Planning & Development Committee
Minutes of July 9, 2007
Room 2200 – 6:30 p.m.
Evanston Civic Center


Presiding Official:  Alderman Tisdahl

DECLARATION OF QUORUM

Chair Tisdahl called the meeting to order at 7:00 p.m.

APPROVAL OF THE JUNE 25, 2007 MEETING MINUTES

Ald. Wynne moved approval of the June 25, 2007 meeting minutes, seconded by Ald. Holmes. The minutes were approved unanimously with a vote of 9-0.

ITEMS FOR CONSIDERATION

(P1) 73-O-07 - 2526 Jackson Parking Variation Request

Mr. Wolinski recalled that this case was forwarded to the Planning & Development Committee June 25th with no recommendation from the Zoning Board of Appeals. The Committee decided to direct staff to draft an ordinance for approval. He acknowledged Mr. James Murray, attorney for the applicant. Mr. Murray informed the Committee that the applicant has resolved the objections from the neighbors, which mainly involves the issue of refuge removal. The applicant has hired a private scavenger removal service to remove the garbage via the east side of the property to the Jackson Street front side. It was brought to his attention that a permit is required from the City to remove garbage from the street side if there is an alley; in this instance there is an alley approximately 10’ – 12’ wide which is 2/3’s the width of most normal alleys throughout Evanston. Mr. Murray said because of the narrowness of this alley is one of the main reasons the neighbors prefer that refuge be removed by means of the front of the residence. Chair Tisdahl noted that she has also spoke with the neighbors and they are agreed with this arrangement.

In response to a question from Ald. Rainey, Mr. Murray said that Viola Scavenger Service has been contracted for this service. The workers will pick the garbage up in the rear and remove it by means of the sidewalk on the east side of the property and dispose of in the front of the property on Jackson. He assured the agreement is that the trucks will not go down the alley, cans will not be left in the front on Jackson; the cans will be removed from the rear and replaced back to the rear.

Ms. Suzette Eggleston, City of Evanston Superintendent of Streets and Sanitation, stated the her biggest concern is that the 2500 block of Jackson is very well manicured and landscaped street and trash on the front side is not appropriate. She noted that the City currently services from the rear. When she informed him that the City will not service from the front because City employees are not going to get off the truck and go all the way to the back of private property, pull the garbage to the front, unload and then return the garbage bins to the rear. This method is
not within the City’s standard procedure and is much too time consuming. The homeowner would be required to locate their garbage bins curb side for pick up or if the applicant and all affected neighbors are in agreement as in this case, she vowed that Streets and Sanitation Division would not have a problem with this method. In response to a question, Mr. Murray assured that all neighbors have agreed to giving up the City service paid for by their taxes to pay the fee for private scavenger service. Ald. Bernstein questioned since this is a recent condo conversion, if the new homeowners are willing to pay this fee. Mr. Murray responded that the property owner converter has made this agreement and contract with the private scavenger service. This agreement has been put in the contract for purchase and all 6 units have been sold and it was unanimously supported in order to provide each unit with parking.

Ald. Rainey moved approved, seconded by Ald. Wynne. The vote was 9-0 in favor of the motion. Chair Tisdahl read into the record a change in the ordinance language: “The applicant and its assignee’s and successors, should be permitted to remove refuge from the residence by means of the east side of the lot without further action by the City.” Ald. Rainey suggested adding “by a private contractor”.

Discussion followed regarding the assurance of the private scavenger workers returning the garbage bins back to the rear of the property in a timely manner or preferably immediately returned upon emptying. Ald. Rainey asked if a dumpster will be used or just individual garbage bins. Ms. Eggleston assured that the City would not approve of a dumpster being rolled back and forth down the sidewalk. Mr. Murray responded that there will be three (3) ninety gallon containers in the rear of the lot that will emptied once a week. Ald. Rainey suggested amending the motion to include the requirement that the garbage bins be returned to the rear to the building in a timely manner. Mr. Cox read into the record the amended language: “The applicant and its assignees and successors shall be permitted to remove refuge by means of private contractor from the residence by means of the east side of the property without further action by the City. Refuge containers shall be removed from the rear of the property and returned there by said private contractor immediately.”

Ald. Wynne moved approval as amended, seconded by Ald. Rainey. Unanimously approved 9-0.

