CITY OF EVANSTON

PLAN COMMISSION MEETING

RE: CONTINUATION - DRAFT DOWNTOWN PLAN AND ZONING RECOMMENDATIONS. The Downtown Plan Committee of the Plan Commission has been leading a downtown planning process in which the residents, businesses, institutions and other property owners have participated. A draft downtown plan has been prepared by the consulting team and citizens have provided comments. Plan Commission is now discussing and deliberating the draft plan.

Transcribed Report of Proceedings of a public hearing on the above captioned matter, held August 6, 2008 at the Evanston Civic Center, 2100 Ridge Avenue, 2nd Floor, Evanston, Illinois, at 7:03 p.m. and presided over by J. Woods, Chair.

PRESENT:
J. WOODS, Chair
S. OPDYCKE
R. SCHULDENFREI
J. NYDEN
S. FREEMAN
C. BURRUS
D. GALLOWAY
A. HUNTER, Associate Member
C. STALEY

STAFF:
S. GUDERLEY
D. MARINO

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CHAIRMAN WOODS: I'd like to call to order the Evanston Plan Commission meeting of Wednesday, August 6th, 2008 at roughly 7:04 p.m. And we in fact have a quorum.

So, moving to the first, actually the second item on the agenda, approval of the July 16th meeting minutes, do I have any motions?

(Moved and seconded.)

CHAIRMAN WOODS: Any questions, discussion, comments? Okay. Hearing none, all in favor?

(Chorus of ayes.)

CHAIRMAN WOODS: Next agenda item is the continuation of the Draft Downtown Plan and Zoning Recommendations. And I will turn it over to our friends at Duncan Associates to lead us on.

MR. BISHOP: Mr. Chairman, Commissioners, Kirk Bishop again with Duncan Associates of the consultant team joined by Tom Smith and John LaMotte. Oh, I'm sorry. John is coming and he has the projector. So, to the extent we want to see anything, he's our guy.

I guess I'll just start by saying I believe you received in your packet, material for tonight's meeting, a kind of markup draft of what we believe to be
the, at least the bulk if not all of the agreed upon changes, recognizing that there are still items in play, parked items, and items that you may wish to discuss further. But we thought it would be beneficial or helpful to all of you to kind of see a full version of the draft marked up with the changes that have been discussed and, at least in our perception, agreed upon to date.

And it was really our understanding that the remaining items for discussion were those parking lot items by and large. But I'll let you all lead us in terms of the discussion topics.

CHAIRMAN WOODS: Kirk? First, Robin has found a discrepancy between the chart on page 66 of the updated document and the map of the building heights for the proposed zones.

COMMISSIONER SCHULDENFREI: And the revision in the revised draft.

CHAIRMAN WOODS: Yes, which is also in here. Somewhere.

MR. BISHOP: Okay. I'm sorry, Jim. Page --

CHAIRMAN WOODS: It's on page, there's a chart -- or not a chart but a table on page 66. And then, you
know, this drawing which is of the various zones and
their heights and stuff which I believe is on one of the
pages in the draft as well, but as usual I can't stumble
across that page when I want to.

COMMISSIONER SCHULDENFREI: In the revised
updates from 05, 07, 08 that we approved meticulously.

MR. BISHOP: I don't know whether this answers
it because I haven't really gotten to the point yet
where I can look at them both in tandem.

COMMISSIONER BURRUS: Here, this might be
helpful for you.

MR. BISHOP: But none of the illustrations or
maps in the documents have been updated to date. I
should have probably made that clear.

COMMISSIONER BURRUS: The concern is these
were always --

COMMISSIONER SCHULDENFREI: No, this is an
update from August 8th, 2008 that we received last
night. Thank you for sending the, perhaps the updates
to date. I don't think there is enough time for us to
adequately go over them. If you turn to that, up to
this point, the base height for the West Traditional,
South Traditional and North Traditional has been 38
feet. And with bonuses, oh, sorry, it's been 33 feet, and the maximum with bonuses has been 55 feet, and all of the documents we've received including your line edits from May 7th.

And so, I was very surprised to see in the document last night that the base height has grown 5 feet and the bonus height has grown 5 feet in the new document that we got last night. Why would that be?

MR. BISHOP: Well, that would be only, the only explanation is simply an error and we should change it right now. If you've received previous drafts with that in it --

MR. SMITH: What actually happened was in the earlier drafts we made a mistake about the base height in the traditional districts. What we were assuming was that the ground level would be, we had started with the assumption that each floor is 11 feet in height. But on a retail street, the ground level is actually taller than that. It's usually about 15 feet in height.

So, that 33 feet was a mistake originally. So, we added 5 feet to the 33 and to the other side which was 55. And we actually went over that mistake about two meetings ago.
COMMISSIONER FREEMAN: I do recall that.

MR. SMITH: But it's just to accommodate good retail space on the ground level which is typically at least floor to ceiling of about 15 feet. 15, 11 and 11.

But that was --

COMMISSIONER SCHULDENFREI: I get, so I get 37. And then with the bonus would be two more 11 stories? And so I get -- yes. Yes, that would be fine.

MR. SMITH: We were just trying to round them up. You're right, it's a little bit different. But Evanston has a lot of restaurants. Restaurants will frequently have a lot of equipment, ventilation equipment which actually adds to the height of the ground floors. So, we're just trying to be generous to accommodate those kind of uses on the ground floor.

COMMISSIONER SCHULDENFREI: Okay. Thanks.

CHAIRMAN WOODS: Okay.

COMMISSIONER FREEMAN: Can we have this explained in a footnote at least somewhere so that we understand the differences in heights from the first floor to the other floors?

COMMISSIONER SCHULDENFREI: Yes, because the last thing we'd want would be a crammed 11-foot ground

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floor so that somebody is able to make a bigger
penthouse when specifically that's for a nice retail at
the street level. So, yes, if you just made a footnote
detailing that, that would be helpful.

COMMISSIONER OPDYCKE: I'd like to thank the
staff and the consultants for putting all this together
in this form. It's been very, very helpful.

COMMISSIONER BURRUS: I'd like to second that,
Stuart. I talked to Tracy today and the materials on
the, with the pictures and explaining the two areas,
right on the money. Just really very, very helpful.
And so, you know, we got some of the materials late
notice but very good, well put together. Thanks.

CHAIRMAN WOODS: So, unless somebody else has
a different idea, I guess I would say that we're moving
on to the parking lot.

COMMISSIONER FREEMAN: I would just like to
discuss real quick the plaza section.

CHAIRMAN WOODS: Okay.

COMMISSIONER FREEMAN: And the bonuses
associated with that. You know, I know we ranked and
sorted and everything. And I just want to, at least for
the record, you know, I'm real big on pedestrian space
for downtown. I would like to suggest to all of the Commissioners to maybe entertain creating a higher bonus so that perhaps developers will be more incentivized to create more space for pedestrians downtown.

CHAIRMAN WOODS: Are you talking about on page 96 of the updated draft?

COMMISSIONER FREEMAN: Yes, that's correct. There's a 10 percent I believe it is, yes, public plaza. It's a 10 percent max bonus. My feeling is that if, you know, the whole downtown plan at the beginning we talked about making this a very pedestrian friendly town. Then we'd probably want to do things to incent developers to create more space for pedestrians, public plazas on their buildings. And so, I just felt that perhaps if we revisit that 10 percent, it makes sense as a way to incent developers to create more public space at least on their property.

CHAIRMAN WOODS: Coleen?

COMMISSIONER BURRUS: I thought that we discussed this last meeting where as part of, when we voted on how much the different bonuses would be and what percentage we would give to them. I thought that our compromise, and please anyone correct me, well, you
all will if I'm wrong, that our compromise is that we would require wider sidewalks and that we'd require other streetscape type of benefits that were just mandatory in lieu of giving them more height for the public plaza. And I thought you were in agreement on that at the time. And please correct me --

COMMISSIONER FREEMAN: No, I am in agreement. I'm just saying if we're going to give a bonus for it, I'd like to give more incentive. But if we are, if you don't think that's the way to handle that, then no. I just wanted to bring that up for discussion before we moved on to parking lots.

CHAIRMAN WOODS: Well, people have other edits, so we should do other edits. I guess my personal feeling about the plaza is that they're sort of nice to have on occasion, but for the most part we want to sort of improve the major public spaces that we have, create the wider sidewalks which we've sort of mandated, and allow for upgrading of streetscape and alley improvements. And that was really what we were going to be, what we were intending.

ASSOCIATE MEMBER HUNTER: Yes. If I can, I would agree with that. And also, I don't think it rises
to the level of what we were giving 15 percent for. In other words, those are I think more significant. So, if you're going to increase it, I mean, I don't think it rises to the level of those.

COMMISSIONER FREEMAN: Well, I would agree on affordable housing. But on LEED, you are assuming that before you get any type of, we have said before you get any type of bonus for LEED, that the base LEED is Silver is required, correct?

ASSOCIATE MEMBER HUNTER: Right.

COMMISSIONER FREEMAN: And so, you know, those are, so the other 15 percent is affordable housing on site. So, I agree with you --

ASSOCIATE MEMBER HUNTER: And affordable office space, yes.

COMMISSIONER FREEMAN: But again, from my perspective, I would like to see as much open space downtown versus the density of buildings on top of each other. I look at things like Sherman Plaza as it goes up Davis, that whole block there, that whole city block, you know, is very, the one that faces south, you know, that has, you know, lots of sun but has no place to take advantage of that sun. And so, there is an example of a
place where I would like to see if we had to do that one
over again is to have more pedestrian space, you know.
So, if, you know, the Commission doesn't want
to discuss, that's fine. That's just my opinion after
going through this and reading and going through
everything we did last time.
CHAIRMAN WOODS: Robin?
COMMISSIONER SCHULDENFREI: Part of the way we
did the bonuses is we ranked them and then did this
numerical average. And it's only when it was all done
that we could see what we have.
COMMISSIONER FREEMAN: Right.
COMMISSIONER SCHULDENFREI: And so, now
actually thinking about it more and reflecting on it
more the Seth is, I, too, look at this and see what all
of Evanston can gain. Affordable office space has 15
percent and I think that's good and we need it. It's an
economic engine, et cetera, et cetera. It helps,
certainly it probably helps taxpayers in some way.
But a family going downtown on a Saturday
afternoon is going to get much more enjoyment, for
instance, on an upgraded plaza than they are from the
affordable office space, for instance. And so, just
looking at these numbers, I would be in favor of
equalizing affordable housing and affordable office
space with the public park open space, bringing that
from 10 to 15 percent, and the public plazas from 10 to
15 percent, just in a quality of life kind of argument.
I don't know if we should just begin again and
that doesn't make sense time-wise, so I don't mean to
throw that out there. But I'm just sort of agreeing
with Seth, now seeing where our votes and our numbers
actually end up on this chart in terms of the 10 percent
versus 15 percent.

CHAIRMAN WOODS: David?

COMMISSIONER GALLOWAY: I think public plazas
when well done and usually when they're well done it's a
unique aspect of a specific design can be very
beneficial. However, in looking through the number of
benefits that we're offering and incentives, I'm
disinclined to raise it above 10 percent particularly
given that we've widened the sidewalks. And frankly,
there are a lot of public spaces, you know, in the
downtown that are screaming for additional funds to
update them. And these are large spaces where the
public can really, really benefit.
I think your, Seth, I think your concern and your, you know, intuitive response to this is well founded. But I don't foresee, in looking at the available sites in the downtown, I really don't foresee the reason to raise it above 10 percent given some of the other higher priorities.

COMMISSIONER FREEMAN: Thanks. Now, a plaza can also be done on, I think last time we called it a chipped corner, correct? So, that plaza is then owned by the building, not by the city so the building would maintain that. So, I think, I appreciate what you said. However, I do think that there are a lot of sites where there will be buildings going up that have the opportunity to put in, you know, a few thousand square feet that just enable families to sit.

I go downtown all the time with my kids, and that's why I moved back to Evanston. And so, that's how I'm coming at this. So, I think there are places that it can be done. I just wanted to bring it up. If we all feel, there's only two of us that feel this way, we can take a vote on it or we don't have to.

CHAIRMAN WOODS: Johanna?

COMMISSIONER NYDEN: Well, I guess, are these
percentages set in stone? Is this going to change slightly when we get to Zoning Committee.

CHAIRMAN WOODS: I would imagine we're going to re-review these in Zoning.

MR. LaMOTTE: Yes. These are the kind of the direction to the Council where you're going. Then all that gets tightened up through there. I think it goes back in discussion on how much you want to push plazas, it goes back to how much you want to push public plazas on the private land. And you heard us talk about this before, it's a very touchy thing. It's got to be done on the right location in the right way, the right design. We're going for the 14, 15-foot sidewalks, so it's not like we need to widen the sidewalks. So, it was added on.

And so, basically if you put into the pot for the public spaces that are in the plan, great. If you actually fix one of those spaces, great. If you create one, very special circumstance, we'll do a 10 percent bonus.

So, I guess the question is how much you want to weight it because we have to still be careful that we don't chip and clip and get stuff in the wrong places.
and not support what's in the plan.

COMMISSIONER FREEMAN: Well, absolutely. But any of these bonuses have to be approved.

MR. LaMOTTE: Right.

COMMISSIONER FREEMAN: So, by increasing, from my perspective, increasing the bonus perhaps has a developer create a nicer space or a bigger space that then they do bring to get approved. I don't think it's going to be willy-nilly and I don't want it to be willy-nilly. I just want it to be encouraged because we have a lot of corners in this city and a lot of blocks in this city that are just not pedestrian friendly at all. You can barely get by two people much less a family with a stroller.

MR. LaMOTTE: But that's not going to happen with the wider sidewalks though.

COMMISSIONER FREEMAN: That is correct.

MR. LaMOTTE: The sidewalks are so tight that you're pushed down to the street practically. We want to not have that, so you don't have to fight for sidewalk space. That corner is going to be better --

COMMISSIONER FREEMAN: I know we added that because of my suggestions. I think it was last time or

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the time before.

MR. LaMOTTE: Yes. Yes.

COMMISSIONER FREEMAN: After reading through this and looking at the bonus, I just, you know, felt it was something that we could increase. I'm willing to drop it if we want to take a vote on it and we all say no.

MR. SMITH: So, one other thing though, as we go through the zoning part of this, okay, when we tighten it up and we actually look at the language, I hope we have the opportunity to actually try to look at some of the economics of this so that we understand that the relationship between a 10 percent bonus and the actual cost of providing the plaza space are correlated to some degree. I don't think, it's not a perfect science but we have some opportunity in the zoning part of this to take a close look at whether that 10 percent number actually makes sense.

COMMISSIONER FREEMAN: Or higher. And in here, you do have correlation to the cost of the property that they are not building on. And so, I think that is a given that that's something we would have to do.
MR. LaMOTTE: And one thing, and maybe it is as I think our Chairman is saying is for the next round of really tightening all these numbers and putting dollars to them is just that going back to the overall open space plan which is in the master plan, the idea was let's really create the spaces you already have to be the topnotch. Some of them are in good shape, some of them aren't. We're creating some new ones and we are trying to geographically get them around downtown so you can take a break after walking a couple of blocks.

And so, the other school of thought maybe 15 percent for help reinforce our downtown open spaces, 10 percent if you do something on site. Because then if they put $200,000, I'm going to use a number, on a corner plaza chipping a corner in an area that's got one of your parks or plazas that's kind of hungry, as Commissioner Galloway said, for some improvements, well, then they get a nice new corner plaza and the parking plaza you have is not getting any love.

COMMISSIONER FREEMAN: But again, it's all based on approval of the Commission and the Council.

MR. LaMOTTE: Right. Correct.

COMMISSIONER FREEMAN: So, I think that since
it's not just a given that they can do it, I think we will obviously take that into consideration.

    CHAIRMAN WOODS: Okay. Let's draw a poll down the line. 10 or 15. Al?

    ASSOCIATE MEMBER HUNTER: 10.

    CHAIRMAN WOODS: Come on. I mean, Coleen?

    COMMISSIONER BURRUS: 10.

    COMMISSIONER NYDEN: 10.

    COMMISSIONER OPDYCKE: 10.

    COMMISSIONER SCHULDENFREI: 15.

    COMMISSIONER FREEMAN: 15.

    COMMISSIONER GALLOWAY: 10.

    COMMISSIONER STALEY: 10.

    CHAIRMAN WOODS: Okay.

    ASSOCIATE MEMBER HUNTER: 12 and a half? No.

    CHAIRMAN WOODS: Thank you. Other edits? COMMISSIONER OPDYCKE: I do have some.

    CHAIRMAN WOODS: Go ahead.

    COMMISSIONER OPDYCKE: Some typos on page 97. There's reference to architectural review as opposed to appearance review, and that's in several paragraphs on page 97. Also, there is interchange of the word Plan Commission and Planning Commission. I think we're the
Plan Commission rather than the Planning Commission.

Another question I have is what do we do if the increase in the FAR per the bonus program is less than a full floor? I think we have addressed that before but I just don't remember what the answer is.

CHAIRMAN WOODS: Well, the bonus in the program, and correct me if I'm wrong, the bonus in the program relates to the FAR. So, FAR doesn't necessarily translate into floors in a straightforward fashion.

And, you know, a good architect, a good developer is going to, if they end up with 11 FAR, they're going to work out stories to maximize the FAR and maximize the efficiency of the building and all the rest of it. So, that's really part of the, I guess the developers' and the architects' professional skill to do that.

COMMISSIONER ODPYCKE: Okay. That makes sense. And one other thing, on page 98, the public benefit bonus formula is applied to Platinum and Gold LEED certification. Platinum, if you come in Platinum certified, are you entitled to an absolute 15 increase in FAR?

CHAIRMAN WOODS: Yes, those numbers there in that paragraph don't look right.
COMMISSIONER BURRUS: It's 15 and 25 here.

COMMISSIONER OPDYCKE: Well, this is under 5.6, yes, 5.6.1.

CHAIRMAN WOODS: We've said that the maximum allowable bonus for the LEED category is 25 percent. So, I'm not sure where 6 and 15 fall into this.

COMMISSIONER OPDYCKE: Is there an explanation for that?

CHAIRMAN WOODS: 5.6.1(A) and 5.6.1(B).

COMMISSIONER OPDYCKE: Page 98.

CHAIRMAN WOODS: 98.

MR. SMITH: There's two standards. You get one level of a bonus if you get the Gold and one if you get the Platinum.

CHAIRMAN WOODS: But we're trying to figure out, if you get 6 and 15, how does that relate to 25?

MR. SMITH: Yes, that's not right.

COMMISSIONER OPDYCKE: But are we saying that Platinum is entitled to 25 percent?

MR. SMITH: That's what we're saying.

COMMISSIONER OPDYCKE: Is that what we're saying?

MR. SMITH: Yes. 6 and 15 are wrong.
COMMISSIONER OPDYCKE: Are we?

MR. BISHOP: The 25 percent is the maximum increase over the base that can be approved as a result of that particular bonus. It doesn't say they get a 25 percent bonus for achieving Platinum or whatever the equivalent level is.

CHAIRMAN WOODS: Understood, but I've still got a contradiction here in numbers.

MR. BISHOP: Okay, sure.

CHAIRMAN WOODS: Because I can get a maximum of 25 percent but this is telling me I get a 6 percent for Gold and a 15 percent for Platinum. So, how do they relate to 25 or should they be in there at all?

MR. LaMOTTE: And if you're doing incrementally one level and then the next level, what --

COMMISSIONER GALLOWAY: Could the error have been that originally we had 6 percent for base LEED, say Silver, and then when we made that mandatory we dropped the 6 percent and then it became a maximum of 15 percent for Gold and a maximum of 25 percent for Platinum? Is that how this might have happened?

MR. BISHOP: I'm looking. Well, clearly there is an issue of an old draft not being revised. But I'm
not certain which number is correct. I mean, the 6 and 15 will, I mean as we have discussed, 6 percent and 15 percent is pretty close to current estimates of what it costs to achieve the increment of the increased building cost that will be necessary to achieve those levels of LEED certification.

So, I'm thinking out loud here, I'm wondering if the 6 and 15 are better numbers to use if that's the case. Why would, and clearly the two need to be in sync. I just don't know if 25 percent makes sense or 15 and 25 makes sense in the context of our understanding of what it costs to achieve those levels of certification.

COMMISSIONER OPDYCKE: I mean, if a developer comes in with a Platinum certification, what's he entitled to per the bonus system?

MR. SMITH: I think that's the question we're grappling with.

CHAIRMAN WOODS: Well, I mean, again, okay, are you one point over the minimum level for Platinum or are you 20 points over the minimum level for Platinum? That's going to vary somewhat. And I would think, you know, if you're, I don't know, however many points,
let's say there's 69 points in the whole rating system,
I'm pulling numbers out of the top of my head right now
because I don't remember the exact numbers, but let's
say there are 69 points and 55 is the base level for
Platinum. If you come in at 69, then it would seem like
you're going to get the maximum bonus this category
allows.

COMMISSIONER OPDYCKE: Of 25 percent.
CHAIRMAN WOODS: Right. As opposed to if you
come in at 55 points, then you ought to be getting less.
MR. LaMOTTE: And I think that might be one
that we would need to --

COMMISSIONER OPDYCKE: Fine tune?
MR. LaMOTTE: Fine tune in the zoning
discussion if it's going to be literally increment, you
go on the low end of Platinum --

COMMISSIONER FREEMAN: Well, then we need to
put in the document then the intentions.
MR. LaMOTTE: Yes, exactly.
ASSOCIATE MEMBER HUNTER: Can I ask on that --
MR. SMITH: One other thing, okay. A
fundamental assumption of the bonus system is that your
bonus is tied to the cost of achieving that bonus, okay.
So, we need to tie these numbers. And you're right, you can go above the minimum Platinum level and so your costs are greater. But I think our basic assumption should be that somebody is going to do the minimum to get that classification, what's the cost associated with achieving that level --

CHAIRMAN WOODS: Then I would be fine if the language in here said commitment to LEED Gold or to the administered equivalent sustainability rating 6 percent minimum increase in FAR. Because if I am 6 points above base level but one point below Platinum, we would want to give somebody more.

