

1 CITY OF EVANSTON
2 ZONING COMMITTEE OF THE PLAN COMMISSION
3 CASE NO.: ZPC 07-03-M&T
4 RE: WEST EVANSTON ZONING CHANGES. To consider
5 amendments to Chapters 8, "Residential Districts;" 17,
6 "Landscaping and Screening;" 18, "Definitions;" 3,
7 "Implementation and Administration;" 7, "Zoning
8 Districts and Map;" and any other related sections of
9 the Zoning Ordinance, to amend the map and the text of
10 the Zoning Ordinance, to affect the regulations of the
11 Zoning Ordinance as applied to that area of the City
12 presently within the West Evanston Master Plan Area and
13 part of the Canal-Green Bay Road/Ridge Avenue-Church
14 Street Study Area.

15 Transcribed Report of Proceedings of a public
16 hearing on the above captioned matter, held December 19,
17 2007 at the Village Hall of Evanston, 2100 Ridge Avenue,
18 2nd Floor, Evanston, Illinois, at 6:10 p.m. and presided
19 over by J. Woods, Chair.

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1 PRESENT:

2 J. WOODS, Chair

R. CREAMER

3 S. OPDYCKE

B. DUNKLEY

4 R. SCHULDENFREI

S. GUDERLEY

5 J. NYDEN

A. JACKSON

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1 CHAIRMAN WOODS: Welcome to the Zoning
2 Committee of the Plan Commission meeting of December 19,
3 2007. We have a quorum of Committee members, so we are
4 going to proceed with Old Business which is Zoning
5 Ordinance Text & Map Amendment Public Hearing for ZPC
6 07-03-M&T, West Evanston Zoning Changes. Arlova?

7 MS. JACKSON: Okay. I just, to take care of
8 some business, I just want to enter into the record a
9 couple of items. The first is the staff report dated
10 December 19, 2007 with the subject ZPC 07-03-M&T West
11 Evanston Zoning Review, Nonconforming Uses, Buildings
12 and Structures which is two pages. There's a second
13 staff report dated December 19th that is itemed
14 differently.

15 CHAIRMAN WOODS: Regarding West Evanston
16 Zoning proposed --

17 MS. JACKSON: Yes, that is it. We also
18 received a two-page set of comments from Betty Ester
19 which is untitled. The first line says "The following
20 stages of the proposed text for ZPC 07-03." And a
21 letter from -- LLC dated December 18, 2007 from John
22 Wertymmer to Mr. Dennis Marino. And the copies are at
23 the bottom.

1 At our last meeting which was August 22nd, we
2 had quite a few comments on our current, at that time,
3 treatment of nonconforming uses and structures,
4 particularly from listening to business owners in
5 industrial and commercial districts. So, over the past
6 couple of months, we have been working with our
7 consultants and staff internally to revise that
8 language. We've made a couple of attempts which are
9 described in the memo I mentioned earlier. However,
10 we've had to go back to the drawing board. After
11 internal review, it was found that the first draft had
12 the potential for, in the view of our Law Department,
13 had the potential for some concerns.

14 So, we proposed new language in the current
15 draft which is on the second page of the memo which, to
16 summarize, basically provides any nonconforming use or
17 any nonconforming structure with the opportunity to
18 expand which currently isn't allowed in our building
19 ordinance at all, to make expansions and/or structural
20 alterations via a special use process in adherence to
21 additional set of standards. This is something that was
22 found to be more acceptable because it was provided to
23 all uses and all structures whereas the first version

1 was limited to a specific group of uses and structures.

2 So, that's new information in our fumbling
3 attempts to come up with language that will allow
4 existing businesses an opportunity to expand. The
5 current language doesn't impact at all their ability to
6 remain in operations. We currently just don't have
7 provisions in our ordinance toward expansion of existing
8 uses. So, that was our attempt to address that.

9 The other memo basically just summarizes the
10 changes to this, from this draft from the one that was
11 submitted, I believe it was dated June 29th the last
12 time we submitted copies of the draft to the Committee.
13 I mean, it just details, you know, section by section
14 the things that are different here.

15 I believe we have at least one person here
16 that would like to comment on design problems on this
17 issue. I know that we have a community group that would
18 like to make a presentation. So, I don't know if you
19 want to divide our time so that maybe the last half can
20 be devoted, I think they need at least 20 minutes -- 15
21 minutes, so just --

22 MS. ESTER: Can we hear the seven pages first?
23 Because it ties into the -- so, we need to show this

1 first, then it can all be tied --

2 MR. MURRAY: That's why we've got -- for
3 business property owners that are concerned with this
4 particular meeting and --

5 MS. GUDERLEY: Can you speak to the microphone
6 because we'll be making a transcript?

7 MS. ESTER: Yes.

8 MS. GUDERLEY: Could everyone use the
9 microphone for anything they may say?

10 MR. MURRAY: We consulted with the -- and we
11 would yield for, although it's your meeting to conduct,
12 certainly she may proceed first.

