



**MEETING MINUTES**

**LAND USE COMMISSION**

Wednesday, March 8, 2023

7:00 PM

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

Members Present: Myrna Arevalo, George Halik, Brian Johnson, John Hewko Jeanne Lindwall, Kiril Mirintchev, Max Puchtel, Kristine Westerberg, and Matt Rodgers

Members Absent:

Staff Present: Neighborhood and Land Use Planner Meagan Jones, Deputy City Attorney Alex Ruggie, Planner Katie Ashbaugh, Planning Manager Liz Williams, and Interim Community Development Director Sarah Flax

Presiding Member: Matt Rodgers

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**Call to Order**

Chair Rodgers opened the meeting at 7:03 PM. A roll call was then done and a quorum was determined to be present.

**Approval of February 22, 2023 Meeting Minutes**

Commissioner Lindwall made a motion to approve the Land Use Commission meeting minutes from February 22, 2023, with notes on page 2 Commissioner Questions to add "Illinois" in front of the Housing Development Authority, page 5 #3 to add "a portion of" the lot is owned by the City, addition on page 9 Deliberations to add to Commissioner Halik comments that "The two projects are tied together because nothing can happen until the church moves and they cannot move until they have raised funds", page 10 correcting "Chair" Halik to "Commissioner" Halik for the 10 PM motion, and page 14 #1 add "lack of a" loading dock will not have adverse impact. Seconded by Commissioner Westerberg. A roll call vote was taken, and the motion passed 7-0-1 with Commissioner Rodgers abstaining.

**New Business**

**A. Special Use Permit | 1566 Oak Avenue | 22ZMJV-0078**

**Donna Pugh & Michael Noonan, Foley & Lardner LLP, attorneys representing Connections for the Homeless, request a Special Use Permit for a Rooming House at 1566 Oak Avenue, commonly known as the Margarita Inn, in the R6 General Residential District (Section 6-8-8-3). This case was previously heard by**

the Land Use Commission at a public hearing on November 30, 2022, and will be reopened to hear testimony from BCH1555, LLC & their representative based on their continuance request dated November 29, 2022 as required by court order. No additional testimony from any member of the public will be heard on the matter. 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 and Ordinance 92-O-21. *Per court order, this agenda item was not heard at this meeting and was continued to the April 26, 2023 Commission meeting. Additional notice will not be provided.*

No action was taken. The case will be heard at the April 26, 2023 meeting.

**B. Public Hearing: Special Use for a Planned Development | 1621-31 Chicago Avenue | 22PLND-0102 Jeffrey Michael of Horizon Realty Group, applicant, requests a Special Use for a Planned Development to construct a 15-story, 165-foot tall from grade, mixed-use building with approximately 7,200 square feet of ground floor commercial, 140 dwelling units, and 57 parking stalls within a two-level parking garage in the D4 Downtown Transition District. The applicant also requests the following Site Development Allowances as part of the Planned Development: 1) 100 dwelling units where no more than 54 are allowed [City Code §6-11-5-4(B)]; 2) a building height of 145 feet where no more than 105 feet is permitted (City Code §6-11-5-8) 3) 57 on-site parking stalls where a minimum of 118 are required (City Code §6-16-3-5, Table 16-B) and 4) eight (8) compact 90-degree parking stalls with a depth of 15 feet where a minimum depth of 18 feet is required (City Code §6-16-2-7, Table 16-A). Forty of the 140 dwelling units are considered bonus units per City Code §6-11-1-11(A)(2), given that 10 of the first 100 units will serve as the required on-site affordable units per City Code §5-7-4(A). The Land Use Commission makes a recommendation to the City Council, the determining body for this case in accordance with City Code §6-3-6-8.**

Jeffrey Michael, Horizon Realty Group, Chief Operating Officer, spoke of the history of the company and vision for the block. He summarized the building and public benefits changes since presented to the commission in September 2022.

Tim Kent, Pappageorge Haymes, project architect, summarized the requested Site Development Allowances, the actual height in context of the Evanston downtown skyline, the contemporary glass volume design with recessed balconies and building setback (from the interior lot line to meet glazed building code rule), the pedestrian scale changes (brick material, planter and canopy which does project past the lot line), outdoor dining potential, protected bike lane, residential parking and loading berth entrances off the alley, and a unit and landscaping overview. There is about a 50% decrease in retail from the existing use.

Michael Werthmann, Principal with KLOA, summarized the traffic study findings as it relates to a transit-oriented development. He highlighted the reduction in parking

demand and alley use due to the proposed unit mix and retail reduction. He reviewed the resulting proposed alley loading berths and Chicago Avenue drop-off changes including a doorman.

