Planning & Development Committee
Meeting Notes of September 10, 2007
Room 2200 – 6:30 p.m.
Evanston Civic Center


Presiding Official: Alderman Anjana Hansen

DECLARATION OF QUORUM

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

APPROVAL OF THE MEETING MINUTES OF THE AUGUST 13, 2007 MEETING

The minutes of the August 13, 2007 meeting were approved unanimously with no changes or corrections.

ITEMS FOR CONSIDERATION

(P1) Ordinance 78-O-07 – Amending Section 4-2-2 of the City Code to Prohibit Windowless Sleeping Rooms in New Construction

A reference from Alderman Wynne to eliminate windowless sleeping rooms in new construction. Ald. Wynne will bring an architect to substantiate reasons why windowless sleeping rooms should be prohibited.

This ordinance would not apply to the conversion of lofts, which often have high ceilings: only new construction. Ald. Jean-Baptiste stated that because a bedroom doesn’t have a window it doesn’t mean it doesn’t have light or ventilation. He added that the ordinance is not remedying anything and that it has nothing to do with health or safety, only appearance. Ald. Rainey also disagreed with the proposed ordinance, stating that there will never be a bedroom with four walls and no windows. Often there are rooms that have no windows, but a three-quarter wall, described as a den, but is often used as a bedroom by the buyer. Ald. Wynne maintained that the design quality is affected by whether windows are in all bedrooms. She cited a building on Kedzie and Chicago Avenues that has windowless bedrooms and has poor aesthetic quality. By allowing windowless bedrooms for new construction, it becomes an aesthetic issue for the community. You end up with long “bowling alley” apartments. If this was not allowed, architects would be forced to design more interesting buildings. Evanston is subject only to the International Building Code, while in Chicago they have their own building code, and windowless bedrooms are not allowed in new construction. The Committee asked Mr. Hallen of the Community Development Department, who is an architect, his opinion and he explained that in adaptive use there are usually very high ceilings, perhaps 12’, with a significant space between the top of the 7’ wall and the ceiling, but with new construction you may have a 9’ ceiling with a 7’ wall, and these bedrooms are awkward and oppressive, and have a poor-quality feeling about them. Ald. Wollin described a “student” apartment/dormitory suggested by a developer, who wanted to maximize
the number of apartments in a building. Ald. Jean-Baptiste argued that a windowed bedroom does not remedy the fact that an apartment is small. Ald. Bernstein brought up the point that only three un-related people can live in one dwelling unit. Ald. Bernstein will look at the model of one such builing. Ald. Wynne maintained that the interior design affects the exterior design of the building, and that we do not have design guidelines in Evanston, which allows architecture to fall to the lowest quality allowed. She requested the item be held until she can provide an architect’s expert illustration of why windowless bedrooms should be prohibited in new construction.

The Committee voted unanimously to hold this item in Committee.

Ordinance 82-O-07 - Major Variation Request at 605 Davis Street

Consideration of a recommendation by the Planning and Development Committee, for a major variation for the property at 605 Davis Street to construct a one-story commercial building. The proposed building would require one short off-street loading berth and the applicant requests zoning relief from this requirement to provide no loading berths on the subject property. Mr. Wolinski stated that there was no definite recommendation from the Zoning Board of Appeals, at which there was a tie vote. Committee direction to staff was to draft an ordinance which would allow the variation for the no-loading berth. Ald. Wollin stated that she spoke to the developer, and requested that the rules be suspended and action be taken at Council that very night.

The Committee voted unanimously to approve.

Request for HOME Funds from HODC for $194,396 to Rehab 1929 Jackson into Two Affordable Home Ownership Units

Consideration of the recommendation from the Housing Commission for approval of the proposal from the Housing Opportunity Development Corporation (HODC) to rehab and remodel two units at 1929 Jackson and convert them to condominiums for sale to low income homebuyers for less than $140,000. Ald. Bernstein asked what the acquisition price was. Mary Ellen Tamasy, representing HODC, stated that they assumed the mortgage of $263,000 to obtain the property, and that it had been valued at over $400,000. The Committee asked about availability of mortgage credit for potential buyers and Ald. Rainey referred to a request made at a previous meeting regarding information on Evanston Housing Corporation. Mr. Janusz of the Property Standards Division related comments by some members of the Evanston Housing Corporation that it is more relevant than it has been in the last two years. Evanston Housing Corporation has discussed interest buy-downs and expanding to re-financing for buyers seeking to avoid foreclosure. They give loans up to 97% of the purchase price. Their credit approval process does not use the applicant’s credit score. They look at credit, history, payments, income and employment. The applicant may have a score under 650 and be eligible for a mortgage. All their money is either lent or committed except for $500,000. There is one pre-approval for the building on Dobson. Mr. Wolinski added that the issue for the Evanston Housing Corporation in past years was that interest rates were low and the private sector was competitive in their rates. Now that rates are going higher and lenders are having trouble, people will come back to the Evanston Housing Corporation.

