CITY OF EVANSTON

PLAN COMMISSION

CASE NO.:

RE: CONTINUATION-DRAFT DOWNTOWN PLAN AND ZONING RECOMMENDATIONS. The Downtown Plan Committee of the Plan Commission has been leading a downtown planning process. Residents, businesses, institutions, and other property owners have participated throughout the process and have provided their ideas for the future of downtown. A draft downtown plan has been prepared by Duncan Associates and their partners, the Lakota Group, 180 Degrees Design Studio, Goodman Williams Group, and KLOA. Citizens have provided comments on the draft plan at several Plan Commission meetings and the Plan Commission is now discussing and deliberating the draft plan. Additional citizen comments/questions may be heard at the Planning & Development Committee, which is the next step after the Plan Commission.

Transcribed Report of Proceedings of a public hearing on the above captioned matter, held May 14, 2008 at the Evanston Civic Center, 2100 Ridge Avenue, Room 2404, Evanston, Illinois, at 7:06 p.m. and presided over by S. Opdycke, Acting Chair.
PRESENT:

S. OPDYCKE, Acting Chair    L. WIDMAYER
D. GALLOWAY                 R. SCHULDENFREI
J. NYDEN                 C. STALEY
C. BURRUS
S. FREEMAN

STAFF:

B. DUNKLEY, Zoning Administrator
D. MARINO, Assistant Director
T. NORFLEET, General Planner
ACTING CHAIR OPDYCKE: The meeting is now called to order. The first, we do have a quorum, and the first item on the agenda here is the approval of the minutes of the meeting of April 9th. Is there a motion?

Incidentally, Jim Woods is not here tonight, he is our regular Chair, I'm the Vice-Chair, my name is Stu Opdycke and I will be serving as Chair this evening.

So, is there a motion as far as the minutes of April 9th?

BOARD MEMBER: Yes, sir.

ACTING CHAIR OPDYCKE: Is there a motion to approve?

MS. BURRUS: Motion to approve.

ACTING CHAIR OPDYCKE: Is there a second?

MS. SCHULDENFREI: Second.

ACTING CHAIR OPDYCKE: All those in favor?

ALL: Aye.

ACTING CHAIR OPDYCKE: Opposed?

(No response.)

ACTING CHAIR OPDYCKE: Motion carries.

Minutes are approved.

MS. BURRUS: Chair?

ACTING CHAIR OPDYCKE: Yes?
MS. BURRUS: I move that the evening's agenda be amended to continue ZPC 08-03 PD&M, also known as 1031 Sherman Avenue to a date certain, more specifically the next plan commission meeting scheduled for June 11th, 2008 to allow more time for downtown plan deliberations and to have the Sherman Avenue developers' presentation and citizen comments at the same meeting?

ACTING CHAIR OPDYCKE: The Simpson, the Simpson Avenue?

MS. BURRUS: No, Sherman. The last one on the agenda.

MS. SCHULDENFREI: Second.

MR. STALEY: Continuing the last one, is that what you did?

MS. BURRUS: Yes.

ACTING CHAIR OPDYCKE: I'm sorry, what, what's the purpose for the --

MS. BURRUS: I'll read the motion again because I have it in writing for the, for you, as well as the court reporter.

ACTING CHAIR OPDYCKE: Okay. Well, read it again, if you would?

MS. BURRUS: I move that the evening's agenda
be amended to continue ZPC 08-03 PD&N, also known as 1031 Sherman Avenue to a date certain, more specifically the next Plan Commission meeting schedule for June 11th, 2008, to allow more time for downtown plan deliberations and to have Sherman Avenue Developers' presentation and citizen comments at the same meeting.

ACTING CHAIR OPDYCKE: Is there a second?
BOARD MEMBER: Second.

ACTING CHAIR OPDYCKE: Is there any discussion?

MS. SCHULDENFREI: I actually think that makes sense because if you have a presentation and then the citizens can comment both on the presentation itself but also they'll have seen the images at the same time and it means that if people are just coming to it, you can try to read the transcript but to have them split is actually hard, both for us and for citizens, actually I would say.

ACTING CHAIR OPDYCKE: Is the Applicant here?
MR. MARINO: Chair, I believe the Applicant was notified that they would proceed at 10:00 o'clock so I --

ACTING CHAIR OPDYCKE: Maybe we can call him
and tell him not to come?

MR. MARINO: Yeah. Bill Dunkley is here.

Bill, there's a motion on the floor to continue the Sherman Avenue PD until the next regular meeting of the Planning Commission.

MR. DUNKLEY: The applicant's planning to be here at 10:00 o'clock to make a presentation and as noticed on the agenda, we're prepared to take that presentation with the public comment.

MS. NYDEN: Yeah, I just think at 10:00 o'clock, that's like, we're, this is a long proceeding. We should move this to another time when they can get our 7:00 o'clock attention instead of our 10:00 attention.

MS. BURRUS: Do you, are you calling the questions, Chuck?

MR. STALEY: I would call the question, let's vote on it.

ACTING CHAIR OPDYCKE: Well, I do have a, I do have a question. I mean if the Applicant is going to be here and is --

MR. STALEY: He can be called, it's 10, you know --
MS. NYDEN: It's three hours ahead.

MR. STALEY: That's three hours, call him and tell him not to come.

MR. DUNKLEY: I can attempt to call the Applicant, sure.

MS. SCHULDENFREI: And also, the Applicant's lawyer, it just seems to me to have an Applicant come at 10:00, a lawyer come at 10:00, citizens come at 10:00, I don't know if that's the way we really want to conduct our business. I mean, I'm, you know, we can all vote and see how we all feel, but.

ACTING CHAIR OPDYCKE: Well, why did we move, why did we put it on the agenda in the first place if we weren't prepared to go forward with it?

MS. BURRUS: Chairman, I think that you would actually need to ask Staff that but I think it's appropriate, at this juncture, that we do what's best, even though the Staff may have made an error, not intentionally, of course, but that in, in light of, you know, this development and we really need a lot of time for the downtown plan to move forward as we've been given a charge by the City Council to do so.

ACTING CHAIR OPDYCKE: Well, that's a, that's
a good reason for, I think, a scheduling a one item
agenda here in that, and we could have discussed the
downtown plan but we did put it on the agenda. In any
case, those in favor, the motion has been moved and
seconded that we continue the 1031 Sherman proposal to
our next regularly schedule Plan Commission meeting on
June 11th. Those all in favor say, aye?

ALL: Aye.

ACTING CHAIR OPDYCKE: Opposed?

(No response.)

ACTING CHAIR OPDYCKE: Motion carries. The
next item is 1029 or 1829-1831 Sherman Street Map
Amendment.

MS. SCHULDENFREI: Simpson.

ACTING CHAIR OPDYCKE: Or Simpson. We're
going to strike this from the agenda given the fact that
it did not emerge from Committee tonight and we are
going to reschedule that for further Committee
discussions and will be placed again on the Plan
Commission agenda.

So we will move then onto the next item, and
the only remaining item, which is a continuation of the
draft downtown plan and zoning recommendations.
Before we do that, some citizens have expressed an interest in offering public comments on the, on the proposed downtown plan. And I don't know what the feelings are of the, the rest of the Commission members but I am inclined to let them go forward tonight for about a half an hour.

After which we will, we will close public comments and then move right on to the, the formal aspects of our, our deliberation here. I would, I would invite the rest of you to comment on this suggestion.

MS. BURRUS: Are you making a motion to do so?

ACTING CHAIR OPDYCKE: No.

MS. BURRUS: Okay. In order to vote we need to make a motion to do so and then it needs to be seconded and then we need to vote on it.

ACTING CHAIR OPDYCKE: I'm not asking for a vote, I just want to get the thoughts from the members of the Plan Commission.

MS. NYDEN: Do you know how many people want to talk?

ACTING CHAIR OPDYCKE: How many out there would like to say something tonight about the downtown plan recommendations or anything having to do with it?
MR. JEFF SMITH: Well, yes, if I could speak to that.

ACTING CHAIR OPDYCKE: I'd like to see a show of hands first? One, two, three, four, five. Okay. Mr. Smith?

MR. JEFF SMITH: I've been asked to speak on behalf of the Evanston Coalition for Responsible Development which represents a large group of people who are interested in the downtown plan but we're not looking for a half an hour tonight, rather than what we're looking for is some point, at a, at a date certain, where we can set a time aside for specific, concrete presentations rather than, rather than -- and I, I just, I can address that in a little more detail if you want me to.

ACTING CHAIR OPDYCKE: No, that won't be necessary. Who else wants to be speak?

MS. BURRUS: We have five.

ACTING CHAIR OPDYCKE: All right. What's the, what's the pleasure of the Commission, as far as letting other people speak tonight with the exception of Mr. Smith who has said that he, he would need much more time than a half an hour?
MR. STALEY: But if he thought he wasn't going
to get anything else, he probably would want to give his
succinct summary, I would imagine.

MR. JEFF SMITH: I'm not looking for a half an
hour for myself, Mr. Chairman, and I could explain the
reasoning here. As you know, citizen comments proposed
in December, but the other night Council gave a clear
message that 708 Church, under the package of benefits
in fact proposed, wouldn't be approved and they were
going to wait for the downtown plan.

But the downtown plan has been crafted with --
and 708 Church projects and so what we have is not blank
slate planning, it's like writing a job posting, just
like a candidate but at the same time, when we commented
before, when citizen comment was open, we were
specifically directed by the Commission to void the 708
Church project because it is exempted from the
moratorium by virtue of the Council vote.

So there's a little circularity there.

ACTING CHAIR OPDYCKE: I don't think we can
offer any concrete assurances that you'll have an
opportunity down the road to speak for five minutes or
an hour and a half running, I just don't think we can
give that to you tonight. Perhaps at another time but 
not, not tonight.

MR. JEFF SMITH: It seems to me that it would 
be a more efficient use of this community's, of this 
Commission's time if a specific time was set forth and 
if people prepared a relatively succinct presentation on 
such items as transgoriated density or impact on retail 
or job application or whatever specific items they, they 
wanted to present.

ACTING CHAIR OPDYCKE: That's, I just can't 
give you a guaranty at this time, Mr. Smith.

MR. JEFF SMITH: Well, if there was a motion, 
that would be our, that would be a good enough guaranty 
for us.

ACTING CHAIR OPDYCKE: I'm not making it.

MR. FREEMAN: May I ask, what is the 
difference for the presentation, we have a presentation 
from the group last, last meeting. What additional 
information then would you be presenting?

Oh, it was just John Kennedy's presentation.

MR. JEFF SMITH: Right. That was specifically 
on the impact of the, the economic impact of, of losing 
the office space in particular and, and the retail
sales. So that was a relatively small aspect of it. But there's been --

MR. FREEMAN: An important one, I would, I would say.

MR. JEFF SMITH: It is important, yes.

MR. FREEMAN: Do you have an agenda for the items that you want to present to us?

MR. JEFF SMITH: Yes.

MR. FREEMAN: And could, if we then spend five minutes for each person that wants to talk, would you be able to present that to us?

MR. JEFF SMITH: Yes. Not tonight.

MR. FREEMAN: Not tonight?

MR. JEFF SMITH: That's right.

MR. FREEMAN: An agenda, just like a brief overview of the, okay.

ACTING CHAIR OPDYCKE: Mr. Widmayer?

MR. WIDMAYER: Yeah, I'd just like to, to make a couple points. I understand that Council is trying to dodge the bullet. And I'm referring to --

MS. NYDEN: Thanks for saying that.

MR. WIDMAYER: You know, well, let's be honest. And, you know, say they're going to look at the
downtown plan before they decide any more on 708. But
that doesn't change the fact the two are separate. You
know, what our discussion is still about the core area
and what we think should happen there.

If they want to use that as a point of
reference when they evaluate a plan development, which
was submitted prior to this and, and goes by the old,
their old rules, they can do that.

But I don't see where there's any difference
in what we're looking at in the downtown plan, it's
still our evaluation of what we think the core area
should look like.

So, unless there's some new information, but
just to have, you know, what we've heard before
reiterated again, I think we've been there.

MR. GALLOWAY: Yeah. I would, I would need to
be convinced that there's, there's something
specifically new and different that requires this
testimony and, and perhaps if you can put that into
writing for us to look at and digest and then we can
make a decision on that at a subsequent time.

ACTING CHAIR OPDYCKE: Good idea. Would you
do that, Mr. Smith? Send to us an agenda, to the Plan
Commissioners and we'll consider it and the next time we convene, we'll, we'll take up that, that issue as to whether or not you will be allowed to present whatever it is that you have in mind.

MR. JEFF SMITH: Sure. One, one thing, just off the top of my head, I was declined to change the action plan that's been developed, worked on and developed over the past, you know, five months. We shouldn't, there's a multi-mogul transportation plan that's going on --

ACTING CHAIR OPDYCKE: Send us a memo if you would?

MR. JEFF SMITH: Okay.

ACTING CHAIR OPDYCKE: Of a proposed, a proposed agenda. All right. Now, getting back to my original question here, are we inclined, as a Commission here to entertain public comment on the matter that is before us, mainly the, the development of the downtown plan?

And I would propose if we go forward with it, we cut off community response in, in 15 minutes from now? So we don't we have a lot, we don't have a lot of time, but.
MR. STALEY: Could I ask, it sounds stupid but I'd like to get the answer, kind of where are we, in the deliberation, we have several key things parked.

ACTING CHAIR OPDYCKE: Right.

MR. STALEY: And, and, sir, if no one were going to speak from the public then what, what would we be doing?

ACTING CHAIR OPDYCKE: We are going to start tonight on Section 8, Chapter 8.

MS. SCHULDENFREI: What page is that?

MR. STALEY: Chapter 8, is that --

MS. NYDEN: 71.

ACTING CHAIR OPDYCKE: Just state your name and go ahead.

