



MEETING MINUTES

LAND USE COMMISSION

Wednesday, January 26, 2022

7:00 PM

Via Virtual Meeting

Members Present: Myrna Arevalo, Violetta Cullen, George Halik, John Hewko, Kiril Mrintchev, Jeanne Lindwall, Max Puchtel, Matt Rodgers, Kristine Westerberg,

Members Absent: Brian Johnson, Jill Zordan

Staff Present: Johanna Nyden, Meagan Jones, Katie Ashbaugh, Brian George

Presiding Member: Matt Rodgers

Call to Order

Ms. Jones opened the meeting at 7:01pm. A roll call was done and a quorum was present.

Suspension of Rules

Commissioner Cullen motioned to suspend the rules. Commissioner Lindwall seconded. motion was unanimously approved (*note, recently approved Commission rules have enabled remote meetings to be conducted without requiring a formal vote*).

Receipt of October 27, 2021 Plan Commission Draft Meeting Minutes

Commissioner Westerberg made a motion to receive the October 27, 2021 Plan Commission meeting minutes. Seconded by Commissioner Hewko. A roll call vote of former Plan Commission members was taken and the motion passed, 5-0.

Receipt of December 21, 2021 Zoning Board of Appeals Draft Meeting Minutes

Commissioner Cullen made a motion to receive the December 21, 2021 Zoning Board of Appeals meeting minutes. Seconded by Commissioner Puchtel. A roll call vote of former Zoning Board members was taken and the motion passed, 4-0.

Approval of January 12, 2022 Meeting Minutes

Commissioner Halik made a motion to approve the Land Use Commission meeting minutes from January 12, 2022. Seconded by Commissioner Lindwall. A roll call vote was taken and the motion passed, 8-0, with 1 abstention.

New Business

A Public Hearing: 1732-34, -40 Orrington Avenue Planned Development – 21PLND-0090 John Carlson, Trammell Crow Chicago Development, Inc., applicant, submits for a Zoning Map Amendment and a Special Use for a Planned

Development to construct a 10-story mixed-use building with approximately 4,120 square feet of ground-floor retail and approximately 122,100 square-feet of office/laboratory space, and 35 enclosed parking stalls. The applicant requests to amend the current zoning district of the subject property, D2 Downtown Retail Core District (Section 6-11-3 of the Evanston Zoning Ordinance), to D3 Downtown Core Development District (Section 6-11-4). The applicant also requests site development allowances in the D3 district for: 1) a FAR of 7.0 where 4.5 is permitted and up to 8.0 can be requested; 2) a ziggurat setback of 6.4 feet to 11 feet where a minimum of 40 feet is required at the building height of 32 feet along Orrington Avenue; 3) a height of 149.5 feet where 85 feet is allowed and up to 170 feet can be requested; and 4) 35 on-site parking stalls where a minimum of 211 is required. 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 The Land Use Commission makes a recommendation to the City Council, the determining body for this case.

Ms. Ashbaugh read the case into the record.

Mr. Johnny Carlson of Trammel Crow provided an introduction of the development team and an overview of the development's site plan. Mr. Matt Blewitt, architect, then explained the uses for each level of the building and briefly explained the civil and landscaping details, including information on the intent to provide outdoor dining space for the intended ground floor restaurant space. He then described the facade and proposed building materials, including bird friendly elements. Mr. Carlson then reviewed the proposed public benefits and ended the applicant presentation.

Ms. Ashbaugh then specified the review process for the development and provided a summary of the project characteristics, listing the explaining the proposed site development allowances, public benefits and staff recommendations.

The hearing was then open to questions from Commissioners.

Commissioner Lindwall asked how much of the alley is intended to be reconstructed. Ms. Ashbaugh replied that based on previous discussion, her understanding was that the whole alley would be reconstructed. Mr. Carlson replied that their belief was that the portion of the alley adjacent to the proposed building would be reconstructed.

Commissioner Lindwall then mentioned that the parking spaces that are to be leased are only in the Church Street garage and suggested that the leases be opened to provide more flexibility on City garages.

