CITY OF EVANSTON

PLAN COMMISSION

CASE NO.: 08PLND-0119

RE: CONTINUATION OF PROPOSED ZONING ORDINANCE MAP

AMENDMENT PUBLIC HEARING – 222 HARTREY AVENUE. An application by Joan Dachs Bais Yaakov School - Yeshivas Tiferes Tevi, Inc./Yaakov School Orthodox Center, for a map amendment for 222 Hartrey.

Transcribed Report of Proceedings of a public hearing on the above captioned matter, held December 10, 2008 at the Evanston Civic Center, 2100 Ridge Avenue, 2nd Floor, Evanston, Illinois, at 7:08 p.m. and presided over by J. Woods, Chair.

PRESENT:

J. WOODS, Chair  S. OPDYCKE
R. SCHULDENFREI  J. NYDEN
S. FREEMAN  C. BURRUS
C. STALEY  L. WIDMAYER

STAFF:

S. GUDERLEY
B. DUNKLEY
CHAIRMAN WOODS: Let's call to order the
Evanston Plan Commission meeting of Wednesday, December
10th, 2008. And we do have a quorum. I believe the
only person who is not here is David Galloway who may
show up, we don't know.

First order of business is the Approval of the
November 12th Meeting Minutes.

COMMISSIONER BURRUS: Motion to approve.

COMMISSIONER FREEMAN: Second.

CHAIRMAN WOODS: All those in favor?

(Chorus of ayes.)

CHAIRMAN WOODS: So, the meeting minutes of
November 12th are approved. The next item of business
is the Annual Elections and Committee Sign-up. This is
the new practice of the Plan Commission, to meet at our
regular meeting in December to organize ourselves to
elect a Chairman and Vice Chairman for the coming year,
and also have Committee sign-ups and Chair designations
for the various Committees that will be active or that
we see will be active during the year. And I guess the
way we're going to work this is to take nominations
first for Chair and Vice Chair. Yes?

COMMISSIONER STALEY: May I make a suggestion?

I doubt that it will be acceptable to the Plan. We've
got two people in the Commission running for office. And if they should happen to be elected, it's going to look much different. I'm wondering if it might make sense just to postpone this for, I don't know, when is the election, April?

COMMISSIONER NYDEN: It's April.

COMMISSIONER BURRUS: But Chuck, what I was going to say is I definitely do not want, because I'm one of the people running, that I do not want to be considered for any Chair position on any Committee. Obviously I'll serve on a Committee but I don't think it's appropriate for me to take a sort of a leadership position on the Commission in case I will be elected. Okay?

COMMISSIONER STALEY: Well, I thought that might be the case. But even so, I didn't, you know, sort of with the two, if you're elected Mayor and you're, if the two of you have competition --

COMMISSIONER FREEMAN: What are you saying there? Are you saying he can't win the competition? I'm a Don Wilson kind of guy.

COMMISSIONER STALEY: That was just a thought.

CHAIRMAN WOODS: Any other?

COMMISSIONER BURRUS: Well, that's a good
question, Chuck. And I'm not sure about the protocol on doing that.

CHAIRMAN WOODS: I think we can do whatever we want.

COMMISSIONER FREEMAN: I think it should be just the same that you have in regular, I mean in government, right? They're a senator until they become president and resigns, so he can run for --

COMMISSIONER SCHULDENFREI: Right. But, I mean --

COMMISSIONER BURRUS: That's true. Good point.

COMMISSIONER SCHULDENFREI: We could also just go forward with it and worry about it if there's something --

CHAIRMAN WOODS: Right.

COMMISSIONER FREEMAN: I would think so.

COMMISSIONER STALEY: Like the governor, until you're impeached.

COMMISSIONER FREEMAN: I'm surprised they let him out of jail. Are we being recorded?

CHAIRMAN WOODS: Yes.

COMMISSIONER FREEMAN: Sorry, Rod. Can you scratch that?
CHAIRMAN WOODS: Anyway, yes.

COMMISSIONER FREEMAN: Who took the happy pills today?

CHAIRMAN WOODS: Any other questions, comments before we --

COMMISSIONER BURRUS: Oh, Stu, I know when we spoke previously and you've been Vice Chair for two years now, is that right?

COMMISSIONER OPDYCKE: Right, two years.

COMMISSIONER BURRUS: I know we spoke, I don't know, last couple of weeks ago, are you still interested in being Chair?

COMMISSIONER OPDYCKE: I do not aspire to be the Chair, but if I am nominated, first of all I'd be flattered but I would be pleased to serve as Chair.

COMMISSIONER BURRUS: Okay. I mean, I know when we talked about it last year when we went through all the changes and, you know, when we voted in January, sorry, that was something we talked about sort of like, you know, spreading the sort of the leadership of the Commission around. And I know you really wanted to be Vice Chair at the time and Jim wanted to do a second term.

COMMISSIONER OPDYCKE: I don't know if I ever
really wanted to be Vice Chair. It's a bit of an overstatement.

COMMISSIONER BURRUS: Okay, all right. So, I'm just sort of like going in that same sort of vein of, you know, bringing in especially some of the newer people up through in leadership roles, you know, as we did for Johanna. Sorry.

COMMISSIONER SCHULDENFREI: I think that was, something that was also brought up last year that was germane to this conversation is the usefulness of having the outgoing Chair still on the Commission with the new Chair, Al Hunter-Jim Woods model, and then being able to have Hunter there as the new person assumes the role. And so, that seemed useful to me in respect, you know. I know Jim has him for another year so I just wonder if this might be the time --

COMMISSIONER OPDYCKE: It would give me great comfort were I to be nominated and elected to serve as Chair, it would give me great comfort to know that Jim is there and Larry Widmayer is there although he's only an Associate at this point, he's a former Chair. But yes, it would be very helpful to have Jim on board.

COMMISSIONER NYDEN: Are we also nominating Associate Members for next year right now, too?
COMMISSIONER BURRUS: Yes, because he's up in January.

CHAIRMAN WOODS: Yes, we are. I think we should do --

COMMISSIONER BURRUS: I think we should do the Associate Member right now so he doesn't leave.

CHAIRMAN WOODS: I think --

COMMISSIONER STALEY: Well, in that vein, I would nominate Stuart as the Chair until he's elected.

COMMISSIONER SCHULDENFREI: I second.

COMMISSIONER BURRUS: Second. Robin, did you second?

COMMISSIONER SCHULDENFREI: I seconded before you. In a show of Hinman Avenue solidarity.

COMMISSIONER OPDYCKE: I do accept the nomination.

CHAIRMAN WOODS: We can do this by acclamation as opposed to roll call vote. So, all those in favor?

(Chorus of ayes.)

COMMISSIONER FREEMAN: Could we do that for getting the next senator?

CHAIRMAN WOODS: We could but I don't think it would carry much weight.

COMMISSIONER OPDYCKE: Might I demand a
recount?

CHAIRMAN WOODS: You can but I don't think it would be successful, Stuart.

COMMISSIONER OPDYCKE: Thank you very much for your confidence.

COMMISSIONER STALEY: Can I ask on Vice Chair, when and if he's elected, would the Vice Chair then automatically become the Chair?

CHAIRMAN WOODS: I would assume so. So, I would like to nominate Johanna as Vice Chair.

CHAIRMAN WOODS: I'd second that.

COMMISSIONER FREEMAN: Second.


CHAIRMAN WOODS: Wow, it's a race.

COMMISSIONER FREEMAN: I think I was there.

COMMISSIONER BURRUS: Ah, Seth, come on.

CHAIRMAN WOODS: I think Chuck actually seconded.

COMMISSIONER BURRUS: Oh, so, Chuck did, okay.

COMMISSIONER STALEY: A unanimous second.

CHAIRMAN WOODS: So, all in favor of Johanna being Vice Chair.

(Chorus of ayes.)
CHAIRMAN WOODS: Okay, that was quick and short.

COMMISSIONER BURRUS: And so easy.

CHAIRMAN WOODS: Now, Committees. Zoning, Rules. I'll tell you right now, Stuart, Place Names is the Chair or their designated representative. Now, in my tenure as Chair, Place Names met twice for about an hour each time.

COMMISSIONER OPDYCKE: That sounds like a great Committee, to be on that one.

COMMISSIONER FREEMAN: Can I have that? I think you should give it to the most junior. The responsibility --

CHAIRMAN WOODS: Like I said, the way it's written is Chair or designated representative. So, you have to get the Chair to give it up.

COMMISSIONER BURRUS: And I'm currently the liaison for Community Development and Block Grant Committee, and I'm happy to continue to do that. And even if I were elected, I could actually, well, I'd probably still serve on it.

CHAIRMAN WOODS: Yes. And that's, as I recall it, it's a representative from the Plan Commission to CDBG. And I think we have a representative --
COMMISSIONER BURRUS: Yes, and the Economic Development Committee.

CHAIRMAN WOODS: Plan Commission to EDC. Do you want to continue to do that?

COMMISSIONER NYDEN: Me?

CHAIRMAN WOODS: Yes.

COMMISSIONER NYDEN: Sure. I mean, if nobody else wants to do it, I can do it.

COMMISSIONER STALEY: Do what?

CHAIRMAN WOODS: Representative of the Plan Commission to the Economic Development Commission.

COMMISSIONER NYDEN: Unfortunately, right now we don't seem to meet much.

CHAIRMAN WOODS: Gee, there's a surprise.

COMMISSIONER NYDEN: I know. There's not much economic development. I think the last time we met it was like 90 degrees outside.

COMMISSIONER FREEMAN: So, was that August?

ASSOCIATE MEMBER WIDMAYER: It wasn't last month.

COMMISSIONER NYDEN: Yes, right, that's true, I guess. But it was, I think it was like August or July.

CHAIRMAN WOODS: Yes. So, you'll continue it?
COMMISSIONER NYDEN: Or if anybody else, I'm totally willing to give that one up if anyone wants it. Chuck, are you interested?

COMMISSIONER FREEMAN: I'd be interested.

Does that mean, I'm just a representative, right?

COMMISSIONER NYDEN: Yes, you just --

COMMISSIONER FREEMAN: What is the responsibility for --

COMMISSIONER NYDEN: Well, you bake the cookies every month and you bring milk every other month. No, you go, it's a meeting right now, I think Ann Rainey, Jean-Baptiste and, who else sits on that? I think Ed Moran does. And then there's, usually you're approving like Evmark's budget. You go through the budget, you ask some questions. There's a couple of citizen representatives on there, too.

ASSOCIATE MEMBER WIDMAYER: They haven't been in one yet.

COMMISSIONER NYDEN: Yes, right. And it's just, it's usually, I mean it's any variety of things. So, it's just things that come before the Economic Development Committee, there's a discussion of it, and then it usually ends up on the Consent Agenda of the City Council.
COMMISSIONER FREEMAN: If you'd like to give that up, I could do that. I'm interested in Parking as well --

COMMISSIONER SCHULDENFREI: People who are interested in Parking --

CHAIRMAN WOODS: Wait, wait. Are you more interested in Parking or more interested in Economic Development?

COMMISSIONER FREEMAN: Economic Development.

CHAIRMAN WOODS: Okay.

COMMISSIONER FREEMAN: But I will tell you, you know, our parking rates in this town really, you know, every time I talk to people --

COMMISSIONER NYDEN: It's free right now.

COMMISSIONER FREEMAN: What?

COMMISSIONER NYDEN: It's free.

COMMISSIONER FREEMAN: Oh, yes. Okay.

COMMISSIONER NYDEN: Moving on.

CHAIRMAN WOODS: So, Parking Committee, I think currently David is the representative to that.

COMMISSIONER SCHULDENFREI: But you're going to stay on Economic?

COMMISSIONER FREEMAN: Sure.

COMMISSIONER SCHULDENFREI: And we'll have
Dave on Parking.

CHAIRMAN WOODS: On Parking.

COMMISSIONER SCHULDENFREI: That would make sense. I would like to stay on Rules because I've been on Rules and stay on Zoning especially as I've been on Zoning. Does it make sense to keep Johanna on as Zoning Chair since she's been doing Zoning thus far and just --

COMMISSIONER STALEY: I think Jim ought to, I would think so. What's Jim going to do, you know? I think he ought to do it. I'm nominating Jim.

COMMISSIONER NYDEN: I second that.

COMMISSIONER STALEY: Too much talent there to let go of him.

COMMISSIONER OPDYCKE: Okay. All those in favor of Jim?

CHAIRMAN WOODS: Yes, all right. I'll do Zoning, that's fine.

COMMISSIONER BURRUS: I think he has to call the vote, Stu. You're not Chair yet.

CHAIRMAN WOODS: He's trying though. I'm trying to delay it. Okay, I think I heard a nomination and a second. So, all those in favor of my being Zoning Chair?

(Chorus of ayes.)
COMMISSIONER BURRUS: Robin will take care of Rules?

COMMISSIONER SCHULDENFREI: No, I was nominating Chuck Staley.

COMMISSIONER BURRUS: Oh, fabulous.

COMMISSIONER SCHULDENFREI: I nominate Chuck Staley for Rules.

CHAIRMAN WOODS: And I'll second that. All those in favor?

(Chorus of ayes.)

CHAIRMAN WOODS: And then, the only thing I think we have left is Neighborhood, which didn't meet very often if at all. No, I think Al was the one lone member. Susan, do you see Neighborhood as being something that maybe should get active?

MS. GUDERLEY: Yes. Well, there are, I was looking at the planning --

CHAIRMAN WOODS: Right.

MS. GUDERLEY: -- West Evanston and Chicago Avenue corridor and Howard Street.

CHAIRMAN WOODS: Are there other, I guess the way I would look at it is are there other neighborhoods of Evanston that, now that these other ones have --

MS. GUDERLEY: Well, I think there is one
remaining. West Evanston Sub-areas 1, 2 and 3, the zoning is settled for that. There will be a similar planning effort for the remaining two sub-areas which really focus on the industrial area down at Dempster.

CHAIRMAN WOODS: Right.

MS. GUDERLEY: And there may be a role, I mean, you know, the Plan Commission may wish to participate in that.

CHAIRMAN WOODS: Okay.

MS. GUDERLEY: Similarly, you know, neighborhoods have become a strategic plan goal. And aside from a major neighborhood planning process, there is, I know Al was interested in looking at neighborhoods and their role.

CHAIRMAN WOODS: Right.

MS. GUDERLEY: You know, how will we activate them? As well as, you know, their role in some of our CDBG activities.

CHAIRMAN WOODS: Right.

MS. GUDERLEY: So, you know, it really depends on whether that's a part of your vision for your role.

COMMISSIONER BURRUS: I think he's going to, sorry, he's coming to get you.

COMMISSIONER NYDEN: I think Neighborhoods
will become important considering that probably we won't be being very active as a Plan Commission as we have in the past few years with reviewing developments the way we have been.

CHAIRMAN WOODS: Maybe we ought to like do some planning.

COMMISSIONER NYDEN: Yes, I think that might be good.

MS. GUDERLEY: I will say that we won't be, I mean there won't be major consultant-led initiatives.

CHAIRMAN WOODS: Sure.

MS. GUDERLEY: But that there may be, you know, other types of smaller kind of processes.

COMMISSIONER NYDEN: I think it's an opportunity to like activate the talent that's on the Commission and in other city areas to think about neighborhoods.

COMMISSIONER BURRUS: Whoever gets nominated to come join us on the Commission, maybe they'll be interested in neighborhoods.

CHAIRMAN WOODS: Maybe. Maybe.

COMMISSIONER BURRUS: I mean --

COMMISSIONER SCHULDENFREI: Neighborhoods are really important. I don't know what the Committee
necessarily would do and what it has done in the past.

