

**Joint Meeting of Planning & Development Committee,
Evanston Plan Commission, Economic Development Committee
And Zoning Board of Appeals
Meeting Notes of January 24, 2007
Evanston Civic Center, Room 2404 – 7:00 p.m.**

**Planning & Development
Committee Members**

Present: S. Bernstein, D. Holmes, L. Jean-Baptiste, E. Moran, A. Rainey, E. Tisdahl, C. Wollin, M. Wynne

**Plan Commission
Members Present:**

S. Bowie, C. Burrus, D. Galloway, A. Hunter, L. Widmayer, J. Woods
(Chair)

**Economic Development
Committee Members**

Present: R. Creamer, E. Moran, A. Rainey, M. Wynne (Chair), L. Jean-Baptiste,
M. Juliar, M. Norkett, E. Tisdahl

**Zoning Board of
Appeals Members**

Present: R. Creamer (Chair), M. Rodgers, L. Summers, D. Wilson

Staff Present: J. Wolinski, J. Aiello, C. Brzezinski, J. Carroll, K. Cox, A. Jackson,
V. Jones, D. Marino, T. Norfleet, M. Robinson, J. Brownlee

Presiding Official: Alderman Jean-Baptiste

CALL TO ORDER

Chair Jean-Baptiste called the meeting to order at 7:14 p.m. and had everyone in attendance introduce them self. (List of attendees attached)

PURPOSE OF THE MEETING

Mr. Wolinski thanked everyone for coming out this evening and stated that this meeting is for the purpose of an open and joint discussion between governing bodies regarding issue that are critical not only for development in Evanston but also the development process.

SUMMARY OF COMMUNICATIONS

Mr. Wolinski summarized over the communications attached to the agenda; three memorandums from Tracy Norfleet regarding the Plan Commission Status and schedule/timeline for planned developments and zoning issues, a comparison table of Plan Commission recommendations and P&D/Council decisions for Planned Developments from 2002 to present (bringing attention to the impressive number of 25 planned development proposals). He went into further detail the contents of the memorandum. Also included is a revision to the Plan Commission Procedures for Public Hearings. The specific revision is to Article XI, Section (O) to streamline the public hearing process but add flexibility at the Chair's discretion for controversial cases. Also there is a

copy of the Rules of Procedure for the Planning & Development Committee of the City Council for Consideration of Recommendations from the Zoning Board of Appeals, Plan Commission, and Preservation Commission, and Certain Appeals.

Mr. Wolinski said that one of the issues of concern for discussion this evening is to gather a consensus and opinion of how satisfied everyone is with the concept of the mandatory planned development. If the majority is satisfied then there would be no need to change the process at this time. This process does give the City Council the ultimate control on development in this community and it also gives Council the right to request public benefits through the planned development (PD) process. He also pointed out, however, to a certain point it undermines the underlying zoning and it creates a process where all of the PD's must go through the Plan Commission then subsequently before City Council, which many have voiced concerns about taking three or five months to get through the process.

Chair Jean-Baptiste asked if there were any questions from the Committee's/Board on the Rules of Procedure. He noted that the City is no longer under the Klaeren Rules, which has burdened the process since its commencement. Mr. Wolinski brought to attention that the ZBA will be updating their Rules as well to rid themselves of any Klaeren rulings. Mr. Creamer agreed and responded that the ZBA is general happy with their rules other than that point. Mr. Woods said that for the Plan Commission obviously in their view a big thing that held them back from being able to deal with projects in an efficient manner was the Klaeren Rules. The Rules created mounds of repetition in terms of questions and answers, presentations, etc. He said the fact that the City is back to operating the process without Klaeren Rules he believes will make for a far better process. Mr. Creamer responded that the ZBA's Rules that existed prior to Klaeren Ruling, for the most part were compliant with Klaeren in the first place.

REPORT BY EACH COMMITTEE/COMMISSION/BOARD

A. Planning and Development Committee

Current Workload, projection for 2007

Chair Jean-Baptiste reported that the general consensus of the Committee is that their agenda workload is going to become more manageable since 2006's workload. He noted that the Central Street project is before P&D now with other planned developments in the expected to come before them in the near future, however none that would burden the Committee's schedule at this time.