MR. SMITH: Yes.

ASSOCIATE MEMBER HUNTER: Can I address this sort of question, the Gold, the Platinum, these are categorical, that is, you've got categories here.

CHAIRMAN WOODS: Yes. A points system.

ASSOCIATE MEMBER HUNTER: And the way you are talking about the actual certification, it's a continuum, not simply a set of categories.

CHAIRMAN WOODS: Correct.

ASSOCIATE MEMBER HUNTER: So, we might want to have the bonus be not simply a categorical statement but
a continuum statement of whatever the numbers are. Is this making sense?

MR. SMITH: I think so. I think that's what Jim is saying.

ASSOCIATE MEMBER HUNTER: Yes. That's what I'm saying. You've got a continuum, you're breaking it into categories.

CHAIRMAN WOODS: Yes. And maybe, Al, you could have, for example, Gold could be 6 to 14.

ASSOCIATE MEMBER HUNTER: Exactly. That's what I'm saying.

CHAIRMAN WOODS: Platinum could be 15 to 25.

ASSOCIATE MEMBER HUNTER: Right.

CHAIRMAN WOODS: Because the thing about Platinum is you could achieve the base level for Platinum and maybe it only costs you 15 percent more in construction cost to get there or you could whole hog it and who knows what it's going to cost over base level construction because once you're talking about doing that kind of stuff, you're talking about stuff that's essentially experimental. And you may be fabricating things for the first time.

MR. LaMOTTE: So, the bonus is then a true
bonus. It's a reward for doing something good.

ASSOCIATE MEMBER HUNTER: Yes. But it can be

a continuum, yes.

MR. SMITH: So, it should be a range.

COMMISSIONER NYDEN: Hold on, hold on. He
can't pick up any of this and he gives us a look to tell
you.

COMMISSIONER BURRUS: Hey, John, can you
unwrap that one? And maybe then you guys can have two?

MR. LaMOTTE: There.

MR. BISHOP: I think we're in complete
agreement with what Jim, the path that Jim started us
down, the idea that the 6 and 15 on page 101 I guess it
is should be stated as minimums. If you achieve Gold or
Platinum respectively, you get at least a 6 to 15
percent bonus. Higher levels of bonus up to the
maximums established in the chart could be available,
you know, commensurate with the, you know, level of LEED
or sustainability above the minimum. So, I think we're
in agreement.

CHAIRMAN WOODS: Okay.

COMMISSIONER OPDYCKE: I do have a follow up
question on this. Is there any basis for saying to a
developer that he is not entitled to a bonus even though he comes in Platinum certified? I mean, we sort of danced around that question the last time and I just wondered what your thoughts are on that subject. Assuming all other standards are met in zoning and so on.

COMMISSIONER BURRUS: Stu, I think we talked about this last time that, and I want to say it might have been Chuck that this brought this up, is that instead of the developer coming in and saying these are the bonuses that I am choosing, that during the early review process, that a commission or the city says these are the bonuses that we want for the site. But, I don't know how that would reflect on the LEED part of it, but the other bonuses, I believe we came to agreement that a body, city body of some sort would make the determination of which bonuses are best at which site. Does everyone else remember that the same way or --

CHAIRMAN WOODS: Well, as well as the fact that the bonuses are going to be reviewed on an annual basis or whatever, a three-year basis to sort of look at them again because certain objectives may be achieved and we want to rethink it because if you have a glut of
too much affordable office space, then you don't necessarily want more.

MR. LaMOTTE: If you think about the flexibility versus it's a given, I do Platinum and I'm going to get it, period, and it's not, well, let's look at the site, is that public corner the right corner and is it helping rather than helping and there's a plaza next door and it really doesn't help, that's something. Again, when we get to the zoning stage or you get to the zoning stage, that would be a good discussion. Are there 3 of the 7 bonuses or however many we have that, you know, if they do that, we want them to do it. And then they get that 15, 18, 25 percent. Or, yes, they would get it but if it's not the right site we have a chance to talk to them about it.

That's, I think, a debate yet that still needs to come, especially if you're getting your committee, your sustainability committee is still working on some of your lists and things in your checklist.

COMMISSIONER OPDYKE: Okay. When might we have that debate? And I'm not suggesting we should, I just wonder what stage we might have that debate.

MR. LaMOTTE: Well, after the master plan is
done and you've recommended a framework of zoning to the
Council and they approve that, then you have an approved
plan and then you have a work program for your Zoning
Committee to start working on these details.

COMMISSIONER OPDYCKE: Okay.

MR. LaMOTTE: You know, all the numbers that
Tom has been talking about, 2 dollars, 5 dollars,
whatever it is.

COMMISSIONER OPDYCKE: Okay.

MR. LaMOTTE: And I think as Seth and others
have brought up about what's required or not, if you've
got a nice list of bonuses now that are really thought
through, which we have, the Council gets them, then you
can put the detail to them. Oh, that one, if they do
it, we want that, yes, do it. Or we want to look at the
site first, you know. I think the public space one is
perfect. That gives you the flexibility to say nice try
but it's not really working on that site for us.

CHAIRMAN WOODS: Other edits? Johanna?

COMMISSIONER NYDEN: On page 21, it's just a
really minor thing where you're talking about the focus
groups, if you could just pick a different word that is
a little bit more neutral for at the bottom under the
youth group one. It says some teens bemoan the lack of part-time job opportunities. Maybe just change the word bemoan to something else?

MR. LaMOTTE: Lamented?

COMMISSIONER NYDEN: Not even lamented because it just says --

ASSOCIATE MEMBER HUNTER: Deplored?

COMMISSIONER NYDEN: Stated.

MR. LaMOTTE: How about discussed?

COMMISSIONER NYDEN: I mean you're pretty neutrally talking about downtown developers being unhappy about parking fines and parking citations.

ASSOCIATE MEMBER HUNTER: Noted. People noted.

COMMISSIONER NYDEN: Thanks.

CHAIRMAN WOODS: Noted, that's a good word.

Robin?

COMMISSIONER SCHULDENFREI: On page 11 of either the old draft or the new draft, the caption under Figure 2F, I'd like to remove the second two sentences so that the caption would read Zoning Heights Perspective View, "The illustration shows the base heights, heights without development allowances that can
be achieved in the Downtown Planning District." I'd
like to remove, "It highlights the fallen souffle form
of downtown, some of the tallest buildings are permitted
on the edge or perimeter of downtown while areas in the
center are more restricted. Typical areas in the center
are more restricted, typical urban form would allow
taller buildings at the center with permitted building
heights declining as buildings move towards the edges."
I don't want to belabor the point. I think
the 'fallen souffle' metaphor in some ways denigrates
our low historic buildings and I see no reason to have
it in there. Thanks.

ASSOCIATE MEMBER HUNTER: And can I add to
that, too? A substitution of 'typical urban form' with,
say 'some urban forms would allow.'
CHAIRMAN WOODS: I think Robin deleted the
whole thing.
COMMISSIONER SCHULDENFREI: I just want to
remove the whole thing.
ASSOCIATE MEMBER HUNTER: Oh, you deleted the
whole thing? Okay, I missed that. Sorry.
COMMISSIONER SCHULDENFREI: Thanks. We could
talk about it at length but I don't think we need to.
ASSOCIATE MEMBER HUNTER: Okay. I don't see any numbers backing up the typical.

CHAIRMAN WOODS: Okay. Any other edits?

Okay. Can we move to parking lot?

COMMISSIONER SCHULDENFREI: I have parking lot issues before we start.

CHAIRMAN WOODS: Add parking lot issues?

COMMISSIONER SCHULDENFREI: Yes, we've left off some. Before we start --

CHAIRMAN WOODS: Okay.

COMMISSIONER SCHULDENFREI: You said we could add some --

CHAIRMAN WOODS: Okay, go ahead.

COMMISSIONER SCHULDENFREI: It was noted at the last bullet point, any other issues or recommendations that members wish to discuss in terms of parking lot issues, I believe on page 67 of the original document, that was parked but didn't make it on to Mr. Marino's list. The original. I'm referring to the planned development review findings. "Current zoning relies too heavily on planned development review," sorry, that was a quote. "Requiring such review for buildings with as few as 24 building units and as little
as 20,000 square feet is too strict. These low thresholds may discourage investors from building smaller projects downtown."

We had parked that during another debate, I think, and it didn't make it onto the list if I'm not mistaken, or if we haven't --

CHAIRMAN WOODS: Did we park it? I thought we discussed it and we said that there's no planned developments allowed. So, there's no planned development review.

COMMISSIONER SCHULDENFREI: Right. So that I think it's problematic that we could then have, you know, 25 stories by right, 15 stories by right. And I think this threshold was created not so long ago to deal with that by right zoning issue for large buildings which do impact our downtown. And so --

CHAIRMAN WOODS: But we've said that all buildings are going to go through a public review process.


COMMISSIONER NYDEN: I think we were still sort of up in the air, what do we do about this, after
last meeting. I mean, I didn't feel like there was a resolution.

CHAIRMAN WOODS: I thought we said that they were all going to come in front of the Plan Commission to review bonuses.

COMMISSIONER SCHULDENFREI: For bonuses. But what if they have more than 24 dwelling units and you've got 15 stories essentially or, you know --

COMMISSIONER STALEY: What's the purpose of the new language in 5.5.1(B)? It refers to something I guess that doesn't exist but I thought that that was where our consultants were trying to address this. 96, 5.5.1(B) talks about if you're going to have an FAR of 5 or more or a height of 165 feet or more, that you are going to have to face the public, in so many words. I thought that was, isn't that what you were coming back to us with as a result of what we said at the end of the meeting?

COMMISSIONER SCHULDENFREI: Will that do it?

That may well be.

MR. BISHOP: Yes. It's far from perfected language but it was intended to reflect this kind of three-tiered structure that I thought we all discussed...
last time whereby small projects and something, the
definition of which can be further refined in the zoning
update process would be reviewed through SPARC. We also
heard you say that the membership and composition of
SPARC should probably be rethought in light of their
enhanced role and more community/citizen types perhaps
expanded representation than this kind of middle ground
that would be through a kind of major project review
process that would involve, we anticipate, the Plan
Commission and then clearly any project that a bonus
goes through Plan Commission and all the way through
Council.

COMMISSIONER SCHULDENFREI: So, this section X
Ref will be Plan Commission?

MR. BISHOP: Well, it would be a reference to
a procedure. I anticipate that that procedure would
involve the Plan Commission. And if you would like us
to add a note that you clearly want the Plan Commission
to be plugged in to that major development process, I'd
be happy to add that note right now.

COMMISSIONER SCHULDENFREI: Great, add it in.

CHAIRMAN WOODS: Yes, let's go.

COMMISSIONER BURRUS: I'm sorry, can I --
thanks, Jim, sorry about that. I wanted to clarify, so what you just said is that the Plan Commission review would not be available unless they're going for bonuses?

MR. BISHOP: No.

COMMISSIONER BURRUS: Okay. If that's not the case, then currently the 5.5.1 is only under the public bonus section.

COMMISSIONER STALEY: No, it's Administration.

CHAIRMAN WOODS: It says--

COMMISSIONER BURRUS: But it's administration of the public bonuses.

CHAIRMAN WOODS: Yes, but it also says projects in the DC District that exceed an FAR of 5 or have a height of 165 feet or more but did not use any public benefit bonuses.

COMMISSIONER BURRUS: Okay. Just for structural reasons in the plan, if you're looking for administration of a development coming in, you wouldn't necessarily logically look under administration of public bonuses if you're looking for an overall structure for how you review. That's my point.

CHAIRMAN WOODS: Some of this is going to get--
COMMISSIONER BURRUS: No, I know.
CHAIRMAN WOODS: It's just not zoning yet by any means.
COMMISSIONER BURRUS: Right. I just think that we should address it at --
MR. BISHOP: It's a great point, yes. There should be a separate administration section that covers both projects that are using the bonus system and projects that are reviewed as of right.
COMMISSIONER BURRUS: Right.
MR. BISHOP: And through this new development review thing that will involve the Plan Commission, you're absolutely right on that.
COMMISSIONER SCHULDENFREI: That's what I was --
COMMISSIONER BURRUS: And I know it's like going through a dissertation, we need an editor that's laying it all out. So, thank you.
COMMISSIONER SCHULDENFREI: Yes, if Plan Commission members are confused about that, then definitely we need clarification.
CHAIRMAN WOODS: Anything else to add to the parking lot?
COMMISSIONER OPDYCKE: A small typo again on page 96, subparagraph A. Again, we see reference to the architectural review committee instead of the appearance review committee. And then subparagraph C refers to projects that use floor area bonuses. I think a better word would be projects that seek floor area bonuses. That's in the last paragraph on page 96.

COMMISSIONER FREEMAN: I don't know if it was in the last meeting or the meeting before that I had expressed issues with the scale of the transition areas, so A, F, B, you know, going from, on the, it's hard to read here, but on the north edge, the West Link I believe is what it's called. And also that we would put that off into later, I don't see that on our list of parking lot issues. So, I'd like to have that added so the height in this districts, the height in those areas --

CHAIRMAN WOODS: The reason it's not in the parking lot is because we had reviewed those areas earlier in this whole process and I believe that we had reached consensus on those things.

COMMISSIONER FREEMAN: Okay. So, what's the process then if a new member of the Commission wasn't
here to agree on that and then doesn't agree on those?

CHAIRMAN WOODS: That's fine. I think you bring it up but I'm just telling you why it's not in the parking lot.

COMMISSIONER FREEMAN: Okay. Well, okay, well, a couple of weeks ago or a couple of meetings ago we had said we would address that. So, then if we could add that to the parking lot, I would appreciate that.

CHAIRMAN WOODS: I would rather discuss it right now.

COMMISSIONER FREEMAN: Okay.

CHAIRMAN WOODS: Than add it to the parking lot.

COMMISSIONER FREEMAN: Okay, that would be great.

COMMISSIONER BURRUS: Could you give us a page number?

COMMISSIONER FREEMAN: I was looking here on the building types, so let me find the page number.

COMMISSIONER OPDYCKE: There's a diagram on page 75 that shows the northernmost transition. Is that what you're talking about on Emerson Street there, Seth?

COMMISSIONER FREEMAN: Yes, in that area.
Also talking about Ridge as well.

ASSOCIATE MEMBER HUNTER: Was that the RD --

COMMISSIONER FREEMAN: The page numbering,
since we just got this yesterday, is --

ASSOCIATE MEMBER HUNTER: Is it RD-3 that
you're talking about?

COMMISSIONER FREEMAN: That is correct. The
RD-3 area, the RD-1 as well.

ASSOCIATE MEMBER HUNTER: On the Ridge side?

COMMISSIONER FREEMAN: Yes. You know, I
understand, I mean part of the conversation went that,
you know, today they can build buildings that high, but
there's whole stretches where they haven't built
buildings as high. And I just want to make sure that we
take into account, that we have a discussion about the
aesthetics of having houses across the street that are,
you know, a couple of stories, and then potentially then
right across the street on Ridge having 8-story
apartment buildings. And I know there are a few of
them. And then the impact of a canyon effect,
essentially having a wall on Ridge, I have an issue with
that as a resident and as a Commissioner.

I also have an issue that we, in RD-3, took
into account some anomalies in building height to then say, okay, well, all the other buildings that can be built here are going to be based on these anomalies. And so, these were conversations we had but we haven't come to any resolution there.

COMMISSIONER NYDEN: Which of those buildings there are landmarked? I think that played into our discussion that --

COMMISSIONER FREEMAN: I don't believe we talked about a landmark.

COMMISSIONER NYDEN: No, I mean, like before you were here.

COMMISSIONER GALLOWAY: We did before.

COMMISSIONER NYDEN: When we talked about it. What --

COMMISSIONER GALLOWAY: There are a number of buildings in the RD-1 area, there are a whole series, I think three to maybe five landmarked buildings that are apartment buildings that are --

CHAIRMAN WOODS: That's the West Link, right, F?

COMMISSIONER FREEMAN: That's the West Link. That's not RD-3, but yes, that's the West Link.
COMMISSIONER GALLOWAY: RD-1?

CHAIRMAN WOODS: Yes, RD-1.

COMMISSIONER FREEMAN: That's RD-1. And then a concern I have along RD-1 is that we have a prime place for building where that huge parking lot is. And my concern there is that, you know, what do we want as a Commission or as a community to be built there? And do we want a massive structure to go up there that can be up to 8 stories tall I believe it is and take up that half block? Or do we want to have some other plan for that area because I would assume eventually somebody is going to build there?

COMMISSIONER STALEY: Does anyone remember what it's currently zoned for, the height along there?

COMMISSIONER FREEMAN: It's currently for 8 stories. It's currently for 8 stories.

CHAIRMAN WOODS: It's currently zoned to allow 85 feet with another 12 feet under planned development for 97 feet tall.

COMMISSIONER STALEY: And it's not as though there can be a wall because looking in, there are several old courtyard buildings along there that are landmarked. I mean, that point did come up. And there
are some buildings, I mean, this is where we got in to
the discussion about what's going to happen if there's a
fire and the building is torn down and can they build it
back. We had a lot of discussion on that and I think
this was a compromise that we came to.

COMMISSIONER FREEMAN: I appreciate the
compromise that you came to but I'm still a bit
concerned specifically, you know, the neighborhood right
where the church is there on Ridge and Grove. And right
across the street, there are some prime parking lots
that I would assume eventually will be built on. And I
don't know if I would, while I understand today we're
putting a plan together for tomorrow and for 20 years, I
just want to make sure that we're being cognizant of
what is currently, that it reflects what the
neighborhood is and not just what's to the north there
on Ridge but what's across the street as well which are
single family homes.

MR. LaMOTTE: We looked at all contexts. I
mean, that was our --

COMMISSIONER FREEMAN: I'm sure, at Grove and
Ridge, absolutely, southwest corner.

COMMISSIONER GALLOWAY: Yes. Okay.
COMMISSIONER FREEMAN: And here, there's, right here, and if you go down, there's --

COMMISSIONER GALLOWAY: Just here?

COMMISSIONER FREEMAN: That's correct.

COMMISSIONER GALLOWAY: Just south of Grove.

COMMISSIONER FREEMAN: That's correct.

COMMISSIONER STALEY: That's mostly office complexes I think.

COMMISSIONER FREEMAN: Well, they're two stories, yes.

COMMISSIONER GALLOWAY: It's not, I mean, maybe we're picking nits here but it's not across the street from this property. It's kitty-corner.

COMMISSIONER FREEMAN: Kitty-corner, that's correct. It's kitty-corner.

COMMISSIONER GALLOWAY: Okay. And there is --

COMMISSIONER FREEMAN: Isn't the kitty-corner across the street? Okay, okay. All I'm trying to do is reflect conversations from my neighbors in the neighborhood that understand that I'm on this Commission and I'm expressing their concern, not just my concern.

COMMISSIONER OPDYCKE: This is, for the most part, on the Ridge Avenue section is an R-6 and this
represents something of a down zoning I think.

COMMISSIONER BURRUS: Yes.

COMMISSIONER OPDYCKE: From R-6 to an RD-1, it's actually a down zoning.

COMMISSIONER FREEMAN: That's south, correct?

COMMISSIONER OPDYCKE: That's the --

COMMISSIONER FREEMAN: That's south of the RD-1 or is that actually in RD-1?

COMMISSIONER OPDYCKE: That's RD-1.


COMMISSIONER FREEMAN: Which still enables 8 stories, correct?

CHAIRMAN WOODS: 8 plus, well, it allows 85 feet and 12 feet under planned development for 97 feet.

COMMISSIONER FREEMAN: Right. And then if you put --

COMMISSIONER GALLOWAY: Which could be 9 stories.

COMMISSIONER FREEMAN: Right. So, that becomes 9 stories and --

CHAIRMAN WOODS: That's existing.

COMMISSIONER OPDYCKE: That's existing zoning, okay.
COMMISSIONER GALLOWAY: He's talking about existing.

COMMISSIONER NYDEN: And now we're saying 6 stories.

COMMISSIONER BURRUS: Yes, we brought it down.

COMMISSIONER FREEMAN: Okay.

CHAIRMAN WOODS: As base.

MR. SMITH: 66. 66 feet.

COMMISSIONER FREEMAN: No, I understand it's going down but we still enable to go back up with the bonuses.

CHAIRMAN WOODS: To essentially where the base height currently is.

MR. LaMOTTE: Right. You've got to bonus to get to that height. And if you recall, then that was reduced from the original bubble map or land use strategy map which was 6 percent.

COMMISSIONER FREEMAN: And is it then possible to eliminate bonuses from certain zones? So that we don't get back up to where we were because if I'm a developer, I'm coming in and I'm going for those bonuses right there.

MR. LaMOTTE: Well, if I could, let's, if we...
take the perimeter of the west edge there for a minute, we had recommended originally 6 to 10 stories. There are big bulky buildings there, it's big. And there are courtyards and they're long and so it's not like little buildings. So, we felt that that was the context that could be handled there. There is not a lot of development opportunity sites. There's a lot of solid buildings. There's probably going to be very little turnover.

If you go to the west, when we're looking at this from a planning standpoint, Ridge is wide, it's busy. Then you go across the street onto Ridge and Ridge is one of the most mixed use streetscapes we've got in the city if not in the region with, you know, big institutions, small buildings. It's a mix. We didn't feel that there would be any sort of a wall problem because you've already got the bulk on the east.

So, on the east you're entering into the downtown with some scale and you would just fix the missing tooth if someone pulled one of those buildings down. So, we started at 6 to 10. When you got on the Commission, we had narrowed it down to 6 to 8, but you've got to bonus up to get to 8. You've got to prove
some things to get to 8 which is what you can do today.
So, we're just fixing a tooth if it ever comes out.

