DESIGN AND PROJECT REVIEW COMMITTEE (DAPR) MINUTES  
November 20, 2019


Staff Present: M. Rivera

Others Present:

Presiding Member: J. Leonard

A quorum being present, J. Leonard called the meeting to order at 2:37 p.m.

Approval of Minutes

1. November 13, 2019, DAPR Committee meeting minutes.

L. Biggs made a motion to approve the meeting minutes, seconded by J. Hyink.

The Committee voted, 10-0, to approve the meeting minutes.

Old Business

1. 1224 Oak Avenue  
   Recommendation to ZBA
   Donna Lee Floeter, architect, applies for major zoning relief to construct an attached garage, deck, and attic addition, in the R3 Two-Family Residential District and Ridge Historic District. The applicant requests a 3’ rear yard setback where 30’ is required (Zoning Code Section 6-8-4-7), a 3.2’ north interior side yard setback where 5’ is required (Zoning Code Section 6-8-4-7 (A) 3.), a 1’ south interior side yard setback for an accessory structure (deck) where 5’ is required (Zoning Code Sections 6-8-4-7 (C) 3. and 6-4-6-3), and building lot coverage of 51% where 45% is required (Zoning Code Section 6-8-4-6). The Zoning Board of Appeals is the determining body for this case.

APPLICATION PRESENTED BY: Donna Lee Floeter, applicant  
Noreen Edwards, owner

DISCUSSION:

- The applicant and owner discussed revisions to the plan since the November 13 DAPR meeting. These included a stormwater management plan, and minimal alterations to the bulk and mass of the rear-yard addition.
- Applicant noted that the garage addition was shrunk by 1’ and they are now requesting a rear-yard setback of 4’ where 30’ is required rather than the previous 3’.
- Owner described the intent for the project as a multi-generation residence for herself and her daughter and son in-law.
- Owner described her belief that the zoning code conflicts with other goals the City has including its climate resilience plan, housing plan, and comprehensive plan.
- Applicant noted that the roofline of the screen porch above the garage addition was altered to reduce the perceived bulk of the building.
• Applicant noted that the width of the garage was reduced by 6” from the previous plans.
• Owner presented the intention to address stormwater through a system of gutters, catchment areas, and underground piping running from the side-yards to two large detention areas in the front-yard.
• I. Eckersberg expressed concern that the proposed stormwater plan would not function due to conflicts with the proposed detention location and utilities located in the front-yard.
• I. Eckersberg noted that engineering would require additional information on soil type and depth of the water table prior to permitting.
• Applicant stated that the proposal was adequate.
• J. Leonard stated that soil tests and water table information would be required when submitting for permit.
• Applicant stated that they would do their due diligence and submit soil testing and water table information during the permitting process.
• I. Eckersberg asked about plans to lower the basement.
• Applicant stated that they have plans to lower the basement by 1 to 1.5 feet.
• I. Eckersberg and L. Biggs stated concern with the proposal for lowering the basement.
• L. Biggs noted that the City would not permit the sump pump for the basement to be connected to the City’s sewer system.
• C. Sterling stated that he appreciated the applicant and owner returning and submitting revisions. However, the changes to the proposal are minimal and do not address concerns brought up during the November 13 DAPR meeting.
• C. Sterling noted that the proposal does not meet several of the standards for Major Variation particularly that the hardship is self-created and is not the least deviation from the ordinance.
• Owner stated that other City objectives conflict with the zoning requirements, particularly parking.
• Owner stated a section of the Comprehensive Plan which states that open parking should be screened from residential areas and located in the rear of buildings. Owner noted that the Comprehensive Plan is clear that open parking is not ideal.
• C. Sterling noted that this section of the Comprehensive Plan directly pertains to surface parking along commercial and business corridors and is irrelevant to the proposal.
• C. Sterling reiterated that open off-street parking would eliminate the rear-yard variation and variation for building lot coverage.
• Owner retorted that this was not true and variations would still be required.
• C. Sterling clarified that the rear-yard and side-yard variations would be eliminated, and the variation for building lot coverage would be significantly reduced.
• Owner stated that enclosed parking is necessary for them to age in place and provide convenient charging for the existing and future electric vehicles.
• C. Sterling noted that he would have liked to see at least some open-parking, particularly at the north property line, to reduce the requested zoning relief.
• Owner stated that they were not interested.
• C. Sterling noted that he could not support the project due to significant concerns with the mass of the building and elimination of the rear-yard.
• C. Sterling stated that if the committee is making a recommendation to the ZBA, the proposal should be judged by the standards and it does not meet the standards.
• S. Mangum stated that he had similar concerns with the mass and scale, noting that the proposed addition consumed the rear-yard and could be reduced through viable alternatives.
• Applicant stated that no alternatives exist which would eliminate the need for a variation.
• C. Sterling noted that it could be significantly reduced.
C. Sterling looked for clarification on the City’s definition of “aging in place” noting that he felt it was only an argument for hardship if the owner currently lived in the home and could not continue to do so without zoning relief.

