

49TH WARD ZONING AND LAND USE ADVISORY COMMITTEE
REGULAR MEETING MINUTES
Tuesday, January 13, 2009 7:00 pm

Members Present

X	Kevin O'Neil (Chair)		Michael James
	Rich Aronson		Kenneth Johnson
X	Paul Bluestone		Charese Jordan
X	Rene Camargo	X	Andrew Kerr
	Denis Detzel		Marty Max
X	David Fagus		Richard Moran
X	John Fitzgerald		Rev. Marilyn Pagan
X	Jim Ginderske	X	Jonathan Rivera
	Gustavo Giraldo	X	Jack Swenson
X	Dorothy Gregory		Faye Walker
	Wanda Jackson		
X	Michael Land (Non-Voting Staff)	X	Barbara Moore (Non-Voting Secretary)

New Business

REQUEST FOR RELIEF

Address: 7517 N. Clark Street

Request: Application to amend the Planned Development Agreement for Gateway Centre to allow for a drive-thru restaurant

Applicant(s): Burger King

Representatives Present: Ed O'Rourke, Senior Manager of Development for Burger King; Manuel Triana (franchisee) Katrina McGuire, Schain, Burney, Ross and Citron, Ltd. (attorney)

Committee Recommendation: The Committee voted to recommend that the Alderman support the application with some recommended modifications, pending the outcome of a community meeting.

Alderman Moore's Decision: The Alderman will take the Committee's recommendation **under advisement**, pending a community meeting.

Details of Discussion: Representatives of Burger King and their franchisee are proposing a drive-thru restaurant in the Gateway Centre out-lot on Clark Street. The Planned Development for Gateway Plaza includes plans for an out-lot building at this location. However, because the Planned Development Agreement expressly forbids drive-thru restaurants an amendment to the agreement is required.

The corporation presented a plan that the Committee believed to be vastly superior to the plan presented last year by Panda Express for the same location (see March 2008 and June

2008 minutes). The building is up against Clark Street and thus designed to continue the street wall on Clark. A pedestrian entrance is provided from Clark Street. The drive thru runs along the east side of the building with a more considerate plan for traffic flow than was presented by Panda Express.

The restaurant's signs were not fully dimensioned on the plans, and the Committee requested that the dimensions and a street view of the signs be made available when they bring their plans before the community. Some concern was raised about litter from patrons returning to their cars in the lot east of the restaurant and suggestions were made to consider an attractive trash receptacle area with plantings that patrons would pass through en route back to their vehicles. The south wall of the building, which would be visible as one drives north on Clark Street was rather bare, and the committee requested some additional consideration be given there as well.

The committee entertained a motion to recommend that the Alderman support the plan with suggested modifications, pending the outcome of a community meeting. The motion PASSED.

Old Business

REQUEST FOR RELIEF

Address: 6973 N. Ashland

Request: Applications for two administrative adjustments: (1) a minimum lot area adjustment for a seventh dwelling unit and (2) a side yard adjustment for the north yard from four feet to three feet.

Applicant(s): Peter Sterniuk and Paul Kolpak (attorney)

Representatives Present: Peter Sterniuk and Paul Kolpak

Committee Recommendation: The Committee voted to recommend that the Alderman oppose the applicant's request.

Alderman Moore's Decision: The Alderman will take the Committee's recommendation under advisement.

(Please see the April 2008 minutes for background information.)

Details of Discussion: Peter Sterniuk and his attorney Paul Kolpak presented a proposal to build a seven-unit masonry building at the above address. The lot is zoned RT4, has 6750 square feet, and is currently improved with a frame single family residence. The original presentation was in April 2008. At Alderman Moore's request, Mr. Sterniuk and his attorney met with the property owners immediately adjacent to the subject property. A condominium building sits to the south of his property and a town home complex sits to the north.

As a result of those meetings, Mr. Sterniuk amended his proposal, and now all but one of his neighbors support his project.

A community meeting on the proposal was held on January 5th. The current iteration of the proposal involves two administrative adjustments. The two issues are as follows:

- Minimum lot area adjustment for the seventh dwelling unit (he is 250 square feet shy of being able to build a seventh unit as a matter of right).
- Side yard adjustment for the yard on the north side of the building from four feet to three feet.

With or without the administrative adjustments, the size and foot print of the building remains the same.

Mr. Sterniuk described the challenging site and the challenging real estate market. The site has no alley access. He believes smaller units are more marketable in today's economy. If he was limited to only six units, he would build two large 2,400 square-foot duplex units with four bedrooms.

If he received the administrative relief and could build seven units, he would build three smaller units—one three-bedroom at 1,700 square feet and two two-bedrooms at 1,600 square feet. The four simplex units would remain the same under either scenario—two bedrooms at 1,200 square feet each. Mr. Sterniuk believes the project is less risky with the seventh unit in the current market. Mr. Sterniuk also stated he could provide better treatments if he received the administrative relief, including the ability to use brick veneer rather than split face block on the side elevations. It would also provide the home purchasers with slightly wider units.

The committee's questions revolved around the floor plan, the financing, and the tight real estate market. Mr. Sterniuk described the two north exits, which serve as the rear exit for the north front duplex unit and the front exit for the rear duplex unit. The south exits serve as the rear exit for the south front duplex unit. A concern was raised about building code for the north exits and the potential for vehicular pedestrian accidents at the south exit.

Mr. Sterniuk further explained that his financing is secure and that he feels confident in the mix of price and quality and offered his track record. He has sold five units in 2008. Another project of his at 1309 West Lunt Avenue, he has four of the eight units under contract.

Discussion centered on the site, the siting and the drive aisle. Garbage pick-up was a concern, as was the north and south egresses. Motion was made to recommend that the Alderman oppose the application for administrative relief. The motion PASSED.

REQUEST FOR RELIEF

Address: 7212 N. Clark Street

Request: Application for a zoning change from C2-2 to RT4

Applicant(s): Chicago Math and Science Academy

(Please see the November 2008 minutes for background information.)

Alderman Moore's staff assistant, Michael Land, reported that Alderman Moore held a community meeting on November 19th at Touhy Park regarding the Chicago Math and Science Academy's proposal to move to the old Clark Mall site. Over 100 community residents attended the meeting, and the plan received overwhelming support. Mike Land also reported that Alderman Moore was working closely with consultants on improvements to the façade, and the new architectural renderings show a dramatic improvement in the design, with more and larger windows on the Clark Street side.

As a result of the community support and the improvements to the school design, Alderman Moore will **support** the Chicago Math and Science Academy's application for a zoning change.

Meeting adjourned. The next scheduled meeting is Tuesday, February 10, 2008.