MS. RAKLEY: My name is Barbara Rakley and my question is, I wonder if the Committee would be so good as to bring those of us who have not been here adhering to the grounded format of the City as to where the Committee is with respect to, particularly the central core in view of the, in these actions on Wednesday nights? We would like to know where you guys are at?

ACTING CHAIR OPDYCKE: We haven't gotten there yet, but we will.
MS. RAKLEY: But it --

ACTING CHAIR OPDYCKE: You're talking about heights and densities and bonuses and all of that?

MS. RAKLEY: Isn't Chapter 8 after the Chapter on the district?

MS. BURRUS: Can I, may I address that?

ACTING CHAIR OPDYCKE: Yes. Yes.

MS. BURRUS: There were some items that we put in what we call a parking lot because we couldn't agree on those items to move through the plan to get through what we could agree on.

So that, the central core, and that's why I'm saying we haven't, we really can't say because it's in a parking lot item that we will be discussing tonight, several items that are contentious.

MS. RAKLEY: So is the plan to get through Chapter 8 and then maybe parking lot?

MS. BURRUS: I believe so.

ACTING CHAIR OPDYCKE: We're going to start on Chapter 8 tonight and get as far as we can. Certain items in, within that chapter we will not be able to resolve fully tonight. And those will go into the parking lot for later discussion.
MS. RAKLEY: I see. Thank you.

ACTING CHAIR OPDYCKE: All right.

MS. SCHULDENFREI: Point of clarification, I think we're on page 67, 67, 68. And I know that Chairman Woods, last time, decided that we wouldn't embark on discussion on the planned development review process for the downtown plan because of the late hour. And we had sort of skimmed with the idea of coming back fresh. And this is the question of whether developers will be able to build, by right, up to a certain height, for instance, in the core.

ACTING CHAIR OPDYCKE: Robin, can you hold on to that just for a moment?

MS. SCHULDENFREI: Yeah. Just because you said we were --

ACTING CHAIR OPDYCKE: I want to, I want to clear up the question as to whether we will allow public comments tonight and we've got ten more minutes to go.

MS. BURRUS: Okay. I will, Chairman, can I make a motion?

ACTING CHAIR OPDYCKE: All right.

MS. BURRUS: Great. I move that citizens be allowed to comment, make public comment at this meeting.
until 7:45 this evening.

ACTING CHAIR OPDYCKE: Is that --

MS. BURRUS: We need, we need to set, have a

sign up sheet to make this equitable. Tracy, would you

ask citizens to sign up. Then, depending on how many

citizens sign up, we divide that number by however much

time we have left since we've now wasted about 15

minutes discussing this.

MR. GALLOWAY: I second it so they'll have

some time.

ACTING CHAIR OPDYCKE: Okay.

MS. BURRUS: Thank you, sorry.

ACTING CHAIR OPDYCKE: All in favor?

ALL: Aye.

ACTING CHAIR OPDYCKE: Opposed?

(No response.)

ACTING CHAIR OPDYCKE: Motion carries.

Citizen number one on the list? You're up. There's

only about five people, I think and one of them was Jeff

Smith and the other one was Barb Rakley. Sir, would you

identify yourself, please?

MR. VASILKO: Sure. My name is Mike Vasilko,

I'm a resident of Evanston for 18 years, December 28th,
MR. MARINO: Can you spell your last name, please?

MR. VASILKO: Yes, V as in Victor-a-s-i-l-k-o.

ACTING CHAIR OPDYCKE: Go ahead, sir.

MR. VASILKO: My question's very -- from other meetings by the City Council -- and I've raised the issue in the form of a letter to the Council and I believe I copied you on it as well.

It has to do with the process and it has to do with the process of sparing equity when it comes through to the consultants who have been involved in the project and the developers.

ACTING CHAIR OPDYCKE: What project are you speaking of?

MR. VASILKO: 708 Church Street.

ACTING CHAIR OPDYCKE: That's not on our agenda tonight.

MR. VASILKO: As it's represented in the, in the plan, in the downtown plan. One of the other Aldermen said that they're separate issues yet the plan clearly identifies that property as a 42-story proposed building so we can speak in terms of the proposal that
is shown on the proposed downtown plan.

ACTING CHAIR OPDYCKE: I would disagree.

MR. WIDMAYER: If you want to address the central core, if there's an issues?

MR. VASILKO: All right, I would like to address the central core which proposes a 42-story building between Orrington and Sherman along Church Street.

As far as the process goes, there's been a number of consultants and your conflict, parties interested in developing those properties speaking of, Galloway is one, and my good friend John Lemont, with his group.

There is a synergy of people who know each other from a long time ago, who have been good friends for a long time and who have somehow intertwined, I believe, to compose this exact same building height as developers have over the period of the last year or two.

I guess I'm asking, again, would that be considered, and that something, I would think by way of a disclosure statement, at the very least, be requested. And that would be Mr. Lemont and his group as well as any developers that come in looking at that property.
I also want to say that it seems to me that a,
identifying one piece of property on one block in
Evanston as the site of 42-story building is somewhat
prejudicial to that property owner as opposed to
creating a much larger footprint where other property
owners could, in fact, profit as the developer or the
property owner of the Church Street property, for
instance, with profit.

I think that's prejudicial and it should not
be the basis of the core of the downtown plan. Thank
you.

ACTING CHAIR OPDYCKE: Thank you. Ms. Rakley?

MS. RAKLEY: Yeah, I had not prepared a march
for tonight, my assumption, which turned out to be
incorrect was that we would be hearing from the
committee about the, about their thoughts about the
downtown core and then citizens would have an
opportunity to comment.

I was incorrect, my, so my comment will be
brief and impromptu. My feeling is that we have, that
-- has no close situation here. It seems very apparent
that, and it simply defies credulity, it is a random
coincidence that the one block in the downtown, the
Fountain Square block, that the consultants just happened to, to choose for the highest building in Evanston, is just by random coincidence the site of the 708 Church building.

And I think, I don't know why we're dancing around that, I don't, there seems to be a lot of pretending going on that it's just some kind of random coincidence. And, and I don't really think anyone actually believed that.

So, I would just like to cut out all the nonsense and all the prevarication and just get to the issue of should there be the tallest building in Evanston in the Fountain Square block. And just get rid of the nonsense. Thank you.

ACTING CHAIR OPDYCKE: Thank you. Mr. Gould?

MR. GOULD: My name is Oliver Gould and I live at 1730 Hinkman Avenue. And my, my background, I moved from the City of Chicago to Evanston when the charming atmosphere exists in the City and I look to the Commission to continue that atmosphere.

The core area can forcibly develop into small -- as the staple from the national chain type stores at Old Orchard. However, it seems that maybe the
developers all look to the major chains to occupy their space simply because of their reliability of rental collection that moves considers.

Please consider the traditional village atmosphere of this charming City and it is that, don't yield the blandishments of the profit-driven developers and limit the allowance of height to where we are now, where we are now and attempt to encourage the building of buildings that favor the local, unique merchants such as we have on Main Street, Dempster Street and the likes.

Let's not flood another condo market downtown.

Thank you.

ACTING CHAIR OPDYCKE: Thank you. Mr. McGonigle?

MR. MC GONIGLE: Yes, sir.

ACTING CHAIR OPDYCKE: Did, oh, did you sign?

Oh.

MS. BURRUS: I put your name because I know you.

MR. MC GONIGLE: Oh, you did.

ACTING CHAIR OPDYCKE: Oh, I'm sorry.

MS. BURRUS: Because I saw you walk in.
ACTING CHAIR OPDYCKE: Did you want to say something, did you want to say something, Mr. McGonigle?
MR. MC GONIGLE: It's a real privilege and a pleasure to see everyone gathered here this evening.
ACTING CHAIR OPDYCKE: That's it? That's all you have to say?
MS. BURRUS: All right.
ACTING CHAIR OPDYCKE: Thank you very much for that. And, Mr. Smith, then if you would, you're the last person here, if you would then submit that proposed outline to us?
MR. JEFF SMITH: I will do that but as long as we've got 15 minutes, and I'm not going to take it all, but if I could just present some points that the ECRD did want to make as to why, the --
ACTING CHAIR OPDYCKE: Well, are you going to cover this again?
MR. JEFF SMITH: No.
ACTING CHAIR OPDYCKE: Are we going to hear for this again or this is the, this is the only time you're going to speak on these particular issues?
MR. JEFF SMITH: This is more of the outline.
ACTING CHAIR OPDYCKE: Well, we've got a lot
of work ahead of us tonight and I'd like to get to it.

MR. FREEMAN: I would like to hear an outline, if you were just going to give us some key bullets as to the type of things you'd like to speak to us about?

ACTING CHAIR OPDYCKE: All right. But --

MR. FREEMAN: Is that okay? Thank you.

MR. MARINO: Stu, Stu, there was one more hand up in the back of the room, the lady in the far left.

Did you want to speak, ma'am, tonight?

ACTING CHAIR OPDYCKE: Would you come, come forward, please?

MS. KORLING: Yes. What about Jeff?

MS. BURRUS: All right, so Jeff Smith --

MS. KORLING: I don't, I didn't mean to interrupt at all.

ACTING CHAIR OPDYCKE: What is your name, please?

MS. KORLING: My name is Diane Korling, K-o-r-l-i-n-g. And my reason for attending this meeting tonight, even though many of us in the audience have been characterized by one of the Alderman as the usual people. My reasoning for coming out even though, was to try to determine at what stage this process is, so I
I know if I need to come or encourage other people to come.

I was curious to know because I have not sat in specifically on your meetings, if you're a line by line reading and the markup, which is my understanding.

I thank you for explaining the parking -- but setting aside those ones not readily ascertainable, what I was mumbling about here when you quite promptly asked me if I wanted to come forward, you asked Mr. Smith if he was going to give an outline or the whole thing and I mumbled that the New York Times and the Wall Street Journal now have their opening pages as little outlines and capsule stories. As a journalist, I kind of disagree with that.

But the concept of what is going to come up and be addressed, I think might give you people an idea how seriously to take it, whether to completely dismiss it or just say, yes, this is something that's, even though it's a topic raised by citizens, it's not to be ignored. And I think there could be value in hearing that outline even though some of it might be repeated again.

The idea of prioritizing one's interest is
what the Journal and the Times have done to try to make
people use their time well. And I hope that you use
your time well and I'd like to, I'd like to do the same
and interject my thoughts, opinions and evaluations,
only when they can be useful or at a stage when they
could be taken into account --

ACTING CHAIR OPDYCKE: Well, thank you, very
much. Mr. Smith?

MR. JEFF SMITH: Thank you. To some extend, I
think what Ms. Korling is saying is that it would be
unfair and unproductive to say, Mr. Smith, you can only
speak if you're unprepared. And I guaranty you that
would only result in a longer speech.

The, the six points I wanted to make are, one
is you could call paternalism versus populism for the
general role of aesthetics. I saw some correspondence
from an Alderman criticizing many presidents as
attempting to exercise an aesthetic prerogative and one
of the things that this Plan Commission has to do is
take into consideration to what extent the community has
a right to do something that might not be rationale,
profit maximization.

I have the right to wear an ugly tie or to not
put an addition on my house if I want.

The, the fact is that the citizens, when they participated in the -- planning, didn't come together and say what we need is something much bigger than anything we've got in the core district and what that smallest block needs is that building. No one was clamoring the visually, the worth of the Marshall Field's building and our new library.

The second point is that we have to look at what message the Council is sending and I realize that's like reading tea leaves or trying to interpret from watching the Kremlin, you know, standing, watching the may-day parade go by and we standing next to each other. But the Council did appear to give the message that a 38-story building in the central core would not be approved with the package height benefits that were presented.

The third point is that the purpose of the downtown plan is to implement a long term vision which means that shouldn't be driven by a short term financial crisis.

Another point is that we should compare what we're going to do here with the 1989 plan, because that
was site specific and it has served to develop the
vibrancy we now see in downtown Evanston and it didn't
set forth the central core as the spot for a building
that's taller than the Chase Bank building.

Another point is addressing balance, which
means not just form and I, I like the ideas of the form
based code of the City but we need to look at a balance
of uses because too many stores and offices without
activity generated in the residences produces a dead
downtown at night, but replacing those offices and small
stores with residences and expensive stores displaces
the businesses that all of Evanston needs and downtown
needs to be more than a --

Another point is transporting the development.
We need to really look at this seriously and what it
really is. Just as gardening is more than dumping soil
and seeds in your yard, TOD means more than plunking a
condo near a train line. The discussion to date has
been kind of simplistic and it attempts to apply
principles and assumptions that may apply to Addison or
Geneva, Illinois but it may, may not be applicable to
the already built up -- downtown in a mature former
trolley suburb.
And that leads into the larger questions of big picture, I guess, of land use and especially the central core and the ripple effects on rents, on land values, on other development in downtown for Evanston, including gentification in the single family and lower density neighborhoods of Evanston which there appears to be disagreement of the effects on regional sprawl because what's driving some of our obligations on transgorian development seems to be some sense of regional obligation.

Localized congestion, the economic costs of that congestion, effects on the schools and on transit use and finally the role of development and resource, resource consumption and both, both in the regional population.

And for these reasons, we'd ask that the Commission set some future meeting, to specifically allow for reasonable, limited and discreet citizen presentations, ideally cohesive on these issues. Thank you.

ACTING CHAIR OPDYCKE: Thank you, Mr. Smith.
MR. JEFF SMITH: Thank you.
ACTING CHAIR OPDYCKE: Is there anyone else?
Yes, would you stand and tell us your name, please?

MS. HOFF-HAGENSICK: I'm just going to keep it simple. My name is Linda Hoff-Hagensick. And I have gotten --

ACTING CHAIR OPDYCKE: Would you spell that for the court reporter?