13 MS. JACKSON: Unless you guys have questions
14 now --

15 MS. ESTER: Thank you. My name is Betty
16 Ester. I stay at 2114 Darrow. And I thank you for
17 allowing us to go first.

18 We had two community meetings where we met
19 with the business and the residents in the west side of
20 the Fifth Ward. We talked about what was going on and
21 what was there and what was needed. And we felt that we
22 needed to be talking to the business in sharing the
23 whole vision and everything, so we shared our vision

1 with everybody. And this is what we came up with in the
2 conversation that the business had and we had. We both
3 agree with each other in what they was looking for and
4 what we was looking for.

5 So, Richard Avery is an architect and he will
6 show you our concept. Thank you.

7 MR. AVERY: I was asked by Ms. Ester to take a
8 look at a specific piece of land as a way to start to
9 give a physical form, so to speak, or a vision for
10 people to react to looking at changes in the community.

11 And now, this may come as a bit of a surprise. I know
12 that Farr Associates have done a lot of work in the
13 plan. This is looking at one specific piece and trying
14 to get the community behind the idea of how development
15 might move forward on that and providing affordable
16 housing and retail to the primary goals.

17 The piece of land in question is probably best
18 known as the Robinson site with the attendant strip
19 mall, gas station and postal facility, and the Tape Coat
20 site is down in the southeast corner. And it runs
21 roughly from Emerson to Lyons with Lyons continued
22 through, and from the alley west of Ashland to the alley
23 east of Darrow, and with the ComEd substation in the

1 middle.

2 Some quick pictures just so that we can get
3 oriented. Looking at the north end of the site, south
4 end is where Lyons currently terminates. The scale of
5 Ashland, this will be in the report later on, the scale
6 of Ashland which is the one residential neighborhood
7 that adjoins/buts up to the site. Current senior
8 housing is to the north. The site itself, the ComEd
9 substation.

10 And since this is just sort of a concept or a
11 visioning idea, we took the boundaries or wrapped in the
12 postal facility and the Tape Coat site as a way to
13 propose something that could serve as a template moving
14 forward.

15 Our primary goals for the plan acts as a
16 connector for the east and west halves of the community,
17 it should not be an isolated development nor its context
18 to create -- This is a chance to start to stitch two
19 halves back together. Currently, there's sort of a dead
20 zone that runs in between them. And one of the dangers
21 is this piece being parceled up to provide essentially
22 islands of development that don't necessarily relate to
23 the adjacent properties in the community, inspired by

1 community needs by planning retail spaces, affordable
2 housing, mitigating the negative aspects of the site in
3 which the largest is the ComEd site sitting in the
4 middle of it.

5 The planned building design should be as low
6 energy and -- sustainable as possible. That's a big
7 driver in the site plan which you see in the site plan,
8 to serve as a guide and template for future neighborhood
9 development.

10 So, looking at this in sort of broad strokes,
11 this varies to the Farr plan, I realize, by cutting in
12 new streets then which I guess would be Florence, yes,
13 would roughly run into Florence, along the, almost the
14 western edge of the Robinson property. And the goal
15 here is to cluster development, a higher density, a
16 density that starts to allow affordable housing to be
17 provided rather than the, essentially the relatively low
18 density townhouses in the Farr plan. We keep higher
19 density townhouses two stories high abutting the
20 existing neighborhood so there is not that range in
21 scale. On Emerson, we have retail on the ground floor
22 with either the professional space or residential in the
23 second through fourth or fifth floors.

1 And then, the substation would essentially be
2 walled off by taller buildings, three or four stories,
3 that would remove it from people's perception of the
4 neighborhood. It becomes an inaccessible island. And
5 then, on Lyons, continuing to the west end of the site,
6 we bring the scale back down. All the parking and
7 attendant services are accessible by alleys behind the
8 various buildings.

9 Now, one of the goals was to start to grapple
10 with these issues of density necessary to make something
11 economically viable and provide affordable housing with
12 the, you know, the conflict that comes about when doing
13 that with the scale of the existing community. And
14 looking at how these buildings to start to address the
15 context and not feel like they just land in there like a
16 spaceship. So, this is looking east on Emerson, the
17 retail buildings with residential above.

18 Now, at this point, this is, like I said, sort
19 of a vision, a concept, no specific uses have been
20 attributed in terms of mix of residential types. This
21 could be a senior housing building. It could be, you
22 know, any number of things, condominiums. It could have
23 professional space on the second floor. It could have

1 retail on the first.

2 But it keeps the scale higher on Emerson, and
3 then as you get into the site, things go down. Right
4 where Florence meets Emerson is an opportunity to sort
5 of create public space and bracketing it with these
6 taller buildings that forms a gateway in and starts to
7 give some focus to this stretch of street. This is
8 looking over the townhouses where it's sort from an
9 aerial shot as they start to abut the neighborhood. And
10 the point of this is to demonstrate how we brought that
11 scale into the site but increase the density to a point
12 where we can start to provide more affordable housing
13 and with a mix of market rate.