COMMISSIONER FREEMAN: Yes, well, then maybe
perhaps we can do a little cutout and not extend that
RD-1 or something. I just --

MR. LaMOTTE: What site again are you --

COMMISSIONER FREEMAN: Again, my focus is, you
know, across the street from the church there on Grove
at Ridge where we have about, I don't know, a third of
the block right now that's a parking lot.

CHAIRMAN WOODS: Half.

COMMISSIONER FREEMAN: Is it half the block?

CHAIRMAN WOODS: Half.

COMMISSIONER FREEMAN: Okay. So, it's bigger
than I --

CHAIRMAN WOODS: Well, a little less than
half. 45 percent.

COMMISSIONER FREEMAN: Okay. So, it's half
the block that is screaming --

CHAIRMAN WOODS: Right across from zoned open
space.

COMMISSIONER FREEMAN: It's screaming.

CHAIRMAN WOODS: Right across from zoned open
COMMISSIONER FREEMAN: Yes, which is the park.
CHAIRMAN WOODS: Also a perfect place for a nicely scaled building.
COMMISSIONER FREEMAN: Scaled. I look at a scaled building as small. Scaled with a nice open space across the street which is a park.
CHAIRMAN WOODS: Urban park. It's got an edge.
COMMISSIONER FREEMAN: It's not urban there. This is suburb, this is, there are no big buildings there. It's an open park and then there are single family homes.
ASSOCIATE MEMBER HUNTER: There are 8 stories there.
COMMISSIONER FREEMAN: Yes, right there. Yes. That is correct. Just north.
COMMISSIONER NYDEN: I think, I mean, I don't remember what month we talked about all this, I don't think, March or like April or something.
COMMISSIONER FREEMAN: If what you're suggesting is I go back and try to read it again for the third time, I will.
COMMISSIONER NYDEN: No, no, no. No, no, no, I'm not saying that at all. No, I'm saying, I mean if you could have, I don't think the transcripts capture it right but that was a very, I mean, these were like incredibly carefully negotiated things. I'm not saying that you providing input now is not a good thing as well but, I mean, you know, Coleen, you know, Stu, Robin, we all, like we all had ample amounts of input here. And I think it really was a good thing that we arrived at.

COMMISSIONER FREEMAN: Okay.

COMMISSIONER NYDEN: And I feel really, I think we all feel really good.

COMMISSIONER FREEMAN: Okay, so --

COMMISSIONER NYDEN: I mean, that was, we created this like, you know.

COMMISSIONER FREEMAN: I understand that and I did read it. Then let's move to RD-3.

CHAIRMAN WOODS: Which is A?

COMMISSIONER GALLOWAY: That's zone A?

COMMISSIONER FREEMAN: That's zone A.

CHAIRMAN WOODS: The north edge.

COMMISSIONER FREEMAN: The north edge, that's correct.
CHAIRMAN WOODS: With the hope for a grocery store.

COMMISSIONER FREEMAN: I'm sorry?

CHAIRMAN WOODS: With the hope for a grocery store.

COMMISSIONER FREEMAN: I can't hear you.

CHAIRMAN WOODS: With the hope for a grocery store, Traders Joe's.

COMMISSIONER FREEMAN: Yes. That building has already been approved, correct?

CHAIRMAN WOODS: Yes.

COMMISSIONER FREEMAN: And so, the point is that that's been, I believe the discussion or the quote was an anomaly that that building was approved to be too tall?

COMMISSIONER BURRUS: There's two buildings.

COMMISSIONER GALLOWAY: Not that one, the --

CHAIRMAN WOODS: That was not in many people's minds, not all of people's minds. I mean, some people thought it was still an anomaly but in many people's minds that was the building that was the right scale. It was the first building.

COMMISSIONER FREEMAN: That's correct. That's
correct.

CHAIRMAN WOODS:  Which was taller and was felt to be out of scale.

COMMISSIONER FREEMAN:  And the issue was then to not include that first building as --

CHAIRMAN WOODS:  It doesn't fall within the height of this current zoning.  It is taller than what this zoning would allow.

COMMISSIONER FREEMAN:  Okay.

CHAIRMAN WOODS:  This zoning is more modeled on the second building.

COMMISSIONER FREEMAN:  Okay.

COMMISSIONER OPDYCKE:  But currently --

ASSOCIATE MEMBER HUNTER:  Just so you know the background.

COMMISSIONER OPDYCKE:  No, but currently it's all in the Research Park and you can go up to 160 feet in the Research Park.

CHAIRMAN WOODS:  Or more.

COMMISSIONER OPDYCKE:  Or more.

COMMISSIONER FREEMAN:  I do understand what it currently is. But we're about to approve something that --
COMMISSIONER OPDYCKE: Different.

COMMISSIONER FREEMAN: Different.

ASSOCIATE MEMBER HUNTER: What was that, Stuart? How much?

COMMISSIONER OPDYCKE: Well, the property on Evanston is within the Research Park. And the allowances in that area are from 60 feet to 150 feet.

ASSOCIATE MEMBER HUNTER: 150.

CHAIRMAN WOODS: Well, and actually if you read the Research Park zoning very carefully, you will find out that there is actually no height limit because it's the height that is allowable for the density to be achieved.

ASSOCIATE MEMBER HUNTER: But with bonuses, the RD-3 --

CHAIRMAN WOODS: All bets are off.

ASSOCIATE MEMBER HUNTER: But with the bonuses, the RD-3 is --

CHAIRMAN WOODS: Not to mention planned development but --

ASSOCIATE MEMBER HUNTER: -- 165 feet, right?

So, we'd be talking, what, 15 stories?

CHAIRMAN WOODS: Right. Which is, that's
essentially the height of the second building.

ASSOCIATE MEMBER HUNTER: Second building.

CHAIRMAN WOODS: That we had reviewed.

ASSOCIATE MEMBER HUNTER: The first one goes in at what? It's --

CHAIRMAN WOODS: It's over 200.

ASSOCIATE MEMBER HUNTER: Is it 20 stories?

CHAIRMAN WOODS: I think it's --

ASSOCIATE MEMBER HUNTER: 18?

CHAIRMAN WOODS: It was 18 but it's 210 feet or something like that.

ASSOCIATE MEMBER HUNTER: Yes.

CHAIRMAN WOODS: Yes, Coleen?

COMMISSIONER BURRUS: Yes. Realistically, the A, it affects really one property left because the one property is the townhomes. I don't believe they're going anywhere, correct? We have, then we have the two developments that are already approved. Then you're moving west. You have the research building and then you have, yes, Paden's little building.

CHAIRMAN WOODS: Yes, the little office which is on a very small site.

COMMISSIONER BURRUS: Which there is no
possible way that you can get 165 feet out of that spot.
So, the reality is you're talking about one --

ASSOCIATE MEMBER HUNTER: Unless you're in

Manhattan.

COMMISSIONER BURRUS: Okay. So, I don't want
to say that it's a moot point but I'm not sure that the
A, changing A really would only make a difference on one
parcel of land for it.

COMMISSIONER FREEMAN: Nice point.

CHAIRMAN WOODS: Do you want to talk about B
also? Was that part of your list?

COMMISSIONER FREEMAN: Yes. But I am assuming
we will come to the same conclusion as we just did on
the other two, so okay. In expediency, let's go to the
parking lot issues.

CHAIRMAN WOODS: Okay.

COMMISSIONER BURRUS: But Seth, we want you to
know we are hearing and we're not, I guess, pushing
aside what you're saying. And it has been debated and
we'd like to hear your comments as well. So, you can at
least understand where we came from.

COMMISSIONER FREEMAN: And I have a lot of
this two or three times.
COMMISSIONER BURRUS: I know, I know.
COMMISSIONER FREEMAN: But it's, I guess it's a lot different knowing the personalities and knowing all that other stuff.
CHAIRMAN WOODS: Absolutely.
COMMISSIONER FREEMAN: Once you're on this Commission.
CHAIRMAN WOODS: Absolutely.
COMMISSIONER BURRUS: You missed a lot of fun.
CHAIRMAN WOODS: Okay. So, if we go to the parking lot, we have essentially, I'm going to call them four groups of things. We have the site at the north, actually southeast corner of Clark and Sherman. We have the site at the southeast corner of Chicago and Davis.
And we have building heights in Areas I and J, I is the lower height, base height, and then J it's obviously both heights.

Behind our little memo or our little map, we have the visual, photography of the areas in question that Tracy was good enough to supply us with. So, why don't we just take them in order? The first one is the site at the southeast corner of Chicago and Davis. And the issue at hand is what zone it should fall into, and
I believe, Robin, the debate was about whether to include it in C or L.

ASSOCIATE MEMBER HUNTER: Right.

COMMISSIONER SCHULDENFREI: Shall I begin?

CHAIRMAN WOODS: Go ahead.

COMMISSIONER SCHULDENFREI: I still believe that that parked issue should be part of L which is the South Traditional. There's a break in the alley. It makes a lot of sense for those two buildings to be part of L. They are some of our finest historic storefront architecture. And they are absolutely the kinds of buildings that the traditional area is meant to protect and enhance as part of the urban fabric.

I understand that it would require a small amount of down zoning to bring them into South Traditional or L as opposed to leaving them in C which is the east edge. But I think if you look at the architectural fabric of those buildings, you will see that they are very much in keeping with the rest of Davis Street and create a nice link in terms of South Traditional. The next building over across the alley is a large scale building perfectly in tune with C. So, I think it's a break that makes a lot of sense.
There is very little down zoning and a lot of up zoning here. If you refer to the chart that Jeff Smith kindly made, it's that red one which shows the pluses and minuses, he gave it a long time ago to us and I find it very helpful. You'll see with the base zoning just how much up zoning we're getting in other areas of the city, and I think these two buildings have concerned me for a long time. They've been considered as, they've been considered to be, the Preservation Commission has looked at them. They haven't yet protected them but I think it's very appropriate for them to be in the traditional area. Thanks.

COMMISSIONER GALLOWAY: I just have a question. What is the present zoning and height allowed?

COMMISSIONER OPDYCKE: It's D-4 and 105 feet are allowed.

CHAIRMAN WOODS: Plus planned development allowances.

COMMISSIONER OPDYCKE: Plus.

CHAIRMAN WOODS: Johanna?

COMMISSIONER NYDEN: I think, I recall this discussion pretty clearly when we were talking about it
earlier in the year. And I think both of those, I mean, the issue at Davis and Chicago and the Sherman-Clark issue, it was sort of, the arguments to put one or the other are sort of linked because they both are near traditional sort of low scale shopping areas and whether you lump them in with a taller area or a shorter area. And I think that's whatever logic we were going to apply to one, I think we were going to try to apply to the other. I don't know if anyone else remembers that.

COMMISSIONER SCHULDENFREI: And also function, not just the --

COMMISSIONER STALEY: I don't remember it quite that, I remember that was put out as a position and it might logically be one, but I think there is one difference. And I could be correct, I guess I may be wrong on this, but I think the change over on Sherman does not amount to a down zoning whereas the change here, Robin has sort of indicated this is a very little, this isn't a little down zoning, this is cutting it in half. It's going from what we're currently looking at as 6 to 10 stories, 6 by right and I guess 10 with bonus to 3-5. I'm sure whoever owns that property would consider that not a little down zoning. I mean, that's
quite a chop particularly when it's currently 105 feet. And as far as I am concerned, it's just a jog and it's an illegal spot zoning and, you know, I think it's totally unfair to the ownership. And basically it's, you know, being dealt with because of some feeling that the buildings may have landmark status.

COMMISSIONER BURRUS: Chuck, could you just, I'm sorry, Dave, could you describe what you consider spot zoning so I can be really clear and have it on the record?

COMMISSIONER STALEY: No, I'll just, you know, no, I won't --

COMMISSIONER BURRUS: No, but you're saying spot zoning for this spot --

COMMISSIONER STALEY: No, I won't be interrogated by you. I just made my statement. Thank you.

COMMISSIONER BURRUS: No, I'm asking you a question.

COMMISSIONER FREEMAN: I didn't understand it either.

COMMISSIONER BURRUS: I'm asking you a question. The spot zoning --
COMMISSIONER STALEY: Spot zoning, usually whenever, it usually comes into play when somebody is, I mean it came into play when we were making our decision over on Dodge and whatever it was which we were summarily reversed on I noticed by reading the newspaper. And the people who were opposing it said, well, that is spot zoning. You're coming in here and everything else is sort of zoned and you're changing this in order to do something.

You know, what I see this as is we're coming along, the line has been drawn, everything is logical. The consultants have prepared it. Then we're coming along and then we're making a little jig to come out like this, I consider that spot zoning.

COMMISSIONER BURRUS: Okay. I just wanted your clarification. Thank you.

COMMISSIONER STALEY: Okay. Sorry, I'm getting --

CHAIRMAN WOODS: David, do you have anything more?

COMMISSIONER GALLOWAY: I'm addressing Joanne's earlier comment about establishing some, was that you, about the --
COMMISSIONER NYDEN: It's Johanna.

COMMISSIONER GALLOWAY: Johanna, sorry.

Sorry, I just came from a meeting with a client named Joanne.

COMMISSIONER NYDEN: You wouldn't be the first one to do something like that.

COMMISSIONER GALLOWAY: Connecting the logic for one of these sites to the other. I'm not inclined to do that by virtue of the difference in context. I'm more prone to include the Sherman site in a transitional zone than I am the Chicago and Davis site since the Chicago and Davis site is on either side, you know, zoned for C. Chicago Avenue is a major thoroughfare.

ASSOCIATE MEMBER HUNTER: Point of information, having missed all the fun of this, what, I guess the alternative would be to put it into C, is that correct?

COMMISSIONER SCHULDENFREI: Right.

ASSOCIATE MEMBER HUNTER: Is that what we're talking about here?

CHAIRMAN WOODS: I believe that that is correct.

ASSOCIATE MEMBER HUNTER: And I just wanted a
point of information what the development for C is. Is that in here? Or you know, what's allowed?

CHAIRMAN WOODS: C allows 66 feet as a base height and 110 feet as the top height.

ASSOCIATE MEMBER HUNTER: C, 66 and 110. And then L would be?

CHAIRMAN WOODS: Which, Al, as you remember is significantly shorter than the proposal that we reviewed for that site.

ASSOCIATE MEMBER HUNTER: Oh, I remember that. I was here for that. And L is 33 and 60, is that right?

CHAIRMAN WOODS: Yes.

ASSOCIATE MEMBER HUNTER: Okay.

CHAIRMAN WOODS: 38 and 60.

ASSOCIATE MEMBER HUNTER: 38 and 60. And what is current?

CHAIRMAN WOODS: Current is -- hold on one second.

MR. BISHOP: 105. 85 plus 40 for parking.

ASSOCIATE MEMBER HUNTER: 85 and 105?

MR. BISHOP: 85 and 40 for a total of 105.

ASSOCIATE MEMBER HUNTER: Right.
MR. BISHOP: Without a PD.

ASSOCIATE MEMBER HUNTER: Plus 40 for 125.

MR. BISHOP: Pardon?

ASSOCIATE MEMBER HUNTER: 125.

MR. BISHOP: 125, right. Sorry, my math is bad.

ASSOCIATE MEMBER HUNTER: Okay. 40 and 85, 125. Thank you. I just wanted the sense of --

CHAIRMAN WOODS: Okay, Robin.

COMMISSIONER SCHULDENFREI: I just want, vis-a-vis the spot zoning, I think I've clarified my position on this. But I also wanted to take a line of reasoning which says just because it's been zoned a certain way doesn't mean you blindly have to follow the zoning that's come before. By and large this plan has done that and I understand that. I think the mistake was made in 1989 when this wasn't part of what was previously the traditional zone, the D-2 zone. So, I feel that's an oversight that came before us.

But let me, but just in making the case for it, let me just reiterate what the traditional zones are supposed to be as per the new plan. If you read on the new draft, page 47, or on the old draft, page 46, you'll
see:

"Traditional Zones. There are three sub-areas of downtown that have a more traditional shopping street character with smaller buildings and shops. These zones provide a special function acting as both downtown shopping streets with specialty merchants and restaurants and neighborhood convenience centers serving the daily shopping and service needs of the area's growing residential population. Smaller scaled, mixed use buildings of 3 to 5 stories are recommended for these zones to reinforce their traditional character and accommodate a wide range of retail and service businesses. The traditional scale and character of the buildings in these zones should be conserved where feasible through the adaptive reuse and facade improvements. Upper floors of existing and new buildings should especially be considered for small professional service and entrepreneurial businesses."

And so, I guess if I was arguing if it was just a small building that didn't specifically address these characteristics, I would say, oh, that's spot down zoning. But in fact, a street that follows on Davis Street, okay, it does cross Chicago and Chicago is a
busy street, but if you follow that on the map across Davis, you will see that the majority of Davis Street in the South Traditional and also in the West Traditional in fact follows this kind of traditional small scale businesses. And so, I do think that it very much fits into the architectural character of the area and that it ought to be part of it.

COMMISSIONER BURRUS: Could --

CHAIRMAN WOODS: Coleen?

COMMISSIONER BURRUS: I think Robin has articulated that very well. And other than keeping, other than it being down zoned, could someone from the other side give a, articulate their point on why we should keep it in the C just so we have an equal debate on this? I agree with Robin but I'm sure that others do not, but I would like to hear the discourse on this.

COMMISSIONER NYDEN: I guess just tell me, besides sort of the legal issues of down zoning, tell me why it makes sense to have a bigger building there from a visual perspective.

COMMISSIONER OPDYCKE: There is an 8-story building across the street, the retirement, isn't the North Shore 8 stories? Immediately to the north of this
property is the North Shore Retirement Home.

ASSOCIATE MEMBER HUNTER: 7.

COMMISSIONER OPDYCKE: 7 stories.

ASSOCIATE MEMBER HUNTER: Gable is the seventh.

CHAIRMAN WOODS: 6 with the seventh is the gable.

ASSOCIATE MEMBER HUNTER: Yes.

COMMISSIONER OPDYCKE: Immediately to the east is 500 Davis which I don't know how tall that thing is, maybe 8-10 stories. So, there are properties adjacent to this or very close to it that are very sizeable in scale.

COMMISSIONER BURRUS: So, if you're looking across the street, you have the larger 8-story, but if you look across the street the other way, you have a 2 or 3-story, is that correct?

COMMISSIONER OPDYCKE: That's true. It's across the street from a traditional, what we've designated as a traditional zone.

COMMISSIONER BURRUS: Okay.

ASSOCIATE MEMBER HUNTER: And the building just south is, what, 4 stories? The landmark, isn't it
4 stories?

COMMISSIONER OPDYCKE: Well, there's the Heil, Heil, Smart & Golee, is that the building you're talking about?

ASSOCIATE MEMBER HUNTER: No. No, no, I'm talking about the --

CHAIRMAN WOODS: Maybe the wonderful little red brick Georgian --

ASSOCIATE MEMBER HUNTER: The one, you know, the neat one, the old neat Parisian center courtyard. You know what I mean? I think that's landmarked. Isn't that landmarked?

CHAIRMAN WOODS: Yes. The one at the south.

ASSOCIATE MEMBER HUNTER: Yes. And that's adjacent to this. Is this --

CHAIRMAN WOODS: This is the Heil & Heil building in between.

COMMISSIONER BURRUS: No, no. It's right next to the Sherman, it's not as pictured as well.

ASSOCIATE MEMBER HUNTER: Yes. Not, I don't mean the faux --

COMMISSIONER OPDYCKE: No, it's across the alley and it's about maybe 3 stories or 4.
ASSOCIATE MEMBER HUNTER: You know, the old classic one. So, you really do have a mixed, do you know what I mean?

COMMISSIONER OPDYCKE: No, we're not talking about the Charmant here, that's on the corner of Grove and Chicago.

ASSOCIATE MEMBER HUNTER: Yes, aren't we?

COMMISSIONER OPDYCKE: Well, that's on the corner. That's on Grove and Chicago Avenue.

ASSOCIATE MEMBER HUNTER: Are we talking about this one?

COMMISSIONER BURRUS: Then this one and then this one is next to this one except this is --

ASSOCIATE MEMBER HUNTER: I see. But are we, we're not talking about this though?

COMMISSIONER BURRUS: Well, we're talking about this one.

ASSOCIATE MEMBER HUNTER: No, no, no. But I mean in the, whatever is defined as the X spot --

CHAIRMAN WOODS: No. It's just the building, it's not the corner.

COMMISSIONER BURRUS: It's not that one.

ASSOCIATE MEMBER HUNTER: Okay. All right. I
was just, I didn't know how far south --

CHAIRMAN WOODS: Yes, it doesn't --

ASSOCIATE MEMBER HUNTER: -- you extended

that. Okay, thanks.

CHAIRMAN WOODS: At the moment, the parking

lot doesn't include that.

ASSOCIATE MEMBER HUNTER: Okay.

CHAIRMAN WOODS: You know, I guess I'll speak.

For me, I'm more comfortable with the continuity along

Chicago Avenue on the east side. I certainly appreciate

the fact, and Robin and I have had this discussion

before, that the building not at the corner but to the

east along Davis is a really nice building that would be

wonderful if somebody would buy it and fix it up and

really do justice to it. But the building on the

corner, I for one have no particular love for. Others

do but I don't.

And I, for me, the continuity of the C zone

coming down and making the turn as opposed to wrapping

around something makes visual sense to me.

COMMISSIONER SCHULDENFREI: From a sort of

top-down, you know, when you are looking at the map, but

down when you're actually a person on the street --
CHAIRMAN WOODS: I look at things three-dimensionally. I am an architect. I do know how to experience space. And I believe that there is a relationship between plan, elevation, massing that is a very strong relationship that creates very strong spatial events. And so, when I'm commenting, that's the direction I'm commenting from.