Issues of Concern in 2006

Chair Jean-Baptiste said that the Committee received many cases from the Plan Commission and Zoning Board; several of which were very extended, lengthy and burdensome on everyone's schedule and their agenda's. There was the need for many special meetings to be scheduled throughout 2006 because of the several large planned developments and projects.

B. Plan Commission

Current Workload, projection for 2007

Mr. Woods said currently ZBA has one case, 1001 Chicago Avenue, that has been on their last few agenda's, which the will finish up within the next few meetings. ZBA has two projects that

have been noticed for February 14th, 1890 Maple and 1200 Davis. He said the only other case that they know of that has been in the “pipeline” in SPAARC is 510 Sheridan Road, however this case has not yet filed their Planned Development application. Mr. Woods informed that there are a number of zoning issues the Plan Commission is looking at including the MUE district review, a number of text amendments, the issue of substandard lot developments, west Evanston zoning issues. He noted a couple of other issues are with regards to special uses that should questionably run with the land and he believes the solar panel issue will be returning back to the Commission as well. Mr. Woods said a few future zoning issues to come is the upcoming downtown plan and some technical zoning issues that need to be addressed. There is also the Downtown Planning Process that will be on-going and the Commission will eventually need to address the Central Street planning issues.

Issues of Concern in 2006

Mr. Woods said the Plan Commission’s biggest issue of concern last year was the Klaeren Rules in terms of slowing down processes with hearings. He further noted there are three issues of concern they are facing with 2007: 1) technical zoning types of issues, 2) speeding up the Downtown Planning Process as they have been requested to do, and 3) will have four (4) vacancies that are coming up this year.

Ald. Moran recalled a past reference to the Plan Commission to review the R5 districts adjacent to R1 zoning and requested that this be considered for review sometime this year. Also Ald. Tisdahl’s reference to review the B1a zoning district, which she understands has been delayed until after the Central Street Planning. Ms. Aiello confirmed that the zoning issues will be reviewed upon acceptance of the Central Street Plan to be consistent. Mr. Wolinski also noted that one of the issues that the Plan Commission faces is lack of time to deal with the “smaller” Zoning Ordinance issues because their agenda’s are totally full with planned developments/projects. He said that perhaps once the planned developments slow down this year, although it does not seem likely at this time, then the Commission will have more time. He mentioned that the Plan Commission did very well last year with trying to make accommodations by scheduling many special and extra meetings. One thing the Commission has been doing is scheduling 2-3 cases per meeting and giving each case a few hours so as to keep things flowing. Ald. Bernstein said historically, the City had a Zoning Amendment Committee which largely responsible for the “smaller” zoning issues that are being referred to here. He questions if it might be advantageous at this time to go back to having such a Committee with the Plan Commission’s constant workload at this time.

Ms. Carroll stated that she would like to see the Downtown Plan done first before looking into review of any Zoning Ordinance issues. She agreed that looking into forming a separate Committee to handle Zoning Ordinance amendments would be probably be beneficial, however at this time Council needs to let staff and advisory boards know what they would like prioritized. Ms. Aiello added that it would be helpful to look at neighborhoods and get input as to what the community would like to see in their vicinity. This input could be blended into the text amendments rather than just creating a zoning change and being out of context. She said this is one of the reasons the Zoning Amendment Committee collapsed into the Plan Commission so that zoning could be looked at within the context of what’s changing or developing in a certain area. Ms. Aiello said that staff has been looking at some of these technical issues that they believe could really be handled administratively. Mr. Hunter informed that the Neighborhood Subcommittee of the Plan Commission is currently working with the Neighborhood Planner, Sue Guderley, who is beginning a review of neighborhoods. Mr. Marino explained that within the

downtown area, they are releasing Request for Proposals by the end of this week that essentially request proposals to do a pilot project for downtown. The focus is on the three traditional areas that the Plan Commission has designated within the downtown and also two core downtown blocks and one transitional area. Mr. Hunter continued that the Plan Commission will eventually in the future get to all the neighborhoods and will keep the Alderman of the Ward informed. He explained in further detail the aspects of the studies.

