MEETING MINUTES
PLAN COMMISSION
Wednesday, January 22, 2020
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Room G300

Members Present: Jennifer Draper, Carol Goddard, George Halik, Brian Johnson, Jane Sloss

Members Absent: Peter Isaac (Chair), John Hewko, Andrew Pigozzi,

Staff Present: Scott Mangum, Planning and Zoning Manager
Meagan Jones, Neighborhood and Land Use Planner
Brian George, Assistant City Attorney

Presiding Member: Chair Goddard

1. CALL TO ORDER / DECLARATION OF QUORUM

Mr. Mangum called the meeting to order at 7:00 P.M. Ms. Jones called the roll and a quorum was established. Mr. Mangum explained that due to the Chair recusing himself and no Vice-Chair being in place, the Commission members present would need to elect an Interim Chair for the meeting.

Commissioner Sloss made a motion to elect Carol Goddard as the Interim Chair. Seconded by Commissioner Draper. A voice vote was taken and the motion was approved unanimously, 5-0.

2. APPROVAL OF MEETING MINUTES: January 8, 2020

Commissioner Halik made a motion to approve the minutes from the January 8, 2020 meeting. Seconded by Commissioner Sloss. A voice vote was taken and the minutes were approved, 4-0, with one abstention.

3. OLD BUSINESS (Continued from October 30, 2019 and December 11, 2019)

A. Text Amendment
New Residential Zoning District 19PLND-0090
A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to create a new general residential zoning district designation with a maximum height limit of 3 and one-half stories.
B. Map Amendment

Emerson Street Rezoning

A Zoning Ordinance Map Amendment pursuant to City Code Title 6, Zoning, to rezone properties located north of Emerson Street roughly between Asbury Avenue to the east, Gilbert Park and former Mayfair railroad property to the west, and the block north of Foster Street to the north, from the existing R5 General Residential District zoning district to a new general residential zoning district with a height limit of 3 and one-half stories.

Ms. Jones provided a brief review of the referral and proposed text and map amendment, describing the proposed boundaries and the difference between the existing and proposed zoning district (a reduction in height from 50 ft. or 5 stories to 42 ft. or 3.5 stories).

Thomas Ramsdell, lawyer for Victoria Kathrein who requested the continuance, introduced both Ms. Kathrein and Mr. George Kisiel of Okrent Kisiel Associates, Inc. Mr. Ramsdell then explained that the proposed text amendment is not as much of an issue but the map amendment is what would affect the seven properties Ms. Kathrein and her husband spent 20 years assembling and investing $2 million in. He continued, stating that the proposed development that was brought forward on her properties was the result of a misunderstanding and that there are future plans for development that would fit the existing zoning requirements. Mr. Ramsdell then pointed out that staff is not making a recommendation for or against the proposed amendments and asked that if the proposal moves forward, that Ms. Kathrein’s 7 properties be excluded from the rezoning.

Mr. Ramsdell then brought up Ms. Kathrein to speak and asked questions with responses that follow. Ms. Kathrein then spoke, explaining that she owns and manages property in both Chicago and Evanston, lived in Evanston between 2002 and 2013 then explaining how she and her late husband assembled property on Jackson beginning in 1997. Those properties were managed and rented. He passed away in 2015. She then explained that it was not her intention to apply for any variances from the existing R5 zoning whenever the property is redeveloped. Some preliminary planning with an architect began in 2009 and almost $2 million have been invested in the properties.

Ms. Kathrein continued stating that she is familiar with current trends of development moving out of the downtown area. She spoke with staff to verify zoning and inclusionary housing requirements and intended to have affordable units on-site in whatever development occurred. After her husband’s passing, she intended to purchase two additional properties then sell all of the properties to a developer with more expertise, contracting with Domanus development in 2018. She explained that Domanus had prolonged the closing on the properties and had undertaken actions behind her back, proposing a development that did not meet zoning requirements and emptying the
existing buildings which now sit vacant. Ms. Kathrein briefly described the community meeting in which Domanus presented their plans which were not well received soon after the contract between her and Domanus was broken. She then explained that the R5a zoning was never mentioned prior to Domanus development proposing their project but she had no intentions of putting forth a project that did not meet the current R5 zoning regulations.

Ms. Kathrein finished by stating that if the R5a zoning was not approved, the property would go back on the market with conditions of adhering to the R5 zoning requirements but she is unsure of what will happen if the area is rezoned to R5a. A reduction in permitted height would be a financial burden.

Mr. George Kiesiel then gave a brief overview of the work he has done which includes Church Street Plaza then provided a presentation. He explained the code requirements and suggested that rezoning from the existing R5 zoning to the proposed R5a would lead to a 28% loss in development rights on an average sized lot. He then used Ms. Kathrein’s properties in an example development based on current and proposed requirements, claiming that an overall 33% loss in development ability. He then provided a brief overview of the change in use within the area over time and planning context of the 2005 Ridge/Green Bay/Emerson, mentioning that the plan did not consider transit oriented development and that the Comprehensive Plan, though older, mentions demand for more urban development and the need of Baby Boomers to downsize. He then explained that downzoning could lead to a potential loss developable area of 265,000 sq. ft. and lead to a reduction in potential tax revenue.