(P2) Ordinance 72-O-07 – Granting Evanston Landmark Status to the Building at 318-20 Dempster Street

Mr. Carlos Ruiz, Preservation Planner, introduced the applicant Ms. Anne Earle. Ms. Earle gave a 10-15 minute presentation illustrating the historical significance of double houses, showing several historical double houses around Evanston. She pointed out the large side attic windows that are unique in design. The house was designed and built in 1892 by the famous national and internationally acclaimed architect, Daniel Burnham. Ms. Earle noted that Mr. Burnham was the Chief of Construction for the 1893 Columbian Exposition in Chicago. Mr. Burnham also designed and built many large houses on Dempster Street in this same neighborhood including the Montessori School located on Dempster as well. The owner of the property is Mr. Geoffrey Bushor who fully supports this application for Evanston Landmark designation.

Ald. Wynne moved approval, seconded by Ald. Moran. The vote was 9-0 in favor of the motion.
Ms. Jackson gave an overview of this text amendment to the Committee. She informed the Committee that this is a citizen initiated text amendment by Mr. Michael O’Connor. The original request was to develop regulations for the development of new single family detached residences on lots that have less than the required minimum lot size as special uses. After many discussions at the Zoning Committee of the Plan Commission; the applicant and the Committee came to a middle ground where they suggested that instead of making the new construction have to go through the special use process, they suggested that lots that have less than minimum required lot size, within certain perimeters, be required to decrease their height. She said the ideal was to try and make infill housing more compatible with its surroundings in response to some of the negative consequences of teardowns and replacement housing that is not in scale with the existing neighboring housing. Ms. Jackson concluded that they now have a scale based on the percentage of the required lot size the subsequent building height is reduced.

Mr. Michael O’Connor addressed the Committee reminding that he met with them before as City Council to plead for necessary reform in this matter. As he understands, the caveat as written in the current ordinance that would allow the construction of single family housing, regardless of lot size being defined as width and square footage or area was intended when originally adopted by the Council to encourage the development of affordable housing. He said with any study, the end result actually hasn’t produced the intended results the ordinance was created to. Mr. O’Connor noted that the fundamental flaw in the writing of the ordinance, as currently drafted, is that it carves out this exception with great purpose, but it creates no bottom for the minimum construction of a single family home. He had originally sought the changing classification that all of these should be considered a special use that goes before the ZBA subject at research by Ms. Jackson had determined that in the last 10 years only forty such applications would have been required; roughly 4 per year. While he clings to this as being the superior part of reform, Ms. Jackson quite adequately described that the compromise that they reached with the Zoning Committee of the Plan Commission was that imposing the height restrictions this would incrementally bring them closer to the intended objectives of the ordinance. With that, Mr. O’Connor highly encourages the Committee’s support to pass this ordinance.

Ald. Moran moved for approval of Ordinance 70-O-07, seconded by Ald. Wollin. Chair Tisdahl noted that this came about with Mr. O’Connor with a property in her ward on Isabella and she expressed her support for this ordinance. The vote was 9-0 in favor of the motion.

Ms. Jackson recalled that this issue was last talked about in late March when discussion occurred regarding the MU and MUE text and map amendment in summary about the list of permitted uses at that time about the number of not-for-profit uses; staff needed to add artist studios, there was also discussion about the retail use classifications. She pointed out in Council packets there is a memo that summarizes where staff is currently. She also made some suggestions about how they can tackle this; there was thought that perhaps the proposed changes wouldn’t be applicable for all of the existing MU and MUE districts, which is possible. Therefore there are several options; they can consider a new district and map it selectively; they could change the existing ones; or they can proceed as proposed in the ordinance by removing the existing two districts and creating a single district. Ms. Jackson said based on the comments, phone calls, and emails that she personally has received since this process started; the demand for this change is strongly being requested by the landowners and the MUE district in the Hill Group area bounded by Jackson & Ashland. She suggested starting with this area.
Ald. Holmes moved approval, seconded by Ald. Wynne.