14 And the parking is a series of courtyards
15 where one courtyard is at ground level and provides
16 private outdoor space and public outdoor space or semi-
17 private outdoor space. And then the parking areas are
18 decked over to provide outdoor spaces above them. Here
19 is a section looking at that where you could have one
20 mix of housing type in terms of smaller apartments on
21 the north side, but they can still receive the southern
22 exposure to enhance -- solar possibilities while the
23 parking is all tucked in underneath and not getting one

1 of these situations where you have a bunch of townhouses
2 facing into just a parking court.

3 Now, this could take any number of forms.
4 That hasn't finally happened. It could be looked at.
5 It could be green roofed. It could be used to mitigate
6 storm water impact.

7 Looking north on Florence towards Emerson to
8 the right, we have the lower density housing. To the
9 left, we have taller buildings. These could be whatever
10 they need to be in terms of height. This is shown at
11 four stories right now. It could come down to three, it
12 could be a mix going down. But their main purpose is to
13 take away that very negative influence of the substation
14 that sits in the middle and screen it from view and
15 provide a different housing or building type. It could
16 be a mix of -- string of apartments.

17 And then, this is what you would find as you
18 drove down Lyons as it extends into the site. The scale
19 of the neighborhood would continue and by not giving it
20 a hard line with the townhouses, or some enclosed
21 outdoor areas which makes it more family friendly, and
22 then semi-private or public areas to move in and out of,
23 that would break down the scale and this would prevent

1 this creation of a Chinese wall across the site.

2 Now, let me flip back to one thing that I
3 still have to go over real quick -- that's basically it
4 right now. And we presented this to the community on a
5 number of occasions as a way to gauge their interest and
6 get their input. And the expectation is that what is
7 here is a concept, it's a vision. It's not anything set
8 in stone but is something to start the discussion
9 because it's hard sometimes to talk about things in the
10 abstract, and to get moving forward and get people
11 behind something and understanding that any development
12 that's going to happen here is necessarily, could be
13 affordable as wanting to not fit the existing mold of
14 the community around it.

15 And in terms of the site plan, one of the
16 important things is we tried to acknowledge energy as a
17 primary driver of the, or the generator of the site plan
18 in that most of the residential has an east-west
19 orientation which allows it to have a nice southern
20 exposure, to maximize that rather than just sort of
21 dropping things on, you know, willy-nilly. It's
22 something that I think is going to be much more
23 important as time goes on and energy prices continue to

1 rise. The way we site our buildings, we can start
2 there, making them more sustainable just thinking about
3 that.

4 I don't think the current development pattern
5 works as well in that regard with houses that are
6 oriented towards the street and run east and west on the
7 long side very closely together. So, that is, and I'll
8 turn it back over to Ms. Ester and she can wrap up.

9 MS. ESTER: Thank you. We did try, in order
10 to be able to look at and talk about the text changes,
11 the zoning and the stuff that Farr was proposing to us,
12 to see was there some other way of doing the things
13 besides what they presented to us when they went through
14 the Charrette.

15 So, going through that exercise, this is what
16 we came up with. And then the business had their
17 concern about being able to expand which we thought they
18 should be able to. They met with us and told, you know,
19 us, the community, what their discussion they had had
20 with the City and all of the contemplation that went on.

21 So, now they are going to tell us, which we
22 didn't know at that time because we haven't had another
23 meeting with the group, what is happening, what they are

1 proposing, that they want. And the community is behind
2 them as to what they wish. Thank you. And Carlis will
3 talk about this later. Thank you.

4 CHAIRMAN WOODS: Yes, if we could turn the
5 lights back on? Actually, before we go any further, can
6 I ask a couple of questions? Clearly, you're increasing
7 the density from what was in the original proposed
8 master plan. Do you have an idea about how much
9 increase in density there is?

10 MR. AVERY: If you take a thousand square feet
11 as an average unit size, there's potential for 200
12 units, give or take. I believe what I counted in the
13 Farr plan depending on how you kind of, what happens on
14 Emerson with their buildings, that could be anywhere
15 from 60 to 100. I counted I think 56 split townhouses
16 both from the same area involving two-fold --

17 CHAIRMAN WOODS: Are there, I guess, if such a
18 plan does go down although I'm not sure, does your new
19 street then connect into the new street south of Lyons?

20 MR. AVERY: It certainly could. And that
21 would be something that would have to be worked out as
22 the plan moved forward. And this is, to attach a label
23 to it, it would be early, early schematic design.

1 CHAIRMAN WOODS: Understood. I just --

2 MR. AVERY: Yes, but that would be an
3 expectation that it could do that. Now, I know the
4 community has some concerns in terms of making sure that
5 Lyons does not become, you know, a bypass for Emerson,
6 and that's one of the things we've talked about in the
7 community discussions that this could be a cul de sac or
8 something like that. That would have to be discussed.

9 CHAIRMAN WOODS: And the other thing that I
10 note here is that Lyons could still go through directly
11 as opposed to the Master Plan which, where they had it
12 offset so as to try and cut down on this --

13 MR. AVERY: Exactly.

14 CHAIRMAN WOODS: And I was wondering if that
15 was necessarily intentional or whether it's happenstance
16 at the moment.