C. Sterling stated concern over the precedent setting nature of approval signifying that any resident may purchase any property and build it out to their desire without adherence to the zoning code, under the guise of a desire to age in place.

C. Sterling reiterated that the applicants perceived hardship is a projection.

J. Leonard stated that the proposal, although unique, aligns with the intent of the zoning code and objectives of the comprehensive plan and the owners desire is admirable.

J. Leonard stated that she disagreed with C. Sterling’s understanding of aging in place but agreed that the City should better define what it meant, noting that a lack of options for multi-generational housing, and housing options for aging adults is prevalent in the City.

J. Leonard stated that she reviewed the standards for Major Variation and noted that whether the proposal meets the standards or not is a difficult judgement.

J. Leonard encouraged the applicant to review the standards and take additional efforts to reduce the degree of the request prior to the ZBA hearing.

Owner asked for suggestions.

J. Leonard stated that the side-yard deck could be removed from the proposal.

J. Leonard stated that she was supportive of the project with a continued effort to minimize the requested zoning relief.

C. Sterling noted the significance of the request and dismissed removing the deck as a meaningful change.

J. Leonard noted that this proposal pushes the boundaries of the request for variation but she remained supportive.

L. Biggs made a motion for approval, with conditions, for major zoning relief, seconded by J. Leonard.

Conditions include:
1. A stormwater management plan to be implemented in substantial compliance with the documentation and testimony on record from the November 20 DAPR Committee meeting, attached.

The Committee voted, 6-3, to recommend approval, with conditions, for major zoning relief. (C. Sterling, I. Eckersberg, S. Mangum, dissenting) J. Hyink abstained due to the proposals lack of relevance to transportation.

New Business

1. 1327 Chicago Ave./528 Greenwood St. Recommendation to ZBA
Richard A. Shapiro, property owner, submits for a Special Use for an Office use, Richard Shapiro Attorney At Law, in the R5 General Residential District.

APPLICATION PRESENTED BY: R. Shapiro and legal counsel.

DISCUSSION:

• Applicant’s legal counsel briefly described Mr. Shapiro’s business including the growth from a small home office, to the larger operation conducted today.
• Legal counsel stated that Mr. Shapiro recognizes that he make mistakes as his business grew, particularly by not applying for a Special Use Permit.
● Legal counsel stated that Mr. Shapiro acknowledges that previous residential tax assessments will have to be reconciled as the use is, and has been for some time, commercial in nature.
● Legal counsel stated that despite these mistakes, the use is appropriate for this location, noting proximity to business districts and zoning on Chicago Avenue and Dempster Street.
● Legal counsel made special note that the office use has operated for a significant amount of time and has been a good neighbor, trying hard to limit congestion, and maintain the significant appearance of the two residential structures.
● R. Shapiro stated that many employees work remotely and have alternating schedules.
● Legal counsel affirmed the above statement and stated that almost all of Mr. Shapiro’s clients conduct and transmit business remotely without a need to visit the office. Additionally, Mr. Shapiro, as is the nature of his business, performs many house-calls.
● Legal counsel stated Mr. Shapiro’s desire to remain in Evanston and in the two buildings he loves dearly. Permitting a special use would allow this thriving business to continue to operate.
● R. Shapiro noted that he has consistently maintained his buildings to the highest standard retaining their residential feel and aesthetic. No changes to the exterior of the buildings are anticipated.
● Legal counsel described the current parking situation including four spaces located off Chicago Avenue which are used for customer parking. Two of these spaces are planned to be removed to make space for an ADA compliant parking location. Additionally, Mr. Shapiro leases several spaces from the City as well as spaces from neighboring properties. In total, Mr. Shapiro leases 25 spaces and has received no complaints from neighbors.
● Legal counsel described recommendations by the Fire Department and Building Department, including a recent agreement based on determination by the International Code Counsel (ICC). The recommendations, including ADA improvements in the total of 20% of the applicable improvement costs to the building, as well as a full fire suppression and alarm system will be installed at substantial cost to Mr. Shapiro ($200k).
● R. Shapiro noted that he is prepared to make significant investments in the property as needed and outlined in a recent agreement with the City and ICC.
● S. Mangum asked which facilities Mr. Shapiro is leasing parking from
● R. Shapiro stated that he leases 10 spaces from Lot #14, 1 from Lot #23 and 1 from Lot #60. Additionally, R. Shapiro is on the waiting list for additional parking spaces as they become available.
● S. Mangum sought clarification that the spaces off Chicago Avenue are exclusively used by clients.
● R. Shapiro stated in the affirmative.
● S. Mangum noted that the subject properties are close to transit.
● Legal counsel stated that this is true and approximately 50% of employees arrive utilizing rapid transit.
● J. Leonard asked how many employees exist in the building at any given time.
● R. Shapiro stated that the question was misleading as the employees are spread across two buildings and schedules alternate making it hard to determine.
● J. Leonard asked the applicant to give his best estimate.
● R. Shapiro stated that at any given time 20-25 employees could be in each building.
● J. Leonard asked if 45 would be a good estimate then.
● R. Shapiro stated, something like that seems accurate but it certainly fluctuates.
L. Biggs asked if the structures could be adapted to single-family residences in the future if the law practice moved.

R. Shapiro stated that this could certainly happen as no significant interior or exterior alterations have occurred or are anticipated.

Legal counsel noted that the applicant was not going to install new door levers as outlined in the proposal as it would negatively impact the architectural integrity of the structures and have limited benefit.

R. Shapiro stated that the front entrance is rarely ever used and that preserving the look of the buildings is very important to him.

J. Leonard asked how someone with accessibility needs would access the building.

R. Shapiro stated that they would use the sidewalk and that grab bars would be installed where needed. They would use the stairs and be assisted if necessary.

Legal counsel reiterated that clients rarely visit the offices.

J. Hyink raised concern that not all those with disabilities require physical assistance. The need for accessibility is manifested in many ways.

J. Hyink asked how other needs were being met.

R. Shapiro stated that he would rather do things that are functional, rather than undergo improvements that address a hypothetical.

Legal counsel stated that the applicant understands that not all accessible issues are physical.

J. Leonard stated that a clear path needs to be identified from the ADA space to the office.

R. Shapiro stated that a clear path already exists in the form of the sidewalk.

S. Mangum stated that nothing on the property, other than the intensity of the interior use, is out of character with the residential zoning and commended the applicant.

S. Mangum noted that you could walk or drive by the properties and never guess the intensity of the use inside.

R. Shapiro stated that was a poignant remark and that the intensity of the use is appropriate and adequately mitigated

J. Leonard stated concern with the precedent setting nature of the use raising significant issue with the size and intensity of the use.

I. Eckersberg asked if conditions could be included in the motion

S. Mangum stated in the affirmative.

C. Sterling asked Mr. Shapiro if he would consider landmarking the properties as an added level of protection.

R. Shapiro stated that he had not thought about that but liked the idea and would look into it.

S. Mangum noted that the properties are located in the Lakeshore Historic District.

C. Sterling responded that he understood, but they were not individual landmarks.

L. Biggs made a motion for a positive recommendation to the ZBA, with conditions, seconded by S. Mangum

Conditions include:

1. Hours of operation shall be limited to M-F, 7am to 6pm.
2. Deliveries shall be limited to M-F 7am to 6pm.
3. The number of employees present on-site shall be limited to 45.