MS. HOFF-HAGENSICK: Sure. It's H-o-f-f-hyphen-H-a-g-e-n-s-i-c-k. And just one main point. I've gotten kind of committed and involved in this process just as someone who loves Evanston and, and the visual beauty of downtown Evanston.

And I grew up in New York City, however, from my perspective, any of the heights that have been proposed so far, 42, 47, are just incongruous just with the whole scale and charm of downtown Evanston. So I would urge you that the height is, is really, really significant as far as the overall visual impression of downtown Evanston.

And I, I do think that the nature light and, you know, the detail that exists in the 708 Church building as is is kind of nice.

ACTING CHAIR OPDYCKE: Thank you. Someone else?
ACTING CHAIR OPDYCKE: All right. Public comment then is at an end and we'll move to, Mister, John, did you want to, I was told you had a slightly --

MR. BISHOP: Yes, we do, Commission. Good evening. Our practice in the past, and it doesn't mean it has to be our practice tonight is to, is to go over the material that we provided in your packet.

We have provided several pages of text amendments pursuant to our discussion, Carlo's briefing on the preservation aspects. Yes, it starts with page seven, section two.

MR. FREEMAN: Right. Okay.

MR. BISHOP: I, we also included in the packet a revised building type map, I believe, dated at the bottom, revised April 7th.

The other thing we've provided was a working draft of a glossary that, once completed, will find its way again to the, to the plan. It is a working draft. We've already gotten some good suggestions.

MR. MARINO: That is not attached in the packet.

MR. BISHOP: It will be in the packet for the
next meeting, while important, we, I'm sorry. We were a little late in getting that in to staff, so it wasn't included in that packet. But we, we are working on the glossary, I guess just wanted to be responsive to that, I'm sorry.

So, before we start, well our understanding was we were going to start Section 8 but we're all going to have other plans for that. But if you want to direct us in any way about anything we might not have gotten right in terms of the sentiments expressed for revising the pages we reviewed last time?

MR. LAMOTTE: These are the expansive changes to, from the documents?

MR. BISHOP: Sure. Yeah, editorial in, in substance.

MR. LAMOTTE: Typos and format, we'll get later but main components of what we were listening to to make the changes to it.

ACTING CHAIR OPDYCKE: So why don't we get on to the, why don't we just go --

MR. LAMOTTE: The next chapter.

ACTING CHAIR OPDYCKE: The next chapter. And we'll just start with that.
MR. FREEMAN: So then would we then respond
with changes via e-mail today, so how would you like
that done?

MR. BISHOP: We're pressing it for not
discussing it here, you tell me.

MR. LAMOTTE: I thought we had a pretty good
discussion per item, you know, pretty good work crafting
to get here. Unless you see something --

MR. FREEMAN: I just saw a couple, maybe typos
or --

MR. LAMOTTE: Yeah. And we'll get typos.

But, I mean, if you see something now or later that you
think, in this --

MS. SCHULDENFREI: Well, for instance, we had
changed -- artist to performing arts center, I thought,
on the list there?

MR. LAMOTTE: What page are you looking at?

ACTING CHAIR OPDYCKE: What page is that?

MS. SCHULDENFREI: 71. 68 in our plan, 71 in
the revised.

MR. BISHOP: Well, the preface to that whole
section is, I, our understanding --

MS. SCHULDENFREI: Oh, you didn't mark that
one up yet.

MR. BISHOP: Our understanding of where we left off last time is we were discussing things in the context of the zoning critique and recommendations that were really spelled out in far greater detail and reflected our more current thinking in Section 8. So we were, we were hopeful of discussing that within the context of Chapter 8, rather than discussing it within the context of the zoning critique.

MR. FREEMAN: There is a, Table 7-A, a zoning form here on the core, we've parked the base height, I believe we should have parked the --

MR. BISHOP: Well that, that actually doesn't reflect the record.

MR. STALEY: We, we agreed on the 275 and then after we agreed on that, the people who want lower buildings couldn't agree on the, on the base height. That's what happened.

MS. BURRUS: Chairman Opdycke?

ACTING CHAIR OPDYCKE: Yes.

MS. BURRUS: Would we like to discuss that part, item on the core, the base right now?

MR. MARINO: I think our method tonight if
we're going through Chapter 8, because we think that's such an important Chapter, and that's the last substantive Chapter. And then after completing that we can move on to the discussion which really -- earlier, which is a planned development issue and what's the proper threshold for planned developments and if there are to be planned developments it's recommended in -- And then after that, if there's time, to then begin to move on through the parking lot issues --

ACTING CHAIR OPDYCKE: Okay. Then let's --

MR. LAMOTTE: I think we're trying to get the text nailed down.

ACTING CHAIR OPDYCKE: Yeah, let's start on page 71, Section 8, form base zoning for downtown.

MS. BURRUS: Okay. You want to do that?

MR. LAMOTTE: You be free and I'll --

MR. BISHOP: Oh. Okay. If we could maybe, it's been awhile since we've done a, did a presentation, we got some new material as a prelude to the more detailed discussion. If we could maybe go through the form base zoning strategy?

ACTING CHAIR OPDYCKE: Yes.

MR. BISHOP: In that presentation? Tom, Tom
will lead us through it.

     MR. SMITH:  Try to keep it short and to the bigger point.  I think at the heart of what we're proposing in Section 8 is the idea that the City move from a very traditional zoning classification or a zoning tax that focuses on uses and separate uses and keeping, you know, the traditional zoning as keeping industry out of residential areas.  That type of zoning is not fit for downtown.

     Downtown Evanston is already very mixed use, it has, it has a form base to it.  So the, what, at the heart of Chapter 8 is the idea that you move from more traditional zoning to a form based zoning.

     This is a location where people really love the fact that it's a very walkable place, that it's a very pedestrian oriented and what that is really the result of is a form.  It, it has shop windows, it's got retail at the street level, it's got a mix of uses, it's got a density and compact form that make it a very walkable and interesting place.

     So that's the focus of a form.  So that's the heart of the recommendation of Section 8 of the report is that we move from a traditional zoning scheme to a
form based scheme. And we have to understand that to understand Chapter 8.

And form based coding, what really focuses, again, is not on use, not on where the residential goes, where the commercial goes, where the institutional goes, where the employment goes, but on the shape and size and scale and how those buildings meet the street.

So basically what form based codes, heights, setbacks and building siting, building elements such as windows and doors, uses is a factor but it's not the most important factor.

Streetscape standards, landscaping standards, some architectural standards and some definitions that go along with the form. And this is, this is really, in terms of Chapter 8, this is the form that we're suggesting, that the downtown, and this was suggested in, in a modified form by your downtown Planning Committee of the idea that downtown will have some edges, it will have some traditional districts and it will have a core area.

So those are the basic parts of the form. And then the zoning would reflect that also. You would have classifications that related to this idea that the edge
has a form, the traditional districts have a form and
the core areas have a form.

And then we'll get into the specific districts
that Chapter 8 talks about. And in terms of the
transition areas, it has three classifications. And
those classifications are tied to a specific geography
that's shown on that zoning map and they're also defined
in terms of heights and FAR's.

So the RD-1, the transitional residential,
downtown transitional district 1 is a, like a six to
eight story, and RD-2 is six to ten stories and RD-3 is
eight to 15 stories. And those numbers relate to the,
the height numbers there.

And, again, you can look at where those RD
districts are.

MR. BISHOP: We passed around a map.

MR. FREEMAN: Can I ask a question? Is RD-1
then, that's a rural, does that go to, is that, looks
like it's two, is that Ridge there or is that Asberry?

MR. SMITH: Yeah, that's Ridge.

MR. FREEMAN: Okay. It goes up to Ridge.

MR. SMITH: Uh-huh.

MR. FREEMAN: So if I read the map right then,
was it four to six stories as an RD-1?

MR. SMITH: It's six to eight.

MR. FREEMAN: Six to eight. But that, there's no, if you could potentially get a, maybe a legend in there. So, what we're proposing here is for that RD-1 up to six to eight stories, up to Ridge?

MR. LAMOTTE: And if you match it with the color diagram, that's what we're coding.

MR. FREEMAN: Right.

MR. LAMOTTE: The colored diagram is what you would approve as the master plan diagram.

MR. FREEMAN: Okay.

MR. LAMOTTE: That would be the zoning that would come to the next round. So that, that -- reflect that to a bubble line.

MR. FREEMAN: Got it.

MR. SMITH: Okay. And some of that area that we're proposing as, for example, RD-2, it's currently zoned on E-4. And this shows, in proportion what the current zoning E-4 allows, with allowances and exceptions for parking versus from what we're suggesting.

And this is just one example. Like I said,
there's three transitional districts. But in terms of the current zoning, it is a tighter control on the heights of buildings. But the D-4 applies to portions of David Street and Sherman Avenue.

MR. FREEMAN: Excuse me. Is there a way to back that up to get the, the image bigger?

MR. LAMOTTE: And D-4 is on the left, because I often do the same thing with glasses, RD-2 is on the right. So the existing's on the left and further, form based proposal's on the right.

MR. MARINO: Yeah. And this is going to be shared with us then?

MS. SCHULDENFREI: How does this, this doesn't differ in any way from what we have in our packets and what we have --

MR. LAMOTTE: No, it's not, it's in the book --

MS. SCHULDENFREI: -- and what's presented and many comments? Okay.

MR. LAMOTTE: This is just, we're giving a refresher.

MS. SCHULDENFREI: Yeah, okay. Refresher.
MR. LAMOTTE: But it's a quick refresher.

MS. SCHULDENFREI: Very quick, okay. We've read, we've heard this presentation a lot of times.

MR. SMITH: You're right, you're right. We've gone over a lot of this.

MS. SCHULDENFREI: You're definitely meeting your number.

MR. SMITH: All right. In R-6, this is also just a comparison between the R-6 and some of the transitional districts. R-6 is very common in the current transitional areas that appears on Church and Davis, Grove, Maple and Chicago Avenue.

And it'll allow us about 85 feet in height and that's how that compares to the other transitional districts that we're suggesting here.

And we've also tried to test some of the concepts. So I believe --

MR. LAMOTTE: The Best Western.

MR. SMITH: This is the Best Western site. If it was redeveloped with, consistent with the guidelines in the form based code. And the difference is, at the street level, the Best Western site would have to have a retail, it would have to have the shop windows at the
street level. It would have to have access to stores at the street level.

When you got to the tower portion of it, it would have to be set back from the base. So again, the purpose of this exercise was just to give you a sense of what results from the form based coding.

MR. MARINO: Tom, if you could go back, the height on the residential portion there?

MR. SMITH: Yes.

MR. MARINO: Could you describe that?

MR. SMITH: Okay.

MR. MARINO: It's hard to tell.

MR. SMITH: Yes. This is a three story base and then at eight stories for the tower portion. So it's, it's smaller than the current building is. It's in the transitional edge, or transitional district. It's in the Harden 3 district.

And this is another transitional site. It's at Grove and Ridge. It's currently a large surface parking lot, okay. And again, this is just an exercise about what, what results from the form based code and how it might fit in with the context of these areas.

So this building again is, I think it's an
eight, six, eight story building. It has, again, a lower base and it's similar in height and scale to the building immediately to the north. It's taller than the church to the south.

But again, the purpose of this exercise was just to get, if you adopt a form based code and you start applying these kind of parameters in terms of height and in terms of setbacks and in terms of setting back the towers, what, what's the results, what's it going to look like. So, and how does it fit in terms of the context. So that's what these exercises were about.

And this is the downtown traditional district and this, the graphic on the right shows a three to five story building. And the illustration of the lower level shows how it controls where the parking can be. And it shows 25 percent of the lot depth at the front has to be retail. So these form based codes have a lot of rules about where, like the parking can be, where the retail must be, what the size and shape of the building can be.

And these are the recommendations. It has to have ground floor retail. It has to be within that three to five story height base. There are limits on the parking and we, we have suggested in the graph to
revise the parking ratios on these traditional streets
allowing rehabilitation of those properties without,
without requiring a lot of parking.

MR. CLARK: I just want to take one
opportunity to, the reason this is highlighted in green,
the building height map that's dated 5/7 there's sectors
on that that we've discussed and, and it largely had
been recommended, suggesting in a traditional area the
maximum height be 33 to 55 feet. That's, was meant to
approximate a three to five story building because
that's the proposed allowance there.

And that was based on our 11 foot average for,
for height for buildings. That works for taller
buildings, it does not work, there's no way to build a
three story building that fits in the traditional
district in 33 feet, we need at least 38 feet to
accommodate us 14 foot ground floor retail space which,
even then, might be tight but that -- residential floor
to get the three floors in.

It was simply an oversight when we did these.
We're not recommending changing any of the other ones.
In order to accommodate three to five stories base max
with bonus on the traditional, we would recommend to you
that you modify your previous recommendation for maximum
age height for the traditional to 38 to 60 feet, that would
accommodate a three to five story building.

So I just wanted to call that out. Full, full
disclosures, we want you to consider that. But we can
discuss it at a later date or later tonight.

MR. SMITH: Okay. And then in the traditional
district again, related to this idea of form is that you
have very specific regulations on the placement of
windows, it has to be 75 percent of the front facade, it
has to, those windows have to occur within a band of two
feet above grade to eight feet above grade.

It has to have access from, to the retail
space on the street level. It requires that the facades
be broken up into the traditional form that is Evanston
which is store fronts generally in the range of 25 to 30
feet in width.

So it doesn't require that it only be a 25 or
30 foot wide building but that there be some kind of
definition of that space that makes it look like a
distinct space every 25 to 30 feet.

The D-4 currently applies in some of the
traditional districts. D-4, for example is what the
zoning is of the post office and the block across the street from the post office. The southern edge of Sherman that's in the traditional district that we're suggesting is currently D-4 district and again, this illustration is just showing you what the effect of the form based code is.

