



MEETING MINUTES

LAND USE COMMISSION

Wednesday, September 14, 2022

7:00 PM

Lorraine H. Morton Civic Center, 2100 Ridge Avenue, James C. Lytle City Council Chambers

Members Present: George Halik, Brian Johnson, Jeanne Lindwall, Kiril Mirintchev, Max Puchtel, Matt Rodgers, Kristine Westerberg

Members Absent: Myrna Arevalo, Violetta Cullen, John Hewko

Staff Present: Katie Ashbaugh, Brian George, Elizabeth Williams, Meagan Jones

Presiding Member: Matt Rodgers

Call to Order

Chair Rodgers opened the meeting at 7:02 pm. A roll call was then done and a quorum was determined to be present.

Approval of August 24, 2022 Meeting Minutes

Commissioner Lindwall then made a motion to approve the Land Use Commission meeting minutes from August 24, 2022. Seconded by Commissioner Puchtel. A voice vote was taken, and the motion passed, 7-0.

Old Business

A. Public Hearing: Planned Development | 1621-31 Chicago Avenue | 22PLND-0020

Jeffrey Michael, applicant, Horizon Realty Group, submits a Special Use for a Planned Development to construct a new 18-story mixed-use building with approximately 7,195 square feet of ground floor retail space, 180 dwelling units (including 52 bonus dwelling units per IHO), and 57 parking spaces within a 2-level parking garage in the D4 Downtown Transition District. The applicant seeks the following site development allowances: 1.) To increase the maximum permitted number of dwelling units from 106 to 180; 2.) To increase the maximum permitted Floor Area Ratio (FAR) from 5.4 to 7.8; 3.) To increase the maximum permitted building height from 105' to 174'-8"; 4.) To reduce the number of required parking spaces from 130 to 57; and 5.) To reduce the number of required loading berths from 3 to 2. The applicant may seek and the Land Use Commission may consider additional Site Development Allowances as may be necessary or

desirable for the proposed development. The Land Use Commission makes a recommendation to the City Council, the determining body for this case in accordance with Section 6-3-5-8 of the Evanston Zoning Ordinance and Ordinance 92-O-21.

Jeff Michael, applicant with Horizon Realty Group introduced his team including Tim Kent from Pappageorge Haymes Partners, Graham Grady and Silvia Michas with the Taft Law Firm, Johnathan Perman with the Perman Group, Daniel Mica with the Horizon Realty Group, and Michael Werthmann with KLOA. The applicant then presented an overview of the project titled "The Legacy". He explained the project goals to increase rental options, add affordable housing, a commitment to make first hire attempts for Evanston residents, and a scholarship fund for residents who want to get involved with the real estate industry.

Graham Grady reviewed the applicant's site development allowance requests including but not limited to those standards associated with uninterrupted bicycle lanes, affordable housing, an alley and waste management plan, and trash facilities located inside the building.

Michael Werthmann from KLOA reviewed the traffic study findings. The proposed Legacy project is a transit-oriented development which reduces traffic demands. Access to parking and the loading berths is provided through the alley which can handle the additional traffic produced by the development. Loading is provided on Chicago Avenue which will be managed through the doorman.

Commissioner Questions

Commissioner Halik asked to review the allowable height, both tallest height and building setback at the top, considering parking and affordable housing bonuses. Mr. Michael responded that the actual building is 185 feet and 195 feet total including the penthouse. Staff member Jones explained how the zoning height of 174 feet 8 inches was calculated, which included exclusion of height attributed to the two-story parking levels, or approximately 20 feet. Mr. Michael responded that the requested building height is 174 feet versus the 145 feet allowable zoning height with a site development allowance in the district. Commissioner Mirintchev also asked questions on the parking podium, building height and on the floor plan. **technical issues with audio/visual recording sound**

Commissioner Lindwall asked about the alley. Mr. Michael confirmed that they would re-pave the alley damaged from construction. The additional up to \$200,000 is a public benefit for the alley for the full length from Davis Street to Chicago. She also asked if there was a target demographic for the units and the applicant responded that there was not. She then asked if there was any discussion on replacing the lost Chicago Ave parking and the applicant responded that there was not.

Commissioner Westerberg requested an overview of the alley management plan. Mr. Michael explained that there would be input from the stakeholders and neighbors to

create a shared management plan between the residential and commercial uses that would include timing of move-ins/move-outs and commercial deliveries.

Commissioner Halik asked about the management of the parking spaces in the City's parking garages. Ms. Jones replied that staff is tracking the number of leased spaces and proposed to be leased. Updating parking requirements is a longer term discussion that may occur in the future. Mr. Michael added that the Church Street garage is 50% leased.

Commissioner Johnson asked a question about the number of loading berths. Mr. Michael responded that only two loading berths are necessary because of the number of annual move-in and move-outs and the amount of commercial traffic.