Now, granted, it's a corner site. I'd like to see something very interesting done with it within the context of the zoning. But for me, a higher building on that site makes sense.

COMMISSIONER SCHULDENFREI: Because then you'll have that urban canyon wall going both on Chicago and --

CHAIRMAN WOODS: Canyon? What canyon? I don't see a canyon.

COMMISSIONER SCHULDENFREI: Not yet.

CHAIRMAN WOODS: I don't see a canyon.

COMMISSIONER BURRUS: Dave, you're remaining silent?

COMMISSIONER GALLOWAY: I was waiting for this to play out. I have no affection for the building on the corner other than its history of having Scandinavian
design in there.

CHAIRMAN WOODS: The building, the original manifestation of active endeavors.

COMMISSIONER GALLOWAY: Yes.

ASSOCIATE MEMBER HUNTER: My son was manager of Pier 1 when it was there, so let's give equal time.

COMMISSIONER GALLOWAY: Does anyone else want to chime in on that building? The building to the east I do think is a fine and handsome building. And it was when, what's his name, Povey was proposing his development there, you know, other than the gross mass of that building on the south end, the other thing I didn't like about that project was that this building would be lost.

But having said that, I think the fact that it's presently zoned at the height that it is, and the fact that it's surrounded by C, and that a building of comparable height in C would appear to me experientially as quite normal, and given that my sentimental notions and feelings for this building are so high, if this building is so great, then let the Preservation Commission try and get landmark status like it was done for the University building by George Meyer across the
street. So, I'm inclined to put it into C.

COMMISSIONER BURRUS: Seth, I think you're the
only one who hasn't weighed in.

ASSOCIATE MEMBER HUNTER: Can I make a context
question or comment? That goes a little bit
differently? Because I am concerned about the context
as we move to farther south on Chicago Avenue where we
get that historic building, the 4-story, whatever it is.
And I am very positively oriented to the building just
east on Davis there as well. And I'm wondering if in
our decision making as we make this notion of increased
height in all of this that it does have a very direct
impact on property values, so that the capacity to
maintain buildings of 2 stories or 3 stories, et cetera,
becomes more and more difficult as property values
increase when people see that these heights can be
achieved, et cetera.

I'm just worried if we're not creating a
context here by this kind of decisions that is in fact
being counterproductive in some of the stuff that we are
attracted to. Does that make any sense? I don't know.

COMMISSIONER FREEMAN: I think it makes
excellent sense, a hundred percent I agree with that.
ASSOCIATE MEMBER HUNTER: In other words, we in our decisions are constructing the market.

COMMISSIONER FREEMAN: That is correct.

ASSOCIATE MEMBER HUNTER: Some people believe the market is this magical thing, and I want to suggest we in our decisions are in fact constructing the parameters of the market and we should be sensitive to that as to what is the future implications of that. And I don't, that's all I'm trying to communicate here. The land market is not a perfect market. As much as Freedman might like it to be.

COMMISSIONER OPDYCKE: I think Mr. Staley's observation on the effect of down zoning on the market of this property, I mean, right now it's D-4 which allows 105 feet, to put this in the traditional area would limit it to 3 stories. I would propose that we keep it in the R-2, that we allow it in the R-2 District which permits 66 feet. It's in keeping with the buildings in the immediate surrounding, and 66 feet isn't anything close to what Mr. Povey was proposing which was I think 18 stories. So, I would be inclined to keep this in the RD-2 District.

And my inclination on the property to the
north on the corner of Clark Street and Sherman would be
to keep it in the traditional area, although I must say
that I am a little bit ambivalent. I would be perfectly
happy if it stayed in the traditional zone.

CHAIRMAN WOODS: I'm presuming we're not
reaching consensus on this. So, what I'd like to do is
go down, everybody say how it is, and I think what we're
going to ask staff to do is based on comments that have
been made, to create essentially a memo, draft memo that
lays out both points of view. Everybody will have a
chance to edit their piece of it. And I, quite frankly,
don't know any other way that we can move forward
otherwise. So --

ASSOCIATE MEMBER HUNTER: I'm a non-voting
member.

CHAIRMAN WOODS: Well, it doesn't matter.
You're here to express an opinion.

ASSOCIATE MEMBER HUNTER: Oh, okay. Well, my
opinion would be to probably go with the L, with the
bonus that would permit it, the bonus would permit it to
go to 5 or 6 stories, would it not?

CHAIRMAN WOODS: 60-some, 60 feet.

ASSOCIATE MEMBER HUNTER: Yes. And I have to
say, in other words, given the contextual sensitiveness of this as I suggested, that they could go as Stuart suggested to 6 stories, 5 or 6 stories but we would extract some bonuses for that. So, that would be my inclination given that it is the sensitive issue that's been 'parking lotted'. Anyway --

COMMISSIONER BURRUS: Are you finished now?

ASSOCIATE MEMBER HUNTER: Yes, for now.

COMMISSIONER BURRUS: L.

COMMISSIONER NYDEN: Yes, I also believe that this parcel should be put into the L District just to continue the continuity of Davis Street. And then also, I think that section of Davis between Hinman and Chicago is pretty dark, and keeping those at a lower height keeps light on that street.

COMMISSIONER OPDYCKE: I would put it on the C District.

CHAIRMAN WOODS: C.

COMMISSIONER SCHULDENFREI: L.

COMMISSIONER FREEMAN: I will vote for continuity and L. It's why, it makes Evanston very charming.

COMMISSIONER GALLOWAY: An additional reason
for my vote on C is there are very few sites that are appropriate for economic development and I think this would, if we're talking about the market, I think you're sending a bad message to the market if we reduce the potential for this site despite the fact that I still love that building. But C.

COMMISSIONER STALEY: C, for the reasons I stated earlier and then also the ones that Stu brought up, it is right across from the North Shore Hotel and 500 Davis. And I just think it's appropriate in the C classification.

CHAIRMAN WOODS: So, for the record, it was 5 for L, 4 for C. And staff will produce a memo that outlines the justification for each of those positions and circulate it to the Plan Commission so that we can comment on it.

ASSOCIATE MEMBER HUNTER: Jim, I would just like to point out, Larry isn't here and he is in a comparable position to me.

CHAIRMAN WOODS: I understand.

ASSOCIATE MEMBER HUNTER: And if we're going to use numbers --

CHAIRMAN WOODS: Well, I don't think we're
ASSOCIATE MEMBER HUNTER: No, but I'm just saying I just wanted to give all due fairness for his point of view as well.

CHAIRMAN WOODS: Yes. We can acquire Mr. Widmayer's opinion later.

COMMISSIONER OPDYCKE: Well, when this goes to the City Council, how will the vote be reflected? I mean, were it to go?

CHAIRMAN WOODS: Officially there are 8 voting members here, so it's 4-4.

COMMISSIONER OPDYCKE: So, it would be 4-4 were it to go to Council tonight.

CHAIRMAN WOODS: Yes. And my assumption is by the time we're done this evening, most if not all parking lot issues may be in a similar situation. And it will be drafted and the two position sides stated so that we can move this thing forward to P&D so that the process can continue. And we may not see it for a while until City Council and the citizenry finish their process. And at some point they probably will finish the process and it will come back to us in the form of
zoning. And hopefully it won't come back with the
parking lot issues still there.

COMMISSIONER NYDEN: Colleen will join the
Zoning Committee at that point.

COMMISSIONER FREEMAN: I would like to, since
you brought up, I mean, since you did bring up the
citizenry, we do not have a final document. And what is
the comment process or the review process for citizens?
So, last night we did receive another updated document
to a document we received on my front on Friday. Was it
Friday that it came? Yes, Friday, which really great
work, it was, I'm very happy that I had reading on
Saturday and Sunday, believe me. Aren't we all happy?
So, the point is what is the process --

CHAIRMAN WOODS: You're looking at us, we've
been doing this for a lot longer than you have.

COMMISSIONER FREEMAN: You have, you have.

But just think about all that reading I had to do to get
up to speed.

CHAIRMAN WOODS: That's true.

COMMISSIONER FREEMAN: You had a year to do
it. But my question is we don't have a document that's
'final', and I think there is supposed to be a citizen
comment stage. Or what is the process that happens once
we come to a point of saying, yes, this is a document
that we can move forward with?

CHAIRMAN WOODS: I'm going to put this out
there for opinion but it's my opinion that there is a
memo that we received that reflects a very active
citizen participation process throughout all this. And
believe me, even if we make a recommendation with a few
issues that are unresolved and have opinions placed
forward, then there is a public comment process that
will happen at Planning & Development.

COMMISSIONER FREEMAN: So, there is a document
that has not been finalized yet that is now available
for public review, correct? Is it available for public
review yet, Tracy or anybody?

CHAIRMAN WOODS: The final blue line copy, is
that available either on the web site or -- yes, okay.

COMMISSIONER FREEMAN: So, does that, I just,
I'm trying to understand the process, okay.

MR. LaMOTTE: If I could just explain?

There's often two tracks. One is that a plan will stay
as it is, no changes like we've been doing. And then
there's a memo like an errata sheet that goes on top of
that when it goes to the City Council. That will be part of --

COMMISSIONER FREEMAN: I'm just asking about the process and I want to ask of the Commission and of Evanston City employees about what is the process, what was stated as the process once we have a document for the downtown plan. So, is there, I understand that there has been a whole lot of citizen input and part of that was a very minority meet before I joined this. But what is the process once the document we say or we approve or we disapprove or whatever happens to this document, what is the process then? So, I'm asking the Commission or I'm asking Tracy or someone from the city.

CHAIRMAN WOODS: Sure. The process would be that the Plan Commission makes a recommendation to the Planning & Development Council that a document, whatever format we choose, attachments, whatever, to explain the issues that are unresolved, goes to Planning & Development Committee. The Planning & Development Committee will then have a public review and comment process which they go through on their --

COMMISSIONER FREEMAN: So, it's at that point, after we would approve this document --
CHAIRMAN WOODS: With the additional --

COMMISSIONER FREEMAN: That the residents --

CHAIRMAN WOODS: Additional opportunities for input.

COMMISSIONER FREEMAN: Okay.

COMMISSIONER BURRUS: Seth, I think where you're concerned is with the citizen comment part after we've gone through and revised all of this. We don't have a complete finalized document. As we've gone through tonight, there's a lot of typos. We need to switch things. Nothing against what you guys have given us.

But I think the problem with sending it to P&D immediately and expecting public review to happen there is what happened with the 708 Church is citizens came and were given a minute to two minutes to speak about a very, very important issue to them. And I think that we have made substantial changes to the document since we closed citizen comment. I would have huge reservations sending it as is with a memo on top. It doesn't seem to make a lot of sense to me.

So, I think where you are going with it is that you would like some more citizens to say, okay,
this is what we have now and this is what we're voting on, is there anything else they would like to say. Is that where you're going?

COMMISSIONER FREEMAN: Well, I think that's part of it. But I don't even, one, I don't understand where we are in the process if we approve this, let's say tonight, if we had a vote. And then there has been no feedback once we've, there were a lot of meetings where the public participated, that's what this document reflects, correct? Our views, okay, what's supposed to happen is, from my understanding is from the feedback of the community, and I'm trying to represent the community, from the feedback of the community plus our professional opinion is that we create with the consultants a document for moving forward, correct?

So, therefore there was a constituency that, as you said, had a minute or two, I don't, I can't, I was not here for all of it, to participate and give their opinions. So, my question then is, is there a step in the process to enable them for review?

COMMISSIONER BURRUS: At this juncture, not really.

COMMISSIONER FREEMAN: Okay. Is that
CHAIRMAN WOODS: I'd like City Staff to address that.

MS. GUDERLEY: I'm Susan Guderley. I was not part of the planning process but I have been involved in a planning process in West Evanston and somewhat involved with the Chicago Avenue planning process, which were both neighborhood planning processes. What we've had, what I gather and what the memo speaks to is a process where with the consultants there was not only the charrettes and the design processes and involved with citizens and focus group charrettes, et cetera. But then, as Mr. Freeman said, there has been these discussions with the Plan Commission going over the document, making changes, making blue lines.

In past practices, in past planning processes, what you have before you is a document that would reflect not only, as Seth said, your professional opinions and your personal opinions but comments you've heard from citizens through this period. It's my understanding, at least from past planning processes, that this was the hearing process as part of the Plan Commission. At this point, with the work and the
reflection you've put into it would be the time where you would decide whether you wanted to send it on to Plan Commission or not, not to rehear it or reopen hearings.

That of course is your, you know, up for your discussion. But the planning process could go on. I mean, essentially you've heard, you've provided what has been a very open and transparent process. And if you have other discussion, it would be with yourselves, and you closed the public comment period. There will be additional comment period then before Planning & Development and before Council. And then, many of the discussions that you've begun on the zoning template you acknowledge will come again as part of the Zoning Committee.

COMMISSIONER FREEMAN: You know, I --

MS. GUDERLEY: And I would just say, too, that, you know, part of the discussion with West Evanston has been, it's so intense, you're so focused on what you're doing, you know, to step back and look at, you know, how this will be a tool hopefully and the need for the tool. So, I guess that's what you're balancing. Knowing whether you are finished with discussing it and
hearing it and making sure that it goes on to the next, ready to have influence what's coming down the pike.

COMMISSIONER FREEMAN: I'm kind of approaching this like I approach what I do in my professional life. And I've been responsible for delivering millions of dollars worth of tools that are built on requirements of clients, and sometimes a whole bunch of requirements. So, I'm taking my position here as kind of like being the mouth of a client. I do product management and I'm a director of product management, and so I consider the citizens that talk to me or send me email or the citizens that come up and talk to us as my clients.

So, the reason why I'm asking these questions is that in my professional life, a document is never finished until my client says it's finished. Now, I understand in this role it would be extraordinarily difficult if not impossible to get the citizenry of Evanston to agree that this document represents what they believe much less, or they believe should happen much less getting all of us here to approve. But I just want you to understand so that's where my questions are coming from and my concerns.

CHAIRMAN WOODS: Johanna?
COMMISSIONER NYDEN: I've, you know, thought about public comment following the production of this document. And I guess, I think it goes back to when it was unveiled in October. And this document when we got it felt very finished like, you know, the glossy pages and it looked, you know, it's a beautiful looking plan. And I think at the time, you know, speaking from my perspective and a lot of people that I was talking to, people were a little upset that there was no sort of, there was no like checking in with people and making sure that this was what was heard.

And I know that there was that Saturday meeting where it acted as charrette and you guys, everyone reviewed it, but there was no like checking in to see if you got it right. And I feel like we've spent how many meetings going over with a very fine-tooth comb, eight fine-tooth combs over this thing. And I think if there is some way to do some kind of check in either virtually or another meeting, I don't know, whatever, but like some way to say did we get this right after these many months of doing this.

COMMISSIONER SCHULDENFREI: And just to follow on that, I go back to the original plan for how the
planning process was supposed to go. It's often called by staff the shish kebab chart in which the consultants were to make a preliminary plan and then there was to be community workshop before it came to the Plan Commission as a finalized document. And under that original plan, that would have worked well because the citizens would have gotten this document that we all got, and then they would have been able to have the community workshop and change it before it came to Plan Commission.

But it was moved, I guess by staff, directly to Plan Commission. And so, we missed that community stage back then. And now, we went on to make our changes. And the question is does the document we're going to provide reflect the input of the community? And I think that that's a very important question.

COMMISSIONER BURRUS: Jim, and I'm sorry that we sort of got off on a tangent here, and I know that we really wanted to punch through these parking lot items.

And I wholeheartedly believe we need to make these discussions about the public process and how this goes forward, but if we can get through these parking lot items at least and make a decision, we're not going to come to consensus. We pretty much know that, okay. But
if we at least have those votes taken and our opinions
on record and we get through these, then we can sort of
do the 10,000-foot level of how do we go forward with
this.

And I don't mean to stop the discussion about
public comment. I am very much for that. But we need
to get through these, at least to have a document that
we have something to go forward and talk about fully.

And is it possible to take a break now?

CHAIRMAN WOODS: Certainly. Let's take a ten-
minute break. Let's restart at 9:00 o'clock.
(Off the record.)

CHAIRMAN WOODS: Next item in the parking lot
is the southeast corner of Clark and Sherman. Anybody
care to address it first?

COMMISSIONER OPDYCKE: I'm in favor of having
it in the traditional zone.

COMMISSIONER NYDEN: Yes, so am I.

CHAIRMAN WOODS: And I don't care.

COMMISSIONER BURRUS: Traditional.

COMMISSIONER SCHULDENFREI: Traditional.

COMMISSIONER FREEMAN: Traditional.

COMMISSIONER GALLOWAY: I don't care.
COMMISSIONER STALEY: I don't care either.

Neutral.

CHAIRMAN WOODS: So, put it in M, the traditional district.

COMMISSIONER NYDEN: Oh, come on. We have a consensus on a parking lot item.

COMMISSIONER FREEMAN: I just want to point out that about 40 minutes ago it was stated by a few people here that we would not have a consensus on any of the items.

CHAIRMAN WOODS: I actually accurately predicted we would have agreement on that one.

Okay. Next parking lot item is Core I, where we had determined the maximum height but we did not determine the minimum height. The original proposed height was 15 stories which translates into approximately 165 feet doing rough math.

COMMISSIONER NYDEN: Wait, what did you say?

CHAIRMAN WOODS: No, the original proposed height for the zone, not the existing but the original proposed height was 15 stories as a base.

COMMISSIONER NYDEN: And what's the zoning right now?
CHAIRMAN WOODS: The current zoning of I is Research Park. Most of I is Research Park. But the current zoning is Research Park D-4. I'm not really sure what this is currently but D-4, D-2, D-3 -- no, not D-2, sorry. RP, D-4, D-3.

COMMISSIONER STALEY: Where can find a sheet that's accurate on that? Let's see, with the letters.

CHAIRMAN WOODS: And D-4 is 105 feet plus 40 feet for parking plus planned development. D-3 is 85 plus 40 feet for parking plus planned development. And RP is 60 to 150 but the reality is it could be anything, thanks to the wonderful phrase in there about the height that's necessary to gain the desired density.

ASSOCIATE MEMBER HUNTER: Can I have the, as long as we're doing the numbers, the initially proposed I was based at 15?

CHAIRMAN WOODS: It was base of 15 stories and a max of 30 stories.

ASSOCIATE MEMBER HUNTER: 30, okay.

CHAIRMAN WOODS: And we lowered the max to, well, 30 stories would translate into roughly 310 feet or thereabouts, and we lowered it to 275.

ASSOCIATE MEMBER HUNTER: And you lowered it
to what?

CHAIRMAN WOODS: 275.

ASSOCIATE MEMBER HUNTER: 275.

COMMISSIONER OPDYCKE: And that's with bonuses. I mean, we've gotten the hard part out of the way. So, all we have to do is settle on a base.

COMMISSIONER STALEY: Is my light on up there or just down here?

CHAIRMAN WOODS: Sorry, Chuck. You know, that's the problem with trying to look at the plan and follow the lights. Chuck?

COMMISSIONER STALEY: I just wondered, just as a suggestion to kind of get it started, I'm looking at page 90 which talks about DC-1, DC-2, and DC-3. DC-1, we've got the maximum base of 165 and maximum benefit of 198. We've got the 275 in DC-2 for the maximum benefit.

I would suggest taking, following the DC-1 and having the 198 be the maximum base in the DC-2. I think there's some logic to that, certainly a symmetry. I don't want to get into souffles and wedding cakes.

ASSOCIATE MEMBER HUNTER: What page are you, Chuck?

COMMISSIONER STALEY: I'm on page 90.
CHAIRMAN WOODS: On page 90 of the update.

COMMISSIONER STALEY: Updated, yes.

ASSOCIATE MEMBER HUNTER: The 8/4/08?

CHAIRMAN WOODS: 8/4/08.

COMMISSIONER STALEY: Yes.

COMMISSIONER FREEMAN: Would it be nice if these things would just self destruct?

COMMISSIONER STALEY: Buildings or --

CHAIRMAN WOODS: The old ones?

COMMISSIONER FREEMAN: No, no, the old ones.

ASSOCIATE MEMBER HUNTER: You want to repeat that again for me, Chuck? I was slow getting to the page.

CHAIRMAN WOODS: DC-1 is currently 165 feet in maximum base height, maximum public benefit height of 198 feet.

ASSOCIATE MEMBER HUNTER: Got it.

CHAIRMAN WOODS: DC-2 was parked for a maximum base height and had a maximum public benefit agreed to at 275.

ASSOCIATE MEMBER HUNTER: Right.

CHAIRMAN WOODS: And what Chuck is proposing is that the maximum base height for DC-2 the maximum
ASSOCIATE MEMBER HUNTER: You like the symmetry, was that it, Chuck?

COMMISSIONER STALEY: And there's some logic to it, too, I thought. I mean, we are moving up to a higher category from DC-1 to DC-2, so I think there should see some increase. Three stories is not much of an increase, so it just seemed logical to me.

COMMISSIONER SCHULDENFREI: But the old core was originally 15 stories. So, you're saying that it should be higher than even what the consultants originally proposed?

COMMISSIONER STALEY: But, Robin, the way it worked is that this was an area in which I led the compromise and you were in the compromise with me with respect to the maximum benefit height of dropping it down. And then, once we did that, you immediately said, oh, well, that means then also we will take the other one down five stories. And I said no, and that was sort of the way the discussion went as you probably recall.

COMMISSIONER SCHULDENFREI: Right. So, therefore, I would not be in favor of bringing it up above what the consultants originally proposed.
CHAIRMAN WOODS: So, I would like to propose that the maximum base height in the DC-2 district be 165 feet.

COMMISSIONER BURRUS: I would second that.

CHAIRMAN WOODS: Comments, discussion?

COMMISSIONER STALEY: I won't go to the matt over that. Three stories.

COMMISSIONER OPDYCKE: It's okay with me, 165.

