

**Planning & Development Committee Meeting
Minutes of July 14, 2008
Council Chambers – 6:30 p.m.
Evanston Civic Center**

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

Staff Present: D. Marino, J. Brownlee, D. Argumenta, J. Chambers, K. Cox, B. Dunkley, R. Russell, D. Spicuzza, L. Woods

Presiding Official: Alderman Wollin

DECLARATION OF QUORUM

Chair Wollin called the meeting to order at 7:14 p.m. She announced there will be a change in the agenda order due to time constraints for specific applicants and importance of the issue for agenda items.

APPROVAL OF THE JUNE 23, 2008 MEETING MINUTES

The meeting minutes of June 23, 2008 were approved unanimously.

ITEM FOR DISCUSSION

(PD1) Discussion of Process for Considering Proposed Amendments for a Curb Cut to the Approved Planned Development for 1890 Maple Avenue

Mr. Dave Reifman of DLA Piper Law Firm accompanied by Mr. Gregg Graines, representing Carroll Properties, Inc. (the Developer), opened comment. He recalled that on September 24, 2007, City Council approved the Planned Development Ordinance No. 45-O-07, for the redevelopment of this site with a mixed use project. He further noted that one of the conditions that was agreed upon for the commercial space within this planned development was for a specified grocery/food store tenant on the first floor retail space of this project. Mr. Reifman stated that they have been in active negotiations since that time and have narrowed the potential grocery store use down to Trader Joe's. He noted that they have executed a letter of intent, however, with the intent that requires a full access curb cut to the store being provided off of Emerson Street, which results in the applicant's request for consideration of the proposed amendment to the original approved planned development ordinance. Mr. Reifman acknowledged in attendance for representation of this request, Mr. N. Deegan from IDS Real Estate Group, which is the national tenant representative for Trader Joe's Inc.; along with Mr. Randy Deutsch from Fitzgerald & Associates Architect Firm and a representative from KLOA Traffic Consultants.

Mr. Deegan informed the P&D Committee that his real estate firm has been involved in numerous negotiations with the City of Evanston over the past 8 years to locate a Trader Joe's establishment within the City and have been in active negotiation process within the past 18 month with Carroll Properties resulting in an agreement with a letter of

intent provided that a full access curb cut can be obtained off of Emerson Street. He noted with assurance that no other special requests have been requested along with this. Mr. Reifman stated that they were not requesting any additional relief. Mr. Deegan stated that they are very confident with this proposed commercial use for this location in view of the neighborhood specifics and close proximity to the contiguous north shore communities.

Mr. Randy Deutsch, representing Fitzgerald & Associates Architect Firm followed with a slide presentation showing views of the proposed curb cut from several different locations of the development. The representative from KLOA followed with visual presentation of the actual proposed curb cut off Emerson Street. He noted that the proposal is for a 24' wide curb cut approximately 200' + west of Maple Avenue, allowing one lane access for entrance and exit.

Ald. Jean-Baptiste motioned to direct staff to draft an ordinance to amend the approved Planned Development Ordinance #45-O-07 to include the proposed curb cut as presented this evening by the applicant. Ald. Holmes seconded the motion.

Ald. Hansen stated that her position on this issue, which originally was in opposition to this planned development, remains the same. She reiterated her opinion that this particular site is inappropriate for a project of this size. Also she recalled discussion and testimony at the time of the original approval of the planned development and cautioned the Committee to remember the concerns for traffic on Emerson Street if any access to this site were located on this through way. The Committee members agreed and requested that City Traffic Engineering staff be available at the next Council Meeting to address the traffic issues and concerns for this location.

The vote was 8 in favor of the motion and 1 voting nay (Hansen).

ITEMS FOR CONSIDERATION

(P2) Plan Commission Recommendation to Deny a Planned Development and Map Amendment for 1031 Sherman Avenue

Chair Wollin called on the one citizen signed up to speak regarding this case.

Mr. John Caldwell expressed his opposition for this planned development and map amendment specifically because the project is not in context with the neighborhood. He stated several reasons backing his opposition and feels that the majority of his neighbors stand with the same position as he does. He urged the Committee to support the Plan Commission's recommendation for denial of this project.

Mr. Dan Shapiro, Attorney for the applicant and property owner, Mr. Michael Dalton, told the Committee that they will not be making any presentation or presenting any new proposals or testimony this evening.

