CITY OF EVANSTON

PLAN COMMISSION

RE: ZONING ORDINANCE MAP AMENDMENT PUBLIC HEARING -
ZPC 08-01-M 1829-1831 Simpson Street Map Amendment.

RE: PROPOSED PLANNED DEVELOPMENT PUBLIC HEARING -
ZPC 08-03 PD&M - 1031 SHERMAN AVENUE.

RE: CONTINUATION - DRAFT DOWNTOWN PLAN AND ZONING
RECOMMENDATIONS.

Transcribed Report of Proceedings of a public hearing on the above captioned matter, held June 11, 2008 at the Evanston Civic Center, 2100 Ridge Avenue, 2nd Floor, Evanston, Illinois, at 7:19 p.m. and presided over by J. Woods, Chair.

PRESENT:

J. WOODS, Chair R. SCHULDENFREI
S. OPDYCKE, Vice Chair S. FREEMAN
C. BURRUS C. STALEY
D. GALLOWAY

STAFF:

T. NORFLEET, General Planner
D. MARINO, Interim Community Dev. Dept. Director
B. DUNKLEY, Zoning Administrator

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CHAIRMAN WOODS: I think we're ready so I'm going to call this meeting to order, the Evanston Plan Commission meeting of Wednesday, June 11th, 2008. And we do in fact have a quorum.

So, the item of business would be the meeting minutes of May 14th. Does anybody have any comments, questions? Hearing none, can I have a motion to approve the meeting minutes of May 14th?

COMMISSIONER FREEMAN: Second.

CHAIRMAN WOODS: No, I said can I have a motion.

COMMISSIONER FREEMAN: Oh, I thought you said there was a motion.

CHAIRMAN WOODS: No, no. Sorry.

COMMISSIONER FREEMAN: Motion to approve --

CHAIRMAN WOODS: Okay. Is there a second?

COMMISSIONER SCHULDENFREI: Second.

CHAIRMAN WOODS: All in favor?

(Chorus of ayes.)

CHAIRMAN WOODS: Okay. The next item of business is Zoning Ordinance Map Amendment Public Hearing ZPC 08-01-M for 1829-1831 Simpson Street Map Amendment. This has been, I guess, reported out of the
Zoning Committee at the meeting prior to this. And, Johanna, why don't you summarize?

COMMISSIONER NYDEN: Well, about four months ago, I think we started the hearings on this matter.

The owner of the property at 1829 to 1831 Simpson Street requested a map amendment to rezone his property from the R3 Two-Family Residential District and put it in the B1 Business District. We heard testimony from the owner who would like to operate cabinet-making business, is that correct, and explained that he would generate very few cars, very few visitors. And he doesn't use anything, any products that you couldn't essentially find in a hardware store, and did not consider things extremely toxic.

It is located right next to a park and the immediately surrounding uses are residential. So, it troubled the Zoning Committee of the Plan Commission quite a bit because it was, you know, the neighbors were very adamant as well as Alderman Holmes that this was a residential property. It had previously been a beauty parlor and convenient store, like a corner store type candy store, and then it had been zoned to residential via a petition by the neighbors. And then, this
gentleman bought it and wanted to convert it into the Bl District.

So, Bill discovered, one of the concerns from the neighbors was that once this owner leaves, if and when, it would mean that a variety of other uses could come in that would produce additional car traffic and a lot of visitors. So, Bill discovered that we could rezone it to MU which is a Transitional Manufacturing District, and that would reduce the uses that are allowed that would produce additional traffic. And we just discussed this in the Zoning Committee, actually I should really just be talking to Colleen because everyone else here was just there.

And we resolved to, we voted on this and agreed to move this and recommend it to the Plan Commission, that this be moved into the Transitional Manufacturing District. So, do you feel up to speed?

COMMISSIONER BURRUS: Sure.

CHAIRMAN WOODS: Any questions?

COMMISSIONER BURRUS: No.

CHAIRMAN WOODS: Stu?

COMMISSIONER OPDYCKE: One of the reasons I voted in favor of the zoning change is that this
property has been, I don't think it's been abandoned but it certainly has been vacant and boarded up for the last seven years. And I think the change in zoning will restore it to a productive property.

CHAIRMAN WOODS: Any other comments or questions? Hearing none, can we have a motion?

COMMISSIONER NYDEN: I would like to move that we move the property, we grant a map amendment to the property located at 1829 to 1831 Simpson Street from the R3 District into the MU District, the Transitional Manufacturing.

COMMISSIONER OPDYCKE: Second.

CHAIRMAN WOODS: And I think we should have a reading of the findings of fact.

COMMISSIONER NYDEN: Okay.

1. Standard. The proposed amendment must be consistent with the goals, objectives and policies of the Comprehensive General Plan.

Finding. The land use categories in the vicinity of the subject property identified in the general plan has low density mixed and retail and mixed use.

Land use neighborhood. Assets should be enhanced
while recognizing that each neighborhood contributes to the overall social and economic quality of Evanston.

Land use. Evanston should maintain a diverse range of business and commercial areas all of which will be viable locations for business activity.

2. The proposed amendment must be compatible with the overall character of the existing development in the immediate vicinity of the subject property. The Simpson Street corridor is characterized by low density residential areas regularly interspersed with small and neighborhood-oriented commercial nodes, increasingly areas of low intensity, artisanal workshop or light manufacturing/studio uses have arose, adding to the diversity of compatible uses and adaptive reuse of the neighborhood's existing building stock. To date, these areas have been designated MUE, Transitional Manufacturing, Employment and most recently MXE, Mixed Use Employment.

3. The proposed amendment will not have an adverse impact on the value of adjacent properties. The property has remained vacant since it was zoned
residential in 2000, having a negative effect on
the values of surrounding properties. The
amendment to MU would allow the property to be
occupied and made economically contributing,
thereby increasing the values of adjacent
properties.

4. There are adequate public facilities and services.
The small scope of the amendment would have no
impact upon public facilities and services.

CHAIRMAN WOODS: Okay. Can we have a vote?
All right. Seth, you're abstaining, right?

COMMISSIONER FREEMAN: I have to abstain, yes.
(Chorus of ayes.)

CHAIRMAN WOODS: And Chair votes aye. So,
that map amendment passes.
(Whereupon, the above matter was concluded.)

CHAIRMAN WOODS: Next agenda item is Proposed
Planned Development Public Hearing ZPC 08-03-PD&M, 1031
Sherman Avenue. And the Applicant, I assume, has a
presentation to make?

MR. SHAPIRO: Good evening. My name is Dan Shapiro on behalf of the Applicant from the law firm of

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Schain, Burney, Ross & Citron. Let me first thank you for the opportunity to appear before you tonight to present our application and our request. We appreciate the work the staff has done. We've had the opportunity to work with staff on this matter for some time and reviewed the report that we saw last month.

With me tonight is Michael Dalton on behalf of the owner and the Applicant; Steve Lenet is our land planner and will be going through a PowerPoint presentation; John Mitchell is our architect and will talk about design, elevations, materials; Luay Aboona from KLOA will discuss traffic; Gary Wise is our civil engineer and will be available for any questions to give answers regarding civil engineering issues; and Frank Lorenz is our appraiser.

As you know, from the notice and the applications in the binders that you have in front of you, we are asking for a map amendment and planned development from the current split zone lot MUE/R3 to C1-A. The application which I'll kind of briefly summarize asked for this based upon the area, the surrounding land uses, the consistency with the Comprehensive Plan, and some of the goals that can be
achieved through the Comprehensive Plan and through this development.

It is at 1031 Sherman which is at Sherman and Greenleaf and Custer. Part of the proposal that we are suggesting is, for part of this development, to improve Custer and pave Custer. These 45 residential units would be contained in a six-story building as you see here, 74 parking spaces, some belowground and some on the surface.

We're excited about the project because in this era and especially in this era where gas is now $4.15 and going up and up and up, it is close to public transportation, mass transit, CTA, bus lines. And it's very easy and appropriate for pedestrians to walk to those methods of transportation, and in that way, fits in with what we see as a neighborhood in the Comprehensive Plan.

The bedroom mix would be five one-bedroom units, 25 two-bedroom, and 15 three-bedroom, ranging from 925 square feet to 1,665 square feet with an average purchase price of about $475,000.

Attached within the application is a fiscal analysis which shows a surplus to two school districts.
as well as to the City. And also attached is our traffic report from KLOA which shows very little, minimal traffic impact from this development. We've also attached our affordable housing proposal for your consideration.

So, we again thank you for the opportunity to bring this to you and we are excited about this project.

I now would like to turn it over to Steve Lenet.

MR. LENET: Good evening. For the record, my name is Steve Lenet, L-e-n-e-t. I'm a landscape architect and urban planner with professional offices at 401 North Franklin Street, Chicago, Illinois. We are the planners and also the landscape architects for the project that's before you today.

With respect to the subject property and the surrounding zoning classifications, as you can see, the subject property is generally located on the east side of Sherman, south of Greenleaf, and is a through lot to Custer on the east, and then abuts the railroad embankment to the east. To the west is Nichols School Middle School, and the attenuate open space that is part of and works with the Nichols School Middle School.

This is an area as you can see that exhibits a
variety of zoning classifications as well as a variety of land uses. In addition to the institutional use, there is also the woodworking and lumberyard to the south of the subject property. As you go to the east down to Chicago Avenue, there have been, as you are certainly aware, a great variety of rezonings that have taken place in this area. From a planning standpoint, in my opinion this is an area that is experiencing significant transition.

It also, as Mr. Shapiro mentioned, is significant in terms of the overall economy and changes that are happening from a planning standpoint in the country. There is a need, an increasing need to provide additional housing at a greater density in proximity to transportation nodes. I think that there is going to be a real change in how planning and development and residential uses take place especially at the inner ring suburbs like Evanston to take greater advantage of proximity to these transportation nodes. Evanston is very fortunate to be served by two rail lines as well as surface bus service throughout the City.

So, developments that take place in proximity to these transportation nodes are going to become
increasingly critical to the economy and to the environment in order to maximize usership of these mass transportation nodes. I'm sure you're aware it's been in all the papers, there has been a significant increase over the last several months in the usership and ridership on public transportation throughout the country as well as in the Chicago Metropolitan Area.

So, these areas that are in proximity to those transportation nodes and this one that is in proximity to the Chicago Avenue stations are very, very critical, and specifically, I think that in the very near future, will need to be looked at in terms of how these are going to be redeveloped to take advantage of these transportation nodes. Within the next year, based on the current rate of inflation, gasoline may very well be at $7 a gallon. This is really significant from an urban planning standpoint, how cities are going to cope with this kind of impact, getting people out of their cars and into mass transportation types of facilities.

With respect to the site itself, these are the views. This is the subject property looking west, as you can see that it's boarded up, an old mixed use facility to the southern end of it and it's in
disrepair. And generally, as you've seen and discussed with other cases before you recently, these types of boarded-up uses and abandoned uses have a significant deleterious impact on the use and enjoyment of other properties in the area from a planning and zoning standpoint in my opinion.

This is the property, the street frontage looking basically from Nichols School east to the railroad embankment along Custer Avenue. Again, this is really a very unattractive area and really is in significant need of redevelopment. This is having a significant adverse impact in my opinion and really adversely impacts the reasonable redevelopment of this area.

This is Custer Street. As Mr. Shapiro mentioned, Mr. Dalton has agreed to improve Custer Street. As you can see, it's dedicated but unimproved. There is paving, there is no curb gutter, sidewalk, as well as no outlet. So, this will be improved and I think that will also have a beneficial impact on the neighborhood. This gives you an even better view of the condition of Custer Street as it exists currently.

The site plan, and the architect John Mitchell
will go over this in much greater detail, but basically it's a six-story building. It will go from Sherman on the west through to Custer, and then we'll go into it in much greater detail. Go through the landscaping real quickly? Or why don't we go to, let's go to the architecture and then if there are any questions on the planning, I can come back and try to answer those.

MR. MITCHELL: Thank you, Steve. For the record, my name is John Mitchell, I'm with Hartshorne Plunkard Architecture at 232 North Carpenter Street in Chicago. I'm an associate of the firm.

Really quickly, the site as Steve had mentioned, we are on Sherman Avenue. The site is bounded, it's a mid-block site. It does have access to Custer at the rear. The site area is approximately 21,595 square feet. There are currently a few small buildings on the site as shown in the pictures. To the north, we have residential use; to the south, we have an existing lumberyard. On the east, Metra and light rail tracks, and on the west, we have the school.

The proposed plan is for 45 residential dwelling units, 74 parking spaces. The 74 parking spaces are in conformance with the Zoning Ordinance...
guidelines regarding parking in residential units. This is the west elevation here, largely composed of brick and stone and glass. As far as materials go, we're looking to use materials that complement buildings of Evanston and of the existing surroundings, largely brick, stone, a few metal accents. This is the south elevation, again where the first floor as we'll show in the plans, parking. First floor here, parking, and then, floors 2 through 6, residences with balconies along the side. North elevation, similar, residences on the upper floors, parking at the base. And then, the east elevation here which backs up to the tracks.

This is the basement floor plan, access off of Custer, ramp down into the basement parking, 41 spaces with the code required exiting and elevators. We do provide the code required accessible parking spaces as well. On the first floor, we have the ramp down to the basement parking as shown previously, and then an entrance into parking at the first floor residential lobby. Pedestrian entrance is at grade off of Sherman Avenue. All of the car access is off of Custer in the rear, and then access to the elevator taking you up to
the residences above.

We comply with the required side and rear setbacks as set forth in the Zoning Ordinance. And bike parking is shown also in the rear of the building as well.

This is the typical floor plan of the building, nine units per floor. And as Dan had mentioned, we're showing five one-bedroom units, 25 two-bedroom and 15 three-bedroom. Average size is about 1,250 to 1,260 square feet, roughly a two-bedroom size unit. And again, we do have the side and rear setbacks as part of the zoning ordinance.

MR. LENET: We prepared the landscape plan that's before you. Essentially, what we wanted to do with the landscape was to provide seasonal color throughout the development to soften to the extent that we can with the landscaping. The views, especially the side views where we have some greater room to work, so we're providing very dense landscaping, a variety of native deciduous plant materials to provide a year-round color scheme throughout the development. Additional plantings along Custer, again to soften it and give it more of a streetscape feel which as you noted from the
photographs clearly is lacking on Custer Street at the moment, and then planting of four street trees along the front of state street maples. They're a very hardy urban tree that have been developed at the Morton Arboretum.

So, overall, we think that we've been able to provide a great deal of landscaping to the degree possible to really soften and provide additional interest and work with the architecture as much as possible.

Dan mentioned the fiscal impact study that we prepared for this development. As noted in your packet, there is a positive fiscal benefit to the City of Evanston as well as to the two school districts in the City of Evanston that would service the subject property. As is typical with these types of multifamily developments, they generate very, very few children as noted in your packet, and that's been borne out historically by the other multifamily developments in this general area. And based on the average sales price at around $430,000, this will provide a significant fiscal benefit to the City as well as to the various taxing bodies.
MR. ABOONA: Good evening. My name is Luay Aboona, I'm a traffic engineer with KLOA. And we prepared a traffic study for the proposed development which was submitted to the City and to the staff. And as part of the study, as we always do, we looked at the traffic volumes in the area. We conducted traffic counts along Greenleaf, at Sherman and Chicago Avenue during the morning and evening peak hours. As was indicated earlier, given the location of this building in close proximity to public transportation, both, you know, buses, CTA and the Metra, and based on the census data for this area, approximately 40 percent of the residents will not drive to work. They will depend on public transportation, walking and so forth. So, when you factor that in and given the number of 45 units, we estimate anywhere between 10 and 15 trips would be generated by the development during the peak hours, about 10 or 12 in the morning and about 15 in the evening. Those obviously are low numbers in terms of amount of traffic. And when we looked at the impact on the street system in the area, the impact would be insignificant and the street system would be able to accommodate this traffic.
With regards to the access, as you heard, the access will be off Custer Street. Custer is an existing public street that intersects Greenleaf. There was a concern raised by the staff relative to the location of the intersection to the embankment and the sight lines. So, one thing we've done is we've restricted the exiting movements to right out only onto Greenleaf so cars will not make a left out.

And then, relative to the pedestrians, we'll continue to work with staff in terms of coming up with some safety measures. Some of the ideas that we're considering is putting a mirror for the vehicles exiting so they can see the pedestrians coming from the east. Obviously putting the stop sign, putting a stop bar before the sidewalk so cars will be stopped, you know, and a sign, you know, Watch for Pedestrians. We'll put a crosswalk for the pedestrians to follow as they cross the driveway. And perhaps even, we were thinking of putting maybe a couple of bollards on the sidewalk near the embankment so the pedestrians are forced to walk slightly away from Custer Street so there will be more sight line, more room for the vehicles to see the pedestrians as they cross the intersection.
So, overall, we believe that with this development traffic will not have detrimental impact on the area roadways. And with those safety measures that we're considering, we believe that the pedestrians will not be impacted as well. And with that, I'll turn it over to Frank Lorenz for the appraisal.

MR. LORENZ: Good evening. I'm Frank Lorenz, I'm a real estate appraiser, licensed by the State of Illinois, and I hold the MIA and SRA designations from the Appraisal Institute. I have professional offices at 5901 North Cicero Avenue in Chicago. I've had the honor of appearing before this Commission on several occasions in the past.