Currently in that D-4 property, you can do, with the exceptions for parking and allowances, something in the range of 165 feet and with the proposed form based code, you would be getting in that range of, like we said, 38 to 60 feet. So it's a significant change.

In addition, some of the traditional districts are currently zone D-2, they're not all D-4. And that allows something in the range of 125 feet. That's Sherman Avenue north of Church is D-2 and Davis, before you get to the post office is D-2. And so that allows, with the allowances and with the parking exception, something in the range of 10 to 12 stories and the form based code is talking about something three to five stories.

And here's some illustrations again, to look if this form based code approach was taken, this might
be the result. Here's a piece of property on Sherman Avenue. It currently, I think is a T-Mobile store. It's on the west side.

MR. MARINO: Kurt, can you point out the specific --

MR. SMITH: It's smaller.

MR. BISHOP: Yes. Yeah, here we are. This is the, this is the test site, right here.

MR. MARINO: Uh-huh.

MR. SMITH: So this shows a four story building, so they would have to have secured a bonus to do this building. It shows an upper setback at the third level that probably would be like a open space for the people who live in that building.

But again, the purpose of this is not that we have any idea that that might actually happen. But that's, if it did happen and they did follow the form based code, this is how it would sort of fit in to that lot.

MR. BISHOP: In fact, this one was tested with two options with this landscape terrace up here and then one that doesn't step the building back, just a four story, four story building facade right on the Sherman Avenue.
side, versus the three with the kickback of the fourth floor.

MR. SMITH: And this is another test site. This is the old book store that's currently closed. And again the idea's --

MR. GALLOWAY: Where is the book store? Point it out for us?

MS. SCHULDENFREI: It's the old Barnes & Noble.

MR. GALLOWAY: The old Barnes & Noble?

MS. SCHULDENFREI: Do you recognize it now that it's Spanish colonial.

MR. SMITH: Across the street, like Marshall Fields, across the street from it.

MR. GALLOWAY: Yeah. Thank you, that helps.

MR. SMITH: Uh-huh. And again, the idea is just to look at what the form based code results in is that building that, that, you know, is in relative scale. It's very similar to about the size of the Marshall Fields building.

MR. BISHOP: Again, illustrating with a step back fourth level and then without. And that would have been office versus mixed kind of orientation.
MR. SMITH: In the downtown core, there is the ground floors again would have to be reserved for, for non-residential. There would be limits on where parking is allowed and located. There would be height limits and intensity limits again, tied to the heights of building and FAR's and also the idea of upper story setbacks as part of the form based coding.

And this is the results of those form based. There's three core districts, the DC-1, DC-2 and DC-3. And this shows how the upper story setbacks would apply. It's intended to show that the ground floor with the awnings is retail. And that generally there aren't big setbacks for, with these buildings, so.

And again, this is an illustration to show how these compare to the current zoning regulations, that D-3 is common. It, D-3 is on Benson and Sherman on the, it's also on Grove and Orrington and Chicago. It allows 210 feet, if you're doing a non-residential building and it allows 260 feet if you're doing a mixed use building. Or, I'm sorry, that's --

MR. BISHOP: That dictates the size of the --

MR. SMITH: Yeah, it's the size of the lot.

100 or 95 feet from where you get a taller building.
And this is how it compares to DC-1 which is also a core district. So the current zoning allows 17 to 21 stories for the smaller lots and 21 to 25 stories. And the DC-1 is in the range of 15 to 18 stories.

And this is the DC-3 in comparison to the DC-2. And they're comparable, again, you're somewhere between 17 and 25 stories under the current D-3 and under the DC-2, you're between 15 and 30 stories.

ACTING CHAIR OPDYCKE: Just for the benefit of the, of the public here. The right areas, on the very top of those buildings are the allowances? If they're achieved?

MR. SMITH: Those are the, all bonus space. If you go back or to one, you're right, those, all those illustrations, anything that's in the lighter white has to be earned through the bonus system.

MR. BISHOP: Based with bonus. Same is true in these. These are the allowance for, either for parking or for --

MR. SMITH: Allowance.

MR. BISHOP: -- allowances. See the test site 4, this one.

MR. SMITH: Yeah. So this is at Church and
Oak. It's, I think a two story building now and there's also on that lot a vacant lot and maybe a house there. And so this is a building in the core area, it's a 15 story building. The building across the street from it is about a 12 or 13 story building.

The building towards the railroad tracks is a 17 story building. So again, the idea, this is one of the sites that we identified as a site susceptible to change. This is how, under the form based code, it might fit in.

In the form based coding, we are suggesting a variety of design standards and they're really more standards than guidelines. They're intended to be as, as clear as possible and standards that would be self-executing.

But they relate to architectural features to green elements to the articulation of buildings to the -- what kind of glass is used on buildings to the idea that when you have retail and you have these uses, you know, in the downtown location you want to have good connections between both the residences and the stores and the sidewalk, so there would be standards with regards to screening and hiding utility and service.
areas. Screening for enclosed parking and standards also for lighting.

MR. FREEMAN: Can you go back, I have a question on point one. So general standards, so limits on franchise architecture, can you explain how general standards, I'm assuming franchise architecture is how things look similar?

MR. LAMOTTE: In corporate type stamp that architecture so if it's a fast food place or a restaurant, you're not stamping out the same thing.

MR. FREEMAN: Okay.

MR. LAMOTTE: We want something designed for downtown, not just pull it off the shelf and put it in there.

MR. FREEMAN: So while we'll have limits on franchise architecture like McDonald's, you know, if you look at a place like the Glen, that to me looks similar to franchise architecture, like somebody just pulled these buildings off a shelf somewhere and plopped them down.

So how does the, I guess I can save these questions for later but that type of building, seems to me, would fit within a form based architecture.
MR. LAMOTTE: Well, the form based code, as Tom is saying is going beyond just the basics of euclidean basic zoning, it's asking for design standard or telling design standards but it's not designing building, otherwise the architects have no leeway to be creative.

So the idea is, one of the things we don't want, for example, you don't want cinder block block of five stores. You don't want --

MR. FREEMAN: Or concrete.

MR. LAMOTTE: -- solid walls, you don't want concrete walls. You want articulated storefronts, storefront proportions whether it's a newer, modern architecture or older, more contextual architecture. You want doors where people can find them, you don't want deep, dark recessed entries. You want articulated architecture all the way up. You don't want solid walls coming down.

I think in the charrettes and some of the presentations we gave some examples of that and some individual surveys. So we're basically laying a happy medium of a framework for the architects who then fit in. And then the architect creatively takes that wire
frame and works it. By going on to the corporate
architecture, we're basically saying don't even bring it
to the table, don't bring it to the Staff, don't bring
it to the Plan Commission, if it's something you pulled
out of your catalog for your restaurant or your
business.

Including, getting down to signage, eventually
down the pipe. So there, it used to be guidelines were
out here somewhere, not in the zoning ordinance. Now
they're inside the zoning ordinance as standards that
really have some keys for you and the staff to use.

MS. NYDEN: So we can, we can mandate what
materials we want to see in these buildings or?

MR. LAMOTTE: To a point you can, right. And
you're basically saying, here's a palate of things we'd
like to see. Concrete block in the front, poured
concrete, sheet metal, some of the weird things and some
of the modern architecture comes out with, if you want
that, you can put that on this.

MS. NYDEN: So we pick the materials.

MR. LAMOTTE: And the courts are getting
closer and closer to making sure that all can be part of
your zoning. So that's why form based code is a whole
new way because it's predictable and it's telling somebody, here's our standards.

MR. FREEMAN: Now one of my concerns about form based architecture or code is that it actually encourages uniformity. It doesn't encourage architecture. It doesn't encourage buildings that we currently have in Evanston. I think we can probably walk around Evanston and you guys could point out a whole bunch of buildings that wouldn't fit.

And so that’s, you know, a concern I do have but I guess we bring that later. I just have a question, I had a question about the general standards and franchise architecture.

MR. LAMOTTE: Well, let's get back to that because that's an important --

MR. FREEMAN: Sure.

MR. LAMOTTE: -- question.

MR. FREEMAN: Absolutely. I don't think it's, this is not the right time to talk about that.

MR. LAMOTTE: Okay. You got more --

MR. SMITH: Okay. A key to this system that we're proposing is the bonus formulas, okay. Because achieving the heights that are allowed will take, will
require the use of these bonuses, okay. And this is basically the way the bonuses work.

Some are based on a financial contribution by the developer, okay. They have to make a financial contribution to landmark preservation. They have to make a financial contribution to improving Fountain Square or Raymond Park. They have to make a financial contribution to public art installations. They have to make a financial contribution to streetscape improvements.

And the amount of floor area that you get or added building height is related to the value, to the actual dollar value of those financial contributions.

MR. FREEMAN: Now I don't recall if you were here last month for the conversation we had later about perhaps some of these bonuses shouldn't be bonuses and just should be requirements for building in Evanston. So I don't know if you were here last month when you had that conversation or not.

MS. SCHULDENFREI: Yeah. Are they in --

MR. FREEMAN: They are in, well they're in the minutes. They're in the minutes.

MS. SCHULDENFREI: Yeah. But do they make it,
migrate themselves into the --

MR. SMITH: What I'm describing how the bonuses work, okay.

MR. FREEMAN: Right.

MR. SMITH: One way they work is, you give me a dollar contribution and I give you added floor area.

MR. FREEMAN: Sorry.

MR. SMITH: Another way that they work is --

MR. FREEMAN: We'll take one for after this conversation.

MR. SMITH: Okay. If you contribute land, or you contribute area within your building --

MR. FREEMAN: Right.

MR. SMITH: For certain public purposes, then you get added building height or density.

MR. FREEMAN: Right.

MR. SMITH: Okay. So if you create a public plaza, you get a bonus. If you widen the sidewalks, okay, so that everybody can use them, then you would get a bonus. If you put your parking underground, under the building, okay, the area devoted to underground parking relates to how much bonus you get.

If you do a green roof on the, if you convert
your roof to a green area, then you get a bonus in proportion to that size of that green roof area. If you do affordable office space, then the amount of floor space you devote to affordable office space relates to, okay.

And other ones are more unique. The affordable housing one, it's either the amount of floor area that you devote to affordable units or the dollar contribution. And that's affordable housing over and above what the City already requires. A whole building sustainability is, is related to the level that you achieve, okay. So that's unique because there's different, like in the lead certifications there's different levels. And so the amount of bonuses related to the level that you achieve in terms of whole building sustainability.

Concealed above parking, that is, it's more uniquely calculated. It's related to how well you disguise or hide or make your parking invisible to people who are on the sidewalk or, or viewing the building.

Here's some examples, okay. This is how the plaza bonus works. You take a plaza area, the square
feet in the plaza area, you divide by the lot size that you're building is on. So you're taking a portion of your lot size and you're converting it to a plaza and then you multiply that by the base FAR.

So here's an example, a relatively small plaza, 2,000 square feet, that 20,000 square foot lot. And you have a, this would be a core district where you have a base FAR of 10. You'd get a one FAR bonus there, in that example. Go ahead.

AUDIENCE MEMBER: Would the dollar amounts be CPI adjusted?

MR. SMITH: Pardon?

AUDIENCE MEMBER: Would the dollar amounts be CPI adjusted?

MR. SMITH: Yes. They, in the draft ordinance that we have provided, it says that they have to be adjusted every so often based on some assessment of land values actually.

MR. FREEMAN: Now with this setback area, isn't that also regulated as well in the form based zoning, right? So you can't automatically say, okay, I'm going to set my building back, you know, ten feet to get height, right?
MR. LAMOTTE: Once the next phase comes, when you're building -- on that, we need to get to what is the ultimate sidewalk width and then how far you can really do that because you don't want to go back to the '60's and have stuff set back with huge windswept plazas but you want to accommodate your café's and things as well.

MR. FREEMAN: Yeah.

MR. LAMOTTE: And on Central Street, we set the build to line so that a real sidewalk comes out a the end, not the five foot sidewalk that's sometimes left over. So there's some, some measurements still that have to be fine tuned in here. But what you would be approving is the theory that, let's start to really shape the form here and then the details will come with you and Bill and Dennis and everybody in the next round.

MR. FREEMAN: Okay.

MR. LAMOTTE: Okay.

MR. SMITH: But this is how the formula works, okay. You take the setback, let's say it's a three foot setback to widen the sidewalk and the lot is 100 feet wide or 200 feet wide. So it's three feet times the 200 feet, so 600. Three feet wide times 100 feet and the
lot size is 20,000 square feet and so you get a .3 FAR bonus.

MR. FREEMAN: In this example, they have an outdoor café there?

MR. SMITH: Yes.

MR. FREEMAN: I'm assuming then, the outdoor café is not included in the setback unless then they are paying to use that as an outdoor café because it no longer becomes public area, is that correct?

MR. SMITH: I just think this is a bad example of, of what you're --

MS. SCHULDENFREI: It can't be private.

MR. SMITH: Of the widening bonus example.

MR. LAMOTTE: We still, we still have to work that out because one of the key things, we have to have the open line of site and line of walk for everybody coming down the sidewalk.

MR. FREEMAN: That's correct.

MR. LAMOTTE: We've seen sidewalk café's in and out and that's not good. So when we actually look at this drawing, is this a public benefit? That's what we have to debate. And I mean we're talking about it now, we'll make the list and then detail it out. Some
are going to stay on the list, some, as you have already
been talking, we need to adjust. Okay.

MR. SMITH: Okay. A landmark preservation
bonus, okay. What it really, how it works is the
developer pays the cost of one square foot of added FAR,
okay. And that, that value of one square foot of FAR is
multiplied by .8, okay. So it's discounted by 20
percent. And that, those dollars for each one of those
FAR's is what goes to landmark preservation.