Commissioner Halik commended the applicant and staff on the detail provided and that the City should be excited to get the development. He then asked how the proposed 35 on-site and 100 leased parking spaces were determined. Ms. Ashbaugh responded that staff made the suggestions based on understanding of the building demand and the

site being within a TOD area. Mr. Carson stated that the on-site spaces are close to what has been seen at other sites in the City; his team was comfortable with 35 spaces but talked with staff to come up with what is proposed.

Commissioner Halik responded that there should be a more scientific method to determine the number of spaces and mentioned the office building approved at Davis and Chicago Ave. He then asked if someone is keeping track of available spaces as it is important to monitor. Ms. Nyden responded that the City has a Parking Division Manager who keeps track of available spaces and manages leases with various entities and individuals. Prior to the pandemic Sherman Avenue garage had limited availability due to monthly parkers filling that up.

Chair Rodgers asked about the trend in parking space usage and questions the Plan Commission previously had. Ms. Jones stated that a summary of recent parking changes for larger developments was provided to the Planning & Development Committee. Generally, the summary stated that several developments have found that the parking they provided on-site was being underutilized and those developments requested adjustments in order to lower their required parking and open some spaces to the public for leasing.

Commissioner Hewko asked for confirmation on the ingress and egress from Orrington Avenue out onto Sherman Avenue and if there is enough space to accommodate two cars in the alley at the same time. Mr. Blewitt responded that it will be a tight fit but there is space. Mr. Carlson added that there will be mirrors and flashing lights as has been done at other developments; additionally there are a small number of parking spaces proposed for the garage. He and Luay Aboona of KLOA then explained that given the number of parking spaces and the office use not leading to heavy rush hour use, that there should not be impediments to access to the parking and loading area.

Commissioner Puchtel asked for an explanation of the ziggurat setback. Ms. Ashbaugh explained that use of a ziggurat setback is met to improve the pedestrian experience. The applicant designed the building to help mitigate the possible canyon effect. The required 40 ft. setback can be extreme on certain lots, not allowing much buildable space. Mr. Carlson and Mr. Blewitt then explained the proposed setbacks of the building.

Commissioner Puchtel then commended the design team on the building and asked what steps will be taken to ensure the building is compliant with the Green Building Ordinance. Mr. Carlson explained that the building will be pursuing LEED Silver. Their existing buildings in Fulton Market are seeking LEED Gold certification.

Commissioner Mirintchev commended the design of the building and inquired if a shorter height for the floors could be used. Mr. Carlson responded that what is provided is the bare minimum to provide clearance for equipment and room for mechanicals between floors.

Commissioner Mirintchev then asked if the top two floors could be combined into one to lower the height of the building. Mr. Carlson responded that there needed to be a separation of the amenity floor and the mechanical floor due to space needed for each. Based on conversations with staff, different design elements were included to soften the impact. Mr. Blewitt added that a combined amenity and mechanical space was considered but presented us bulkier. The current design presents as shorter due to the top two floors having a significant setback from Orrington Avenue.

Commissioner Mirintchev then expressed concern on visibility of the building from the west. What will happen if the adjacent property requests the same zoning change and develops in the same manner additional what will fire protection be if this occurs? Mr. Blewitt responded that there should not be any issues with fire protection meets City standards and is why the building is less glassy on the west side due to its proximity to the adjacent property. Mr. Carlson added that this is part of what drove the design with the offset core, considering the possibility of the adjacent site being developed.

Commissioner Lindwall asked how far this building is from the existing 3-story residential apartment building to the west. Mr. Blewitt estimated that the technical setback is 2.7 feet though the building does arc on that facade. Parts of the residential building are on the property line and the closest the proposed building would get is 1 or 2 feet.

Chair Rodgers asked for an explanation on what Life Sciences entails. Mr. Carlson explained this building will consist largely of R&D innovation and that Life Sciences is broad, incorporating artificial intelligence, material sciences and nanotech. The goal is researching to create products and grow companies to sell that product and generate revenue. There may be microscopes, fume hoods, computers, etc. doing chemistry and biology. There will be a wide range of items to save lives and create better technologies for users

Commissioner Westerberg inquired about the loading dock; how many deliveries are expected and is there any concern for back-up. Mr. Blewitt responded that smaller delivery vehicles are expected. Mr. Carlson added that their building in Fulton Market has a larger space on a tougher site and does not have any issues with deliveries.