### Commissioner Questions

Commissioner Halik asked about the extent of the alley improvements. Graham Grady, attorney for the applicant, explained that public benefits include that the applicant pays for 100% of the 127 linear feet behind the building for that full 20-foot width of the alley. The applicant will fund \$200,000 toward the City's payment for improvements behind the Merion (the applicant also owns the Merion, immediately to the south of the project site) on the opposite side of the alley and the remaining segment on the north side of the Legacy as part of the city's alley improvement cost share program. Mr. Grady added that the proposed project will remove the current alley parking and exterior trash dumpsters.

Commissioner Westerberg asked if other downtown building parking spaces were considered. Mr. Werthmann summarized comparable parking demand studies based on unit mix.

Commissioner Westerberg inquired about visitor and retail parking. Mr. Werthmann stated that it would be on-street parking or use of the city parking garage. Johnathan Perman, Perman Group, added that they have committed to lease up to 23 spaces in the Church Street parking garage. Mr. Michael noted that city staff has recommended a sticker validation program for guests. A general discussion of recently approved parking ratios followed.

Commissioner Westerberg asked about routing parking through the alley. Ms. Ashbaugh summarized that city staff review which included Public Works with regard to the public alley did not raise concerns about increased alley traffic. Commissioner Westerberg noted her long-term hope to incorporate more of the drop-off and loading activities within property boundaries rather than in the right-of-way.

Mr. Perman described current market conditions. He reviewed key points of the updated marketing study conducted by Integra Realty Resources which supports this location for high density development and the relationship between rental units, parking spaces and affordable housing. He also summarized the fiscal impact analysis. Commissioner Lindwall furthered that the new property taxes will add to the total EAV of the community spreading the tax burden among more properties.

Commissioner Hewko arrived at 8:10 PM.

Chair Rodgers questioned the overall ratio of dwelling units by number of bedrooms and inclusionary units proposed. Mr. Kent said 14% of the total are studios, 54% are one bedroom, and 32% are two bedrooms. Ten affordable units matching those ratios, and the level of affordability is 60% of the adjusted median income as required by the City's Inclusionary Housing Ordinance.

Commissioner Halik inquired about financing. Mr. Michael replied that they would fund and finance the project including a construction loan which would be about 65% of the total project equity.

Commissioner Lindwall asked to clarify the retail space and Mr. Michael responded that there are two tenant spaces. Ms. Ashbaugh added that if they wanted to subdivide those units it would be done under staff administrative review.

Commissioner Puchtel questioned how the height variance is being calculated. Mr. Perman responded that 105 feet is the base permitted height, the site development allowance is 40 feet for a new total of 145 feet. They are requesting 165 feet (14% over of the development allowance). However, 20 of the 165 feet for the parking garage does not count towards building height. Ms. Ashbaugh confirmed that a city council supermajority vote is not required for the proposed height as the project also complies with the City's Inclusionary Housing Ordinance.

Commissioner Puchtel asked the applicant to describe their understanding of the purpose of a transition district. Mr. Perman responded that the Legacy is shorter and tapering down from the buildings to the west. Commissioner Westerberg corrected that The Mather height presented is reached by the cupola, not an additional story.

Commissioner Puchtel asked how the project meets the scale and massing of the established uses in the D4 District. Mr. Grady replied that the uses are consistent with the district, and it is up to the commission to determine if the height and massing meet the standard for the requested development allowance.

### Public Comment

Chair Rodgers called for public comment.

William Brown, 1200 Mulford Street, noted that First United Methodist Church is designated as a historic property. He stated his concerns on how the project does not meet the standards for building height and the D4 Transition District.

Reverend Grace Imathiu, First United Methodist Church, 516 Church Street, reviewed the church history and talked about the congestion in the current alley.

Candace Heaphy, 1616 Hinman Avenue, spoke about standing water in the alley after a heavy rain, asked where the Merion van will be parked, how vans will enter parking bays, and how ambulances will access the proposed building.

Paul Breslin, 1635 Hinman Avenue, expressed the importance of adhering to standards.

Rebecca Taveirne, 1635 Hinman Avenue, requested the commission to deny the proposed project based on its scale, and its resulting street and alley congestion.

Dennis Harder, 522 Church Street, questioned whether the community benefits are sufficient for the requested development allowances.

Jeremy Vanatta, 309 Davis Street, spoke of his concern that northbound traffic would back up onto Chicago Avenue but supports a project that is within the development allowances.

Isaac Suarez Flint, 1214 Maple Avenue, talked about housing affordability and the downtown economic benefits resulting from the increased density.