17 MR. AVERY: I think, yes, mainly it has to do
18 with the fact that we chose sort of a finite area to be
19 able to --

20 MS. JACKSON: May I ask a question? Did you
21 take into account parking requirements?

22 MR. AVERY: It's -- this will provide one
23 space per unit. And then, with parking for retail. But

1 then with probably structures, either below ground or at
2 the retail spaces.

3 CHAIRMAN WOODS: Thanks.

4 MR. MURRAY: Ladies and gentlemen, members of
5 the Commission, I'm here this evening on behalf of four
6 property owners that, who probably fall in designated
7 west side redevelopment plan zone. They're John Cahill
8 of Cahill Plumbing and Heating, National -- Company, Mr.
9 and Mrs. Charles Uchtman are also here this evening.
10 Leon Robinson, Jr. holds a substantial parcel that -- on
11 Emerson Street. And Joseph Prudden and Mrs. Prudden,
12 the owners of the property at 2000 Green Bay Road.

13 The first three that I mentioned are currently
14 zoned in the I2 District. Mr. Prudden's property is in
15 the C2 District. And under the proposal, the changes
16 that we have -- been submitted, it has been the
17 experience of participants -- in the exchange of ideas
18 between the City and myself over the past several months
19 from at least the midpoint of this year that there was
20 to be an effort to maintain a positive relationship
21 between the existing businesses and the future of those
22 businesses and those business properties in the event
23 that the buildings needed to be either expanded or more

1 available for redevelopment purposes as these
2 suggestions in this plan which is in consideration would
3 encourage.

4 And in the process, the initial language
5 imposed some rather strange criteria for the expansion
6 of -- suggestion of the encouraged language -- to be
7 commercial or industrial owners and -- and users had any
8 role within the city as employers or producers of goods
9 and services and as perhaps an inducement to maintain or
10 potentially even enhance the status of those particular
11 property owners within the district, the suggestion that
12 there would be, unlike the current ordinance, some
13 provisions within the proposed revision how that would
14 permit and possibly even encourage expansion of the
15 properties affected without making any impact upon the
16 surrounding properties that -- that would become
17 residential.

18 In my view, philosophically, over the years
19 I've had occasion to speak to a planner or two, the
20 concept of creating nonconformance be they legal or
21 otherwise is bad public policy because of the burdens it
22 imposes upon the owners of the nonconformity. And be
23 that a nonconformity of the physical asset, of the

1 existing structures and buildings, or whether it's a
2 nonconformity as to the use, it is equally burdensome
3 because of the very restrictive means by which the
4 property is thereafter governed.

5 In general, my view and I think the view of my
6 clients of the nonconforming status is one to be
7 religiously avoided if possible. And I think it is
8 possible to avoid that nonconformity status by
9 modifications to the ultimate adoption of the plan that
10 has been suggested by Farr, the modifications that have
11 been referred to earlier this evening by some of the
12 community members.

13 If in fact the initial language was intended
14 to implement this connection between industrial and
15 commercial property element and the city as far as there
16 being the first Green Bay in the roster, the revised
17 language which has been made available to us within the
18 last five or six days and was the subject of a meeting
19 between the property owners, myself and members of the
20 Zoning & Planning staff, Ms. Jackson and Ms. Guderley,
21 yesterday, eviscerates and renders virtually impossible
22 any prospect of any expansion of any of the uses within
23 the I2 or C2 districts as far as --

1 And it is the standards that have been
2 proposed to be implemented that if one were to analyze
3 insofar as their application to any of the known
4 potential -- properties, we would have to as a part of
5 the special use process establish that there would be no
6 adverse impact on the parking and -- Now, that's a
7 general welfare issue, whether it is reasonable -- to
8 any type of undertaking within the municipality. We are
9 also, however, required to produce or to assert that
10 there would be no increase in traffic or vehicle trips
11 to the property. Well, frankly, I am not sure that this
12 -- from a capitalist society, but in my view, anybody
13 who has an interest in expanding one's business is
14 intent upon creating additional traffic or -- that way
15 expanding will result in bankruptcy.

16 We have businesses that have requested me to
17 speak on their behalf who have existed within this
18 community from varying stages of time. As long as they
19 have -- as well as perhaps 15 to 20 years, but in each
20 of those instances, the participants, the owners of
21 those properties, have become valuable members and
22 operators within the fabric of the economic community at
23 West Evanston. So, to tell them that they please go

1 ahead and expand your business but not if you have to
2 bring in any additional customers -- question. There
3 should be no additional noise or a variety of other
4 negative or potential problems that could be either
5 heard, seen, smelled or in some fashion physically
6 experienced from the site.

7 But there is no standardized performance or
8 standards of performance to gauge what is additional A,
9 B, C, D -- et cetera. There's a very subjective
10 connotation to the standards that defies implementation.