So, and the same is true with the improvements
for neighborhood parks or downtown parks is that the
developer pays a discounted value of the FAR. It's, as
it's suggested in the form based code, it's, they're
paying 80 percent of the cost of that FAR.

MS. BURRUS: Did we want to keep that so
specific? I don't remember at our previous meeting of
it being just Fountain Square and Raymond Park. I mean
aren't we looking at more --

MS. SCHULDENFREI: This is just an example.

MR. LAMOTTE: It's just for him to explain how
the formula works.

MS. BURRUS: Right. No, but it's on the --

MS. SCHULDENFREI: It's on the first --
MS. BURRUS: -- it's on the first slide of bonuses.

MR. LAMOTTE: Right.

MS. BURRUS: And I, and I want to be very clear and I hope the court reporter's getting this as well as you're getting this, it should not just be Fountain Square or Raymond Park, it should be downtown plazas or downtown parks. He had it on his first slide.

MS. SCHULDENFREI: Oh, but that's not going to any of this, right?

MR. LAMOTTE: But that's not going to, no.

MS. BURRUS: Okay.

MS. SCHULDENFREI: Okay.

MS. BURRUS: I want to be very clear that that is not what is meant.

MR. LAMOTTE: We go to the list that's in here.

MS. BURRUS: Okay.

MR. LAMOTTE: That you're recommending to the counsel, yes.

MS. BURRUS: Right. But I, it's up on the screen and I want to be very clear about that.

MR. LAMOTTE: So in here it's public plazas
and public parks/open space between the --

MS. SCHULDENFREI: That slide should read just park bonus.

MS. BURRUS: Right. Exactly.

MS. SCHULDENFREI: Okay. Let's move on.

MR. SMITH: And the whole building sustainability, okay. You'll have buildings that meet the gold, the lead gold standard, they get a five percent FAR bonus. Those that meet the platinum level, 15 percent FAR bonus.

MR. LAMOTTE: And one quick note on that is it may not have to be lead certified, it may someday be City certified in order to encourage more people to do it. Some cities are not requiring lead has to be done but if the list of lead be on the --

MR. MARINO: What you mean by that would be a city equivalency?

MR. LAMOTTE: Right. Austin, Texas has that where instead of saying you must do lead and spend $600,000 to $800,000 to get the program --

MR. BISHOP: The draft, in fact, says that the City equivalent --

MR. LAMOTTE: The list, right. City --
MR. BISHOP: -- serves the --

MR. FREEMAN: What's the difference in cost between City and lead?

MR. LAMOTTE: We don't have the exact cost but what we've been hearing from other cities and developers is that by the time you make it through all the way to platinum, it's quite a hefty permit fee.

MS. NYDEN: It's usually like one to two percent of the whole development process.

MR. LAMOTTE: So what we're looking at, other cities are saying why not have --

MR. BISHOP: For your certification.

MS. NYDEN: To make the lead started, to make it, to make the property green to meet those --

MR. LAMOTTE: Right.

MS. NYDEN: And then the permitting processing is very expensive and that always adds a cost.

MR. LAMOTTE: So, for example, just quickly. Some cities are saying why not us have the list and our inspectors and planning department sees that you have energy efficient things and make it a City standard.

MR. FREEMAN: Are those cities then, are their inspectors certified to make those calls?
MR. LAMOTTE: I mean, there's a cost to it. Obviously you can't just tell your inspector but it's not as vigorous fee as if you do it yourself.

MR. GALLOWAY: But the City, in effect, makes its own, sets its own standards and the cost to the developer or architect is last because the, for the administration of it and the verification of it are done locally as opposed to, you know, where a lead process is?

MR. FREEMAN: I'm assuming then that the City --

MR. GALLOWAY: Spend a lot more time and effort.

MR. FREEMAN: I'm assuming the City inspectors would still be lead certified to be able to make some kind of --

MR. LAMOTTE: Yeah. I mean if --

MR. MARINO: -- inspection equivalency. Or --

MR. LAMOTTE: Yeah. Or an equivalency.

MR. MARINO: -- equivalency, right.

MR. LAMOTTE: If, if the City made that policy decision down the pipe then all of that would have to be looked at. The staffing, paperwork, process, that kind
of thing.

ACTING CHAIR OPDYCKE: Okay. Let's turn then to page 77. By chance, Tom, do you have a slide of this page?

MR. SMITH: Which page?

ACTING CHAIR OPDYCKE: 77. I'm just wondering if you do, so the public can take a look at it?

MR. SMITH: We do.

ACTING CHAIR OPDYCKE: You do?

MR. SMITH: Yes.

MS. NYDEN: Can you zoom down a little.

ACTING CHAIR OPDYCKE: Then why don't we put that up on the screen. What's your pleasure, Ronnie?

MS. NYDEN: I was wondering how we can make it more visible but it's not, we'll just have to follow in our books.

ACTING CHAIR OPDYCKE: Right. We'll have to follow in our books but the, the public can see what we're looking at here.

MR. FREEMAN: Yeah, it's not in focus, either. Unless those are my eyes.

ACTING CHAIR OPDYCKE: That must be your eyes.

It's not real clear. Can you focus, for the community?
MS. SCHULDENFREI: Yeah, that's better. Can you scroll down so they can see the bottom half?


MR. FREEMAN: Page 77?

ACTING CHAIR OPDYCKE: We're on page 77. 2.2.2, it refers to the shaded area and then there's the picture. Maybe you can scroll up a little bit on that, there. What, what is the shaded area? Is it the light shaded area or the dark shaded area or both?

MR. SMITH: It's the dark shaded --

MR. BISHOP: The dark shaded area. It's called out as the built to zone.

ACTING CHAIR OPDYCKE: Okay. So then 2.2.2 should read, buildings must be placed in the dark shaded area, would that be appropriate to put that word in there, or not?

MR. FREEMAN: Or to the built to zone, because it does say the built to zone there.

ACTING CHAIR OPDYCKE: Yeah. I, I do think some revision is in order. Maybe it's both, maybe it's about the suspenders, built to zone and the dark shade, parenthetically the dark shaded area.
MR. STALEY: Aren't you really saying they're not building beyond the dark shaded area?

MR. LAMOTTE: No. No, we're saying, this says that the edge of the building has to be placed within that area. Not necessarily the outer perimeter and not necessarily the inner perimeter. Somewhere, we're giving them some flexibility but within a pretty narrow range.

MR. GALLOWAY: So it should say within then as opposed to in?

ACTING CHAIR OPDYCKE: Within the dark shaded area, that would make --

MS. NYDEN: Yeah.

MR. FREEMAN: So we're talking a foot to two feet area that they have to put that in, is that what that says right there? The 15, 15 to 25 is what the built to zone is?

MR. BISHOP: It's a 10 foot area.

MR. FREEMAN: Sorry.

MR. STALEY: And it's really the building perimeter, isn't it? If it has to be within that? I mean the building otherwise, we're going to -- with nothing under the --
MR. FREEMAN: Sorry.

ACTING CHAIR OPDYCKE: Explain the right of way line, if you would, please? I'm not, I mean I'm not an architect so I, I would, what does that mean, right of way line?

MR. LAMOTTE: That's the public --

ACTING CHAIR OPDYCKE: Is that where the sidewalk ends or --

MR. LAMOTTE: In most cases, that's where it ends but sometimes it goes in and out because of old lines from the past. But the right of way is usually a public right of way owned by the City, the street and the sidewalk zone.

ACTING CHAIR OPDYCKE: Okay. That would be from the edge of the building out, all the way to the street then, right?

MR. LAMOTTE: Traditionally, right. If you look at the traditional main street facade, the facade, is everything in there is usually public right of way. And then what we do with these codes, we're trying to get this so we knit together the line if it's moving it down from one community that has seven different setbacks and stepbacks from the right of way. So it's
kind of straightening it out.

MR. WIDMAYER: Why do we abut the real property line when we need space for dumpsters and things of that nature off the alley?

MR. LAMOTTE: Typically they can build to that. We've notches in rooms an carousels and things indented into the building. And they have to accommodate that. They can't stick it out there so the architect would have to work with that, if they're going to the line, they're going to the line they're going to have to make some sort of provisions at the ground floor front.

MR. WIDMAYER: But do we have anything now that requires, requires the -- to be to the lot line?

MR. BISHOP: That requires? No.

MR. LAMOTTE: No.

MR. BISHOP: But allows it, yes.

MR. MARINO: And the other thing to keep in mind is you can provide space for --

MR. WIDMAYER: Are we assuming what this is allowing or requiring?

MR. LAMOTTE: This is allowing.

MR. BISHOP: With regarding the built to line,
it's allow, it's requiring.

ACTING CHAIR OPDYCKE: 2.2.2C.

MR. LAMOTTE: Right. That's --

MR. BISHOP: That's a minimum. Zero minimum.

MR. LAMOTTE: You can build to the line.

MR. BISHOP: No maximum.

MR. WIDMAYER: You can build to there?

MR. BISHOP: So there is no --

MR. LAMOTTE: Right.

MR. BISHOP: -- requirement that they put it on that line.

MR. WIDMAYER: Okay.

MR. LAMOTTE: They're not required to fill the base up.

MR. WIDMAYER: All right.

ACTING CHAIR OPDYCKE: Again, under building placement, there's a typo under 2.2.1, second line, I believe, where it says, ensure that new any, should be any new.

MR. LAMOTTE: The first sentence is missing a word too.

ACTING CHAIR OPDYCKE: Yes. Yes, I see. A lot help, yeah. It needs some rewording there.
Anything else on page 77? 78?

MR. FREEMAN: Yeah. I had a question on 2.3.1D, architectural features or rooftop accessories, structures. They're not included in the height of the building, so how many can, how many stories can that add? Right? I mean the, Sears Tower has some big antennas and those are not included in the height of the building.

MR. WIDMAYER: They're also not generally allowed.

MR. MARINO: Right. Bill, can you help us out there?

MR. FREEMAN: What's not generally allowed?

MR. WIDMAYER: Large antennas on top of the building.

MR. FREEMAN: Yeah, I understand. But I don't know, you know, I have ventilation equipment --

MR. MARINO: The rooftop accessory structures, you know, how do we handle that now?

MR. DUNKLEY: Yeah. Just not, yes, not having it in terms of the height -- and that's, each, each municipality defines height in the way it's, that it has made sense over time. So I think it makes sense to try
and stay within that understanding as much as we can.

We generally cannot use the space in, in terms of height of the building.

We have, here where we, it's different, where we also allow up to 40 feet of full, 75 percent or more of level -- is devoted to structured parking but we step off of it for --

MR. STALEY: But not on the top of the building.

MR. DUNKLEY: So it's not an easy question, it's not a simple question to answer. But, in general, we can't use the space.

MR. GALLOWAY: That's quite typical of most codes. They don't --

MR. FREEMAN: No, I understand but we're talking about enabling, potentially enabling six to eight story buildings going up on the east side of Ridge and then if you have an eight story building and you have another story or more of stuff on top of it.

MR. DUNKLEY: Is it a story or unused space?

MS. NYDEN: Visual, visual story.

MR. FREEMAN: Visual, I just don't --

MS. NYDEN: Whether it's occupied or it's not
occupied it's still --

MR. FREEMAN: That's correct. It's still

visual to --

MR. LAMOTTE: Well let's, let's break it in

parts. I mean it's not going to be occupied space. If

there's some sort of a coupula that's not occupied, a

coupula or a clock tower or interesting feature on the

corner.

MR. FREEMAN: Right.

MR. LAMOTTE: Or it's hiding your air

conditioning equipment or whatever it is. The question

is what kind of a cap is on that. Now obviously

equipment on the roof isn't going to be one story, it's

usually smaller, unless you are the Sears Tower.

If you are encouraging architectural features

and corner treatments and focal points and things, it's

to allow the architect a little chance to maybe be

creative in the corner, the question is how high can

they go past that cap, that's the key. And then, I'm

now then looking at this, I'm not sure we have a cap on

that. And if somebody said, hey, that's a corner of a

traditional block and we need to redevelop it and we can

put a clock tower or something of interest then how far
do we let them go, that's --

Mr. Galloway: Well, we can also designate
that those, if those items are pertinences, are located
are far enough back from the exterior wall of the
building so that they're, in effect, their height is
either eliminate or reduced as far as perception is
concerned, from people on the street, and that's often
done.

Mr. LAMOTTE: Well the equipment, yeah.

Mr. GALLOWAY: Yeah. The equipment.

Mr. WIDMAYER: The cone of site.

Mr. GALLOWAY: Yeah, right. Cone of site. It
should --

Mr. LAMOTTE: But if somebody did some sort of
a feature, whatever that is, I mean architects have all
kinds of different features to make the buildings
interesting and focal points. It's just, if we want to
courage, getting back to your point, articulated in
different stuff, like the architecture, we may need to
put a cap on that.

Mr. Freeman: But my point is about, my point
is just how tall these buildings are visually.

Mr. LAMOTTE: Right.
MR. FREEMAN: And what type of regulation is that or is it unlimited? All right. So there's no, there's nothing in there that says --

MR. LAMOTTE: And I'm suggesting that we come up with some sort of a cap on architectural features just so that we know above that roof line how far we can go. 99 and nine-tenths percent of the time the equipment will be screened and you'll never see it. But if somebody does a feature, how high can we go.

MR. WIDMAYER: I think here, like in our other zoning, the line of site issue. So basically it says you can't see it, it's set back. I would also take antennas out, just because it can be a confusing statement. I mean, there's a difference, you know, we have the different, although we have different ordinances for commercial and tenants, like you're talking about with the Sears Tower, and with the new digital, not many people are going to be using antennas anyway.

But I would take that out just as an example.

MR. FREEMAN: -- example on Ridge or if you're east of Ridge but you live west of Ridge, your line of site is a little different, right? If you're higher
than the, the building is lower, the building --

MR. WIDMAYER: If you're higher, then you're always going to see it. But that's the case with anything.