Is Al Hunter still an Associate Member?

CHAIRMAN WOODS: Yes, he is. At least for another month.

COMMISSIONER NYDEN: Why don't we just --

CHAIRMAN WOODS: Table this?

COMMISSIONER NYDEN: I'm sorry, can we just continue that until January?

CHAIRMAN WOODS: Yes, we can.

COMMISSIONER NYDEN: Where we maybe could have a memo from staff that talks about --

CHAIRMAN WOODS: Potential?

COMMISSIONER NYDEN: The potential of that committee and maybe Al could weigh in on that? And if he still wants to continue?

CHAIRMAN WOODS: Yes, maybe I can call Al and see what the deal is. Okay. Is there anything else that we have forgotten?

COMMISSIONER STALEY: Well, the Associate Members, do we have to --

CHAIRMAN WOODS: Oh, yes, Associate Members. Okay. Yes, Larry's like sitting over there hoping I was going to forget that one.

COMMISSIONER NYDEN: He's going to pack his
stuff up.

CHAIRMAN WOODS: All right. I would like to nominate Larry and Al both to continue, assuming that they are willing to serve. And in Al's case I think we already know that it's primarily for the possibility of activating and doing something with the Neighborhood Committee, and in Larry's part it's primarily to continue to be involved through the zoning process on Downtown Plan which is --

COMMISSIONER FREEMAN: Please.

COMMISSIONER NYDEN: Second.

COMMISSIONER FREEMAN: That was a second but I said please instead.

CHAIRMAN WOODS: Okay. So, all in favor?

ASSOCIATE MEMBER WIDMAYER: Thank you. I do want to see the Downtown Plan completed. So, for that, I'll do it.

CHAIRMAN WOODS: You're willing to accept?

ASSOCIATE MEMBER WIDMAYER: Yes, thank you.

CHAIRMAN WOODS: Okay. So, Larry is willing to accept. We don't know about Al but we'll just twist his arm. No. So, all those in favor of those Associate Members?

(Chorus of ayes.)
COMMISSIONER OPDYCKE: It's really nice having Larry on as an Associate Member. He brings so much experience and history, yes, to the Commission.

COMMISSIONER FREEMAN: I think they both do, too.

COMMISSIONER OPDYCKE: Oh, and Al, too. But Al is not here.

ASSOCIATE MEMBER WIDMAYER: Having been here for centuries now.

CHAIRMAN WOODS: I'm afraid my time is getting relegated to that, too, institution member. Anyway, I think that is all for our organization. And we still are at 7:25 and I think we said that we would start at 8:00 o'clock, so we have a 35-minute break.

COMMISSIONER NYDEN: This is a good problem to have, that we did this in 25 minutes.

(Audience member asks question.)

COMMISSIONER NYDEN: I don't think we can do that because we said 8:00 o'clock and we said we'd continue it to a specific time.

AUDIENCE MEMBER: -- email saying you'd start at 7:00.

CHAIRMAN WOODS: Yes, I know but publicly at
the meeting we said we would start at 8:00.

(Off the record.)

CHAIRMAN WOODS: We're going to get started.

Before we do, I want to ask anybody who wants to speak this evening, if they have signed up or would sign up here? As of now, I've got one person signed up.

Obviously the applicant is here with their team.

MR. MURRAY: We're pleased to speak up a little.

CHAIRMAN WOODS: I'm sure. Okay.

MR. MURRAY: Mr. Chairman?

CHAIRMAN WOODS: Yes?

MR. MURRAY: May I proceed?

CHAIRMAN WOODS: Absolutely.

MR. MURRAY: Stating for the record, again my name is James Murray and I'm here on behalf of the Yaakov School, the Applicant for the change of map at 222 Hartrey.

A question arose earlier about the inclusion or exclusion of the property immediately west of ours. And as I communicated to the Chairman, a decision was made that the application was not found to have included the Vineyard School or Church, and that matter has been communicated between officials of the school and...
ourselves and the City's Legal Department. And in my view, if there is a request to add themselves to this request, that they should undertake some affirmative action of some sort to seek inclusion. And I would tell you that we are acting here on behalf of the ownership of the school itself.

CHAIRMAN WOODS: Okay.

MR. MURRAY: Number two, there are some exhibits which I attempted to deliver as early as possible. And I apologize for the lateness of the hour at which they were in fact delivered. It was due in substantial measure to an affliction that occurred to me as opposed to anything else, and that required some substantial attention. And I apologize for the lateness of the delivery, but I think the items that are contained in that packet which included the original traffic report, a LEEDs consultation report, a tax impact study, a neighborhood interaction statement that I requested of the school, the amended renderings, and some materials boards or suggestions from Mr. Hedlund, the architect, some amended photographs to correct the street designation on those captions, and an environmental report in the nature of a no-further-remediation letter which was a part of the process of
acquisition of this property. So, from a hazardous
materials point of view, there isn't any requirement to
remediate the property for any reason to accommodate the
school use that we're seeking to establish there.

The photos I think I would offer in evidence.
The no-further-remediation letter I would offer as
well. And my then first request is of Mr. Hedlund, if
he would join us please and go through the revised
drawings and/or materials boards that were submitted
with the other materials and distributed.

CHAIRMAN WOODS: And can I ask, before we get
started, that anybody who wishes to speak this evening
or is planning to speak, if they could please rise?

(Witnesses sworn.)

MR. MURRAY: It's the season for truth-telling.

CHAIRMAN WOODS: Otherwise Santa will get you.

MR. MURRAY: Mr. Blagojevich notwithstanding.

MR. HEDLUND: Good evening. My name is Nevin
Helund with Nevin Helund Architects. I remember you
from last month.

At last month's meeting, you asked for a
couple more pieces of information from us, one of which
was some updated renderings, both of which you have.
The first one shows an overall rendering with some highlighted material use, which I'll get into in a moment. And then the second one was an isometric showing the massing and then the question on how does this building really look from an overall standpoint. And this massing diagram shows the fact that it's mainly a one-story building. It shows the inclusion of the courtyard element where we're adding green space.

Then, we also noted here on this rendering that we would be adding some additional green space over here by the potential playground as well as grassed area where we don't need the parking at this date. So, going from where it is now to where we envision it, we're obviously adding quite a bit of green space to the overall development. So, that's obviously a positive.

Now, that leads into the next exhibit, which is included in your packet, which is the report by Helen Kessler, a noted LEED specialist. We met with her between our last meeting and today, and developed a LEED checklist for schools. And you will note that this is the current 2007 LEED checklist, and that checklist indicates that our goal is to get 47 credits and that would put us in the Gold range. And if you're familiar with the process, we have some maybes there that we
would also pursue as we're going down the path here of project development to make sure that we have some insurance or cushion to get that Gold LEED certification process. Now, if you have any specific questions, I can help a little bit but that's our overall LEED goal for the project.

Another exhibit that we prepared for you was a color material board, which is this colored element here. And again, that goes back to the first rendering that shows the west facade wherein we're including glass elements. We're including colored ceramic pillar elements that will actually add some color to the elevation. We're adding some stone. We have a window accent color as well as some other accent colors that would be developed in this elevation.

I believe those were the initial questions you had for the architecture of the building as it relates to our meeting last month. The other issues that were the tax issues, I think you can discuss that.

MR. MURRAY: We'll deal with those in a minute. But did you get through the materials that are part of this process?

MR. HEDLUND: Yes. Yes.

MR. MURRAY: And if we go back to the LEEDs
consultant's report, would you just tell us what the principal highlights are of that particular effort in order to get us to the point of a level of certification?

MR. HEDLUND: Well, the LEEDs process is really a combination of lots of small things. So, it's not an overall thing where we're saving the world by one giant statement, but we're saving the world with small little statements. And those include obviously care with the environment, of the materials that we're using, reuse of the site which is obviously a LEED point, reuse of as many things within the building as possible. The ability to have daylight into all the classrooms, which is a very important thing. Use of energy saving mechanical systems that would save energy for the life of the building. Care during construction for using proper demolition techniques, sustainable demolition techniques. Use of certified wood. Use of innovation in the design of the project as well as using the project itself as a learning tool or a teaching tool for the school.

So, it would become a case study that would actually be taught at the school about how the LEED process was accomplished and how it does make your life
better once you're living in the building. So, those are some of the highlights that are part of the LEED checklist.

MR. MURRAY: How does wood get certified?

MR. HEDLUND: By a very important person with the US Government.

MR. MURRAY: Mr. Woods? I see.

MR. HEDLUND: Yes?

COMMISSIONER FREEMAN: Yes. You had talked about a potential playground site. Can you please point that out?

MR. HEDLUND: Yes. On the initial submittal, we looked at this area here being the playground zone. And then obviously it's a zone right now and it will be further developed. It's a, the reason for the location is that it's protected. There is an exit, they would take a path to there that's out of the way of the traffic. However, the initial thought here was that we would use this courtyard for the early childhood playground zone. So, that would be a secondary expansion area.

COMMISSIONER FREEMAN: That's right along the tracks right over there?

MR. HEDLUND: Correct. There's a fence and
then there is the embankment for the Skokie Swift.

COMMISSIONER SCHULDENFREI: Is that current playground space asphalt?

MR. HEDLUND: Yes. This whole area here is asphalt. And we would be tearing that up, and if you look at your second exhibit that we included there, we show the fact that we would be as part of the green initiative removing that blacktopped area and making that green space.

COMMISSIONER FREEMAN: How does that relate to the, I don't know if you're the person to answer this, but there is this environmental study. And there is an asphalt barrier, which is right at the corner it seems at the building and it sticks out a bit into, and we have multiple questions regarding the environment statement. But also, now that there is a potential playground going what appears to be right where there is an asphalt barrier for some hazard that appears to be buried there.

COMMISSIONER NYDEN: I think just for the benefit of everyone who doesn't have this in front of them, that I think what you're talking about is, in the environmental impact statement we have it says under Preventative Controls, "At a minimum, a safety plan
should be developed," I'm on page 4, the middle of it, "At a minimum, a safety plan should be developed to address possible worker exposure in the event that any future excavation and construction activities may occur within the contaminated soil beneath the existing asphalt surface outside the northwest corner of the building. Any excavation within the contaminated soil will require implementation of a safety plan consistent with no show," yes.

MR. HEDLUND: Okay. I could address that real quickly.

COMMISSIONER FREEMAN: And then, in addition to that is what's buried there? Because there is nothing in this environmental statement, impact statement.

MR. HEDLUND: Well, first, let me address the first thing first.

COMMISSIONER FREEMAN: Sure.

MR. HEDLUND: There's many ways to develop green space here without demo-ing the asphalt if that truly is a barrier that needs to remain. So, there are systems that we work with and develop where we actually add to that top or that, 24 inches or more of sustainable soil and drainage systems. So, there are
systems that we can put in place that don't impact that barrier that could remain in place. So, that would be something that we would obviously make sure happens, that we wouldn't dig this thing up to expose some horrible hazardous thing obviously to --

COMMISSIONER FREEMAN: Oh, I'm sure that the children's health is of the utmost concern --

MR. HEDLUND: Right. So, there are many ways to solve that technically without having to dig up the asphalt and, or under that. Now, as far as what is actually buried there or what the thing, I don't know.

MR. MURRAY: And we really, I don't think, have a real good idea because the no-further-remediation letter basically provided us with an opportunity to conclude our investigation at a point where the state was satisfied and issued its statement to any potential buyer of that property that there wasn't anything further to do.

COMMISSIONER FREEMAN: I will tell you --

MR. MURRAY: When and if construction were to occur that would remove that asphalt barrier, then we will have to address the issue of a safety plan and possible remediation.

COMMISSIONER FREEMAN: I will tell you as a
parent, regardless if that barrier is going to be
disturbed or not, I would want to know what was there
before I put my kids on a playground. So, I think the
school does want to know what's there.

MR. WEISS: Good evening, Jake Weiss.

COMMISSIONER FREEMAN: Hi, Jake.

MR. WEISS: We met a month ago. I'll address
it quickly, if I can. You'll notice this indentation on
the property right back over here, it's to note on the
survey it's the transformer area. What's in the ground
was, I guess it's relatively common for these large
transformers to leak. I think it's a PCB I think it's
called. That is what was in the ground over there.
That's where the inch and-a-half asphalt barrier is.

It's not affected in this area whatsoever.

It's really confined to this area which I believe there
was a, and part of the NFR I think had some type of map
that outlined this area specifically. So, it's really
something that we don't plan on disturbing and have no
intent to ever touch.

MR. MURRAY: But in the event that the area
around that particular transformer is dealt with, the
methodology is typically to remove soil and replace it
with crushed stone.
MR. WEISS: Yes, I mean since the transformer actually sits there.  

ASSOCIATE MEMBER WIDMAYER: Did you get a copy of the phase 2 that was used to implement this?  

MR. WEISS: I'm sure there's one on file. I don't have one that I've looked over. We have --  

ASSOCIATE MEMBER WIDMAYER: None of you have?  

MR. MURRAY: We have not seen, I have not seen an original of the filing that became the basis for the issuance of the NFR letter.  

ASSOCIATE MEMBER WIDMAYER: So, you're really not a hundred percent sure what's underneath there?  

MR. WEISS: Actually, we did have an environmental consultant go through the entire reporting which was rather voluminous at the time of buying the property. And he did give us a recommendation letter in which he reviewed all this information. And he had come back to us, just telling us that this was the PCBs and it was something that was solely from the transformer and not something that we had to have any concern with.  

ASSOCIATE MEMBER WIDMAYER: It wasn't industrial waste from the manufacturer of microphones or electronics?  

MR. WEISS: No. He made it very clear it was
limited to the PCBs.

COMMISSIONER STALEY: Jim?

CHAIRMAN WOODS: Yes?

COMMISSIONER STALEY: Looking at the no-further-remediation letter, it does approve the property for use for industrial and residential purposes. I think you need to be certain that that residential also is broad enough to cover school. I'm not certain that it is. I think you may need some addendum to that NFR letter. Maybe you can get it but I think a school is different than residential property.

MR. WEISS: Absolutely. It's something that I'm sure that we can make the proper request from the consultant.

MR. HEDLUND: With that, I'm open to questions.

MR. MURRAY: Yes, indeed.

MR. HEDLUND: Further questions.

MR. MURRAY: Additional questions if there be any.

COMMISSIONER SCHULDENFREI: Can we see the materials that you've brought?

COMMISSIONER STALEY: Where's Galloway when we need him?
COMMISSIONER FREEMAN: That's what I had said.

MR. MURRAY: Well, I tried him four times yesterday and couldn't find him.

(Materials boards were passed around.)

COMMISSIONER NYDEN: It's really too bad that Dave is not here.

MR. MURRAY: The only architect on the Commission, was that what the statement was last time?

COMMISSIONER NYDEN: No, no. Jim Woods is a, a school architect.

MR. MURRAY: I think it was the real architect or something.

COMMISSIONER FREEMAN: He just likes looking at the materials.

MR. MURRAY: Can you relate those elements to the positions that they will be affixed on the school building?

MR. HEDLUND: I think they're fairly clear. And again, you know, if I could preface this, obviously for a zoning change request, we are at the very beginning of the project and not necessarily fully developed from a color/material standpoint. So, we caution you to look at that and say boy, those are
rotten colors, we're denying the zoning change because
the color/material board is not to our liking. So, this
was the first pass at what we might be doing.

COMMISSIONER FREEMAN: The guy who would do
that is not here right now.

MR. HEDLUND: Okay. Well, you know, you
understand my point? That at this early stage we wanted
to show something that was calm, relaxing and soothing
to the students at this point. And if further
development is done, we will obviously share that with
everybody.