A discussion regarding HODC’s request ensued concerning the accuracy of the itemized costs: contingency, legal fees to subdivide, write condo declaration and legal description for property, architectural, developer fees and construction interest and construction insurance. The HODC property across the street will be rehabbed first, and tenants of 1929 Jackson can move to 1930 Jackson during the renovation. Ms. Tamasy stated that home funds will only be disbursed for costs incurred, and Ms. Spicuzza and Ms. Tamasy will be monitoring costs and adjustments.
The back porch must be removed and disposed of because of the presence of lead-based paint. Ald. Jean-Baptiste inquired whether the project is eligible for the Cook County Lead Abatement grant. Ms. Tamasy said they would look into the grant. The amount of square footage was discussed (1,200 sq. ft. residential space, each unit). Mr. Wolinski will find out whether the City requires divided plumbing for separate water meters and the cost.

Ald. Bernstein moved to hold the item until a more accurate list of expenses can be submitted. This item was held until an itemized list of expenses can show: 1) an accurate cost for construction (after 3 estimates are considered), 2) lead abatement grant is determined, 3) an estimate for legal fees is submitted, and 4) an accurate estimate of water meter expense.

The Committee voted by majority with one opposed, to hold this item in Committee for further information as listed above.

(P4) Ordinance 84-O-07 – Special Use Request for 2428 Main Street
Consideration of a recommendation from the ZBA to approve a special use request for the property at 2428 Main Street to establish a Type 2 restaurant (Sarpino’s Pizza).
Ms. Sarah Ginsberg, architect, and Mr. Ivan Marinov, owner, were present. Ald. Holmes commented that the menu is very extensive and not all Italian food, as advertised. A discussion ensued that wings were also on the menu and a wing restaurant is opening up on the same block.
Mr. Marinov stated the wings are not a main dish. Ald. Holmes also said she has a problem with the 3:00 a.m. closing. She asked why Mr. Marinov’s Des Plaines store closed. Mr. Marinov stated that he sold it because he opened a new store in Hoffman Estates. Ald. Wollin stated that no other store is open past 11:00 p.m. She said 3:00 a.m. is extreme. She asked why so late. Mr. Marinov replied that experience shows that a lot of people like to get their food late, and everyone else is closed. Ald. Rainey stated that she was glad the stores were being occupied. She pointed out that Steak and Shake is open 24 hours. She stated that she is not concerned about disruption, because it is delivery only. She said she would prefer if it is “delivery only” after midnight. Ald. Jean-Baptiste said that delivery only should be available after 11:00 p.m. A discussion ensued regarding having pickup and delivery until 3:00 a.m., 365 days a year, as requested. The Committee generally agreed that delivery only after midnight was a good idea, to prevent loitering in the vicinity of the business. Ald. Bernstein suggested putting a sign in the adjacent parking lot so that police could enforce “no parking” also, after a designated hour. The owner explained that since delivery is free and there is no minimum order (delivery to be within a 3 mile radius), most people do not pick up their orders after midnight. Ald. Moran noted that the business is modeled on deliveries and that at least 95% of this business is deliveries after midnight, as confirmed by Mr. Marinov. Ald. Hansen commented that 3:00 a.m. is too late for the business to be open. Mr. Wolinski, at the Committee’s request, will provide the Committee with the operating hours of Domino’s, Pizza Hut and Gigio’s.

The Committee stressed the importance of cleaning the outside of the restaurant three times a day.

Ald. Bernstein commented that the purpose of the zoning ordinance is not to dictate commerce; that it is up to the business owners what type of restaurant they want to open. Ald. Rainey replied that curb cuts, cumulative affect and waste, however, can be regulated.

The Committee voted unanimously to introduce this item and refer back to Committee.

