



MEETING MINUTES

LAND USE COMMISSION

Wednesday, September 13, 2023

7:00 PM

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

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

Members Absent: Myrna Arevalo, John Hewko and Brian Johnson

Staff Present: Assistant City Attorney Brian George, Neighborhood and Land Use Planner Meagan Jones, Planner Cade Sterling, Planning Manager Liz Williams, and Community Development Director Sarah Flax

Presiding Member: Matt Rodgers

Call to Order

Chair Rodgers opened the meeting at 7:06 PM. A roll call was then done and a quorum was determined to be present.

New Business

A. Public Hearing: Major Variations | 1404 Judson Avenue | 23ZMJV-0041

Errol Kirsch, architect and applicant on behalf of the property owner, requests the following Major Zoning Variations to expand a non-conforming structure as it relates to bulk (Code Section 6-6-5-2): 1) a rear-yard setback of 3.75' where 30' is required and the existing legally non-conforming condition is 2.75' (Code Section 6-8-2-8 (A) 4); and 2) building lot coverage of 33.25% where 30% is the maximum permitted and 31% is the existing legally non-conforming condition (Code Section 6-8-2-7). The Land Use Commission is the determining body for the proposed zoning relief in accordance with Code Section 2-19-4 (E). PIN: 11-18-415-020-0000.

Mr. Kirsch reviewed the site plan and his reasoning regarding meeting the standards for approval. Mr. Kirsch summarized the September 12, 2023 Preservation Commission certificate of appropriateness and negative recommendation votes. Mr. Sterling added that the negative recommendation to the Land Use Commission was based on zoning and their concern of increasing bulk to the building especially on the north elevation.

Commissioner Questions

In response to commissioner questions, Mr. Kirsch reviewed architectural consequences of a smaller ADU, historical restrictions for the office and ADU locations and the financial reason for the improvements. He described the controls during construction and noted that the proposed ADU is less than 1,000 square feet of the approximate 1,400 square foot basement.

Ms. Harper, 1404 Judson Avenue owner, stated that she is an administrative law judge for hearings regarding sensitive law matters and the need for office security requirements. She said that the woodworking shop is used for home improvements and added that the ADU will provide income to allow her to retire in the home.

Public Comment

Chair Rodgers called for public comment.

Ann Trompeter, 1422 Judson Avenue, spoke against the addition and in support of fitting the ADU within the basement mentioning the entry discussed at the 9.12.23 Preservation Commission Meeting.

Amanda Hartnett, 1412 Judson Avenue, objects to the addition due to density, parking, and construction impacts.

Daniel Hartnett, 1412 Judson Avenue, objects to the addition due to the potential to fit the ADU within the existing interior space, and his opinion of the lack of proven zoning hardship and public benefit.

Nancy Liskar, 1400 Judson Avenue, objects to the effect on the exterior of the building, potential to fit the project within the existing interior space, density, and parking.

Bruce Styler, 1400 Judson Avenue, expressed concern regarding the architectural impact on the landmark property and resulting density in the neighborhood.

Chair Rodgers closed public testimony.

Chair Rodgers asks for final statements.

Mr. Kirsch responded that the alternative rear entry results in alterations to the stairs, and a reduction in the kitchen and shop areas. The total occupancy of the home is maximized at six (6). Investment in the home is preferred by the owner over renting outside office space.

Deliberations

Commissioner Halik expressed concern about the space available on the north side for the addition. He stated that other solutions seem possible and hardship has not been proven.

Commissioner Westerberg commented that the design of the addition does not represent the least deviation to make the improvement.

Commissioner Lindwall asked staff to comment on the approval process for a small portico entryway. Mr. Sterling responded that it would be a Minor Variation approved through administrative review.

Commissioner Puchtel supported the ADU.

Commissioner Mirintchev agreed that configurations other than the addition are possible.

Chair Rodgers stated that the house is being over programmed with the ADU, office, shop and other rental spaces.

The Chair reviewed the seven Standards for Major Variations (Section 6-3-8-12.E).

1. The requested variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties: The plan does not encroach on the adjacent properties, so the standard is met.
2. The requested variation is in keeping with the intent of the zoning ordinance: The intent of the Zoning Ordinance is to adapt homes over time, so the standard is met.
3. The alleged hardship or practical difficulty is peculiar to the property: The surrounding area has changed and densified over time and home improvements to this property are difficult, thus the standard is met.
4. The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out: The standard is not met as the home can accommodate most of the desires of the owner.
5. Either the purpose of the variation is not based exclusively upon a desire to extract additional income from the property, or, while the granting of the variation will result in additional income to the applicant and while the applicant for the variation may not have demonstrated that the application is not based exclusively upon a desire to extract additional income from the property, the Land Use Commission or the City Council, depending on final jurisdiction under Section 6-3-8-2 of this Chapter, has found that public benefits to the surrounding neighborhood and the City as a whole will be derived from approval of the variation, that include, but are not limited to, any of the standards of Section 6-3-6-3 of this Chapter: The homeowner is seeking income but that is not a public benefit so the standard is not met.
6. The alleged difficulty or hardship has not been created by any person having an interest in the property: The site plan issues were not created by the owner, but the hardship is being created by the number of uses trying to be met within the home and therefore the standard is not met.