MR. MURRAY: And I think that's the slow way
of saying that the stage of design is still in the early
element.

MR. HEDLUND: Well, what if I call it
champagne, would that change your mind? Okay. Okay.

MR. MURRAY: Any further questions about the
materials? Any further questions of Mr. Hedlund?

MR. HEDLUND: Thank you for your time.

MR. MURRAY: Mr. Weiss, I had one more item
that didn't get covered in your little venture so far.
At the last hearing, there was a request for a
consideration by the school about a means by which it
could participate in some fashion for the benefit of the
entire City and/or the neighborhood at the very least by allowing people or enticing people or asking people to come in or making the spaces available within the facility for neighborhood or other use. Would you tell us, I know that you provided us with a statement of impact that the school is comfortable with in terms of dietary considerations and/or religious issues. But perhaps you could be a little more specific and a little less preachy about the intent?

MR. WEISS: I think you said it all. The school I think is happy to make the facility available at any time to community organizations and other non-for-profits. There will be no charge for that use as long as it doesn't really conflict with the operations of the school. And it would obviously have to conform, you know, to the principles and context of the faith of the Orthodox Jewish religion. If there was any food or service available, it would have to be kosher food. But we're happy to allow the space to be used by any organization that could use it.

CHAIRMAN WOODS: Robin?

COMMISSIONER SCHULDENFREI: I just had a question, and it may be more of the way the sentence is written in terms of grammar that makes it unclear as
opposed to being nitpicky about it. I was just
wondering what else would possibly conflict with the
principles of Orthodox Jewish faith in terms of setting
up a meeting.

MR. WEISS: Yes, I don't want us to go there.
That could be any, I mean, I really wouldn't even know
how to approach that. That could be --

COMMISSIONER FREEMAN: Would you like me to
ask those questions for me?

COMMISSIONER SCHULDENFREI: Sure. Well, I
wanted to hear what he said.

MR. WEISS: I'm not sure --

COMMISSIONER SCHULDENFREI: You don't know
what they could be?

MR. WEISS: It could be any number of, I mean
I guess if an organization such as Jews for Jesus wanted
to use the space, I don't know if that's something that
we would be comfortable with. Not saying there's
anything wrong with it.

COMMISSIONER SCHULDENFREI: Does the Chicago
Rabbinical Council have any guidelines beyond the kosher
guidelines? Is that limited to the kosher kind of --

MR. WEISS: That's limited to the kosher, the
actual food and beverage.
COMMISSIONER SCHULDENFREI: Okay. I'll let Seth take over. I'm only half Jewish.

COMMISSIONER FREEMAN: Well, there were some questions I guess from the sensitivity perspective that there are certain, you know, rituals such as clothing, covering of body parts such as men wearing a kippah, women covering shoulders. Now, I don't know, so to me when I read this, the principles of the Orthodox faith does suggest that a woman would keep her shoulders covered and her arms covered. And I just wanted to question you is that then what you're referring, part of the things that you're referring to in here?

MR. WEISS: It certainly would be a part of it. The item shouldn't conflict with the Jewish faith. So, that's not to say that if a man, we wouldn't require everybody to walk in and put a kippah on their head necessarily. But if it's something that we hold dear that a certain dress code should be honored, we would expect that people coming to the building would have that respect --

COMMISSIONER FREEMAN: So, in that respect, if it's an 80-degree day out and a woman is coming in for a meeting and her shoulders aren't covered, would she be then required to cover her shoulders? I mean, is the
whole institution a shule?

MR. WEISS: It's not necessarily a shule, but if we're going to have kids on site at a school facility, we're certainly, we're imbuing in them the concept of the Jewish faith and here is what, you know, we're trying to teach them --

COMMISSIONER FREEMAN: That I understand.

MR. WEISS: We want to set that example throughout the school.

COMMISSIONER FREEMAN: I would assume, when I'm reading this in the ability to use the facility, I'm assuming that using the facility would be when the school wasn't in session.

MR. WEISS: In this case, you know, she wouldn't be coming in 80-degree weather. I imagine that's not something that we've actually ever encountered before, but I don't see that as an issue so much. I've never told anybody to cover their shoulders.

COMMISSIONER FREEMAN: No, I understand, I understand. But understand that we have to ask these questions to do due diligence and Robin had, that was one of the questions that you had and that I had as well.

MR. WEISS: I think as long as we're not
conflicting with the, you know, with what we're trying
to teach within the school, I don't see that as an
issue.

COMMISSIONER FREEMAN: Okay.

COMMISSIONER SCHULDENFREI: But does that
conflict then? I mean, say there was a ward meeting on
a Thursday evening when school wasn't in session at 8:00
p.m. in August? It's not beyond understanding. So,
would that --

MR. WEISS: That's not something I think we
would have any problem with.

COMMISSIONER SCHULDENFREI: Okay. So, as long
as school sort of wasn't in session, then it would be,
because otherwise it kind of renders the facility, it
could potentially render it not usable by people outside
the Orthodox faith.

MR. WEISS: Yes, in a case like that, you
know, when the school is not in session, I really don't
see that as an issue.

COMMISSIONER FREEMAN: But I would expect when
the school is not in session that if there was food
served they would still have to be kosher.

MR. WEISS: Yes, especially if it came out of
a facility of the property, absolutely.
COMMISSIONER FREEMAN: Yes.

MR. MURRAY: And as with most --

COMMISSIONER FREEMAN: I would expect that.

And I'm not suggesting that that shouldn't be the case.

MR. WEISS: I mean, there's another step as well. I mean we teach the kids, you know, that everybody is a person and they have to be respected in that light. And you know, we've had many different occasions when we'll have any number of different people come to the school. You'll have political people and other people coming to the school who don't necessarily conform to a Jewish dress code but they don't kick them out the door. You come in and we have to respect everybody, and that's something that's also part of teaching the kids. So, I think acceptance is a key item also.

COMMISSIONER FREEMAN: Thank you for your response.

MR. MURRAY: Are there any further questions for Mr. Weiss on this issue?

Jake, in the course of the time since the last hearing, the City has suggested that there might be a means by which to improve the habitability of this site for resident, I'm sorry, for industrial purposes in the
event that the CTA chose to expand its service along the so-called Skokie Swift line to include a change or a station as close as, not Asbury but Dodge Avenue and/or Ridge Avenue, which I guess would make it a Skokie Semi-Swift connection. So, do you see that that type of an installation, if it were a reality, do you see that as an addition or a benefit to an industrial user of this property based upon your experience in that particular field of development and utility?

MR. WEISS: I mean providing, again I'll put on my other hat now, my real estate development hat, providing a train stop to a destination where there's no jobs really doesn't help anything. I really think that we have a problem overall right now in all these Chicago land areas, there's really just not enough jobs out there. And the larger industrial organizations, I mean they really, they've moved all their actual manufacturing out of the country. Unless the CTA was the China Transit Authority, I think we'd have a problem.

COMMISSIONER FREEMAN: I have a question then. Who wrote this document? I'm sorry, the economic impact analysis?

MR. MURRAY: That's Mr. Lunet who's going to
be talking to us next.

COMMISSIONER FREEMAN: In the future, if we could get these documents labeled on the author and stuff so that we know when we're reading them, since you come here all the time.

MR. MURRAY: That would be great. I'll see to it that it's corrected as swiftly as possible.

CHAIRMAN WOODS: Larry?

ASSOCIATE MEMBER WIDMAYER: I would just like to take that question just one half step farther on the industrial. I know it's a large industrial building, but if it were divided up into flex space of 1,000 to 2,000 square feet per unit and there was a rapid transit oriented stop within two blocks, what impact might that have on the space as industrial?

MR. WEISS: I currently own and manage about 300,000 square feet of industrial flex space.

ASSOCIATE MEMBER WIDMAYER: I know you do, that's why I'm asking the question.

MR. WEISS: That's primarily what I do. And I'll tell you that right now the building that we last did at 3501 Howard just over the bridge is 190,000 square feet. We had a lot of targeted effort to occupy that building. We got up to about 70 percent about six
months ago. We have moved in one tenant since then which their building got sold. That's how we were able to get them into the property. 
I have currently a number of spaces in the 2,800 square-foot range that they're actually the nicest spaces in the building. They have direct street access, storefronts. They are, of the property, the prime space. I don't have anybody even looking. We have another showing in, I'm not sure how many months. It's a challenge.

The property directly next door to my building or two doors over at 3601 Howard, the former All Might manufacturing facility, that building you can buy right now today for $22 a square foot. It's 290,000 square feet. It sits on 15.52 acres. They've had that property marketed for, I think it's vacant for six and a half, seven years already. They were asking eight million dollars, they wouldn't move off the price. We have an opportunity to buy it now, actually I have it under contract at five million dollars and I don't know if I can close because I don't have any shred of a possible tenant even to take a portion of the space.

ASSOCIATE MEMBER WIDMAYER: No, I understand that today. I have property available in the City that
has the same issue. But looking two, three years down
the road, I think this is one question that, you know,
they're looking at trying to get a future vision on, I
mean, not looking at today's market. Today's market is,
as you say, it's --

MR. WEISS: Absolutely.

ASSOCIATE MEMBER WIDMAYER: Rather tight. We
both agree to that.

MR. WEISS: Right.

ASSOCIATE MEMBER WIDMAYER: But in concept is
the question I'm asking, assuming the market opens up
again, the relationship, you know, and we're not looking
for a big manufacturer in there.

MR. WEISS: Right.

ASSOCIATE MEMBER WIDMAYER: The taxes per
square footage is too high to make that happen. So, it
would have to be a flex, a small, a little, you know,
local manufacturer, a little distributor or something of
that type.

MR. WEISS: And I think even when we were on
our heyday, this is going back let's say two years ago
and that was really prime, that's when we did three
projects at one time, Greystone Associations had 222
Hartrey under contract and they marketed the space for
commercial condominiums and I think they had spaces anywhere from 2,000 to 10,000 square feet. He couldn't even close on the property because he didn't have enough pre-sign interest. And he ended up not closing on it and that's why Center Point was going to knock it down. But he had it for, it had to be at least six months. He had signage put up on Howard Street that had 222 direct access, I mean, highways, you know, people want to be by the highway. People want to be by O'Hare. People want to be where the taxes, you know, are, I'm competing on my property with the south side, you know, of Chicago. You have these taxes where they're 50 cents a foot and they're grossing out their rent at $1.50 or $2 a foot. You can't compete with that, I mean, that doesn't exist.

ASSOCIATE MEMBER WIDMAYER: Thank you.
CHAIRMAN WOODS: Johanna?
COMMISSIONER NYDEN: So, Seth, as one of the things on the Economic Development Committee, you get to look at requests for 6B assessments which essentially, and I'm sure you're very familiar with this, taxes get lowered and are assessed at a different, at a lower rate for industrial properties in order to entice people to occupy industrial properties. And we did approve
somebody who actually was expanding into Evanston, from Ravenswood into Evanston. They wanted to stay in the inner ring suburbs and they had a couple of options and they picked Evanston.

So, I mean, and I don't know what, Dennis isn't here so he can't tell us what the status of that is, but somebody did move to Evanston. They did need space. And so, I guess, and I also work in real estate and I know we're all supposed to be looking on the other side of the valley right now. And so, yes, we just need to get to the bottom of the valley hopefully.

COMMISSIONER FREEMAN: You know, I think we're looking at this and if you're talking about the economic impact --

COMMISSIONER NYDEN: Hold on, I'm not done.

COMMISSIONER FREEMAN: Oh, I'm sorry.

COMMISSIONER NYDEN: It's all right.

COMMISSIONER FREEMAN: I thought you were, I apologize.

COMMISSIONER NYDEN: It's okay. So, I guess what I'm, I know things are bad. I know, and I guess it's like I don't know, nobody has a crystal ball for this property if it were to stay an industrial building. But I guess I want to urge the other Commissioners to
think about we do have industrial viability. And we did
six months ago, somebody did decide to move here. I
don't know if that necessarily means that this property,
I know it doesn't have the frontage, it doesn't have the
highway access needed with this property that they
approved for 6B on Dempster. But you know, I guess I
just don't want to close it off to just thinking about
this is never going to be a viable site. You know, it
just could have been the wrong marketing and the wrong
situation.

COMMISSIONER SCHULDENFREI: What kind of
industry was it, Johanna? Do you remember?

COMMISSIONER NYDEN: It was a light, very
light manufacturing of like medical supplies.

MR. MURRAY: Well, we'd be happy to try to
respond to that type of statement if we had better
specifics.

COMMISSIONER NYDEN: Yes, and I don't know off
the top of my head because I couldn't track down my
notes. And again, Dennis isn't here to tell us about
the viability of that business if that actually worked
out. And I guess I would sort of like to know from the
City if that 6B still is moving forward or, you know.

COMMISSIONER FREEMAN: Are you done?
COMMISSIONER NYDEN: Yes.

COMMISSIONER FREEMAN: So, my understanding is that if, my grandmother who is Brooklyn used to say, you know, if my grandmother had wheels she'd be a trolley car. And we're talking about the potential of the CTA putting in a stop which has been going on for, I've lived in and around Evanston since 1967 now. I don't know how long during that time it's been going on but it's been going on a long time. So, I think from a perspective of looking at this property and I'm not trying to play your role, but for us to suggest that that might be a reason that we wouldn't recommend moving forward -- go ahead.

COMMISSIONER NYDEN: Oh, no, I mean I'm just saying I want to us to think about, I know there's a lot of people saying, oh, no, we'll never get industrial again, we'll never get industrial again. And so, I just want to think we have, we seem to be getting some industrial in Evanston and I know in talking to a few aldermen they still think that there's some --

COMMISSIONER FREEMAN: And I still think there is a potential for that as well. But I do believe that this is a very good use and reuse of the property. And I believe that it does fit very well with the
1 educational culture of Evanston. Would I like to see
2 industrial have been put in there at some point and be
3 able to get taxes, board taxes for Evanston because God
4 knows my property taxes are just out of sight. It's
5 just ridiculous.
6
7 But I'm concerned that, you know, the lack of
8 development of this site and that it just sits there
9 impacts the rest of the neighborhood, of the residents
10 in the neighborhood. I guess if it's knocked down
11 potentially, if it's green and it looks better than it
12 does now, it won't impact the rest of the neighborhood.
13 But I don't see it, I don't know if any of the other
14 Commissioners here feel that something is going to be
15 done on this site, you know, in the next five, six years
16 that's going to be bringing in any additional revenue.
17 So, that's my perspective on the layman's
18 economic impact.
19
20 MR. WEISS: Just as far as the building being
21 vacant and being there for so long, vacant property is
22 prone to problems. We've had two very significant
23 break-ins into the property because it's been vacant for
24 so long. Last November they went in and stole a
25 significant amount of copper electrical wiring that was
26 going throughout the property rendering the boiler
useless and a bunch of other items. We had to go and
get the boiler, you know, we spent about, it was about
$80,000 I believe just to get the building up and
running to keep the condition of the property.

This November, while I was at Jewel, I pulled
into the parking lot and there was like five police
cars, Chicago and Evanston, sitting in the front like
with the, they were wrestling a couple of people. I got
a call about five minutes later, I happened to be there
with my wife, from one of our employees at the school
telling us that he got a call from the alarm company
that the alarm went off at the building. And he ran
over there, he hid in the back of the parking lot and he
saw these two guys coming out of the back of the
building. So, he followed them and called 911 and they
actually arrested the three guys who broke into the
building and they were trying to steal copper again. It
was the same guys the police said from last November and
they got three years in prison, they told us that last
Friday.

