundary. It's across from Great Harvest Bread Company, there is a landmark on that.

CHAIRMAN WYNNE: Okay. All right. Is there any objection to extending the western boundary of this moratorium area to 2200 Central Street? Alderman Moran?

ALDERMAN TISDAHL: That would be fine.

CHAIRMAN WYNNE: Seeing none, that's extended. Any other further discussion of this? My understanding is that there is no project that would currently be affected by this.

ALDERMAN TISDAHL: No, they're in the pipeline.

CHAIRMAN WYNNE: Yes, they're in the other --

ALDERMAN TISDAHL: Mr. Wolinski, would you like to respond?

MR. WOLINSKI: The project that currently is in the pipeline of course is the theater project.

CHAIRMAN WYNNE: But that's definitely in the pipeline.
MR. WOLINSKI: That's in the pipeline. It's the Plan Commission -- perhaps by the second meeting in September, first meeting in October. That's the only project in this area that we are aware of that's anywhere near the pipeline.

CHAIRMAN WYNNE: Okay, all right. I'm going to just go ahead and move this question forward. All those in favor of the moratorium being imposed, please signify by saying aye.

(Chorus of ayes.)

ALDERMAN TISDAHL: Thank you.

CHAIRMAN WYNNE: All right. Now, solar panels.

MR. WOLINSKI: Alderman Wynne, this is on for introduction tonight.

CHAIRMAN WYNNE: Solar panels?

MR. WOLINSKI: No, no. The moratorium.

CHAIRMAN WYNNE: Okay. Oh, do we want to suspend the rules?

ALDERMAN JEAN-BAPTISTE: That's the question.

CHAIRMAN WYNNE: All right.

ALDERMAN TISDAHL: No, it's okay.

CHAIRMAN WYNNE: All right. Alderman Tisdahl
has decided not to -- she's going to roll the dice and
not ask --

ALDERMAN TISDAHL: I believe in process.

CHAIRMAN WYNNE: Good for you, Alderman
Tisdahl.

ALDERMAN TISDAHL: And I think it's fair to
the property owners to give them a chance to object if
they so wish.

(Whereupon, the hearing on the
above-titled cause was
concluded.)
CITY OF EVANSTON

PLANNING & DEVELOPMENT COMMITTEE

CASE NO.: (P6)

RE: SIDEWALK CAFES FOR TYPE 1 AND TYPE 2 RESTAURANTS.

Consideration of requests for sidewalk cafes for S-Paragon (503 Main Street), Argo Tea (802 Davis Street), and Merle's (1727 Benson Avenue) Restaurants.

Transcribed Report of Proceedings of a public hearing on the above captioned matter, held August 14, 2006 at the Village Hall of Evanston, 2100 Ridge Avenue, 2nd Floor, Evanston, Illinois, at 6:30 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:

J. WOLINSKI         A. JACKSON
H. HILL                 J. CARROLL
CHAIRMAN WYNNE: All right. We're now going to -- Alderman Rainey? Oh, I'm sorry. I'd like just to take another thing out of order. This is P6, the Sidewalk Café, Types 1 and 2 Restaurants. I understand from Staff that we only have to deal with S-Paragon at 503 Main?

MR. WOLINSKI: If I could, yes, we have a, there is a letter, email actually from Merle's that is withdrawing their request for a sidewalk café. So, S-Paragon and Argo Tea are still on for your consideration.

CHAIRMAN WYNNE: Okay. Alderman Wollin?

ALDERMAN WOLLIN: Thank you. I had some citizen comments about Argo Tea. I know it's at Sherman and Davis, but the concern is to be sure that when we are siting these, we allow enough pedestrian passageway especially for people that are in wheelchairs or walkers.

Sometimes we measure out the feet but there are lampposts or standpipes or plantings that take away the pedestrian walkway. And when we were talking about our form zoning, that was one of the things we said we wanted to ensure, that the pedestrian friendly
atmosphere is there. And I don't know the siting yet of
the sculpture that will be there, the public art on that
plaza as well.

So, I have nothing, I mean, I am not going to
hold this up. I just want us to be clear when we go out
to define these, that we allow enough space for people
to pass each other on the sidewalk.

MR. WOLINSKI: If I could? The ordinance
states for sidewalk cafes, there must be a clear width
of five feet so we will make sure that that happens
here.

ALDERMAN WOLLIN: Thank you.

CHAIRMAN WYNNE: Okay. All right. Do we
have a motion regarding this if there are no other
questions?

ALDERMAN RAINEY: I have a question.

CHAIRMAN WYNNE: Alderman Rainey?

ALDERMAN RAINEY: Yes, Madam Chairman. Could
we get a clarification? I believe I read in the latest
pavement plan that Davis is now going to be paved, is
that correct? So, it's important that these applicants
know that.

CHAIRMAN WYNNE: Is it going to be paved this
year? Or wasn't that pavement planned for '07?

MR. WOLINSKI: I don't know.

ALDERMAN WOLLIN: It's the follow up from the Sherman Plaza.

ALDERMAN RAINEY: Well, I know but it's going to be under construction. That's my only point.

CHAIRMAN WYNNE: Well, that's just like asphalt, right?

ALDERMAN RAINEY: And when is that going to happen?

ALDERMAN WOLLIN: Very soon, okay.

CHAIRMAN WYNNE: All right. Do we have a motion?

ALDERMAN WOLLIN: I'll move approval.

CHAIRMAN WYNNE: All right. Is there a second?

ALDERMAN BERNSTEIN: Second.

CHAIRMAN WYNNE: All right. Seconded by Alderman Bernstein. All those in favor of approval of sidewalk cafes for these two restaurants, please signify by saying aye.

(Chorus of ayes.)

CHAIRMAN WYNNE: All right. That one is taken
care of.

(Whereupon, the hearing on the above-titled cause was concluded.)