MR. LAMOTTE: Right.

MR. WIDMAYER: Looking down, you're always, it's from the sidewalk.

MR. FREEMAN: Yes.

MR. DUNKLEY: I suggest that if you're, if consider that your height be solely determined by usable space, you will never have an architectural feature. And the ability to have reasonable, sell, sell the space for -- every time, it will be interesting --

MR. FREEMAN: Understood. All, I, I understand that but, again, I am asking to understand how high that can go.

MR. LAMOTTE: I would suggest we put on the list to come back with some sort of a capping line for controlling this. We do want to encourage interesting, articulated --

MR. FREEMAN: Absolutely.

MR. FREEMAN: -- within reason. And we, unfortunately, we saw this in one town where the
architect came in with a beautiful building, had a corner treatment that went up about two-thirds of a story above the height limit. It was phenomenal, it was a focal point for all of downtown and it, the Plan Commission and the Village Board cut it right off and you can sign a bill -- as quick as quick as you could, so.

MR. BISHOP: I don't want to, John, what John just said is come back to you with capping language. Let us come back to you --

MR. FREEMAN: Sure.

MR. BISHOP: -- with language that provides some predictability and certainty about what this could result in. I'd rather address it from the line of site angle than from the cap angle. And I just don't want to misrepresent what we are going to come back to you with and have you say, I thought we were going to cap it. So let us just try and address the mitigating factors.

MS. SCHULDENFREI: The other thing is some of the, as we're making our way through, sometimes we thought that some of these questions might be appropriate for zoning rather than sort of overall plan. And so that, that language in terms of covering up air

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conditioning condensers and all sorts of things versus architectural features, that would probably get worked out in zoning.

MR. BISHOP: The architecture, great point.

MR. FREEMAN: In the zoning or the covering up?

MS. SCHULDENFREI: Both, that we never really complicated document or language in zoning which would say, if it's an architectural feature perhaps it's these many feet. If you're just covering an air conditioning condenser, then you need to look at it a different way to see if we're actually encouraging the right thing or if they're risking --

MR. FREEMAN: I would tend to agree that an architectural feature, you should probably have a little more leeway on it. Okay. But I still, just somewhere need to have --

MS. SCHULDENFREI: Yeah. I'm saying it should be in zoning is my, I think.

MS. NYDEN: Can I ask a question about this procedure --

MR. FREEMAN: This is form based zoning, right?
MS. NYDEN: How is --

MR. BISHOP: No, this is not the zoning ordinance. That, that point needs to be made --

MR. FREEMAN: I understand it's not but it's still discussing the implementation of the zoning, correct?

MR. BISHOP: But could we take your comment to be this is an issue that needs to be addressed as part of the more detailed drafting --

MR. FREEMAN: Sure.

MR. BISHOP: -- effort?

MR. FREEMAN: Sure.

MR. BISHOP: And we can have a, sort of, not a parking lot, but a --

MR. FREEMAN: Yes.

MR. BISHOP: -- another exit ramp for these types of issues, okay.

MR. FREEMAN: Yes.

MS. NYDEN: Can we just review how that, how this becomes an ordinance, for everybody here just so we understand how this gets turned into an ordinance, I think Bill can talk to us about that?

MR. MARINO: We can talk to a couple different
perspectives. I mean, first of all, the master plan, basically a downtown plan gets considered, obviously by this Commission first. You make the recommendation for the Planning and Development Committee.

They then make their own recommendation to the City Council. At that time the City adopts the downtown plan. It is then referred back to the Zoning Committee or the Plan Commission to begin developing more the process that involves public notice, public hearing on specific recommended zoning changes.

And then it's the Zoning Committee that then works on developing the text as you have done in other cases, and other times that you then recommend back to the Full Plan Commission in terms of amendments to the zoning ordinance.

And then the Planning Commission makes the recommendation back on the P&D and P&D on to the Council.

MS. NYDEN: So like going through, this would be a similar process to what we did for Central Street?

MR. MARINO: yes.

MS. NYDEN: Which is where we ended up dealing with a lot of the little bits and pieces of this instead
of doing it all in Plan Commission we, I mean, what was it, nine meetings or something?

MR. DUNKLEY: Oh, yes. And this is a lot more complicated.

MR. BISHOP: Yeah.

MR. LAMOTTE: Well, the only difference there is that, you know, you have a Central Street master plan and then we did the critique of why the zoning isn't working and some ideas, very broad, like a page or two. In this case, to the credit of the Staff and the Council, they wanted it really started sooner. So you've got a bigger critique with a lot more detail. And you have the draft of a whole ordinance here to show people really what this is all about. So you're way ahead of the game.

Bill had to start from scratch on the zoning with a blank slate and said how do I code the master plan here. You're probably at 80 percent and then you can come back in and say, okay, this is two feet versus three feet and it's, it's for --

MS. NYDEN: So it's four meetings.

MR. LAMOTTE: Yeah. I just got it done in four, right.
MR. DUNKLEY: The longer -- I think everybody is --

MS. NYDEN: So if we just like maybe limit our minutia --

MR. LAMOTTE: Right.

MS. NYDEN: It would probably be worth it?

MR. LAMOTTE: You get your things, so as long as we're not putting anything in that's just not working, than all the words put together, okay.

ACTING CHAIR OPDYCKE: I think it's fair to say that this will not be codified, fully codified for a year?

MR. LAMOTTE: Well, the zoning, not the plan.

The plan is for --

ACTING CHAIR OPDYCKE: Well, I mean, before --

MR. LAMOTTE: Right.

ACTING CHAIR OPDYCKE: -- it gets into the zoning ordinance. I mean everybody signs off on it, it'll be a year from now, if we're lucky?

MS. SCHULDENFREI: Yeah. So let's move on.

ACTING CHAIR OPDYCKE: Yeah. So let's keep moving on.

MR. LAMOTTE: That's the next process, right?
Okay. No, no. That was a good point.

MS. SCHULDENFREI: No, it's a good point. And we need to get into the minutia later. Did you add that to a list?

MS. BURRUS: Yes.

ACTING CHAIR OPDYCKE: Can we get the others, can we get the slide up, okay.

MR. BISHOP: Of which --

ACTING CHAIR OPDYCKE: The slide of page 78?

MR. BISHOP: Okay.

ACTING CHAIR OPDYCKE: There's a graph at the top. Is there any thought given to including feet as well as --

MR. BISHOP: Yeah. Not only thought but a commitment to regulate --

ACTING CHAIR OPDYCKE: Okay.

MR. BISHOP: -- in feet, not stories.

ACTING CHAIR OPDYCKE: Okay.

MR. BISHOP: But we haven't, I've been in a revised route to reflect height in feet not stories.

ACTING CHAIR OPDYCKE: All right.

MR. BISHOP: Because that's the direction you've given us overall.
MR. LAMOTTE: You haven't even started it.

MR. BISHOP: We did for the character zones. We did not, we did not anticipate, we did not change Chapter 8 in anticipation. We just thought, let's give you the same draft and let's work through it and we'll come back and --

ACTING CHAIR OPDYCKE: Page 79. Going to move on to page 79.

MS. SCHULDENFREI: On 2.4.3, unless someone has something before then?

ACTING CHAIR OPDYCKE: Go ahead, Robin.

MS. SCHULDENFREI: It says driveways may not exceed 28 feet in width and no driveway may be located within 100 feet of another driveway or intersection unless the Public Works director determines that no reasonable alternative exists that would provide safe and out of vehicle access.

I think this is an area where if this is the question of egress and these kinds of issues, the Public Works director should weigh in but these kind of questions, I think, need to come to the Plan Commission because citizens time and time again have concerns about alleys and driveways and this kind of thing.
And so I would like to add Public Works director and the Plan Commission to 2.4.3.

ACTING CHAIR OPDYCKE: Do we, does the Plan Commission --

MR. GALLOWAY: I don't think you really need to do that, won't we be reviewing it anyway?

MS. SCHULDENFREI: Not necessarily. If it's by right, if it's a ten story building by right and then the Public Works director also says, oh, that's fine, they don't have to do this because there's no reasonable alternative, reasonable alternatives often depend on your point of view. And, and there could be some concerns just from my, my time here, things to do with cars do seem to be things that the public maybe has some concerns about that come from a different perspective than developers.

ACTING CHAIR OPDYCKE: Well, I don't --

MR. WIDMAYER: I, I find that risky.

MS. SCHULDENFREI: You would be concerned too?

ACTING CHAIR OPDYCKE: I don't think the Plan Commission should be getting involved in driveways if that's the only thing on the, on the --

MS. SCHULDENFREI: Well, exemptions. My
questions would be, there's going to be a lot of kind of executable things that if there's going to be an exemption to this, then, then I think it shouldn't just be made by a member of Staff, you know, behind closed doors.

MR. LAMOTTE: The implication is that a professional engineer, who is the Public Works director, the transportation expert's making that decision. It's not meant that it's behind closed doors.

MS. SCHULDENFREI: Right. But they've made many decisions here that you have to question whose best interest the decision has been made in on the part of Staff. And one would be hopeful that, in fact, the best decision would always be made for the sake of safety and traffic.

MR. LAMOTTE: I would hope you were right.

MS. SCHULDENFREI: But it's not actually the case in --

MR. FREEMAN: Can you give an example of what your --

MS. SCHULDENFREI: Yes, I can.

MR. FREEMAN: -- concern is here?

MS. SCHULDENFREI: Oh, my concern here?
MR. FREEMAN: What your concern is here?

MS. SCHULDENFREI: My concern is that --

ACTING CHAIR OPDYCKE: This gets into a very large area, if I may interject, of, of Commission involvement in this form based process and protocol. And I suggest we put that off. But this particular question that you have, can put that in the parking lot?

MS. SCHULDENFREI: Okay.

ACTING CHAIR OPDYCKE: And perhaps revisit --

MR. MARINO: Can I suggest an alternative that might help this? I share Robin's concern that one person looking at it from, it maybe not a singular perspective but a certain way, isn't sufficient in terms of reviewing that kind of exemption. There should be an appeal body and the one that comes to mind is the Appearance, Site Plan and Appearance Review Committee, which at level includes a lot of different staff including the Planning staff and other folks who sometimes don't like a lot of driveway permits.

And the other, the next court, if you will, in terms of that kind of appeal process, would be City Council. I think the issue of the Plan Commission
getting involved in driveway permits, I think is a real work load issue. But I share Robin's concern.

MS. SCHULDENFREI: Well just --

ACTING CHAIR OPDYCKE: Her concern is having two 28 driveways right next to each other and all of a sudden we have a street.

MS. SCHULDENFREI: Well, there's a lot of concerns and one might be, with 708 Church, they were deficient, they were supposed to have five bays for, for traffic and loading their trucks and they only provided two.

And this wasn't something that alarmed staff in terms of the memo but it certainly alarmed certain Plan commissioners and it certainly alarmed members of the public. Another example, again, from the staff memo of 708, and I don't know if you've read the memo, was that the, the 708 Church could be considered public art as a building.

And I think considering public art, that building is definitely a stretch on the part of staff, not to say anything to do with the competency of the staff or anything but these are just some examples where a staff sort of opinion could be brought in and I think
that --

ACTING CHAIR OPDYCKE: I wasn't asking for examples of what's happened in the past. I was asking for an example of why you have the concern with the driveway issue?

MS. SCHULDENFREI: Because I can't even begin to foresee what that might be. But as soon as I read one person or a Public Works director determines that no reasonable alternative exists is not that I've conceived of six scenarios and if you give me enough time I could probably come up with some but I'm sure people in the room could also come up with some.

My concern is the one person. But I think generously, it could be addressed and to have not only the ADA expert look at something. There's certainly lots of --

MR. MARINO: It's got to be, this is a lot of perspectives and ideas.

MS. SCHULDENFREI: Absolutely. That's my concern.

MR. MARINO: That would be due to being parked on a driveway for instance.

MS. SCHULDENFREI: Yeah. Anywhere I see one
Mr. Marino: So maybe we can come up with some ideas to --

Acting Chair Opdycke: Okay. We will leave this at that. We'll put it, we'll put it, at a minimum, in the parking lot.

Ms. Schuldenfrei: I don't think we need to --

Mr. Galloway: No. Let's go with -- or someone else spotting it includes --

Acting Chair Opdycke: All right.

Mr. Galloway: -- additional staff so that --

Ms. Schuldenfrei: Yeah.

Mr. Galloway: -- it's not just going to be one person.

Ms. Schuldenfrei: All right.

Acting Chair Opdycke: Okay.

Mr. Dunkley: I believe the central point of what Dennis is saying is that there should be, there is an optional appeal process which could be called upon by the applicant if they feel it is necessary, that our assumption is that these, these technically skilled -- professionals, it's their job and they are the skilled person who can make this kind of call. But there are
errors but not to have that type of large scale or on these side of the issues, the occurring each time that we, that we --

MR. LAMOTTE: Exactly. It's the opposite.

MR. DUNKLEY: The senior staff is going to be right most of the time, I mean because that's much higher on the board.

MS. SCHULDENFREI: Exactly. And also in Chicago there's some sidewalks that are too narrow for people with wheelchairs and that's another problem where it's been approved somewhere but --

MR. WIDMAYER: And a lot of that was years and years ago.

MS. SCHULDENFREI: No, I understand that. But we're looking into the future and again, we need to learn from past experience.

MR. WIDMAYER: Well, I think that's, we talked about that though, in terms of the code or are we talking about setback from the curb whether they're not --

MS. SCHULDENFREI: I'm not saying it's a problem, I'm just bringing up another example.

MR. WIDMAYER: Oh, yeah.

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MS. SCHULDENFREI: We're talking about why I'm raising this question.

MR. WIDMAYER: Yeah.

MS. SCHULDENFREI: I don't mean to make a mountain out of a 28 foot driveway. I'm trying to make a larger point.