COMMISSIONER STALEY: Keep my powder dry.

COMMISSIONER OPDYCKE: It seems okay with me.

COMMISSIONER SCHULDENFREI: Well, then why did we park it for all these months? If we're just where we were --

COMMISSIONER STALEY: Because we weren't there. You wanted to drop it to 10 stories.

COMMISSIONER SCHULDENFREI: Oh, so now we're back then.

COMMISSIONER STALEY: You were the cause.

COMMISSIONER SCHULDENFREI: I remain unchanged in my position that 15 stories or 165 feet by right. It's too much. Again, referring back to the Jeff Smith red chart, I can see there that Research Park is plus 120 and the rest of D-3 is plus 95 which seems to be a
tremendous up-zoning of the area.

CHAIRMAN WOODS: Again, anybody saying their RP is up-zoned or down zoned in my opinion is it's a statement that really you can't make because the zoning of that zone is so ambiguous that it allows essentially anything to happen. And I believe that it was purposely done that way at the time to encourage development which didn't really manifest itself until the theater projects.

COMMISSIONER SCHULDENFREI: Right. And then, again taking basically the height of recently approved projects of which I think a large percentage of the citizenry was not in favor of and saying that now is the entire, the exception becomes the rule and that's our entire new zone, I continue to have a problem with that. I think there is some basis for it, I guess Chuck will argue, but I don't think that it's the consensus of the community. I would be surprised if that would reflect the consensus of the community to have so much by right. And also -- yes, that's all I have to say.

CHAIRMAN WOODS: Anybody else?

ASSOCIATE MEMBER HUNTER: I just have, again a point of information question. Someone made a reference
to what was originally suggested by the consultants? I missed what that number was.

CHAIRMAN WOODS: 15 stories which I'm going to translate into roughly 165-170 feet.

ASSOCIATE MEMBER HUNTER: Okay. All right, thanks.

CHAIRMAN WOODS: Which is where I came up with 165 as the proposed.

COMMISSIONER NYDEN: Can I go?

CHAIRMAN WOODS: Johanna.

COMMISSIONER NYDEN: I wish I could keep this parked or something. I can't really make a decision on this because, and I don't know if I've said this at all the other meetings or not when we were talking about this, but I see a large space part of the downtown and whether it's being up-zoned or down zoned, I want to, you know, and I know some of these sites will never come into play for development but I just don't know what the impact if all was built what that would look like for downtown, and not visually but what does that mean for, you know, like sewer, water, traffic, all those things. You know, what does it look like with curb cuts or, you know, with, and I know the form based code takes care of
some of that but what does it really look like today?
What does it look like ten years from now, you know, given development trends?

So, I just sort of, you know, I think it's good that Jeff Smith did something that could sort of visually show up and down but, you know, up-zoning and down zoning isn't a good enough thing for me.

COMMISSIONER FREEMAN: It's what the community can support.

COMMISSIONER NYDEN: Right. What can we do here? We're not next to McCormick. We're not Lake Shore Drive.

COMMISSIONER FREEMAN: And you know, I look at DC-2 and if I look at that, that 15 stories by right for that huge swath of downtown, you know, and if I look at what is currently there in downtown, you know, I just don't believe that it is consistent with what's there. So, I have an issue with 15 stories by right as well.

I think one of the things that the whole plan does miss, and I've had this discussion, we've had the discussion before, is the impact on business and the ability for the community to support the additional office or storefront space, the additional condos. But
I think Johanna's --

COMMISSIONER NYDEN: Johanna.

COMMISSIONER FREEMAN: You know, a friend of our son is Johan and I just called Johanna, my niece if Johanna.

COMMISSIONER NYDEN: You wouldn't be the first one to say it that way either.

COMMISSIONER FREEMAN: There you go. You're turning red, I'm sorry. But yes, okay, so I'm agreeing with you.

MR. LaMOTTE: Can I clarify again this zone? If you look at the --

CHAIRMAN WOODS: Please.

MR. LaMOTTE: The land use map and/or the zoning map, and then you look at the illustrative map where we actually filled in one of the development concept sites, first of all, it is the core. It is buffered by tracks on one side. There are a lot of big buildings, and I don't mean necessarily tall. There's tall, middle, little, there's bulky buildings, there's huge parking decks in here. Maple Street is a great street, it's a good spine street. The rest of it is up against the tracks.
There is only one development site, that's the Northwest University site, that they some day could do something there on that parking lot and most of it would be backing up to the tracks. The base height would be similar to the context as we had said earlier in the --

COMMISSIONER FREEMAN: I think the issue is by right. I think the issue is just by right. And so, if that means perhaps you deal with it in another way, larger bonuses or whatever else, I think the issue is by right, okay. So, if there is a way to have bonuses different by, you know, zone, I don't know. So, when I look at this, that's what I say to myself is, hey, okay, so maybe in core the bonuses are calculated differently than in, you know, in DC-3 or different than DC-1 or percentage-wise. So, again, the issue for me at least is the by right.

COMMISSIONER NYDEN: Or you just buy all the bonuses.

MR. LaMOTTE: Well, let's just clarify again. I mean, when you look at the real development potential in the next five or ten years, it might be the Northwest University lot. I mean, most of the things in there are new. I mean, there's not a lot of turnover that would
project. The economy is slow now, if it booms next year, we don't see this really changing much in five years.

COMMISSIONER FREEMAN: If you look at, let's say it's a 20-year plan but if we look at how we're still dealing with the '89 plan, all right, so we're still dealing with that and that has an impact in what we're doing here. So, I think the whole issue is concepts, not necessarily the stories per se right now but the concepts behind that. And again, it's --

MR. LaMOTTE: Yes, I just want to be clear though because I think there has been some misperception that because that area is the biggest zone, so to speak, or district --

COMMISSIONER FREEMAN: I understand, you're right.

MR. LaMOTTE: That it's scary looking because a giant wedge of cheese will come in at 15 stories.

COMMISSIONER FREEMAN: You're absolutely right.

MR. LaMOTTE: That's not going to happen.

COMMISSIONER FREEMAN: There's lots of buildings there today and --
MR. LaMOTTE: That's not going to happen in 20 years, in 30 years.

COMMISSIONER FREEMAN: I understand.

MR. LaMOTTE: There will be street scapes and open spaces and trees and glass at the base of the buildings. And only in a few sites.

COMMISSIONER FREEMAN: I think though again the issue is the concept.

COMMISSIONER NYDEN: Yes, and I think, you know, I guess this real estate market isn't sitting well with most of us. Me in particular, having bought a condo last year in Evanston obviously. I guess I feel this plan has, you know, and this has come into sharper focus for me over the past year, this plan is a plan for development. And it's not a plan for Evanston right now in entering a recession.

COMMISSIONER FREEMAN: Thank you.

COMMISSIONER NYDEN: And that's my big problem with it. And this wasn't a big problem a year ago when this wasn't coming down the pike the way it was. But that's my problem and this isn't necessarily as it relates to the zone, it's just this is plan for development and I'm worried that as we go through this,
this isn't a plan that says here is what we can do for Evanston right now. Because we don't get our street scaping and our park improvements without somebody coming and building something.

COMMISSIONER FREEMAN: Right. And there's --

MR. LaMOTTE: So, let's make sure we're clear on that, too. It's a plan that's for short and long range development, land use, buildings, whenever somebody knocks on the door in the private sector unless the city is doing an initiative. And in the short term, they've got to look for funds. This city has got to look for funds for streetscape and open spaces. And until a developer, you know, adds to that pot of funds, that's how it is.

And so, the idea here is that we're not having an open book and PD's everywhere, PUD's everywhere. It says in the future if Northwestern knocks on the door and says we want to build on that site, we the city have said here is the envelope, the streetscape, the urban design. So, it is short range and long range.

And everybody in this room would love to have the streetscapes extended and fixed up and cleaned up right now. And the plazas. But that money that would
come for bonuses is down the pipe.

COMMISSIONER SCHULDENFREI: Right, so let's make it as much as bonusable as possible.

COMMISSIONER FREEMAN: So, instead of by right.

MR. LaMOTTE: I think as we talked about balance, I mean, we can add Christmas tree and a Christmas tree and a Christmas tree, and there will be no development. We talked about that. From an economic development standpoint with David Galloway who talked about it earlier, there has to be some sites that eventually would develop because they're either obsolete, they burned down or they're vacant or parking lots really aren't sensible in this type of a downtown. So, they've got to have some development potential for the city with controls. That's what you're doing.

And then, when they come in, this is the potential bonus package that they've got to pay. And so, when they come, they come. We're not telling anybody to start developing. It's just be ready as a guide.

COMMISSIONER GALLOWAY: If I may interject here, I've had my light on for about the last 20
minutes. I don't have anywhere near the gut level concern about this base height at 165 feet. I think perhaps for some people they look at this area and envision every site within the downtown as being developed at some point in time to a height of 165 feet which is totally, totally improbable. And I think --

COMMISSIONER SCHULDENFREI: I don't --

COMMISSIONER GALLOWAY: Just let me finish please, Robin. I don't, I think the consultants have done an excellent job in pointing out what sites are most probable for development. And if you look at those sites, there were two sites on here, actually only one that even in the short term or in the moderate term I think would fall into any category for development. Look at the heights that we have in adjacent zoning districts. Look at the difficulty the city is having in funding basic services. Look at the difficulty the city is having in relationship with Northwestern who continues to grow aggressively and has very little land opportunity to do so other than filling the lake.

I don't have a concern about a base height of 165 feet. I do have a concern if the most probable site for development in this area is discouraged from being
developed because their base height is too low to accommodate their needs and as a consequence they won't develop it and won't give us the bonuses and won't give us the money that we could use for streetscape or public parks or what have you. That's my concern.

CHAIRMAN WOODS: Also, remember that lot is owned by the university. And you're not going to get tax money.

COMMISSIONER FREEMAN: So, there is no economic benefit since it's owned by the university.

CHAIRMAN WOODS: That's what I'm saying.

COMMISSIONER BURRUS: It pains me to agree with Dave Galloway but here we go. Looking at the I or with DC-2, if you really look at that area and you take out all the public right of way for the L and the Metra and the L Station and the Metra Station, you immediately eliminate a lot of that area. Then if you start going building by building and putting in X on every building that is either already that high or higher, or is a new building or a building that's been built in the last 5 to 10 years let's say, Sherman Plaza takes up a whole block. You have the theater, you have Optima Views, I don't remember the name, the parking lot or the parking
You have so few areas really. These aren't, the EAC buildings, that's one area that could theoretically be knocked down. As you said, the university spot. Possibly Evanston First Bank & Trust. All I'm saying is it's really not this huge swath because a lot of it is actually public right of way.

COMMISSIONER FREEMAN: I understand. The issue is the by right. So, if that one place that could be developed is Northwestern and there is very little economic gain from having Northwestern develop there, now if they want to put up a large building then perhaps having those bonuses in place to get them to put up, to incent them, then perhaps that's, not to incent but that they have to pay the bonuses to get to build the higher makes sense. If what you're saying, obviously there is not a lot of space to build, we know that.

COMMISSIONER BURRUS: Right.

COMMISSIONER FREEMAN: There's a few spots. One of them is a Northwestern property.

COMMISSIONER BURRUS: Right.

COMMISSIONER FREEMAN: And to get, if they want to come in and build a 15-story building in one of
the few available spots there, why shouldn't they have
to pay bonus to do that?

COMMISSIONER BURRUS: I think that that is
taking it as saying we're going after one -- no, but
that's what you're saying.

COMMISSIONER FREEMAN: No, because the same
thing as you're saying is there's only two places to
develop.

COMMISSIONER BURRUS: No. No, what I'm saying
is there are very few that are probable to development.

And so, I'm not as worried about the base being 15
stories is my point. I'm not scared that suddenly this
whole area will be 15 stories and it will be
overwhelmingly which is usually not my argument.

COMMISSIONER FREEMAN: I understand. I
understand that.

COMMISSIONER BURRUS: As you know.

COMMISSIONER FREEMAN: Understand that
argument, understand it.

MR. LaMOTTE: And just real quick again is
we're looking at land use and density and buildings.

Whether it's taxable or not taxable, we have to have a
plan, all of us, we have to have a plan for that area.
COMMISSIONER FREEMAN: Absolutely.

MR. LaMOTTE: And in Northwestern's case, while the property tax isn't going to be paid, they'd be bringing more people down to the town to keep the shops going, to offer services as a university. So, what we really need to do is what do we want the form of downtown to be like, whether they develop it or they sell it to some developer.

CHAIRMAN WOODS: Well, and again, the reality of what anybody can develop on a site is a combination of two things. One is the FAR allowed and the second is the height allowed. The reality is with the FAR that is allowed, you're going to end up with a building that even if you had, you're either going to have a moderate flat building or you can have a taller building that has some variety in height to it, which from my perspective as a member of the Plan Commission I would rather see because I think it's a lot more interesting.

MR. LaMOTTE: Which is already the context there that when we look at is there's different heights.

CHAIRMAN WOODS: It's the context.

MR. LaMOTTE: And that's not just one solid effect thing. And the other thing you've added here is
you've said to the university or developer or whoever, this is the use, this is the height, we want this kind of street scape. These are amenities we'd like to see. You don't have that right now. You've got more tools for everybody in the room to work with. And it's pretty straightforward.

And the tracks, I mean, we've got the tracks up against the back end and the parking deck next to it and a hotel in front of it. So, we're really kind of saying whoever develops it, this is where you want it to go. And the same with the other core districts, the base fits as a base and you bonus up from there.

And the other point that was made at the last meeting is that we still want good looking buildings even if they don't come in for bonuses. And you now have the tools to do that.

CHAIRMAN WOODS: I mean, just by a simple little calculation here, if roughly, and again I'm throwing parking out of the equation here because I'm going to pray to God that the developer actually goes for the bonus and puts the parking below ground, but if roughly 85 percent of the first four floors which is allowed to occupy 100 percent of the site is occupied, I
got it at FAR of 3.4. If I then look at the next floors above that where it's 65 percent of the available site could be occupied and look at 85 percent of that number, I'm roughly at 0.55 a floor.

Then, so if I go ten floors of that, now I actually have an FAR of 8.9. I have to have gotten bonuses because the base FAR here is 5 and I've only gotten up 15 stories.

MR. BISHOP: Moreover, hitting an FAR of 5 triggers Plan Commission review under the proposal that's in the draft.

CHAIRMAN WOODS: Right. So, I mean, for me, that's why this doesn't bother me in the slightest.

COMMISSIONER OPDYCKE: Robin, you're suggesting roughly 100 feet base height?

COMMISSIONER SCHULDENFREI: That would be good.

COMMISSIONER OPDYCKE: Is that what you said?

COMMISSIONER SCHULDENFREI: Sure.

COMMISSIONER OPDYCKE: So, that's going to be pretty tapered. If you have to stay within the FAR of 5, it's going to be pretty tapered. And if you want to get up to 275 feet which is twice again that height
almost, you're talking about a space needle above ten
stories.

CHAIRMAN WOODS:  Well, you'll be going to 10
FAR at that point.

COMMISSIONER OPDYCKE:  You'd be going to stay
within the 10 FAR.  It would look just silly.  I mean,
you're recommending a base height of 100 and yet
apparently you're content with 275 feet as a bonus
height.  But to get up to 275 feet, you've got a very
strange looking building.  I don't think it could be
done.

COMMISSIONER SCHULDENFREI:  What would
something like 12 stories be?  I didn't actually suggest
100 feet, I had leaped on it because it sounded good
when you said it.  But what would something like 12
stories be with the current math that we're doing?

CHAIRMAN WOODS:  121.  And 15 is 136 feet.

MR. SMITH:  And a taller building usually have
garage levels and those are shorter.

COMMISSIONER SCHULDENFREI:  So, then, I mean,
that would sort of make an automatic bonus that you'd
have to do to get anywhere useful?

CHAIRMAN WOODS:  Yes.  Well, you've got to be,
to be honest here, you're going to go for bonuses anyhow to get your FAR up.

COMMISSIONER OPDYCKE: So, I guess I would be happy with your recommendation, Jim, of what was it? 165 feet base?

CHAIRMAN WOODS: My recommendation was 165. And the further rationale for that is quite frankly the DC-1 zones of the E and the H -- or not the E and H, the E and the F zones we currently had agreed to as 165 feet as a maximum base height in those zones. And so, DC-2, I thought we can just keep the same base height but raise the maximum bonus height.

COMMISSIONER SCHULDENFREI: Okay. Then we can have it at 15.

COMMISSIONER BURRUS: Robin, you can put your comment, I mean, we're not going to come to consensus on it. So, I would actually definitely put in writing of the concerns.

CHAIRMAN WOODS: But --

COMMISSIONER FREEMAN: But you already agreed, correct? Coleen, you agreed, correct?

COMMISSIONER BURRUS: With 165.

COMMISSIONER FREEMAN: Yes.
COMMISSIONER BURRUS: We haven't officially done the straw.

CHAIRMAN WOODS: So, why don't we do the straw?

COMMISSIONER FREEMAN: Why don't we take a straw?

COMMISSIONER BURRUS: Yes to 165.

ASSOCIATE MEMBER HUNTER: For the base.

COMMISSIONER BURRUS: For the base. I'm sorry, I didn't let you go.

ASSOCIATE MEMBER HUNTER: No, no, no, that's all right. Are we talking about the max or not?

CHAIRMAN WOODS: No.

COMMISSIONER OPDYCKE: The max has been agreed upon at 275 feet.

ASSOCIATE MEMBER HUNTER: Well, I won't break that consensus then, but I would not have agreed to it.

Yes, 165 is fine for the base. But I would not have gone for the max.

COMMISSIONER FREEMAN: I wasn't here when they did the max. I wouldn't have either.

CHAIRMAN WOODS: Johanna?

COMMISSIONER NYDEN: Well, my comments about
this being a plan for development and my issues that I 
stated concerning that still stand but I am reluctantly 
agreeing to 165.

CHAIRMAN WOODS: You don't have to agree.

COMMISSIONER NYDEN: Yes, but I mean, I don't 
have anything else to, nobody else is saying what do we, 
you know. I'm not being ambivalent but I just, what's 
the other option? I'm looking past Jim to Robin and 
Seth.

CHAIRMAN WOODS: 100. Or 135 or --

COMMISSIONER NYDEN: I mean, 100 is kind of 
ridiculous, too.

COMMISSIONER SCHULDENFREI: 12 stories at 136.

COMMISSIONER NYDEN: Okay, fine. I will say 
12 stories.

CHAIRMAN WOODS: Stuart?

COMMISSIONER OPDYCKE: 165 feet for the base 
height.

CHAIRMAN WOODS: 165.

COMMISSIONER SCHULDENFREI: 12 or 136. And 
I'd just like to add the comment which I wanted to make 
earlier but I haven't is I don't think anybody up here, 
and I sincerely doubt anybody, practically anyone in
this room and probably practically anyone in the City of Evanston sincerely fears that the height will be developed across the board. And I think those kind of simplistic comments make it difficult for a sort of discourse. And I think my objections to the sort of 'by right' height have a lot to do with the idea of 'by right', and the size of a 'by right' building, what triggers Plan Commission, and not that I or anyone else foresees that it's going to be the entire thing.

And so, I just don't like that argument. I mean, I guess people can continue to make it but I don't appreciate it. And we've heard it and this fear of height I think is uncalled for because I think we're articulating a lot of substantive and important issues for the future. And I think we have to take into consideration the present economy, the future economy and the future as we envision it, and that we don't discount what's the already built fabric. If anything, I'm one of the people up here who really cares about the existing built fabric and I understand the ramifications of that.

COMMISSIONER FREEMAN: I second that emotion there. I'll go for 12. And again, I have a big issue
with 'by right' in general. And so, as I've already said, okay.

COMMISSIONER SCHULDENFREI: Sorry, I'm not very upset. I just tried to articulate that comment. I'd also like to say in addition to the 'by right' issue, I think it's the issue of bonuses. Sorry, Dave.

COMMISSIONER GALLOWAY: I think Jim's example of the controlling factor of FAR I think underlines my reasons for voting for 165.

COMMISSIONER STALEY: 165.

CHAIRMAN WOODS: So, that's, whatever, officially 5-3. And I again direct staff to prepare a memo articulating reasons for each position.

ASSOCIATE MEMBER HUNTER: Can I raise a question? The numbers, are they going to appear in --

CHAIRMAN WOODS: The numbers are what appears in the document in terms of feet.

ASSOCIATE MEMBER HUNTER: No, no. I meant of the vote.

CHAIRMAN WOODS: I think it has to relative to conveying to Council where the weight is.

COMMISSIONER SCHULDENFREI: Do you want to vote?
ASSOCIATE MEMBER HUNTER: Well, yes. No, I mean, see, I thought this was a straw vote.

COMMISSIONER FREEMAN: Well, it was a straw vote.

ASSOCIATE MEMBER HUNTER: Well, but I mean, you know, Stu and I raised this during the break. Are these officially reported numbers or are these sentiments expressed that there are two positions? Does that make sense, the question?

CHAIRMAN WOODS: I understand but, you know, in the end there are three people expressing one sentiment and five people expressing another sentiment. And I think the Council has kind of told us they want as much information as possible.

ASSOCIATE MEMBER HUNTER: Okay. Well, then I will express --

CHAIRMAN WOODS: When we got called on the carpet.

ASSOCIATE MEMBER HUNTER: Okay.

COMMISSIONER OPDYCKE: Your comment doesn't count --

ASSOCIATE MEMBER HUNTER: I know, I know. That's what I'm saying.
COMMISSIONER OPDYCKE: When they go to the City Council. But your vote on this really, it doesn't count as far as the document that we turn over to the Council.

ASSOCIATE MEMBER HUNTER: I know. That's why I'm asking, when you say it's five to three, does that include mine?

CHAIRMAN WOODS: No, it doesn't.

ASSOCIATE MEMBER HUNTER: Okay, fine. I'm sorry.