I was asked to study this situation to ascertain whether or not the proposed development would have an adverse impact on the surrounding properties. And in doing so, I prepared a report which I can hand to you.

Essentially, I looked at the physical characteristics of this property, its location, its size, the improvements that stand there today, and also the improvements that are up and down the block, and also the surrounding neighborhood, noting particularly...
that this particular block is mixed uses and mixed
zonings, that it's close to the Metra and CTA stations
at Main Street, so they would be a relatively convenient
walk for residents of this proposed building.

In addition, I looked at other properties in
which I have been involved in the City of Evanston,
namely, 801 Chicago Avenue, a six-story mixed use
building, the 1800 Ridge Avenue building where two
additional stories were added to the top of that
building that backs up to the historical residential
district on Asbury, and also 1228 Emerson Street which
also backs up to the Asbury historical district. From
my examination of the real estate market and the
multiple listing service, I find that there is no
evidence to indicate that the residences that are in
close proximity to any of those tall buildings have
suffered because these tall condominium buildings were
nearby.

Generally, in my experience of over 37 years,
I have found that whenever you have residential
properties that are close to other residential
properties, there is never any indication that there is
any economic harm suffered by smaller properties next to
or near bigger properties. Also, I found that many
times older residences such as those that are up and
down Sherman Avenue in this block would tend to be
redeveloped. And if they are sold, they are often sold
at a price that's close to or equal to their land
values, anticipating that there would be redevelopment.
With that, I have nothing further to say.
MR. SHAPIRO: We are happy to answer any
questions from you or from the residents from these
presentations.
CHAIRMAN WOODS: First, I'd like to ask if the
Commissioners have any questions and/or comments.
For starters, could you identify for me the
other multi-unit, multifamily developments that are in
the area?
MR. LORENZ: There is a three-story older
apartment building down here just north of Main Street.
Many of the older homes that are in this stretch south
of the lumberyard have been converted to multiple family
uses.
CHAIRMAN WOODS: We're talking how many units?
MR. LORENZ: And some of them are already
developed as --
CHAIRMAN WOODS: Two units per building?

MR. LORENZ: I'm sorry?

CHAIRMAN WOODS: Two units per building, three units per building?

MR. LORENZ: Two units I think. I'm not sure but the building that's adjacent to the subject to the south appears to have multiple units or a rooming house situation. They have a Social Services Agency on the ground floor and there is a large addition to the back of the building which appears to be multiple residential units. The building to the north is a mixed use building that appear to have been a store on the ground floor and an apartment on the second floor.

AUDIENCE MEMBER: It's not mixed use. It's an apartment.

MR. LORENZ: It appears now that the ground floor unit has been converted to a residential unit.

CHAIRMAN WOODS: It's just an apartment building?

AUDIENCE MEMBER: Just an apartment.

CHAIRMAN WOODS: One apartment? Two-apartment?

AUDIENCE MEMBER: Right now just one.
MR. LORENZ: I'll just sit here and just
through the map to the west and to the north. Most of
it is an intense development --

CHAIRMAN WOODS: Related question, along
Sherman, how far north does the lumberyard own houses?

MR. LORENZ: I think it reaches almost to the
south property line of the subject property.

CHAIRMAN WOODS: They own 1019 and 1021?

AUDIENCE MEMBER: They don't own it. They
don't own the two adjacent to the south.

MR. LORENZ: Okay. They don't own 1027 which
is just south and they don't own 1025 which is south of
that. So, they own through 1021 approximately.

AUDIENCE MEMBER: Maybe, yes, probably.

CHAIRMAN WOODS: Which means that they have
buildings that are just behind you that are currently in
the MUE District because the garage is back there for
the shed and -- sorry.

Anyway, Colleen?

COMMISSIONER BURRUS: Hi. While I'm not
really thrilled about the height on this or the amount
of units, I actually do have two compliments which is
really rare for me. One, it's amazing that you put
underground parking and I'd like to know how much did
that actually add to the cost of your building? Was it
a substantially larger cost to put it underground, A,
and how much is that? And B, you actually really did do
a commendable public benefit of including Custer Street
as redoing it. So, thank you for actually offering
serious public benefits, but I would like the answer on
the underground parking.

MR. LENET: The underground parking generally
today runs somewhere in the neighborhood of $18,000 to
$22,000 per space. First floor parking, because it's
vented, is very similar. There's just not the
excavation cost but the cost is very similar.

COMMISSIONER BURRUS: Okay. And could you
tell me why you decided to put it underground? I know
you've probably heard us say that many times, that we
want underground parking, but what made this development
decide to do that?

MR. LENET: Because we were paying attention
to what you said.

COMMISSIONER BURRUS: Thank you. Thank you.

CHAIRMAN WOODS: Seth?

COMMISSIONER FREEMAN: Yes. In your traffic
study -- oh, thank you, I keep forgetting to turn that on. Your traffic study, I have a concern because of the school that is there. And their traffic study I believe ended a half hour before school time. So, in the morning, your study ended at 8:30 whereas school time start is at 9:00.

And so, my concern there is that there is a half-hour time period for the start of school. Schools are going to be, I think, all changed to, in District 65, to 9:00 o'clock next year? Nichols is not changing? Just all in elementaries. Well, then, my question is moot. The question I had here was because I thought all schools in the district were going to 9:00 o'clock.

COMMISSIONER SCHULDENFREI: But if the school is at 8:30 and that's also the peak traffic time, is that creating a potentially dangerous situation?

COMMISSIONER FREEMAN: You're not on.

COMMISSIONER SCHULDENFREI: I am on but I think I'm not, it doesn't work right now. How is this? Not any better?

I guess the question, the attendant question to the peak traffic time would be this is a designated school route and I appreciate some of the suggestions
made about that. I'm just wondering if there is going to be a convergence of extra parents dropping off kids at the same time as people are leaving to go to work.

MR. ABOONA: Based on the traffic counts that we did in the area, the peak hour of traffic in the area in the morning is between 7:30 and 8:30. So, there will be some, obviously some overlap between the traffic from the development as well as the school traffic in the area. But once again, I mean, the traffic coming out of this development in the morning during that one-hour period is about 10 vehicles in a one-hour period. So, it's not a significant amount of traffic that would come out.

It's obviously coming out of Custer so it's away from the school. The movements are restricted to right out, so everything will be directed away from the school.

CHAIRMAN WOODS: Larry?

COMMISSIONER WIDMAYER: Yes. Is that on?

Yes. I have a few questions, I have a few why's. Why C1-A? And the reason I ask that is C1-A allows for retail. And even if this building is built in such a way that it would be difficult to put retail in, it
establishes a zoning precedent for the area. And I'm very concerned that the next one would want C1-A also and then would want to put in a variety store or a quick, you know, Quick Mart store or something of that nature right across from a middle school which I don't think is a good idea. But that's one question.

My second question is why now? My concern there is we have three or four, certainly at least three planned developments that we have approved that have all asked for extensions. Two of them are land that's been demolished and I'm sure the tax base reduced. Another one is by right but it's been demolished and is sitting there.

According to the MLS today, there is somewhere in the neighborhood of a 17-month supply of condominiums in South Evanston that are on the market. So, you know, where I agree that this area is ripe for some sort of development, I wonder if you can tell me why you think you can do it now, why you think that you can actually bring a project like this to market at this time given the economy and the circumstances of real estate around it?

MR. SHAPIRO: Let me try to answer your
questions. First, when we looked at this site and we looked at what we could try to build, we took into consideration the surrounding zoning, the surrounding land uses, and looked at C1-A as something that could accommodate this development. This development will not have retail as you see in the plan, so we have a 1,000 square feet of lobby. It will not have retail but we looked at C1-A and we considered that and analyzed that against R-6. R-6 allows 85 feet high and we didn't think that would be something that this Commission would favor. We looked at the surroundings, the C-2, and thought that this would be an appropriate request at this time given the 67 feet that would be permitted in the C1-A.

With regards to why now, the economy in the housing market, you're right. It's very challenging and some would say even more colorful words than that. And that's why I think it may be an opportune time for this project to proceed because there are very few residential developments that are moving forward, very few owners and developers that have the wherewithal to do so. And Mr. Dalton does. And I think it's a golden opportunity to take advantage of that opportunity in
this time.

COMMISSIONER WIDMAYER: So, are you saying that he doesn't need outside financing or that he can carry the 50 percent burden?

MR. SHAPIRO: I can't speak to his financing but I can speak to his intention to have this developed and built.

COMMISSIONER WIDMAYER: Well, all the developers have that intention.

MR. SHAPIRO: Of course.

COMMISSIONER WIDMAYER: We understand that.

You know, all of those us who are in real estate, none of us go into something with the intention of going broke.

MR. SHAPIRO: One of the, I guess benefits of coming at this time is that this project wasn't approved when we knew the market, when we thought the market was, the market is bad but he can still do this even understanding the conditions. It's not like something perhaps caught in the timing or at the switches on the other projects that we're talking about. He knows --

COMMISSIONER WIDMAYER: -- understanding, when you say he can do it, you know, can is based on

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financing. The other projects haven't gone because they couldn't get financing.

MR. SHAPIRO: Mike, do you want to speak to it?

COMMISSIONER WIDMAYER: So, maybe you can help us understand.

MR. DALTON: One aspect of this project is it's not going to happen tomorrow. We expect the economy will change. This will take to two to three years to be completed. In that time, we hope that the economy will be better. If it isn't, we're all in trouble. That's the only answer I can give you. It's not, it won't be done overnight and we all expect the economy to change.

COMMISSIONER WIDMAYER: I guess my question then is, you know, why now? Why are we evaluating this now rather than a year or two from now when you feel more certain as to the economy and to your position on it?

MR. DALTON: It will take two or three years for the project to come to a fruition. If I start it in two years, it's going to be two or three years after that which will put it out five years. That's not
COMMISSIONER WIDMAYER: That's a long time.

MR. DALTON: That's an awfully long time.

Adequate answer?

COMMISSIONER WIDMAYER: We'll let the rest of them decide.

MR. DALTON: Thank you.

CHAIRMAN WOODS: Thank you. Johanna?

COMMISSIONER NYDEN: I guess I want to go back to the safety and the kids and Nichols and everything. Having gone to Nichols, I don't like the idea of cars and kids and a concrete viaduct. And kids, 11, 12 and 13 aren't paying attention to cars, and cars coming out of a short driveway aren't paying attention to kids necessarily. They're thinking about that right out. So, I don't really believe that putting bollards or speed bumps or any kind of other traffic calming device is going to make this a safer intersection. I think this would be building ourselves to traffic problems and safety problems.

And I also want to echo what Commissioner Widmayer just said. I completely think this is the wrong time for this. This market is tanking. I walk by
the corner of Chicago and Main and see a big hole
everyday. And you know, there's two buildings already
at that corner and I think that, you know, this, going
up and down Sherman, this building is not a Sherman
building. This isn't even a Greenleaf building. This
isn't even an Elmwood building. This is a downtown
building or Chicago Avenue building when this market
gets better.

I would hate to think that, you know, my
family lives on a street like Sherman and I grew up on a
street like Sherman and I would hate to think that all
of a sudden we're opening ourselves up to, you know,
anything that's near an MUE to a Cl-A and a planned
development that's six stories all of a sudden staring
us down. And I can't imagine as a Commission being
bogged down with that kind of development burden, and as
a community I can't imagine having to just all of a
sudden deal with that.

CHAIRMAN WOODS: Robin?

MR. SHAPIRO: If I could just respond for just
one moment? And I appreciate your comments. Just two
things. One of the points that I failed to mention is
in your binder you have a fiscal and market demand
report from SPA, Strategic Planning Associates, which is a very highly reputable firm from the Chicagoland area. And that was done in February of this year.

And what they are saying and these guys are the experts, what they're saying is that it will take, the sell off will be about two units per month. So, it would sell in about like 48 months or whatever, or 24 months to sell this out. So, again, that's what they are telling us and they recognize the housing market at that time.

The other thing, and just as a reminder, the traffic, we're trying, we're very sensitive to the issue that you mentioned about pedestrian traffic. And that's why it would be a right out only going east away from the school in complete opposite direction. We'd work with staff in any way that we reasonably could for mirrors or bollards or the other things that Luay mentioned to keep that safe and the safest possible.

There are other areas, I notice as you go east towards the viaduct and right at the viaduct, there is also another area where cars can pop out. I don't think that has, you know, any protection. So, this could be viewed as an improvement for the cars that now go in and
out of that unpaved Custer, we'll call it alley.

COMMISSIONER NYDEN: Jim, can I respond?

CHAIRMAN WOODS: Yes.

COMMISSIONER NYDEN: Just to make a couple more comments. I want to make it clear, the pedestrians that I'm talking about are children that have just gone out of school after several hours of sitting in a classroom. They're not thinking about crossing the street safely.

MR. SHAPIRO: I understand.

COMMISSIONER NYDEN: As smart as kids are, you know, not happening.

CHAIRMAN WOODS: Not about that maybe.

COMMISSIONER NYDEN: Right, exactly. And you said the cars are turning away from the school. Well, the kids are going to be walking away from the school. And so, you know, I just, I don't see it being a very safe thing.

And then, also, I mean I did look at the market study. I've put together market studies like this during my day job. And I was actually a little troubled by it and I wasn't going to bring this up but since you did I get to. You know, I don't think that
something in Morton Grove or even in Skokie, while we're not that far away from them, it's not necessarily competitive to what this product would be.

If I'm a, I mean, you know, you think about it, you're a buyer, you come to Evanston. You do have the Metra, you have the CTA here. It's a completely different community. It's by the lake. It has, it's, you know, official part of the North Shore. You go over to Morton Grove, there is a bit of a gray area. It's not the same product over there.

So, I just want everybody to be careful, like to think about, you know, what we're including this selling well, not selling well. If you want to move to Evanston, you're moving to Evanston. You're not necessarily throwing Morton Grove in your list of considerations. That's not a knock to the Morton Grove. You're just, you're picking Evanston.

CHAIRMAN WOODS: Robin?

COMMISSIONER SCHULDENFREI: I have some architectural questions. I'd like to move on to the issue of architectural context. In some of the opening statements, the materials were mentioned, brick, stone, glass and metal, as being compatible with the existing
surroundings. And while I am interested in Evanston pursuing excellent modern materials and not harking back to a yesteryear that does not exist necessarily, I think context is particularly important in our neighborhoods. And so, I'd like you to comment on that.

I'd also like to comment on the streetscape itself. You mentioned that it was in need of improvement or would be improved with this building. I find this street very interesting architecturally. It has well-kept wooden structures, wooden houses. Particularly on the corner of Greenleaf and Sherman is a landmark, worker's cottage, with landmark designation. That's, I believe, being restored right now.

And so, the context that I see is a very neighborhood context, a wooden context. And I was wondering why you didn't consider something like two-story townhouses or other products that may have been more compatible with the neighborhood.

MR. MITCHELL: Well, thank you for your comments. As far as your last question, as far as the building type, I would defer to the owner as far as the building type on that. But as far as the materials go, I mean, I don't mean to put it back on you or anything,
but is your question a matter of, it sounds like it's a
matter of maybe preference?

COMMISSIONER SCHULDENFREI: No, no, no, no.
You made the statement earlier, if I'm not mistaken, or
your colleague, that the materials were compatible with
the surrounding structures. And I took surrounding to
be the immediate neighborhood. I'm wondering how this
brick and glass and metal structure is compatible with
the surrounding buildings on the street which I read to
be two-story and in some cases one-and-a-half-story
wooden frame houses.

MR. MITCHELL: Okay, I understand. I would
take that comment to mean a broader context, not
necessarily just the street but more of the neighborhood
itself in a few blocks in each direction. But you know,
as far as the materials, again as you mentioned, we're
not trying to be offensive in the architecture and do
something that's completely different, avant garde, you
know, this setting doesn't necessarily seem right for
that type of a development. So, we're trying to be
respectful to the neighbors in the massing and in the
material of choice.

COMMISSIONER NYDEN: How is the massing for
instance --

MR. MITCHELL: In the material choice. I
misspoke there, the materials.

COMMISSIONER NYDEN: But even the materials, I
guess the neighbors will correct us when they give their
public comment in terms of the surrounding buildings.
But especially the elevation on Sherman, I read as very
much a glass and metal facade.

MR. MITCHELL: You're saying too much glass?
I guess I --

COMMISSIONER NYDEN: I don't see it as
contextual, I guess that would be my --

MR. MITCHELL: A fair comment.

COMMISSIONER NYDEN: I don't mean to belabor
the point at all.

MR. MITCHELL: That's fine.

CHAIRMAN WOODS: Chuck?

COMMISSIONER STALEY: This is a little bit
like Alice in Wonderland, I think, various positions.
When I got this, I've done a few of these myself, when I
got this, I looked at it and I know the firm, it's an
excellent law firm, and I looked at the quality of how
it was put together and it's put together very well.
When I looked at it, I thought, you know, six stories on Sherman across from Nichols School? I used to be on the school board, too, but I'll keep that off. I thought what could that be?

And then I looked in the, this I guess is our own fault, but in the zoning analysis it just simply says request for a map amendment from MUE to C1-A. And so, I thought, well, you know, I didn't really, MUE wasn't something that really jumped out, so it was a cold Sunday and it was raining, a good time to go out and look at places like this, I thought. And I did, and I drove down and I was expecting some manufacturing. I knew there was the lumberyard out there, but lumber. But I saw these houses, you know, up and down Sherman and they were just, you know, two-story, maybe two-and-a-half-story houses. I thought how on earth could, you know, how did they get into the manufacturing district?

