

**Planning & Development Committee  
Minutes of November 28, 2005  
Room 2200 – 6:30 p.m.  
Evanston Civic Center**

**Alderman Present:** S. Bernstein, A. Hansen, D. Holmes, L. Jean-Baptiste, E. Moran, A. Rainey, E. Tisdahl, C. Wollin, M. Wynne

**Staff Present:** J. Wolinski, J. Carroll, S. Janusz, D. Marino, C. Ruiz, D. Spicuzza, W. Stafford, E. Szymanski, J. Brownlee

**Presiding Official:** Alderman Rainey

**DECLARATION OF QUORUM**

Chair Rainey called the meeting to order at 7:04 p.m.

**APPROVAL OF THE NOVEMBER 14, 2005 MEETING MINUTES**

Ald. Wynne moved approval of the November 14, 2005 minutes, seconded by Ald. Jean-Baptiste. The vote was 9-0 in favor of the motion.

**ITEMS FOR CONSIDERATION**

(P1) Ordinance 125-O-05 – Revision to a Planned Development at 1100 Clark

**THIS ITEM WAS TRANSCRIBED BY COURT REPORTER LAURA BERNAR, IN ACCORDANCE WITH THE KLAEREN RULES. THEREFORE DETAILED MINUTES ARE AVAILABLE WITHIN THE TRANSCRIPT. A SUMMARY OF THE DISCUSSION THAT TOOK PLACE FOLLOWS IN THE MINUTES PROVIDED.**

Chairman Rainey noted that staff has advised that the information Council received and read over the weekend has been changed. Mr. Wolinski gave an overview of the revision proposed by the applicant to the payment in lieu of affordable units. Mr. Bruce Huvad, Attorney for the Developer, followed with a brief summary. Discussion followed between the Committee members and Mr. Huvad. The consensus of the Committee was in disagreement with the counter proposal offered by the applicant. Ms. Carroll and Mr. Stafford made comments in support of the Committees argument and City Staff's opinion that the agreed payment of \$395,707 from the developer to the Mayor's Special Housing Fund is fair and appropriate for a payment in lieu of providing the original proposed number of affordable units. The Committee allowed Mr. Huvad to take a break to discuss this with his client. Ms. Robin Snyderman-Pratt made comments in support of providing the affordable housing units and the importance of Evanston's needs at this time due to the constant lose of these units throughout the City. Upon Mr. Huvad's

return, he conveyed that Mr. Roszak has agreed to stay with the agreed payment with no further revisions.

**The Committee voted 9-0 in favor of accepting the amended Ordinance 125-O-05.**

(P2) Major Variation request for an Open Parking Space in the Front Yard at 2434 Sherman

Chair Rainey recalled that at the last meeting this item was held because the applicant suggested that there was additional information that they would obtain and bring back before the Committee to prove that there was a legitimate parking space.

Mr. Sebastian Koziura spoke on behalf of the applicant and as previous owner of the property. He referred to the hand-out this evening to the Committee of a blown-up colored copy of a map illustrating the location of the subject property and alleged parking space. He also brought the surveyed proof from the City Engineer's Office. Mr. Koziura informed the Committee that he rehabbed the property before the current owner and admitted that he sold the property with the inclusion of the parking space. In his opinion, this parking space is considered a legal non-conforming use from its existence when the access was created in 1928. Therefore, this shows that the previous owners of the property did not request a curb cut. He pointed out that in comparison to the next door property, which has a similar parking situation, they have two curb cuts that are legally non-conforming and this property does not and that this is the only difference between the two neighboring properties. In this same light, he pointed out that there has been no opposition from the neighbors at any of the previous hearings about this request. He said that there has been a fence there but once he moved the fence into the alley that is when the complaints started.

