MEETING MINUTES
PLAN COMMISSION
Wednesday, February 11, 2015
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Jim Ford (Chair), Scott Peters, Richard Shure, Colby Lewis, Terri Dubin, Carol Goddard, Lenny Asaro

Members Absent: Kwesi Steele, Andrew Pigozzi

Associate Members Present: Stuart Opdycke

Associate Members Absent: David Galloway, Seth Freeman

Staff Present: Damir Latinovic, Neighborhood and Land Use Planner
Lorrie Pearson, Planning and Zoning Administrator
Johanna Nyden, Economic Development Division Manager
Mario Treto, Assistant City Attorney

Presiding Member: Jim Ford, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

Chairman Ford called the meeting to order at 7:02 P.M. and explained the general meeting procedure, schedule, agenda items, time limits on public testimony and opportunities for cross examination of witnesses. Chairman Ford concluded the opening statement by saying that the Plan Commission forwards a recommendation to the City Council which makes the final determination on any matters discussed by the Plan Commission.

2. APPROVAL OF MEETING MINUTES: January 14, 2015

Chairman Ford noted that the election of Scott Peters to Chairman Pro Tempore for that meeting should be included in the minutes. He also noted that Commissioner Opdycke most likely did not second the motion to elect the chair on page 4. The video should be reviewed to determine which regular member of the Commission made the motion.

Commissioner Lewis made a motion to approve the minutes from January 14, 2015 with the corrections.

Commissioner Shure seconded the motion.

A voice vote was taken and the minutes were approved unanimously.
Chairman Ford explained staff is the applicant for all three cases on the agenda for tonight. He swore in all individual from the public intending to speak tonight.

3. NEW BUSINESS

A. ZONING ORDINANCE TEXT and MAP AMENDMENT 14PLND-0045

Dempster-Main Overlay District

Specifically consider text and map amendments, pursuant to City Code Title 6, Zoning, for a Zoning Overlay District covering Dempster Street and Main Street commercial district areas. The Overlay District along Dempster Street includes all properties with frontage along Dempster Street bounded by the north-south alley immediately east of Chicago Avenue on the east and Elmwood Avenue on the west. The Overlay District along Main Street includes all properties with frontage along Main Street bounded by Hinman Avenue on the east and Elmwood Avenue on the west.

Mr. Latinovic presented the staff report. He explained that this proposal was first presented to the zoning committee in May and was approved on November 11, 2014 to allow Office and Financial Institution Uses as Special Use on ground floors within Dempster Street and Main Street Business Districts. The Commission however recommended creating an Overlay District to allow those uses in the proposed manner and as such, this case had to be republished and re-noticed noting the Overlay District, but otherwise no changes have been made to the proposal. He summarized the proposed regulations and stated that the proposal satisfies the Standards. Staff recommends approval.

Commissioner Peters stated that he thought the purpose statement in the draft Ordinance could better correspond with the map featured in the proposal designating the boundaries of the Overlay District and thought a modification or clarification might be in order. Commissioner Asaro agreed that this could become an issue with divisions or changes in the future.

Mr. Treto stated that the purpose statement could be modified and asked for guidance from the Commission as for how specifically to word it.

At this time, Chairman Ford suggested that public testimony be heard before they continue with this topic.

Ms. Johanna Nyden stated that the need for this proposal came from local business owners. Certain services, generally non-retail, do not generate significant foot traffic. Business owners would like more management over what kinds of uses are allowed in business districts that could benefit their businesses as well.

Shaun Chinsky, 714 Main Street, stated that he has witnessed the evolution of Main Street. He believes that a shopping district is only as strong as its collective offerings. He watched the retail services on Custer Street become office space and observed the resulting decrease in pedestrian activity.

With no other comments, Chairman Ford closed the Public Comment portion of the hearing.
Commissioner Peters stated that he supports this proposal and the public testimony. This is his neighborhood and he noted that it is in need of revitalization. He agreed that non-retail services tend to result in less pedestrian traffic.

Commissioner Asaro noted his support as well.

Commissioner Lewis asked for clarification regarding nonconforming uses, to which Mr. Latinovic explained they would be the same as for any other nonconforming use in the City per Zoning Ordinance.

Commissioner Peters made the motion to recommend approval of the case with a condition to delete the words “centered around” and substitute with “near” in the purpose statement of the Draft Ordinance.

Commissioner Shure seconded the motion.

The motion was approved by Roll Call 7-0.

Ayes: Commissioners Peters, Shure, Goddard, Asaro, Dubin, Lewis and Chairman Ford.

Nays: none

**B. ZONING ORDINANCE TEXT AMENDMENT** 15PLND-0008

**Personal Service Establishments**

A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to establish a zoning land use definition and land use regulations for Personal Service Establishments and to Title 6, Zoning, Chapter 8-Definitions to modify existing zoning land use definition of Retail Services Establishment.