And so, I went back and got my Zoning Ordinance out and I looked at it and I thought, well, you know, it isn't just MUE. The east half of that block is MUE but the west half is R3. I wonder if the Applicant knows that. In fact, I even called Bill Dunkley and asked him that. I can't remember what Bill

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said but he did respond. I think he said that they did
know it.

You know, frankly, this looks so out of place, I mean, a six-story building. So, I drove around about
as far as I could drive. And I stayed, I didn't go over
to Chicago Avenue or past the train embankment because I
think that's totally irrelevant to what we're talking
about here. I went over and looked and I couldn't find,
you know, I found a three-story building a few blocks up
and over. Unless I go all the way down to Main Street,
I don't find any height for like this at all.

So, it seemed to me, I mean it's totally out
of balance with the rest of the block. It really
doesn't mesh with anything. I'm happy to hear, although
I see the other problems, I thought you were going to
basically move traffic out right across from the exit
from the school which would be bad also. But really, I
mean, there is nothing of this height anywhere near.

You're basically bringing this in to some, you
know, two, two-and-a-half-story property, and we haven't
heard anything from the neighbors. I'm sure, well,
maybe there will be some support. I'd kind of like to
know if there is any other, you know, support for this,
if anybody else is going to speak from the neighborhood. Otherwise, there is such a thing in the law as a directed verdict. And I think if there were ever a case before us, and I haven't been here but more than a year, and I'm not anti-development, there will be snickers out there that will confirm that, but this I think is totally inappropriate.

And I don't really, I don't know quite how it got to us, so I guess anything can get to us. But you know, I don't see how this fits in at all.

MR. DUNKLEY: Point of correction, it's brief but I'm not going to be able to sleep unless I make this. If you can go back to the zoning map? Okay.

This zoning map is either out of date or incorrect. It presents the MUE District as extending over to the east of the rail line on Chicago Avenue. That actually is a C1-A District. On the map, it's just slightly different versions of pink, so it possibly can be confused.

CHAIRMAN WOODS: Can you point that out please, Bill?

COMMISSIONER SCHULDENFREI: If any of you have this map in front of you, it's correct on this one.

CHAIRMAN WOODS: There's a lot of things there
not quite right.

MR. DUNKLEY: This area here to the east of the tracks is C1-A. This area is MUE. This is R3. And I have individual copies of our zoning map for you. So, the subject property still does not abut an existing C1-A District; however, there is a C1-A District that exists to the right of the tracks and south.

CHAIRMAN WOODS: We're all so excited up here to have new maps. Stuart, you're next.

COMMISSIONER OPDYCKE: I agree with what Commissioner Staley said. This is a good-looking building and there's a lot to be said for it, but it simply does not belong here. It is wholly incompatible, in my view, with the surrounding neighborhood. And I would not be inclined to vote in favor of this project.

CHAIRMAN WOODS: Seth?

COMMISSIONER FREEMAN: I'm not going to comment on whether or not it's appropriate. I think we've had enough of those comments. But Bill or would somebody from the City here know what a crossing guard would cost for that Custer Street exit? Because there are crossing guards at all streets around there, so it
seems to me during -- there are none? That's the only place. Do you know what a crossing guard would cost?

MR. DUNKLEY: I do not know what a crossing guard would cost but I do have an MBA so we can probably figure it out and come to a pretty close approximation.

COMMISSIONER FREEMAN: Okay. So, we don't need to go through that exercise. But that might be an option, you know, for any type of development that goes in there if we ever approve something.

MR. DUNKLEY: Yes. Keep in mind that services such like that, don't end. They're forever costs. They're recurring costs as opposed to capital cost which could solve the problem.

CHAIRMAN WOODS: It's a lifetime cost. David?

COMMISSIONER GALLOWAY: For many years I lived in a coach house on Greenleaf just blocks from here, so I'm very familiar with this neighborhood. And I've also made more than my fair share of trips to Evanston Lumber, so I'm very familiar with the area to the north. And while I've been very distressed with the conditions of some of the property north of the lumberyard and have always hoped that something would happen in this area, and I do believe that there is a potential through some
creative zoning for something to happen in this area,
this in no way is the scale or character of project
that I would encourage to locate on this site or any
site in this vicinity.

It is an attractive building and I'm sure
there is a place for it somewhere. But when I got this
package, I just fell off my share. I thought is this
really the site you're considering? And I had the same
reaction as others that I'm frankly disappointed that it
got to us because it's so overtly out of character and
out of scale in an area which represents some of the
finest, most quaint examples of story-and-a-half to two-
story-and-a-half wood frame structures. Not to mention
the fact that it's also, you know, across from a school
and all the other concerns with regards to students and
dangers in that regard and traffic and so forth, you
know, pale in comparison to the fact that, I'm sorry to
say, this is just wholly wrong.

CHAIRMAN WOODS: For myself, the crux of this
issue really, in my opinion, that's before us is not the
comparison of the proposed project to C1-A since I
personally feel that C1-A is totally inappropriate for
this site. C1-A is meant to be along major commercial
areas where we have retail. And although this project
doesn't propose to put retail in it, the fact of the
matter is it sets a precedent. It allows for retail.
That's not the use that should be in this neighborhood.
The scale of this development is grossly in
excess of the neighboring buildings. And it seems to me
that some sort of R zoning, even up zoning from R3 might
be appropriate. But with that comes all the things that
come with R zonings including the setback from the
street. And even on probably one of the higher density,
more controversial projects that we've approved in
Evanston, Three Grounds Park, which is directly across
from another school, there is a considerable setback
from the street that was required for that project. It
is also no more than four stories in height. So, this
project just seems totally out of context with
everything that is going on around it.
You know, when I look at the things in terms
of the Comprehensive Plan and it talks about densities
averaging about 15 units per acre in areas like this
with duplexes, townhomes, two and three flats, and a
scattering of multifamily buildings, and the proposed
development here is something of the order of 75 units
per acre, it's pretty obvious that it's greatly over-
scaled and too dense. And I would anticipate, we've had
five people sign up, Abby Brennan, Terry Erflmeier,
David Adams, Mike Basilico, Tina Paden, I guess I'd like
to ask a question right off the bat, is there anybody
here who is here to speak in favor of the project?
Okay.

And so, I'd like my other Commissioners to
kind of confer on this or discuss this, but I'd
personally like to send the proposer back to the drawing
board and say, you know, that I think you're going to
get a negative vote out of this group. And if you want
to push forward, you can decide to do that, and then
we'll take public testimony. But I just don't see
anything good coming off that for you.

MR. SHAPIRO: We would prefer a vote tonight.

CHAIRMAN WOODS: Okay. We have five people
who want to speak. Is it possible to hold that to
approximately three or four minutes apiece? And let's
have at it. So, Abby Brennan? Yes, if you could like
line up? Abby, then Terri, then David, then Mike, then
Tina. And give us your name. Or actually --

MS. BRENNAN: Hi, I'm Abby Brennan, good
evening.

(Witness sworn.)

MS. BRENNAN: My name is Abby Brennan. I live at 1043 Sherman, so it's right down the block from the property in question. I have a Master's degree in Organizational Development. It has absolutely nothing to do with what I'm going to say here tonight. However, all these gentlemen came with their credentials, so I thought maybe it would impress you if I also shared mine.

I spent 15 years in my two-story frame house, rehabbing it and working at it. I have spent 15 years in this neighborhood. I know it extremely well. I live next door to the landmark house in question. So, I absolutely fell of my chair when I heard that someone bought the property and wanted to put a six-story building on it.

So, the first thing I want to ask Mr. Dalton directly, and I put this in writing as well, where is Mr. Dalton? Why on earth would you spend a million dollars on a property knowing that it's zoned for only three stories, both of the zonings, I believe the height restriction is at three stories? Why would you do that
and then propose a six-story building?

I think it's an insult to the City and a waste of all of our time for you to go buy a property and then did you assume that we would just cave and say okay, six stories? Why did you do that?

MR. DALTON: You'll find out more as time goes on.

MS. BRENNAN: Okay. Well, so that was question number one. Question number two is for the architect, John Mitchell. John, did you really go to the neighborhood and look at the neighborhood before you designed the building? Can we see -- you took it away. I was going to say let's show the south elevation again. Did you go to the neighborhood? You did? Before you designed the building?

Okay. I'm not sure you're getting your money's worth, Mr. Dalton. You guys said it better than I did. It's so out of keeping. I also don't find it an attractive building. However, beside the point. There is nothing comparable within four or five blocks at a minimum.

I disagree with the traffic study although I can't bring up any facts or figures about that.
Apparently our alderman requested a traffic study from the City over a year ago and we have not received it yet. So, I can't stand here and tell you whether there would be more traffic or not. My gut tells me if you're putting 45 units in, that's probably 90 people you're adding to the neighborhood. I cannot believe that would not have an impact on the density.

I live right near the corner of Sherman and Greenleaf. Every morning, Greenleaf is now a new thoroughfare. It's not Main or Dempster anymore, it's Greenleaf. We've had so much traffic, we had a cab drive into a house within the last year. And that's a four-way stop, the cab blew the stop and ran into a house.

Okay, so traffic is a problem. That's right across the street from Nichols School. It's a problem and they're our kids. I have two, one who goes to Nichols, one who is younger. My younger one walking with his babysitter almost got hit by a car from cars coming out of the drive where people park for the train station. So, that is an issue. We did get a new stop sign there but, nonetheless, that issue is very real.

And certainly, this would open the door for
other rezoning in our neighborhood and other neighborhoods. So, absolutely I would ask you, would you be comfortable waking up in the morning knowing that someone else is putting a six-story building neighborhood? Would you want to see this in your neighborhood of wood houses? You know, I just don't think so.

So, you guys covered most of it. I'm pleased with how you've discussed this. And I wanted to make sure and make it clear that as a neighbor, I completely am floored by this.

MS. ERFLMEIER: Hi, I'm Terri Erflmeier. I live at 942A Sherman Avenue and I live in a townhouse. It's a duplex really, one person on one side and I'm on the other. And it's the second house from Lee and Sherman, and right now we have a lot of traffic issues as it is. The cars are parked on both sides and everyday I see kids dodging in and out of the cars. They are not seeing anything. They're playing. They're running with their skates up and down the sidewalk. It has been an issue for a long time. And I had mentioned it to Alderman Bernstein that I would like to see a study take place for the traffic so that we
could at least look at the 900 block of Sherman and the 1000 block of Sherman between Main and Lee and Greenleaf to make sure that we could adequately protect not only the children but all the people that are walking to the stores and to the additional shopping areas that have taken place just recently.

I am glad that we are doing some development and looking at development at 1031. I think we do need to have something. But it is out of scope from the whole community and it definitely takes away from the existing community that we have currently that we're trying to develop.

CHAIRMAN WOODS: David?

MR. ADAMS: My name is David Adams. I live on Custer Street, so I have the sort of dubious position of having my street basically being turned into somebody else's driveway which is kind of an unusual --

CHAIRMAN WOODS: Just to clarify, you're at 1042 Custer?

MR. ADAMS: 1042 Custer, yes. There is one house in between me and the proposed property. So, I guess I would be in the shadow of this thing. I don't really know my trigonometry exactly but I'm assuming
that six stories, I'd probably be in the shadow, at least in the wintertime. I don't know.

You know, right now, there are these three magnificent cottonwood trees on the property and I was looking at their lofty crowns or whatever and I was saying, well, that's about how high this building is going to be. This big rectangular shoe box of a building.

Anyway, okay. I just wanted to say a couple of things. First of all, I've asked a couple of my neighbors, you know, what they think about this. And basically, you know, they had this almost shameful kind of look, it was almost like this catastrophe is maybe happening to the neighborhood and they're afraid that they may not have the power to stop it because it's this kind of, it's so big, you know. It's like, it reminds me of in Star Wars, you know, after the initial triumph of the rebels when Luke Skywalker and all that, the empire goes back to the drawing board and they come back with what they call the death star which is the size of a small moon or something like that, it goes cruising across the universe, if it encounters like a rebel planet, once it gets in a line of sight with the planet,
it's got this beam and it vaporizes the planet. It's really great counter insurgency kind of stuff.

But this is a death star kind of a thing for a person who's been living on the street and kind of, you know, fixing up the house little by little. I am sort of a handyman and I guess it's sort of a tradition, and the neighborhood along the tracks, it seems like almost was sort of designed for, you know, if you go two blocks in either direction, you're sort of in fairly architecturally significant nice houses. I do a lot of work on Hinman a couple of blocks to the east. And so, you know, there's a, traditionally I guess this neighborhood has been sort of a black neighborhood alongside the tracks on the west side. And I guess a working neighborhood where I guess the people who maybe cooked for the people on Hinman Street would go home a couple of blocks and live next to the tracks in this kind of vernacular type houses. Then, you know, over the years the black neighborhood still exists but then some white people moved in or whatever and sort of fixing up some of the houses little by little.

So, you know, we put a fair amount of time and sweat equity into some of these places. It may not be
quite as dramatic as what you guys are going to come up
with. But, I don't know, it just seems to me, what do
we get from this? What sort of protection do we get
from the City?

In the 20 years I've lived there, I've sort of
tried to calculate it, I think my wages have gone up
maybe about 40 percent, my hourly wage that I charge
these people that I work for, my fellow Evanstonians, my
wages have gone up 40 percent but my property taxes have
gone up 400 percent, and counting the proposed increase.
So, it's going to be $500 bucks a month for me which to
me, I mean, that's what my assistant pays for rent, you
know. I don't know.

It seems like I am trying to kind of keep up
with the demands that the City puts on me to be a good
citizen. And so, I just feel I would be grateful if the
City could ask some of these contextual questions.
Everybody kind of, I mean, I kind of figured these six
lots that the people, these six lots together, little
lots, I used to know the guy who lived in them, in fact
I did some work on the little house whenever their space
heaters, they had these gas space heaters, two gas space
heaters would heat the whole house through the wall
venting and when a big wind came along they would blow out the pilot light, they'd call me to go over and relight it.

CHAIRMAN WOODS: Can we stick to the points?

MR. ADAMS: So, that was my experience with this place. Also, my dogs, when they get out, run down there and chase rabbits around the place. I've also seen deer on the property because sometimes on Sundays deer and coyotes can sort of wander down the Metra tracks. And I've actually seen a deer sort of nibbling on a day lily right where the entrance would be for these 30-space outside parking lot.

But anyway, and another thing, a quick thing and then I'll get off is that I understand your perspective is quite different but, you know, to me when you have these pictures of Custer Street as like the before, I prefer the before. It's kind of, you know, it used to be unpaved and with gravel and there were dogs that drank out of the puddle and this and that and the other thing. You know, to me, I consider this kind of actually cushy, something out of like Lake Forest or something. So, you know, and you're trying to, to me, you're trying to make it like something out of Chicago.
I don't know. Thank you.

CHAIRMAN WOODS: Thank you. Tina?

MS. PADEN: Hi, good evening. My name is I'm Tina Paden. I live at 1122 Emerson Street but we own property at 828 Sherman Avenue and it is a frame two-flat house. And I wasn't given notice because I guess I'm not in the 500 feet. I was actually here on another meeting but when I went to look at the agenda and looked at the address and said six stories, this is ridiculous. I pass by my properties every night, so on the way past the other night, I actually stopped in the middle of the street and was wondering how could anyone think that six stories, 45 units, that this is even feasible for this area. Who is going to buy this at this time with all the foreclosures and everything? And especially at $430,000 or $475,000 per unit. And it is over 24 units. And I'm assuming there is no affordable housing in this building, and would you be buying out your affordable housing?

CHAIRMAN WOODS: They actually are proposing units in the building that are affordable.

MS. PADEN: Oh, really? For how much?

COMMISSIONER NYDEN: At 70 percent of AMI,
CHAIRMAN WOODS: I think it's 70 percent of AMI, three units that are at AMI.

MS. PADEN: Okay. Well, all right.

CHAIRMAN WOODS: One of the very positive things about it.

MS. PADEN: Surprise. Well, anyway, you know, I was sitting there, it's just, it's not uniform with the neighborhood at all. We've been, we've owned our property on Sherman for over 60 years. And I would hate to think that anything of this magnitude would come to this neighborhood.

And also, you know, always traffic studies are kind of sketchy. You know, you park on both sides of the street and you have to wait for one car to pass if it's kind of large before you can even go down the street. So, if you have 45 units, and I don't care what you say, I live and work in Evanston all my life -- family, and we drive even though we hate the gas prices.

So, you're looking at most likely that the owners are going to be, since you have 25 two-bedroom units, that they're going to have at least two cars and they're going to drive them. They're not going to take
public transportation everywhere. So, I would encourage
that you deny this development. Thank you.

CHAIRMAN WOODS: Thank you. Given the time, I
think that it would be best to continue this to the next
meeting. Why? Do you want to do findings, is somebody
going to do findings of fact tonight?

COMMISSIONER OPDYCKE: Are we prepared to do
that, the findings of fact tonight?

CHAIRMAN WOODS: I don't know.

COMMISSIONER OPDYCKE: I would agree that we
should continue it for that very purpose. I mean, we
can take a straw vote tonight. But as far as entering
the findings of fact, why don't we continue that to the
next meeting?

CHAIRMAN WOODS: That's fine.

COMMISSIONER NYDEN: Can we -- I'm sorry.

CHAIRMAN WOODS: The Applicant needs to be
able to sum up and respond to comments that have been
heard.