Emmet Ebels Duggan, 916 Elmwood Avenue, spoke towards choosing projects that increase equity, density, walkability, and affordable housing in downtown.

Bruce Enebach, 723 Emerson Street, commented that the developer is responsible for the outcome.

Clare Kelly, Councilmember of Ward 1, spoke on behalf of resident Fred Tanenbaum, The Residences of Sherman Plaza, regarding alley access for deliveries and traffic at the front of the building. She also requested that virtual testimony be offered at future meetings.

John Hammerschlag, 311 Lake Street, summarized his parking advisory experience and commented that the size of the garage is aligned with a transit-oriented development. He also suggested improving Chicago Avenue with an additional lane of traffic.

The record was then closed.

### Deliberations

Commissioner Halik commented that the massing and transition is suitable for the site, urged improvement of the entire alley, noted the long list of proposed public benefits and the need for housing.

Commissioner Westerberg expressed the need for a 360-degree view of building scale regarding the transition district. If the project was approved, she stressed the importance for alley coordination and more public benefits.

Commissioner Lindwall believes the height is not an appropriate transition based on the comprehensive and downtown plans. She supports the parking site development allowances yet would like to better understand how new delivery models can be better articulated in traffic studies and land use policy.

Commissioner Puchtel also expressed concern regarding the building height in the transition district.

Commissioner Arevalo stated her support for the project.

Commissioner Mirintchev voiced his thoughts that the building architecture creates flat north and south sides, the north units lacking sunlight, and the building is imposing to the street.

Commissioner Johnson appreciates preservation of the bike lane, the addition of residents and the reduction of retail, two loading bays, and it is the best presented iteration of height and massing plan with a transition. He requested staff to confirm the parking occupancy of the Church Street parking garage.

Commissioner Hewko asked staff about the number of garage floors and how they related to height. Ms. Ashbaugh replied that the principal use would need to be permitted in the zoning district and the code is to allow parking on premise without penalizing for height. He supports parking as proposed due to the testimony presented, supports the floor-area ratio given the parameters of the code, supports the transition and the addition of housing downtown.

Chair Rodgers stated that overall that they have achieved a reduction in building height, the building is architecturally attractive and the higher Chicago Avenue storefront achieves a better block.

The Chair reviewed the Standards for a Special Use (Section 6-3-5-10).

1. Is one of the listed special uses for the zoning district in which the property lies: a planned development for residential and commercial downtown is permitted in D4.
2. Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning ordinance: The height requested is allowed by zoning which meets the standard. There is not an agreement as to whether the height requested meets the transition intent of the D4 district.
3. Does not cause a negative cumulative effect in combination with existing special uses or as a category of land use: There is not an agreement as to whether the height, density and traffic creates a negative cumulative effect because it is offset by positive economic benefits and affordable housing.
4. Does not interfere with or diminish the value of property in the neighborhood: Neighboring property values will be improved because of the development and so the standard is met.
5. Is adequately served by public facilities and services: Any development of this size will require some upgrades, but nothing has been provided stating that it cannot be serviced and so the standard is met.
6. Does not cause undue traffic congestion: The development will increase more service delivery, but the traffic study did not indicate any undue congestion and so the standard is met.
7. Preserves significant historical and architectural resources: The site has none of these resources and so the standard is met.

8. Preserves significant natural and environmental resources: The site has none of these resources and so the standard is met.
9. Complies with all other applicable regulations: No testimony regarding the ability of the applicant to comply with these regulations was presented, meeting the standard.

The Chair reviewed the Standards for Special Use for Planned Developments (Section 6-3-6-9).

1. The requested Site Development Allowance(s) will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties that is beyond a reasonable expectation given the scope of the applicable Site Development Allowance(s) of the Planned Development location: There is not an agreement as to whether the height requested meets the standard.
2. The proposed development is compatible with the overall character of existing development in the immediate vicinity of the subject property: The proposed scale of the project does not meet the transition intent of the D4 district and so the standard is not met.
3. Each planned development shall be compatible with and implement the adopted Comprehensive General Plan, as amended, the Plan for Downtown Evanston, an adopted land use or urban design plan specific to the area, this Zoning Ordinance and any other pertinent City planning and development policies, particularly in terms of: (a) Land use (b) Land use intensity (c) Housing (d) Preservation (e) Environmental (f) Urban design (g) Traffic impact and parking (h) Impact on schools, public services and facilities (i) Essential character of the downtown district, the surrounding residential neighborhoods, and abutting residential lots (j) Neighborhood planning (k) Conservation of the taxable value of land and buildings throughout the City, and retention of taxable land on tax rolls: The standard is met due to the overall pedestrian and vehicle mitigations.
4. The proposed development aligns with the current and future climate and sustainability goals of the City: The packet contains information that considers City sustainability goals including the Bird Friendly requirement, LEED standards, and the EV capable parking spaces so the standard is met.
5. Public benefits that are appropriate to the surrounding neighborhood and the City as a whole will be derived from the approval of the requested Site Development Allowance(s): The standard is met due to the investment in apprentices and scholarships.