MR. WIDMAYER: No, I think we --

MR. LAMOTTE: One of the things that --

MR. WIDMAYER: -- we agreed with you in, from the beginning on that, that sidewalk point.

MR. LAMOTTE: Yeah. And the sidewalk is one of the biggest issues with the form based code is instead of hoping that a real sidewalk comes out, you're going to set the built to line and real sidewalk will come out of it. Then Staff doesn't even have to beg and push and --

MS. SCHULDENFREI: Right.

MR. LAMOTTE: -- hit them to do it, it's already coming out.

ACTING CHAIR OPDYCKE: Where does the 28 feet come from?

MR. LAMOTTE: The driveway width?

ACTING CHAIR OPDYCKE: Yeah.
MR. WIDMAYER: Two-way traffic. Is that just, is that a standard?

MR. LAMOTTE: Two-way traffic. The width of a truck.

MR. SMITH: Yeah. There's a lot of standards. It's generally 24 to 32 feet.

MS. NYDEN: I think an IDOT lane is 12 feet, right?

MR. CLARK: 24 is a normal width, 24 is normal. 24 is two-way for cars. You can go bigger especially for vehicles.

MR. SMITH: Commercial is generally 32.

MR. CLARK: Right.

MR. LAMOTTE: And, and Stuart, this is one where Staff, when you get going on the details, you can start to sharpen it from your experience.

MR. STALEY: Stuart?

ACTING CHAIR OPDYCKE: Yes. Sorry.

MR. STALEY: Back up on 2.4.1B, I have no particular expertise on that but that's the parking there's been a lot of question on that. Are we comfortable with, you know, with those ratios?

MR. GALLOWAY: I think you had said that they
were modified based on last month? You said it was a
modified, no?

MR. LAMOTTE: No. They're modified from code
to this.

MR. STALEY: To this.

MR. LAMOTTE: From the existing code to this.

MR. STALEY: I mean I have no problem with
them but there were people who spoke who did have
problems with them and others thought they were fine and
I just, no one, no one said anything about it being
revised.

ACTING CHAIR OPDYCKE: Anybody else have a
thought on that? I mean there has, it has been sort of
controversial among certain persons.

Well, it's probably something that's going to
be influx, you know, for the next ten years as people
adjust to iron passed prices and living in a transit
oriented development, locations. But at this point in
time, I think it's, these are a reasonable assessment
right now.

MR. FREEMAN: The issue I have and I think a
few other people had last time was that research that
was done was done in the, was done in the summer, right?
So that people were on vacation, the Northwestern students may or may not have been in those parking lots. So I think that was the only objection from last time.

ACTING CHAIR OPDYCKE: Page 80?

MR. FREEMAN: Were these numbers then, were before that, correct?

MR. LAMOTTE: The code that was felt by some folks had too big a ratio and asking for too much parking, too big of a base of the building.

MR. FREEMAN: Right.

MR. LAMOTTE: We felt in studying what Calloway did plus our national experience in this, that I think it would be knocked down to these. And very comfortable with what's being done --

MR. FREEMAN: Okay.

MR. LAMOTTE: -- elsewhere that you're not saying, no, you can't have cars which will never happen but you've got to cut down the amount of cars in the building, especially with all the parking you have in downtown.

MR. MARINO: Right. And this is also something we --
MR. FREEMAN: Okay.

MR. LAMOTTE: Okay.

ACTING CHAIR OPDYCKE: Page 80, any comments?

264 area second line there, refers to building intensity. Should that be density?

MR. BISHOP: No, technically not. Not if, density is measured of residential use of a building. Intensity is a relation of overall building floor area to site area.

ACTING CHAIR OPDYCKE: So intensity is the proper word?

MR. BISHOP: Intensity is technically correct.

MR. CLARK: Is that the glossary term?

MR. SMITH: I may be on a mission then.

AUDIENCE MEMBER: -- there's a lot of tall buildings crowded together?

MR. BISHOP: What's that?

AUDIENCE MEMBER: How do you refer to a lot of tall buildings crowded together? The loop, maybe?

ACTING CHAIR OPDYCKE: Sure. Okay.

MR. FREEMAN: 3.2.1. I hear that requiring that buildings be placed close to the sidewalks help
frame the street. Now how do you, how does that line up
to what we were talking about bonuses for setback?

MR. SMITH: The, a sidewalk bonus, and this is
something we can get into the details. Typically there
is a limit, you can't say, well, I'm going to do a 100
foot wide sidewalk. It's usually in the range of three
to five feet that you can set the building back and get
that bonus.

Typically there's a maximum amount. And also,
it's typically done, on those streets, some Evanston
downtown streets, the sidewalk does not need to be
widened. They are sufficiently wide.

So I think this should be targeted to those
places in the downtown that have very narrow sidewalks.

MR. FREEMAN: But again, here it's saying, you
know, putting it close to the sidewalk.

MR. SMITH: Right.

MR. FREEMAN: To help frame. In some of these
areas as well, you could now have larger buildings than
are there now which then they could offset with a, get a
bonus by having that offset, the setback. So, this --

MR. LAMOTTE: If you look what we plan are
designer types called a street wall or you're framing
the street and its corners.

MR. FREEMAN: Right.

MR. LAMOTTE: You want to bring the buildings up, not have those big deep setbacks where, God forbid, parking in front. So you're trying to create a street wall that has shopping feel and a downtown feel.

So we're telling the developer, bring the buildings up within some sort of a requirement. Now that will be in there as far as sidewalks and how far you can go back, as Tom said.

And then if you're going to go into the bonus, you've got to step the building back. So if you can do 18 stories, you're not going 18 straight up. You can the third or fourth of fifth level and then step back.

You want to frame it straight.

MR. FREEMAN: There's still a setback in the bonuses of having a wider sidewalk?

MR. LAMOTTE: Right.

MR. FREEMAN: So if we, there are plenty of streets in Evanston, whether it's downtown or in any of the other shopping areas that could potentially have setbacks and you've shown a picture with the setbacks so that you can have outdoor café's.
I just found this incongruous that if you --

MR. SMITH: Okay. But if you look at the bonus language, okay, and I'm not sure these are the right numbers but this is what we put in the first draft in 5.11, sidewalk widening. It says the least your sidewalk can be to get to --

ACTING CHAIR ODPYCKE: What page are you on, Tom?

MR. SMITH: It's on page 99.

ACTING CHAIR ODPYCKE: We went that far? Wow, you race well.

MR. SMITH: It's embedded, isn't it. In order to qualify --

MS. SCHULDENFREI: 5.11.2. --

MR. LAMOTTE: It's B on page 99?

MR. SMITH: Um-hum. The idea is that there's a range of where it's acceptable and not acceptable. If you put in a 100 foot setback, we don't want it, okay. All right.

So this say 15 to 25 feet, and those might not be the right numbers for Evanston but it's a ballpark type of thing.

MR. FREEMAN: I just want to understand.
MR. SMITH: Okay.

MR. FREEMAN: I know we've read this twice, so he's got it embedded in his brain down to the bullet points.

MR. LAMOTTE: And that's how Central Street came out, there's a built to line that will --

MR. FREEMAN: Right.

MR. LAMOTTE: -- that create a real sidewalk at the end of the day.

MR. FREEMAN: Right.

MR. LAMOTTE: And if the right of way isn't wide enough, then we're going to donate a little land or if too wide, the City will pull it back up and make it build to, okay?

MR. FREEMAN: Okay.


MS. SCHULDENFREI: I'm sorry, really quickly. 3.3.3A. The transparency requirement vis-a-vis figure 3.3, the middle of the paragraph 3.3.3A, the bottom of any window used to satisfy this requirement may not be more than 4.5 feet above the edgings and sidewalk, if a lot abuts two streets, and look at the image on 3.3,
figure 3.3, if a lot abuts two streets, this transparency requirement applies only to the street sidewalk with the highest pedestrian volumes.

I'm just wondering about that, really briefly because it seems that you've, it then locks at a front on more than two streets must comply with this transparency standard on at least two street frontages. Does this just mean if it's a street plus an alley you don't have to have transparency?

MR. LAMOTTE: It's a side street and it's orienting it so that the highest pedestrian, the real shopping street gets the glass and the --

MS. SCHULDENFREI: Why would we not have glass on both sides of our building as your picture depicts? Why would we choose to have glass --

MR. FREEMAN: So the example of Sherman and Church, where the old Barnes & Noble building is.

MS. NYDEN: Or Roscoe was and didn't have the glass.

MS. SCHULDENFREI: I think it would be nice to have windows on both sides.

MR. FREEMAN: Oh, no. I agree.

MS. SCHULDENFREI: Oh, okay.
MR. FREEMAN: I wanted to get a, giving them an example of where you do have windows on both sides.

MS. SCHULDENFREI: Right. So I think that we should, I think we should strike this part from it. I think every side should be glazed unless it's an alley.

MR. WIDMAYER: Yeah. I think the example of where it isn't and we get a lot of complaint is Whole Foods.

MS. SCHULDENFREI: Right.

MR. WIDMAYER: Where along Church it's a solid window and I haven't heard anybody say they really like that.

MS. SCHULDENFREI: So I think this, this sentence should stop at the bottom of any window used to satisfy this requirement may not be more than 4.5 feet above the adjacent sidewalk point. And then strike from there onward, just to be quick. That's how I'd do it.

ACTING CHAIR OPDYCKE: Strike, beginning with, if the lot --

MS. SCHULDENFREI: If, all the way through frontages. Yes. And now we can still see figure 3.3. I don't know if we need to put in specific closing language but I would hold off that discussion to zoning.
ACTING CHAIR OPDYCKE: Okay. Anybody disagree with Robin's suggestion?

ALL: No.

ACTING CHAIR OPDYCKE: Good. Strike that.

Anything else on page 82, 83? 84?

MS. SCHULDENFREI: For 3.4.3, just see changes for, with the Public Works right there.

ACTING CHAIR OPDYCKE: 85?

MS. NYDEN: Well.

ACTING CHAIR OPDYCKE: 86? Yeah.

MS. NYDEN: Hold on.

MR. FREEMAN: Should we take a break?

MS. NYDEN: Yeah, that would be good.

ACTING CHAIR OPDYCKE: We'll take a break.

We'll come back at five after 9:00.

(Off the record.)

ACTING CHAIR OPDYCKE: Okay. Page 85, any comments?

MS. BURRUS: Could you guys hold it down, we're starting again.

MR. FREEMAN: Yeah, I got comments. I do have some comments.

ACTING CHAIR OPDYCKE: Page 85?
MR. FREEMAN: Yes.

ACTING CHAIR OPDYCKE: Okay. Go ahead.

MS. BURRUS: Can I make a motion first?

ACTING CHAIR OPDYCKE: Really? Sure.

MS. BURRUS: In order to address Chuck's or Commissioner Staley's earlier comment and to get through this in more timely manner, I motion, I move that in order to proceed through this section in a timely manner that debate among Planning Commission members on motion is limited to five minutes per member.

ACTING CHAIR OPDYCKE: Is there a second?

MS. SCHULDENFREI: Second.

ACTING CHAIR OPDYCKE: Any discussion?

(No response.)

ACTING CHAIR OPDYCKE: I would oppose that motion because I don't think we have to put limits.

MS. BURRUS: Can we take a vote on it?

ACTING CHAIR OPDYCKE: I don't think we should, well, this is a discussion right now.

MS. BURRUS: Okay.

ACTING CHAIR OPDYCKE: I don't think we should put limits on conversations amongst ourselves that are germane to the issues before us.
And our function is to, to learn as much as we
can and maybe that takes more than five minutes.

MS. BURRUS: No, I'm not saying that we, that
we can't learn more but as far as Robert Rules of Order,
it is within the purview of the Commission to limit how
much each individual can argue a point on a motion.

ACTING CHAIR ODPYCKE: I would agree. I can
think we can, we can submit any motion that we want and
if we approve it then we have to abide by it. I'm
opposed to it though --

MS. BURRUS: But I think --

ACTING CHAIR ODPYCKE: Because of the
limitations. Any other comments?

MS. NYDEN: I think since we're going to get
into the more controversial elements of the plan where
we tend to run off the rails and argue and it gets very
aggressive very quickly and escalates.

ACTING CHAIR ODPYCKE: Yes.

MS. NYDEN: I think the five minute thing is a
good thing and then also, if we're, I do think that a
good idea, a good way to deal with it. And then also if
maybe there's a group recognition that we ask for
acknowledgment from you since we don't have our little
lights right now that would allow for a little bit more
organized debate and discussion of this instead of one
person saying one thing, one person saying another
thing.

MS. BURRUS: And so do a, do a, you know,
Commissioner Staley, Commissioner --

MR. STALEY: You have to use all of your five
minutes at once or if you think if something later is it
too late, or, I mean? I'm trying see how it's going to
work. Do I have to keep track, have I got 3.2 or --

MR. FREEMAN: I got a stopwatch on my watch
and phone.

ACTING CHAIR OPDYCKE: I think you have to
trust that, I think you have to trust the Chair in
matters like this and it was going to be my suggestion,
by the way, when we get to page 86 and the, and the
heights and FAR's of the, of the downtown core areas
that this be placed in the parking lot right now because
we know it's going to be contentious and I would like to
make some progress through this remaining portion of
Chapter 8 before we get into this.

Because once we get, once we open the door
here, folks, we're not getting on to page 87, you know
that.

MS. BURRUS: Right. And I, and I
wholeheartedly disagree.

MR. GALLOWAY: I am somewhat disinclined to
limit the ability of us to comment on the most crucial,
probably the most controversial aspect of the entire
plan when we, I mean if you look back over the other
aspects of the plan that we talked about, we've probably
consumed, per person, maybe, you know, significantly
more than five minutes. So I'd be somewhat disinclined
to, to limit that on something that's this, that's this
important.