MR. SHAPIRO: Sure. First of all, feel free
to take your vote tonight. I think we know what it is
anyway. So, there is no sense in delaying this to
another two or three or four weeks for you to take your
vote. And I don't think anyone necessarily would want that to happen.

We appreciate the comments, the comments from you and the comments from the neighbors. The fact of the matter is that this area is an area that will be redeveloped. I think we all recognize that. It's an area that is in need of redevelopment, I think we recognize that, too. And I think we recognize the fact that there are public benefits including underground parking, including Custer Avenue, including the affordable housing that can be offered through this development which I think is a good thing that perhaps is missing or didn't get as much attention as we had hoped it would and perhaps I take fault for that for not stressing that.

But this is a good development. And while today it might seem out of context, I think it takes some foresight and some measures of boldness to consider what this area will be in two, five or ten years. And we believe that this would be appropriate now, for you to consider now for that purpose in the future. But if your vote is going to be a denial as I suspect it, vote. We don't want to come back in a month to here tonight.
COMMISSIONER NYDEN: I got it, okay. I would like to propose a motion to deny the Applicant's request for the map amendment -- or what am I, is it the planned development that I'm reading --

CHAIRMAN WOODS: Planned development.

COMMISSIONER NYDEN: Yes, sorry. To deny the Applicant's request for a planned development at 1031 Sherman --

COMMISSIONER BURRUS: I second.

COMMISSIONER OPDYCKE: Second.

CHAIRMAN WOODS: There's a motion and seconded. Any discussion? In that case -- oh, Colleen?

COMMISSIONER BURRUS: I would like to say that I did commend you on the public benefits and I think that any developers watching should actually take note of that. I think you did a great job with underground parking as well as onsite affordable housing. You know, while I don't agree with the overall development, I think that you really should, that should be noted as well.

CHAIRMAN WOODS: Okay. Any other discussion? In that case, let's vote.

COMMISSIONER STALEY: Yes. I'm voting on the
motion to deny it, right? Yes.

(Chorus of ayes.)

CHAIRMAN WOODS: Okay. Motion carries. And I'll need findings of fact. You ready?

COMMISSIONER NYDEN: Yes. All right.

Findings of fact for the planned development, proposed planned development at 1031 Sherman Avenue, ZPC 08-03-PD&M.

A. Standard. It is one of the special uses specifically listed in the Zoning Ordinance.

Finding. Section 6-10-3-3 lists planned developments and Dwelling-Multifamily as special uses in the C1-A District.

B. Standard. It is in keeping with purposes and policies of the adopted Comprehensive General Plan and Zoning Ordinance as amended from time to time.

Finding. Comprehensive General Plan classifies this location as a Mixed Low Density land use.

(Described as "Single family homes also make up a substantial portion of the housing stock found in mixed low-density areas. However, these areas include many duplexes, townhouses, two-and-three-flats and a scattering of multifamily buildings as
The proposed development itself would have a residential density of approximately 75 units per acre.

C. Standard. It will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special uses of all types on the immediate neighborhood and the effect of the proposed type of special use upon the City as a whole.

Finding. The addition of a six-story multifamily building to a predominantly one to two-story residential and transitional neighborhood will by itself result in the impacts on traffic, noise and aesthetics.

D. Standard. It does not interfere with or diminish the value of property in the neighborhood.

Finding. The development will likely alter property values for existing uses.

E. Standard. It can be adequately served by public facilities and services.

Finding. The project is located along a major thoroughfare accessible via public transit and
across from a larger commercial development that is currently served by public utilities and services.

F. Standard. It does not cause undue traffic congestion.

Finding. Based on its ingress and egress, this project is likely to have a negative effect on local traffic congestion and circulation.

G. Standard. It preserves significant historical and architectural resources.

Finding. This standard is not applicable.

H. Standard. It preserves significant natural and environmental features.

Finding. This standard is not applicable.

It complies with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation. This standard is met.

6-10-1-9(A) General Conditions for Commercial District Planned Developments:

A. Standard. The planned development must be compatible with surrounding development.
Finding. The proposed development is not compatible with the surrounding area in scale, form or bulk.

B. Standard. The height, bulk or scale of the planned development only may exercise influences in conformance with the purposes and intents of the Zoning Ordinance as set forth in Section 6-1-2, "Purpose and Intent.'

Finding. The height, scale and bulk of the development will exercise a large influence on development in the local area.

C. Standard. The planned development and all landscaping must be compatible with and implement the Comprehensive General Plan and any adopted land use or urban design plan specific to the area, the Zoning Ordinance, and any other pertinent city planning and development policies, particularly in terms of:

1. Land use

Finding. The proposed land use is not compatible with either the Zoning Ordinance of the General Plan.

2. Land use intensity
Finding. The proposed land use intensity is much higher than the General Plan indicates.

3. Housing
Finding. The proposed development presents mid-rise multifamily dwelling units which are out of character for the surroundings and not called for by the General Plan.

4. Preservation
Finding. This is not applicable.

5. Environmental concerns
Finding. This is also not applicable.

6. Traffic impact and parking
Finding. Local traffic standards and levels of congestion and circulation are likely to be highly impacted.

7. Impact on schools, public services and facilities
Finding. The proposed project will not have a negative impact on schools and will not place an undue burden on public services and facilities.

8. Neighborhood planning
Finding. The development is not consistent with the City's Manual of Design Guidelines.
9. Conversation of the taxable value of land and buildings throughout the City and retention of taxable land on tax rolls

Finding. The project will enhance the taxable value of the land comprising the site.

6-10-1-9 (B) Site Controls and Standards for Commercial District Planned Developments:

A. Ten-foot wide transitional landscaped strip is required along all boundaries abutting residential property consisting of vegetation screening, fencing or decorative walls.

Finding. Not applicable.

B. Walkways shall be logical, safe and convenient for access to all dwellings, facilities and off-site destinations. Walkways used by children shall have minimal automobile contacts. The developer shall provide bike paths where needed. The site plan shall segregate pedestrian and motor vehicle ways.

Finding. It is not clear if there will be contention between automobiles and pedestrians by the proposed entrance on Custer.

C. Parking, loading and service areas shall avoid adverse effects upon residential uses.
Finding. Parking areas will be screened.

D. Vehicular access shall provide minimum hazards to vehicular and pedestrian traffic.

Finding. It is likely that there will be contention between automobiles and pedestrians as proposed.

E. The development shall provide for underground installation of utilities, if possible.

(And there is actually nothing written here.)

Okay, I'm sorry. Okay. So, I'm not going to read the rest of that because they're not applicable.

6-10-1-9 (C) Development Allowances for Commercial District Planned Developments. None are applicable, A, B, C or D.

A. Height increases. Not applicable.

B. The maximum increase in the number of dwelling units over that otherwise permitted in the commercial districts shall be -- not applicable.

C. No building shall be closer than 10 feet from a residential district. Not applicable.

D. Floor area ratio increases. Not applicable.

CHAIRMAN WOODS: Okay. That takes care of that. We are now going to take a break and then
reconvene for the Downtown Plan in ten minutes.

(Whereupon, the above matter was concluded and a break was taken.)

CHAIRMAN WOODS: We are reconvening with Agenda Item V. Continuation of the Draft Downtown Plan and Zoning Recommendations. And before we do anything else, I would like to suggest that we might need a special meeting for review of and continuation of review and massaging of the Downtown Plan, but it needs to be when every single one of us can be present. So, I'd like people to look --

COMMISSIONER SCHULDENFREI: Can you comment on what's going to happen?

CHAIRMAN WOODS: Sure.

COMMISSIONER SCHULDENFREI: -- something already on the agenda.

CHAIRMAN WOODS: Yes. For tonight --

COMMISSIONER SCHULDENFREI: No, July 9th.

CHAIRMAN WOODS: Okay, July 9th. Wait a second, I need a staff member. Tracy, do you know for July 9th what items we're going to have on that agenda probably? Since we never know for sure.
MS. NORFLEET: Downtown Plan.

CHAIRMAN WOODS: Downtown Plan, right.

MS. NORFLEET: I'm not aware of any planned development --


COMMISSIONER SCHULDENFREI: July 16th works for me for a special meeting. I was just wondering.

CHAIRMAN WOODS: July 16th, okay. How does July 16th look for everybody else? And we could schedule it and if we actually got through everything on the 9th, then we could cancel it. But I'd like to get it on a schedule, just otherwise we're going to go on forever.

COMMISSIONER FREEMAN: I'm okay on the 16th.

COMMISSIONER OPDYCKE: I'm good on the 16th.

COMMISSIONER NYDEN: Me as well.

COMMISSIONER BURRUS: Either one is fine.

CHAIRMAN WOODS: Okay. So, July 16th, we'll schedule a special meeting for that night at this point, 7:00 o'clock start.

COMMISSIONER NYDEN: Jim, can I ask a question?
CHAIRMAN WOODS: Yes?

COMMISSIONER NYDEN: Will we be getting a ninth member by then?

CHAIRMAN WOODS: That's a good question.

COMMISSIONER NYDEN: And if so, whether either way would they be voting on this? Had they read all the transcripts and all the stuff?

CHAIRMAN WOODS: Technically, they would have to have read every single transcript related to this issue. And based on past experience, most people are probably unlikely or unwilling to read as much paperwork as has gone into this. Well, excepting you, Seth.

COMMISSIONER FREEMAN: I read all of it.

CHAIRMAN WOODS: I know you did.

COMMISSIONER FREEMAN: Now I can go back and read it again since I know all the personalities on this group, okay.

COMMISSIONER STALEY: -- give you a test. You can go right ahead.

CHAIRMAN WOODS: Now you'll be able to read the nuances into the transcript that you couldn't the first time.

Okay. Well, it's possible that we could have
a member and it's possible that they could actually read
all the transcripts and be eligible to vote. Unlikely
at this point.

COMMISSIONER STALEY: Who would want to do
that?

COMMISSIONER FREEMAN: Somebody who's already
read it.

CHAIRMAN WOODS: I guess, and I will ask the
question of my fellow Commissioners, some of you
obviously were at the City Council special meeting.
There was commentary made that the Mayor would be sort
of maybe assisting us in some way, shape or form. I
have not been contacted by the Mayor as of yet. Would
you like me to contact the Mayor and invite her?

COMMISSIONER BURRUS: To the meeting?

CHAIRMAN WOODS: To whatever. I'm just
putting it out there.

COMMISSIONER STALEY: Why don't we see how we
do tonight? I mean, if we don't --

CHAIRMAN WOODS: Colleen?

COMMISSIONER BURRUS: Well, I do think that
there actually, I was at the special meeting, I think
I'm the only Commissioner that actually spoke at the
special meeting, and there were many things that came out of it that we should take and implement on this Commission. There have, I think the special meeting was a good idea and I'm glad that it was called. We've had a lot of trouble on this Commission, and hopefully going forward that could possibly change. But some of the things that were very clear from the last meeting as well as how we've conducted ourselves previously is, and I think, Jim, maybe you have asked Dennis or Bill to get us all Robert's Rules of Order, that the meetings need to be conducted in the proper format. And I think that's one of the things that came out of that special meeting with the Council is that there needs to be clear ways of conducting the meeting that haven't happened previously.

So, let's sort of take in the spirit of what they asked us to do and move forward.

CHAIRMAN WOODS: Johanna?

COMMISSIONER NYDEN: I would, I mean if the Mayor is going to come, I think it would be helpful then to invite all the aldermen to come as well. Particularly since they've sort of added an extra, you know, they cabled 708 because they wanted to see what we
would do here. And so, I think it would look, I mean maybe they're watching on TV right now and I know a lot of them do watch the Plan Commission meetings on TV, but I think it would be nice if they were here, too, to see us in our final deliberation and to see us make a decision. And then, that could help inform their discussion and when the Downtown Plan comes before them.

CHAIRMAN WOODS: Larry?

COMMISSIONER WIDMAYER: I just would like to make a couple of points. One is, according to our rules and procedures, the Mayor is an ex-facto member of the Plan Commission.

CHAIRMAN WOODS: Right.

COMMISSIONER WIDMAYER: So, by that, she can be here at any time that she so chooses. And I got the opportunity to speak also at that, and the impression that I got out of it is where, you know, any structure that will help us get through this is important, that what Council was really looking for were the thoughts and ideas and the concepts and our evaluation of what's presented here, that that's much more important than, that is the most important thing that we will be delivering to them.
CHAIRMAN WOODS: Agreed. Robin?

COMMISSIONER SCHULDENFREI: Just following on with the rules from what Commissioner Widmayer said, in the City Ordinance portion of our rules, Chapter 8, Plan Commission and Planning Development, Comprehensive General Plan, in addition to the Mayor, a designated member from the City Council Planning & Development Committee is also an ex officio member. And I don't even know who that designated person is. It's not in our, interestingly enough, not in our administrative rules and procedures.

I've asked at one point, I don't think I've gotten an answer yet, maybe somebody can come back from the Law Department, about what happens in our rules where the City Ordinance, I think the City Ordinance trumps the Plan Commission rules but perhaps you know?

COMMISSIONER WIDMAYER: Council in their rules has a rule that says that they cannot participate, and I suppose participate to influence the Plan Commission which is why they don't do that.

COMMISSIONER SCHULDENFREI: But the Mayor can?

COMMISSIONER WIDMAYER: But the Mayor, yes.

COMMISSIONER SCHULDENFREI: Okay. It says ex
officio. I mean, they could sit on and watch and then be able to report back what happened. They don't need to say anything. But I do think, you know, in addition to the Mayor, if we at least had a designated person, even if they didn't ever come, but you know, if an issue arose or if we wanted to invite them for an important decision, we could do that. I don't think it would hurt unless you see a downside. And I don't want to belabor the point, I was just pointing out in addition to the Mayor there is supposed to be somebody. And considering that it does go to P&D afterwards, having at least a designated name would be perhaps helpful.

COMMISSIONER WIDMAYER: Yes. No, I think you'll find that there are many times that members of Council are here and that they sit and they observe and they listen. Alderman Wollin was here earlier. I don't know if she's still here or not. Okay, great. It's just the participation aspect.

COMMISSIONER SCHULDENFREI: Yes. Well, you know, I wouldn't mind getting a designee.

CHAIRMAN WOODS: Okay. I will talk to staff and --

COMMISSIONER SCHULDENFREI: And a ninth
Commissioner member because in August it may be tricky.

CHAIRMAN WOODS: Well, I'll talk to the Mayor about it.

COMMISSIONER SCHULDENFREI: We'll be making phone calls.

CHAIRMAN WOODS: Yes. Okay. Colleen?

COMMISSIONER BURRUS: Oh, sorry. Also, it's going to be also, the Downtown Plan in general is going to be rather confusing in that, as we all know, where it stands now we're probably at a stalemate. And so, we need to also consider how the plan will go forward. At one point, we had talked about having sidebars. But at this juncture, who is the sidebar and who is the main plan? And I think that that's a huge issue that we are going to have to figure out because we're not going to have most likely a yes or no vote. It's going to be a draw.

Okay. So, I'm just throwing it out as a procedural question that probably has not come up previously. And it's something that we probably can't, even though we're going to go through the plan tonight, we'll go through it on the 9th, we'll go through it on the 16th, but actually writing a plan out that gets
moved forward at a draw, what does that look like? And I'm just throwing that out for discussion at this juncture.

CHAIRMAN WOODS: Go ahead, Stuart.

COMMISSIONER OPDYCKE: Well, I think we'll find agreement and I think a consensus will emerge on probably 95-98 percent of this report. And there may be some differences, and I suspect those involve the heights of the buildings in the various core districts. But apart from those, I think we're going to find consensus in a huge portion of this very well drafted report.

CHAIRMAN WOODS: Chuck and then Robin.

COMMISSIONER STALEY: Well, I was going to say basically what Stu had said. And so, I obviously agree with Stu but we have this, and maybe I guess, I don't know, I guess we're not bound to really anything that we've done so far because we haven't really voted on it. But we have kind of gone line by line and it seems to me we have reached agreement on pretty much everything as we've gone. The parking lot isn't very full. It's got some pretty tough vehicles in there but it's not very full.
And so, I would think, you know, I would think that we could get through it. And I would think that if, one problem I have with Robert's Rules of Order, I think that's fine when we're right at the point, you know, where we are going to make a decision and do something. But I think it really impedes our just discussing, you know, where we're going to get.

And I think that's basically, you know, where we are as we go through this plan. We're trying to discuss it back and forth and come up with something. I don't see why we can't come to some agreement with respect to the core areas so far as height. We've come pretty close.

The only thing that we haven't really reached agreement on is, I believe, is on the base height in DC-2, and then base and maximum height in DC-3. I mean, people can change their minds but I think what we have agreed today, those are the only things out there. And I, for one, am willing to compromise, you know. I've spent my life compromising and I'm willing to compromise here.

I would prefer that we are able to reach some sort of an agreement and come forward rather than give
the City Council -- you know, my observation of that meeting and why it was called and everything is much different than Colleen's and you might expect that. And so, I think those people need a lot of help, I really do. And if we, you know, if we give them something this way or that way, you know, who knows which way they will go. And even if we give them one that we're all together on, they may go in some other direction. But I think we ought to try, we ought to first try to discuss this and work it out and see if we can't come to an agreement.

CHAIRMAN WOODS: Seth?