7. The requested variation requires the least deviation from the applicable regulation among the feasible options identified before the Land Use Commission issues its decision or recommendation to the City Council regarding said variation: Adapting the space within the home seems possible and so the standard is not met.

Chair Rodgers asked for Commissioner comments on the standards. There were none.

Commissioner Lindwall made a motion to recommend approval of the Major Variations for the property located at 1404 Judson Avenue, zoning case number 23ZMJV-0041. Second by Commissioner Puchtel. A roll call vote was taken, and the motion failed, 1-5.

B. Public Hearing: Major Variations | 1041 Ridge Court | 23ZMJV-0055

Mark Demsky, architect and applicant on behalf of the property owner, requests the following Major Zoning Variations to construct a two-story addition to the homes northeast volume: 1) a rear-yard setback of 6' where 30' is required (Code Section 6-8-2- 8 (A) 4); and 2) building lot coverage of 34.5% where 30% is the maximum permitted (Code Section 6-8-2-7). The Land Use Commission is the determining body for the proposed zoning relief in accordance with Code Section 2-19-4 (E). PIN: 11-19-113- 018-0000.

Mr. Demsky reviewed the site plan, existing and proposed elevations and streetscape views. He noted that a second story addition was considered. Amina Dimarco, 1041 Ridge Court, reviewed her family situation and reason for the request.

Commissioner Questions

In response to commissioner questions, Mr. Demsky noted that the proposed windows match the existing design.

Public Comment

Chair Rodgers called for public comment. There were none.

Chair Rodgers asks for final statements. There were none.

Chair Rodgers closed public testimony.

Deliberations

Commissioner Halik and Puchtel both support the solution for the site. Commissioner Mirintchev also supports the solution and asked the architect to consider more window and roof details.

The Chair reviewed the seven Standards for Major Variations (Section 6-3-8-12.E).

1. The requested variation will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties: The solution does not create an adverse impact and so the standard is met.
2. The requested variation is in keeping with the intent of the zoning ordinance: The standard is met to improve the property for the needs of the homeowner who had looked at other housing alternatives.
3. The alleged hardship or practical difficulty is peculiar to the property: The angled shape of the property is challenging and so the standard is met.
4. The property owner would suffer a particular hardship or practical difficulty as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out: The house is already a non-conforming home, and no hardship occurs with the request, so the standard is met.
5. Either the purpose of the variation is not based exclusively upon a desire to extract additional income from the property, or, while the granting of the variation will result in additional income to the applicant and while the applicant for the variation may not have demonstrated that the application is not based exclusively upon a desire to extract additional income from the property, the Land Use Commission or the City Council, depending on final jurisdiction under Section 6-3-8-2 of this Chapter, has found that public benefits to the surrounding neighborhood and the City as a whole will be derived from approval of the variation, that include, but are not limited to, any of the standards of Section 6-3-6-3 of this Chapter: The growing family is the reason, not income and so the standard is met.
6. The alleged difficulty or hardship has not been created by any person having an interest in the property: The owner bought the home and property and did not create the hardship, so the standard is met.
7. The requested variation requires the least deviation from the applicable regulation among the feasible options identified before the Land Use Commission issues its decision or recommendation to the City Council regarding said variation: The applicant had considered options that had a greater impact and so the standard is met.

Chair Rodgers asked for Commissioner comments on the standards. There were none.

Commissioner Lindwall made a motion to recommend approval of the Major Variations for the property located at 1041 Ridge Court, zoning case number 23ZMJV-0055. Second by Commissioner Puchtel. A roll call vote was taken, and the motion carried, 6-0.

Chair Rodgers called for a short break at 9:09 PM. The meeting resumed at 9:15 PM.

C. Public Hearing: Special Use for a Planned Development in conjunction with a Zoning Map Amendment | 504-514 South Boulevard | 23PLND-0027

Eugene Hu, requests a Special Use for a Planned Development and concurrent Zoning Map Amendment on behalf of PIRHL Developers, LLC, to rezone from

the existing R4 - General Residential Zoning District to the R5 General Residential Zoning District, and construct a 60 unit mixed-income housing development. The applicant is requesting the following site development allowances: an east street side-yard setback of 5' where 15' is required; a west interior side-yard setback of 6'-2" where 15' is required; an impervious surface ratio of 85% where 75% is the maximum permitted; building height of 62' where the lesser of 5 stories or 50' is the maximum permitted; no dedicated off-street loading berth where one short loading berth is required; and, a 25% density increase or +12 for a total of 60 units. The Land Use Commission is the recommending body for this case in accordance with Section 6-3-5-8 of the Evanston Zoning Code and Ordinance 92-O-21. PINS: 11-19-419-009-0000; and 11-19-419-010-0000.