COMMISSIONER FREEMAN: But don't his comments count? So, his comments become --

CHAIRMAN WOODS: That's his comment, absolutely.

COMMISSIONER FREEMAN: Comments become record so if you have, you know, Al, if you have records, I mean comments you want to be part of the record, go right ahead.

ASSOCIATE MEMBER HUNTER: Okay. No, I just wanted to make sure that we're in agreement.

CHAIRMAN WOODS: Okay. That takes us to the last parking lot issue which is Central Core or J on your map.
COMMISSIONER BURRUS: I recommend we get rid of central core and put it into that area into the core. There is no such thing as a central core.

COMMISSIONER SCHULDENFREI: Just a point of question. That's nine, do we have nine people up here?

COMMISSIONER STALEY: Yes, we have nine.

ASSOCIATE MEMBER HUNTER: I don't count.

COMMISSIONER STALEY: We'd have ten if we had Widmayer. That would be the full --

COMMISSIONER SCHULDENFREI: I thought it was 4-4. The question I have was Al was part of the non-official count but noted as an alternate count with the first issue on whether the southeast corner, so it was a 5-4 vote but really a 4-4 counting vote.

CHAIRMAN WOODS: Yes.

COMMISSIONER SCHULDENFREI: Right. And so, I was just wondering whether for the other, and then I think you also voted whether we should --

CHAIRMAN WOODS: Let's vote again.

COMMISSIONER SCHULDENFREI: Sorry, Al.

CHAIRMAN WOODS: Because my understanding of it was that Al was going along with the 165 feet.

ASSOCIATE MEMBER HUNTER: No, no. Let me
express something here. I feel uncomfortable being included as a formal vote given that I'm not a voting member of the Commission. Does that make sense?

CHAIRMAN WOODS: Right. That's fine. So, we'll go through --

ASSOCIATE MEMBER HUNTER: So, just leave me out of the votes.

CHAIRMAN WOODS: We'll go through with voters at the moment. Coleen was --

COMMISSIONER BURRUS: I voted for 165, yes.

CHAIRMAN WOODS: Johanna?

COMMISSIONER NYDEN: 136.

CHAIRMAN WOODS: 136.

COMMISSIONER OPDYCKE: 165.

CHAIRMAN WOODS: 165.

COMMISSIONER SCHULDENFREI: 136.

COMMISSIONER FREEMAN: 136.

COMMISSIONER GALLOWAY: 165.

COMMISSIONER STALEY: 165. 5 to 3.

CHAIRMAN WOODS: 5-3.

COMMISSIONER SCHULDENFREI: The point I was just making is that we counted a vote for him for the first question, that's all.
COMMISSIONER BURRUS: And what he's saying is just take it out.
CHAIRMAN WOODS: No, we didn't.
ASSOCIATE MEMBER HUNTER: I'm saying take it out is what I'm saying.
CHAIRMAN WOODS: As far as the City's staff memo, it's 4-4. All right.
COMMISSIONER NYDEN: We can have a breakout bubble where we just have Larry and Al's thoughts.
COMMISSIONER FREEMAN: Yes.
COMMISSIONER NYDEN: Side by side.
CHAIRMAN WOODS: Profound thoughts from Al and Larry.
ASSOCIATE MEMBER HUNTER: Which you're free to ignore.
CHAIRMAN WOODS: Okay. So, Chuck, you turned your light on?
COMMISSIONER STALEY: I did turn my light on, thank you. I just wanted to counter Coleen's statement. I accept the concept and I have really since I first started looking through all this and walking down and I must say taking a closer look at Fountain Square than I had ever taken before, I do think that it is the logical
location for the tallest building in Evanston. I don't
know how tall that should be but I think it should be
somewhat taller than what we're talking about here. And
I would think that, you know, it ought to be somewhere
around 25 as a base, maybe a little bit less, and
somewhere around 35 as the maximum, maybe a little bit
less in that area. But I think there is a logic for
just the way everything looks.

And it's been a long time since I've been
married and I'm not sure how to wedding cake, but still,
you know, the concept of as you look at the downtown as
it all works, I think that makes a lot of sense. And
I'm also impressed by the fact that they think that
makes a lot of sense. So, I think that's what it should
be. I don't know what the height should be, I think we
should discuss that. But it should be more.

COMMISSIONER BURRUS: Chuck, when you say the
Fountain Square, you've looked at Fountain Square, it's
something that I think when people don't know this
really well is that the reality is this isn't
redeveloping the Fountain Square block because you have
the Hahn building. And so, the reality is you have two
ends of a block that could possibly be developed. There
isn't a cohesion. And this Fountain Square building, I guess that's what we're calling the Fountain Square building not 708 Church, it would be next to impossible to develop anything of the height that you're talking about in the DC-3 on that building site without destroying the Hahn building.

So, this isn't cohesive. This isn't, looking at it, this is the central core of the city. You're really only looking at one piece of it. So, unless you visualize on this map that we've been given over and over again, they keep saying this whole area is going to be this DC-3 or this J central core, but that's not really true. So, I think that people really need to understand that it's really, we're talking about two separate parcels and a third parcel in the middle that is protected.

COMMISSIONER GALLOWAY: But that, Coleen, that is exactly what's represented on the maps.

COMMISSIONER BURRUS: Right, no. What I'm saying --

COMMISSIONER GALLOWAY: Just like you're talking about is the only site that's shown as a viable site for that kind of development.
COMMISSIONER BURRUS: No. No, the whole block is shown as J and is shown as DC-3 is my point. And the reality is the whole block can't be that because of the Hahn building. And so, you're not looking at a whole block that can be redeveloped. You're looking at possibly two separate parcels divided by a small building in the middle.

COMMISSIONER FREEMAN: Sounds like spot zoning?

COMMISSIONER BURRUS: Do you understand what I'm saying, Dave? It's not really the whole block and that's not what's represented here on the map.

COMMISSIONER GALLOWAY: Well, I agree with you but I don't sense the inconsistency.

COMMISSIONER NYDEN: It's like when I was just having a big issue with this big swatch of land, everyone told me, oh, no, no, no, we're not going to develop everything because keep in mind there's only a few development sites. So, looking at this core, you know, two development sites emerge because the Hahn building gets taken out of the equation, right? Well, maybe it doesn't?

COMMISSIONER OPDYCKE: I'm not sure that's
true.

COMMISSIONER NYDEN: Okay, well, fine. It --

COMMISSIONER OPDYCKE: Sonny Robinson introduced a project that was like 50 stories tall above the Hahn building.

COMMISSIONER NYDEN: Right, but what I'm saying is the logic assigned to the chunk of core that I just had an issue with, you know, saying okay, well, that's not going to get developed because there are some landmarks there and there are some buildings that already are tall. And just suspend Sonny Robinson's, you know, proposal or whatever, but like if you apply that same logic to this block, only two sites emerge and one is too small for development in the way, you know, real estate economics work now so that the 708 building is the only one left on there.

So, I guess the problem I have, I'm not opposed to a tall building and height doesn't scare me, et cetera, et cetera, we said this all before, but like how is this just not spot zoning? How is this not, this isn't much different than, you know, taking a slice out of, you know, some of these other spots where we've had issues? I mean, just somebody tell me it's not spot
zoning and tell me why it's not spot zoning?

CHAIRMAN WOODS: Consultants?

MR. BISHOP: I guess first of all, you know, many people when they hear the term spot zoning they think about a small geographic spot of zoning on a map. And while that's a good sort of intuitive signal, it's really not the definition of spot zoning. Spot zoning is a grant of special privilege that would not have been granted to anybody else under similar circumstances.

Here we have an entire block, not a single parcel of land that's been singled out. We do have an entire block that has been proposed to be included in that district. And it is true that other projects of significant scale have been proposed for that block which I think at least leaves open the question is it theoretically possible to develop on that block in configurations other than 708 Church.

ASSOCIATE MEMBER HUNTER: Isn't the Fountain public?

MR. BISHOP: Yes.

ASSOCIATE MEMBER HUNTER: Well, then it's not the entire block.

MR. LaMOTTE: No, it's the same as all the
other open spaces.

ASSOCIATE MEMBER HUNTER: No, no, but I'm saying it's not the entire block. You just said it's the entire block.

MR. BISHOP: We've proposed to include the entire block in the central core --

ASSOCIATE MEMBER HUNTER: Thank you, the entire private property on that block, right?

CHAIRMAN WOODS: Well, they've actually included the whole block in the zone.

MR. BISHOP: No, we've included the public, the Fountain Square --

ASSOCIATE MEMBER HUNTER: For development, for private development.

MR. BISHOP: Well, in the designation of the Central Core District.

ASSOCIATE MEMBER HUNTER: For a development of this height?

CHAIRMAN WOODS: Well, you can't develop it because it's owned by the city unless the city --

ASSOCIATE MEMBER HUNTER: I know. Well, the city could sell it or could develop it.

CHAIRMAN WOODS: Yes, they could.
MR. LaMOTTE: Well, they could choose to do
the park and the --

ASSOCIATE MEMBER HUNTER: Well, that's what I
want to address if I may.

CHAIRMAN WOODS: Well, the question is should
Fountain Square be zoned OS?

ASSOCIATE MEMBER HUNTER: Could I address that
point?

CHAIRMAN WOODS: Yes.

ASSOCIATE MEMBER HUNTER: Okay. Because I
want to take issue with Chuck's notion of logic here.
Chuck, you have a logic that has subsumed the, you know,
the sort of umbrella notion or the wedding cake notion.
And I want to suggest the use of the word logic is
particular, not generalizable.

COMMISSIONER STALEY: I'll take your word for
that.

ASSOCIATE MEMBER HUNTER: Okay. And I'll give
you an example. I'll give you an example. We have
something called the Boston Commons. And the Boston
Commons is core, I think you would all agree, and it's
very low density. It's a public space, a very
significant piece by some years ago called sentiment and
symbolism was a core definition of that particular space so that the idea that somehow a logic of high central core is not necessarily the only logic that can be applied here.

One of the logics would be to create that entire block as a public space which would be a core. And I'm giving you an alternative logic, that's all, okay. So, I don't think the use of the word logic here makes it almost sound predetermined that this is what should be in the normative sense. And I'm giving you an alternative normative notion here that public space in a core is also very significant and important.

And let me give you one which is a fallen souffle logic, which is if you look at Paris, if you look at London, you have high rise developments but they are occurring on the periphery, not in what would be defined as the core. The core is maintained at a low, high density but low elevation. So, I just want to caution this notion of the metaphors that people are using here, that we be careful about the metaphors. There is no inherent logic to them and we have alternatives that we should think about and explore. That's all.
COMMISSIONER GALLOWAY: I'd like to second Albert's remarks as it relates to the logic portion of it. However, this city is not Boston and this piece of property in the center of our downtown does not have anywhere near the quality or history of Boston Commons --

ASSOCIATE MEMBER HUNTER: Fountain Square does.

COMMISSIONER GALLOWAY: Or the scope.

ASSOCIATE MEMBER HUNTER: Fountain Square does.

COMMISSIONER GALLOWAY: The individual piece of property, yes. And this also isn't Paris which has had height restrictions in its downtown since the -- plan.

ASSOCIATE MEMBER HUNTER: Right.

COMMISSIONER GALLOWAY: And it's not London which at this moment is wrestling with very tall buildings in much of its downtown.

ASSOCIATE MEMBER HUNTER: No, it's not.

COMMISSIONER GALLOWAY: Well, so I think we can talk about logic but I think we need to talk about our own particular context. And I think in my mind, if
it was a long term economically viable option, I would
have no trouble in having, you know, a Downtown Central
Park occupy the whole site. But I don't see that as a
viable economic option or a viable socioeconomic option
for Evanston. And others may disagree but that is where
I fundamentally come down on this.

ASSOCIATE MEMBER HUNTER: It's called vision.

COMMISSIONER GALLOWAY: We all have vision,
just different visions.

ASSOCIATE MEMBER HUNTER: You said you don't
see it and I was, you know, giving you the alternative.

COMMISSIONER FREEMAN: Albert, I think it was
a couple of these meetings ago, you weren't here and I
had suggested that maybe we make that whole block a
park. And so, I have only visioned that I would like to
have a place to go with my family and lick ice cream
cones in the middle of downtown and not have to worry
about being forced off the sidewalk.

You know, I do support Jim in that maybe we
should zone the Fountain Square as OS. I think that
makes a lot of sense, so I think we should just all do
that and make a vote on that because I don't think we
want the city to sell that off. Perhaps a some point,
maybe enable somebody to help us reconstruct that a little nicer than it is but accept some funding through -- you know, if I look at this and I have consistently felt that that whole section should just, that whole J should stay as part of traditional the way it currently is and specifically because of the Hahn building is a traditional building. And it seems to me -- can we have one conversation please? Let me hear myself talk.

So, the first thing I propose was that we take the park as Jim had said and zone that OS. Zone that OS. My perspective that J which is the rest of the block should stay traditional specifically, that the Hahn building is traditional.

CHAIRMAN WOODS: Can we take them as separate issues please?

COMMISSIONER FREEMAN: Sure. So, why don't we take the --

CHAIRMAN WOODS: First of all, I'd like to second the OS.

COMMISSIONER BURRUS: Shall we vote then?

COMMISSIONER FREEMAN: Yes, let's vote on that.

CHAIRMAN WOODS: All in favor of Fountain
Square being zoned OS, say aye.

(Chorus of ayes.)

COMMISSIONER FREEMAN: Okay. The next.

ASSOCIATE MEMBER HUNTER: Wait, you didn't ask --

COMMISSIONER FREEMAN: I thought we'd make the whole square block, that whole block OS.

CHAIRMAN WOODS: Well, now we're going to have to disagree.

ASSOCIATE MEMBER HUNTER: You didn't ask for Dave's though.

CHAIRMAN WOODS: Anybody not in favor of it being zoned OS?

(No response.)

CHAIRMAN WOODS: Okay.

COMMISSIONER FREEMAN: Okay. You know, that current block there is traditional. And we are, seems to me when I look at this plan is that we are changing it so that we can build some developer's large building there. And that's not done for applause but I'm glad you agree. And so, the Hahn building is traditional and I don't understand why we are proposing that to be the tallest building because it's central and we have
Sherman Plaza which is across the street which is pretty big. But you know, I can go along with the idea of, you know, just moving it to core even though I do believe it should stay traditional.

So, I believe it should stay traditional. But I can see the logic behind, Coleen, of you dropping, your suggestion of dropping central core and moving it into core even though I would prefer to see it as traditional if that helps move this discussion along.

COMMISSIONER BURRUS: Right. And I just think that we, I would be, if it could stay in traditional, I think that that's a fabulous idea. I don't think that would get through Council or P&D, but keeping J in a central core I think is irresponsible. And it sets the Hahn building up to be torn down.

COMMISSIONER FREEMAN: It sure does, yes. And it changes the entire, it will change the entire character of that block. So, that's my perspective. Albert?

ASSOCIATE MEMBER HUNTER: What?

COMMISSIONER FREEMAN: What do you think?

(Mr. Hunter gestures no.)

COMMISSIONER NYDEN: I would like to say I
would of course like to see this stay in the traditional
because I think every time I walk by this section of
Downtown Evanston, I think that block, that triangular
shaped block relates much more nicely to what is north
and south of it than what is east and west of it.
Because I think, you know, all my life that's, you know,
those are the buildings that are the older buildings,
the north and south of that block, and those are the
buildings that have really created the essence of what
is downtown. You know, the Sherman Plaza block is new
and it's still, I close my eyes and I see that street
and I still remember the bus stop and the Osco and the
Citibank building. And maybe I'll be like 90 years old
and I'll still think that way, but I just don't, yes, it
was not attractive and those buses smelled.

And you know, that's not, what is there now is
a vast improvement, no doubt. But I just, the way that
block relates to me, it's north and south and not east
and west. So, I'd rather see it in traditional but I'm
fine with moving it into the rest of the core.

COMMISSIONER FREEMAN: Now, are we all saying
that we wouldn't vote to keep it in traditional because
the City Council would --
CHAIRMAN WOODS: Don't preface your position based on what you think City Council will accept or not accept.

COMMISSIONER FREEMAN: Well, that's what I'm asking. Well, that's what I'm asking. Is that why you wouldn't vote for it to be traditional?

COMMISSIONER BURRUS: I think that, would I be happier with it being traditional? Yes. But if we can build, if we can come out of this closer to a consensus, I do not believe we can probably do that but I would assume that some of the Commissioners that had been steadfast on having a huge building in this core maybe has some compromise and negotiating room. I would hope so. I think that on the opposite side of those Commissioners that have been against a tall building, I think we've done a lot of compromising as well.

And so, being on a committee and being a citizen group, that we have to look at compromises. And I do not think that we can compromise and get through traditional, where we possibly can compromise and get close if it's in the core. And so, mine is more of a trying to find a middle ground that we can all stomach.

COMMISSIONER FREEMAN: But from an aesthetic
point of view and from I would even say an architectural
point of view with the Hahn building, wouldn't it make
more sense architecturally and aesthetically to have a
building that is traditional next to it than to have
something that is even ten stories?

COMMISSIONER BURRUS: I agree with you. I
agree with you.

COMMISSIONER FREEMAN: Well, isn't this about
vision for what we want downtown to be?

COMMISSIONER BURRUS: Yes, I think it is. But
at the same time, there are realities. We can send it
to P&D with four votes that say traditional and four
votes that say we're going to keep the central core at
42 or 49 or 60, whatever they want, and those things are
completely opposite. If we can get somewhere closer and
we can give the City Council that we worked on this and
we thought about it, that we are actually giving them
more guidance than if we were giving dispersed --

COMMISSIONER FREEMAN: Understood, I
understand, yes.

COMMISSIONER BURRUS: That's my only point.

COMMISSIONER FREEMAN: But sometimes it is not
in the best interest of the long term vision for the
City compromises -- I should have rephrased that, compromise is not necessarily what is good for the, or at least from this Commissioner's perspective, what is right for the long term vision of the city.

CHAIRMAN WOODS: Okay. I'm going to go now.

COMMISSIONER FREEMAN: Shall we do a straw vote on that?

CHAIRMAN WOODS: No, I'm going to go now, my comments, because obviously we've been hearing from a perspective which there seem to be four people at least or three people at least that are relatively in agreement.

Personally, and this has been true since I began working on the Downtown Plan Committee two years ago now, I believe that this block does deserve the most prominent building in Evanston. The original recommendation for this was for a base height of 279 feet and a maximum height of -- well, 25 stories which I'm translating it to 279 feet, and 42 stories which I'll translate into 466 feet. And obviously that's a really tall building.

I believe the nature of this site has the potential to create one of the most possibly interesting
buildings that could ever be had in Evanston because of
the north-south relationship of a kind of traditional
base height, and a triangular relationship potentially
of a taller mass at the north part of the block with the
taller towers to the east and west that are south of
that, keeping the traditional Hahn building. And my
hope would be that some day we could have some better
facades on the Fountain Square building at least, but I
don't know when that might occur.

Having said that, I am willing to throw out
another position which says that the base height could
be kept at 165 feet similar to the other core blocks,
and that the maximum height would be reduced from the
466 feet to approximately 365 feet.

COMMISSIONER BURRUS: My math skills are poor.

CHAIRMAN WOODS: Yes?

COMMISSIONER BURRUS: 365 is 40 plus? 40?

CHAIRMAN WOODS: It's about 32 stories, give
or take. I didn't actually do it that way.

COMMISSIONER FREEMAN: Is that with or without
parking?

CHAIRMAN WOODS: Did it a different way.

COMMISSIONER FREEMAN: That's with parking,
right?

CHAIRMAN WOODS: Well, and I want to point out, to get to the FAR, to get to this height, to make it a logical building, you're going to go for every single bonus you can possibly get which means you're going to have underground parking. You're going to have affordable residential or affordable housing. You're going to have affordable housing. You're going to have plazas. You're going to have every single bonus there is in this thing.

COMMISSIONER FREEMAN: Which --

CHAIRMAN WOODS: 165 consistent with the other downtown core districts but the maximum height would be 365.

ASSOCIATE MEMBER HUNTER: Which would translate into how many stories?

CHAIRMAN WOODS: About 35? 32-33, somewhere in there.

ASSOCIATE MEMBER HUNTER: But would it still have that base at four stories? I just think the ziggurat --

CHAIRMAN WOODS: Well, we have our massing consideration.
ASSOCIATE MEMBER HUNTER: That's what I'm asking, the massing.

CHAIRMAN WOODS: Which are in here which say we have a four-story base on this building before a step-back.

ASSOCIATE MEMBER HUNTER: Right.

CHAIRMAN WOODS: And as I'm saying, to really, even if you try to put a max on FAR, the 15 on this site and go to 365, you're going to end up with a tall slim building sitting on a base.

ASSOCIATE MEMBER HUNTER: But I mean the four stories is still the base, is that it, or not? Yes, the profile.

CHAIRMAN WOODS: Yes, that's set by the form based zoning.

ASSOCIATE MEMBER HUNTER: Right. And the Hahn is what, two stories?

CHAIRMAN WOODS: Hahn is, I believe, three.

ASSOCIATE MEMBER HUNTER: Three. So, you could change the base here compared to the rest to match the Hahn, could you not?

COMMISSIONER FREEMAN: Right. I have a question.
ASSOCIATE MEMBER HUNTER: Or not, I don't know. I'm asking.

COMMISSIONER FREEMAN: What is the largest building in the core? The tallest?

CHAIRMAN WOODS: The current tallest building?

COMMISSIONER FREEMAN: In core, yes, that we have right now.

CHAIRMAN WOODS: I believe --

AUDIENCE MEMBER: Chase Bank.

COMMISSIONER FREEMAN: And that is?

CHAIRMAN WOODS: 277 feet?

AUDIENCE MEMBER: 277.

COMMISSIONER FREEMAN: So, what is that?

