MEETING MINUTES
PLAN COMMISSION
Wednesday, April 8, 2015
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

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

Members Absent: Kwesi Steele, Colby Lewis, Andrew Pigozzi

Associate Members Present: Stuart Opdycke

Associate Members Absent: Seth Freeman, David Galloway, Scott Peters

Staff Present: Damir Latinovic, Interim Planning and Zoning Administrator
            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 7:00 P.M.

2. APPROVAL OF MEETING MINUTES: March 11, 2015

Chairman Ford noted that he recommended liaison members and members to committee as opposed to reappointing members as described in the minutes on Page 5.

Commissioner Goddard made a motion to approve the minutes from March 11, 2015 with the corrections.

Commissioner Shure seconded the motion.

A voice vote was taken and the minutes were approved unanimously.

3. NEW BUSINESS

Chairman Ford explained the general meeting procedure, schedule, agenda items, time limits on public testimony and opportunities for cross examination of witnesses. Chairman Ford concluded 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.

A. ZONING ORDINANCE TEXT AMENDMENT 15PLND-0008
Personal Service Establishments
A Zoning Ordinance Text Amendment to City Code Title 6, Zoning, to establish a zoning land use definition and land use regulations for a Personal Service Establishment and to modify existing zoning land use definition for a Retail Services Establishment.

Mr. Latinovic presented the staff report. He explained that this proposal was heard at the Zoning Committee on March 18, 2015 and the committee decided to move it to Plan Commission without a positive or negative recommendation. He noted the changes staff made to the proposal and the different options that were considered after the committee meeting. Staff proposes a new definition for Personal Service Establishment and a distance separation of 500 feet between such uses. Staff believes that the proposal satisfies the Standards of Approval and embodies the goals of the Comprehensive Plan.

Commissioner Goddard asked if local business groups had been contacted to ascertain whether or not they had compatible interests. Mr. Latinovic stated he could not confirm that as he is unsure if the Economic Development Division contacted business associations, but stated he can discuss with Economic Development Division and make sure business associations are notified when the case is presented to Planning and Development Committee of the City Council.

Commissioner Asaro shared the concerns. He stated the majority of special use applications get approved, and therefore, this might be counterproductive. Secondly, businesses such as these might be unfairly burdened financially if they were to mistakenly not renew their business license and be forced to apply for special use under this amendment at some point in the future. Overall, he does not have a problem with this concept, but he does worry about the effect on existing businesses.

Chairman Ford opened and closed the hearing for public comment, without any comments received from the public.

Chairman Ford shared the concerns of Commissioner Asaro. He posed the question, if a business received a special use within 500 feet of the existing business, would the existing business be considered legal-nonconforming or receive grandfathered status?

Commissioner Asaro stated that a client of his was once in a similar situation. He noted that existing businesses are only affected if they let their license lapse, but now despite their existing business, they are at the back of the line if another similar business wants to locate to that area.

Mr. Latinovic noted that Evanston does not require these types of businesses to have business licenses, as they are regulated by the State. Landlords do have the opportunity to lease to similar businesses within a year of an establishment closing without requiring a special use. Any existing Personal Service Establishment will be able to remain. He also said that this is a new idea, and not all special uses will necessarily be approved. The ZBA and City Council will evaluate the standards for approval of the proposed Special Use.
Commissioner Shure asked if this request came from the 8th Ward, and Mr. Latinovic explained that multiple alderman referenced the need for this type of an amendment.

Commissioner Asaro understood the rationale behind the amendment to generate a mix of business use. He wondered if a more direct approach, like utilizing the TIF, would be more appropriate in areas such as Howard Street.

Commissioner Shure surmised that they might be overthinking this and that this may not be the proper way to address the issue. He suggested permitting Personal Service Establishments on the second floor and requiring special use on the first floor. He would also be in favor of allowing all ground floor uses as a Special Use only.

Commissioner Dubin stated that she thought salons generate foot traffic for other retail establishments and therefore, does not like only permitting these uses on the second floor. She thought the biggest deterrent to shoppers and foot traffic was the two hour parking limit.

Mr. Latinovic clarified that staff agrees that salons and other personal service establishment can contribute to foot traffic, but having too many of them in close proximity to each other could deter other retail business from locating to that area which in essence eliminates spaces for customers to walk to. He also said that requiring special use for all ground floor uses in business districts would be burdensome.

Commissioner Goddard stated that she was uncomfortable recommending anything without consulting local business groups. Mr. Latinovic assured that he would make sure the business group associations were informed about the matter when it comes in front of the Planning and Development Committee regardless of whatever the Commission recommends this evening.

Commissioner Asaro recommended that property owners be consulted as well as business owners.

Chairman Ford wanted to confirm that existing businesses would be protected, to which Mr. Treto confirmed as nonconforming uses.

Commissioner Asaro made a motion to recommend approval of the text amendment with the condition that business associations are properly notified of this case moving forward.

Commissioner Goddard seconded the motion.

A roll call vote was taken and the motion was approved unanimously.

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

Nays: none

4. OTHER BUSINESS
A. MODIFICATIONS TO ADMINISTRATIVE RULES AND PROCEDURES OF THE PLAN COMMISSION

Commissioner Ford recommended that the Commission go through article by article to touch on significant changes and consider revisions along the way. He hoped to vote in a single motion to adopt the rules.

The commissioners discussed the quorum requirements for committees and if associate members should be counted towards quorum and have a vote at the committee level.

Article 13 was discussed more in depth.

The commission discussed the hearing protocol and when and how the cross examination by the applicant of any members of the public should be stated in the Rules.

With the rest of the Commission members in agreement, Chairman Ford directed staff to modify Article XIII Public Hearing Procedures language to match the current hearing procedure practice.

Commissioner Goddard made a motion to approve the modified Administrative Rules and Procedures with two amendments:

1) in Article VI c) eliminate the following wording: “…shall appoint subcommittees as may be necessary to carry out the purpose of the Commission,…” and “…The Chair shall be an ex-officio member of all subcommittees so appointed.”
2) In Article XI add “, is supporting” between words “relief” and “or” in the first paragraph of the article.

Commissioner Asaro seconded the motion.

A roll call was taken and the motion was approved unanimously 5-0.

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 Goddard seconded the motion.

A voice vote was taken and the motion was approved by voice call 5-0. The meeting was adjourned at 8:05 pm.

Respectfully Submitted,
Damir Latinovic