But when you have a vacant building and people
don't see cars in the parking lot and people see weeds
growing in the asphalt and the windows start getting
smashed and, you know, people don't maintain vacant
buildings. We're maintaining it because we, God willing, hope to begin in there soon and start construction. So, we'd like to keep the structure in tact. But when you have a vacant property, things happen and it just deteriorates further and then kids break in and all sorts of things happen.

MR. MURRAY: I have no further questions of Mr. Weiss. If the Commissioners --

CHAIRMAN WOODS: Coleen, do you have a --

COMMISSIONER BURRUS: Actually, I don't know that it's necessarily to you, but is allowing meetings in the school the only public benefit?

MR. MURRAY: Well, we consider the entire environment of the school to be part of the public benefit. But --

COMMISSIONER BURRUS: You know what I meant, Mr. Murray.

MR. MURRAY: I think I do, yes. The issue is like any other typically religious associated building and structure. The invitation to the general public and the neighborhood in particular to come in and use its facilities is one of the major, let's call it facility benefit other than the moral and associated benefits of having the building occupied and operating. I think
there are other benefits and I think Mr. Lunet is the appropriate party to ask. That's why we asked him to do a fiscal impact study, and even though he didn't sign that particular document because of my oversight, it is in fact his opinion relative to some of the other benefits that we can either replace and/or supplant relative to the existing condition.

And I'll ask him to step up and --

COMMISSIONER BURRUS: So, your answer is,

okay, wait. I just want to be very clear. So, your answer is really of other public benefits other than just occupying the building, the only one that you have provided us is use of the community rooms. I just want to be clear that that is the only one and not all the other stuff that you just went through about occupying the building and the economic tax impact. That's the only public benefit is the community room, correct?

MR. MURRAY: No.

COMMISSIONER BURRUS: Okay. Please list, bullet point what are the other public benefits you plan to provide? Not all the other stuff, just bullet points please.

MR. MURRAY: We're going to try and clean up the embankment associated with the north boundary line
at the CTA. And the use of the rooms. And Mr. Weiss?

MR. WEISS: We're providing more green space which I think is certainly a benefit.

MR. MURRAY: Green space. The LEED certification of the building will be beneficial. It will not require any additional services and/or utilities to make it run or function. And I think those are the immediate ones that I can put before you.

MR. WEISS: Within the school itself, there's other social service activities that take place like the clothing drive that we do. We provide food for families during high holiday times and different times of the year to help them, you know, when things are a little bit tight. So, there's a number of other social services that take place out of the building. If somebody wants to make a carnival in the parking lot, we're certainly open for that as well.

COMMISSIONER BURRUS: I just think you need to be much more explicit about that when you're bringing that to us and for the citizens as well as the alder people to say what are the benefits, not just for the school but for the residents of Evanston. We're making, we're giving up taxes if we approve this and that's a huge issue for us. And so, I think what is the benefit
to the residents needs to be extremely clear.

MR. MURRAY: Right. And we may be in the process of developing that and we can provide you with after some greater thought. But just to step on the hurtful issue that was at the end of the meeting in November, we have continued to pursue the issue of contribution in lieu of taxes so that it has not been forgotten nor ignored. And we hope to be able to resolve that matter in the process hereafter.

CHAIRMAN WOODS: Bill, can you clarify for me? The issue at hand here is a zoning map amendment, am I correct? And there are certain standards related to map amendments that are different than a planned development. And how does public benefits weigh or not weigh into that?

MR. DUNKLEY: Yes, let's be absolutely unequivocal. The issue before us is a map amendment. It does have some, there is some relevance of course, why is the map amendment being requested, the use to which the rezoned property is planned to be put, the implications of that. The question is a large one with wide-ranging implications. Once a property is zoned from I2 to C1, that would be considered an up-zoning, it will never go back to I2 and there will never be the
possibility of industrial uses on that site. That's the matter at hand. That's the core of the matter at hand.

The relationship to planned developments and standards there is a tenuous one. There is no planned development that will be, that has been forthcoming on this site. The work that has been proposed for the site doesn't meet any of the required planned development thresholds. It's primarily interior renovation work. Even though it's a large site, it's over 30,000 square feet, the type of work does not fall into the significant construction, significant structural changes requirement that's necessary.

So, the Applicant is not required to show specific public benefits. However, the issue of standards, the findings that we need to be looking at for map amendment are wide and broad and have to do with public benefit in a very large sense, the overall public benefit of now permitting very different set of uses, and thereby no longer permitting a different set of uses. So, it is a wide-ranging implication. It should not just be for the immediate use at hand.

If you look at the zoning map, identified on the zoning map are all of the map amendments that have taken place since '94 I believe, they're all listed, and
there aren't that many of them. You would expect that
there would be more. The zoning map is a fairly static
document. It's hard to effect a map change. For an
individual landowner, it's an uphill battle. We have to
show that there is in general broad public benefit to
this change. Also, that there are public services that
are to serve the potential users of the site, that there
is no detriment to property values in the immediate
surrounding area, et cetera. So, the standards are
broad intentionally.

I'm not sure if that answers your question.

CHAIRMAN WOODS: It does. Follow up question.

Correct me if I'm wrong, my general understanding is
that the current I2 Zoning does not permit a private
educational institution as a permitted or a special use?

MR. DUNKLEY: That's correct.

CHAIRMAN WOODS: But the C1 allows a private
educational institution as a permitted use? Or is it as
a special use?

MR. MURRAY: C1 District by my reading would
make it a permitted use.

MR. DUNKLEY: Yes, that would be a use by
right.

MR. MURRAY: I2, or I'm sorry, C2 or C1A
changes that. That's not what is adjacent. If you have
the application, the standards are listed there.

CHAIRMAN WOODS: I'm just trying to clarify
for the benefit of all. Okay, that's all the questions
I have left.

MR. DUNKLEY: Yes, with a change to C1, the
proposed use would be a permitted use.

CHAIRMAN WOODS: Okay. Is there any other
zones in Evanston where an educational institution is a
permitted use as opposed to special use?

MR. DUNKLEY: Now, a private educational
institution, I don't have an exact specific answer for
you but I will have one before the end of this meeting.
Private educational institutions are generally special
uses. Public are generally, if an educational
institution is permitted, it is a public school. But I
can quickly get the answer to your question.

COMMISSIONER FREEMAN: Real quick. You said
that on your map amendments you'd expect there to be
quite a few of them but there aren't that many. Could
you --

MR. DUNKLEY: No, one would expect that there
would be more than there actually are. We don't see map
amendments very often. Like I said, they are an
COMMISSIONER FREEMAN: What type of map amendments have they been for?

MR. DUNKLEY: Well, I can't tell you that but I can tell you what they were. We don't have an indication of, on the zoning map we have listed the map amendment and the ordinance and what property was changed. Generally they're the result of plans of a diligent small area or corridor or district wide study of current land use versus future land use, real estate trends, change in economic climate. But the longer term, these are long-term documents with long time horizons that will propose implementation through certain zoning changes. So, the ones you've seen and are involved with are Central Street, West Evanston, Downtown. That's where most of the map amendments happen.

As an individual property owner, it's difficult to show a broad public benefit. It's not impossible but you're always, you know, the implication there is that this is done for a reason obviously, we have to fill in the rest. And many times you have to do that without benefit of a planning study.

MR. MURRAY: Mr. Lunet, please.
ASSOCIATE MEMBER WIDMAYER: Yes, just to maybe
give you a little better history on that. Most of them
in the last nine years or eight years have either been
as a result of changing density heights in the business
areas or as in a case like this would be just a change
in use as in the land that Kendall College was in where
it was just perceived that the old use no longer
applied. And so, to move forward, a new use had to be
instituted as part of a plan. That's where most of it
has come.

CHAIRMAN WOODS: Johanna?

COMMISSIONER NYDEN: I was looking at the
Comprehensive Plan so maybe this was already asked. But
when Northwestern buys property, does that become part
of the university district? Is that a zoning map
amendment or how does that work?

MR. DUNKLEY: Just the purchase of property
does not have an implication on changes to the zoning
map. You could request, you could petition for a map
amendment but you'd have to follow the standards and
come before the same commission.

COMMISSIONER NYDEN: So, 1800 Sherman, right?

CHAIRMAN WOODS: It's in the same zone it's
been.
COMMISSIONER NYDEN: Okay, all right.

CHAIRMAN WOODS: The issue with 1800 Sherman is more that the university bought the property and for the proportion of the building that they are occupying, they are not paying taxes on it. The portion of the building that is commercially rented, they pay taxes on. When they have a tenant.

COMMISSIONER NYDEN: And do they have to pay rent on the part that's rented to the non-university tenants or do they elect to pay taxes then?

CHAIRMAN WOODS: No, they have to. At least that's my understanding.

COMMISSIONER STALEY: The Rotary Building is the same. They have that just like the Rotary Building. They don't pay taxes on their office space but they do on the --

MR. MURRAY: Mr. Lunet, forgive me. Since our last convening at the Plan Commission, you were requested by me to conduct a tax income, fiscal income study for this particular property at 222 Hartrey. Did you undertake to do such a study? And if you did, sir, would you please tell us about the methods that you used to come to your opinion?

MR. LUNET: Yes. As you can tell basically
from the discussion that you've had including with Mr. Weiss, the difficulty with doing an analysis of the fiscal impact is trying to assess the universe of potential uses for this site. And it's not solely a function of the current economy although that is certainly a factor.

The difficulty is that the site itself is significantly impacted by physical characteristics of the site. It has no visibility. It has very poor accessibility. It is wedged basically between the Skokie Swift or semi-Skokie Swift's elevated tracks to the north, the rear of the shopping center, to the south. The use to the west is now an institutional use, it's the Vineyard Church. And to the east is relatively low density single family residential with no direct access back to the south to Howard.

So, the site is significantly impacted and that's further evidenced by the fact that the use of the building in excess of 104,000 square feet has been essentially vacant for seven or eight years. There had been a number of real estate concerns that have looked at the reuse of the building and they have had difficulty or found it impossible to economically reuse the building under the current conditions. Given that
universe as well as my experience in working in the City of Evanston, the fact that the City of Evanston has really experienced a renaissance of development over the last 12 to 15 years, primarily residential but there has also been as a result of the residential revitalization a significant amount of commercial development that has taken place as accessory to that.

There has not been significant industrial development, and in fact industrial development has left the City significantly over the course of the time that I have been familiar and working within the City of Evanston. Dempster Street at one time had a steel plant that has gone. There were a number of industrial uses along Howard Street in Evanston as well and then continuing into Skokie. As Mr. Weiss testified, those sites on Howard Street with far greater significant visibility and accessibility are standing vacant. That is as background to attempting to undertake the study.

So, what I did was I looked at the I2 District and tried to make an assessment as to those uses that might potentially, under the existing zoning and permitted as of right, be viable for this property. An automobile repair facility might very well work there although it would probably not make the Vineyard very
happy but it is a potential use of that site. But they
would not need 100,000 square feet. A government
institution might very well go there as a user of last
resort, but that again takes the property off the tax
rolls.

You might have some type of membership
organization perhaps. Offices, although you would need
to start to break the building up into modules of
certainly less than 100,000 square feet. And as Mr.
Weiss has testified, that hasn't worked for this site
and it's been attempted several times. Public utility,
but again the property would come off the tax rolls.
And a warehousing establishment, but likely would need
Hartrey reopened so that you would have access to Howard
Street to make it viable.

Given those difficulties with the site, we
also looked at it in terms of the residential viability.
In my opinion, it just does not work as a viable
residential site wedged in the back of a shopping center
and between the CTA tracks. And especially given the
history of Evanston over the last 15 years, there has
been an absolute land rush to assemble residential sites
throughout the City. I would suggest to you that most
of the re-zonings that have been taken place have been
reuses of properties. For example, we worked on the property, the former lumberyard that was redeveloped for townhouses in reasonable proximity to Evanston High School. So, those are the types of re-zonings that you have looked at over the last 12 years.

The geography of Evanston is such that part of the reason that there was a downturn in Evanston 30 years ago was developments that were closer to I-94 like Old Orchard Shopping Center which ultimately impacted Downtown Evanston. There is no longer a Wiebolts. There is no longer a Marshall Fields. Those were the uses that went away. The downtown has experienced a revitalization but it has been spurred by residential development.

Anyway, given those, it seemed to me that there were three reasonable options for the property. One of course is the school, that would generate zero real estate taxes. The second is that somebody comes in, redevelops the site by razing the existing generally white elephant of a building, subdividing the property into five or six one-acre sites, developing a 5,000 square-foot office building for their own use and then attempting to market the remainder of the site. Based on that, we estimated a fair market value at just under...
$600,000, the equalized assessed valuation.

And let me backtrack so the record is clear.

In Cook County, industrial property is assessed at 40 percent of fair market value then. In Cook County, there is a state equalizer that is about 2.8 percent that is applied. It then is, you apply the City of Evanston tax rate which is about 1.283 per hundred dollars of equalized assessed valuation and the real estate tax to the City of Evanston under that scenario would be about $21,800.

The other reasonable scenario to me is that the property just sits vacant. The building is razed because maintaining it becomes extraordinarily expensive given the condition and the lack of viability of it. Under that circumstance and under the same zoning scenario, it would have a fair market value perhaps of $390,000 some with an equalized fair market value of $1,120,000 and generating taxes to the City of Evanston of about $14,000.

Now, having said all of that, I would suggest to you that sitting and paying $14,000 a year after the expense of razing the building which is not inconsequential, the more likely scenario is the property would become tax delinquent. And essentially,
that to me is the reasonable universe.

Now, let me add in terms of other benefits, in talking to Mr. Weiss and to the directors, the school will commit to, they currently spend a half a million dollars, they buy cards for groceries that they then require the parents of the students to buy the difference, they'll buy $100 worth of cards for $95. They'll sell the card to the parents who are required to buy it for $100. The school takes that five percent basically and uses it for the benefit of the school. The Yaakov School is willing to commit that they will spend that money in Evanston and that they will use their very best efforts to influence the parents to use the cards, and then in addition to that, whatever extra they buy would also.

But all of that would provide for sales tax none of which is coming to the City now. The City gets, by state statute they get one percent plus under home rule I believe there's another half a percent that is returned to the City. We estimate that this would overall result in probably initially $650,000 to $750,000 in sales to local merchants, one and a half percent which would be returned to the City. Mr. Weiss has indicated to me that they are hopeful that that
number would ultimately be raised to $750,000 or more in terms of what the parents would be actually buying in the cards.

So, we think that that would provide a significant benefit to the City of Evanston. None of that is obviously now coming to the City because the site is vacant. Under any of the proposed uses, it's very difficult to assess what the sales tax benefits would be, but even a 5,000 square-foot building, you'd probably have something in the neighborhood of 30 to 50 workers, and certainly that would not have the same sales tax benefit.

Let me go back to an earlier question if I may though regarding the standards for a map amendment. They are actually relatively clear. There is the existing uses and zonings in and about the subject property. The existing uses are commercial and institutional and low density residential. The existing zoning classifications are industrial and commercial and residential to the east, but the immediate abutting zoning classifications are not residential. They are commercial and industrial.

Very significantly, one of the standards is the length of time the property has been vacant as
zoned. This property has been vacant as zoned for well over seven years. There is a standard in there that is the hardship to the community as contrasted to the benefit to the property owners. We don't see that there is any significant adverse impact to the City from the land use other than the diminution in property tax.

In Illinois, your ordinance looks to the Comprehensive Plan which has it non-residential but it talks about the benefit to institutional uses to the City of Evanston, and basically, the marketability or viability of the property for other uses, none of which we particularly see currently or even in the reasonably foreseeable future as viable for the site. So, those are the standards and those have been identified by the courts in Illinois, or in the LaSalle National Bank versus the County of Cook case. There is an additional case that is the Sinclair Pipe & Oil versus the Village of Richton Park. And those are basically the standards that are looked to for re-zonings.