Commissioner Westerberg asked about the impact to their program if they reduced the height of the building by 30 feet. Mr. Michaels responded that there would be less affordable housing units and pointed out that there are buildings east of this site that are also taller than what the base zoning height allows

Commissioner Puchtel asked about the efforts to date for LEED certification. Mr. Perman responded that they have not yet contracted for the service, but the architect completed the checklist based on their experience.

Chair Rodgers inquired about the mix of affordable units. Mr. Michaels responded that it would be proportional to the market rate units. Mr. Perman added that the current mix is 14% studio, 53% one-bedroom, and 31% two-bedroom.

Commissioner Halik asked if they would consider bricks versus the proposed fiber cement panels on the lower levels. Mr. Michaels responded yes.

Public Comment

Bob Froetsher 1580 Sherman Ave., and within one thousand feet of the proposed project, distributed a packet titled "Testimony to the Evanston Land Use Commission" to the commission members. He presented that D4 is a transition zoning district. Some of the standards of approval for this project that are not met is compatibility with the surrounding development and the intent of the zoning district. He reviewed that the 2009 Downtown Plan recommended buildings of 66 to 110 feet in height for this area. He also presented that the proposed project does not meet some of the standards of approval for special use including traffic and parking.

Chair Rodgers asked staff to explain the Planned Development site development allowances. Ms. Jones presented the base requirements of 54 dwelling units, the housing bonus of an additional 52 dwelling units for a new total of 106 dwelling units, no additional units for the site development allowance, and the proposed density of 180 dwelling units. She clarified for Commissioner Lindwall that there is a base of 123 units, plus 4 units for each of the 13 affordable housing units ($13 \times 4 = 52$) for a total of 180 units, 5 of which will be additional on-site affordable housing units for a total of 18 on-site

affordable units. She continued to review the FAR, zoning height, parking spaces and loading berths for the site. Commissioner Lindwall asked how a developer requests the site development allowances. Ms. Jones explained it is requested as part of the Planned Development process and the allowances vary by zoning district.

William Brown, chairman of the First United Methodist Church, 1580 Sherman Avenue, #405, and within 1,000 feet of the proposed project, presented his concerns regarding the height of the building and the impact of traffic on access church parking.

Paul Breslin, 1635 Hinman Avenue, #1, and within 1,000 feet of the proposed project, reviewed several legal disputes between Horizon and its tenants. Jeanne Breslin, 1635 Hinman Avenue, #1, and within one thousand feet of the proposed project, expressed concern regarding solvency of the developer. Chair Rodgers reminded the Breslin's that the Land Use Commission must address the codified standards for approval.

Becky Taveirne, 1635 Hinman Avenue, and within 1,000 feet of the proposed project, expressed her concern regarding pedestrian and vehicular traffic safety, parking availability, and compliance with the Downtown Plan.

Grace Imathiu, 516 Church Street, senior pastor of First United Methodist Church, expressed concern regarding the proposed building not meeting the standards for height, mass, and scale. She also expressed concern regarding traffic in the alley.

Dennis Harder, 522 Church Street, #6A, suggested that the city look into the goals and provisions of the affordable housing ordinance and how it might be in conflict with other city ordinances.

Fred Tanenbaum, 807 Davis Street, and within 1000 feet of the proposed project, expressed concern how the building relates to Chicago Avenue.

Arthur Altman, 807 Davis Street, and within 1000 feet of the proposed project, expressed concern regarding the amount of provided parking, the smaller size of the units, and empty small retail spaces.

Martha Rudy, 500 Lake Street, expressed concern about the alley causing undue traffic congestion due to its width. She was also concerned that the turning radius of vehicles would impact the church parking lot

Phyllis Adams, 1016 Hinman Avenue #70, expressed concern regarding whether the older buildings on the block could withstand construction of a large building.

Fergal Hanks, 1500 Chicago Avenue, commented that the proposed project would contribute to downward pressure on rents, it makes use of the existing bike lanes, and is a transit-oriented development which can contribute to patronizing existing businesses.

Bernard Riley, 1500 Hinman Avenue, expressed concern regarding the expenditure of city resources reviewing projects that are not in alignment with the zoning district.

Robert Hacking, 1630 Chicago Avenue, expressed concern that the building would block existing views. He also expressed concern regarding delivery vehicles blocking the alley.

Mr. Michael noted that this was the second appearance before the Land Use Commission and there were other Ward and meetings before DAPR. He mentioned that the previous iteration of the building had a Porte-Cochere off of Chicago Avenue but that the preference was to have that activity off of the alley. He added that this will be a modern building that can manage additional trash created. Commissioner Halik asked if the project would be viable without any affordable housing and the parking floors were underground. Mr. Michael indicated that they had run similar programs and found them not to be financially viable. Chair Rodgers noted that the inclusionary housing bonus seems to be doubling the number of units and perhaps should be reviewed.