Johana Casanova, Pirhl Developers, 800 West St. Clair Avenue, Cleveland, OH, reviewed the South Boulevard Shores project team who had been competitively selected by the city through an RFP process. Tiffany Ackerman, Hooker DeJong Architects, 2120 East Muskegon, MI, reviewed the proposed walk-up and townhouse style 60-unit plan and its sustainable components. Ms. Casanova reviewed the affordable unit mix and the rental subsidy program received.

Commissioner Questions

In response to commissioner questions, staff reviewed that community meetings were held in 2017 regarding site concepts, neighborhood meetings were held starting in 2019 and later public meetings were held through the RFP selection process. Ms. Ackerman stated that there is no designated loading dock at the rear of the building, but it could be accommodated. There is no basement, and the extent of north exposure unit design was discussed. Brad Hovanec, Cage Civil Engineering, reviewed the proposed stormwater plan and stated that they could look at more open space, but it would be at a loss of parking. A construction monitoring plan will be developed and reviewed as part of the engineering phase. Also, property owners to the east will retain Hinman Avenue access.

Ms. Ackerman clarified that the property will be owned in partnership between the Housing Authority of Cook County (HACC), Pirhl, and a new investor and taxed accordingly. It will be managed by HACC and Pirhl who will hire a third-party operator. There will be a part-time leasing agent/property manager on site with a dedicated office. The Enterprise Green Plus program through the Low Income Housing Tax Credit Program (LIHTC) is the primary source for net zero certification, among potential other sources, as the equivalent to the city required LEED Gold certification level.

Public Comment

Chair Rodgers called for public comment.

Bonnie Wilson, a real estate agent, stated her support of the development and the need for affordable rental housing.

Toni Rey, 1020 Grove Street, read a statement written by Virginia Ayers of South Boulevard, who both stated their support of the development and the need for affordable rental housing.

Rosemary Armocida, 530 Michigan Avenue, expressed her concern about parking, construction traffic on South Boulevard and construction impact on adjacent properties.

Sue Loellbach, Connections for the Homeless, spoke in support of the project.

Fergal Hanks, 1500 Chicago Avenue, spoke in support of the project.

Larry Donoghue, 525 Chicago Avenue, spoke in support of the project and its affordable housing component.

Rhonda Present, 546 Michigan Avenue, spoke in support of the project and its affordable housing component and would like more consideration to be given to reducing the number of units due to the potential traffic impact on the surrounding area.

Abbie Rosensweig, 616 Hinman Avenue, spoke in support of the project.

Doree Stein, 505 Hinman Avenue, spoke about housing concerns in the neighborhood.

Rafael Castellanos, 413 South Boulevard, spoke in support of the project yet expressed concerns regarding construction, traffic, financing, tenant selection, and the variances.

Tom Wheeler, 515 South Boulevard, spoke in support of affordable housing, yet expressed concerns regarding project transparency, traffic, and the number of units.

Michael Ollinger, 591 Chicago Avenue, expressed concern regarding project density.

Chair Rodgers asked for final statements.

Ms. Casanova stated that they are still working through details and will provide documents as they become available. She added that they can work with height and the unit count is tied to the award of the tax credit.

Chair Rodgers closed public testimony.

Deliberations

Commissioner Halik spoke about the fortunate selection by the Housing Authority of Cook County.

Commissioner Lindwall believes the density for the location, the massing along the South Boulevard, and the buffering to the east is appropriate and supports the project. She agreed with the staff recommended condition to continue to work on the design details for the north and east end elevations due to the complexity of the building material palette and complexity of the massing with the goal to simplify those elements and added that it should be communicated to the neighbors.

Commissioner Puchtel supports the project and noted that the number of variances in this case is offset by the opportunity to achieve affordable housing. He would like to add a condition for an off-street loading berth and supported the condition for staff to continue to work with the applicant on the north and east building facades.

Commissioner Mirintchev expressed concern regarding building bulk, height, the façade on South Boulevard and open space. He would like to see some of the units have east and south windows to reduce the number of north exposures.

Commissioner Westerberg would like to see any height reduction, a loading dock, vibration monitoring as part of the construction management plan, and further investigation of the recommendations made by the traffic consultant.

Chair Rodgers clarified that the project is affordable housing versus low income, 20 of the parking spaces are public use, and that the rezoning fits within the character of the neighborhood.