The Committee voted, 8-2, for a positive recommendation to the ZBA with the above mentioned conditions. (J. Leonard and J. Hyink dissenting)
J. Leonard called for a 5 minute recess at 3:45 pm. The Committee returned to regular order at 3:52 pm.

2. 601 Davis Street

Davis Street Development Company 2015, LLC, submits for a Special Use for a Planned Development to construct an 18-story Class A office building with 40 parking spaces and 4,170 square feet of ground floor retail space and a Special Use for a Chase Bank drive through facility. Site development allowances are being requested for: 1) FAR of 13.0 where 4.5 is allowed, 2) Proposed building height of 220 feet where 85 feet (excluding parking) is allowed, 3) 40 parking spaces where 420 are required, 4) A 15-foot Ziggurat setback is proposed above 29 feet along Davis where a 40-foot Ziggurat setback is required above 42-foot height, 5) A 0-foot Ziggurat setback is requested along the east interior lot line at 29-foot height where a 25-foot Ziggurat setback is required above 42-foot height and 6) A 0-foot Ziggurat setback is requested along the west interior side lot line at 29-foot height where a 25-foot Ziggurat setback is required above 42-foot height.

APPLICATION PRESENTED BY: Representatives of Davis Street Development Company

DISCUSSION:

- Applicant provided an overview of the project focusing on revisions since it was previously submitted. Focus areas included modifications to the drive-through, parking needs, and sustainability initiatives
- Applicant stated that the new proposal is more context sensitive and utilizes contextual yet authentic materials
- Applicant stated the intent to extrude the massing of the adjacent university building west as a pedestrian scaled storefront. The massing of the main office structure would be setback from the front-facing, street level facade.
- Applicant stated the ability to mask the parking pedestal with the proposed street level facade and storefront.
- Applicant stated that the drive-through space has been designed for future in-fill.
- Applicant stated bird friendly measures that have been introduced including bird friendly glass 45’ and below as well as at the top of the structure, the two locations most vulnerable to bird strikes.
- Applicant stated new safety changes to the drive-through including pulling trees back from the entryway and widening the alley facing exits to increase the site distance.
- Applicant stated that bike facilities are provided.
- Applicant stated the economic benefits of the proposal including construction jobs, providing a market demand for Class A office space and increased tax revenue.
- Applicant stated the need for the proposed floor-plate to attract tenants. A smaller structure would not provide the return needed to finance the project and could hinder new tenants.