The Chair reviewed the Standards for Planned Developments in the D4 District (Section 6-11-1-10).

A) General Conditions

1. Each planned development shall be compatible with surrounding development and not be of such a nature in height, bulk, or scale as to exercise any influence contrary to the purpose and intent of the Zoning Ordinance as set forth in §6-1-2, "Purpose and Intent."

If the proposed planned development is for a property listed as an Evanston landmark, or for property located within a historic district listed on the National Register of Historic Places or for property located within a historic district so designated by the Evanston Preservation Commission, the planned development shall be compatible with the "Secretary of the Interior's Standards for Rehabilitation" as set forth in the National Historic Preservation Act of 1966, as amended.

Standard is met through the Special Use for Planned Developments.

2. Each planned development shall enhance the identity and character of the downtown, by preserving where possible character-giving buildings, enhancing existing streetscape amenities, maintaining retail continuity in areas where it is prominent, strengthening pedestrian orientation and scale, and contributing to the mixed-use vitality of the area: Standard is met through the base layer architectural design which matches with the block, continuing with retail on the first floor and no interfering curb cuts.
3. Each planned development shall be compatible with and implement the adopted Comprehensive General Plan, as amended, the Plan for Downtown Evanston, an adopted land use or urban design plan specific to the area, this Zoning Ordinance and any other pertinent City planning and development policies, particularly in terms of: (a) Land use (b) Land use intensity (c) Housing (d) Preservation (e) Environmental (f) Urban design (g) Traffic impact and parking (h) Impact on schools, public services and facilities (i) Essential character of the downtown district, the surrounding residential neighborhoods, and abutting residential lots (j) Neighborhood planning (k) Conservation of the taxable value of land and buildings throughout the City, and retention of taxable land on tax rolls: Standard is met through providing housing downtown, environmental sustainability efforts, public services, preservation of the downtown character, and retention and increase of taxable lands.
4. Each planned development shall be completed within two (2) years of the issuance of the special use permit for the planned development. If extensive or staged development is approved as part of the planned development, however, the two (2) year requirement may be extended to provide for a more reasonable time schedule. The expanded time schedule shall be adopted as part of the planned development and so noted on the special use permit for a planned development.

No special use permit for a planned development shall be valid for a period longer than one (1) year unless a building permit is issued and construction is actually begun within that period and is diligently pursued to completion. The City Council may, however, for good cause shown, extend the one (1) year period for such time as it shall determine, without further hearing before the Land Use Commission. The City Council may, at its sole discretion, place conditions on the



extension in order to assure that the planned development is diligently pursued to its completion: Staff would enforce if the project moved forward.

5. All landscaping treatment within the planned development shall be provided in accordance with the requirements set forth in Chapter 17, "Landscaping and Screening," and shown on the required landscape plan that shall be submitted as part of the planned development application: Streetscape presented in the drawings comply, so the standard is met.

B) Site Controls and Standards. The following site controls and standards are established to provide a regulatory framework that will promote excellence in site design. Their establishment is not intended to restrict or inhibit the Design and Project Review Committee or the applicant from applying other site design principles and standards that may be applicable to the planned development being proposed and that may be found in or interpolated from the Plan for Downtown Evanston, and the City's Manual of Design Guidelines or in common use by design professionals.

1. Walkways developed for a planned development shall form a logical, safe and convenient system for pedestrian access to all project facilities and off-site destinations likely to attract substantial pedestrian traffic. Pedestrian ways shall not be used by other automotive traffic: Protected bike lane and no curb cuts in front ensure compliance with the standard.
2. The location, construction and operation of parking, loading areas, and service areas, shall be designed to avoid adverse effects on residential uses within or adjoining the development and, where possible, provide additional parking beyond that required for the planned development to service the downtown district in which it is located: Access for these services has been provided in a 20-foot wide alley.
3. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. If the planned development employs local streets within the development, said streets shall not be connected to streets outside the development in such a way as to encourage their use by through traffic: The traffic circulation is designed to minimize conflicts with pedestrians.
4. The planned development shall provide, if possible, for underground installation of utilities (including electricity and telephone) both in public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutter, piping, treatment of turf, and maintenance of facilities: Staff would review at the building permit phase if the project moved forward.
5. For every planned development there shall be provided a market feasibility statement that shall indicate the consumer market areas for all uses proposed in the development, the population potential of the area or areas to be served by the uses proposed and other pertinent information concerning the need or demand for such uses of land: An updated study was provided and is compliant with expectations.