22 --

CHAIRMAN WOODS: 90 feet taller.

COMMISSIONER BURRUS: It's about 20 stories.

COMMISSIONER FREEMAN: 20 stories, right.

Okay, 20 stories. I thought it was 22.

CHAIRMAN WOODS: Yes, they're office floors so they're taller floor to floors which is why the height is important as opposed to stories here.

AUDIENCE MEMBER: The tallest one actually is Optima across the movie theaters.
COMMISSIONER FREEMAN: Thank you.

CHAIRMAN WOODS: Which is 260.

MR. SMITH: The tower is 28 stories and Optima Views is 265 feet.

COMMISSIONER FREEMAN: So, that's the tallest?

MR. SMITH: No. It's the second.

COMMISSIONER FREEMAN: Second tallest. I just thought you said, someone was correcting me, I'm sorry.

MR. SMITH: Sherman Plaza is the tallest --

CHAIRMAN WOODS: At 276. So, anyway, I'm just putting a different proposal on the table.

COMMISSIONER FREEMAN: -- ten stories taller than that?

CHAIRMAN WOODS: Actually they're probably about eight.

COMMISSIONER OPDYCKE: May I say something?

CHAIRMAN WOODS: Yes.

COMMISSIONER OPDYCKE: I've struggled with this just like I did with the 708 project. I haven't progressed very far. I liked the 49-story proposal for 708 because it did a lot of things. I had some trouble with the aesthetics and those were spelled out pretty much in the caveats that the majority sent on to the
Council. But I liked it for two principal reasons.

One, we can save the Hahn building, I love the Hahn building. And that would have happened if Mr. Klutznick could have put up his building. I don't know where that's going from here. I suspect the City Council is not going to approve anything close to what he is proposing.

Secondly, I liked the fact that it would generate a tremendous amount of money that could have been used to revitalize Fountain Square. And my pet project would be to restore the Varsity Theater and turn it into a performing arts center. And the only way those two things could have been accomplished, I believe, is through the generation of the increased taxes from the 708 project. But that's not going forward. Certainly not as proposed.

But what troubles me now is that we are asked to vote on a zoning designation that would permit not one tall building but two tall buildings. And I'm reminded of that project that Mr. Robinson submitted. I don't want to see two very tall buildings on that block. And if we zone this as proposed, that could happen and I'm afraid of that. I do not want to see that happen.
COMMISSIONER BURRUS: Stu, could you clarify as proposed? You mean what Jim proposed or what's proposed on --

COMMISSIONER OPDYCKE: Well, I think it's the 42 story is part of the --

COMMISSIONER BURRUS: Okay. All right. I just wanted to clarify what --

COMMISSIONER OPDYCKE: If I thought that there were only -- there is one place in Evanston for a really tall building and that is the 708 parcel. And that's the only spot in Evanston that I think is appropriate. But I don't want to see anything happen to that Hahn building. And if we allow a 42-story building to go on the 708 spot, it doesn't mean you couldn't put another 42-story building right next on top of the Hahn building and I don't want to see that happen.

CHAIRMAN WOODS: So, I've got a --

COMMISSIONER OPDYCKE: But I --

CHAIRMAN WOODS: Following up on that, I've got a question for staff and consultant. Can we change the maximum percentage by zone for these categories and not have a legal dilemma? Say for J that all of a sudden landmark preservation went to 25 percent for a
bonus. Based on what zone, I mean it's sort of, Seth has been talking about this a couple of times, make certain things apply in certain zones and not in other zones.

MR. BISHOP: I don't think that's a problem. I think we've already said that some bonuses are not available in some zones. We don't want plazas in our transition district.

CHAIRMAN WOODS: Right.

MR. BISHOP: So, I don't think this is really any different.

CHAIRMAN WOODS: Then I would say that part of the way to help ensure that the Hahn building is preserved is to weight it similarly to underground parking and affordable office. I mean, if, and I'm really talking to Stuart here because he's the one that's raised these issues, if you were thinking that there were positive things about the previous proposal, the things that we didn't like or that it had parking above grade and we wanted to put in underground, the thing that I think a lot of people came to understand that they didn't really like was the fact that the
affordable office was going away and that we would like
to have that included in the proposal, then the thing to
do within this zone would be to make sure that those
things are the things that give you the bonuses that
allow the developer to get to his --

ASSOCIATE MEMBER HUNTER: You would know
better than I, I'm thinking of some situations. I'm
thinking of situations in Philadelphia where facades
have been preserved.

CHAIRMAN WOODS: Facade-otomies sometimes
referred to.

ASSOCIATE MEMBER HUNTER: Pardon?
CHAIRMAN WOODS: Facade-otomies sometimes
referred to.

ASSOCIATE MEMBER HUNTER: Facade-otomy, okay,
I haven't heard that.

CHAIRMAN WOODS: Very traditional in
Washington, DC.

ASSOCIATE MEMBER HUNTER: Yes. But I'm just
curious, and at the University of Chicago, I'm just
curious whether these kinds of proposals would fall
under that --

CHAIRMAN WOODS: In my mind, that's not
preservationable landmark.

ASSOCIATE MEMBER HUNTER: Okay, I don't know.

CHAIRMAN WOODS: In my view, that is the

destruction of a landmark structure. But yes, again,

Carlos, you can weigh in on that.

COMMISSIONER SCHULDENFREI: I mean, just point

of clarification. In the original, in the consultant's

original or out of this charrette came the idea for 708,

having not to do with the Hahn building, for 708,

preserving that facade.

ASSOCIATE MEMBER HUNTER: Right.

COMMISSIONER SCHULDENFREI: And that would, I

think, instead of tearing the building down --

ASSOCIATE MEMBER HUNTER: Pardon?

COMMISSIONER SCHULDENFREI: Instead of tearing

the building down, as much as I do not approve of a

facade-ectomies, I don't approve destroying a building

all together even more. So, in the case of 708, it

would actually be really helpful to keep that street

level. And if it's done well, it does keep that street

character and it can actually be a really nice, and

they're doing this somewhat in London and in New York

they do it, they've done it in a few situations, the
Hearst building being one of them.

ASSOCIATE MEMBER HUNTER: Right.

COMMISSIONER SCHULDENFREI: Not quite so successfully but it can actually be a very interesting contract, the stone facade and then a glass tower rising up.

ASSOCIATE MEMBER HUNTER: Right.

COMMISSIONER SCHULDENFREI: And just thinking about that --

ASSOCIATE MEMBER HUNTER: I'm not saying we should sit here and design it, but I'm just trying to figure out what are the implications of certain kinds of, you know, restrictions or stuff like this for the potential variability of a creative architect to come along and do stuff. Do you see what I mean?

COMMISSIONER FREEMAN: Stuart, I just wanted to ask you, is your number one priority then is to make sure that that Hahn building isn't going anywhere, is that correct?

COMMISSIONER OPDYCKE: That certainly is part of it. But I would not want to see two skyscrapers if you will adjacent to one another in that block which would no doubt include the 708 property and the Hahn
building if that were to happen.

COMMISSIONER BURRUS: Stu, would you want then
the Hahn and Fountain Square to be part of the
traditional which they currently are? And then that
would, in essence even how the J is done now, the
reality is only 708 Church is buildable but, you know,
let's call a spade a spade. So, if we can take the Hahn
and Fountain Square building, not Fountain Square
itself, and make that into, change it to the traditional
zone, that may --

COMMISSIONER OPDYCKE: That may satisfy me.

That may satisfy me.

COMMISSIONER BURRUS: Okay.

COMMISSIONER FREEMAN: Why not do the whole
block --

COMMISSIONER STALEY: That would never stand
up legally.

CHAIRMAN WOODS: There we go.

COMMISSIONER STALEY: Never. So, why can't
you just, but leaving the whole block of traditional
would stand up -- I mean, I don't understand why --

CHAIRMAN WOODS: Why would it, I would like to

hear Chuck's legal point.
COMMISSIONER STALEY: Well, I'll try to keep
the word logic out of this so that --
CHAIRMAN WOODS: There might be other words,
too, Chuck.
COMMISSIONER STALEY: I kind of prepared for
you by reading the transcript and so I sort of
understand where you come from and maybe where you've
been. But the way I see it, you've got a small tract
here. You've got a small tract of property here in the
center. You've got all of this, you know, reams and
reams of material and records and testimony as to what
has been planned. And then it finally comes down as to
how you worked it out. You worked it out so that kind
of the north end of the property can, you know, have the
benefit and go up but this guy has got Fountain Square
down here, he's got to sit with it and he's losing the
value.

The record is so replete that with how it was
all planned that really anyone could win that case
against the city. It would be just like the city loses
a lot of cases but this would be another one that would
be a lead pipe absolute clear loss. You can't
discriminate like that in that particular small of an
area, particularly when you've built the record that we've built over the last year. Do you understand that?

COMMISSIONER NYDEN: I would disagree.

ASSOCIATE MEMBER HUNTER: I'm trying hard to, Chuck. But I want to address you privately on your aside and parenthetical comment after the meeting.

COMMISSIONER STALEY: Well, you do if I am still able to.

COMMISSIONER NYDEN: But I'm just trying to understand that. So, I mean, the Barnes & Noble site and everything north of that, I mean across the street, we're saying they can only go a certain height there to, you know, 33 feet. Is that right? Yes, 33 feet, sorry. So, how does that not create a problem? I mean, I'm not trying to be flippant here. I'm just saying from a legal perspective, how does that not create a problem when the Barnes & Noble guy who has an idea from what we understand from the presentations on 708 has this idea that he's going to get some big tenant there and he might have visions of grandeur that he should get a bigger building.

I mean how is he not going to sue the city saying you're letting the person across the street build
a big building and not me? Right, the biggest building. I mean, from a legal perspective, how does the city not get sued --

COMMISSIONER STALEY: But the city may very well get sued. No, they're going to get sued but the city will have a much stronger case in defending that. But part of what I'm talking about is the record that we had built over the last year, year and a half here that will make it so much easier to win. If you don't understand it, I can't explain it. I'm not --

COMMISSIONER FREEMAN: Well, it seems like the only option is to leave it all as traditional and then you don't get sued, okay, because then you'd have it, it's the same thing as it was since '89.

CHAIRMAN WOODS: I disagree with that. It's not the only option. There are other options.

COMMISSIONER FREEMAN: You're right. You're right, there are other options.

CHAIRMAN WOODS: Which I don't think you want.

COMMISSIONER OPDYCKE: Chuck, you're absolutely right. The record reflects some legal problems if we were to sort of exclude the Hahn building. I don't have any problem with that. In the
face of that, I think I would go ahead and accept our
Chairman's compromise recommendation on the height
limitations.

COMMISSIONER BURRUS: Okay. So, Stu, you're
going, you're basically saying that if it takes Jim's
recommendation, so if the Hahn building goes away as
part of that, you're okay with that?

CHAIRMAN WOODS: But as part of my opinion is
to also put in the bonus, higher bonus for --

COMMISSIONER BURRUS: Right, but that doesn't
mean they're going to take it.

CHAIRMAN WOODS: No, it doesn't, but I
guarantee you that it's the easy way out. And
ultimately, that is the thing that plays into the
equation of what the developer will decide to do. The
thing that's going to cost them the least.

So, anyway, I guess we need to clarify what,
there is one proposal on the table that's to keep it
traditional. There is another one to make it part of
the core district. And then there is this third
position. Any other positions?

ASSOCIATE MEMBER HUNTER: Park? You liked the
park. Who liked the parks?
COMMISSIONER FREEMAN: We all like the park. We all would love to do a park.

CHAIRMAN WOODS: I don't really think it's necessary. I've got a big thing lake out there with lots of park.

COMMISSIONER FREEMAN: So, let's go sailing, I've got my deck shoes.

CHAIRMAN WOODS: But you know, if somebody wants the park, maybe we should put that on the table as one of the options.

COMMISSIONER FREEMAN: All right, let's put it, let's vote on that as an option.

CHAIRMAN WOODS: Okay. So, we have park, we have traditional, we have core, and we have modified downtown core. That's fine.

COMMISSIONER BURRUS: I think, start on that end this time. Maybe we start on this end.

CHAIRMAN WOODS: Okay. Chuck?

COMMISSIONER STALEY: What are we voting on? Which one?

CHAIRMAN WOODS: Tell me your preference for park, traditional, core or downtown core.

COMMISSIONER STALEY: Well, since I have to
start, I'll go to this modified downtown core. It might have been different if it had come the other way, but we'll see.

COMMISSIONER GALLOWAY: Modified downtown core.

COMMISSIONER BURRUS: Can we take a five-minute recess? Or actually, okay, I have an issue with this.

CHAIRMAN WOODS: Yes?

COMMISSIONER BURRUS: Okay, here is the reason why. It's because we have four options now. And the reality is that four of you are insisting on a tall 32 stories or whatever behemoth you want. Anyway, and three of us are willing to compromise on either it being a park, traditional or the core.

COMMISSIONER FREEMAN: You should be voting on each individual item, not on, you know, each one of us votes on which one we prefer.

COMMISSIONER BURRUS: Right. And that's what I'm saying is that we need to stop the vote as it is because how it's now happening is it's a watered down vote.

COMMISSIONER FREEMAN: Yes, you've got to go...
through and say, okay --

CHAIRMAN WOODS: I'll agree to do this. We vote on the four, the two that come out the highest, we'll revote.

COMMISSIONER FREEMAN: No. No, no. It's just like when we went through and said can we change this --

CHAIRMAN WOODS: Like a runoff.

COMMISSIONER FREEMAN: Wait, wait. We went through and we took J and we created the park and said no, that's OS. We voted on that.

CHAIRMAN WOODS: Yes.

COMMISSIONER FREEMAN: All right. So, now this should be a proposal on the table that says, okay, for the rest of it, let's see if we can pass something that says it's all park.

CHAIRMAN WOODS: Okay. Let's do that. Let's do that.

COMMISSIONER FREEMAN: If that doesn't pass, then we go to the next option and see whether or not, hey, it's all downtown core.

CHAIRMAN WOODS: I'm trying to figure out, ultimately I'm trying to figure out where the two positions are that are going to get presented to the
COMMISSIONER FREEMAN: Sure. Park is not viable, absolutely not.

COMMISSIONER BURRUS: Right. Jim, I'm not arguing, I'm just saying to give, whatever goes forward, I just want it to be --

CHAIRMAN WOODS: And I just said let's do that.

COMMISSIONER BURRUS: Yes. No, I'm just --

CHAIRMAN WOODS: So, park, yes or no?

COMMISSIONER GALLOWAY: No.

COMMISSIONER STALEY: No.

COMMISSIONER FREEMAN: No.

COMMISSIONER BURRUS: No.

CHAIRMAN WOODS: No.

COMMISSIONER OPDYCKE: No.

COMMISSIONER SCHULDENFREI: No.

COMMISSIONER NYDEN: No.

CHAIRMAN WOODS: Okay.

COMMISSIONER BURRUS: But what's going to happen now?

CHAIRMAN WOODS: Park is out.

COMMISSIONER BURRUS: I know that. But now?
CHAIRMAN WOODS: Now we --

COMMISSIONER BURRUS: Are we just counting the votes?

CHAIRMAN WOODS: We just take the next one.

COMMISSIONER BURRUS: What we agree on? So, if you agree on traditional, we say yes, we agree on traditional. And then if we agree on moving it to the core, we say yes to the core. And then if we agree on the next one, so each one we're going on to the next --

CHAIRMAN WOODS: Right. We'll have a vote on each one.

COMMISSIONER FREEMAN: Vote on each one. And then if we have one that's the ultimate winner -- we've already agreed to green roofs, so we already have a park there.

COMMISSIONER SCHULDENFREI: But what if I vote, obviously I'm in favor of traditional because it makes a lot of sense. But, hold on, but I think the issue about consensus and about sending a strong message -- okay.

CHAIRMAN WOODS: Okay. Traditional, Chuck?

COMMISSIONER STALEY: No.

COMMISSIONER GALLOWAY: No.
COMMISSIONER FREEMAN: Yes.
COMMISSIONER SCHULDENFREI: Yes.
CHAIRMAN WOODS: No.
COMMISSIONER OPDYCKE: No.
COMMISSIONER NYDEN: Yes.
COMMISSIONER BURRUS: Yes.
CHAIRMAN WOODS: 4-4. Core?
COMMISSIONER STALEY: Yes.
COMMISSIONER SCHULDENFREI: Wait, wait, wait.

This is moving it into --
CHAIRMAN WOODS: This is just moving it into
the regular core.
COMMISSIONER STALEY: I'm going to be yes for
that, you know. Yes.
CHAIRMAN WOODS: That's all right.
COMMISSIONER STALEY: Yes.
COMMISSIONER OPDYCKE: I take it, Mr.
Chairman, we can only vote for one?
COMMISSIONER BURRUS: No, no.
COMMISSIONER STALEY: No, no. You can be
voting, you know, we're going to vote on all of them.
COMMISSIONER OPDYCKE: Okay, all right. Yes,
you can vote in favor of two different proposals?
COMMISSIONER BURRUS: Yes.
COMMISSIONER STALEY: Yes.
COMMISSIONER OPDYCKE: Okay.
COMMISSIONER FREEMAN: No.
COMMISSIONER GALLOWAY: No.
COMMISSIONER SCHULDENFREI: Yes.
CHAIRMAN WOODS: No.
COMMISSIONER OPDYCKE: No.
COMMISSIONER NYDEN: Yes.
COMMISSIONER BURRUS: Yes.
CHAIRMAN WOODS: 4-4, I believe.
COMMISSIONER BURRUS: Yes, because Chuck was on our side.
COMMISSIONER FREEMAN: Wait, wait. Was this for the --
COMMISSIONER BURRUS: The core.
COMMISSIONER FREEMAN: Yes.
CHAIRMAN WOODS: Now it's 5-3. Thank you.
COMMISSIONER FREEMAN: Sorry, I misunderstood.
COMMISSIONER NYDEN: Wait, I thought Chuck voted yes.
COMMISSIONER BURRUS: Yes.
CHAIRMAN WOODS: He did.
COMMISSIONER STALEY: I did vote yes.

CHAIRMAN WOODS: But David, Stuart and I vote no.

COMMISSIONER BURRUS: So, it's not 4-4?

COMMISSIONER STALEY: It's 5-3.

CHAIRMAN WOODS: No, it's 5-3. Modified downtown core.

COMMISSIONER STALEY: Yes.

COMMISSIONER GALLOWAY: Yes.

COMMISSIONER FREEMAN: No.

COMMISSIONER SCHULDENFREI: No.

CHAIRMAN WOODS: Yes.

COMMISSIONER OPDYCKE: Yes.

COMMISSIONER NYDEN: No.

COMMISSIONER BURRUS: No.

CHAIRMAN WOODS: 4-4.

COMMISSIONER BURRUS: So, we do, we have a majority on the core.

CHAIRMAN WOODS: We have the core. And staff, prepare a memo accordingly.

COMMISSIONER STALEY: Majority on the core.

COMMISSIONER BURRUS: No, I mean, but do the Commissioners who voted against moving it to the core,
is there any way that you feel that it can make you
happy?

CHAIRMAN WOODS: No.

COMMISSIONER BURRUS: So, unless 708 Church is
30 plus stories, you will not be happy?

CHAIRMAN WOODS: Possibly 30 plus stories.

COMMISSIONER STALEY: What does happiness have
to do with this?

COMMISSIONER BURRUS: Well, okay. Well,
that's true. That's a good point. But you would not
feel comfortable unless a developer is allowed to build
a 30 plus story building?

CHAIRMAN WOODS: With bonuses, yes. I believe
it's the right thing.

COMMISSIONER OPDYCKE: And without bonuses,
what is it? 17-18 stories? 15 stories?

COMMISSIONER FREEMAN: She's trying to get a
better, this is not --

COMMISSIONER OPDYCKE: Oh, I know, I applaud
your effort to try to get a consensus because it would
be nice to hand that to the City Council. But as I have
said, I think there is one place for extraordinary
height and this is the place.

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COMMISSIONER FREEMAN: All right. Well, then,
you know --

COMMISSIONER GALLOWAY: I think the story has
been said. The transcript as well as what the staff
summarizes in regards to the vote I think communicates
our positions.

COMMISSIONER NYDEN: I don't think there is
any surprise here.

COMMISSIONER GALLOWAY: No.

COMMISSIONER NYDEN: I mean, except maybe
Chuck agreeing with us.

CHAIRMAN WOODS: On the core one.

COMMISSIONER NYDEN: On the core for the one.

ASSOCIATE MEMBER HUNTER: Could I make a
comment on the park?

CHAIRMAN WOODS: Yes, absolutely, Al.

ASSOCIATE MEMBER HUNTER: Since I raised that.

COMMISSIONER FREEMAN: Well, I actually raised
it a few meetings ago.

ASSOCIATE MEMBER HUNTER: Oh, I'm sorry, okay.

COMMISSIONER FREEMAN: You were traveling
overseas somewhere.

ASSOCIATE MEMBER HUNTER: Right. I wasn't
proposing that everything be torn down. I think it's terribly important though that Evanston, City Council and Evanston et cetera, does have a sense that when we talk about the core, that we are talking about a public space which really is symbolic of the core of Evanston. I mean, I still go over to the Rose Garden to see the original fountain that was in Fountain Square. So, when I made my comments about an open space, I think the City of Evanston is in need of a symbolic core of a public space where that kind of phenomenon, a variety of different phenomenon can occur.

And I'm just thinking as a Plan Commission, I think it's important that we keep that in the fore.

CHAIRMAN WOODS: Yes. The reason, I mean, you know, quite frankly the one thing I think we could all agree upon, you know, regardless of your position on lower height or higher height or anything else is that Fountain Square as a public space needs improvement.

ASSOCIATE MEMBER HUNTER: Right.

CHAIRMAN WOODS: Redesign.

