MEETING MINUTES
PLAN COMMISSION
Wednesday, January 8, 2014
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Scott Peters (Chair), Terri Dubin, Jim Ford, Seth Freeman, Lenny Asaro, Colby Lewis

Members Absent: Richard Shure, Kwesi Steele, Stuart Opdycke (Associate member), David Galloway (Associate member),

Staff Present: Mark Muenzer, Director of Community Development
Melissa Klotz, Interim Zoning Administrator
Damir Latinovic, Neighborhood and Land Use Planner
Michelle Masoncup, Deputy City Attorney
Mario Treto, Assistant City Attorney I

Presiding Member: Scott Peters, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

Chairman Peters called the meeting to order at 7:08 P.M.

2. APPROVAL OF December 4, 2013 MEETING MINUTES

Commissioner Ford noted on page four, the draft minutes indicate the meeting was adjourned twice. Commissioner Ford made a motion to strike the first adjournment referenced in the minutes and approve the minutes as corrected, seconded by Commissioner Freeman.

A voice vote was taken and the minutes were approved as corrected 6-0.

3. NEW BUSINESS

A. TEXT AMENDMENT TO THE ZONING ORDINANCE 13PLND-0114
Specifically consider a text amendment, pursuant to City Code §6-18-3, Definitions, to establish a zoning definition for Business or Vocational School and amend the zoning definition for College/University Institution, and City Code Title 6, Zoning, to discuss the zoning regulations of Business or Vocational Schools as permitted and special uses.

Melissa Klotz, Interim Zoning Administrator, described the proposed text amendment as recommended by staff and the Zoning Committee of the Plan Commission.
Commissioner Freeman asked how the Business School is defined. Ms. Klotz noted the definition on Page 2 of the staff memo. Commissioner Freeman asked if Kellog School is a business school per this definition. Ms Klotz stated that Kellog School is classified as part of a university use and noted there is a use being proposed at 990 Grove St which is currently classified as an office use, but would be classified as A business/vocational school upon their expansion.

Commissioner Ford noted a possible grammatical error in the definition suggesting the definition should read: “…in one or more technical subjects and trades..” to which Chairman Peters suggested also adding “…and graduate college/university institutions…” wording to the definition.

Ms. Masoncup suggested striking “four-year” wording and leaving only “College/University Institution” as that is defined in the Code and it does not limit it to a four-year institution. Chairman Peters agreed and suggested to leave the “….other than a community college” wording.

There being no further questions or comments, Chairman Peters opened the hearing for public comment.

No Public Comment was received.

With no additional deliberation, Chairman Peters invited a motion noting the standards for approval as outlined in Section 6-3-4-5 of the Zoning Ordinance are satisfied.

Commissioner Ford moved to approve the proposed text amendment regarding Case #13PLND-0114 as amended.

Commissioner Asaro seconded the motion.

The motion was approved by voice call 6-0. The text amendment was recommended to City Council with unanimous approval.

B. TEXT AMENDMENT TO THE ZONING ORDINANCE 13PLND-0115

Specifically consider a text amendment, pursuant to City Code § 6-4-6-9, Special Regulations Applicable to Air Conditioning Equipment, to discuss the zoning regulations for Air Conditioning Equipment.

Ms. Klotz, described the next proposed text amendment related to the air conditioning equipment as recommended by staff and the Zoning Committee of the Plan Commission.

Commissioner Freeman asked if the air conditioning regulations have already been modified during his tenure, to which Ms. Klotz replied that they may have been modified only in the yard facing the alley. Ms. Klotz also noted that the recommendation includes taking out the regulations regarding the window air conditioning units which was not discussed at the Zoning Committee meeting. Currently window air conditioning units are required to meet a five-foot setback. That is difficult to enforce, especially considering that most existing window air conditioning units likely already encroach into the required setback, but there have been no complaints. Ms. Klotz noted that without the setback regulation, the city would still enforce the decibel levels at the lot line.
Commissioner Freeman expressed concern with proposed regulations in the side yards abutting another side yard on residential lots. He does not believe screening helps and that the sound goes up. He suggested leaving the required setbacks as they are in the side yards abutting other side yards.

Chairman Peters stated that if the house is located within eight feet of the side lot line, there is currently no possibility to locate the air conditioning unit on the side of the house.

Commissioner Ford added that on a 25-wide lot, with two ten-foot side yard setbacks, there is only a five-foot wide area of the lot where an air conditioning unit can be installed.

Commissioner Freeman commented that would be a case for a zoning variance.

Ms. Klotz clarified that the proposed setback in the interior side yard would be either eight feet or six feet if the air conditioning unit is properly screened. With the proposed eight-foot setback, or a six-foot setback with appropriate screening, the unit would be under the maximum allowed decibel level at the lot line.

Commissioner Lewis asked for the clarification that the proposed changes and regulations would not include regulating the decibel level of the units. Ms. Klotz confirmed and noted that staff used the allowable decibel levels at the lot lines to determine appropriate setback changes. Upon a compliant, City staff would go out and measure the decibel level at the lot line. However, the ambient noise makes it difficult to get a reading of less than 65 decibels anywhere on the lot.

Commissioner Freeman stated that we often run into issues where neighbors do not want to call and complain about their neighbors. Enabling someone to install their air conditioning unit even closer would be frustrating for residents. He is not in favor of reducing the required setback in interior side yards.