There is no standard as to fiscal benefit to the community. There is no standard as to specific benefit to the community. The standards really are land use standards that are looked at. And while none of those standards individually are controlling, it is very
significant that the length of time the property has
been vacant as zoned is looked at as perhaps the most
significant of those factors.

      CHAIRMAN WOODS: Seth?

      COMMISSIONER FREEMAN: Yes. I have a, you
know, you kind of lost me on this shopping cards. So,
what shopping cards are we talking about? So, are we
talking about like the school sells shopping cards for a
grocery store?

      MR. LUNET: No, the school buys a half a
million dollars at a discounted price for groceries.

      COMMISSIONER FREEMAN: So, from a Jewel?

      MR. LUNET: Yes, or other. They will commit
to buying those cards from the Jewel that is to the
south of the subject property in the shopping center.

      COMMISSIONER FREEMAN: So, are they doing that
now with the current shule? Because my understanding is
that, I'm just a little confused because my
understanding is that the Jewel has, and I shop there
all the time for a lot of the same reasons but it has a
lot of, it has a very big kosher food department.

      MR. LUNET: That's correct.

      COMMISSIONER FREEMAN: So, they're already
shopping there, correct?
MR. LUNET: Yes. But when they buy the cards, they are tax exempt. When the user then goes and uses the cards, they do pay sales tax, okay? So, what we are committing to is to the greatest extent possible, to ensure that those cards will be used in the City of Evanston.

COMMISSIONER FREEMAN: Okay.

MR. MURRAY: I would just point out that not only Jewel but Dominick's and other major food operators offer the same type of benefit. And in this instance, it's the option of the school to more than encourage the population and the families that are associated with the school to shop at a site specific. In this instance, we would probably opt to utilize the benefits of the closely allied Jewel store immediately across the border.

COMMISSIONER FREEMAN: But they're not actually across the border. It's right --

MR. MURRAY: Their lot line.

COMMISSIONER NYDEN: I guess I have a little bit of a problem. It's sort of, I mean I appreciate that that's a gesture that the school is willing to make towards the community, but it's sort of like skating on thin ground to suggest that that should be reason enough
or public benefit enough or community benefit in the Comprehensive Plan enough to move the zoning change map amendment forward. It's like we had another school seeking a zoning change and they, when we had some questions about traffic circulations, the principal of the school said, well, you know, our parents are really good, they would never do that in their cars, so they would never pick up their kids in that manner. And it was like, you know, sort of giving, I mean we appreciate, you know, he's giving us his word that his parents are going to be responsible drivers and pick their kids up in the appropriate manner that respect the traffic laws, but that's not good enough.

We're sort of asked to look at the building. We're asked to look at the physical environment. And so, it sort of gets a little nebulous or confusing.

MR. LUNET: What you're being asked is to rezone this property. And the public benefit is not one of the standards in the zoning ordinance. We are trying to answer because it is a question and I understand the concern of the City of Evanston because you've got a lot of land that's off the tax rolls.

CHAIRMAN WOODS: 42 percent according to a recent newspaper article.
MR. LUNET: Sorry to hear that. But the fact is that the standards for a map amendment are what I stated them to be, and they involve land use.

COMMISSIONER NYDEN: Right, and that's --
MR. LUNET: It is a land use issue.
COMMISSIONER NYDEN: I completely agree, and that's why I don't know why we're talking about shopping cards.

MR. LUNET: Because you asked the question and I'm trying to respond to it.

CHAIRMAN WOODS: Robin?
COMMISSIONER SCHULDENFREI: The shopping cards caught me by surprise so I maybe missed, I didn't see them coming. Is that, you talked about payment in lieu of taxes. Is that one I, sorry, yes, Mr. Murray did. Is the payment in lieu of taxes that you're discussing with other city bodies, is one issue and then the shopping cards another issue? Or are the shopping cards the --

MR. MURRAY: They are not tied together in my view. There is going to be a discussion relative to a payment in lieu of taxes that we hope will resolve the issue in that sense. We are offering to you or a statement relative to what we can and will do, and
you've asked these questions about what is the school
going to do. Well, the school is going to acquire cards
probably at Jewel. That makes them site specific. That
makes the party who holds it, makes them go to Jewel.

Now, yes, they could go to a Jewel, I suppose,
in the Village of Skokie or down in the City of Chicago.
But the likelihood is that being associated with and
having the benefits of a particular sited Jewel that's
very close to their school center and also provides
substantially the greatest benefit in terms of variety
of materials, goods and products for the Jewish
community and kosher users in the entire central portion
of the United States is a likelihood that they will be
expended here. That's all.

CHAIRMAN WOODS: Larry?

ASSOCIATE MEMBER WIDMAYER: You know, I think
we agree that the land use issue is based on the overall
plan for the community and not to benefit the land use
of the current owner, regardless of who that is. So, I
would ask you this. If we assume that the industrial
use is not the best use for the land and we assume a
commercial zoning is, then why would C1 be better than
C1A which is much more flexible other than the fact that
that would require a special use for the school as I
understand it?

MR. MURRAY: I thought it was that the C1 request was compatible with the existing facilities to the south and the zoning district immediately south. It just seemed to be an expansion of an existing commercial district.

ASSOCIATE MEMBER WIDMAYER: That's convenient and I understand that. But the question is if we're talking about zoning for best land use regardless of who owns it, why wouldn't we look at a C1A rather than a C1?

MR. LUNET: Other than the, you know, creating a hodgepodge of zoning districts I suppose, there is no one best answer. There might be a number of the other commercial districts that might be appropriate to this. We looked at using the unique use provision which would leave the zoning in place and basically would have required us to meet the special use standards. The City of Evanston wouldn't accept an application based on a unique use application. Pardon?

ASSOCIATE MEMBER WIDMAYER: That's been tried before.

MR. LUNET: Well --

ASSOCIATE MEMBER WIDMAYER: Unsuccessfully.

MR. LUNET: I understand. I think that
frankly using the unique use provision would have been
of greater benefit to the City than this. But this is
the remedy that is available to accommodate the proposed
use. So, while there may be another universe of zoning
categories that might fit, this is the zoning district
that we have applied for. It's consistent with the
adjoining zoning classification and fits the use.

MR. MURRAY: And there was one other aspect,
Mr. Widmayer, and that was we were concerned as
representatives of the school that the request to
convert this property to a C1A would appear to be
overstepping the essential lowest required change to
fulfill the requirements of this particular or intended
user. We were very much concerned that the concept of
including a residential component at this site would
have scared and frightened people because of the way the
City of Evanston and its residents have regularly
reacted to such movements. We felt that the C1
District, while it was, you know, consistent with the
property to the south and permitted us to find a place
and a home, and it also clearly has provided ample
opportunity to review the nature of the use that would
be proposed to be established there as was the case when
District 65 requested zoning changes to accommodate its
new facilities over on the canal banks or channel banks.

COMMISSIONER BURRUS: Bill, what was the zoning change for District 65? From what to what? I'm sorry, you probably don't know that off the top of your head and I apologize.

ASSOCIATE MEMBER WIDMAYER: Open space to something.

COMMISSIONER BURRUS: Pardon?

ASSOCIATE MEMBER WIDMAYER: Open space to something.

COMMISSIONER BURRUS: Okay.

MR. MURRAY: Yes, I think it went to a residential.

MR. LUNET: I believe that I testified on behalf of the school district in that case and it was -- yes.

CHAIRMAN WOODS: Coleen?

COMMISSIONER BURRUS: Also, I wanted to follow up on something in your retort to Commissioner Nyden. And we do look at public benefit and we do look at economic, and I understand, economic impact because we need to. And so, I understand what you're saying about zoning, it came up at the last meeting and we followed up with you and fortunately, and we did ask for economic
impact and public benefit impact. I'm not sure that we
really --

MR. MURRAY: I don't know about the public
benefit impact but --

COMMISSIONER BURRUS: But we --

MR. MURRAY: It was clear that you wanted to
make sure --

COMMISSIONER BURRUS: Economic, right. And
you gave us the meeting room as sort of a public benefit
kind of thing. But when you're looking at the map
amendment, it is a big change and it will be a huge
economic difference if for some reason there was
industrial going forward. So, I don't think it's too
much for us to ask. I think, Seth, you brought this up
last time, were pretty vehement about it when Mr.
Murray, you know, basically said to you that you had no
business asking. And I think --

COMMISSIONER FREEMAN: That I was out of
bounds, yes.

COMMISSIONER BURRUS: Right. And it's the
same thing. I think that whatever we ask for, it's that
we're trying to look at this holistically and not
piecemeal. We have a responsibility to the citizens to
look at our whole community, not just one piece. Okay?
MR. LUNET: And we have attempted to answer that. I have tried, this is a very difficult project and site and set of circumstances to give you the type of fiscal impact that I have normally supplied to this Commission over the last 15 years or so because you inherently have to analyze the universe of potential reuses. And even beyond the current economy, you have a site that has been vacant for seven years. The adjoining use was reused for a church because it has the same constraints. And it is a difficult, difficult site.

The economics and the socioeconomic overview of the City of Evanston has changed significantly in the last 50 years. And you know, at one time Evanston was the wealthiest community in the United States. At one time, you know, there were a lot of different things that were going on and there was a downtown with a very vibrant Marshall Fields and other uses that no longer are viable and went out of business about 20 years ago, 15 years ago, 20 years ago. So, the whole economics of the community has changed.

My opinion is that people pay a premium to live in Evanston and will not choose to live in any other suburb. It is a unique community and you pay a
premium to do that. It is unique among the suburbs in the Chicago Metropolitan Area. And among the things that make it unique are Northwestern University and the lake front and certain other things including the institutions.

And there is no simple answer to this, I'm afraid. This is just the nature of the beast. Some of that is currently frankly being offset by the very high density residential development that you are seeing in or around the downtown and Chicago Avenue. Those developments have relatively little impact on City services. They provide a very significant tax relief to the City because they are selling at a very high per square foot value. And I know, I've done a tax impact on many of those.

COMMISSIONER BURRUS: They're not selling at all right now.

MR. LUNET: Well, that applies to this property as well. So, you know, but the fact of the matter is that those are being developed, most of them are built, they may not be selling but somebody is paying real estate tax, the developer at this point, but the properties are still being taxed.

There has not been industrial development in
Evanston of any magnitude for 35 years. Industrial bonds are not significantly different than a TIF. I mean, what you're doing is you're providing a tax relief in order to induce that development. The City has tried having a Research Park in conjunction with Northwestern University and it was TIF-ed. It turned into a very viable commercial area but it didn't turn into Silicon Valley which was the initial vision.

It is a, for all of the things that make Evanston a wonderful residential community, those are the same things that make it no longer a viable industrial community. You don't have access to the major transportation lines including trucking and the airports. So, those apply generally to Evanston. When you get down to the site specific of this particular site, it is really impacted.

So, the question in my mind from a real estate standpoint is how do you provide for some vitality and vibrancy of use for property that is having an adverse impact by virtue of it being vacant for this length of time? I think the City is fortunate, in all the things that make this not viable, it's not having as much of an adverse impact as it might because it's not as visible. But if you had a property that was vacant for this
length of time that was sitting on Dempster Street or Main Street or even had frontage on Howard, it would have a significant adverse impact on the overall vibrancy of the community.

I think any time that you get a reasonable reuse of property, that that benefits the community. In this particular instance, it is an institutional use. But there has been seven years of no use of this property. The City certainly would have, in my opinion, I can’t speak for the City, but it probably would have provided industrial bonds if somebody had asked and it probably would have TIF-ed it and it probably would have met the standards for a TIF. And even though that would have had tax consequences for 22 years perhaps, nobody has stepped up to the plate.

The fact of the matter is that when you look at, consider the universe of uses and you consider the universe of uses under the I2 District, there just aren’t any that are going to take 104,000 square-foot building and 6.2 acres and put it to some economic use right now. You know, it’s possible that at one point the shopping center could have, maybe should have included all of this property and had outlots in front. And you know, but could have, would have, should have,
and your grandmother would have been a trolley car. 

So, you know, it's a long-winded answer to say 

I don't see any other uses. 

CHAIRMAN WOODS: Where are you at in terms of 

your presentation? 

MR. MURRAY: Oh, I'm pretty much at the 

conclusion. We do have Bonnie Flock to respond to those 

inquiries concerning traffic and the memorandum that 

came to us, not to my knowledge, to the Commission from 

the Engineering staff. 

CHAIRMAN WOODS: Okay. What I would like to 

do is I think we'll take a five-minute break, then have 

Bonnie speak, and then allow the individuals to come 

here to speak on the issue. 

MR. MURRAY: All right. And would the 

intention be to close this up this evening or -- 

CHAIRMAN WOODS: We'll see. 

(Off the record.) 

CHAIRMAN WOODS: So, Mr. Murray? She's up 

there ready. 

MR. MURRAY: You've been sworn before 

previously. You understand why you are here this 

evening. As the traffic engineer, we've requested that 

you take another look at some of the issues that were
expressed to be of concern to the Commission. And we
wanted to give them an opportunity to review the traffic
report as you initially submitted it and prepare to
inquire of you if there were questions to be asked.

In the interim, if you recall, we received on
December 3rd or 4th or 5th, not too long ago, a document
from, I think it was the Director of Transportation of
the City which requested some additional information.
So, let's take a look at the response to the Director's
request for additional information relative to
commercial and industrial site traffic generation. And
if you will please tell us your opinion of the impact of
a map amendment change from the I2 excluding some of the
residential uses but to the C1 District designation.

MS. FLOCK: All right. Thanks, Jim. My name
is Bonnie Flock, I'm with Gewalt Hamilton Associates.
The Director of Transportation for the City had written
some comments, there were six comments in total. And we
have addressed them in a document dated December 10th,
today.

The first two comments related to comparison
of trip generation with industrial, its current use, and
previous use as well as any other permitted uses in the
C1 District. So, what we did is we looked at the trip
generation, we compared it to the school's trip
generation, and we found out that if the site was
maintained as industrial it would generate about 25 to
30 percent more traffic than what's generated by the
school. If it was, for instance, a Cl permitted use of
office, it would generate twice as much traffic as the
school. So, we did that type of a trip generation as
what they requested to look at.

MR. MURRAY: And were there sources that you
referred to in the determination of the typical trip
generations for an industrial site and the commercial
site?

MS. FLOCK: Yes. We looked into the resource
of the Institute of Transportation Engineers which
provides many data points of industrial and office uses.

MR. MURRAY: And were you able to come to an
opinion as to whether or not there would be any negative
impact from the change of this particular site's zoning
from an industrial use to a commercial one?

MS. FLOCK: Well, what I'm looking at is I'm
looking at the traffic generations because we're looking
at the most traffic intense use. And what we found by
doing these comparison trip generations is that the less
traffic intense use would be the elementary school.
The next comments that were comments 3 and 4 pertained to asking why didn't we generate traffic for the auxiliary uses, or the clothing store, the community center and the kosher food production. The other question was why did we assume only 50 percent of the staff arriving in the peak hour and not all 60 folks arriving in the peak hour. The reason we did not generate any trips for the auxiliary uses is because they are that, and that's what we were told, that was our understanding. There are no trip generation rates for kosher food preparation. A clothing store, we were told that it was not going to be for public consumption. It was going to all be internal.

The reason for the staff, 50 percent of the staff arriving during the peak hour is that the children start from, from K to 4, they start at an earlier time. They start at 7:30. The older children start at 8:30. So, not all the children are starting at the same time. Not all of the staff need to arrive at the same time.