6. For every planned development there shall be provided a traffic circulation impact study which shall show the effect of all proposed uses upon adjacent and nearby roads and highways. The study shall also show the amount and direction of anticipated traffic flow and clearly describe what road and traffic control improvements might become necessary as a result of the construction of the proposed development: The applicant's traffic study met the requirements and so the standard is met.
7. The Zoning Administrator may, at his discretion, require of the applicant additional studies or impact analyses when he determines that a reasonable need for such investigation is indicated: Staff would determine if necessary if the project moved forward.

Commissioner Westerberg asked how the city provides oversight of the Alley Management Plan. Ms. Ashbaugh responded that complaints can be submitted through the 311-request system.

In addition to the conditions and the affordable units, Chair Rodgers summarized the testimony regarding the public improvements including: the alley improvements as presented; at least five general contracting apprenticeships; at least one Local Employment Program hire; partnering with Oakton Community College to fund a property management or building maintenance scholarship program for students that are residents of Evanston, capped at \$10,000 per student and \$50,000 in the aggregate; a City workforce agreement of at least one paid apprenticeship program for at least 12 weeks with the intention of providing full-time employment thereafter for a staff position of assistant property manager, assistant building engineer; environmental site cleanup; a donation of \$5,000 for the purchase of a Divvy e-bike station which will be located on the 1600 block of Chicago Avenue; and to promote local artists.

**Commissioner Lindwall made a motion to recommend approval of the Special Use Permit for a Planned Development at 1621-31 Chicago Avenue, 22PLND-0102, with associated Site Development Allowances and the following conditions:**

- 1. That up to three (3) on-street parking stalls immediately in front of the subject property be changed to 30-minute-maximum metered stalls;**
- 2. That the applicant completes Phase 1 of the Alley Management Plan dated March 2, 2023 within 12 months of final Certificate of Occupancy issuance.**
- 3. That the applicant comply with Phase 2 of the Alley Management Plan dated March 2, 2023;**
- 4. That the applicant lease no more than 23 off-site parking stalls within 1,000 feet of the subject property via either a private lease agreement subject to approval by the Zoning Administrator or execute a lease agreement with the City for stalls at a City-owned facility prior to Certificate of Occupancy issuance. The Applicant shall not be responsible to provide off-site parking if proposed development's commercial space is vacant and unoccupied.**
- 5. That the development complies with Chapter 4-13, Floodplain Regulations, of the Evanston City Code and the Watershed Management Ordinance of**

the Metropolitan Water Reclamation District, prior to the issuance of any building permits;

6. That the development complies with the City's bird-friendly design requirements per Ordinance 83-O-22 prior to the issuance of any building permits;
7. That the development complies with the City's electric vehicle parking requirements per §4-2-2, Table 406.2.7.2 of the City Code prior to the issuance of any building permits;
8. That the applicant signs and agrees to a Construction Management Plan (CMP) with the City of Evanston prior to the issuance of any building or demolition permits. The CMP must include but is not limited to the following: water and sewer utility connections, construction staging plan, on-street and on-site construction parking restrictions, hours of operation, a plan including cross-sections showing pedestrian access around the site with the use of curb ramps, signage and/or striping, if necessary, foundation survey of surrounding structures including weekly reporting of seismographs for the duration of construction, submittal of environmental testing report prior to construction, visibility diagram for all construction site access points, a proposed schedule for street opening for utility connections with cross-section details, and project updates via monthly newsletter and project website; and
9. That the applicant provides a Final Waste Management Plan elaborating upon and consistent with those items listed in the Preliminary Waste Management Plan dated January 23, 2023, subject to review and approval by the Office of Sustainability before temporary Certificate of Occupancy issuance.

Second by Commissioner Halik. A roll call vote was taken, and the motion failed by a vote of 4-5.

### Communications

There was none.

### Adjournment

Commissioner Westerberg motioned to adjourn, Commissioner Lindwall seconded, and the motion carried, 8-0.

Adjourned 10:43 PM.

The next meeting of the Evanston Land Use Commission will be held on **Wednesday, March 22, 2023, at 7:00 PM, in the James C. Lytle Council Chambers in the Lorraine H. Morton Civic Center.**

Respectfully submitted,  
Amy Ahner, AICP, Planning Consultant

Reviewed by,  
Meagan Jones, Neighborhood & Land Use Planner  
Katie Ashbaugh, AICP, Planner