The Chair reviewed the four Standards for Amendments (Section 6-3-4-5).

1. Whether the proposed amendment is consistent with the goals, objectives and policies of the Comprehensive General Plan as adopted and amended from time to time by the City Council: The current Comprehensive General Plan considers affordable housing. Also, a parking lot is not the highest and best use for the property, so the proposed amendment meets the standard.
2. Whether the proposed amendment is compatible with the overall character of existing development in the immediate vicinity of the subject property: The surrounding area is R5, and the building character is similar and so the standard is met.
3. Whether the proposed amendment will have an adverse effect on the value of adjacent properties: The similar surrounding neighborhood residential uses will not be impacted so the standard is met.
4. The adequacy of public facilities and services: New construction will require expansion of public services, which is believed to be able to be met as the project represents only an increase from R4 to R5.

Chair Rodgers asked for Commissioner comments on the standards. There were none.

Commissioner Puchtel made a motion to recommend approval of the Zoning Map Amendment for the property located at 504-514 South Boulevard, zoning case

number 23PLND-0027. Second by Commissioner Lindwall. A roll call vote was taken, and the motion carried, 6-0.

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: It is permitted under the R5 District so the standard is met.
2. Complies with the purposes and the policies of the Comprehensive General Plan and the Zoning ordinance as amended from time to time: The current Comprehensive General Plan considers affordable housing. Also, a parking lot is not the highest and best use for the property, so the standard is met.
3. Will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special uses of all types on the immediate neighborhood and the effect of the proposed type of special use upon the City as a whole: Concerns about parking and construction traffic can be met through conditions offsetting a negative effect and thus meeting the standard.
4. Does not interfere with or diminish the value of property in the neighborhood: Placing a modern building in this location will increase surrounding property values and it will partially add tax revenue meeting the standard.
5. Is adequately served by public facilities and services: New construction will require expansion of public services, which is believed can be met as the project represents only an increase from R4 to R5.
5. Does not cause undue traffic congestion: The TOD design and on-site parking should adequately address this standard.
6. Preserves significant historical and architectural resources: There are no significant resources in the area.
7. Preserves significant natural and environmental resources: Open space around the building will be improved along with a net zero design should lessen its environmental impact meeting the standard.
8. Complies with all other applicable regulations of the district in which it is located and other applicable ordinances, except to the extent such regulations have been modified through the planned development process or the grant of a variation: The affordable housing organizations will be working with the applicant to meet regulations. It is anticipated that process will continue and meet the standard.

Chair Rodgers asked for Commissioner comments on the standards. There were none.

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: The public benefit of providing modern affordable housing demonstrates meeting this standard.

2. The proposed development is compatible with the overall character of existing development in the immediate vicinity of the subject property: There are similarly scaled buildings in the area, so the standard is met.
3. The development site circulation is designed in a safe and logical manner to mitigate potential hazards for pedestrians and vehicles at the site and in the immediate surrounding area: There are further improvements to be considered because of the traffic study which should be achievable, so the standard is met.
4. The proposed development aligns with the current and future climate and sustainability goals of the City: The building will have to comply with the City Green Building Ordinance and the LIHTC certification. Assuming compliance, 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): Public housing is a benefit, so the standard is met.

Chair Rodgers asked for Commissioner comments on the standards. There were none.

Commissioner Puchtel made a motion to recommend approval of the Special Use for a Planned Development for the property located at 504-514 South Boulevard, zoning case number 23PLND-0027, with the following conditions:

- 1) The proposed development shall substantially comply with the documents and testimony on record.
- 2) The applicant shall agree to a Construction Management Plan (CMP) before issuance of the building permit.
- 3) The applicant sets up a vibration monitoring program as part of the CMP and regularly communicates construction activities with the neighbors.
- 4) The applicant agrees to comply with the City of Evanston Green Building Ordinance and will obtain a LEED Gold Certification Rating or equivalent (Net Zero Certification).
- 5) The applicant continues to work with staff on design details for the north and east building elevations as well as explore the feasibility of lowering the proposed floor to floor heights.
- 6) The applicant agrees to comply with the General Conditions and Standards for Planned Developments with Code Section 6-8-1-10.
- 7) The applicant shall provide one off-street loading berth.

Second by Commissioner Lindwall. A roll call vote was taken, and the motion carried, 5-1.

Communications

Ms. Williams noted that the final contract with HDR is in process and a preliminary work plan is in process.

Adjournment

Commissioner Lindwall motioned to adjourn, Commissioner Puchtel seconded, and the motion carried, 6-0.

Adjourned 11:05 PM.

The next meeting of the Evanston Land Use Commission is a Special Meeting to be held on **Wednesday, September 27, 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, AICP, Neighborhood and Land Use Planner