11 There may be no increase in operation hours of the
12 business, but businesses seem to have the capacity or
13 presumed to have the capacity to continue to exist and
14 prosper -- to develop the potential for any type of --
15 to offset cost of -- business and/or other facilities
16 needed to operate here.

17 And finally, there can be no increase in the
18 amount of exterior storage -- if you increase your
19 capacity to do business, typically you also need to
20 increase your capacity to both move product from the
21 premises as well as receive your basic materials and/or
22 components of your business elements in order to
23 continue to expand and operate your business. In my

1 view, none of these standards is a satisfactory means by
2 which -- anything other than create a cubicle of
3 nonconformity in which the existing businesses are not
4 only allowed to -- but would be required to -- these are
5 smoke and mirrors as far as expansion or redevelopment
6 might be concerned within the context of consistent
7 zoning.

8 Aside from the language, I guess the
9 opportunity is presented to us to discuss the philosophy
10 behind the original thoughts or behind the context of
11 making these modifications insofar as they apply to the
12 business and commercial community. And it had been
13 suggested that these approaches would tend to obviate
14 what has been considered to be a cumbersome
15 redevelopment process as either -- under traditional as
16 far as ordinances as they currently pertain or under any
17 method by which a modification to those processes would
18 be encouraged or entertained if there is a special use
19 or other various requirements in the zoning process.

20 Now, I think that's an admirable thing to try
21 to streamline and enhance the capacity of a person who
22 owns property within the community to present an object
23 of his desire or her desire to be accomplished without a

1 given site. It seems to me that without the existing
2 attitude relative to a complete and total review, the
3 process has had its encumbrance by virtue of the detail
4 by which each of the proposals has been reviewed. That
5 perhaps has the capacity for improvement, but certainly
6 methods that have been suggested for the proposal have
7 not adjusted the stifling of increases -- not increase
8 but reduced the amount of time spent in the pursuit of
9 the proposal.

10 Additionally, it was suggested that
11 philosophically it is beneficial to be able to have a
12 standard upon which a property owner may rely on which
13 proposes to enable that property owner to involve and
14 improve his property or her property as a matter of
15 right as opposed to the utility of by a development
16 process as we have established within the community or
17 the special use process which is proposed to be an -- of
18 the expansion of the properties and uses that are
19 specifically addressed on this proposal.

20 In all, we have engaged on several occasions
21 in the question of what is development as of right,
22 particularly -- the process is open regardless of
23 whether the -- has the right to a -- opposition and

1 impedance to its progress. That process, the process --
2 philosophical approaches that have been suggested as
3 being objects of considerable concern and objects of
4 potential benefit and that, once again, in my view, are
5 not addressed in the ordinance provisions in reference
6 to -- property or the general plan itself.

7 Are there alternatives? Well, I have not had
8 the opportunity to go through the December 14th full
9 plan that I received earlier this week. But I will tell
10 you that in the context of the meetings that we have
11 engaged in, the Zoning & Planning Department with the
12 owners of the properties that I have been privileged to
13 represent this evening, we have been able to suggest
14 that we spent 75 percent, perhaps a 100 percent, that
15 labeling the areas industrial and commercial properties
16 as an overlay district in and of themselves and the
17 engagement by the City through the process of discussion
18 and negotiation with individual parcel owners in order
19 to create redevelopment agreements with those property
20 owners with the intention that the implementation be
21 consistent with what appears to be the exclusion of the
22 residential component of proposed west side
23 redevelopment plan might be the appropriate alternative

1 by which to accomplish what is, what's called the larger
2 picture of proposals we're going to attempt to address.

3 I think -- I have addressed most of the issues
4 that have been of significant concern to the four
5 property owners that I am representing. Again, I'm
6 pleased to respond to questions if there be any.

7 MR. OPDYCKE: I take it that you would like
8 the subject properties to be exempted entirely from any
9 change in -- overlay zoning changes?

10 MR. MURRAY: Yes, I would. And I would
11 suggest that there is a very basic, once legislation has
12 been through the boundary legislative process, it
13 becomes increasingly more difficult to make anything
14 creative -- proposal that would be in compliance of any
15 -- of the provisions of that legislative action. And
16 there is a greater emphasis on the creation of three
17 adopted standards of consideration that would be innate
18 in a ward that might be attendant toward the -- that
19 might be attendant to the creative process to do
20 something about --

21 MR. OPDYCKE: Have you submitted a draft of a
22 proposal?

23 MR. MURRAY: I have not but I am perfectly

1 prepared to do so. But at the time, I have not been
2 fully available. I can submit that within the context
3 of this -- I would certainly -- to.

4 MR. OPDYCKE: Well, I have a question of
5 Arlova. Have there been any legal problems that we
6 would be faced to grant exceptions to these properties?

7 MS. JACKSON: Well, I don't want to speak for
8 the Law Department --

9 MR. OPDYCKE: Are you aware of any, generally
10 speaking?

11 MS. JACKSON: Well, there were problems with
12 our first attempts. So, I would I imagine there might
13 be. What we came back with the second time was an
14 option that they would -- so, we can certainly, I mean,
15 we can certainly go back again with other alternatives.
16 It's not considered to be -- but, I mean, I'd be happy
17 to run it by them whatever we come up with, they're
18 obviously going to have to be comfortable with.