Chairman Ford noted that staff had suggested that this case be continued to the next April meeting to allow for additional time to research neighboring communities and regulations. Staff also suggested that that this case be referred to the March 18, 2015 Zoning Committee meeting for further review.

Commissioner Peters made a motion to continue this case to the next regularly scheduled April Plan Commission meeting on April 8 and refer the case to the March 18, 2015 Zoning Committee meeting.

Commissioner Dubin seconded the motion.

The motion was approved by Roll Call 7-0.

Ayes: Commissioners Peters, Dubin, Shure, Goddard, Asaro, Lewis and Chairman Ford.

Nays: none
C. ZONING ORDINANCE TEXT AMENDMENT

Fence Regulations

A Zoning Ordinance Text Amendment, pursuant to City Code Title 6, Zoning § 6-4-6-7, Special Regulations Applicable to Fences, regarding zoning regulations for Fences and Invisible Pet Fences, and City Code § 6-18-3, Definitions, to establish a zoning land use definition for invisible pet fences.

Mr. Latinovic presented the staff report. He explained that street side yard setbacks of 15’ and that fences are not allowed in the street side yard according to the Zoning Ordinance. Most existing housing stock in Evanston is nonconforming, and therefore, side yard requirements can be difficult to meet. For fences, these requirements are inconvenient for property owners and result in numerous minor variances per year, all of which get approved. He then explained the proposed regulations and how they satisfy the Standards.

Discussion followed on how these proposed regulations would affect solid fences as opposed to tall bushes for screening purposes.

Mr. Latinovic then explained that currently Evanston does not have clear regulations regarding invisible pet fences. Regulations are necessary due to fences not being permitted in front yards and the potential for conflicts between pets on private property and pets on public rights-of-way. He then explained the proposed regulations and how they satisfy the Standards.

Commissioner Shure asked if a permit would be required, to which Mr. Latinovic said yes.

Commissioner Shure stated that he likes the idea, but doubted property owners would inform the city, and therefore, this proposal may be ineffective. Mr. Latinovic explained that regulations for invisible pet fences will primarily serve as something to fall back on if a conflict were to arise.

Commissioner Peters noted that he has witnessed large dogs charging up to lot lines and sometimes an invisible fence does not adequately restrain an excited dog.

Commissioner Lewis stated that he understood where the issue of safety is concerned. He then raised the questions of how invisible pet fences would be enforced and if these regulations would cause undue burden to property owners. He also wondered if invisible pet fences could actually be considered fences.

Commissioner Dubin stated that setbacks could help separate animals, but it would be difficult to prove who would be at fault should conflicts arise.

Commissioner Asaro stated that he did not believe an invisible pet fence would fall under the definition of fence. If they allow invisible pet fences in the front yard, a case could be made that more effective, visible fences should be allowed in the front yard.

Mr. Treto clarified that invisible pet fences would be specifically defined by the Zoning Ordinance under this proposal.
Commissioner Shure suggested that Animal Safety Control be consulted on this matter.

Chairman Ford suggested that the board split the recommendation on the proposal to vote on side yard fences and invisible pet fences separately.

Commissioner Goddard motioned to approve fences in side yards as proposed.

Commissioner Shure seconded the motion.

A voice vote was taken and the motion was approved 7-0.

Commissioner Peters stated that corner lots or backyards abutting streets are more problematic than front yards for invisible pet fences.

Mr. Treto clarified that proposed setback regulations for invisible pet fences would apply to any property line abutting a public right-of-way, including side yards on corner lots.

Discussion followed about how fences are defined, the rationale behind prohibiting fences in the front yard, and how the City would regulate invisible pet fences and what penalties would be for noncompliance?

Mr. Latinovic clarified that enforcement may be complaint-based. Ms. Pearson clarified that noncompliance would most likely result in requesting the property owner to obtain a fence permit and pay the permit fee.

Commissioner Peters motioned to approve invisible pet fences as proposed.

Commissioner Goddard seconded the motion.

The motion was approved by Roll Call 5-2.

Ayes: Commissioners Peters, Goddard, Asaro, Dubin and Lewis

Nays: Chairman Ford and Commissioner Shure

4. OTHER BUSINESS

Mr. Latinovic mentioned the case for 1571 Maple had been continued to the March 9, 2015 meeting per applicant’s request for the Planning and Development Committee.

Commissioner Dubin asked when the Rules Committee meeting was taking place. Mr. Latinovic stated on Friday February 13 at 7:30 a.m. in room 3106 at the Civic Center.

Both Commissioner Asaro and Commissioner Peters thanked the Board, City Staff, and the public for their time spent on Plan Commission.
5. PUBLIC COMMENT

No public comment was received.

6. ADJOURNMENT

There being no further discussion, Commissioner Asaro made a motion to adjourn the meeting. Commissioner Peters seconded the motion.

A voice vote was taken and the motion was approved by voice call 7-0. The meeting was adjourned at 8:20 pm.

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