COMMISSIONER FREEMAN: Well, I definitely feel that there's a lot more to discuss particularly around this form-based zoning section that we are currently working our way through. So, my perspective is I think we really should move forward with at least getting through some of that. We may come to a draw, but I think the City Council is prepared for that from what I read into it. I was not there, I had family obligations. But I would like to move forward to get a better understanding around this form-based zoning. I have issues that may get resolved if I
understand it better. So, is it okay if we move forward with the section on that?

CHAIRMAN WOODS: I'll answer that in one second.

COMMISSIONER FREEMAN: Sure.

CHAIRMAN WOODS: Larry?

COMMISSIONER WIDMAYER: Yes. I was just going to say quickly, I agree. I think we're probably going to be 98, 99, 100 percent in some sort of an agreement. But if not, I don't think that there is a major problem with offering two options as long as they're explained for an issue. I think Council will appreciate that. So, I don't think it's a matter of somebody winning and somebody losing. Again, I think they're after our logic and our reasoning and I think we can do that.

CHAIRMAN WOODS: Okay. Addressing what you were specifically talking about, Seth, which is sort of what we're covering, what has been proposed and sort of written up by staff is that what needs to be done as yet are the review of the remainder of Section 8, the form-based code, which is pages 91 through 108 which really gets to public benefit bonuses.

COMMISSIONER SCHULDENFREI: Point of

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correction, weren't we on page 86?

COMMISSIONER FREEMAN: Yes, we were.

COMMISSIONER STALEY: Paging is now different in the supplement that's come.

COMMISSIONER SCHULDENFREI: Oh, let's just go with the book so that people following along at home, et cetera, so is that page 86?

CHAIRMAN WOODS: Anyway, that. Then, which is obviously what that is is wherever we obviously left off to the completion of the book. Second is a discussion of the threshold for a planned development or a Plan Commission review, whatever shape, form public review process, whatever, people have referred to different things throughout all these discussions and I think there still needs to be a discussion about those kinds of issues. And then, there's the parking lot issues that need to be gone through as well.

So, with that, I'm going to turn it over to the consultant team to sort of review changes from last time and an update of where we are and where we're going.

MR. SMITH: Tom Smith of Duncan Associates.

Kirk Bishop is in Texas tonight, I apologize. The first
order of business is --

CHAIRMAN WOODS: You've got to go to the mic, Tom. Or bring the mic to you.

MR. SMITH: The first order of business, Mr. Chairman, is to get the Commissioner members' review of the corrections, the redlined version of the document. Were there any issues with the redline changes? One of the changes was that the retail should wrap on corner lots, that it should be both, there should be a glass retail frontage on both street fronts. And that change is in the revisions.

There was an issue about the height of the mechanical enclosures on the tops of the buildings. And what we're suggesting, and it's just based on my experience with those enclosures, the tallest ones I've seen are about 20 feet tall. It is tall. What we're suggesting is that would be a maximum, no taller than that. And we're suggesting that there be setbacks required from both the side walls and from the front walls.

So, the purpose of the setback is even though it's a tall structure enclosing the mechanical space, it would be set back in a way that it would not be visible
1 from the street. That was the goal of the setbacks.
2 The setbacks apply from the two side walls of a building
3 and from the front wall. No setback is applied to the
4 rear, so the mechanical could be back against the alley
5 and right up against the wall. Generally, these
6 mechanical enclosures, at least on tall buildings, are
7 in the center of the building where the elevator
8 enclosures are. So, there is a tendency for them to be
9 set back substantially anyways.
10 COMMISSIONER FREEMAN: I assume there is a
11 relationship between the height of the building and that
12 enclosure? Or is there none?
13 MR. SMITH: There usually is, yes. There's a
14 lot more mechanicals on a tall building versus a smaller
15 building.
16 COMMISSIONER FREEMAN: Do you ever see the use
17 of an enclosure adding to some type of architectural
18 design on the top that's going up to that 20 feet even
19 if it doesn't need it?
20 MR. SMITH: You mean just an architectural
21 element you're saying?
22 COMMISSIONER FREEMAN: Yes.
23 MR. SMITH: Not on really modern buildings, I
have not seen a lot of that.

COMMISSIONER FREEMAN: Thank you.

CHAIRMAN WOODS: Tom, where does this fall in the document?

COMMISSIONER OPDYCKE: Yes, what page are you on, Tom?

MR. SMITH: Okay.

COMMISSIONER FREEMAN: Page 90.

MR. SMITH: 90.

CHAIRMAN WOODS: I'm sorry. I just, I'm confused, that's all. Page 90.

MR. SMITH: It's repeated in several places because you have several districts. I'll read the language.

COMMISSIONER OPDYCKE: Excuse me, you referred to 20 feet for the appurtenances on the top of the building?

MR. SMITH: Right.

COMMISSIONER OPDYCKE: What page is that?

COMMISSIONER FREEMAN: It's on 84.

MR. SMITH: Yes, there is an example of it on page 84. "Any heating, ventilation or similar rooftop equipment must be screened and enclosed, and such
enclosure may not exceed 20 feet in height. Any such enclosure must be set back a distance of at least 10 feet from any front or side building wall. However, on buildings that are four stories or less, the front setbacks are 10 percent of the building depth or the building width.”

In Evanston, there are some small buildings like you see on the traditional streets that we're talking about. And some of those buildings are as narrow as 25 feet. They're smaller buildings. They're two, three-story buildings. So, we did not apply the 10-foot setback to those buildings. We did a percentage of the width or depth because on a 25-foot building, if you put the, if you had the 10-foot setback from both sides, there really wouldn't be space for the mechanical equipment.

If you look on page 85, you'll see that one of the suggestions was this requirement of windows and retail windows on both sides of the street. We took out the sentence that said if the lot abuts two streets, this transparency requirement applies only along one of the streets. So, now it applies to both.

COMMISSIONER GALLOWAY: Tom, can I ask you to
back up to page 84, paragraph B? And can you, I'm having a hard time understanding the intention behind what was lined out, edited out there.

MR. SMITH: Okay.

COMMISSIONER GALLOWAY: It starts with first floor space exceeding a floor to ceiling. Do you recall how, what that, I'm having trouble, a hard time understanding what that means and how it came about.

CHAIRMAN WOODS: Tom, isn't this, the deletion of that really has got to do with the change from building heights as stories to building heights as feet?

MR. SMITH: Exactly.

COMMISSIONER GALLOWAY: Okay.

CHAIRMAN WOODS: Because before, with this building first floor greater than 20 feet, the idea was to consider it as two stories because of the excessive height so that you weren't being, you know, you didn't have a building that was five stories in a five-story zone that was suddenly 100 feet tall or whatever.

MR. SMITH: That's all it is. As we've moved from measuring the height of buildings from stories to feet, and so this provision is not needed any longer.

COMMISSIONER SCHULDENFREI: There is a lot of
passing of notes. Just for the audience, the first note
said that we're actually not being televised anymore.
The Plan Commission won't be televised. I don't know if
you knew this, I didn't. So, just to --

CHAIRMAN WOODS: Apparently a new City policy
which says that City Council meetings and other meetings
as designated by the City Manager will be televised and
other meetings will not. With the approval of the City
Manager.

COMMISSIONER FREEMAN: I got on this
Commission so I could be televised.

CHAIRMAN WOODS: Well, yes, I mean, an
audience member could, you know, bring a camera. We
could be on You Tube, I guess.

Anyway, this has to do with the ability of
members of the audience asking questions, making
comments, which at this time I'm holding in abeyance
until we can work through some of the stuff.

MR. SMITH: Most of the other changes were
just clarifications that Commission members suggested.
They just clarified the language and helped clarify some
of the illustrations.

COMMISSIONER FREEMAN: You printed the whole
section even though we didn't go through it, and then there are some of these things that were carried through because we did not complete the section. Is that correct?

MR. SMITH: We did not, we ended at, like someone suggested, I think at page 87 or 86.

COMMISSIONER FREEMAN: 86.

MR. SMITH: Yes.

COMMISSIONER FREEMAN: But yet there are changes that go past that in here. Is that because the number count is off?

CHAIRMAN WOODS: I think that there is a difference in the numbering of pages in the original document to the new document due to the length of some of the inclusions of new material to the front of the document now.

COMMISSIONER FREEMAN: Right, okay.

CHAIRMAN WOODS: So, for those people trying to follow at home, it's getting --

COMMISSIONER BURRUS: We're not televised.

CHAIRMAN WOODS: Yes, well, no, I'm not -- metaphorically speaking.

COMMISSIONER SCHULDENFREI: Actually, on that
point, would it be possible in the future to make your
changes and then scale down the changed document so that
in fact it would match what we have so that it would be
a lot speedier on our, so things won't carry over on to
the next page? So, 94 is 94 is 94?

MR. SMITH: I think, yes, we can do that.

COMMISSIONER SCHULDENFREI: Thanks. That's
great. That's helpful.

CHAIRMAN WOODS: Okay.

MR. SMITH: But those changes were carried
through to the rest of the document. It's just that the
numbering system did change.

CHAIRMAN WOODS: Well, I think there have been
sort of, as we've gone through the process, comments
have gotten made that applied to sections later on even
though we hadn't actually physically gotten there yet.

MR. SMITH: Gotten there, that's right.

That's right.

CHAIRMAN WOODS: Yes, absolutely. Stuart?

COMMISSIONER OPDYCKE: I have a question on
page 90. I'm looking at DC-1 here, the figure 4,
decimal 2. And it's got a FAR of 5, am I correct, and a
maximum FAR of 6 on the DC-1 building? This is on page
MR. SMITH: Yes.

COMMISSIONER OPDYCKE: That doesn't, I mean, we're talking about a building that's 165 feet base and 198 feet with bonuses. How does an FAR of 5, assuming one builds lot line to lot line the first four floors, I don't see that we get much over six stories with an FAR of 5.

MR. SMITH: I think you're right. This graphic is to show extremes in terms of the heights, okay. It was not intended to show what is a most likely type of building to be built. Okay. This graphic was done to show the maximum height, to show the bonus height, to show the upper story setback that was required, okay.

You're absolutely right. If you start applying the FAR, okay, the shape of the building would be considerably different.

COMMISSIONER OPDYCKE: But isn't it reasonable to expect that a building of this height is going to be lot line to lot line certainly at the base, the first four floors or close to it?

MR. SMITH: Well, I think it depends on the
lot size really. If you've got a very large lot, then
it's not going to be lot line to lot line. Some of the
new development that has occurred in downtown has been
on fairly large lots. So, if you look at the shape of
the buildings, at least the tower portions of those new
buildings actually cover just, they don't go lot line to
lot line. They only cover a percentage of the lot size.

Okay. So, certainly on a smaller lot, on a
more confined lot which in truth is the characteristic
of a lot of the remaining lots, the lots that we
identified as likely to be developed lots are smaller
lots. And you're absolutely right, on the smaller lots,
people are going to have the tendency to cover the vast
majority of the building or the lot with the building.
But if you have a larger piece of property, you'll get a
thinner tower on probably like a garage base. The
garage base will cover the entire lot and the tower will
cover a percentage of the lot.

COMMISSIONER OPDYCKE: In Marshall Fields as
it exists, and excepting for the moment the westernmost
portion of that building, that would be, that's lot line
to lot line, is it not?

MR. SMITH: Yes, it is.
COMMISSIONER OPDYCKE: So, you are talking about a 5 FAR right off the bat.

MR. SMITH: Yes, sir.

CHAIRMAN WOODS: Also in traditional.

COMMISSIONER OPDYCKE: Well, it's true, it's traditional. But I'm just saying if it were in a core, one of the core zones --

MR. SMITH: You're absolutely, I think it's an important point. When you look at the lots that are most likely to be available for development in the near future in the downtown area, they will be shorter buildings because they don't have the kind of lot size needed to do a bigger building.

COMMISSIONER OPDYCKE: So, where did these FAR's come from?

MR. SMITH: Well, these FAR's are, again they're based on the characteristics of your current zoning regulations, and also, you know, our estimation about what the future of development would be. You know, the market study was done and a look at what the demand was, what the need is.

COMMISSIONER OPDYCKE: All right. Okay.

MR. SMITH: But these illustrations are not so
tied to, they are tied to the heights and the setbacks, not so much to the FAR's. Because FAR is a much more complex thing to figure out how it works. If you're covering the whole lot, it's easy. It's easy to understand. It's going to be a five-story building, covers the whole lot. It's going to be a six-story building if it covers the whole lot. If it's a bigger lot, there's a lot more options available.

CHAIRMAN WOODS: So, what you're saying, Tom, is the FAR is in fact more limiting to development than the allowable heights and setbacks would be for the site?

MR. SMITH: Yes. Generally, yes.

CHAIRMAN WOODS: On a maximum basis.

MR. SMITH: Absolutely. On everything except for really big lots.

CHAIRMAN WOODS: Right, which there aren't a whole lot of.

MR. SMITH: There are not.

COMMISSIONER GALLOWAY: Well, accordingly, I think Stuart's observation is extremely poignant in that the DC1-, DC-2 and DC-3 illustrations on the revised document page 90, if you were to really, if you were to
incorporate the influence of FAR on each of those
illustrations, you should understand that the lot that
each of these buildings is on is significantly bigger
than the base floors of these buildings because there is
no way in the world you're going to build a building
that tall on a lot that is the size of the base floor,
because the FAR will simply cut you off.

MR. SMITH: Absolutely. But you know, in
illustrating an ordinance like this, I think you have to
keep the illustrations kind of simple, okay.

COMMISSIONER GALLOWAY: Right. No, I'm not
criticizing the illustrations. But I think this is an
extremely importantly point to be made especially --

MR. SMITH: Absolutely.

COMMISSIONER GALLOWAY: I mean, it didn't
occur to me until, you know, this weekend when I was
reviewing it. I can imagine that for the public this
could be very, very easily miscommunicated, you know, as
to portend the, you know, the wall-to-wall, you know,
high rise, darkened streets, you know, apocalyptic
scenario that some of the citizens are concerned about.

CHAIRMAN WOODS: Chuck?

COMMISSIONER STALEY: Well, are we saying, and
I must say I'm also delighted Stuart raised this because it didn't dawn on me in its full application here. You're really saying that considering the lots that we got left, we couldn't have any rises, could we? I mean, what would we have? Needles that went up in the air? A spire?

CHAIRMAN WOODS: If you make them tall, they'll be a fairly small footprint of a certain point.

COMMISSIONER STALEY: What?

CHAIRMAN WOODS: It would be a fairly small footprint of a tower above a certain point to achieve, stay within the FAR and get higher.

MR. MARINO: Excuse me. Can we be sensitive to the microphone? Because we are trying to create a transcript.

CHAIRMAN WOODS: Yes. Dennis, can I ask a question? By way of edification, do we have, can Planning tell us what the FAR's of some of the developments are that have occurred to date within some of these zones? For example, 1567 Maple or whatever the number of that project is, Optima Views, Optima Horizons, Sherman Plaza? Just so that --

COMMISSIONER FREEMAN: -- context.
CHAIRMAN WOODS: Yes. And it's only because, as we now look at these things, it would be great to have that as a context for knowing what may be some of these FAR's might mean. Larry?

COMMISSIONER WIDMAYER: Yes. Can we also look at 1603 Orrington?

CHAIRMAN WOODS: Yes.

COMMISSIONER WIDMAYER: It has a lot of setback, so that might give us another indication of, on a larger property what the floor area ratio is for a 20-story building. Bank building.

CHAIRMAN WOODS: Because, and I don't know if this is true, but my guess is that for the project on Maple, the FAR is significantly above 6. And that's sort of the zone it falls in. As with Church Street Station.

MR. MARINO: Bill is going to go generate at least three of those. If you could keep going?

CHAIRMAN WOODS: Yes, absolutely. Okay.

MR. SMITH: I just have a point of reference. In the document, in the Downtown Master Plan section, there is highlighted in the beige --

CHAIRMAN WOODS: Give me a page or approximate
MR. SMITH: Like 10, page 10. I guess I just want to draw a --

CHAIRMAN WOODS: Are you talking about this plan?

MR. LAMOTTE: There should be one more I think. What's it titled?

MR. SMITH: It's the Downtown Context Downtown Master Plan.

COMMISSIONER FREEMAN: It's the Figure 2-H?


CHAIRMAN WOODS: How comes 2-H comes before 2-F?

MR. SMITH: If you look at the sites available, and again, this is just my opinion about it, there's the site where the Farmer's Market is currently held, I understand. And it's a fairly large site, okay. You could do a variety of building types there, okay, because you have a lot size that you could move your FAR to one side of it and push the building up, okay. If you look at many of the other smaller sites that are identified, you really wouldn't have that opportunity in those circumstances. If you push the building all to
one corner, the building would be so small, it couldn't accommodate a reasonable apartment size or a reasonable business size.

So, those smaller sites do not have that opportunity of height. But the larger sites that are identified in this map, they do have that opportunity.

MR. LAMOTTE: And I think it also comes back to some of the early, early discussions about the lower or squatty building versus the slender and taller building, right? But the game plan here is that there is a cap. There's a box it's got to fit into and the architecture shapes that's in there.

CHAIRMAN WOODS: I hate to ask this question but I'm going to ask anyway because I know it's a very complicated answer. Does anybody know what the current allowable FAR is in the Research Park? And I know that's a really complicated question but --

COMMISSIONER OPDYCKE: Yes, it depends what day it is, I think.

CHAIRMAN WOODS: Also maybe which attorney is reviewing it.

COMMISSIONER OPDYCKE: Angle of the sun, you know.
CHAIRMAN WOODS: Yes.