19 MR. OPDYCKE: And so, this is a work in
20 progress.

21 MS. JACKSON: Definitely.

22 MR. MURRAY: Yes, it is.

23 MR. OPDYCKE: And there's nothing obviously to

1 be resolved on this particular issue tonight.

2 MR. MURRAY: I suspect that that's the case.
3 I felt, and I think the property owners felt it was
4 incumbent upon us to address the issues that have been
5 proposed in the revised nonconforming standards because
6 quite clearly these are not benefits, these are changes
7 that restrict and, in my view, obviate any potential for
8 expansion of any business. They are very hostile.

9 MR. OPDYCKE: Well, I know the Committee is
10 concerned about this. And we want to the extent
11 possible accommodate these particular needs. And so, I
12 think we need to see some further work on this.

13 MR. MURRAY: And I am prepared to do some --

14 MS. NYDEN: Can I ask a question, sort of a
15 context question, of Arlova? I wasn't around for any of
16 the planning process for this. So, I don't really
17 understand why this is a very oddly configured plan
18 here. So, I just don't understand why these property
19 owners are subjected to this problem but the person
20 across the street isn't necessarily, it just seems very,
21 it's not spot zoning necessarily but it seems very, very
22 weird.

23 MR. MURRAY: There's a --

1 MS. JACKSON: I actually didn't participate in
2 the planning process --

3 MS. GUDERLEY: Our Planning Consultant isn't
4 here today. I think she would be available for -- but
5 if I can back up a bit, the planning process was a six-
6 meeting community meeting, in the community with,
7 involving many members of the community. And one of the
8 components of it were charrettes where we actually
9 looked at the physical areas of the development area and
10 that's why we were looking at those industrial parts
11 which are the parts essentially that are covered on the
12 regulated plan. And both involving committee members
13 and who had their own plan basically to talk about what
14 types of units they'd like to see there, where they'd
15 like to see streets, where they'd like to see parks.

16 And then, these were given to the consultants
17 who then used their professional design talents and put
18 it together to such as this. Now, for example, and some
19 of the sites may have looked as if they're spot zoned
20 because they speak specifically about the Buffalo Joe's
21 site which is currently a C2 parcel. Keep in mind, too,
22 that what we have asked them to do was to give us a
23 master plan for the sites that would be redeveloped, and

1 to take a look at something called form-based code.

2 We had wanted to take a look at form-based
3 code because it's a type of zoning that looks less on
4 uses and less traditional zoning which describes a very
5 vague kind of zoning envelope that gives setbacks and
6 gives a gross height but gives very little
7 predictability as to what actually comes out. And we
8 wanted to use form-based code as a manner in which once
9 we involve the community in doing image preference
10 surveys, doing the charrettes, what they had come back
11 to us and said they wanted, we wanted to do form-based
12 codes to deliver that as much as possible.

13 That's why the regulating plan, and in some
14 cases, for example the Buffalo Joe site, we looked at
15 mixed use at that location. We looked at commercial
16 uses along there. But looking at form-based codes, the
17 context of a new development is very important. And in
18 that particular case, even something that has mixed use
19 development which would make sense because it has
20 commercial along the major street, did not make a good
21 neighbor -- So, some of the instances, and I won't --

22 MS. NYDEN: Wait, the existing houses?

23 MS. GUDERLEY: -- what we wanted to do there,

1 remember all the design assumptions, parking should be
2 here and parking should not be in someone's front yard,
3 you shouldn't make your neighbor look at parking. It
4 should be --

5 So, these are all design elements that went
6 into the actual master plan and then trying to be
7 translated in the regulating plan. Now, I'm not
8 criticizing, I mean, certainly Buffalo Joe's has, we've
9 talked to the Prudden's, they've done a lot of work to
10 make sure that their parking lot, their area is a good
11 neighbor to their neighbors. But what we're saying is
12 when these parcels, when and if these parcels are
13 considered for redevelopment, through the community
14 design process -- design issues that they wanted
15 incorporated into the development from that point, that
16 is the form of development that best --

17 MS. NYDEN: So, and I'm not trying to argue or
18 anything, I'm just confused because I look at this map
19 and I see what has been proposed here, and then I see
20 the gas stations and the -- stores, and I just feel like
21 the construction on Green Bay is being a little bit,
22 that has a new design is being a little singled out.
23 And I feel like it's, I couldn't imagine anybody wanting

1 to sort of drive along Green Bay Road. And it seems
2 like there are so many cars that go by, it's right by
3 downtown, it seems like it's much better commercial.
4 And I'm saying that more -- greater community, the
5 greater committee here.