Chair Rainey stated that staff reported that they researched this situation and found that the paved pad had been covered and not used for many years, which resulted in the property owner feeling that this paved area was a parking pad for their property but otherwise by the City. Mr. Wolinski followed up that the City has found no evidence that there was ever a parking space established here at this location. He said even in terms of if there was somehow a non-conforming legal parking space established at some point, the fact that it was abandoned and then reused again has no leverage here. He further explained that under the City's Zoning Ordinance, a non-conforming use once it is abandoned can not be re-instituted. Mr. Koziura argued this point stating that he always used this space as a parking pad when he owned the property.

Ald. Bernstein stated that unfortunately the fact that Mr. Koziura used the space for parking all along when he was owner of the property does not necessarily mean he had the authority to use that space for parking. He recalled his statement to the current owner, Mr. Lipscomb at the last meeting that he would be in support of recommending reimbursement of applicant fees paid if in fact it was proved that it was previously a legal-non-conforming parking space. He continued that he made a point to further examine this situation on his own and researched the City microfilm records. He noted

that in looking at the most recent zoning analysis of this property was back in 1975, which shows that there are two parking spaces required and non existing. Therefore, as of 1975, the City of Evanston has this property down for no legal or legal non-conforming parking space(s). He stressed that anything that has transpired since that time has not been legally or properly documented, therefore leaving no valid proof for this Committee to rely on. He extended his apology to the current owner for this technicality, however the Committee is bound by City records as they stand.

Ald. Wollin recalled the importance of recognizing all the complaints that she received, as Alderman of the Ward. She noted that many complaints were regarding the number of young children in that area who frequently walk in that area near the alley and the danger of backing out of a parking space in that location. Also, she reiterated the fact that there is sufficient on-street parking in front of this property, which many homeowners in that area have to settle for also. She does not see this as a hardship to the property owner. Mr. Koziura argued his points supporting that this is a hardship to the current property owner who purchased the property believing that it came with a parking space as he believed also when he sold the property. Mr. Lipscomb addressed the Committee with his points of argument agreeing with Mr. Koziura's last statement and taking into consideration the fact that no neighbors actually came out and spoke in opposition at the numerous hearings before this time. In actuality, a letter of support was received in the Zoning Division Office and forwarded to the P&D Committee from staff.

Mr. Michael Lee, a property owner in the same neighborhood, spoke in support of Mr. Lipscomb's request and that he is not opposed to the approval of this parking space use.

**Ald. Wollin motioned to accept the recommendation from staff for denial of this major variation request, seconded by Ald. Holmes.** Ms. Szymanski informed the Committee that they are acting legislatively on this matter and there is no need to read into the record the standards for their action. She explained in further detail the reasoning for this being that upon the Zoning Board's review and hearing process, the concurring amount of votes was not achieved resulting in no forwarding recommendation from the ZBA. Ald. Bernstein reiterated his previous point made that if it was in the City's records that this parking space had been applied for by any previous owner and grandfathered in as a legal non-conforming use, then the Committee would have to support this.

Chair Rainey read into the minutes the zoning analysis done by staff and reported to this Committee in their packet materials, so as to relieve this argument on record. She noted there are 3 points stated which support denial by staff according to the zoning analysis. First, the building lot maximum permitted is 30% and this proposal is requesting approximately coverage of 53.5%. Secondly, open parking is not permitted in front yards and must be within rear 30' of the lot. This proposal includes a parking space in the front yard along Sherman Avenue and space is located more than 30' from rear lot line. Thirdly, parking space dimensions as of right allow 90-degree parking spaces that must be at least 8.5' wide and 18' long. This proposal is for off-street parking space at

approximately 13” long. Chair Rainey summarized the extent of the major variations requested which were subsequently denied by staff in accordance to the zoning analysis governed by the City’s Zoning Ordinance. In conclusion, her actual opinion is that this is a minimal request in view of the fact that there is no record of opposition at the hearings and the testified history of being used as a parking space. However, she must abide by the City records on file and staff’s recommendation.

Ald. Jean-Baptiste agrees with his fellow members’ opinion of abiding by City records. He also respects staff’s recommendation, however he finds a problem with justice in this case where the circumstance is unique. In this case, he finds no real harm in allowing the use of this space to be continued and extended as a legal non-conforming use and would recommend allowing this as a parking space.