MR. SMITH: It's identified in the critique on the existing zoning.

CHAIRMAN WOODS: Which is page?

MR. SMITH: Well, it starts on page 63, or if it's not in there, we've certainly looked at it. It --

MR. LAMOTTE: 60 feet --

CHAIRMAN WOODS: Yes, I know the height. Now I'm just wondering if there's an FAR.

MR. SMITH: In the Research Park, the largest vacant lot is the lot where the Farmer's Market is.

CHAIRMAN WOODS: Yes.

MR. SMITH: It currently has FAR of 5.

CHAIRMAN WOODS: Okay.

MR. SMITH: And there was some issue, actually it has a little bit higher than that, I think because there is an allowance for parking that doesn't count in the FAR. And so, it's a little bit higher. There was some concern that this plan actually lowers it a little bit to the 5. They lost about 0.5 FAR from the current zoning to the proposed zoning.

COMMISSIONER GALLOWAY: Not taking into account the probable increase in the height in that area
given some of the planned development history in this
town.

MR. SMITH: Yes, the exception thing makes it
very different.

CHAIRMAN WOODS: But with the exception thing,
it's hard to say what the FAR would be because it could
be anything, as has been proven by proposals. Yes,
Stuart?

COMMISSIONER OPDYCKE: The Carlson building
would be what? 7? FAR 7?

MR. SMITH: How many floors?

COMMISSIONER OPDYCKE: I think it's eight.

COMMISSIONER WIDMAYER: It pretty much is lot
line to lot. There's a little space I think in the back
alley area, but yes, very small.

COMMISSIONER SCHULDENFREI: -- I think we
should move on.

CHAIRMAN WOODS: Well, this is more a question
of context to existing zoning and understanding of what
FAR is.

COMMISSIONER SCHULDENFREI: -- he can give
that context in facts.

CHAIRMAN WOODS: Yes.
MR. SMITH: The Optima building at Elgin and Benson, it's on a very large lot. So, it probably has a lower FAR than the Carlson building.

CHAIRMAN WOODS: Well, particularly the way the zoning doesn't count parking now and all those issues.

Anyway, okay, let's keep going. So, if we ended at 86, that means we've gotten through 4.3.2?

COMMISSIONER OPDYCKE: My recollection, we got through page 85 and then we abruptly departed at page 86. That's old page 86.

CHAIRMAN WOODS: I guess since we have parking allotted, put in the parking lot, some issues regarding height for DC-1, DC-2 and DC-3, my question would be are there comments, questions or concerns about setbacks or lot coverage on upper stories that's allowed? Since I think that diagram basically talks about two issues, one of which is height and one of which is setbacks and coverage.

MR. SMITH: That's right.

COMMISSIONER FREEMAN: It also talks about the maximum public benefit height.

CHAIRMAN WOODS: Correct.
COMMISSIONER FREEMAN: And that is parked.

We've parked the height that you get out of it but we didn't park how you get there. So, my issue with this is how you get there so fast.

CHAIRMAN WOODS: Right. Which is really the next section which has to do with public benefit bonuses. Because I don't think any of us fully understand yet the implications of the various equations and how fast you actually do get to the bonuses. Some people may have figured out the equations yet but I'm not sure that all of us have.

COMMISSIONER FREEMAN: So, if you would like to hold off conversation until then, that's fine.

CHAIRMAN WOODS: Just, yes, I mean --

COMMISSIONER FREEMAN: That's fine

CHAIRMAN WOODS: Any other comments about upper story coverages and/or setbacks?

COMMISSIONER WIDMAYER: Yes. The 65 percent and the 50 percent, is that a percentage of the base floors or a percentage of the property?

MR. SMITH: Percentage of the property.

COMMISSIONER WIDMAYER: So, if my base is say 65 percent, I can go straight up 15 stories? Is that
really what we intended?

CHAIRMAN WOODS: No.

MR. SMITH: No, I don't read it that way.

CHAIRMAN WOODS: No, you have to set back at level four.

MR. SMITH: Yes, level four --

CHAIRMAN WOODS: Above level four, sorry.

MR. SMITH: -- you can cover the entire lot for the first four floors.

COMMISSIONER WIDMAYER: Let's assume I build, my building only covers, the first four floors only covers 65 percent of the lot which I'm allowed to do.

MR. SMITH: Yes.

COMMISSIONER WIDMAYER: And then, it says 5 through 15 or 65 percent. Does that mean I don't have to set back?

MR. SMITH: You get no setback, correct. You are only covering 65 percent of the lot with your building, yes. That's what it means.

MR. LAMOTTE: Tom, I think there's a confusion because the diagram says maximum building coverage base of 100 percent. The question is do we go to 65 --

CHAIRMAN WOODS: Okay. But, no, your
question, you're reading it correctly, okay. If you do
a building that covers only 65 percent of a lot, then
you can go --

COMMISSIONER WIDMAYER: Straight up.
COMMISSIONER FREEMAN: Straight up.
MR. SMITH: Straight up, yes, okay. But the
purposes of this lot coverage, setting the standard in
lot coverage is to create light and air around the
building, to create some setbacks from adjoining
buildings. That certainly will do it.

COMMISSIONER FREEMAN: By building it up going
straight up on 65 percent of the property is what you're
saying.

MR. SMITH: That means 35 percent of the lot
is --

COMMISSIONER FREEMAN: Is open.
MR. SMITH: Is open space, yes.
MR. LAMOTTE: -- to create a streetwalk.
CHAIRMAN WOODS: Yes, I was going to say there
are still the build-to rules that fall under 4.2.2 that
require the building to be zero to five feet from street
right of way and from abutting property lines zero feet.
COMMISSIONER FREEMAN: So, the build-to will say that you can't build a building on 65 percent of the property?

CHAIRMAN WOODS: You can if you set it back at the back.

MR. LAMOTTE: You can't push it back. If you have a super wide sidewalk or parking lot or whatever, you've got to bring it to the front, and the 35 percent will be the back.

COMMISSIONER FREEMAN: So, you cannot build a building with the 35 percent on the front of it. So, a plaza in the front of the building --

MR. LAMOTTE: Correct. That is one of the key things that the form-based code has set that build-to line like we did on Central Street, so we don't have hodgepodge setbacks --

COMMISSIONER FREEMAN: Which is one of my issues with form-based code. But are we holding comments from --

COMMISSIONER WIDMAYER: So, well, my question then is if we do that, then at the street line, I can build 15 stories straight up.

CHAIRMAN WOODS: Yes.
COMMISSIONER WIDMAYER: And is that what we want to do?

MR. LAMOTTE: That is the --

COMMISSIONER WIDMAYER: Right.

MR. LAMOTTE: The building comes to -- is very desirable in any downtown setting. You have a little bit of flex there if you want a normal sidewalk setting that's going to allow you a good streetscape in front, and then you can go straight up if you don't have this kind of arrangement where you're filling the base at 100 percent.

COMMISSIONER FREEMAN: So, what we're saying here is that, you know, our beautiful, original skyscraper that was built when I was growing up here could never be built under this form-based.

MR. LAMOTTE: Which one are you referring to?

COMMISSIONER FREEMAN: The Chase Bank.

MR. LAMOTTE: That's 65 percent of the site and it's holding the street volume. You couldn't get depth on the side --

CHAIRMAN WOODS: You need to --

MR. LAMOTTE: The building couldn't be zippered in like it is. It would have to come up to the
streetwalk because we want the frontages all to work together. The open space and setback would be in the back. But it could go straight up like it is now, it's a modern building that goes straight up.

COMMISSIONER FREEMAN: So, the setback would be, in that example, on the alley?

MR. LAMOTTE: Right.

COMMISSIONER OPDYCKE: So, that provides us no relief at the street level though.

MR. LAMOTTE: Right.

COMMISSIONER FREEMAN: So, why would we want to encourage, you know, a building like that to go up with the setback behind the building?

MR. LAMOTTE: Well, let's separate the two because the setback and the step-back are confusing. The 65 percent of the site means that 35 percent is open, it's not developed.

COMMISSIONER FREEMAN: I get that.

MR. LAMOTTE: But in a situation like your downtown and most Main streets and most Dempster downtowns, you want to hold the street wall. So, there should be a zero or a very minimal setback on the front so you're walking along storefront to storefront. Then,
if you said for whatever reason I only want to build on
65 percent of the site, that extra space is at the back,
loading, parking, green spaces in the back, okay. But
the step-back is to break up the flatness of the
building. That was discussed a lot during the process.

So, we want to be clear. I think Larry is
bringing it up and so if we got the frontage right and
we're holding the street while we're doing our glass
fenestration, are we still wanting buildings to go
straight up? And at the minimum, we were trying to hold
that four-story street wall along the street.

COMMISSIONER OPDYCKE: The street wall, I
agree. But I think what we were trying to do in this,
and all our pictures show it only because they assume
100 percent base, is that we're trying to avoid building
15-20 stories straight up.

MR. LAMOTTE: Right.

COMMISSIONER OPDYCKE: At least that's the
part that I got.

COMMISSIONER FREEMAN: But then, is that at
the expense of having plazas or any type of space for,
you know, like you have at the Chandler building on the
corner there or like you have at the Chase building that
is, you know, regularly used by people to sit down, have lunch?

COMMISSIONER OPDYCKE: I don't think it's saying that. You know, I could probably build my 65 percent to one side and then have an open space next to it. So, if I have a 100-foot wide lot, I can build the east 65 feet to the lot line and have a plaza or space that's pure open. That's not the point that I'm -- that does work, does it not?

MR. LAMOTTE: Well, while he's looking for that, we're trying to minimize the gaps between the buildings.

COMMISSIONER OPDYCKE: I know, but there may be times that --

MR. LAMOTTE: And there could be cases that could be done --

COMMISSIONER FREEMAN: But aren't there situations where you may not want to do that?

MR. LAMOTTE: Well, here, let's look at both sides of the equation. Ideally, you would have the streetwalk completely filled in. And then, the public open spaces are in the master plan. We debated that before --
COMMISSIONER FREEMAN: But is that ideal?

MR. LAMOTTE: Yes, so far. So, let's follow this logic. The idea is that the public open spaces have been set in the plan. You've approved them with at least a consensus that we're going in the right direction, Fountain Square, the others that are set. Some are new and some are old and would be retrofitted. The idea is to avoid the developer throwing something in the back and saying this is open space but it really isn't usable.

And what we're looking at now is you're doing a macro open space plan. These are public spaces. If a developer comes up with a creative approach, it adds a little chip corner or something, fine. But don't just throw us something in the back that's not usable. So, the idea is to go with the shared global open spaces and not necessarily encourage every single building to start punching holes on the street. That's the theory so far.

CHAIRMAN WOODS: Right. Tell me about the relationship of that theory and the build-to line with the public plaza, public benefit bonus. It's on page 96 in the original document. I guess what I'm saying is, John, clearly there's a bonus situation here for the
provision of a public space, plaza, whatever, you can
get additional FAR height whatever. But there's also
this requirement for the build-to. So, how do these two
things relate?

MR. LAMOTTE: The ideal, the target here would
be that you're contributing to a pot of public downtown
open space money that can be used by the City in these
various open spaces, or contributing to the immediate
improvement of the big spaces. So, you're either going
to say here is the downtown pot, I'm going to contribute
to that to help everything, or I'm right next to
Fountain Square or such and such plaza --

COMMISSIONER FREEMAN: But not on your
property?

MR. LAMOTTE: Right.

COMMISSIONER FREEMAN: Well, doesn't that then
defeat the purpose? I mean, from my perspective, I want
to --

MR. SMITH: Let's just step back for just a
minute.

COMMISSIONER FREEMAN: Hang on, just let me
say something. From a benefit of if I'm giving a bonus
for height, that to me means I want, from what I was
reading and my understanding was that the effect would be that the building would be farther back. It would give space, and you showed us pictures of outdoor cafes where the sidewalk got wider. Well, what happens if instead of being a sidewalk café they wanted twice the space to have a fountain or a park and then they wanted to go up? So, that you couldn't do here because it doesn't give you that wall which to me is surprising.

MR. LAMOTTE: What we're trying to do here is because you've got such good spaces that could be even improved is to not encourage that it's all on that site that it's an afterthought. That if somebody does come up with a good little corner plaza or fountain idea, that it's still available and it's still an option. But we're not saying do it all on site, help the public spaces that are downtown first, okay. You can set back a little bit to do the outdoor café --

COMMISSIONER FREEMAN: So, then maybe we should add a second bonus, you know, or a bonus for either or because one of my issues I have with this form-based zoning is that I am envisioning, you know, a line, just a straight line down the sidewalk and none of the things that I find creative about some of our open
spaces that were created by some of our older buildings.
Yes? No? Does anybody want to comment on that?

CHAIRMAN WOODS: I guess I would, and I don't know how to do this, okay, but it would be nice if there was the opportunity for the invention, the happenstance on a project. But I don't also want to let it be carte blanche. And so --

COMMISSIONER FREEMAN: And I agree.

CHAIRMAN WOODS: I'm stymied as to how you --

COMMISSIONER FREEMAN: This form-based zoning does a lot of carte blanche by enabling development without review. So, this --

CHAIRMAN WOODS: We've got to discuss that yet.

COMMISSIONER FREEMAN: I know we haven't discussed that yet, but that's one of the basis of form-based zoning is that if you follow this map and if you follow this stuff, then you can develop without having to come to get approval.

CHAIRMAN WOODS: Right.

COMMISSIONER FREEMAN: Right. And so, you know, that's the whole, you know, so if we want to wait to have this discussion when we get to that section, I
mean, that's one of the things that concerns me about, you know, form-based zoning. But what also concerns me is there is not enough room in here for originality, that we have buildings in this town that would not get built today based on what I see here, okay. And some of these buildings are just landmark buildings here on Evanston, regardless if you like them or not. So, that's one of my concerns.

COMMISSIONER GALLOWAY: You made me think of perhaps a number of reasons that may warrant consideration and the direction that they are taking here. You'll notice that there are relatively few sites that are ripe for this kind of development and they're dispersed throughout the downtown.

COMMISSIONER FREEMAN: Sure.

COMMISSIONER GALLOWAY: Okay, number one. Number two, there has also been a concern for maintaining a street wall to maintain the pedestrian scale experience, to provide retail at that wall.

COMMISSIONER FREEMAN: Right.

COMMISSIONER GALLOWAY: And to discourage the sort of in and out hodgepodge of building walls which are not necessarily conducive to a good retail or
pedestrian experience as opposed to back in the 50's and 60's where there was a thrust for large, wide open plazas like 1603 Orrington.

COMMISSIONER FREEMAN: Right.

COMMISSIONER GALLOWAY: But you'll notice that the recent proposal to revise 1603 Orrington includes building a story and a half additional retail along Davis Street. Why? Because nobody was using those big plazas because they were unfriendly. B, there was a lack of street definition and scale in that location, not to mention the lack of retail that could both encourage retail across the street, but as well as to just define that street wall.

So, I think there's, correct me if I'm wrong, I think there's a movement away from the kind of broad, open plazas in a town like this for a number of reasons.

COMMISSIONER FREEMAN: But I don't think then that the plan should exclude it, and what this plan does is exclude it. So, I'm not saying that the movement is something that's bad or good. What I'm saying is that the plan does not include the ability to, you know, we got the 65 percent but it's got to be in the back or it's got to be on the side. Well, why can't you put the
building in the back and have everything else around it be open?

I understand you want to have retail, but I don't think all good architecture is just about, you know, having pedestrian retail space.

COMMISSIONER GALLOWAY: Well, then maybe this is something that given a truly creative project, maybe this is something that then becomes a permitted exception; however, it has to come before a body like ourselves in order to be evaluated as such an exceptional situation that it warrants the creation of this kind of park up front.

COMMISSIONER FREEMAN: But don't we want to encourage creativity in architecture? So, you know, I mean, Evanston has got amazing architecture and part of it is because it's from a lot of different time periods. And we know that, I'm kind of getting puzzled looks around here, but I just feel that by having them come in front of us or some kind of commission, I'm okay with that, I just feel that this is making it too black and white.

MR. SMITH: Well, okay. I do want to say in terms of priorities, in writing a code like this, the
first priority is maintaining an urban form for Downtown Evanston. You have a superb urban form here. People love to come here and window shop. They love to come here and go to the restaurants. Why do they do that? Because the buildings are right there on the sidewalk. You can walk and shop and not even go in the stores, okay.

So, in terms of priorities, that form where the buildings come out to the street, where the retail shops or restaurants or offices face the street and engage people who are on the sidewalk, that is the priority. That's something we should try to maintain, okay.

CHAIRMAN WOODS: And can I --

MR. SMITH: And then, if someone comes along with a plaza on their site and it's really exceptional, if you look at the standards for the plaza bonus, they are discretionary standards, okay. We're getting a little ahead of the discussion tonight, but we fully anticipate that somebody like this will have to make a judgment. We're going to get away from the street wall on this. We're going to allow a plaza. We're going to allow some flexibility on the design of this building.
because this is exceptional, okay. And I think that
we're trying to write in both of those.

CHAIRMAN WOODS: Can I correct something that
I think maybe actually steered us wrong on? I'm not
sure that we can actually only have 65 percent coverage
at the ground floor anyhow because if I read these
regulations, it's between zero and five feet of the
street and zero feet of all other property lines.

MR. SMITH: That's exactly right. Correct.