Chair Goddard opened the hearing to questions from Commissioners.

Commissioner Halik inquired about the zoning in the surrounding areas and the appropriateness of a 5-story building within the R4 District on Emerson Street. Mr. Kiesel responded that that was likely built as a planned development and an affordable housing development.

Chair Goddard then opened the hearing to questions from the public.

Ms. Tina Paden asked for clarification on how many units Ms. Kathrein planned to build. Mr. Kiesel stated that no development is proposed but the example shown would allow for 52 units. Ms. Paden then inquired about the number of required affordable units, stating that 10%, 5 units in the example case, is a small amount. She then inquired about the units that Ms. Kathrein owns and what the rent amount for those units. Ms. Kathrein responded, listing her properties and clarifying that the rent was market rate. Mr. Ramsdell interjected that the rent amounts are not related to the proposed amendments.

Ms. Roberta Hudson explained there were a lot of problems in the area at one time and
The Foster Park Neighbors neighborhood group was created to address them. She then asked what type of housing is proposed and stated that a plan has been provided that was not implemented but should be kept. Mr. Goddard clarified that there is no specific development proposed for the area and a text and map amendment are what is being considered.

Mr. Christopher Gotschall inquired when Ms. Kathrein’s properties were acquired and suggested that some knowledge of the 2005 Plan for the area would have been known. Ms. Kathrein and Mr. Ramsdell responded that the properties were acquired between 1998 and 2018 and purchased according to current zoning.

Ms. Carolyn Dellutri asked if the developer asked residents to vacate without a signed contract. Mr. Ramsdell responded that this question does not relate to the proposal in front of the Commission. Ms. Dellutri replied that residents are attempting to get additional understanding on the history of the process and Ms. Kathrein’s actions and how it relates to the 2005 Plan.

Ms. Goddard then opened the hearing to public comment.

Mr. Mike Abdelsayed stated he is opposed to the downzoning on Asbury Avenue between Green Bay Road and Emerson Street. He explained that this area has a different character and many different uses, the street is an A1 designated traffic street and is exposed to a lot of traffic. He has no opinion of rezoning property west of Asbury but feels the rezoning would reduce the value of his property.

Mr. Timothy Samuel explained that he moved out of the City to get away from density and that this area is mostly single family homes with a few apartment buildings. He stated that he welcomes development and affordable housing but is opposed to a dense 5-story development. He added that Domanus wanted to bring Lincoln Park to Evanston but expanding outside of downtown is not appropriate here. There is already ample development near transit areas in the downtown area which is more appropriate. He supports the proposed rezoning.

Mr. Marcus Legleider stated he is in support of the rezoning and has a petition of signatures in support of the change. He explained that proposed rezoning reflects what the community wants as does the Study done in the area. He added that there are three buildings on his block that are not single family homes and not represented in Mr. Kiesel's representation of properties during his presentation. He added that he has a request from the owner of 1323 Emerson Street to include it in the rezoning.

Ms. Linea Lattimer stated she is a 5th Ward Ambassador and lifelong Evanston resident and that her family founded United Faith Church. She inquired how many live and work in Evanston’s 5th Ward then explained that while the Comprehensive Plan states the market for urban housing may become strong, that is not necessarily the case now.
Offices, restaurants, etc. are desired more in the area, not affordable housing that is not affordable for residents. She then recommended an article within the Evanston Roundtable that provides a history of redlining in the area and asked that the Commission consider the impact of decisions to rezone the properties.

Ms. Roberta Hudson stated that residents are fighting for the area and a 400 member survey had been done in the past regarding what residents would like in the area. They would like to have something for children, jobs and need to preserve the area for what people want. The residents’ dollar turns over once then leaves the community. She added that affordable housing is an issue and what the previous developer proposed did not fit what is needed in the area. She added that some recent developments had damaged homes during the construction phase that residents had to fix.

Ms. Tina Paden stated that 1421 Emerson should not have been acquired or be a part of redevelopment as it was a part of the NSP2 affordable home program and will no longer be affordable. She mentioned that recent development is high-rise that changed the character of the area. She then added that the R5a zoning is important and that developers should not dictate zoning and build additional high-rises.

Chris Gotschall stated that it is strange that Ms. Kathrein was not involved in the 2005 Study that would affect her property and that she knew this would be a possibility for 15 years. He added that he believes R4 or R3 should be the new zoning district and would love development of single-family, low density homes in the area. The area should not be looked at as Lincoln Park and developers should respect the wishes of the neighborhood and current character.

Ms. Carolyn Dellutri stated that as the former Executive Director of Downtown Evanston, she is very familiar with the downtown area and development. She and her husband purchased their home in 2008. She explained that the City should consider and analyze the 600 new dwelling units coming online within the City before going west into this area. She mentioned that the 2005 study has been questioned and the City should consider looking at updating it.