Ald. Holmes stated she would be inclined to agree with Ald. Jean-Baptiste’s argument, however the evidence presented on behalf of staff and the concluding City records on file would have to outweigh any other arguments. She agreed with the very unusual circumstances and physical configuration associated with this lot. She stressed that the situation is not fair to the current homeowner, however the proof in City records is valid. She also supports the Alderman of the Ward’s opinion on hardship and that there is sufficient parking available on the street in front of the property, as many residents of Evanston have to park as well.

**With no further discussion, the vote was 7 in favor of the motion and 2 voting nay (Alderman’s Jean-Baptiste and Hanson).**

(P3) Ordinance 136-O-05 – Zoning Ordinance Text Amendment

Chair Rainey called on citizen comments first.

Mary Singh, 1711 Hinman expressed her appreciation of the Plan Commission’s work on this matter. She hopes the P&D Committee will further support the Plan Commission’s recommendation as well. She urges the Committee’s support on this same issue in consideration of Hinman Avenue future development.

David Reynolds, 204 Davis Street seconded Ms. Singh’s position and his support of the creation of a B1a zoning district and that the Committee keep this in mind for the Hinman Avenue future proposed development.

Mr. Richard Wright, 2603 Hartzell expressed his support for this B1a zoning district on Central Street and is in strong support of having this zoning district in several other neighborhood shopping districts in Evanston. He offered a suggestion to the Committee to revise 6-9-5-7, Yard Requirements, from 3’ to a minimum of 10’ from the street to make sure of an acceptable sidewalk width for pedestrian shopping in this area. He would like to see pedestrian friendly shopping in this neighborhood business district and assumes that is one of the purposes for this text amendment. Also Mr. Wright expressed his concern for first floor frontage space usage in the district for uses such as medical

office that are not pedestrian shopping uses. For example, he pointed out the Renal Care Facility on Central and that he feels such similar uses should be a special use only because they do not fit into the pedestrian neighborhood shopping category. He stressed that these types of office uses need to be changed from allowable uses to special uses in this district. Mr. Wright also suggested an amendment be made to Section 6-16-1-4, Exemption of Required Parking Spaces. He pointed out that there is already an existing parking problem on West Central Street going east towards the shopping district close to Green Bay Road. In view of this, he would suggest that the 2000' exemption should not be included in the B1a zoning district.

Jeff Smith, 2724 Harrison seconded all of Mr. Wright's comments stated previously. He acknowledged that regardless of any zoning text amendments, what is allowed in the Zoning Ordinance will be built or variations will be requested to seek building what a developer wants to do. Nevertheless, he expressed his support in favor of this modest proposal for down-zoning and efforts to protect the residential abutment to business districts, however the majority of residents would support additional down-zoning. Mr. Smith talked about over-zoning on Central Street which in effect drives out current neighborhood store owners and results in vacancies because of rising rental cost. He pointed out this is what brings developers in to redevelop properties resulting in very expensive rents for first floor store frontages and high prices stores that fail the neighborhood shopping business intention. Mr. Smith pointed out that this proposal will allow 3-story buildings where currently there are only 2-story buildings and could subsequently result in an increase in development. He reiterated his support for this down-zoning as a beginning but would encourage this Committee to do further modifications to facilitate the continued sustainability of the existing small businesses in the Central Street neighborhood.