Commissioner Freeman asked how many setback variances were requested in the last year, to which Ms. Klotz replied there were seven total all of which, except for one, were approved. For the one that was denied, there was a possible conforming location so the standards for meeting the variance were not met and the units were installed illegally.

Commissioner Lewis noted he is concerned that someone will install the unit in the interior side yard instead of in the rear yard because that is more convenient for them.

Commissioner Freeman asked if the staff initiated this text amendment, to which Ms. Klotz confirmed it was initiated by staff due to the work load related to the variance requests from this regulation.

Commissioner Freeman confirmed he is concerned with the proposed setback anytime the subject lot line abuts another property.

Commissioner Ford stated that he has a problem here balancing the rights of the property owner vs. the neighbor. He expressed concern we are forcing property owners of reasonably sized lots to come in for variances.
Ms. Klotz added to put it in perspective; most accessory structures have a five-foot interior side yard setback requirement and a three-foot setback in the rear yard.

Commissioner Asaro stated he agrees with Commissioner Ford and said staff’s recommendation is reasonable.

Upon a question, Ms. Klotz described the process for a building permit and a zoning variance.

Commissioner Asaro asked if there is a mechanism that could be put in place to make sure the neighbor is notified there is a permit application for an air conditioning unit to be placed eight feet from their lot line, perhaps through certified mailing notice requirement.

Ms. Klotz indicated applicants are always encouraged to discuss the placement of air conditioning units with their neighbors. She stated that most variation request end up being minor variations, and in the cases when they are major variations, the applicants do not move forward to the ZBA without the support of their neighbors.

Upon a question for clarification from Commissioner Lewis, Chairman Peters clarified the decibel levels have already been adopted into the City Code and that is not in front of the Board tonight.

Commissioner Asaro asked if the language could be modified to require applicant to place the units at a ten-foot setback if that location is available. Ms. Klotz responded there would be a problem defining a conforming location especially if landscaping would have to be removed or if the applicant has future plans to build other structures like a deck where a conforming location currently exists.

Commissioner Asaro asked if the City inspects the final location of the unit once installed? Ms. Klotz indicated that inspector only measure the distance if the unit obviously looks to be out of compliance with the approved plans.

Chairman Peters indicated he thinks an eight-foot setback is reasonable. The two foot requirement from the principal structure could be also added to the eight-foot setback requirement and a language could be added when someone is asking for a six-foot setback that there is no other available option.

Upon a question from Commissioner Ford, Ms. Klotz indicated the typical width of the air conditioning unit is two feet by two feet.

Commissioner Ford stated that staff has come up with a good reasonable solution.

Commissioner Freeman said he is also used to the noise, but he is concerned new units would start being installed in areas where they are not currently located.

Chairman Peters asked the commissioners for a show of hands in support of the proposed text amendment as presented by staff.
Commissioner Dubin asked who determines the appropriate screening method. Ms. Klotz said city staff would determine the appropriate screening and write it on the approved plans, such as “must be screened by four-foot evergreens”. A chain link fence would not be adequate.

There being no further discussion Chairman Peters opened the hearing to public comment.

No Public Comment was received.

Chairman Peters invited a motion.

Commissioner Asaro made a motion to approve the proposed text amendment regarding Case # 13PLND-0115 as presented by Staff.

Commissioner Ford seconded the motion.

The motion was approved by voice call 5-1 with Commissioner Freeman voting Nay. The text amendment was recommended to City Council for approval.

4. ELECTION OF CHAIR, VICE-CHAIR, LIAISONS AND SUB-COMMITTEES

Chairman Peters introduced the next order of business to elect the chair, vice chair and members of the sub-committees of the Plan Commission.'

Commissioner Ford made a motion to nominate Chairman Peters for another term as the chairperson of the Board.

Seconded by Commissioner Lewis.

The motion was approved by voice call 6-0.

Ms. Klotz stated that Commissioner Shure has indicated he is open to another term as a vice-chair.

Commissioner Freeman made a motion to nominate Commissioner Shure as vice-chair.

Seconded by Commissioner Ford.

The motion was approved by voice call 6-0.

The discussion on appointments for each committee followed.

Chairman Peters confirmed the following appointments:

Zoning Committee
Commissioner Ford, Commissioner Dubin, Commissioner Lewis, Commissioner Shure (Chair) and Commissioner Peters.
Comprehensive Plan Committee:
Commissioner Freeman, Commissioner Ford, Commissioner Dubin, Commissioner Shure and Commissioner Peters.

Housing and Community Development Act Committee Liaison:
Commissioner Opdycke

Planning and Development Committee Liaison:
Commissioner Asaro

Economic Development Committee Liaison:
Commissioner Freeman

Place Names Committee Liaison:
Commissioner Freeman

Parking Committee Liaison:
Commissioner Freeman

Commissioner Ford made a motion to nominate all committee members and liaisons as confirmed by Chairman Peters.

Seconded by Commissioner Asaro.

The motion was approved by voice call 6-0.

5. ADJOURNMENT

Commissioner Ford motioned to adjourn the meeting, and Commissioner Freeman seconded the motion. The meeting was adjourned at 8:04 pm.

Respectfully Submitted,
Damir Latinovic
Neighborhood and Land Use Planner, Community Development Department