Ms. Brenda Greer stated she is a born and raised Evanstonian and she hopes that the commission considers the residents. New developments and rental fees are pushing people out of Evanston and she hopes that the rezoning goes forward.

Mr. John Cleary stated he is a 7 year resident and introduced Mr. Dan Lauer, his attorney. Both spoke in opposition of the proposed rezoning and Mr. Lauer added that he has a petition with signatures of residents on the 1900 Block of Asbury requesting to be removed from the proposed rezoning. Mr. Cleary then stated he would like to build 2 four story buildings, one apartment building, another a condo building with 2 affordable units. The development would be in compliance with zoning and he has met with staff on a proposal. Mr. Lauer added that typically, a 4 story building is 44 ft. tall and that a
3.5 story building with a frame roof would actually be taller than the height limit proposed.

Chair Goddard then closed the comment portion of the hearing and asked for closing comments.

Mr. Ramsdell explained that he is struck by the amount of confusion and who the true petitioner is and that Ms. Kathrein is not asking to change any zoning but for it to be left alone. She is not relying on a plan but on the law and that it would go against equity to change the rules in the middle of the game when she is seeking to use her property rights. He asked that if the rezoning is to go forward, that her 7 properties be excluded.

Chair Goddard then closed the hearing and the Commission began deliberation.

Commissioner Halik stated that he can see both sides of the issue. He does not understand why the area is currently zoned R5, which is surprising given the existing development in the area. However, downzoning sets a dangerous precedent and that specific properties should not be concentrated on instead of the larger area. He continued, stating that Asbury is not a single family home area and could be taken out of the proposed map amendment area as well as possibly property along Emerson Street north to the alley. He added that the difference in height is 8 ft. which would not constitute a high-rise.

Commissioner Sloss agreed with Commissioner Halik, stating that it is strange for the zoning in the area to be R5 given the existing character acknowledging that it is not uniform.

Commissioner Goddard inquired if there have been other properties downzoned in the past. Ms. Jones responded that she is not aware of any recent downzoning that has occurred, especially not of this magnitude. Much of the rezoning that has occurred has been to similar or higher density. Mr. Mangum added that the R4a was a recent rezoning of a larger area in 2005. Additionally this particular area was once zoned R6 when there were 7 different zoning districts (instead of the current 6) in the 1960’s and it has been zoned for higher density for some time.

Commissioner Draper expressed that she is conflicted. A mix of housing is common and has a concern of spot zoning if certain properties are added and removed. She added that there is an aspect of single family housing that is unaffordable and apartments can be more affordable.

Commissioner Johnson stated that plans, in a national context, are usually done or updated every 15 years and changes are fairly rare. To approve changes to zoning, the Commission must be very sure that it is the right way. He then asked for clarification on how the vote for the amendment could be structured.
Commissioner Halik added that a study should be done in context with the whole City and that any zoning change should be comprehensive.

The Commission then reviewed the standards and found that of the three that were applied to the proposed amendment, the proposed amendments do not match with the information within the Comprehensive Plan which calls for the current zoning, the proposed amendments are compatible with adjacent properties, however, the proposed changes could negatively impact the value of some properties in the area.

Commissioner Halik inquired if the Commission should consider removing certain properties from the map amendment. Chair Goddard responded that in order to move forward with the map amendment, the text amendment needs to be approved, which has not yet occurred. Commissioner Johnson then added that possibly altering the proposed rezoning by block is wading into spot zoning.

**Commissioner Johnson made a motion to recommend approval of the proposed text amendment to create the R5a Zoning District. Seconded by Commissioner Draper.**

A roll call vote was then taken and the motion failed, 1-4.

**Ayes: Sloss**

**Nays: Draper, Goddard, Halik, Johnson**

Commissioner Halik asked if there was an ability to make additional recommendations to City Council regarding this item as this should be part of a greater comprehensive plan evaluation.

**Commissioner Sloss made a motion to recommend approval of the proposed map amendment to rezone the Emerson Street area from R5 to R5a with a maximum building height of 3.5 stories. Seconded by Commissioner Draper.**

A roll call vote was then taken and the motion failed, 1-4.

**Ayes: Sloss**

**Nays: Draper, Goddard, Halik, Johnson**

4. PUBLIC COMMENT

A member of the public inquired about a decision to omit the properties on Asbury Avenue from the rezoning consideration. Ms. Goddard responded that the Commission has voted to recommend denial of the text and map amendments as presented by staff. The minutes will reflect the discussion and the recommendation will move forward to the City Council.
5. ADJOURNMENT

Commissioner Johnson made a motion to adjourn the meeting. Commissioner Sloss seconded the motion.

A voice vote was taken and the motion was approved by voice vote 5-0. The meeting was adjourned at 8:58 pm.

Respectfully Submitted,
Meagan Jones
Neighborhood and Land Use Planner
Community Development Department