(P5) Ordinance 85-O-07 – Special Use Request for 2434 Main Street
Consideration of a recommendation from the ZBA to approve a special use request for the property at 2434 Main Street to establish a Type 2 restaurant (Wingstop).
Mr. Steve Engel, Atty., and Mr. Julius Soro, intended owner of the restaurant, were present. The “Wingstop” is to be open until midnight. Mr. Engel stated that the nearest Wingstop is in Elmwood Park, IL, that there are 550 Wingstops in the U.S. and that they are just beginning to move to Illinois. There is one in Roselle, IL also. All product and procedures come from Wingstop, including a highly regulated bourbon baked beans recipe. A provision in their lease prohibits other restaurants within a designated circumference from having more than 5% of their gross revenues coming from wings. It is to be a 48-seat restaurant with a Class D liquor license and take-out (no take-out of beer). Employees are to park on the east side of the restaurant. The Committee discussed the cumulative effect of too many Type 2 restaurants, i.e. curb cuts, signage, and litter. The importance of litter pick-up was stressed by Ald. Jean-Baptiste. The Committee discussed the issue of parking for customers and whether parking is adequate for the many cars that are parked in the parking lot at different hours/days of the week: soccer games, shopping, Starbucks’, dine-in restaurants and other businesses.

The Committee agreed to hold a meeting regarding developing a system for enforcing commercial business ordinances such as trash pickup, parking lot maintenance, landscaping and pricing ordinances, taking the City’s budget into account. Mr. Wolinski stated that there are 32 Type 2 restaurants that are inspected every Monday by the Property Standards Department. Litter problems have been brought into compliance through tickets and fines. The big shopping centers are normally inspected on a complaint basis, to allow inspectors more time to inspect residences. Mr. Wolinski stated that he and Ms. Aiello have discussed creating a commercial inspector position, whose salary would be paid by raising the business license fee. Ald. Bernstein stated that we need to mandate the ordinances that are to be enforced. Ald. Bernstein informed Mr. Engel that the approval of the special use request could be rescinded if they do not comply with the ordinances. Mr. Soro will begin his one-month management training on Oct. 15th, 2007.

The Committee voted unanimously to approve the special use.

(P6) Ordinance 83-O-07 – Major Variation Request for 125-133 Clyde Avenue
Consideration of a recommendation from the ZBA to approve a major variation request for the property at 125-133 Clyde Avenue to establish two new off-street parking spaces.
Ald. Rainey stated that there is no housing behind these spaces. There is an embankment and because the president of the condo association, Matt Rodgers, is also a member of the Zoning Board of Appeals, there was a 2-month delay in getting this case heard, because of the lack of a quorum when Matt had to refuse himself. Ald. Rainey also stated that there was no opposition to this issue by the public. She requested that the rules be suspended and a vote taken.

The Committee voted unanimously to approve.

ITEMS FOR DISCUSSION

Mr. Wolinski introduced Jill Chambers, the new Assistant Director of Community Development, Building and Zoning Division, replacing Carolyn Brzezinski. She was formerly a Plan Reviewer and managed the Accella Program for the Community Development Department. The Committee welcomed her.

(PD1) Vacant Building Program
Continued discussion of the proposed Vacant Building Program to provide combination grants and loans to developers to rehab and resell vacant buildings as affordable housing. Additional information is transmitted herewith.
Alderman Rainey requested a special meeting to discuss foreclosure and mortgage fraud. Ald. Tisdahl stated that the Committee needs a plan and counsel from the Legal Department for gaining additional authority in closing vacant buildings/owners and what leverage the law provides. Further questions are to be submitted to Mr. Wolinski. Ald. Holmes added that 25 of the vacant buildings are in the 5th Ward, the majority of which are owned by out-of-state owners and/or are in foreclosure. Mr. Cox of the Legal Department will investigate. Mr. Wolinski suggested discussing this at the next Planning & Development Committee meeting. Ald. Rainey cited examples of what appears to be fraudulent collecting of rents on a building that was in foreclosure. She hopes to learn of the City’s legal recourse. Mr. Janusz cited an example of a situation where the City has was able to identify a bankrupt lender.

**The Committee agreed to hold a special meeting to discuss foreclosure and mortgage fraud with an authority on the lending and to discuss information provided by the Legal Department.**

**ADJOURNMENT**

The meeting was adjourned at 8:40 p.m.

Respectfully submitted,


Bobbie Newman