CHAIRMAN WOODS: So, you can't cover only 65
percent.

MR. SMITH: Absolutely. You can't do that.

You know, you have to --

CHAIRMAN WOODS: It might be 90 percent.

MR. SMITH: You have to understand that
architects will take this language and they'll devise
almost possibilities that you may not have anticipated
every one of them, okay. But we are trying to, the
underlying goal is we have a form downtown where
buildings come out to the sidewalk and people can relate
to the built environment really well and we want to
maintain that. And so, these rules have to be read in
combination in a market sense also. Understand that if
you're building a big building, you're probably going to have a garage base. And there is not a garage built in Downtown Evanston that I know of that isn't lot line to lot line.

COMMISSIONER FREEMAN: Regardless if it's a large building, tall building or not, I do believe that a builder, somebody who owns property, is going to want to maximize the revenue they get from that property. And so, you know, what I see from this form-based is that it enables them to maximize the revenue and that is what the building to the sidewalk does. Whereas by enabling the bonus, maybe we need to go through furthermore of these bonuses to discuss this because I have questions about the bonuses, but you know, I'm concerned that this is just too cookie cutter to enable --

MR. LAMOTTE: Well, let's clarify because I think, and I want to make sure because the form-based code is not to discourage good architecture. It's to give guidance in a wider frame so that the architects can do their thing but it's not a surprise at the end of the day. It gives staff, you and the Council more tools to work with.
COMMISSIONER FREEMAN: So, an expectation to the architects of what to come to us with?

MR. LAMOTTE: During the process, during the workshops, during the charrette, a lot of folks that said whether it's a low rise, a mid rise or high rise, we need to get some better architecture. And it's hard for staff without tools and you to get that. And it's not, we're never going to win perfect architecture every time, but the point is that you want to keep the street wall going. There may be a gap, there may be a pedestrian path somewhere, that's an exception to the rule that staff and you can look at.

The idea is to keep that great looking storefront walking straight with good sidewalk width. We know we ran into it on Central Street where at the end of the day there was only five feet left with two or three-foot base of a light pole, there's only two feet to get between. It doesn't feel comfortable. If you put a two-story building or 200-story building, it doesn't feel right.

So, we're saying at a minimum let's get the right sidewalk width. Hold the street where we can, if you want a little flexibility for café, fine. But we
don't want to go carte blanche in letting the architect and the developer and the land planner, everybody just go with whatever open space they could find because that can really start to wreak the havoc you're trying to avoid.

So, here is an idea. The mission here is that if you're going to get your bonus because of open space, help reinforce our public shared open spaces because we've got them pretty well distributed in the plan. And I think people are in that right direction right now. Help put in the pot to put some trees, whatever it is, in Fountain Square. Or if you're right next to it, fix the one next to you and you get a credit for that. And all the formulas we haven't figured out yet, that's coming beyond this master plan. The full formulas still have to be worked out with staff and you and the detailing, is it two dollars or five dollars.

But maybe there is a limited provision that in limited cases for some really creative site planning, the architect and the developer can be looked at, maybe that's okay. Let's take the site back where the Farmer's Market is. This is a huge site. They're not quite near any open space that's shown in the plan.
Maybe there is a notch that creates a nice little front plaza that's a good little spot for a bench and a fountain. That might be a limited exception that they can come in and talk to you about.

But if we open the door on every single one, there won't be too much money or love to be shown to the public spaces. It will be what can I chip off of my site. So, that's what we're trying to do. And I think you raised a good point. If you want to give that flexibility, let's just make it limited in the extreme really special cases.

And then, I think as Jim or David said, have that as a thing that comes back to SPARC and you to say, yes, that's a pretty significant situation you're doing for us, let's go for it. But they've got to go through hoops to make sure this thing isn't an afterthought or it's in the wrong location. And then, the bank building today, whether you go straight up or not, that's a separate step-back question. You would not orient it that way today. And we're in many towns trying to retrofit, pulling things up to the front and getting rid of these windswept spaces that don't feel friendly. Or you're walking along a great storefront and then there
is this huge gap and you don't even want to go up to the
building. So, we're trying to correct some of that.
Okay.

CHAIRMAN WOODS: Johanna?

COMMISSIONER NYDEN: What do you envision as
being like, you know, the setbacks or the steps that
aren't right on the lot line, or right on the
streetscape line, can you give an example of where in
Evanston you think this is ideal? I'm just trying to
visualize for you.

COMMISSIONER FREEMAN: I have issues, like I
have issues with what's happened on the corner at Main,
you know the Main Street corners and, you know, what
happens on a lot of our corners where, you know, you may
have five feet of sidewalk space, but you know what, if
you've got strollers and then you've got the boxes for
changing the lights and everything else, you know, it's
not real conducive to window shopping at all. You need
to get through and get out. And to me, you know, making
some setbacks where you can spend some time window
shopping, you know, so I think downtown we're okay, all
right. So, on Sherman, we're all right downtown.

I think it's some of the other areas within
Evanston, but I just feel that, you know, you put a sidewalk café out and now there's no room to move. And that's what's happening now. And if you want to encourage walking downtown, you've got to have more than that five feet.

MR. LAMOTTE: We do. We do. Because on Central, in here we're trying to not have five feet sidewalks left.

COMMISSIONER FREEMAN: Right.

MR. LAMOTTE: And you have to have a clean path of walking so handicapped and strollers, everybody can get through that.

COMMISSIONER FREEMAN: You asked me what I'm trying to avoid, and what I'm trying to avoid is what's happened down on Main Street area. I would hate to see that happen any other place. And you know, that should have been a really wonderful corner, you know, encouraging people to congregate there.

CHAIRMAN WOODS: John, is there a way within this to somehow address corner sites as not necessarily having to literally have that edge of the building come to the very corner? And that there's optional approach --
COMMISSIONER FREEMAN: You know, you make this wide placed type of curve -- I'm sorry, I interrupted you.

CHAIRMAN WOODS: No, no. I mean --

COMMISSIONER FREEMAN: You know, it's like a wide type of curve that you can come in and you don't have to --

CHAIRMAN WOODS: Sherman Plaza, Barnes & Noble, the way it turns the corner.

COMMISSIONER FREEMAN: Yes. You know, and I think that should have been bigger, and especially at the end by where the red door is. I mean it's just, it narrows.

MR. LAMOTTE: Well, I think that kind of language, because I think what the plan is doing and you all have to vote on whether there's a consensus on the open space, is reinforcing your public spaces, your current and future ones. And then, if somebody comes along that can do a creative little private space that everybody can use, let's encourage it. It might be in limited, special, extreme situation like corners, you might be able to do it.

CHAIRMAN WOODS: I mean, a new semi-public
space is next to the Orange balcony building with the recessed plaza entry there. That's a very nice kind of space that came up and happened that is great. But on the other hand, I don't think we want to allow, personally I don't think we want to allow, you know, any Tom, Joe or Frank developer to come along and simply say, oh, I'm going to shove my building back 20 feet and then we got this thing going like this.

MR. LAMOTTE: And give me a bonus, right. So, I think if, for the sake of time, you're giving us the direction to say, okay, the public open system, fine, we'll work with that, put it in the pot to help in that bonus or fix the one up next to you. But if you then have in a limited situation some special circumstance, corner or whatever it is, we're going to look at it but we need to work out all the language in the next phase, not now. You've given us a positive direction that we can change.

CHAIRMAN WOODS: Is there anything in here --

COMMISSIONER FREEMAN: Why can't you just --

COMMISSIONER SCHULDENFREI: My question was why can't you just add a bullet point right here? I mean, you've got all sorts of other language exactly
like that. Why would you not add it? Where would it be appropriate though?

MR. LAMOTTE: No, Robin, you're right. I think we can add it as a text piece, but I think maybe I'm just confused. The formula and all that, we've got to work all that up. You know, you get two dollars for that or three dollars for the public space.

COMMISSIONER FREEMAN: Well, yes, absolutely. I think it's more of what we want to encourage.

MR. LAMOTTE: Right. The guideline that you're putting in here is, well, we can write, choose on it right now. We can write that and write today, and then the formulas get all worked out in the next round.

COMMISSIONER SCHULDENFREI: Right, right.

Yes.

MR. LAMOTTE: So, I'm not sure what page we ended up there.

CHAIRMAN WOODS: Well, I would just, like I said, give us some flexibility in terms of dealing with corners.

MR. LAMOTTE: Right.

MR. SMITH: I think it could be added to the bonus regarding plazas. We could say that plazas are
preferred on corner locations or that plazas that, you
know, result in really nice, public open space in these
locations are preferred, you know, at corner locations
specifically.

COMMISSIONER FREEMAN: We talked about, you
know, by Barnes & Noble, and that corner is still very
difficult. You know, it's not wide enough if you want
people to be able to really leverage it as anything
except a move on by place. And if we want to continue
the ability to encourage the walking, the ability to
walk through Evanston, you need more space on the
sidewalks and corners. So, thank you. Thank you.

MR. LAMOTTE: So, Robin, if -- jumping now, we
have a list of -- we jump into, on page, well, 5.8 and
5.9. We need more language in there.

COMMISSIONER OPDYCKE: Now, you know, we still
are requiring a 15-foot sidewalk, right?

MR. LAMOTTE: Yes --

COMMISSIONER OPDYCKE: Yes, it's 89 in the
new. So, the setback can be greater than 5 feet if it's
required to have a 15-foot sidewalk.

MR. LAMOTTE: I'm sorry, where?

COMMISSIONER OPDYCKE: 89. It's 4.2.2. It's
the revised 89.

MR. LAMOTTE: Yes.

CHAIRMEN WOODS: Because buildings may be set back more than 5 feet if additional setback is used to ensure minimum 15-foot sidewalk width. Right.

COMMISSIONER OPDYCKE: So, we're being certain that we're not going to have five-foot sidewalks.

MR. LAMOTTE: And we're going to reinforce the grade planters and sidewalk paths as part of your ambience, right.

COMMISSIONER OPDYCKE: Yes.

MR. LAMOTTE: So, if everybody is comfortable, that sets the sidewalk, then we'll set this potential special case thing back in the -- space and, you know, I think for the sake of time unless you want to do it now, we'll come up with some language and then in special circumstances like corners or something, yes.

CHAIRMEN WOODS: So, if I come back to our lot coverage/ ziggurat form thing, the lot coverage is what's being mandated, not necessarily a setback right now. So, the location of the upper floors is not predetermined relative to the front of the, to the street facade of the building.
COMMISSIONER OPDYCKE: Yes, not that that's what we were trying to accomplish.

CHAIRMAN WOODS: I'm asking. I want a confirmation of yes or no.

MR. SMITH: Yes, that's right. I don't know, I mean, you're an architect, okay. What I've heard from architects is you're right, we need on the upper stories some setbacks, we need to ensure more light and air, but give me some flexibility about where I put the building. If closer buildings are to my north, then I'm going to put this building farther to the south.

CHAIRMAN WOODS: But I guess I would rather them come back and say, look, we've got this design of a building that's going to pull a lot of the building facade for 12 stories to the street, review it, tell us if it's acceptable, as opposed to I get to do it, period.

MR. LAMOTTE: Are you talking about the straight up versus the step-back?

CHAIRMAN WOODS: Yes.

MR. LAMOTTE: Right. So, we're meeting all the things, we've got a 15-foot walk, we may or may not have done some special open space, but now do we want to
not have an opportunity that the architect says here it's like I want it straight up?

CHAIRMAN WOODS: Right. I'd rather that they have to come in for a zoning variance because they have a really, you know, high quality project that then somebody is going to review and say this is okay.

MR. LAMOTTE: Yes, and I think that's what we've been seeing more and more is you want to avoid straight shot buildings on the front and give the opportunity, if you brought this up the day we started this about where buildings took place -- wedged in. I know we have to adjust that.

CHAIRMAN WOODS: As an architect, there are certainly plenty of buildings designed that engage a large portion of very high facade with the street but it's not necessarily the whole street, it's not necessarily anything. But rather than do it because it's a really good design and somebody says, hey, let's do it because it's a really good design, rather than having the right to go 15 stories with the facade right on the street that's actually terrible.

MR. LAMOTTE: Yes. So, when Tom is referring to, you know, the wedding cake is just the envelope to
start with. We're kind of saying you've got certain points to start putting step-backs in as a minimum.

CHAIRMAN WOODS: Yes.

MR. LAMOTTE: Then, you and the architects start playing with that, adjusting, what kind of material changes are you using, how big is the step-back, and we go from there. So, I think what we need to do is just drill in here and find out where any spots are that might allow a straight up building and adjust it if they would allow -- okay. So, I put it on adjust for street facade so we covered that.

CHAIRMAN WOODS: Yes. And you know, on Central Street we did this thing where we said that, you know, a certain percentage of a facade could come out and adjoin the base as it went up so that it wasn't just a pure setback all the way. And I think that maybe we need some of that kind of language in here like we did on Central Street so that a designer has flexibility but he isn't going to necessarily bring the entire facade crashing down.

COMMISSIONER OPDYCKE: That's been the biggest complaint about tall buildings.

MR. LAMOTTE: Right. And when you think about
the walking street wall of four or five-story profile
that you see when you're walking, you don't necessarily
see those things. But if it goes straight up, as you
saw in the charrette materials, whether it's six stories
or 60, it still starts -- all right. So, that's a good
clarification and we'll get that in.

COMMISSIONER GALLOWAY: I want to concur with
something that Seth mentioned a few moments ago and that
was how you discouraged and uncomfortable you were with
those buildings at Chicago and Main. I don't think
there's a person I've talked to or an architect I've
talked to that's pleased with what happened there. It's
an extraordinarily unfriendly place to be. But I think
it's worth noting that even under DC-1 zoning in this
book, those buildings would not be allowed to be built.
They would have to have been set back.

COMMISSIONER FREEMAN: I do understand that.

COMMISSIONER GALLOWAY: And there wouldn't be
the, you know, the extraordinarily narrow, cold sidewalk
experience that you have there.

MR. LAMOTTE: I think we're --

CHAIRMAN WOODS: Wait a second. Building
frontage, any comments on building frontage?
COMMISSIONER STALEY: Which section is that on?

CHAIRMAN WOODS: That's on page 87 in your original document.

COMMISSIONER STALEY: Original.

CHAIRMAN WOODS: Page 91 in the revised.

COMMISSIONER SCHULDENFREI: For 4.3.3(E), I have questions about this and I'd like to hear commentary from the architects.

COMMISSIONER GALLOWAY: Yes, interestingly enough, I had a number of things written there. I'm afraid that as an architect I feel like I'm being put in a box here and not being able to express a good deal of my creativity to say that "the ground floor elevation building base must be visually distinguished from the upper floors by a horizontal design express such as a change of materials or architectural details." And we're going to run across this on any kind of ordinance, all right. But I think there are a lot of opportunities to achieve high quality here outside of this language. And I'm sure you're aware of them.

You know, in some instances, you know, the base of the building may be more attractive if it,
1 granted if it conforms to the height and then sets back,  
2 but to stipulate that the expression has to be one of a  
3 horizontal nature may not necessarily be beneficial to  
4 certain buildings.  
5  
6 COMMISSIONER SCHULDENFREI:  Or too much --  
7 COMMISSIONER GALLOWAY:  Maybe I'm picking nits  
8 here but --  
9  
10 COMMISSIONER SCHULDENFREI:  No, no.  I think  
11 we should just, I would move to scratch all of E off.  I  
12 think we don't need it.  
13  
14 COMMISSIONER STALEY:  What do our experts  
15 think on that?  
16  
17 MR. SMITH:  When I was in architectural  
18 school, they told us base, middle top.  
19  
20 COMMISSIONER GALLOWAY:  Yes.  
21 COMMISSIONER SCHULDENFREI:  Yes, that's a  
22 while ago.  
23  
24 MR. SMITH:  All right.  We can argue it, but  
25 when you don't do something like that, you know, you  
26 have some garages, the garage for the Best Western has  
27 no base, no middle, no top, okay.  
28  
29 COMMISSIONER GALLOWAY:  I'm not saying that --  
30  
31 CHAIRMAN WOODS:  Well, it also has no  

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architecture with a capital A.

COMMISSIONER GALLOWAY: Yes.

MR. SMITH: So, you're right. I mean, maybe it doesn't need to be a horizontal expression, but there should be a distinction between the base and the --

CHAIRMAN WOODS: Well, I'd also like to make a distinguishing thing here. I don't think it necessarily has to be the ground floor because you could have a four-story base on a building. So, maybe there needs to be language that there is some sort of expression of a building base that roughly falls into this first 100 percent potential occupancy.

MR. LAMOTTE: Well, the other thing that usually goes with it in addition to the base as a corollary is to try and get that commercial storefront feel going down the street.

CHAIRMAN WOODS: Right.

MR. LAMOTTE: Because we found that someone does a nice looking building but it goes straight up and you never really express the storefronts. And some people don't even know there are storefronts there because the signs are flat on the wall and there is no real storefront feel. So, maybe to make it a little
more flexible, I think for our resident architects here, is the base and then add some commercial language in there as well.

CHAIRMAN WOODS: Johanna?

COMMISSIONER NYDEN: This wasn't about the architecture.

CHAIRMAN WOODS: Okay, that's all right.

COMMISSIONER SCHULDENFREI: I fixed the point. You can keep it, can you just put a period at the end of upper floors so the new E should read -- don't you want to do it on your nice digital? "4.3.3(E). The ground floor elevation building base must be visually distinguished from the upper floors," period. And just scratch off the rest. That would take care of it.