**Ald. Moran moved approval to introduce Ordinance 136-O-05, seconded by Ald. Jean-Baptiste.** Chair Rainey reminded the Committee of the moratorium in effect for this area on Central Street that expires on December 9, 2005 and that she will be recommending suspension of the rules to introduce and approve this evening. **Ald. Moran requested to make an amendment to page 6 of the Ordinance under 6-9-5-1, Purpose Statement: (A) "The B1a business District is designed to accommodate and encourage the continued viable use of neighborhood business districts...." Add in at this point "as older, pedestrian oriented shopping areas..."** Ald. Wynne argued adding the word "older" in the sentence. Mr. Wolinski read the B2 Zoning District definition, which includes the phrase "older pedestrian shopping districts" in the wording. **The Committee agreed and voted 9-0 in favor to accept Ald. Moran's amendment excluding the word "older".**

**Ald. Moran made a motion to remove from Section 6-9-5-2: Permitted Uses: the "offices" category and place this under Section 6-9-5-3: Special Uses.** His explanation being that such office uses as special medical facilities or any other business office use that does not support neighborhood pedestrian oriented shopping uses, should become a special use in the district. Mr. Wolinski explained how the "office use"

definition fits in this district. He said that because we are creating a new zoning district, “offices” are still allowed in the B1, B2 and B3 districts on the first floor. He acknowledged Ald. Moran’s concerns with any new office uses that have come in under the new construction/developments on Central, however they were permitted office uses. He also noted that many of the uses that will come in under new developments will be driven by the high rents and the type of development is also important in this factor. **No second was received for this motion.**

Chair Rainey expressed her concerns for store front churches and similar types of cultural facilities, which is listed under permitted uses. She explained her position on this in further detail and highly recommended consideration of moving this category under Special Uses. Ald. Moran argued against this idea because this category covers such a wide variety of uses and could become very controversial. Chair Rainey asked staff for more clarification on parking regulations for open parking areas and driveways. Ms. Jackson and Mr. Wolinski explained the zoning requirements, upon which the Committee agreed with.

**Ald. Moran moved approval of Ordinance 136-O-05 as amended, seconded by Ald. Bernstein. The vote was 9-0 in favor of the motion.**

(P4) Ordinance 137-O-05 Zoning Ordinance Map Amendment

**Ald. Moran moved approval of Ordinance 137-O-05, seconded by Ald. Bernstein. The vote was 9-0 in favor of the motion.**

(P5) Ordinance 115-O-05 – Amendment to the Preservation Ordinance

Chair Rainey recognized that several members of the Preservation Commission have signed up to speak on this matter and she requested the Committee’s approval to let them speak first before any Committee deliberation. The Committee members all agreed.

Mr. Chris Carey, Chairman of the Evanston Preservation Commission, residing at 2739 Gerard Avenue. He drew the Committee’s attention to his memorandum included in the P&D Committee packet, which outlines the Preservation’s Commissions position. He wished to add to the points stated that in his opinion there are some PR problems that also occurred previously with the review of the North East Evanston Historic District, noting his membership to the Preservation Commission four years ago just after that issue began. From Mr. Carey’s experience, he has feelings of resentment and separation from the City. He stressed the importance to the Committee to recognize the Preservation Commission members are a group of citizens who are volunteers appointed by the Mayor which include architects, contractors, a lawyer and other property owners. He commended all the Preservation Commission members on their time given and commitment. He said that generally the Preservation Commission reviews over 200 projects per year with approximately 95% approval rate of those cases within the first meeting. However, Mr. Carey noted the exceptional cases that require more time and review that make up the remaining percentage are usually cases that draw more public attention due to their significance. In his opinion, the proposed 60-day review period is

not enough time when it comes to such projects that require more time as mentioned , for example the District 65 building, The Mather, Nomination of the Georgian, etc. In conclusion, Mr. Carrey stated that he can not support this ordinance especially as it relates to specifically the Preservation Commission. He requested the P&D Committee to review the memorandum forwarded to them stating the time lines of cases the Preservation Commission has reviewed. These time frames are an example of the time needed for appropriate review of special cases.

Mr. Stan Gerson, 200 Lee Street, said that he is a member of the Preservation Commission and has been a resident of Evanston for over 30 years. He stated that the Preservation Commission is bound by the Preservation Ordinance that established this Commission and their obligation is to allow a make sure that everyone who wants to be heard is given that chance. He seconded Mr. Carey's previous comments that almost 95% of the cases are heard and given approval within the first meeting but there are the remaining exceptional cases, which require more time and review due to the nature and significance of the building involved. Mr. Gerson read from a prepared statement to the P&D Committee relating to his opposition to the 60-day time limit as it relates to specific cases.