Commissioner Westerberg then stated that the developer did a good job with the site. She added that there is a big difference between a ziggurat of 40 ft. and 6-11 ft. and if changes could be considered. Mr. Carlson responded that lab modules and safety is important and the development team has to consider both the exterior and interior layout of the building. A large setback pinches what can be done. The building has a 50/50 office to lab ratio. As proposed, the building is at the minimum square footage for typical use and it would be tough to minimize the floor plate.

The hearing was then open to public questions and testimony.

Ms. Cecile McHugh requested that the development not be approved because the D3 zoning is not appropriate for the site and the building height is too tall considering other buildings in the immediate area with the exception of the Orrington Hotel. D2 zoning is more appropriate. The development should be held until the Comprehensive Plan is finished. She also voiced concerns for the proposed setback Ms. McHugh then requested a continuance so that the following information can be provided: a parking and impact study done by an independent contractor provided by the City, a supply/demand study demonstrating a need for this type of development and a wind impact study.

Chair Rodgers continued with public testimony.

Ms. Laurie Howick asked if there are tenants lined up for the building, how waste from those users will be handled, and if the covenant will affect work with Northwestern University. Mr. Carlson explained that there are codes that the building would need to abide by to make sure all of the waste items are handled properly. This is a speculative project similar to those in Chicago where the building is constructed then filled with tenants.

Ms. Carole Bass stated that delivery of packages has not been addressed and if those would occur through the front door or use the loading dock. Mr. Carlson explained that typical trucks delivering items once a day to service the building would be in the loading dock. There is a loading space along the north side of the building on Clark Street for drop offs and other deliveries. Ms. Bass then asked where packages would be stored. Mr. Blewitt responded that in other similar projects there is a specific area for packages and the same will be done for this building.

A brief discussion followed on the requested continuance, when the item may be continued to and confirming that Ms. McHugh was a property owner within 1,000 ft. of the subject property. The purpose of the continuance was confirmed to be for the purposes of rebutting testimony of the applicant and several Commissioners felt that the request for continuance from Ms. McHugh was solely requesting additional information from someone and not for the expressed purpose of rebutting testimony provided by the applicant.

Commissioner Cullen made a motion to continue the hearing to the February 9, 2022 meeting. Seconded by Commissioner Westerberg. A brief deliberation followed and after a roll call vote, the motion failed, 1-8.

Chair Rodgers closed the record and the Commission began deliberations.

Commissioner Westerberg stated that this is a corner that needs something and this is a vast improvement. She then explained that she is weighing that against height that is not in context with other buildings. She would feel more comfortable with a larger setback and is a little torn. Changing the zoning would also have an effect on other properties in the area.

Commissioner Cullen stated that this is the future of what is going on downtown. She then stated that she would like to hear more about the lab space being used.

Chair Rodgers explained that there is very little Class A office downtown. Current office space was built decades ago and putting new tech uses into buildings from the 60s and 70s will fail as those uses want the “latest and greatest”.

Commissioner Lindwall stated that this site is on her walking path and Orrington Avenue is pretty wide as is Clark Street. She is not as concerned about the height. The alley is 20 ft. wide and there is generous right-of-way serving the site. The Orrington Hotel to the immediate south is zoned D3. She finished by stating that this is a good project, fulfills a need that is not downtown and she is supportive of the project.

Commissioner Puchtel expressed support for the proposal. He stated that the area currently feels blighted. The site lends itself to possibly having a boxy development, however, the developer has created a good design that he likes.

Commissioner Mirintchev stated that the building is well thought out and meets needs and he is generally satisfied. He then explained that he asked the applicant of possible changes and was told no. The Commissioner then stated that he is ok with no ziggurat setback if there is a lower height. He also expressed concerns on the west facade and how it will affect future development, requesting better solutions for this.

Commissioner Halik stated the building is massed for reducing the perceived height of the building along Orrington Avenue and Clark Street. It is meeting the code. The adjacent building would need to meet City codes as well. This development is not preventing adjacent construction. He believes that the 40 ft. required setback is odd and does not take into account the size of different lots.