I fully expect that there are probably going
to be some issues that some of, some of us raise that
stand the potential for altering the opinion of others
in this context. So I wouldn't want someone to be
limited to five minutes to convince me of something
otherwise or vice versa.

MS. BURRUS: I, I mean --

MR. GALLOWAY: I would trust the Chair on
that. And I would trust that, you know, that maybe we
can --

MS. SCHULDENFREI: I thought it was
interesting --

MR. GALLOWAY:  -- try and be as articulate as we can in, in going through it.

MS. SCHULDENFREI:  Well, I'm thinking of two things.  I'm thinking of two things that happened recently, the last time we talked about this, things did get out of hand and the Chair wasn't able to make sense of it because it just got going fast and that sort of thing.  And so, that's a concern, that things do not devolve the way they devolved last time and I think we've done a really good job of coming through this since then and not saying things that are perhaps inappropriate to the table or not letting things get out of hand.

The other thing that did happen and, I don't know, maybe five minutes isn't the right number of minutes but if, just to bring up something else, at the other, at the last P&D meeting, the citizens were limited to three minutes to speak but then some of the Aldermen spoke for something like --

MS. NYDEN:  Ten minutes.

MS. SCHULDENFREI:  Longer than that.  How long did Maryanne speak for?
MS. BURRUS: 25 minutes.

MS. SCHULDENFREI: She spoke for 25 on a lot of things that we have, you know, that had been hashed over that had been thoroughly worked out. And so I guess a concern would be that given our numbers, we could probably each speak for 25 minutes on this issue.

And so I guess that's a concern.

MR. WIDMAYER: I hope not.

MS. SCHULDENFREI: I mean, if we leave it open, then, I mean, I guess I benefit as much as anyone else, nobody gets this enfranchised.

MR. FREEMAN: So the concern is, the length, amount of time going over things, arguing and from some of the, some of the --

MS. SCHULDENFREI: Fruitless.

MR. FREEMAN: -- that I've read, I would be -- and by placing on the time limit on issues, perhaps it will not get as contentious.

MR. STALEY: Or it will get contentious quicker and you'll have to get the high -- really, really move in on them for the kill.

ACTING CHAIR OPDYCKE: You know, that's where
the Chair comes in. The Chair is in the position to, to 
moderate this appropriately. And that's the function, 
that's my job tonight. And it's Jim Woods' job when he 
is acting as Chair. And to put these kinds of 
limitations really divests him of his, of his 
prerogatives. And I think that is wrong.

MS. BURRUS: But, Chairman Opdycke, I, I 
agree, I disagree once again in that if that has been 
the case over the course of the past, let's say nine 
months to ten months, then we wouldn't have had many 
issues come forth. Unfortunately, because we have not 
been following our rules or Robert's Rules of Order, we 
have divulged into personal attacks. We have had 
filibusters, we have had calls on questions that should 
not have been called and until we get back to the rules 
of the game and everyone is on a level playing field, we 
cannot expect the public nor fellow commissioners to 
trust us.

That's why my motion is still on the table and 
up for a vote.

ACTING CHAIR OPDYCKE: Well, there's been a, 
would you restate the motion, please?

MS. BURRUS: I move that in order to proceed
through this section in a timely manner, the debate
of --

ACTING CHAIR OPDYCKE: Of what, let's be
specific now. What section? Are we talking about just
this --

MS. BURRUS: Section 8, form based zoning for
downtown.

ACTING CHAIR OPDYCKE: Okay.

MS. BURRUS: In a timely manner. The debate
among Planning Commissioners on motions is limited to
five minutes per member.

I call the question.

ACTING CHAIR OPDYCKE: On, on motions.

MR. GALLOWAY: On a point of, point of
clarity, do you mean item number four on page 85 for the
downtown core district? Just the downtown core
district?

MS. BURRUS: No, I'm, I mean the whole Section
8, form based zoning.

MR. GALLOWAY: The entire Section 8.

MS. BURRUS: Would you like to amend that?

You're more than welcome to amend that according to
Robert Rules of Order, you can make a motion to amend
that to only 4.3.2, if you so choose.

MR. GALLOWAY: Right. I don't. I was, I just wanted to be clear about what your, what your motion was.

ACTING CHAIR OPDYCKE: If I could, if I could forestall this, I would. I'm not sure I can. Is there, is there a parliamentarian in the house here?

MS. BURRUS: I have Robert Rules of Order with me, if you'd like. If there's another parliamentarian, I'm happy to --

ACTING CHAIR OPDYCKE: Okay. Read the applicable --

MS. BURRUS: It will take a moment to look for it.

ACTING CHAIR OPDYCKE: I guess I got to get me one of those.

MS. BURRUS: We do have to get you one of those. Just a second, I'm sorry, I'm searching for it. Sorry, I thought I had --

ACTING CHAIR OPDYCKE: I think we also have to refer to the Rules of, the specific rules of the Planning Commission as well.

MS. BURRUS: I have those as well, if you'd
like.

ACTING CHAIR OPDYCKE: Okay.

MS. BURRUS: And there's no recollection or there's nothing in the rules that indicate that we cannot set time limits for ourselves or for or for public comment as we will discuss next week. It's here somewhere, at our rules meeting.

So if you would like to look through the administrative rules and procedures, I am happy for someone else to look at them as well as myself.

MR. FREEMAN: If you'd like me to look, I've probably --

MS. BURRUS: You can look for --

MR. FREEMAN: -- read this most recently because I, I tend --

MS. BURRUS: -- the comments, I can --

MR. FREEMAN: -- to think you're right.

MS. BURRUS: I am, I am pretty sure I'm right on this one.

MR. FREEMAN: Yeah.

ACTING CHAIR OPDYCKE: Well, all right.

MS. BURRUS: I think we should take a vote, I mean if others, I mean, I'm not saying that I am, but I
think we should take a roll call vote on this motion.

ACTING CHAIR OPDYCKE: So this, this limits --

MR. STALEY: What's really driving the motion?

I mean, I'm hearing you but I really don't, I don't
feel like I understand, you know, why you're doing this?

MS. BURRUS: I, I think I explained myself.

ACTING CHAIR OPDYCKE: I think you did too,
yeah.

MS. BURRUS: And I think that -- also
explained, I'm sorry, I should be directing my comments
to Stu and not to you, I apologize.

Stu, in response to Commissioner Staley, I
think, you know, what I reiterated as well as what
Commissioner Freeman has said, is that we want to bring
this back to a ruled order. We do not want personal
attacks, we want this to be an orderly debate versus
people that take legal maneuvering that has happened at
our December meeting and has happened other meetings.

We have had filibusters. This needs to stop
and we need, and that we also saw that happen in the P&D
meeting of the City Council. And if we want to -- trust
from citizens as well as fellow commissioners, we need
to start and start now and take a stand. That is my
reasoning.

ACTING CHAIR OPDYCKE: What does limiting, what does limiting the debate to five minutes have to do with acting in a civil manner towards one another? I mean I think we've made some progress tonight and I'd like to continue on this road tonight, without getting bogged down in some parliamentarian snafu. It's just the way --

MS. SCHULDENFREI: Call the vote then, vote.

MS. BURRUS: Call the question.

MS. SCHULDENFREI: Let's move on. We'll move on one way or the other faster, I mean.

ACTING CHAIR OPDYCKE: All right. Those in, it's been moved and seconded. Those in favor of the motion, raise your right hand? One, two, three, four.

(Vote taken.)

ACTING CHAIR OPDYCKE: Those opposed, raise your right hand? One, two, three.

(Vote taken.)

ACTING CHAIR OPDYCKE: Motion carries. All right.

MS. BURRUS: Thank you.

ACTING CHAIR OPDYCKE: Now, it's going to be
my suggestion, first of all, are there any comments on page 85?

MS. NYDEN: Which I would like to make a motion. I would like to move that we move this, what are we calling this, DC-1, the core district --

MS. SCHULDENFREI: Three.

MS. NYDEN: I'm sorry.

MS. SCHULDENFREI: Page 86.

MS. NYDEN: All right. But isn't it the downtown core?

MS. SCHULDENFREI: DC-3? No.

MS. NYDEN: Okay. I'm sorry. So I'll wait until 86 to propose my motion.

ACTING CHAIR OPDYCKE: Okay. Is there any comments on page 85? All right. Then we move to page 86. Does anybody have anything to say about this?

MS. NYDEN: I have a motion.

MS. BURRUS: I recommend, according to, it will make it easier for the court reporter, as well as Robert Rules makes this, encourages this, that if you're going to make a motion, that the motion be in writing and that you are not, that you do not go back through it. So it is clearly stated what your motion is and
cannot be misinterpreted by fellow commissioners or members or the court reporter, so it really should be in writing.

ACTING CHAIR OPDYCKE: Is there any --
MR. FREEMAN: Can I make comments here or no?
MS. BURRUS: Would you like --
ACTING CHAIR OPDYCKE: Yeah, sure.
MS. BURRUS: There you go. You don't have to be, it's just, it's encouraged.

MR. FREEMAN: So does this mean I can't make any comments here on page 86?
MS. BURRUS: No, you can make, you can make comments. All I'm saying is, do you have a formal motion?
MS. NYDEN: No, I don't. You can make a motion.

MS. SCHULDENFREI: Comment after the motion. Motion goes then, seconds then it gets, then a discussion.
MR. FREEMAN: Okay.
MS. NYDEN: Okay. I move that the DC-3 district be moved to DC-2. And it be removed from the plan.
MS. BURRUS: I second.

ACTING CHAIR OPDYCKE: Well I, I can see what's going on here, folks.

MR. STALEY: Yeah, it's been obvious in the --

ACTING CHAIR OPDYCKE: I can see what's going on and I'm going, I'm not going to preside over this. If this is what this is going to come down to is some kind of power play when our Chairman is absent, I, I think this is despicable. This is absolutely despicable to ram this kind of thing through when there are obviously, when we're missing our Chairman and we don't have an opportunity to get the benefit of his comments and expertise and insights and experience and we're playing a parliamentary game here, and I will not be part of it. I'll absent myself.

MS. BURRUS: You, and according to Robert Rules of Order, you are allowed to do that and you can relinquish chair which will then go to --

ACTING CHAIR OPDYCKE: Well then I'm going to, I don't know what to do here. I need a parliamentarian to help me out here because this is, this is not a motion that we should entertain that --

MR. WIDMAYER: I think you'll find that, under
the Rules of the Commission --

MS. BURRUS: Got them.

MR. WIDMAYER: -- that another Chair would be

nominated and elected by the Commission for the evening.

MS. BURRUS: Okay.

MR. WIDMAYER: It wouldn't automatically go to

anybody, should Stewart decide to do it.

MS. BURRUS: Okay.

MS. SCHULDENFREI: But we could also have a

discussion about what this motion might mean.

MR. FREEMAN: Yeah could, could we do that?

MS. NYDEN: The motion still has been moved

and seconded. So now --

MS. BURRUS: So now, does anyone call a

discussion?

MS. SCHULDENFREI: Stu has to call a

discussion, no?

MS. BURRUS: Yes.

ACTING CHAIR OPDYCKE: No. I'm, I'm sorry.

MR. STALEY: Now let me ask a question without

quorum. Once, once the quorum is established, is the

quorum complete for the night or not because if I leave,

will Stewart and others leave, is that the end of the
meeting?

MR. MARINO: You need five members.

MR. STALEY: How many have we got.

ACTING CHAIR OPDYCKE: If this is the direction we're going to take tonight, folks, I'm not going to be party to it.

MR. STALEY: This is very onerous, sorry.

MS. SCHULDENFREI: Well, honestly, we can also just discuss it.

MR. STALEY: You just lost your quorum. I saw exactly what you were doing when you started --

MS. NYDEN: Well, no, no. Roberts Rule of Order was incredibly abused at the last P&D meeting. It was --

MR. GALLOWAY: And so now we're going to abuse it to deny proper --

MR. FREEMAN: Hang on. I voted for the five minutes because I've read, I'm new here. I've read the minutes and it got incredibly intense and got incredibly personal and so, you know, and I can see it happening here too, right now. So from, so, you know, why don't we discuss.

ACTING CHAIR OPDYCKE: There's a, there's a
motion here and I won't be party to it. I'm sorry, folks.

MS. NYDEN: With discussion is the next part, is the --

MS. BURRUS: It should be, it should be noted that the Chairman Opdycke, Chairman Staley and Chairman Galloway have left.

MS. NYDEN: Don't you have to have a motion to adjourn?

MS. BURRUS: They're not adjourning.

ACTING CHAIR OPDYCKE: We're just leaving. If you don't have a quorum, you don't have anything.

MS. SCHULDENFREI: But then, I mean, doesn't it make sense to discuss it because then you all have a point of your discussion?

MS. BURRUS: Actually, we can call the vote.

MS. SCHULDENFREI: Call the vote.

MS. BURRUS: We can call the vote if they're still here and they abstain, there's no vote. Okay.

MR. WIDMAYER: You no longer have quorum, you no longer have meeting.

MS. NYDEN: Fine then.

MS. BURRUS: They did exactly what Alderman
Moran did. They chickened out on it so we will never be able to --

MR. WIDMAYER: My suggestion is don't worry about Council, they have their own rules and their own --

MR. FREEMAN: I'm sorry?

MR. WIDMAYER: Don't worry about Council. They have their own rules and their own lives, we got to worry about what we do.

MS. NYDEN: No, they put it back on us.

MS. SCHULDENFREI: They put it back on us. They said what comes out of here is what comes up.

MR. WIDMAYER: That's always been the case. They're just not going to do anything until the -- comes out. And so --

MS. BURRUS: So we have had to adjourn because the commissioners walked out, duly noted.

MR. WIDMAYER: Unfortunately. (Whereupon, the hearing on the above-titled cause was concluded at 9:26 p.m.)