The second thing we need to know about the staff is that the staff is split up with Hebrew staff who arrive earlier in the morning and then the secular staff arrive later in the afternoon or in the evening. Regardless, what we did is an analysis. We doubled the
traffic volumes, the site traffic volumes entering and
exiting the Howard-Kedzie intersection. So, we
literally doubled the amount of traffic to try to
consider, okay, what if all of the staff arrives in one
hour?

All right. What if the auxiliary uses do
generate trips which we estimated about 68 trips? After
you double and you take out the staff, we don't know
what that auxiliary use would actually generate. We are
told that it's not open to the public. Regardless,
we're looking at a conservative analysis.

What happens to the intersection of Kedzie and
Howard? We find that the level of service is still
maintaining a very good efficient level of service B,
and this is what currently exists out there. What we
heard at the last hearing is that eastbound left-turn
lane, it's real short and it backs up. It's about 80
feet in length, 80-foot taper. Existing conditions
alone during the PM require a storage of 140 feet. So,
the observations that you folks see of that eastbound
left-turn lane, they are backing up. However, when you
look at the intersection as a whole and the delay that
intersection experiences, under existing conditions and
with the school traffic, even if school traffic doubled,
we're still getting efficient operations at that
intersection.

All right. The fifth comment was Hartrey. What happens if we've got vehicles circuitously going
through Hartrey? Do we want that happening? And what
we estimated, not us estimated, we were told that about
70 percent of the traffic is coming from the west on
Howard. Some of that traffic of course being divided up
to and from the north, to and from the south on
McCormick Boulevard. So, that leaves 30 percent of the
traffic coming from the east who could possibly use the
circuitous route and get to Hartrey and enter on to
Shure Drive. 30 percent, we would require, the buses
would be required and they would be directed to use the
Howard-Kedzie intersection because it's signalized and
it's a lot safer.

We don't want buses going through
neighborhoods when we're not picking up those kids in
those neighborhoods. That leaves for the remainder of
the vehicular traffic 15 vehicles during the peak hour.
That's about, and that's assuming all of those vehicles
are going to go circuitously through the neighborhood to
access Hartrey to access Shure. And that's about what,
one vehicle every four minutes. Not a lot, 15 vehicles.
We also understand that the developer will close Shure at Hartrey during peak hours to prevent any kind of cut-through or whatever perception that the Director of Transportation had.

The sixth comment is the comment on the CTA, and I think we've beaten that to death. And I have no opinion because I guess, as that gentleman over there said, he's been here since 1967 and nothing has been happening.

MR. MURRAY: Well, and I would just like to clarify one thing. It's not a retail style of operation for the clothing or whatever it was indicated to be. It's simply a collection, preparation and packaging device as a means by which to send that clothing to persons in need thereof. And most of it would be heading over to Israel as I remember.

MS. FLOCK: I'm open to any questions. Thank you.

COMMISSIONER STALEY: Jim, I have a question. It doesn't go so much to the count and how many cars. I'm just, I assume it also falls within your expertise to look at the way the traffic is really going to work, because you know, when I go down to that shopping center and I turn off Kedzie and then kind of dive in, it all
looks kind of, you know, it looks like I'm going into a parking lot or I can get off where the Vineyard Church, the demarcation is not that clear. And I'm thinking that if this is really, if this is going to be the entrance in and out, do you have any ideas as to how to set that up so that, it doesn't look like to me it's going to be very safe, I mean. Cars that are going to be coming out of the shopping center and they come into this road, and how is that all going to work?

MS. FLOCK: Well, first of all, we would recommend signage for northbound traffic to go directly north on the north-south road that's just west of the shopping center. There is that three-way intersection that looks pretty funky and it looks kind of dangerous, but really what they did is they played with the stop signs where you stop for southbound at that intersection, you stop for westbound and you stop for northbound turning right into the parking lot. You do not stop as you are at an inbound movement into that north-south circulation road.

So, the traffic control right there, in my opinion, is appropriate. They keep the inbound going so the inbound does not back up onto Howard Street. But there definitely needs to be signage. I'm sure the
buses, 90 percent of these kids are going to be bused. Those buses are going to know to go straight north on that circulation road. The rest of the 10 percent, there probably should be signage that indicates that this JDBY School is farther north up ahead off of Shure Drive.

COMMISSIONER STALEY: I don't know what needs to be done but it just seems to me that it needs to be studied just to make sure it's safe. That's all I'm saying.

MS. FLOCK: Well, we have looked at that internal intersection. We had, our company had studied the Vineyard and at that time we had done recommendations at that internal intersection because it is so close to Howard and the signal. And that was the kind of stop control that we recommend. Stop southbound, stop westbound, stop that northbound right into the parking area, but always maintain that inbound as free flow going north.

COMMISSIONER STALEY: Thank you.

MS. FLOCK: You're welcome.

COMMISSIONER FREEMAN: Just a quick question. Would extending the left turn onto Kedzie from eastbound Howard prevent the backups that do occur
there? Have you looked at the timing of that arrow?

MS. FLOCK: Yes, we looked at the timing of the arrow. We use existing timings in order to replicate existing conditions. And that's why we're seeing the 140 feet of backup when there's only 85 feet of storage. Extending that, you're almost running into, because the McCormick and the Kedzie signal is so close, you're almost running into back to back lefts. And I don't think you're going to get any kind of more left-turn storage when McCormick is a state route. And the state is not going to allow --

COMMISSIONER FREEMAN: But if you extend that arrow meaning so you can turn left longer, doesn't that relieve some of the backup on Howard?

MS. FLOCK: Sure, that would help, exactly. It would also --

COMMISSIONER FREEMAN: Does your study make that type of recommendation?

MS. FLOCK: No, we did not. We kept the existing timings. That sort of thing can be looked at. It would involve IDOT because I believe one leg of that intersection is coordinated with the McCormick intersection, so it would have to go through some kind of IDOT permitting where you're going to re-optimize
that signal. And it's got to make sure it's going to work with the McCormick/IDOT signal.

COMMISSIONER FREEMAN: Thank you.

MS. FLOCK: You're welcome.

CHAIRMAN WOODS: Anybody else? Okay.

MS. FLOCK: Thank you.

MR. MURRAY: That is our final witness, and we rest.

CHAIRMAN WOODS: Ms. Hughes, you've waited very patiently, now is your time.

MS. HUGHES: Should I get over there?

CHAIRMAN WOODS: Yes, please. State your name, your address. Oh, yes. First of all, do you --

MS. HUGHES: I did stand with everybody like that, so I will answer the question yes.

CHAIRMAN WOODS: Okay, thank you.

MS. HUGHES: I don't have real facts, you know, I'm not one of those fact people.

CHAIRMAN WOODS: That's okay.

MS. HUGHES: My name is Lorraine Hughes and I'm at 440 Barton. I'm just a citizen of Evanston, so I don't have the background of, you know, legal and all this stuff. But I'm here because I am really concerned about the taxes, and I'm hoping that you were barraged
with emails because I know there was a lot of activity and I'm surprised and disappointed there actually are only two people here about it. But I know I sent one and I know there was also a conflicting appointment about traffic on Oakton and some people, because that is our area, went there.

So, that said, taxes to me is the biggest issue. You know, I'm, in general I just think the City has to stop turning over land to more non-tax uses. It seems to me that there is a lot of it out there already. We have more than our fair share. I want us to get some tax relief and, you know, give us the possibility, keep the possibility in play that we could have tax relief.

In terms of it being a premium to live in the City, yes, it is a premium to live in Evanston. But there is a point at which we're going to not be able to afford it. It keeps going up regardless of this piece of property going away. And you're going to be pushing out the middle class people who would like to be here because we will make other choices. And we don't want to but that is an issue.

In terms of the use of the property, and I would love to see Evanston be pushing and actively
trying to get light industrial in the City. I know we
don't have it but that doesn't mean that we shouldn't
have efforts to try to build revenues other than on the
taxpayers, on the residential people. I don't know what
the plans are for the City. I thought there was some
sort of effort that was beginning or starting. Again, I
don't know all the committees involved, but I'd like to
see that pursued.

I don't know what other properties are
available in the City. I'm wondering are there other
properties that are zoned for this sort of thing that
are out there that we don't have to convert something
else for? I mean, that seems like an obvious question
to me.

My other last whole thing is if it were to get
approved and there is an aspect of a community center
and food clothing distribution area, you know, I don't
have concerns for this particular school doing that, but
down the road, can others assume that same option, that
same functionality for that space if that school should
move out? I guess I'm concerned about what else might
be able to move in as a non-profit that's going to be
having that kind of function I guess. So, those are
really my main points. Thank you.
COMMISSIONER FREEMAN: Bill, you were going to look for email?

CHAIRMAN WOODS: Yes.

MR. DUNKLEY: Now, there are several items I'd like to address. The first is, because this was just brought to my attention regarding public comment, yes, in fact we did have two emails that were submitted. I do apologize for not having them before you in advance, but you have them here. It's actually two comments on either side of a single page. We're trying to save some paper.

They ended up in inbox way down at the beginning of my two weeks away. So, I do apologize. They should have been with the rest of those materials. And I'd like to go ahead and read those into the record.

One is from Lorraine Negley, and that's not the same -- is that the same?

MS. HUGHES: Yes, I'm sorry --

CHAIRMAN WOODS: It's okay.

MR. DUNKLEY: Okay. Is there anything in your written comment that you didn't address verbatim?

MS. HUGHES: I don't think so.

MR. DUNKLEY: Okay. And the other is from
Michelle Hayes, and that's fairly concise. "I won't be able to make the Plan Commission meeting but I wanted to express my general opposition to zoning changes that allow a property to be removed from the tax rolls. During a budget crisis, we can't afford to increase the amount of tax-exempt property in Evanston. Zoning of this nature exists to protect the taxpayer from becoming unnecessarily burdened by tax-exempt property, which we already have in excess in Evanston. Please do not change the zoning at 222 Hartrey to allow for a tax-exempt property. Thank you, Michelle Hayes." And then contact information in terms of email.

The question was asked are there other districts, what are the other districts that allow private educational institutions as a permitted use. The answer to that is all of the B's, all of the C's, all of the D's, the M's, MUE and MXE, and of course, as you can imagine, U1 and U3.

I would also like to make a correction regarding the standards that we are called on to use for map amendments and those findings that we are called upon to make regarding those standards. We have reasonable standards in our zoning ordinance. We do not follow or are not required to follow the State of
Illinois standards which may be used for cases which come under their purview. However, as benefiting from home rule, we get the ability and the right to write our own laws as they pertain to our municipality. And it would only be in a case where the entire question of land use came into consideration that courts would generally use another system of standards to determine map amendments, unless our standards are shown to be unreasonable or capricious.

And I don't need to tell you what those standards are because you use them all the time. They do not include specifically the length of time a building is vacant. That is not one of our four standards. The four are:

1. Is the proposed change consistent with the Comprehensive General Plan?
2. Are there public facilities that are adequate?
3. Does the property not, or does the change not adversely affect the property values of the surrounding areas, surrounding properties?
4. Is the change compatible with the character of existing development in the surrounding area?

Not is it compatible with the zoning district of the surrounding areas, is it compatible with the
existing development. A subtle difference but I think fairly important, particularly in light of on the zoning map, the immediately adjacent area to the south is zoned C1. It does have commercial uses. However, does the existence of that development, the way under which that land is developed, is that compatible with the C1 zoning immediately to the north? Or does the fact that it for instance removes all visibility from Howard Street, for instance, does that make it less compatible? An important question.

Let's see. Other questions that have been asked, if I can respond to them? Once again, I'll hand out zoning maps, which list the changes, the map amendments that have been undertaken. There's a good mix there. It does not include those that are most recent. That will come out on our new zoning map which we're expecting fairly soon.

And they are for the most part changes within category, so from one C to another. There are some down-zonings to residential. And then there is the, you know, the general M, MXE introduction. There were a fair number of properties updated there.

This map also came in just before the Central Street changes so you won't see those as well. Those
were changes within category as well, from one type of B to another. Then, we also had one area, which was rezoned from a C2 I believe to B1A.

Are there any other questions?

CHAIRMAN WOODS: I got one. Is the property that is currently south of Oakton that's under development, is that still an I2 zone or has that been changed?

MR. DUNKLEY: It is, that has the asterisk on the map that calls, I believe that's the property that brings and resurrects the 1965 ordinance, something like that. It's a complicated zoning answer.

CHAIRMAN WOODS: I'm talking about this property south of Oakton next to James Park. Which is currently zoned according to this map I2 but is --

MR. DUNKLEY: I think that's, yes, there was, we had a map amendment application, which was not continued. I think it was --

CHAIRMAN WOODS: A planned development of some sort there.

MR. DUNKLEY: That required a map amendment I believe. I don't think that's --

CHAIRMAN WOODS: It's approved and they're developing it currently.
MR. DUNKLEY: Okay.

CHAIRMAN WOODS: The roadway is going in and the storage building is --

MR. DUNKLEY: And the question is was there a map amendment?

CHAIRMAN WOODS: Yes, what is that zoning I guess is my question.

MR. DUNKLEY: I don't know but I'll find out.

CHAIRMAN WOODS: Is there anybody else who wants to speak on this issue?

(No response.)

CHAIRMAN WOODS: In that case, I think we'll close public comment and move on to our deliberations.

MR. MURRAY: Mr. Chairman, it's tradition that the Applicant gets a few words at the end of the deal.

CHAIRMAN WOODS: That's fine.

MR. MURRAY: But you know, is now the moment?

CHAIRMAN WOODS: Yes, now is the moment.

MR. MURRAY: Now is the moment. We have been here for approximately five hours considering and deliberating about this proposed map amendment. It is of significance because it is perceived to be, in my view, a positive organization that's seeking the amendment. And the only negative that's been
identified, the only antagonism concerning this application is the question of tax generation. Tax generation is an important matter of considerable concern to everybody who pays property taxes in this community and any other. But there is a policy enunciated by the State of Illinois that whether or not a particular use is tax generating or pays property taxes is not to be considered an element of consideration for a map change or zoning relief. And that's been the policy of the State of Illinois for several decades.

In this particular instance, we think that we provided you by Mr. Lunet's testimony, by going further I think than perhaps the standards would suggest and virtually creating a special use application for the Commission to assess and determine in terms of the general welfare and safety of this type of request. Is it a permanent request? Of course it is. Would the change in zoning be one that is anticipated to be a long lived change? Yes, of course it is. And as I indicated to you earlier this evening, it was intended to be a request for the most reasonable step that would permit, by special use or permitted use, the use that the Yaakov School professes to pursue, their school for Orthodox
children, submitting themselves to the rigors and
regimen of an educational process that is steeped in the
Hebrew tradition.

Now, what is the nature of the property? The
nature of the property is about six or seven acres.
It's a big slice of some real estate. And if anyone
knows the direction in which development has turned in
this community, it ought to be those of you sitting at
the dais. We have spent as a community several hundreds
of thousands of dollars in the determination of what is
the best and most proper use of existing properties that
are in the industrial zoning districts, in the
commercial zoning districts. And it has been concluded
after several months of consideration that at least for
the Mayfair line and the west side of Evanston, the
proper way of going about things is to overlay this and
lay on that and take all those industrial and commercial
properties and make sure that in the coming days, years,
months and decades they become residential.

It seems to me that there has been a decision
made by virtue of consultant with one expert after
another that the City of Evanston is not a viable source
for industrial uses anymore. We've had several people
testify tonight and at the November hearing that the
market is not there for this type of use, that 120,000
square feet cannot be affordably consumed by an
industrial user either in total or in part. And that
the reality is that the people who are the ideal
candidates in the marketplace for this type of use have
chosen to be profitable and sent their manufacturing
elements over to China or other places in Asia or Africa
and the subcontinent of India for execution.