6 MS. GUDERLEY: And that's exactly what the
7 Prudden's have said. You know, we have the bend which
8 is at the corner. We also have a market study, and what
9 the market study says is that if we want commercial to
10 be successful here, we need to focus it and that, in
11 fact, I'm looking at the market area which is competing
12 with the places to the part of north end Green Bay with
13 downtown, with Dempster-Dodge. And mostly importantly,
14 we want to make Church and Dodge the focal point of any
15 commercial around here, that the amount of commercial we
16 show in the plan in order for it to all be successful
17 has to be careful, I mean, we have to be very careful.
18 We can very easily overproduce commercial space, that
19 is, they can --

20 That's not to say that existing businesses
21 there aren't being successful. Obviously they are. But
22 when, unless they decide to move and sell to another
23 use, we're saying in the opinion of our designers

1 through the charrette process, considering what is
2 happening up and down Green Bay and elsewhere, in the --
3 in terms of other developments, that this would be the
4 best fit in the context when and if --

5 CHAIRMAN WOODS: Can we take a step back for a
6 moment in that respect? The genesis of this whole plan
7 process -- focuses clearly on, for the most part,
8 industrial and commercial properties was done for a
9 particular reason. And maybe you ought to talk about
10 that.

11 MS. GUDERLEY: I would say that the master
12 plan really is an outgrowth of two separate activities.
13 One was a nearly three-year long community discussion.
14 Really it was a planning report. It was the Canal-
15 Green Bay Road/Ridge-Church Street report. They took a
16 look at, it was initiated by the neighborhood committee
17 and the Planning Commission. It was a series of talking
18 sessions really, it wasn't about land use and form, it
19 was about planning issues.

20 It was community driven and it resulted in a
21 report that identified into these six major issues
22 including the -- development, housing, infrastructure,
23 street, public services, et cetera, youth, public

1 safety, and community character, and another section
2 called community character zoning, furthermore,
3 something like that.

4 Another effort that was going on similarly at
5 a separate time and involved more the local community
6 and economic development interests was the move to
7 establish a TIF in the Church and Dodge area. Both
8 those efforts were approved in late 2005. And this
9 master plan really responds to both of them. Number
10 one, the Canal-Green Bay Road/Church Street plan
11 identified several areas in the master plan basically
12 from Simpson down to Church with areas that were in
13 transition, that are areas that are industrial right
14 now. Some business are there. Some of them are still
15 closing and we know they're closing down. Some of those
16 properties have actually been sold for residential
17 development, we know that. But one of them is actually
18 in development, is being developed as residential.

19 There are other businesses that are there
20 right now who have indicated they want to stay. And the
21 plan, in fact the text of the planning -- this is
22 something that rather than guess at sometime in the
23 future as what they might be, this was an effort to

1 involve the community in talking about what would be the
2 best way to incorporate these properties.

3 So, and then, the TIF was a separate item. I
4 can't speak directly about that because I was not
5 involved in that process, but what the physical master
6 plan, what the master plan does is really knits those
7 two efforts together and delivers on some of the zoning
8 recommendations on the Canal-Green Bay Road that calls
9 for good design and streetscapes including -- industrial
10 zoning -- focusing on redevelopment of the Church and
11 Dodge. All these things are consistent --

12 CHAIRMAN WOODS: The master plan clearly --
13 the question in terms of implementation of the zoning,
14 the current proposal assumes or seems to assume that an
15 existing business is going to stay status quo -- and yet
16 the economically viable growing business has no place --
17 at least for some of us that -- it's a concern. And I
18 know you've been working on this for a while now.

19 MR. MURRAY: Mr. Chairman, if I may, I didn't
20 address the perspectives relative to many of the
21 individual parcels. And in the context of the current
22 conversation, I'm just going to, I think the plan
23 submits -- consideration idealistic -- that are very

1 desirable. But the problem is, as you suggest, it's
2 closing the door on what are also concerns, the
3 desirable homes of the Evanston community -- employment
4 base and employers and contributes -- tax-wise and
5 community effort-wise and contributory elements of --
6 with the community that have been part and parcel of
7 most of the commercial occupied spaces within --

8 If we take a look at the building property,
9 one can suggest that the intention there which is to
10 assign a space that's approximately half an acre clearly
11 would derive an opportunity to provide the space for a
12 larger or a better site than Buffalo Joe's restaurant
13 with parking and internal seating and lots of different
14 arrangements, maybe banquet halls and a whole category
15 of potential for that site. It's almost a half an acre
16 I think -- development on that particular part.

17 The three homes that are remaining -- and I
18 know that the other two homes, the farther homes across
19 the Canal and Central Street are about the only
20 residential elements there. There is indeed, as Ms.
21 Guderley suggests, one property under development for
22 condominium use, I think. It's up near the furniture
23 store and the portraiture studio, the photography.