Ald. Bernstein stated that the mandatory PD process is in lieu of Binding Appearance Review and he questions whether this has really been successful or if it has helped to provide more pleasing projects with allowing more Committee involvement. Ms. Summers responded that part of the lack of successfulness is that the PD hears from three different places, three different opinions and requirements. She said this lack of consensus does not allow the developer to grasp a clear picture of what is expected of them. He asked how others felt on this matter. Members of the Plan Commission felt extremely overworked in 2006 from all the Planned Developments they heard. Discussion and comments on the Planned Development process followed. Mr. Wolinski noted that out of the 25 projects since 2002 that most would have qualified as planned developments anyways but the fact of them now being mandatory has certainly added to the burden of the Plan Commission.

Ald. Tisdahl raised a question for those that have been on the Committee and advisory boards longer than she has if making projects PD's has made developers come in with a request for more variances than they would if PD's were not mandatory. The majority response was yes. Mr. Widmayer (?) responded that from a real estate aspect the answer is yes, in part because of the assumption for some negotiation. At other times they have given the opportunity to justify and to explain why something exceeds the zoning is worthy. He noted that the Plan Commission look at projects not only at the moment they are being built but what kinds of impact will the project have 20-25 years or more in the future. On the other hand, Mr. Widmayer said that if the City did not have the PD process they would be limiting themselves in what is offered to the community. Mr. Hunter feels that there is a need for more demand for public contributions from these PD developers. He said that developers should view their building here as a privilege not a right to proceed in Evanston. Ald. Wynne agreed with Mr. Hunter's point on demanding more public benefits, especially when many developers view extra tax revenue as a major public benefit.

Binding Appearance Review discussion ensued. Ms. Brzezinski explained to the group what a general meeting is typically for SPAARC and their commentary often is based on sound architectural principals, which are exemplified in the Design Guidelines. She noted that SPAARC's commentary and recommendations are not binding but is a collaborative effort instead to make the project better. She said in terms of having Binding Appearance Review or the mandatory PD process, in her opinion communities that do have BAR do not have any better designs or projects than Evanston. Ald. Rainey complimented the work done by SPAARC and takes their recommendations and opinions very seriously with each project. The consensus from the members of the Plan Commission was that they are satisfied with the communication and minutes from SPAARC and take their recommendation as a pro forma given. The consensus from the members of the ZBA's was that the majority of time SPAARC's recommendations are followed and adhered to.

Members from the Plan Commission asked what Planning & Development Committee needs from them. Currently the P&D Committee receives the transcript and findings of fact. For the Central Street case, a side letter was sent that reflected the thoughts on this project from the Plan

Commission. Would P&D Committee prefer a report concept versus a vote; would this be a vehicle that would allow the Committee to make a more informed decision on projects. Ald. Bernstein referred to the Virchow Krause Report and noted that Evanston is one of the few communities where staff is not more involved throughout the entire process from application to final outcome. He said the VK Report refers to staff being a "Shepard" through the process giving leadership and guidance to developers from the inception until applying for permits if approved. He supports this process and feels it would be very helpful in avoiding situations like what happen with the Ferris Development as mentioned by Ald. Wollin where they were given different directions from different advisory boards and committees. Ald. Rainey responded that she would like to continue to receive a recommendation from the Plan Commission versus just a report because the deliberations and hearings and outcome of vote she finds very informative. She also agrees that there is a need to look at public benefits as they relate to different areas of Evanston and what would benefit that neighborhood most.