And all that is really being done here in
terms of this once very viable, very strong portion of
our economy is basically assemblage of the materials as
they come into the country, momentary warehousing, and
then distribution. Design and those types of elements
stay put. So, what it really says to us I think is that
while office space is an appropriate user of whatever
under roof material buildings we have, an industrial
user really isn't a viable use any longer. The City has
gone to great lengths I think to suggest otherwise, that
this is the best site for an industrial use in the City.

And I disagree.

I think this, too, by virtue of its longevity
on the market, its absence of any positive use suggests
that the commitment to an industrial zoning district in
this area is one that does not have legs to it, will not
be able to carry on for decades as it would be suggested
to be maintained as an I District. We think that we
have submitted to you in accordance with the established
goals and standards for a map amendment information that
would suggest to you that clearly a commercial zoning on
this site is compatible with the overall character of
existing development in the immediate vicinity of the
subject property.

What could be more immediate in its vicinity
than the property to the south, which is C1 which is
what we're asking you to do? Make this C1 as well.
There is no negative impact from this request. The
negative impact is being supplied by the general
reluctance, rational as it is, that this property would
be removed from the tax rolls. And no matter how many
times I've said it, we will indeed pursue that potential
loss to the City. We will resolve it or we won't get
approved.

But we would ask you to take close view of the
land use issues that are actually provided for in the
standards. I think you can find nothing in the record,
nor in your common sense nor your knowledge of the City
of Evanston that would suggest for a moment that this is
incompatible with the existing property uses.
Similarly, we’ve provided you with evidence that there is no adverse effect upon the residential district to the east. It’s been isolated. It’s been walled off if you will. And if it hasn’t been walled off, you couldn’t walk there unless you have been consuming adult beverages and get out to Howard Street.

People will not use the access ways that are provided within the residential community to the east. They simply won’t. Well, we won’t allow them. During the hour of greatest visitation to our site and the egress therefrom will cut off the availability of going to the east on any of the residential streets.

I don’t think there has been a word said that would suggest that there would be an adverse effect upon the properties or their values.

And finally, there is the question of whether or not there are public facilities and services adequate to serve the effects of the proposed amendment. Well, clearly Shure Brothers installed most of them. They are still there. They’re quite usable. There are no additional services that are required. There are no additional utilities that are required. That’s the next last and only other standard that are supposed to be considered in your deliberations.
Now, have we in the process of presenting this to you gone in my view well beyond the elements of the standards that are you justified in considering? I think so. I think we have exposed to you the entire operational plan for this property. We have shown you that it will be not hostile. It will be welcoming, it will be inviting to the next-door neighbors. It will be compatible with the only other huge space immediately adjacent to it. And because it is isolated, because it is set off from other places, and because it is ideally situated for a commercial use, we would hope that you would deliberate, consider all of the alternatives, consider the unspoken amount of whatever contribution we feel obliged to consider and consult with and negotiate with the Council as a means why which of getting ultimate approval.

I think that you can only say to the application that the standards have been and we'd urge you to recommend a positive to the City Council. Thank you.

CHAIRMAN WOODS: Thank you. With that, we're on the Plan Commission deliberation.

COMMISSIONER STALEY: Jim?

CHAIRMAN WOODS: Yes, Chuck.
COMMISSIONER STALEY: I got a motion drafted up here until that last presentation. My only concern really is, and I think it would be interesting to see if we can get a second and then we could get discussion, but I think the term is hoisting oneself in one's own petard. The reference to our considering the loss of the tax revenue being something that we are not legally permitted to look at has kind of pushed me back a little bit on whether that is really the case because I was thinking more of making a, it's kind of hard to sit up here and say that that's not a big issue since we've been discussing it for five hours. It is in the record so maybe it doesn't make any difference and the Applicant seems to be willing to make a good faith effort to try to overcome that problem.

So, I don't know, I'm kind of torn. But I think maybe on the whole, I'd like to make that motion and see if there's a second. Unless --

CHAIRMAN WOODS: Well, what's your motion?

COMMISSIONER STALEY: Well, I don't know. I'm sort of reaching out here as to whether, you know, the legal aspect, you know, hoisting on one's own petard, if that was --

CHAIRMAN WOODS: Johanna?
COMMISSIONER NYDEN: Okay. I think I sort of, I was listening to you on the issues of sort of the fiscal impact to Evanston. And I've struggled with that. I think it is really a City Council issue to look at this. But the way this reads for our standard, if the proposed amendment is consistent with the goals, objectives and policies of the Comprehensive General Plan, and that's where things get a little bit more open for interpretation because if you open the Comprehensive General Plan which I think Robin has a copy of, it says everywhere economic development, economic development, economic development. So --

COMMISSIONER SCHULDENFREI: Yes, if I could just jump on that comment vis-a-vis the tax issue? I think legalistically we can't consider that one issue stated as Mr. Murray, perhaps Mr. Murray is correct in the way that he actually particularly stated, but absolutely we can, instead of framing it that we can't talk about the taxes that are being potentially taken off the rolls, the inverse of that would just be, you know, whether the proposed map amendment does indeed as per this objective for instance, "promote the growth and redevelopment of businesses, commercial and industrial areas" under this Chapter 4. Business, Commercial and
Industrial Areas. I don't think we need to talk about taxes. We can just talk about whether this also meets the objectives say in the General Comprehensive Plan also under Business, Commercial and Industrial Areas, page 33, "retain and attract businesses in order to strengthen Evanston's economic base." This one here, too, "contain or promote the revitalization of the Howard Street corridor through collaborative planning efforts of merchants, concerned citizens and representatives of agencies from the City of Evanston and the City of Chicago."

So, I don't want to make a comment either way on this because I think we just need to have an open discussion, but I just wanted to just jump in there. I think we can talk about whether this map amendment is indeed consistent with the goals, objectives and policies of the Comprehensive General Plan. And I don't think we need to say anything about taxes in that way.

COMMISSIONER STALEY: Well, I don't want to make this motion then because I do say something about taxes. That was the petard.

COMMISSIONER OPDYCKE: Jim?

CHAIRMAN WOODS: Stuart.

COMMISSIONER OPDYCKE: Yes. I can't look at
this in the abstract because to do so you're limited to
the very narrow question as to whether C1 is preferable
to I2. I can't ignore the tax implication here. And it
is with a great deal of regret that I oppose this
project. Ten years ago it might have been a different
outcome, and ten years hence may be a different outcome.
But today, we cannot turn our back on the potential
that this particular site has.

By all accounts, this is a wonderful school.

It is a model for educational excellence. It does good
work. Its graduates enter the world with purpose and
intelligence and energy, and that is all wonderful. I
am hopeful that when this does reach the City Council,
that something perhaps can be worked out to address the
tax issue. But as it stands, I cannot support for that
limited reason, the tax aspect of this, I cannot support
this project.

COMMISSIONER FREEMAN: Okay, here I go. I,
too, am concerned about the taxes, but currently the
taxes on this property are, what are they? They're
about to go down to 100 or something is what I think was
presented to us last time.

COMMISSIONER STALEY: Yes, I think it was 106
or 7.
COMMISSIONER FREEMAN: They're $106,000 or $107,000. Nothing done with this property and it continues to sit there. The property taxes and the value will be going down. And I think that will also have an impact on the surrounding community.

While I, too, would have loved something to have happened on this property, perhaps Target being moved back when it was originally built so we had a much more vibrant retail area, that wasn't done. I personally believe that this school will have a positive impact on the neighborhood and will eventually increase property values in the neighborhood and will eventually then lead to more taxes for the City of Evanston. The school will have families that will want to move into the neighborhood so that they can be close to what will be a community center, and a center of life for their community. So, I think the net result will be that property values in the neighborhood will go up as a result of the school being built there. I believe that that eventually will probably deal with the immediate $100,000 tax hit.

I'm concerned that we'd have to get an EPA permission to put a school on the property. So, I think that is a real critical thing, obviously that you can't
build a school there unless you have that. I'm inclined, even though my taxes, I live in Evanston and my taxes really just, I just got hammered. But I don't see anything in the near future that's going to go on that site that is going to bring taxes, a considerable amount of taxes to the City considering what we've seen there even in the best of times during the property boom and values of properties skyrocketing, easy money to get loans to build things. Nothing happened on that property.

And I think this is a very good use of the property. I am concerned about the $100,000 tax loss and I am encouraged by the commitment that we've heard here to do something for the City of Evanston and maybe perhaps the schools in Evanston. My children go to the public schools in Evanston and we have problems with programs. And I'm assuming some of this property tax goes to that, the schools in Evanston. So, I have a concern but I am in favor of this school moving forward.

CHAIRMAN WOODS: Robin?

COMMISSIONER SCHULDENFREI: I, too, have concerns over the tax rolls just in looking at the overall matrix of Evanston and land use planning. And that's where this again, I think, this planning aspect
comes into, looking at this from above. I think, you know, quoting from the roundtable that came out today with apologies to the media that's here, "Some 80 churches, two major hospitals, one major university, two public school districts and a smattering of private schools, a major international humanitarian organization and several local charitable organizations are exempt from paying property taxes, all non-income producing property they own in Evanston. Taking parkway, streets, sidewalks and alleys into account as well, 42 percent of the property in Evanston is off the tax rolls."

Then, when you add another 62,000 square feet, sorry?

CHAIRMAN WOODS: No, 6.2 acres.

COMMISSIONER SCHULDENFREI: Yes, 6.2 acres, that is a concern to me from a sort of planning standpoint. And in terms of whether, again looking not three years down the road, not looking seven years behind us, but looking 20 to 30 years ahead, I just see so many things changing with transit oriented development and the Skokie Swift which I took for the first time actually just recently and it's a remarkable view of Evanston from the Skokie Swift, it really seems quite possible that you could add stops along it. And
so, I don't see that as entirely farfetched in a
different conception of how we're going to live modern
life and what that actually means to us.

And I also think with a lot of concern about
gas prices, not particularly this week but ongoing, that
small manufacturing I don't think is beyond the realm of
possibility actually. I think this property was, by the
Applicant's own admission, overpriced for a number of
years and they didn't budge, and then all of a sudden
they did come quite down to a deal that, you know,
couldn't be refused I think if I'm remembering
correctly. And so, you know, I think this is a really
complicated issue.

Those are my kind of qualms and my kinds of
concerns. However, I really think that this is a great
adaptive reuse in terms of reusing a building. An
existing building is the most green use. I'm really
impressed by the LEED commitment and really just, in
looking at this as a particular case not as the bird's
eye view, I really see this as a really positive
project. And one would hope that if it were approved,
that you know, other developers and proposals that we
see, particularly for schools, would have the same kinds
of attention to detail and concerns. And I am concerned
about the environmental impact and so I think I'd just
add that comment to the other comments that people have
expressed.

So, I find this to be one of the actually
toughest cases. But I have less concern about the taxes
because I really hope that City Council who is really
looking at this and the subcommittee that's looking at
it with the pilot payment in lieu of taxes program can
address it. So, in terms of a project, as a pure
project from a Plan Commission standpoint and from my
opinion, I actually would be in support of it and
leaving some of the heavy lifting and negotiations to
people who do that well, namely our City Council.

MR. DUNKLEY: Can I offer a comment?

CHAIRMAN WOODS: Sure.

MR. DUNKLEY: Something I'd like to make sure
is understood regarding map amendment and the
implications of a map amendment. Unlike the special
uses, unlike planned developments, a map amendment is a
yes or no decision even at the Council level. There has
been a lot of discussion, most of the discussion has
been about the proposed use of the site. Keep in mind
the map amendment, once adapted, puts the landowners
whose property has been rezoned under no obligation to
operate any particular use. Nor can a map amendment be conditioned to require the operation of any particular use. I just want to make sure that you're clear about that.

It's not like a special use, it's not like a planned development. This map amendment, and I'm not making any implications about the intentions of the land user, I'm just making sure that we know that the map amendment itself does not require any action, any use on the part of any of the property owners.

COMMISSIONER OPDYCKE: Bill, I've got a question about that. If in fact this map amendment goes through, then the user has to comport with the use, the required use?

MR. DUNKLEY: I'm sorry, there is no required use.

COMMISSIONER OPDYCKE: Well, it would be a permitted use under C1.

MR. DUNKLEY: That does not obligate the landowner to actually use the property in that manner or any manner.

CHAIRMAN WOODS: Right.

COMMISSIONER OPDYCKE: Well, I'm sorry. I guess I don't understand that. If this becomes -- Jim?
CHAIRMAN WOODS: I think what Bill is saying is that, in effect you've changed the use on the property. It doesn't mean the school would have to come into being. The school could decide that, you know, that isn't what they want to do is put a school there. They could just sit on the property.

COMMISSIONER OPDYCKE: Oh, I understand that. But if they're going to use it, it has to be one of the permitted uses.

CHAIRMAN WOODS: Yes.

MR. DUNKLEY: Yes. It allows the property to be used for that use. But it does not obligate the property to be used for that use.

COMMISSIONER OPDYCKE: Oh, all right.

COMMISSIONER NYDENS: I guess my comment sort of goes along with what Bill just told us. If for some reason the school didn't move forward and either, I mean there are some issues here that we've talked about that are outstanding, this environmental remediation issue, the tremendous costs that could be associated with that, for some reason if the school doesn't go forward even for a reason that they haven't been able to foresee at this point in the discussion and we've recommended a change in the map amendment and City Council approves
it, we’re now stuck I think with another not viable use.
If we’re saying industrial or I2 is not viable because,
you know, we don’t have the frontage for an industrial
use and nobody wants to buy industrial, I don’t know how
many people would seek out C1 uses behind the Target
right now.

I’m just looking over this list that Bill gave
us. I mean, there’s things in the permitted, you know,
C1 that include a commercial shopping center, a cultural
facility, and then there’s educational uses, a food
store establishment, an office, a public utility, a
recording studio, restaurants. So, these are uses that
I think would require things like frontage and good
access. And I would fear that we’d get another not
viable parcel.

CHAIRMAN WOODS: Coleen, anything you want
to --

COMMISSIONER BURRUS: I’ve pretty much said
what I need to say about this throughout the
proceedings.

CHAIRMAN WOODS: Okay. Larry? Do you have
any thoughts?

ASSOCIATE MEMBER WIDMAYER: You know, it’s a
tough piece of property. It really is. It’s an orphan.
I was trying to go back and remember how it got to be what it is. And although I'm not sure, I think it was a building in the back half of the Bell & Howell multi-building industrial complex, that somewhere along the way during the period of time when Bell & Howell was buying and thinking themselves a conglomerate and buying and selling businesses like they'd buy and sell toothpicks, somehow this microphone end spun off and got their property at about the same time that they sold the front half to a commercial developer.

So, it is a tough piece of property and I have looked at it as an opportunity over the last few years to try and find somebody to buy it and figure out what to do with it and haven't been able to. You know, having said that, I guess the question that a couple of you brought up is the real one, and that is: is this property better as industrial which we have not been able to do anything with in the last seven years, or possibly some form of commercial? That being the case, it becomes a school, but if it doesn't become a school can become a bowling alley as we were talking about earlier. Or something else that may have a better market potential.

Because the one thing I do strongly believe in
is that vacant property over a long period of time is unhealthy for any part of our community. It becomes whatever vacant properties become, you know, one thing is a place to get extra copper but something else can become a place to, you know, sell drugs or a place to do a lot of things. I mean, it's vacant land. It does have a security system and I understand that, but nonetheless.