1 Anyway, Mr. Prudden was able by his good fortune to
2 acquire those three parcels, and has utilized them in a
3 fashion which I think has been -- benefit of --

4 If we go back to Church Street, we can talk
5 about -- which is this perhaps another half acre of
6 buildable land which would be devastated by the
7 redevelopment plan that's required to provide
8 infrastructure in terms of those alleys and -- so that
9 redevelopment of that property -- would be virtually
10 eliminated --

11 The Cahill site which has been -- my client
12 has basically performed very well as a neighbor. It has
13 been considerate to its residential adjacent properties.
14 The intention there, Mr. Cahill thought, it has been
15 suggested to expand the property, not necessarily for
16 the purpose of conducting additional plumbing business
17 but potentially to conduct a new trade school to induce
18 persons in the immediate vicinity to enter the plumbing
19 profession as a trade or occupation.

20 Additionally, the Uchtmann property could be
21 -- a variety of ways. They could make it -- individuals
22 within the community as has been -- proposed requirement
23 for -- Mr. Robinson's property is the largest of the

1 four -- representing. He represents almost four and a
2 half, 4.7 acres. And, well, speculation exists with
3 reference to the eastern end site. It is clearly the
4 best or most desirable of all these particular ones in
5 terms of its capacity to hold a variety or -- what might
6 be best -- in the context of the C1A developments that
7 would be including the commercial and mixed use
8 residential.

9 So, I think for all of the -- of the
10 individual properties, and I suppose nothing more -- we
11 think that the --

12 CHAIRMAN WOODS: And I know that it's -- so
13 I'll just conclude -- to put together something --

14 Can we continue it to 6:00 o'clock on January
15 9th? And the next regularly scheduled Plan Commission
16 meeting at 7:00 o'clock, and then we'll figure out from
17 there how that -- yes?

18 COMMISSIONER JEAN-BAPTISTE: -- more
19 discussion and more interaction with the -- so that we
20 can try to -- so, we need more time. We need about 90
21 days. We ask that --

22 CHAIRMAN WOODS: Alderman, you know better
23 than I do that you have more capability of controlling

1 that than we do.

2 COMMISSIONER JEAN-BAPTISTE: I feel as though
3 I have, we have the knowledge that could work that out.

4 So, we need more time. We do not need to come back
5 before we can -- you know, the question -- Alderman
6 Holmes and myself have not been able to sit down and
7 walk through all of the issues that -- now, that doesn't
8 mean that we are not aware of the process, just that we
9 have not been involved in the discussion all the way.
10 But in terms of the proposal -- we believe that we can
11 make some effort with our own -- and with Mr. Murray --
12 and with, you know, with our positions, our needs to try
13 to advance the process because -- so we can save a
14 little on time.

15 MS. JACKSON: Absolutely. That makes -- to
16 continue makes a lot of sense.

17 MR. OPDYCKE: What would you think, Alderman,
18 if we have a status, we put it on the general agenda for
19 the 9th of January and we just have a status to see
20 where you were?

21 COMMISSIONER JEAN-BAPTISTE: Well, that would
22 just be --

23 MR. OPDYCKE: Without getting into the merits

1 of anything.

2 COMMISSIONER JEAN-BAPTISTE: Well, you would
3 then --

4 MR. OPDYCKE: No, no, no. Just to find out
5 where you were in terms of negotiation on these issues.

6 COMMISSIONER JEAN-BAPTISTE: I still think the
7 9th is too short a time. The 9th -- the holidays, I
8 really think that -- to do that.

9 MS. JACKSON: Yes, that's why --

10 CHAIRMAN WOODS: How about we continue to
11 February 13th, same time?

12 MS. NYDEN: Is that just going to be an hour?
13 I just, I think we need more than an hour. I think we
14 need, well, I mean, are we looking for -- at that point?

15 MR. OPDYCKE: We'll just have sort of a check
16 date to see how you're coming along.

17 COMMISSIONER JEAN-BAPTISTE: Well, we could do
18 that. And if you say you just want a status to just
19 give you an update --

20 MR. OPDYCKE: Yes.

21 COMMISSIONER JEAN-BAPTISTE: -- some meeting,
22 we can figure something, that can be done.

23 CHAIRMAN WOODS: Okay. Let's continue to

1 January --

2 COMMISSIONER JEAN-BAPTISTE: But more likely
3 -- Mr. Murray is saying that he wants to -- then I
4 believe we probably --

5 MS. JACKSON: So, the 13th at 6:00 to discuss
6 where we are, and then at that point it would continue
7 to -- so, everybody is clear? So, February 13th at 6:00
8 p.m. just to discuss where we are.

9 CHAIRMAN WOODS: Status report from staff.

10 MS. JACKSON: Right.

11 CHAIRMAN WOODS: I have one more question.

12 MS. JACKSON: Yes?

13 CHAIRMAN WOODS: We moved B1 to the Zoning
14 Committee.

15 MS. JACKSON: Right.

16 CHAIRMAN WOODS: Tonight?

17 MS. JACKSON: No.

18 CHAIRMAN WOODS: Okay. To January 9th?

19 MS. JACKSON: 9th.

20 CHAIRMAN WOODS: Okay. Trying to keep track
21 of all the parts. Thank you very much.

22 (Whereupon, the hearing on the above-
23 entitled cause was concluded at 7:10 p.m.)