Chair Rodgers explained that this lot desperately needs something; the 1-story vacant restaurant space currently on the site is not desirable. The proposed building is good for this site and the design, with balconies, softer corners and setting back the higher floors, are nice additions to the space and what Evanston desperately needs.

The Commission then reviewed standards.

- Standards for Special Use (6-3-5-10) were found to be met.
- Standard for a Planned Development (6-3-6-9) was found to be met.
- Standards for Planned Developments in the D3 yielded some disagreement amongst Commissioners on whether or not the development was compatible with surrounding development (specifically, 6-11-1-10(A) 1 and 3)
- Standards for Map Amendments (6-3-4-5) were found to be met.

Chair Rodgers briefly reviewed the public benefits. Commissioner Westerberg suggested that the entire alley be rebuilt as a contribution since the building will increase traffic. Chair Rodgers and Commissioner Puchtel agreed.

Commissioner Lindwall expressed that the public benefits are more the purview of City Council and the Commission could look at the proposed conditions.

The Commission then reviewed the general conditions proposed. Commissioner Lindwall suggested that the leased parking spaces be open to other downtown parking garages. Chair Rodgers added that the waste management plan should include waste specific to the building's use. Additional discussion occurred regarding details and wording of other conditions, specifically delivery hours, process for changes in materials and use and the proposed covenant for payment of taxes. Conditions as included in the motion.

Commissioner Puchtel made a motion to recommend approval of the map amendment. Seconded by Commissioner Halik. A roll call vote was taken and the motion was approved unanimously.

Commissioner Halik made a motion to recommend approval of the planned development with the 11 conditions as presented by staff, with minor edits as discussed and outlined below, and in substantial compliance with testimony and documents submitted during the meeting. Seconded by Commissioner Puchtel. A roll call vote was taken and the motion was approved, 6-3.

Conditions of approval:

- 1. That bike parking follows APBP Guidelines;**
- 2. That the adjacent sidewalk along Orrington Avenue carry through the alley without a change in slope;**
- 3. That the pedestrian walkway is maintained along the building and between the building and any patio area;**
- 4. That the showers in the locker rooms be reflected on the plan;**
- 5. That before the issuance of a building permit, the applicant shall execute a long term parking lease agreement with the City of Evanston to lease a minimum of 100 additional parking spaces from the City of Evanston based on the standard current monthly parking fee from the 525 Church Street parking garage or any other downtown parking garage, with the terms based upon prior long term lease agreements for similar planned developments and subject to negotiation with the Parking Division Manager and the Corporation Counsel;**
- 6. That a waste management plan is provided to include recycling, composting, and laboratory materials;**
- 7. That the applicant reconstruct the entirety of the public alley from Sherman Avenue to Orrington Avenue located to the south of the subject properties;**
- 8. That delivery hours to be restricted outside of the rush hour and early**

- morning/late night hours;
9. That any substantive changes in the use or the building on the subject property must be approved as an amendment to this Planned Development by Subsection 6-3-6-12 of the Zoning Ordinance.
 10. That LEED 55 Bird-Friendly standards be incorporated into the proposed building and Bird-Friendly Evanston continues to be involved in design finalization; and
 11. That the applicant record a covenant against the subject properties reflecting the following terms in a form acceptable to and enforceable by the City: a) upon the completion of the proposed development, the applicant and any successors, owners, or operators, shall not petition Cook County or the State of Illinois for exemption from obligation in whole or in part real estate taxes; b) in the event a change in law exempts the applicant from payment of real estate taxes on the basis of not-for-profit status, the applicant shall make annual payments in lieu of real estate taxes only to the City of Evanston, School District 65 and Evanston Township High School District 202 in an amount equal to the real estate taxes that the applicant would pay only to such taxing district if the applicant were not then so treated as an exempt not-for-profit; and c) release from any and all provisions of said covenant shall require written approval by $\frac{2}{3}$ of Councilmembers elected to the City Council.

Adjournment

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

Adjourned 9:41pm

Respectfully submitted,
Meagan Jones, Neighborhood & Land Use Planner