ASSOCIATE MEMBER HUNTER: And what we can do to, you know --

COMMISSIONER FREEMAN: It's too small of a
public space.

ASSOCIATE MEMBER HUNTER: Well, that's another thing. But I'm just saying I think we --

CHAIRMAN WOODS: Now we're talking about the city acquiring property. Or having it donated to them which I don't think that landowner is going to do.

COMMISSIONER FREEMAN: He doesn't need some --

CHAIRMAN WOODS: No, he certainly doesn't.

He's got a money making property.

ASSOCIATE MEMBER HUNTER: Okay. That's all. I just wanted, I didn't envision everything being --

CHAIRMAN WOODS: Right. Okay. So, I'm not really sure where we are on this other than there were three different proposals, one proposal that was clearly not interested in, two proposals that had 4-4 votes, and one proposal that had a 5-3 vote. And there's various rationales for different positions and I don't know anything better to do at this point than to state what the three options are and what people have said pro and con against those options for this block.

COMMISSIONER BURRUS: Earlier you suggested that the people that voted on the various topics would have the ability to edit and articulate.
CHAIRMAN WOODS: Yes, absolutely.

COMMISSIONER BURRUS: And so, when do you envision that happening? Clearly some of us would like to write our own material.

CHAIRMAN WOODS: Yes, that's fine. Dennis, would you like to talk about process and time frame and what do we do?

MR. MARINO: I think we'd certainly like to get the transcript, staff and consultants here before we start to write.

CHAIRMAN WOODS: Really? You haven't been taking like --

MR. MARINO: So that will take a little bit of time, although we'd like to move quickly to give this back to you. But it seems to me that we would need a good chunk of the month of August to be able to achieve what needs to be done.

COMMISSIONER BURRUS: What do we have on the agenda for our September meeting? Any?

CHAIRMAN WOODS: Tracy?

COMMISSIONER BURRUS: I know we have one next week but --

CHAIRMAN WOODS: There are issues involved
with meetings going forward from here. Next week, there
are a number of us who are not going to be able to be
here.

COMMISSIONER BURRUS: Right.

CHAIRMAN WOODS: We have a Zoning Committee
meeting on the 20th or, I think it's the 20th.

COMMISSIONER BURRUS: Right. And that's what
I'm sort of addressing is if --

TRACY: Yes, it is the 20th.

CHAIRMAN WOODS: Which a bunch of people are
not going to be here for. September 10th, I know that
Chuck is not going to be here. In fact, Chuck is
basically out for the entire month of September.

COMMISSIONER BURRUS: Yes. I guess what I was
trying to say is if we do not have anything on the
agenda for the September 10th meeting, can we schedule a
meeting later in September that we all agree on that
we'll have the document ready by then? I'm just trying
to find a way to put something on the record. Clearly
it's not going to be ready for next week. We want
everyone to be here.

CHAIRMAN WOODS: Yes. I think there's a
number of issues here.
COMMISSIONER BURRUS: Okay.

CHAIRMAN WOODS: One of the issues that clearly was brought up forward is the whole issue of public comment. And there is also probably an issue of people having materials to review so that they can make public comment which maybe even a bigger issue because at this point, in my opinion and again it's just my opinion, that us hearing another round of public comment, I'm not sure what purpose that serves. I think it's better at P&D, but I think the thing that has to absolutely occur is that approximately three weeks prior to its being scheduled for P&D, the document with the attached memorandum needs to be out there for public --

COMMISSIONER FREEMAN: Absolutely.

CHAIRMAN WOODS: To review, read, review and be prepared for.

COMMISSIONER FREEMAN: Absolutely.

COMMISSIONER SCHULDENFREI: If they only have a minute each or 60 seconds at P&D, having it three weeks --

MR. MARINO: If I could comment? I think staff certainly could deliver documents in advance of the September 10th meeting. Perhaps we could devote the
September 10th meeting to that. The other issue in terms of what's typical going forward from the Plan Commission or another board or commission to P&D with a recommendation is that that's done with a communication, in this case you'd also attach the blue line documents and then any other, shall we call them special reports, that Commissioners would like to make or groups of Commissioners in terms of particular voting patterns on issues.

But overall, what we're presenting is the consensus document of the Commission which is a pretty substantial consensus document, you know, that goes forward to P&D. P&D then wants to hear from the Commission, wants to hear from the consultants, and also would want to hear from citizens who desire to comment or add additional input.

So, that's the typical process that moves forward from a recommending commission to the Planning & Development Committee.

COMMISSIONER BURRUS: So, then there will be just, kind of like what the consultants did previously, there will just be an asterisk on the items that we haven't been able to come to consensus so there won't be
what's currently in the plan, it will just be an
asterisk with see attached comments.

MR. MARINO: Right. And that would be
reflected in the memorandum certainly in terms of, you
know, the pattern of voting we had a few minutes ago on
those parking lot issues, you know, that weren't
resolved. But most of them were resolved it seemed.

CHAIRMAN WOODS: Dennis, do you want to
address public comments/participation at P&D in terms
of, there seems to be a great deal of concern about the
fact that very open at P&D there is a minute to kind of
try and encapsulate everything you think about --

MR. MARINO: Yes, it's varied. There have
been sort of very brief allowances in some cases, often
depending on the total amount of time and the number of
people to speak. There's usually, you know, a division
so that each person gets an equal amount of time to
speak. You know, there also have been opportunities
where there's been more extended period for comment.

But it's really the call of the Planning &
Development Committee as to how they want to handle
that. Certainly the Commission can make recommendations
in that regard, but it is the call of the Committee.
But certainly they do want to hear from constituents directly as well.

COMMISSIONER NYDEN: It might nice before it gets, because I don't want, I don't think it's the Plan Commission's position to be telling P&D how much time people should get to talk and stuff. I'm sure that would not endear us to them in any way. But maybe it would be good if there was a way, I mean, I know there's the like downtowncityofevanston.org email or something, but some way to just renew the call for comment and create some virtual way, some kind of Wiki or something that people can post their comments, see that they've been posted, not just you send off an email and it goes to somebody and then they never see the comment.

I think that's really powerful when people make comments and then they can see them appear. If there was a way to do that somehow where people capture the comments and then they get shown. It's just something --

COMMISSIONER BURRUS: We're sort of --

CHAIRMAN WOODS: Sort of like when you go to a newspaper article and then you see the comments below the article.
COMMISSIONER NYDEN: Exactly. So then you're just, I'm sorry, I'm looking at you, Tracy, but --

MR. MARINO: We could certainly work with our IS Department to see what's possible. There may be some legal issues related to, you know, agreeing to post all comments --

COMMISSIONER NYDEN: Right.

MR. MARINO: Regardless of what they say. So, there are certain issues there.

COMMISSIONER FREEMAN: Well, you can't do that, you wouldn't do that regardless. I mean, if they are saying things that are illegal or of foul language or anything. But I would be, I've done this thing from a corporate perspective before. And I volunteered, so I'll volunteer again to help your IT or IS group do that.

MR. MARINO: Thank you. But we'll certainly follow up with IS. I understand, you know, the purpose you're trying to achieve. We'll see what we can do.

COMMISSIONER NYDEN: Just some, yes, I mean, I don't think we need to do the public hearing process again here. And you know -- event, well, that would be lovely, I mean, what's the outcome going to be and how
to capture that in a timely manner that's sufficient for
the consultants and for staff.

CHAIRMAN WOODS: Just a, I guess I wanted to
first of all thank the consultants for their
participation throughout all of this, and the effort and
work that they have put in, the effort of city staff,
the effort of the public to participate in this. And
actually, you know, as a Plan Commissioner that has gone
through this process and obviously there have been
difficult times for all of us at times, but I still want
to commend all of us for having achieved a document that
ultimately is going to, you know, 95 percent plus of the
document we have agreed, and those items that we
haven't, we're going to get to put forth positions in
whatever way we feel necessary and let the City Council
and Planning & Development Committee sort it out.

COMMISSIONER FREEMAN: Excuse me, Jim?

CHAIRMAN WOODS: Yes?

COMMISSIONER FREEMAN: Isn't there, I mean, is
this now going forward, this document? Don't we need to
see a final document?

CHAIRMAN WOODS: We're going to see it in
September.
COMMISSIONER FREEMAN: Okay, okay. Sorry.

MR. MARINO: Yes, I think you've seen close to a final document tonight.

COMMISSIONER FREEMAN: Yes, absolutely.

MR. MARINO: I think the issue is what you discussed about tonight being reflected.

COMMISSIONER FREEMAN: Absolutely.

MR. MARINO: Not only in the document but in a summary communication that staff will prepare in draft form for your review.

CHAIRMAN WOODS: I would love to see that there was some way to get that to Chuck before he leaves town so that we could learn Chuck's feelings about the --

COMMISSIONER STALEY: They have email in Germany.

CHAIRMAN WOODS: I understand. But I'm just, you know, you're going on vacation, you deserve to go on vacation and --

COMMISSIONER BURRUS: Is there any way, I'm not sure, is there any way for process, because Chuck will be out of the country, for there to be a proxy vote? I don't know the answer to this.
MR. MARINO: No, there is really not.

COMMISSIONER BURRUS: We can't Skype him in?

MR. MARINO: No. And in fact, I mean, what you've done tonight is you've completed your voting process. And so, what we're doing is really kind of preparing for you a communications document, you know, is the way that I have understood this. And that's what we normally do for boards and commissions. You know, you've gone through each element and that will be reflected, you know, in the consultant's revised report.

COMMISSIONER BURRUS: I also want to clarify. The revised report, the document that we received last night had obviously a lot of errors, and then there were things that were crossed out. The document that we will be sending forward to P&D will be clean document, correct?

COMMISSIONER FREEMAN: Similar to something like this?

MR. MARINO: If what you mean by crossed out, I mean, the blue line things that were deleted?

COMMISSIONER BURRUS: Yes.

MR. MARINO: I think part of the record that we wanted to show the Planning & Development Committee
is how the consultant's recommendation has changed from what they saw in October to what they're seeing come out of the Plan Commission.

COMMISSIONER BURRUS: I have a, I can't vote on that.

MR. MARINO: There were also, let me finish. Yes, let me finish. There also will be a clean copy that reflects the Commission's recommendations.

MR. LaMOTTE: And also, just to clarify, is that the clean copy so it's easier for people to get through, I mean, if you have 19 different colors in strikeouts, it's hard. But they will, it will be a lot easier on your elected officials if they are able to see what they already have had for almost a year. They've had this draft that we have and it will be quicker for them to be able to go say it was changed, changed, changed, changed, changed.

If they hadn't had a draft, then it might be different. But to show them here is what was changed, here is the memo that's transmitting it, and here is a clean read if you don't want to go through all that.

COMMISSIONER BURRUS: No, I cannot go forward and vote approval on a plan such as that. Absolutely
not. And I'm not sure what anybody else feels about that.

CHAIRMAN WOODS: Well, hold on, hold on. Can I make one point here? City Council automatically gets transcripts. They are automatically going to get the history of the process which includes all the blue lines.

COMMISSIONER BURRUS: I agree 100 percent. And so why are we giving them a marked up document that we can barely follow? Because we --

CHAIRMAN WOODS: Yes, but they're going to get that.

MR. MARINO: For their convenience. I mean, I think, you know, hopefully they'll have time to read all the transcripts but there's quite a lot. But one of the things we try to do as staff is to be able to give the aldermen, you know, a clear overview of what's transpired. So, I think the principal document is the clean copy that goes forward. And then just view the blue line document as a working document --

CHAIRMAN WOODS: Reference tool.

MR. MARINO: Kind of a reference tool as a working paper. It is not the document.
COMMISSIONER FREEMAN: It is the most confusing thing and I've only, you know, I have only been what, six months now, five months, however many it is, five months, four? God, a long time, but anyways, the point is that is a very confusing document. And I've worked with, you know, track changes for years and, you know, Microsoft has gotten it a little better as the years have gone on. But it is not a tool that is supposed to be used for management to look at where you've been because every time you accept a change, you should not be able to see the previous change, all right, so unless you turn on all the changes that you've accepted.

So, when you go through a document and you say, you turn on track changes, you have to accept the change to then insert, you know, so you're not getting all the changes. But you're not going to get a document with all the changes. You don't, it doesn't track the changes for a year. You accept the change, it accepts only the last change. I think you can maybe set it to accept a couple. But this documentation doesn't do that.

MR. LaMOTTE: Okay, again, let's clarify it.
We're not intending to have 15 different changes that they have to see that the sentence was tweaked 15 times. It will be here is what was in the original document that they all got, and here is the new text. That's it. Right near there, so they can understand what the change was because they've had it for almost a year.

COMMISSIONER FREEMAN: I mean, so you're going to give them the original document --

CHAIRMAN WOODS: They already have the original document.

COMMISSIONER FREEMAN: Okay, but the point is then you're going to give them the final document because there is no way to put a document together even with merge that says -- maybe there is a way to do it with merge.

MR. LaMOTTE: And we're over-complicating because it can be done. And we need to do that because elected official after elected official will say, well, let me see what was said and I lost my book and I want to see the change. And it might just be a highlighter on the new paragraph. We'll work all that out.

But the transmittal will say we the Plan Commission has transmitted this document with 95 percent
consensus, with these items that have not consensus with
these reasons, and then here is how the book looks in
somewhat of a strikeout and clean. You take your pick,
elected official, on how you want to review it. That's
all it is. Because you're right, if we have 95
different strikeouts in one sentence, it will --

COMMISSIONER FREEMAN: But still the original
document is your best stab before the Plan Commission
went at it, right?

MR. LaMOTTE: Right.

COMMISSIONER FREEMAN: Right. So, you
delivered a document which was your best stab based on,
Coleen, help me here.

COMMISSIONER BURRUS: What, sorry?

COMMISSIONER FREEMAN: You delivered a
document based on, the consultants, based on the input
of everybody.

MR. LaMOTTE: Right.

COMMISSIONER FREEMAN: So that was the
original document.

MR. LaMOTTE: First draft.

COMMISSIONER FREEMAN: They have that. Now
you want to give the changes to that original document?
It doesn't make sense because the Plan Commission has to go through that, that's what our responsibility is. What you gave was just what you came up with based on the meetings. And we're going through to say --

CHAIRMAN WOODS: Okay, but wait a second.

COMMISSIONER FREEMAN: Doesn't make sense.

Explain that.

CHAIRMAN WOODS: Following the meeting in whatever month that was that I was not able to be at, when we were asked to appear in front of the P&D -- City Council, sorry.

COMMISSIONER BURRUS: When we lost the quorum?

CHAIRMAN WOODS: Yes. What City Council very clearly directed was they wanted our best thinking. For them to understand the thinking, they need to see the transcripts and the changes to the document.

COMMISSIONER BURRUS: Did you do it, okay, my question is how was the West Evanston Plan transmitted? And secondly, do we do this on PUD's that come before us? Do we send them the original one plus the one that we have recommended? I don't think so. Why would we do it differently on this particular plan when there is no precedent? And I'm sorry, the lawyers can probably talk
about precedent for this.

I'm just asking where is the possible logic in giving them a document that is hard to follow, is completely confusing with the supplements --

CHAIRMAN WOODS: First of all, again, you know, that's an opinion.

COMMISSIONER FREEMAN: Well, I've had my CEO tell me many times --

COMMISSIONER BURRUS: You had trouble following it tonight, too.

CHAIRMAN WOODS: No, I actually have not had --

COMMISSIONER FREEMAN: Let's not fight. The point is --

CHAIRMAN WOODS: -- problem following it. And for example, and I'll give this the same analogy that I gave earlier this evening, if I'm working on a contract with a client as a principal in charge of a project, I work through that contract and it's showing all of the changes that are being made to that contract. Ultimately it has to go to the president of my company for him to review and approve. He doesn't want that as a fresh document, he wants to know where it started,
where it ended up, and exactly how it got there.
Because without that, he is not going to agree to it.

COMMISSIONER BURRUS: Okay. So, you're saying
that that's how we have always done business and that's
how we should continue to do business in the future?

CHAIRMAN WOODS: Well, first of all, a planned
development is different in that we're not editing tax.

COMMISSIONER BURRUS: Okay. So, for Central
Street and West Evanston, how was it done?

CHAIRMAN WOODS: I don't even know anymore.

COMMISIONER FREEMAN: You know, I think we
were --

MR. LaMOTTE: Let's rewind the movie, and
Tracy and Dennis, correct me if I'm wrong, if I
remember, we had the clean document, you reviewed it,
and then the changes that were made, we made a memo. I
think it was an errata sheet memo kind of thing that
when the Council got it they said, oh, they changed page
14 --

CHAIRMAN WOODS: I don't think we actually
ever changed the original --

MR. LaMOTTE: Because there weren't that many
changes at the time. Instead of reprinting and
reprinting, it was a memo on top of the original book. And then they could say, oh, page 33, they added this text, page 44, they eliminated this.

This is much more complex. And as we all know, it's been controversial. And the idea is to help the Council members get through it. They're not like getting a fresh document they've never seen, but it will be quicker for them to read. And for everyone that says, well, I don't need to look at the blue document or the yellow document, someone is going to ask and say, well, let me see what the original paragraph is, I lost my book, or I don't want to hunt for my book. It's going to help them make their decision making.

COMMISSIONER FREEMAN: But, you know, I'm sorry, but the Plan Commission is tasked to give our best thinking. Our best thinking ends up as a single document, not a bunch of versions of a document. It seems to me that it's a waste of the City Council's time. Now, if they want it, then we should give it to them. The only option --

MR. MARINO: And I think that's the key issue. In terms of they're all public documents, so they will be provided to them in terms of whatever they need, in
terms of, you know, getting a total understanding.

Again, the core issue is the final document --

COMMISSIONER FREEMAN: That's right.

MR. MARINO: That you're recommending with

whatever additional reports get appended to that.

That's the key document. But everything else --

COMMISSIONER FREEMAN: If they want to see the

changes.

MR. MARINO: -- context like a legislative

history, they're all public documents. So, whatever

they ask for, you know, staff will provide.

COMMISSIONER BURRUS: Okay. So, I think that

then if you're insisting on doing it this way, then we

should actually have a vote at the September 10th

meeting, although Chuck won't be here, because I think

that we send the document that you're proposing, I would

think we'll go to a 4-4 tie on it being submitted as

such and you will have basically a non-recommendation,

not that I can speak for my other Commissioners. But

the way you're proposing it I think is slightly

duplicitous.

MR. LaMOTTE: Let me clarify because we have

to do the editing and writing and cleaning and fixing
the drawings. So, I'm unclear. They're getting the
same thing. One has strikeout on it and the other has
the final story. There is no slipping in a paragraph
here or changing a paragraph on you. You've already
voted on the whole thing today and in the last couple of
weeks. 95 percent consensus. Here's your items that
you're going to explain. You guys are all wanting to
write all this, that will be in there.

So, what is it, we're not slipping in the
document that doesn't say something different. It's the
same document. And they choose: I want to read the
clean one or I want to read the one with the highlights.

COMMISSIONER NYDEN: It's just, I mean, it's
Word with track changes and then five minutes later it's
Word we've accepted all the changes and we're printing
it up and giving to City Council, right?

MR. LaMOTTE: Right.

COMMISSIONER NYDEN: Okay. I'd feel okay with
giving them a track changes version if you put a big
watermark on the back that just says draft, change log,
something that made it very clear that this is not, you
know, printed on recycled paper like --

CHAIRMAN WOODS: Put change log on the cover.
COMMISSIONER BURRUS: Or a watermark of draft on every single page because it is not appropriate, I am so adamant about this, because we are not sending that document as a recommendation. We're sending a completely revised document as the approved document. And I think that that needs to be very clear.

CHAIRMAN WOODS: We all agree on that.

COMMISSIONER GALLOWAY: I think that's very clear. I don't know what the issue is here. If I am an alderman and my time is very limited, granted our aldermen are up to their eyeballs in problems right now, how they're going to find the time to adequately address this in a timely manner, I don't know.

COMMISSIONER FREEMAN: So, even with just the one document --

COMMISSIONER GALLOWAY: Just a second. But I do know that if I'm one of them and I want to do a quick study of this, and if I've already read the original document, if someone gives me a document that indicates what has changed from the original document throughout the time period that we have reviewed it, that's a damn quick study. And it tells me where, you know, where it started and where it ended up. And granted it has to be
indicated with strong highlighter that, you know, this
is what was added or deleted.

COMMISSIONER BURRUS: Right. Here is my
issue. And it all, of course everything always stems
back to 708 Church, is that this Commission by a slim
majority, by one vote, voted to approve that with
caveats, with saying it's only approved with certain
restrictions. Once it got to P&D, suddenly those
restrictions were forgotten, okay, and everyone said
it's an approved document but conveniently forgot about
the restrictions and the caveats.

Our Commissioner Woods, Jim Woods, got before
P&D and said the very thing. I approved this, I'm
ignoring the caveats. Okay, that's not an appropriate
way to send a document forward to P&D with
recommendations or caveats. And I don't mean to call
you out, Jim, but that's what happened at P&D.

CHAIRMAN WOODS: Coleen, it is also possible
to have a voice as a Commissioner and a voice as a
citizen. And I came before Council and made it very
clear that I was expressing my opinion as a citizen of
Evanston.

COMMISSIONER BURRUS: Fair enough, duly noted.
But the developers continued to say that Plan Commission recommended approval and ignored the caveats over and over again. And my point is that we cannot send a document that is not explicitly clear of what we meant.

CHAIRMAN WOODS: We are sending a document that is explicitly clear because we are sending a clean document with the attached memorandum that we'll all be drafting as the recommendation from Plan Commission. The other document is a tool that they can choose to use or not use.

COMMISSIONER SCHULDENFREI: Motion to adjourn.

COMMISSIONER FREEMAN: Second.

CHAIRMAN WOODS: All in favor?

(Chorus of ayes.)

(Whereupon, the hearing on the above-titled cause was concluded at 10:57 p.m.)