So, I would hope that when you think about it you would think about what is the most likely use to succeed over the next 20 years or 10 years or 5 years.

CHAIRMAN WOODS: Do you have an opinion about that?

ASSOCIATE MEMBER WIDMAYER: You know, that's why I thought the C1A because it gave us a little more flexibility in the commercial end. But I think it probably has more, this particular piece of land probably has more opportunity in a commercial environment than an industrial environment. It just seems to be so hidden in an industrial environment that people don't want to get involved with it. If we have a CTA station, that's probably Dodge, that's a lot of activity walking through the community to get to this isolated area.
You know, it's not like other properties that we have that are potentially industrial around Oakton and off Oakton and off of Dempster. It's not like properties that could go back on the tax rolls that are on streets like Davis where a tax potential probably should be considered. In this case, I think the isolation is such that the vacancy is a bigger problem and a bigger negative to the community and could end up being a big cost to the community.

And if some contribution could be made to the City in kind, I think that would be of great civic gesture and I think that would probably be in keeping with what I have heard as part of your philosophy. And if that were the case, I would think that moving in that direction might be beneficial to everyone.

COMMISSIONER STALEY: Jim, could I comment again?

CHAIRMAN WOODS: Yes.

COMMISSIONER STALEY: This, I keep repeating how difficult this is because in a way now we're worried there might not be a school, you see. So, you know, we're kind of coming around this, but I'm sure that could be, I don't have any concern at all that it's not going to be, it's going to be a school for a long time.
I mean, I've looked at the money that's going in here and, you know, I've looked at the people who are here. And I'm sure of the commitment, I'm sure that could be handled in some legal way by, you know, filing a covenant against the property that if it was going to be used for anything other than a school, that the owner would have to come back and do something with the City. I mean, something could be recorded, I mean, you know, I don't know exactly how to do it but I know it could be done to take care of that. I don't think that's a huge issue.

I'm not quite as negative on the long run development of this property for industrial or commercial. You know, I realize that this has been this a long way. I ran into a friend of mine who actually is a commercial broker and I was talking to him as we were playing tennis the other evening and I mentioned this property, whether he knew anything about it. Well, yes, he did.

He had represented Bell & Howell when they moved DeVry. DeVry was there, the school, not in this particular building but they moved it out. And so, he knew and he said that basically that, you know, there had been three strong runs over the last ten years to
try to do something with this property and nothing really panned out until this last sale. And he emphasized that Center Point who had the property was as well equipped as anybody to find someone and put something together. They weren't able to do it.

I feel that if we did turn this down, I don't think it's going to lie fallow forever. I think that probably it will be developed into something smaller, when the economy turns something will come back. On the other hand, if I could just decide it myself, you know, I would try, because I think this is a great use, I hate to see that much tax go away but I realize that taxes are reduced anyway. And so, you know, if we could work out something reasonable that would get them their school, I'm being told that legally we can't, you know, sort of hang that out there and so that gives me a lot of problems. But I do think maybe at this point I would, having come full circle, like to make this motion and see if there is a second because the petard, I'm already hoisted on it. So, you know, you can only --

CHAIRMAN WOODS: You can only fall on it once?

COMMISSIONER STALEY: You can only be executed once, I think. I move we recommend that the City Council approve the application's request for rezoning.
the property at 222 Hartrey to see C1 provided that the
City Council is able to negotiate with the Applicant
payments in lieu of real estate taxes that are
acceptable to the Applicant and to the City Council.

COMMISSIONER SCHULDENFREI: We've added
provisions before. I would just add one word, ongoing
payments. Because I think the one time payment --

COMMISSIONER STALEY: No, I meant, when I said
payments, I would be happy to accept ongoing.

COMMISSIONER NYDEN: Robin, that's a good
point. Provisions that we have added on to approvals or
denials have been ignored previously, vehemently
ignored. And so, putting on provisions I think is sort
of a waste of time because what happens is with Council
it's either up or down. It's not up with provisions.
So, I think that we need to be careful about putting
provisions.

COMMISSIONER SCHULDENFREI: Would there be any
other alternatives, because I couldn't agree more with
you about that. The only thing that provisions do is
while there is the potential for them being completely
ignored, there's also at least the slightest potential
for them to actually be taken into consideration. Maybe
in block cap letters or bold with a couple of
COMMISSIONER STALEY: We have been advised, and particularly myself, that we are only an advisory group and that they really are looking at our thought process and what we're thinking. And they say that they even read all of this, and if they do read all of this, they're going to really see just how schizophrenic we are on this whole thing I think. And so, they're obviously going to know what the issue is and they're obviously going to make the decision. They may make it based on the overall, you know, master plan or whatever, they may take into account other considerations. But I don't know.

COMMISSIONER NYDEN: I think I would echo that. I think that City Council is looking to us for our thought process and particularly how we as the Plan Commission weigh in on the land use and the potential zoning change. And I think of course in the back of all our minds is the tax issue, of course. How could it not be? I think most of us here, well, we all live here so we all pay taxes either through --

COMMISSIONER FREEMAN: The nose.

COMMISSIONER NYDEN: Yes.

CHAIRMAN WOODS: In any case.
COMMISSIONER NYDEN: In any case. So, I think we're all very aware of the tax issues in Evanston. But I think that we probably just need to make a decision about the land use and the actual zoning change.

MR. DUNKLEY: I'd like to again weigh in, and I don't mean to beat a dead horse. But the condition that's been proposed which is working out a mutually agreeable pilot payment in lieu of taxes agreement, if you consider that map amendments work, it's an unenforceable situation. There is no consideration of the specific use when deciding on a map amendment. It is an up or down decision. The Council can negotiate any agreement with a particular landowner regarding a particular use, but once the amendment has been adopted, it becomes a permitted use. It becomes a by right use. There is no more negotiations that can be compelled.

CHAIRMAN WOODS: In other words, you could negotiate with the currently landowner but not with a future landowner?

MR. DUNKLEY: That's another possibility.

COMMISSIONER FREEMAN: What I think you're saying is even the current landowner, once you've made the agreement and you've changed the map, there is no enforcement on the agreement is what you're saying. Is
that correct?

MR. DUNKLEY: That is correct.

COMMISSIONER FREEMAN: I'm not a lawyer.

CHAIRMAN WOODS: Well, but if in fact you have a written --

MR. DUNKLEY: Well, I mean you can't -- revert back to the previous --

CHAIRMAN WOODS: But if in fact you have a written agreement prior to the passage of the map amendment, isn't that written agreement enforceable?

MR. DUNKLEY: It depends on what the terms of the agreement are.

CHAIRMAN WOODS: But I assume the City has smart lawyers that would be able to figure that out.

MR. DUNKLEY: Well, the one thing that won't happen is that the land won't revert back to the previous district. That bell has rung, it can't be un-rung.

CHAIRMAN WOODS: Yes, I agree.

COMMISSIONER BURRUS: But didn't something like this happen with the Vineyard? Something related to taxes and change and so there was, it didn't work out legally?

CHAIRMAN WOODS: I don't have any idea.
COMMISSIONER BURRUS: So, my point is I don't know that we have a good history as a city of putting legal agreements together that might be for compelling people to pay taxes or organizations to pay taxes. So, I think that we should consult with legal about that issue and look at the track record --

CHAIRMAN WOODS: Well, and again it's way out of our purview.

COMMISSIONER BURRUS: I agree but if we are going to make a decision that, as Bill has beat us over the head with, that this is a, you know, it's a yes or no, it's a black or white decision here, that we need to think about that very carefully.

CHAIRMAN WOODS: I haven't had a chance to comment yet but my personal opinion of this is that I think that this is a wonderful institution that is well suited to this property, and that is a great thing for now. But this is a land use change relative to the City of Evanston that is much longer term. And unlike other situations where we're trying to be out ahead of the curve, we're obviously in a position here of reacting to a situation. And in my opinion, there are other land uses that ought to be seriously considered for this property and that ought to be looked at. And that's why
I would vote against it.

COMMISSIONER BURRUS: Because the special use would trigger it?

CHAIRMAN WOODS: Well, I'm not even concerned about the special use because many of the uses would be, the school would be an allowable use. I'm just concerned about it being C1. I think maybe C1A, even if I look at the map, you know, down the line, should it be an R of some designation where perhaps we could within the City find a place for some affordable housing. I mean, there are all sorts of things that if done the right way things could go in this location that might fit down some time in the future.

But personally, as a C1 property, I think the land is basically un-developable as C1. So, what's the point of changing it to C1?

COMMISSIONER FREEMAN: So, are you telling them to apply for a different zoning?

CHAIRMAN WOODS: I'm suggesting that there might be a different zoning that they should apply for.

In my opinion, but yes.

COMMISSIONER OPDYCKE: You have a motion. Was there a second?

COMMISSIONER STALEY: There was no motion,
there was no second. It died for want of a second.

CHAIRMAN WOODS: Is there a second or is there another motion?

COMMISSIONER FREEMAN: I'll second. I will second your motion.

CHAIRMAN WOODS: Okay. We have a motion, we have a second.

COMMISSIONER STALEY: Was that as amended by Robin?

COMMISSIONER FREEMAN: As amended by Robin.

CHAIRMAN WOODS: Right. Is there any further discussion? Hearing none, call the vote. Stu?

COMMISSIONER OPDYCKE: Nay.

COMMISSIONER STALEY: Yes.

COMMISSIONER FREEMAN: Yes.

COMMISSIONER SCHULDENFREI: Yes.

CHAIRMAN WOODS: No.

COMMISSIONER NYDEN: No.

COMMISSIONER BURRUS: No.

CHAIRMAN WOODS: The vote is against, 3-4. We need findings of fact, correct?

COMMISSIONER OPDYCKE: Would you entertain then another motion? A motion to deny?

CHAIRMAN WOODS: Well, wait. Do we need a
COMMISSIONER OPDYCKE: Do you need a motion to deny the Applicant's petition to change the designation from I2 to C1?

CHAIRMAN WOODS: We've effectively done that.

COMMISSIONER OPDYCKE: Okay.

COMMISSIONER NYDEN: Yes, I think it's because there were the provisions attached to it, right?

MR. DUNKLEY: What you have done is not supported a motion as stated. That's not the same as supporting a motion of any type.

CHAIRMAN WOODS: Okay. Go ahead.

COMMISSIONER OPDYCKE: Then my motion is to deny the Applicant's petition to change the designation of the subject property from I2 to C1.

COMMISSIONER BURRUS: I second.

CHAIRMAN WOODS: Any further discussion?

Let's start at this end. Coleen?

COMMISSIONER BURRUS: Aye.

COMMISSIONER NYDEN: Aye.

CHAIRMAN WOODS: Aye.

COMMISSIONER SCHULDENFREI: Nay.

COMMISSIONER FREEMAN: Nay.

COMMISSIONER STALEY: Nay.
COMMISSIONER OPDYCKE: Aye.

CHAIRMAN WOODS: 4-3, denied.

MR. DUNKLEY: 4 to 3 in favor of recommending denial of the zoning change from I2 to C1.

CHAIRMAN WOODS: And do we need a reading of findings of fact?

MR. DUNKLEY: Yes, they were distributed. Do you want to take a short break and we can --

CHAIRMAN WOODS: Yes. Are you ready?

COMMISSIONER OPDYCKE: Sure.

CHAIRMAN WOODS: Go ahead, Stu.

COMMISSIONER OPDYCKE: Standard number 1. The proposed amendment must be consistent with the goals, objectives and policies of the Comprehensive General Plan. The findings. The future land use category of the subject property as well as adjoining properties to the west is identified in the general plan as industrial described as manufacturing uses, warehousing and large areas devoted to transportation, yards and other utilities. Land immediately to the south is categorized retail and mixed use, and to the east is single family. The property to the north is identified as industrial or parks. However, this land is separated by the CTA rail line across which there is no access.
The proposed zoning map amendment from I2 General Industrial to C1 Commercial is not compatible with a future land use identified by the general plan for the site itself. Immediately to the south, the general plan identifies land use as a site where opportunities for commercial and mixed use development and revitalization are probable. Sensitive transit oriented development is encouraged.

**Standard number 2.** The proposed amendment must be compatible with the overall character of the existing development in the immediate vicinity of the subject property. The proposed map amendment to C1 would be compatible only with the properties immediately adjoining to the south which are currently in the C1 District. A rezoning as proposed would render the site less compatible with the adjoining property to the west zoned I2. Resulting compatibility with the neighborhood to the immediate east zoned R2 would be somewhat similar to existing. Both industrial and commercial zoning are incompatible with residential zoning in varying aspects.

Jim, this might be perhaps a point at which you might like to interject something about other possible zoning designations?

CHAIRMAN WOODS: You'll have to read through
it.

COMMISSIONER OPDYCKE: All right. **Number 3.**

The proposed amendment will not have an adverse impact on the value of adjacent properties. Finding of fact.

The rezoning of this parcel from I2 to C1 may have a wide range of impacts on adjacent properties both positive and negative.

While encouraging occupancy in such a large site would stabilize property values of neighboring land as opposed to having the site remain vacant or underutilized, commercial use especially retail use would likely have a negative effect due to the increase in traffic congestion.

**4, the fourth standard.** There are adequate public facilities and services. Due to the location of the site behind the existing retail commercial center and removed from direct access to major roadways, vehicular access could present a challenge.

I don't think it's necessary to read the note given the fact that we've had extensive testimony concerning the traffic impact. So, that concludes the standards and the findings.

CHAIRMAN WOODS: And, Bill, do we need to vote on the findings?
MR. DUNKLEY: Yes, you do.

CHAIRMAN WOODS: Okay. Stu?

COMMISSIONER OPDYCKE: I move that we approve

the recitation of the findings of fact.

COMMISSIONER BURRUS: I second.

CHAIRMAN WOODS: Okay. We'll vote. Coleen?

COMMISSIONER BURRUS: Aye.

COMMISSIONER NYDEN: Aye.

CHAIRMAN WOODS: Aye.

COMMISSIONER SCHULDENFREI: Nay.

COMMISSIONER FREEMAN: Nay.

COMMISSIONER STALEY: Nay.

COMMISSIONER OPDYCKE: Aye.

CHAIRMAN WOODS: Does that take care of it?

MR. DUNKLEY: That concludes the case that we

have on the agenda. Before adjourning, I'd just like to

remind you that our next meeting in January we'll be

posting the ZBA.

CHAIRMAN WOODS: Yes.

MR. DUNKLEY: And I want to confirm with

you since I was not present at the end of that last

joint meeting, that the meeting will start at 7:00

o'clock, the regular start time, and that we'll take up

any Plan Commission agenda items following the joint
meeting.

CHAIRMAN WOODS: Subsequently, yes.

COMMISSIONER OPDYCKE: Before we adjourn,

before Jim declares this meeting adjourned, I'd like to

personally thank you, Jim, for your stewardship the last
couple of years as our Chair. You have brought
tremendous professional skill and congeniality to the
task, great integrity and purpose. And I thank you

personally, I thank you on behalf of the members of this

Plan Commission, and indeed I thank you on behalf of the
good citizens of this community. You have kept the ship

on course. And it occurs to me that the only time it

got a little bit off course you weren't here.

So, as I said before, I take great comfort in

the fact that you will remain on board here for at least

another year. A job well done, Jim. Thank you very

much.

(Applause.)

CHAIRMAN WOODS: Thank you, Stu, and everyone

else. Obviously it's been a pleasure to serve in this

role and to work with all of you, things were at times
tough, but I think we got through them and we're moving

ahead and I think that's a wonderful thing. And it's

been an honor to serve my community, thanks.
All in favor?

(Chorus of ayes.)

(Whereupon, the hearing was concluded at 10:57 p.m.)