- S. Mangum asked if mechanical louvers would be included for ventilation
- Applicant stated that they would be included on the alley facing facade
- L. Biggs asked the applicant to clarify the widening of the drive through exits to improve the site triangle.
- Applicant stated that rather than pull the building in, the opening was widened to accommodate this request.
- L. Biggs stated that she understood
● L. Biggs asked that the western most street-tree on Davis be removed to improve site lines.
● Applicant said they would accommodate this if required
● L. Eckersberg stated that the tree would be fine where it was
● L. Biggs stated that the final location would be assessed during permitting
● L. Biggs asked where waste collection would occur
● Applicant stated it would occur in the loading dock and be wheeled out to the alley. The same for recycling
● L. Biggs stated that all parking spaces should be prepped for conversion to accommodate EV charging
● Applicant asked what this would entail
● L. Biggs stated at a minimum, conduit should be run to each space
● Applicant stated that this would be accommodated
● K. Jensen stated that separate recycling and composting is required
● Applicant stated in the affirmative and noted that these issues are on their minds but haven’t been finalized
● K. Jensen noted if a food based business was included, a separate area would be needed to accommodate food waste appropriately.
● Applicant said this would happen in a conditioned room
● K. Jensen noted the contractual agreements the City has with a composting company
● K. Jensen asked about the tree preservation ordinance
● L. Biggs stated that it applies and the applicant would likely pay in lieu for cutting the existing caliper of trees.
● Applicant asked if they could plant trees elsewhere instead
● J. Leonard stated it was in their best interest to pay in lieu to avoid maintenance of off-site trees as required by the ordinance
● S. Mangum noted that the floor plate is larger than previously, and the setbacks are closer than previous renditions. What is the reason?
● Applicant stated the financials of the project and the need to deliver a product people want, necessitated the design
● S. Mangum noted that this is a deviation from the April submittal
● Applicant stated that the new proposal is more contextual and allows for a useable floor-plate. The new design accommodates the parking to be hidden which is a huge achievement.
● M. Rivera asked if the applicant was willing to lease spaces in City garaged
● Applicant stated they would lease whatever number the City thought was appropriate, but asked that the number of leases be consistently reviewed in case they are paying for something they aren’t using
● K. Jensen asked the applicant to clarify whether they were pursuing LEED Gold or Silver
● Applicant stated LEED Silver
● D. Cueva stated that the proposed Meter Room needs to comply with previous locational requests
● Applicant stated that the final location will be compliant and is still pending
● J. Leonard expressed a desire for additional storefront transparency
● Applicant stated that the basket-weave above the storefront is masking the parking podium and if it was more transparent, it would expose the parking area.
● Applicant stated that excluding the basket-weave area, the transparency of the front-facing facade is ~90%.
● J. Leonard requested detailed perspectives of the storefronts fronting Davis Street and the alley
● Applicant stated that they would provide them
J. Leonard asked if shadow and wind studies would be provided
Applicant stated yes
J. Leonard stated the City would want the parking lease extended beyond a single-year
Applicant stated they would entertain this, but wanted the option to have their parking use reviewed so they could adjust to meet their needs. Either up or down
J. Leonard asked if the parking area above the storefront level could be adapted to retail in the future
Applicant stated that was the intention
J. Leonard stated a need to restrict delivery hours to reduce downtown congestion
Applicant stated they would only control which delivery services they have contracts with
J. Leonard stated they should regulate services such as Amazon through lease agreements
Applicant stated they understood
J. Leonard stated a need to discuss public benefits at a future date
Applicant stated they understood
Staff supplied examples of public benefits including donations to Downtown Evanston, parking related infrastructure improvements, etc...
Applicant requested staff send detailed suggestions for review
Staff agreed
J. Hyink stated that partially financing improvements to the Davis Street CTA station would be appropriate considering the increased use it would receive as a result of the proposal
Applicant stated that that was a logical idea
S. Mangum stated that City Staff members had collected traffic counts during peak hours across multiple days. The data suggests minimal drive-through usage, but extensive use of the sidewalk and protected bike lane.
S. Mangum stated significant concerns with the curb-cut off Davis and impacts on bike safety.
S. Mangum stated significant concern with the lack of a ziggurat setback
S. Mangum stated that the Floor Area Ratio was significantly larger than the previous proposal
Applicant stated that the FAR was only larger because of a City led initiative to reduce the size of the zoning lot in question (exclude the University Building). The building is the same.

Public Comment:
- Kiera Kelly
  - Stated concerns that adherence to the Zoning Code is not occurring and City staff was complicit in allowing developers to get what they want at the expense of tax paying residents
  - Stated concern with the City not following the 2009 Downtown Evanston Plan
  - Stated that the requested zoning variations are too significant noting six major variations that instead of review by the ZBA are reviewed by the Plan Commission who lacks knowledge about zoning.
  - Stated a desire for a mid-rise building in order to preserve the pedestrian character of the block
  - Stated a desire to look contextually at the south side of Davis Street which are predominately two-story commercial buildings.
- Lori K
o Stated disappointment with the proposal and confusion over the discussion of public benefits.
o Stated a desire for the project to have a larger MWBE and EBE component (not a public project)
o Concerned that the office space would not attract leases
o Stated that Evanston was not ready for this development
o Stated a concern that Evanston was becoming a little Manhattan

L. Biggs made a motion to hold the case in committee pending revisions, seconded by K. Jensen

The case was continued to the December 4, 2019, meeting.

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Adjournment

J. Leonard made a motion to adjourn, seconded by S. Mangum. The Committee voted, 10-0, to adjourn. The Committee adjourned at 4:58 p.m.

The next DAPR meeting is scheduled for Wednesday, December 4, 2019, at 2:30 p.m. in Room 2404 of the Lorraine H. Morton Civic Center.

Respectfully submitted,
Cade W. Sterling