Ald. Bernstein motioned to accept the Plan Commission's recommendation for denial of the Planned Development and Map Amendment, seconded by Ald. Wynne. He stated that in his 11 years on the Council, this is one of the most ill-conceived projects he has

witnessed. He also pointed out for the record, that the Plan Commission did not actually vote on either part of this request, therefore he clarified that his motion is for recommendation to deny both the Planned Development and the Map Amendment as it was presented on the application. All the Committee members accepted Ald. Bernstein's clarification. Ald. Bernstein asked the applicant's council to stipulate that the will of the Plan Commission was to deny both the planned development and the map amendment. Applicant's council so stipulated. **The vote was 9-0 in favor of the motion.**

(P1) Ordinance 86-O-08 – Zoning Ordinance Map Amendment – 1829-31 Simpson Street
Mr. Dunkley, Zoning Administrator, stated that this has been a long and difficult case due to the history of this building and the overall residential zoning of this immediate area. He noted that the application was presented by the property owner, Flepspace LLC, and also noted that this property has been vacant since the rezoning to the R3 Two-family residential district. Mr. Dunkley continued with a brief history of the zoning changes that have been made to this property. He also directed the Committee's attention to the chart included in the packet materials that compares the existing R3 Residential Zoning to the proposed B1 and MU base zoning district regulations. In summary, Mr. Dunkley stated that in his opinion, the more appropriate alternate zoning for this target building and immediate area would be to rezone the property to the MU – Transitional Manufacturing zoning district, and he clearly summarizes his reasoning in the staff memorandum dated May 14, 2008 included in the packet materials. He noted that the applicant originally requested a B1 zoning map amendment because it most closely related to the proposed utilization of the existing building which the owner wanted to use as an artist's studio/cabinetry workshop.

Ald. Holmes informed the Committee that she has been active and has followed the rezoning of this building from the beginning. Although she personally has no opposition to the current owner's proposed use of this building, it should be acknowledged that the previous owner tried numerous times to make this building into a use that would adequately fit within the neighborhood, however those proposals were either rejected or denied due to the current zoning that this building was under. She clarified that her position on this case is simply to support the position of the immediate neighboring property owners which are her constituents, who are in opposition to this map amendment request. Therefore, **Ald. Holmes motioned to reject the Plan Commission's recommendation for approval of the Zoning Map Amendment, seconded by Ald. Bernstein.**

Ald. Rainey stated that she fully understands Ald. Holmes position on this matter, however she can not oppose what the current owner is proposing for use of this property as an artist's studio and workshop. She feels this use is passive in comparison to what could be proposed as a use for this building. The proposed use would not detriment the neighborhood and would actually add light and life to the end of Dodge Avenue and cause no negative impact and also end the blight of this intersection. She added that even if the property were to remain in the R3 Zoning District, the proposed use would not be a detriment to the immediate neighborhood because it is such a low impact use. She noted that this building has been a "dump" and vacant property for a long period of time and it could be a welcomed re-use of this site.

Ald. Tisdahl assured her support for Ald. Holmes position but also agrees with Ald. Rainey's position as stated. She asked Ald. Holmes what she foresees as an acceptable use and zoning district for this location. Ald. Holmes reiterated that her only reason is that she stands strong on her position to support her constituents that do not want this proposed zoning map amendment for this building. She feels a request for special use can be applied for within the current zoning district. Ald. Rainey noted that it is possible for the applicant to make a special use request for an artist studio under the current R3 zoning district if he/she so desires.

With no further discussion, **the vote was 9-0 in favor of the motion.**

(PD2) Local Resources for Foreclosure Prevention in Evanston

Ms. Donna Spicuzza, City Housing Planner, recalled the request from the P&D Committee at their last meeting for staff to provide a packet of possible resources to aid homeowners should they have trouble or need assistance with mortgage payments in the case of possible foreclosure proceedings and foreclosure prevention counseling. She drew the Committee's attention to staff's memorandum and attached information and a resource list provided in the packet.

Ald. Rainey expressed her concern about the quality of counseling being provided and questioned whether staff has actually attended some of these forums and counseling meetings. Ms. Spicuzza assured her that she has been involved from the beginning with the recommended agencies and has also attended forums and counseling meetings. She feels confident with the agencies being referred by City staff.

Ald. Jean-Baptiste acknowledged his experience with numerous foreclosure cases and the reasoning behind them. In light of this experience, he would recommend that City staff and Council meet and work with the hearing Judges for foreclosures to be more pro-active and intervene with the homeowner before such drastic status becomes the last resort, as in so many cases. He also recommends that staff find a way to intervene and schedule meetings to reach groups of people who may take advantage of the numerous written notifications that are sent out. He feels this could be most helpful in an effort to reach a large majority of the people risking foreclosure possibility.

Ald. Rainey made a suggestion to staff that information could be sent out with water bills which is a definite possible way of reaching every property owner. She also suggested adding information on the Chicago based organizations that aid risk-level homeowners of foreclosure.

Ald. Tisdahl questioned if it is possible to use all the affordable housing funds to help people who are at risk of foreclosure instead of using these funds to purchase and provide affordable housing to purchase. She strongly feels this would put such funds to much more use. Ald. Rainey agreed. She also strongly feels it is much more important to use affordable funds to help people save their ownership of their properties when at risk of foreclosure versus using those funds for more affordable housing developments.

Mr. Marino agreed and supports the positions stated by the Committee members this evening. He assured that staff is very sensitive to the general public and supports the most helpful and positive use of the affordable housing funds.

OTHER MATTERS

Mr. Marino introduced Mr. Dominick Argumedo as the newly hired Zoning Planner and acknowledged his educational background and professional experience.

ADJOURNMENT

The meeting was adjourned at 8:29 p.m.

Respectfully submitted,

Jacqueline E. Brownlee