C. Economic Development Committee

Current Workload, Projection for 2007

Mr. Marino took the lead at the request of the Chair, Ald. Wynne. Mr. Marino said there are three particular issues of importance that the Economic Development Committee (EDC) started in 2006 and will focus on in 2007. 1) The Downtown Planning Process and wanting to accelerate on this along with the Plan Commission. EDC would like to work through this within the next seven months versus the anticipated twelve months. In addition, EDC will provide periodic reports as recommendations emerge rather than waiting until the end of the process. He stated the idea here is that this would help the P&D Committee and other bodies as they consider any future developments. 2) Revitalization of West Evanston and establishment of the TIF approximately 1 ½ years ago and now the West Evanston Planning Process which is almost completed. 3) A continuing focus on Howard Street which began long before the establishments of the Howard Street TIF. Mr. Marino noted the EDC and Plan Commission were both involved in stimulating much of the neighborhood planning processes that occurred there but most recently the EDC has made recommendations to Council to establish a TIF District back in 2005. EDC then worked through the Bristol Project in terms its development agreements relating to the TIF. Therefore, as they look at 2007, the revitalization of Howard Street, including the development of the Bristol project, is a priority to EDC but also continuing revitalization of Howard Street to the west. Mr. Marino added that continued business retention and attraction continue to be priorities of EDC as well as staff. In addition, they also work very closely with EVMARK, Chamber of Commerce, and Evanston Adventures in terms of partnership opportunities and then new issues that emerge from those relationships. Ald. Jean-Baptiste said that he would assume that work on the West Side Plan will probably go beyond the next year especially in the southwest designated area. Mr. Marino agreed. Ald. Rainey brought up the area west on Oakton for future development proposals and also the 2400 Main Street project and working through the development process of this site with the developer. Mr. Marino also concurred and noted the long history with EDC in working with the developer of 2400 Main Street, and on Oakton essentially the redevelopment agreement with Home Depot project and Rustoleum site. He said they also want to stimulate other attractive developments along that corridor.

Issues of Concern in 2006

Mr. Marino said the main issue of concern expressed by EDC members was expediting the downtown Planning Process and he believes they have taken action to do this in 2007 in a timelier manner.

D. Zoning Board of Appeals

Current Workload, Projection for 2007

Mr. Creamer stated that the Zoning Board of Appeals (ZBA) has two kinds of cases that come before them. 1) Cases where they are the recommending body to City Council. These cases include Special Uses primarily as well as off-street parking variations. He noted that special uses cases, for example frequent type 2 restaurants, account for approximately 20% of the ZBA's workload in an average year. 2) Cases where the ZBA is the determining body. These cases include request for major variations and appeals from the Zoning Administrator. He said these particular cases account for the approximate 80% remaining ZBA caseload. He informed that between 2003 and 2005 the ZBA averaged approximately 67 cases per year and in 2006 they had 74 cases, therefore the trend appears to be upward in Evanston's business. However, Mr. Creamer proudly informed that with ZBA's current calendar, they have no cases scheduled for February 6, 2007.

Issues of Concern in 2006

Mr. Creamer felt the ZBA's most problematic issue in 2006 was Board attendance. By statute the ZBA needs four members present to have a qualifying vote. He noted that with 19 meetings, the ZBA had to cancel 4 meetings due to lack of quorum. The reason for lack of quorum was an unusually large turnover in members reaching the end of their term. However, the mayor and Council gave the BA re-enforcements in a timely manner and their attendance issue since July 2006 has been resolved for the most part. Mr. Creamer commended the two new members who are present, Ms. Lori Summers and Mr. Don Wilson whose attendance has been over 90% since their appointment.

Mr. Creamer said that ZBA's second area of concern is with special uses and the Boards position as a recommending body for these cases. He stated that the ZBA members generally feel their recommendations for several cases have been challenged even though they make their findings as required by the standards that are listed in the Zoning Ordinance. He stated that in consideration of the fact that the ZBA is bound by and closely follow the rules that they are governed by with the Zoning Ordinance standards, he strongly feels it would be very helpful to have some feedback and guidance from Council on whatever it is to accommodate their needs and priorities. Another area ZBA would appreciate Council guidance is with the issue of affordable housing. Mr. Creamer informed that several applicants for major variations in the past year and a half have claimed affordable housing as justification for seeking truly significant variations, usually asking for more units or too much density. This raises two concerns for the ZBA: 1) they believe as a matter of policy that the ZBA is not the appropriate body to deal with the affordable housing policy and 2) He feels that this is an irrelevant issue that comes before ZBA for deliberation and reiterates, that it is not appropriate in dealing with zoning. Lengthy discussion followed; the majority agreed with Mr. Creamer and that the ZBA should not have to deal with commerce issues. Ald. Bernstein stated that the ZBA's job is to interpret the Zoning Ordinance, which they are bound by, and forward their findings and then pass onto City Council for any further deliberations.