Mr. Froetsher asked if any of the buildings shown on the exhibit titled “Context from the East” were east of Chicago Avenue and built after 2009. The applicant responded no.

The record was then closed.

Deliberations

Commissioner Lindwall thinks that the proposed project is too dense and too tall. She noted earlier comprehensive and downtown plans described intent to stimulate economic revitalization, envisioned a transition between the downtown core and surrounding areas, and included development incentives to build within the D4 district. Plan updates maintain these qualities, encourage better design and enable a project to be built within the standards.

Commissioner Westerberg commented that redevelopment of the site is welcome however the proposed project seems out of scale. She also noted that routing all traffic to the alley creates a burden to the rest of the community.

Commissioner Mirintchev thinks that the ratio of the number of dwelling units to the number of parking spaces is too small and it deviates too much from the Zoning Ordinance. He noted that the allowable height of 125 feet versus the proposed 195 feet is too much of a difference. He is not satisfied that the amount of proposed retail space is less than what exists now. He also suggested that the proposed layout creates too many north facing apartments and suggested an alternative courtyard scheme.

Commissioner Halik thanked the developer for making the changes from the last meeting. He would like to see more housing downtown, but the scale of this project is too big.

Commissioner Puchtel also noted that he liked the style and height of the building but it was out of character and intent of the transitional district.

Commissioner Johnson noted that he does want more housing and retail but this building is too dense and too tall for the location.

The Commission then reviewed the standards for approval of Special Uses (6-3-5-10):

1. Met as a Planned Development special use
2. Met standard of a mixed-use transit-oriented development but does not meet the transition district standard
3. Does not meet due to negative effect upon the immediate neighborhood
4. Does not meet especially for residences
5. Met as public facilities are available
6. Does not meet for front and rear of property
7. Met as it applies to the site itself
8. Met as there is minimal greenspace on the existing site
9. Met as no regulations are violated.

The Commission then reviewed the standards for approval of Planned Development (6-3-6-9):

1. Does not meet due to the number of requested allowances
2. Does not meet because it is a transition zone
3. Does not meet but site is challenging to meet
4. Met due to bird friendly glass and LEED silver goals
5. Met due to proposed IHO, scholarship fund, EV charging stations, etc.

The Commission then reviewed the standards for approval of Planned Development in the D4 District (6-11-1-10):

1. Does not meet due to building large size
2. Met due to building design
3. Does not meet due to lack of compliance with existing plans
4. Met
5. Met as landscaping is proposed on the site.

The Commission then reviewed the standards for approval of Planned Development in the D4 District (6-11-1-10B):

1. Met because no curb cuts are allowed
2. Does not meet but site is challenging to meet
3. Does not meet but site is challenging to meet
4. Utilities not provided in packet
5. Met as submitted with original application
6. Met with KLOA study
7. Met for now but a wind study has been requested in the future.

Mr. Grady requested that the application be continued to modify the project based on the feedback from this meeting. Discussion followed on next steps for the project and staff advised that the Land Use Commission recommendation will need to be scheduled before the City Council within 60 days. The applicant will have the opportunity to make any changes to their plans in the intervening period.

Commissioner Lindwall agreed with the seven staff recommended conditions and suggested adding a construction management plan and an annual payment of lost revenue related to the lost parking due to the loading zone.

Commissioner Lindwall made a motion to approve the Planned Development at 1621-31 Chicago Avenue, 22PLND-0020, with the additional nine conditions, second by Commissioner Puchtel. A 0-7 voice vote failed the motion. It will forward to City Council with a recommendation of denial for the 18-story apartment building at 1621 Chicago Ave.

Communications

Mr. Halik asked for an update on the Comprehensive Plan. Ms. Flax noted that the original RFP requested a combined Strategic Plan and a Comprehensive Plan. There may be a benefit for a new RFP for only a Comprehensive Plan. Staff is considering options and will bring a recommendation to City Council.

Public Comment

Mr. Breslin asked how much it costs the City to review a project. Chair Rodgers noted that staff and the commission do not have the authority to reject review of a project. Ms. Ashbaugh added that if an applicant has ownership interest by contract or owns the property, they have the right to apply and go through the due process.

Mr. Froetsher thanked the Commissioners for their time and noted that residents have made efforts to understand the relevant standards for the project. He appreciates the Commission's time and hopes a project of this size will not be brought before the Commission again.

Adjournment

Commissioner Westerberg motioned to adjourn, Commissioner Lindwall seconded, and the motion carried, 7-0.

Adjourned 10:05 pm
Respectfully submitted,
Amy Ahner, Planning Consultant
Meagan Jones, Neighborhood & Land Use Planner