Ald. Rainey said that she still looks at this as a method to create economic development and she does not see anything creative about retaining the not-for-profit uses as permitted uses; these uses should be special uses. She wonders if there is anything illegal or unconstitutional about classifying not-for-profits such as residential care home allowed mixed in with an up and coming economic area. She also feels allowing not-for-profit uses as permitted will only stunt the growth of an area that is being economically redeveloped. Ald. Rainey feels the permitted uses listed are a bad mix and questions if there is anything illegal classifying certain types of uses as special uses. Ms. Jackson’s opinion is that there is nothing illegal about this mix and pointed out that in other districts there are certainly many mixed uses that seem to work together. Ald. Rainey questioned vehicle storage establishments; this use very detrimental to an up and coming economic redeveloped area and for community pride. She used a vehicle storage facility on Howard Street as an example, that was poorly maintained and that it did nothing for the surrounding neighborhood. Ald. Rainey said that she would like to make some amendments to these uses. Mr. Cox responded that when this came up before the Committee in March there were questions raised for staff to review regarding not-for-profits being allowed as permitted uses in this particular district, also Ald. Bernstein wondered, for better control, if everything can be deemed a special use in the district. He said certainly making everything a special use in the district is not impossible. As far as deciding upon which uses in particular can be permitted, the Committee has total discretion on this. However, he said the Law Department would like a greater opportunity to research the matter further, in particular, when it comes to uses, as he looks over the list of those uses that are deemed to be not-for-profit uses such as religious institutions, etc., whether or not there could be any constitutional question as to making them automatically special uses. Ald. Rainey said that she will send Mr. Cox her suggested changes that she would like to see and requested that he bring them back to Committee.

Ald. Bernstein stated that he would like to exclude the area in his ward at Greenleaf/Sherman/Custer where the MUE district would be rezoned. He strongly feels the new proposed zoning would be detrimental to this business area because many of the permitted uses listed would not be fitting in this neighborhood setting, which is more on the residential side. He admits that this proposed zoning works well in the Hill Group area but he can not vote in favor of rezoning all the MUE districts. Mr. Wolinski said that this is totally acceptable to eliminate several areas if agreeable by the Committee. With that, **Ald. Bernstein moved to amend the motion to exclude the Custer/Sherman/Greenleaf MUE district from this ordinance.** Ald. Wynne seconded the motion and the vote was 9-0 in favor of the amended motion.

Discussion followed regarding Ald. Rainey’s concerns with not-for-profit uses being permitted. Ald. Rainey clarified that it is not so much the specific not-for-profit use such as religious or residential care homes. She is mainly concerned with and against facilities that take properties off the tax roll in an area zoned for economic growth. Also, residential care facilities do not fit in MUE zoning districts, but do fit and work well in residential districts. After discussion of these concerns, there was a suggestion to hold this item to give staff time needed to respond to some the concerns. Ald. Holmes said that she would prefer to move forward for the Hill Group area if it is appropriate to eliminate and contain specific areas. **There was consensus to introduce this evening and bring back for further discussion of the requested amendments and changes.**

The vote was 9-0 in the original motion made by Ald. Holmes with the amendment.
Ms. Betty Sue Ester questioned how this rezoning really benefits the area. The lofts in this area are too expensive for local businesses and neighborhood entrepreneurs to rent. It also seems no new jobs are being created in this new Hill Group business area, especially for local people. Ald. Rainey responded that she sees a great benefit if this rezoning causes a vacant building to be re-opened and used for business and economic development in an area that literally had none. It will bring business and people to the area. Chair Tisdahl agreed.

(P6) Ordinance 28-O-07 – Plan commission Recommendation for a Zoning Map Amendment
Ald. Bernstein moved to approve and refer back to Committee along with Ordinance 27-O-07, seconded by Ald. Wynne. The vote was 9-0 in favor of the motion.

(P5) Sidewalk café for Type 2 Restaurant – 1700 Orrington Avenue
Ald. Jean-Baptiste moved approval, seconded by Ald. Bernstein. The vote was 9-0 in favor of the motion.

(P7) Central Street Master Plan – Presentation by the Lakota Group and Consideration of Recommendation by the Plan Commission
Mr. John LaMotte of the Lakota Group gave a full presentation and overview of the final draft (available in Planning Division Office or the City of Evanston Website). The final draft came in two sections: 1) Streetscape Design Study, and 2) Executive Summary with the Introduction of the Process, Negatives/Positives, Implementation, etc.

Citizen Comments were made by Mr. Jeff Smith, Mr. Joe Hill, Ms. Mary Rosinski, Mr. John Walsh.

There was discussion as to whether they should introduce the Master Plan now and hold until the zoning recommendation can be attached for approval on one package. The Alderman whose wards are affected by this Master Plan both support this plan and do not wish to hold for the zoning recommendations to follow

Ald. Moran moved approval of the Central Street Master Plan and to pick up the zoning aspects as they come forward. Ald. Wynne seconded the motion and the vote was 9-0 in favor.

Ald. Jean-Baptiste said that he supports master plans concepts; not as a dogma but as a vision.

ADJOURNMENT

The meeting was adjourned at 8:56 p.m.

Respectfully submitted,

Jacqueline E. Brownlee