Ms. Susan Rundle pointed out to the P&D Committee to take into consideration the Georgian case for example. She noted that the Preservation Commission first heard this case where testimony began in December 2003 and she subsequently recalled every date after that first meeting that have occurred. She also noted that the majority of those meetings lasted until at least 11:00 p.m. and many more were set as special meetings outside of the regularly scheduled monthly meetings. Ms. Rundle stated that most of those meetings were done by court reporter and lengthy transcripts had to be done. In conclusion, she expressed her opposition along with her fellow Preservation Commission members.

Ms. Betsy Hohman member of the Preservation Commission said that she is one of the newest members of the Commission. She was not fully aware of the total process involved with the preservation review; as each case is fairly and equally given the same consideration. She concurred with her fellow members that spoke before her that the majority of cases before the Preservation Commission are finalized at their first meeting. However those cases that require more lengthy review, she vowed are given fair and equal review as needed and the Commission is committed to giving full attention to each case. Ms. Hohman is also in opposition to this ordinance.

Ms. Mary Bruglierra, member of the Preservation Commission, referred her comments to the memorandum stating the time frames for the exceptional cases that required some length of time beyond 60 days. She is in favor of minimizing any review process if possible; however she questions why council feels this time limit is necessary at this time especially geared towards the Preservation Commission. Mr. Wolinski explained that this is a staff recommendation at this time to aid in the expedition of the entire development review process. He acknowledged and commended the Preservation

Commission's work and respects their position. However, he reiterated the importance of staff's efforts to reduce the entire development/permit review process and felt that this was one level of review that could be shortened. He noted that staff is requesting 60-days from the first public meeting or hearing.

Chair Rainey suggested that this matter should be on the list for the zoning/development consultant to take into consideration as part of their evaluation review that is currently underway with City staff at this time and can be included in their final analysis. The Committee agreed with the Chair.

**Ald. Wynne motioned to move this item under Future Consideration, seconded by Ald. Jean-Baptiste. The vote was 9-0 in favor of the motion.**

(P6) Ordinance 117-O-05 – Affordable Housing Demolition Tax

**Ald. Moran moved approval, seconded by Ald. Tisdahl.** Chair Rainey called on those signed up for citizen comment on this issue.

Ms. Lynne Heidt & Mr. Michael Lee expressed their opposition of this tax being specifically geared towards one group of people. Both were in the opinion that affordable housing should be a City-wide effort and equally taxed amongst the resident of Evanston.

**With no further discussion, the vote was 9-0 in favor of the motion.**

(P7) Request for Mayor's Special Housing Funds

Mr. Stan Janusz gave an overview of the Employee Assisted Housing Program. IN summary, qualifying City of Evanston employees could receive up to \$8,000 in a forgivable loan over a 5-year period. The Illinois Housing Development Authority (IHDA) will match funds up to \$5,000 in combination with the City. He stated this program is available for single family households as well as long as they are income qualified.

Ald. Wollin commended this program and the wonderful presentation that was given at a previous Chamber of Commerce seminar. Chair Rainey requested that staff make sure that information be extended out to City staff in any way possible so that full advantage is taken of this program.

**Ald. Wynne moved approval, seconded by Ald. Jean-Baptiste. Unanimous vote of 9-0 in favor of the motion was received.**

(P8) Ordinance 127-O-05 – Amendment to the Fire Prevention Code

**Ald. Wynne moved approval, seconded by Ald. Hanson. The vote was 9-0 in favor of the motion.**

**ITEMS FOR DISCUSSION**

(PD1) Inclusionary Housing Discussion

Chair Rainey stated that this item would be addressed first at the December 12, 2005 meeting and given sufficient time for discussion.

**ADJOURMENT**

The meeting was adjourned at 9:06 p.m.

Respectfully submitted,

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Jacqueline E. Brownlee