Ald. Rainey mentioned the cumulative negative effect is a very important issue with restaurant special uses and being a large impact on the surrounding area. Mr. Creamer agreed and also feels that special use running with the land is another big concern that needs to be addressed. Mr. Wolinski said the issue staff has asked the Plan Commission to look at is with the special use

running with the land, however if the special use is abandoned for a period of time, a new owner come in and open the same type of establishment. The question staff raises is if the City wants to continue this practice or whether the abandonment of the special use extinguishes initiating the owner to come in for a new special use. Ms. Summers pointed out that sometimes when the ZBA is considering things they have to consider the fact that the special use could approve or allow other operations that they might not care for at that particular location. Also, on the idea of terminating the special use after abandonment, this could result in change in the special use that might even be significant. Ald. Bernstein said a way to address this is by adding conditions, which is the City's responsibility under the special use ordinance, therefore the future type and use of a special use if abandoned, can be controlled. He recalled in the past there were many different types of special use categories; does the City want to go back to having these options? Ms. Summers responded that more definitions is not necessary, but maybe the necessity to come back for review any time a change in ownership is made to evaluate the new use and what is involved.

STREAMLINING PROCESS

Chair Jean-Baptiste stated that it appears that the Plan Commission is the most burdened and challenged and the members for their feedback on ideas for streamlining the process. Mr. Woods responded that the rule changes will be very helpful with the exclusion of the Klaeren Rules. The Commissioners also feel that more documentation presented to them with stipulations defined from staff would be helpful for review before hearings, for example: traffic and parking issues, loading berths, civil engineering issues, etc. that should be documented in some type of staff report. This would avoid much unnecessary testimony. Mr. Hunter suggested that a set of Rules for Developers would help, especially in terms of expectations from the City of Evanston as a whole including Council, staff, etc.

Mr. Wolinski revisited his previous question regarding the Mandatory Planned Development and if there is a consensus that this concept/process is working. After some discussion, the general viewpoint expressed involved around time factor concerns and public benefits. Ald. Wynne suggested that unless they become bogged down again by the process, which she envisions to start easing up, they could revisit the issue as it occurs. Ald. Holmes asked if staff has any recommendations regarding the Planned Development process. Ms. Brzezinski responded that she would like to find a way to eliminate repeat testimony and recommendations from different bodies to the developer. She suggest considering joint meetings in the future for any of the larger planned development applications. Staff agrees with all the comments made earlier regarding the elimination of the Klaeren Rules will ease a lot of frustration and time consuming testimony.

In closing, Chair Jean-Baptiste felt this was a very successful meeting with valuable dialogue amongst the P&D Committee, Plan Commission, ZBA and EDC. He would like to meet again in the near future and feels there is a need to continue these meetings on a periodic basis. All in attendance agreed.

ADJOURNMENT

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Jacqueline E. Brownlee

Others in Attendance:

Bill Smith, Evanston Round Table
Steve Freidland, Evanston Citizen
Ann Dienner, Preservation Commission
Sue Caldwell, League of Women Voters
Member from Hinman/Grove Neighbors
Jeanne Lindwall, Northwestern Neighbors
Judith Treadway, NAACP
Anna Smith, Citizen
Jonathan Perman, Evanston Chamber of Commerce
Barbara Dershin, Central Street Neighbors Assoc.
Marge Anderson, Central Street Neighbors Assoc.
Margaret Hughes, Central Street Neighbors Assoc.
Member from 6th Ward Neighborhood Assoc.
Mary Rosinski, Central Street Neighbors Assoc.
Neighborhood Watch Coordinator for McCullough Park Neighborhood
Joan Stafford, Church Street Neighbors
Margaret Williams, Evanston Citizen
Ron Fleckman, Evanston Developer
D. Garrison, Evanston Citizen