CHAIRMAN WOODS: That's fine.

COMMISSIONER GALLOWAY: That's fine because we've addressed the need for it to be glazed, whether it's on whatever street, blah-blah-blah. So, I think we did it.

CHAIRMAN WOODS: Colleen, you've got a problem?

COMMISSIONER BURRUS: I'm just thinking. I'm trying to think of more modern architecture. Doesn't
that just sort of, as David, you alluded to, it sort of
takes away some of your creativity as an architect. I
mean, it doesn't, I'm trying to think of, Johanna said
to me the Mies buildings downtown, to me that doesn't, I
don't think that we want to say we don't want that. And
so, by keeping E in, I think that takes away that
ability. And I'm not disagreeing with your architecture
school theory. It's just I'm not sure that --

CHAIRMAN WOODS: As an architect, actually I
would say that the Mies buildings in a way have their
own base because it's such a tall first floor.

COMMISSIONER BURRUS: Okay.

CHAIRMAN WOODS: It's glazed and colonnaded in
most cases. And so, they kind of define their own kind
of base that's different than the upper floors.

COMMISSIONER BURRUS: Okay. I guess I'm just,
I don't know that we want it --

COMMISSIONER NYDEN: Would that constitute a
horizontal design?

CHAIRMAN WOODS: No, we got rid of that.

COMMISSIONER BURRUS: Yes, right. Yes, I'm
just trying to think of people that aren't necessarily,
you know, architects that can then articulate that,
well, the Mies, that high first floor is really the
base, I don't know that most people could come up with
that. And so, I think maybe to clarify it or not even
to have it, so I don't feel that was -- at Robin or not.
I'm not sure if it limits us.

COMMISSIONER SCHULDENFREI: Actually I think I
fixed it.

CHAIRMAN WOODS: Yes. I think the ground
floor elevation building base must be visually
distinguished from the upper floors, there's any number
of ways of doing that.

MR. LAMOTTE: And the backstop is the other
pages about the fenestration and glass and storefront
feel down at the floor level.

CHAIRMAN WOODS: Yes.

MR. LAMOTTE: Because if it's just a straight
Mies modern thing without any distinguishing elements
then --

COMMISSIONER NYDEN: One thing, and I know
it's sort of addressed in 4.4.2, is the access of the
loading docks and parking garages. Is that going to be
behind the building? I mean, because it's sort of like
where parking is hidden but how will vehicles access the
building? There's talk of the pedestrians, and I'm just reading this now, I mean right now Sherman Plaza, vehicular access is on Benson and Davis. So, would we be doing away with sort of having vehicular access on major streets and trying to get it onto an alley?

MR. SMITH: What this illustration shows is generally the parking is in the back, okay. So, that does kind of encourage the use of alleys. But if you read the language, it also allows in terms of breaking that plain along that sidewalk, it allows driveways that may extend beyond the boundaries of the shaded area, okay, to the extent necessary to accommodate access. So, the driveway may extend beyond that shaded area to the street.

MR. LAMOTTE: And we did have situations where we just have to do that, you know. I understand we want to -- as best as possible, but just look at this here, if this had to be the driveway -- being the back so you get retail up front. And then, all the design and paving and stuff, we're trying to restrict that.

CHAIRMAN WOODS: But there is nothing that necessarily says that, for example, I couldn't come off that top street and turn to the gray zone for parking.
MR. LAMOTTE: Right. And I think Robin
brought this up over the last meeting about spacing,
too. It's just we're trying to get it so if we're stuck
and we've got to come in off a street rather than an
alley or a neighboring drive or something, we've got to
keep it tight, keep it under control.

COMMISSIONER NYDEN: Is there any, I mean,
just thinking about, I know I can't think of instance
where this would happen but you have a, you know, where
the cars enter and where the retail entrance or the
condo entrance might be, is there any kind of like
language that can -- I used to imagine like a situation
where an architect or a planner or somebody might say,
you know, put those both on this street because that's
where the vehicular access is, but that's also where you
get good ped traffic to shop at the stores. I mean, is
there any way to prohibit a bad entrance like that in
the text of this code?

MR. LAMOTTE: And then, so you're not mixing
driveway entry to the store and entry to the condo,
you're trying to spread them out?

COMMISSIONER NYDEN: Yes.

MR. LAMOTTE: Yes. Yes, for example, retail
especially, and I don't have the specifics but I think we're trying to do that both on the spacing of driveways up and down the streets so no one gets caught in between. And then, we've got to look and see if the language is, if I use my pen again -- if this was the driveway, then the placement of these entries next to it, I think we've got to look and see if we've got no space for it for where people are going to be going into a building and the activity. I'm not sure how we can do that but let's look through that and see.

MR. SMITH: The purpose of the setback for the parking is also to ensure that that frontage is retail or some other use.

COMMISSIONER NYDEN: I just think of Sherman Plaza like, you know, you have the 7-11 entrance where right, what is that, 7-11 entrance and then right next to the garage entrance and then you have, you know, some other entrances on the other side. And it just, you know, when I turn in to go in there, there is always pedestrians. But you know, it creates a bad mix right there.

COMMISSIONER FREEMAN: Do you want to require then, you had talked about the alley, that if there is
an alley you must use the alley for loading?

COMMISSIONER NYDEN: I would love that.

COMMISSIONER FREEMAN: So, why can't you just --

COMMISSIONER NYDEN: But I don't know if that would work.

COMMISSIONER FREEMAN: Why can't we just write that in? I mean, the point is if you want to discourage somebody from loading in on Sherman Avenue when you've got an alley behind it, say that if there is an alley you have to use the alley, you know. This isn't, you know, my family is in Italy. Those streets are really tiny and they don't have alleys and they'll block the streets. But here we have alleys.

MR. LAMOTTE: Yes. And I think because we're talking about spacing between other driveways, let's look at some sort of guideline for the next doorway, whether it's retail or condos, and just see if we can do something that doesn't potentially corner the building too bad so you're spaced so far over that that wall is not working. But I mean, you've already got the experience of Sherman Plaza, so let's work it. I mean, if it's another 10 feet or 20 feet on either side of the

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drive or something, let's --

COMMISSIONER NYDEN: Yes, and then, I mean, trying to load off alleys where possible.

MR. SMITH: I think that we should add that. Actually, I think we should have a preference for access off the alleys. I'm not sure we can mandate it in all circumstances. If you look at the city garages, what they have is multiple driveways, okay, because there's just so many cars coming in and out. So, if all the cars in the city garages had to go out the alleys, it would be a difficult situation. But I think you could certainly put strong language that said you preferred access in and off the alleys.

CHAIRMAN WOODS: Tom, would there be a way to get input from your transportation consultant as to the size of garage that would require two entrances? So that we could put something in here that said below, you know, parking garages that hold less than so many cars should have one point of entry and exit and blah-blah-

MR. LAMOTTE: You might be able to two if you think --

MR. SMITH: Right.
MR. LAMOTTE: So, we just put a note about alley access on that paragraph, the next line would be something that the primary access should be from alleys where feasible because I think -- the size of some of the alleys we may be building too much in there. But that's preferred. And then, if you can't do it, then you've got to do this other thing -- and make it as best as possible. And then, Jim's note, too, is this -- so, we'll check with him --

CHAIRMAN WOODS: Okay. Larry?

COMMISSIONER WIDMAYER: Yes, I have a concern. The setback, you say that the setback for parking must be 25 percent of the lot depth. In the downtown area, we have this problem in Central Street and a couple of other areas where we spend a lot of time listening to developers tell us they have all kinds of customers for a 15-foot deep retail space. And they usually end up being the AllState agent.

MR. LAMOTTE: Standing.

COMMISSIONER WIDMAYER: Standing up, yes. It would just seem to me that we should be able to establish some minimum depth which, in feet, which is logical for downtown retail space and have to work from

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that a minimum. Now, I know that's going to sometimes
squeeze the parking into underground or something else,
but remember we're not doing any parking in under 4,000
square feet. And after that, we may only be asking for
three or four spaces.

MR. LAMOTTE: If you recall the Central Street
plan and discussion, we had the 50-foot minimum to get
just the basic normal storefront. We should probably
look at that here. And then, again in special cases, if
for some reason it's not a primary shopping street or it
kind of falls off, they could come back. But the 50-
foot minimum I think is going to be especially good here
if you want.

COMMISSIONER WIDMAYER: Especially in the
core.

MR. LAMOTTE: Yes. Yes.

COMMISSIONER WIDMAYER: Because everything in
the core is pretty much open for good retail
requirement.

MR. LAMOTTE: And so, then we would avoid the
oddball space and we would avoid the slippage if
somebody gets up there and just puts, even good
architecture on a parking deck, that that's still a dead
wall and no shopping. So, can we just put a normal --

CHAIRMAN WOODS: John, I also have a concern

about the ten-foot on the side street as a minimum. I

just think it should be bigger because I think we want

to encourage retail along even the side street. And if

it's only ten feet, obviously there's --

MR. LAMOTTE: Then they're really standing up

in their office.

CHAIRMAN WOODS: Yes.

COMMISSIONER WIDMAYER: Well, there's a --

MR. LAMOTTE: To the front.

COMMISSIONER WIDMAYER: There's an oil store

in Paris that's eight feet wide but I don't know how

well they'll do here.

MR. LAMOTTE: If we could look at for 50 feet,

and then again if there is some concern that you're

stuck up against the viaduct and it's not --

CHAIRMAN WOODS: Right. And I understand that

there are sites within downtown that may need to fall

under some other parameters because obviously if you

have a narrow corner lot and you do 50 feet in both

directions, you're out of luck, Charlie.

MR. LAMOTTE: And I think you're right. If
the goal is to encourage the wraparounds that connect all our streets, then let's look at that with special circumstances addressed that if, you know, you're pinched on a viaduct and nobody is going through ---

CHAIRMAN WOODS: And it may be that it's possible, and I don't know, to look at specific streets where the ten feet is an acceptable thing but that there are other streets where it has to be 50 feet within certain zones at least.

MR. LAMOTTE: Good catches.

CHAIRMAN WOODS: Robin?

COMMISSIONER SCHULDENFREI: Could you, Tom, reiterate what our parking screening situation is? I read this sentence, 4.4.2, it's the half sentence that says, just following where it says Figure 4.4, "unless located underground or concealed from view by habitable residential or commercial floor space with a minimum depth of 20 feet." Could you review the parking that we're proposing? Are we not proposing either underground or minimum depth to 20 feet anyway?

MR. SMITH: I think we just proposed making it 50 feet.

COMMISSIONER SCHULDENFREI: Okay. That's what
I wanted to make sure.

MR. SMITH: Yes.

COMMISSIONER SCHULDENFREI: Good, thank you.

Great.

MR. SMITH: That's what I took from the conversation before, that the minimum depth is 50.

MR. LAMOTTE: To activate the ground floor and push the parking --

CHAIRMAN WOODS: Well, I would clarify that as being at the ground floor.

MR. SMITH: Okay.

CHAIRMAN WOODS: It could be something else above.

COMMISSIONER SCHULDENFREI: So, could you have parking above? So, you could have, like proposed for 708 now, where you'd have retail at the bottom and then you have a big parking podium?

CHAIRMAN WOODS: Well --

COMMISSIONER SCHULDENFREI: With 20 feet of habitable space in between or not?

CHAIRMAN WOODS: You know, I think there is a whole discussion about parking that needs to recur as a part of this bonus discussion. But for me, I'm
personally willing to make a proposal that says that at least 50 percent of the parking needs to be below grade in order to qualify for any bonus.

COMMISSIONER SCHULDENFREI: Right. But I'm just wondering run of the mill, I'm with you for all sorts of parking bonus, but for run-of-the-mill parking, I'm just thinking of the unpleasant parking screens and parking up downtown and setting something in this part of the document as a base standard. What's our base standard for parking above the first floor if you want to do it?

CHAIRMAN WOODS: Personally, I don't have a problem parking all the way virtually to the facade wall as long as the facade wall looks like a building.

COMMISSIONER SCHULDENFREI: But does it ever?

COMMISSIONER STALEY: With humans in it.

CHAIRMAN WOODS: Well, I mean, a perfect example is the garage that exists on the block north of 708 Church which most people don't even realize is a garage.

COMMISSIONER SCHULDENFREI: Right. So, how do we code that? I absolutely agree.

CHAIRMAN WOODS: So, John, can you craft some
language that would just --

COMMISSIONER SCHULDENFREI: Do that?

MR. LAMOTTE: Yes. If --

COMMISSIONER SCHULDENFREI: I mean, the habitable space works.

MR. LAMOTTE: The ground floor, you're on the ground floor, we really want habitable retail space.

CHAIRMAN WOODS: Yes.

COMMISSIONER SCHULDENFREI: We're with you.

MR. LAMOTTE: So, you have a 50-foot depth.

You have 100-foot site. You've got another 50-foot to put your parking. If it's a little tighter and you're using it for a ramp to get up above to the second, third or fourth floor, those floors will be dressed up with architecture. The bonus thing would happen if you start putting things down below grade.

COMMISSIONER SCHULDENFREI: What standard is that at the second floor then? Say second through fifth floor?

MR. LAMOTTE: There is no setback. They could fill the whole base of the building with parking.

CHAIRMAN WOODS: It has to be within an enclosed architectural --
MR. LAMOTTE: Enclosed.

COMMISSIONER SCHULDENFREI: Where is that language?

CHAIRMAN WOODS: It's not there yet.

MR. LAMOTTE: It's implied.

COMMISSIONER SCHULDENFREI: Okay. So, you'll add, that's not, I don't think we should go with implied. I think we should go with concrete.

CHAIRMAN WOODS: Literal, yes.

COMMISSIONER SCHULDENFREI: Literal. Good.

So, could you make a note to add that in for next time?

Thanks so much.

MR. LAMOTTE: So, the idea again is sort of --

COMMISSIONER WIDMAYER: And louvered fences don't count.

MR. LAMOTTE: So, the base, let's say it's a three-story base of parking. You've got to notch 50 feet out at the ground floor, and then you can come and straddle it or, you know, get on top of the floor with parking but it's got to look good from the outside so we don't find any parking base floors --

CHAIRMAN WOODS: It needs to be enclosed and mechanically ventilated.
MR. LAMOTTE: And mechanically ventilated.

And then, the bonus thing happens if you're going to put some of that down below grade, you can start using some bonuses. Okay?

MR. SMITH: What you're saying is above the ground floor it has to be enclosed and concealed?

CHAIRMAN WOODS: Yes.

MR. SMITH: Okay.

MR. LAMOTTE: I think that just puts a point on the architecture part of it.

CHAIRMAN WOODS: Yes.

COMMISSIONER SCHULDENFREI: Enclosed, concealed and appearing as habitable architecture. So, not this kind of screens. So, not screens for instance.

I don't know what the building would --

MR. LAMOTTE: That will sharpen it up and it will help take -- from this Commission and staff because that's the biggest challenge -- we'll get it on tight.

CHAIRMAN WOODS: Oh, Mr. Dunkley is back.

MR. LAMOTTE: News for the FAR.

CHAIRMAN WOODS: Literally.

MR. DUNKLEY: Answer is --

CHAIRMAN WOODS: Answers.
MR. DUNKLEY: All of the mentioned examples were hovering in between upper, just below 4 and we just hit 5.5 with 1720 Maple which is Optima Views. So, I'll read down the list. 800 Elgin or Optima Horizons is, the gross floor area ratio is 4.08. 1720 Maple or Optima Views is 5.5. 1640 Maple is Church Street Station, it's 4.85. 1572 Maple is 4.60. And Sherman Plaza or Optima Towers is 3.88.

COMMISSIONER BURRUS: Bill, that's extremely impressive that you drafted a memo with all of this.

Thank you.

MR. DUNKLEY: I have a team up there waiting. The zoning elves.

CHAIRMAN WOODS: These are FAR's as we currently calculate them, so they do not include the parking?

MR. DUNKLEY: That is correct.

CHAIRMAN WOODS: So, in the view of the world of this Downtown Plan, FAR includes parking. So, all of these would actually be higher under the new way of calculating.

MR. LAMOTTE: So, no misunderstandings, no games, no nothing.
CHAIRMAN WOODS: Right.

MR. LAMOTTE: So, you know what the box is, you've got to deal with it.

CHAIRMAN WOODS: And the other question, just quickly, is I am sure that Sherman Plaza doesn't include the city garage calculation in that calculation, right? Having personally gone through and done that little exercise. It goes up the norm still.

COMMISSIONER WIDMAYER: This is very helpful.

CHAIRMAN WOODS: Okay. So, we went through 4.4. 4.5, any comments? 4.6, any comments? Or are we ready to go to public benefit bonuses?

COMMISSIONER NYDEN: Hey, Jim?

CHAIRMAN WOODS: Yes?

COMMISSIONER NYDEN: Do you think we could talk about public benefits next time since we're nearly done our time?

CHAIRMAN WOODS: Sure. Is that agreeable to everybody? Since it is in fact ten of 11:00? Okay. So, we are continuing this matter to the next Plan Commission meeting of July 9th at 7:00 p.m. in the Council Chambers.

COMMISSIONER SCHULDENFREI: Motion to adjourn.
COMMISSIONER NYDEN: Second.

CHAIRMAN WOODS: All in favor?

(Chorus of ayes.)

(Whereupon, the above matter was adjourned at 10:50 p.m. and continued to July 9, 2008.)