Order of agenda items are subject to change. Information about the Plan Commission is available online at: http://www.cityofevanston.org/plancommission; Questions can be directed to Susan Guderley, Neighborhood Planner, at 847-448-8675 or by e-mail at sguderley@cityofevanston.org.

The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Any citizen needing mobility or communications access assistance should contact the Community and Economic Development Department 48 hours in advance of the scheduled meeting so that accommodations can be made at 847-448-8683 (Voice) or 847-448-8064 (TYY).
MEETING MINUTES
PLAN COMMISSION
Wednesday, March 13, 2013
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Seth Freeman, Patricia Ledesma, Scott Peters (Chair), David Galloway (Associate), Richard Shure, Stuart Opdycke (Associate), Lenny Asaro

Members Absent: Barbara Putta, Jim Ford, Kwesi Steele

Staff Present: Melissa Klotz, Dennis Marino, Ken Cox

Presiding Member: Scott Peters, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM
With a quorum present, Chairman Peters called the meeting to order at 7:03 P.M.

2. APPROVAL OF DECEMBER 12, 2012 MEETING MINUTES
Commissioner Ledesma motioned for approval of the December 12, 2012 meeting minutes. Commissioner Freeman seconded the motion.

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

3. ZONING MAP AMENDMENT 13PLND-0010
Consideration of map amendment, pursuant to City Code Title 6, Zoning, to rezone 1715 Church Street, 1703 Darrow Avenue, and 1711 Darrow Avenue from the I2 General Industrial District to the MXE Mixed Use Employment District.

Melissa Klotz, Zoning Planner, explained the proposed rezoning, and applicant John Leineweber elaborated on the reasons for the map amendment application.

Commissioner Freeman motioned for approval of the map amendment, and was seconded by Commissioner Ledesma. The motion was approved 5-0.

Commissioner Steele arrived at 7:10 P.M.

4. ZONING MAP AMENDMENT 13PLND-0011
Consideration of the proposed map amendment, pursuant to City Code Title 6, Zoning, to rezone 2153, 2143 & 2145 Ashland Avenue, 1515 & 1523 Payne Street, and 2150 & 2156 Green Bay Road, from the C2 Commercial District to the MXE Mixed Use Employment District.
Ms. Klotz explained the proposed rezoning, and noted that the proposed rezoning for 2153 Ashland Avenue was brought forward through a map amendment application made by the current property owner, John Leineweber, while the remaining properties of discussion are a City-initiated map amendment. All of the properties in question are proposing a change to the MXE District. Mr. Leineweber elaborated on the reasons for the map amendment application.

Chairman Peters asked how the property values will be affected and Mr. Leineweber responded that the taxes will adjust, thereby increasing the value to the property owners.

Chairman Peters asked if there are adequate public services for the uses listed in the MXE District. Dennis Marino, Manager of Planning and Zoning, responded that yes, the streets are in good condition, there is a bike path nearby, and there is adequate sewer and water service.

Commissioner Freeman motioned for approval of the map amendment, and was seconded by Commissioner Ledesma. The motion was approved 6-0.

5. ZONING TEXT AMENDMENT

Consideration of the proposed text amendment, pursuant to City Code §6-18-3, Definitions, to discuss increasing the allowed production limit for Micro-Distilleries.

Ms. Klotz explained the proposal.

Ken Cox, Corporation Council, noted that the State of Illinois signed the new regulations into law today.

Commissioner Opdycke asked what changes Few Spirits expects with the increased production levels, and Brooke of Few Spirits noted a second shift would be added to double production, and eventually a second location in Evanston may be added.

Commissioner Opdycke asked if there have been any neighbor complaints against the business and City staff responded there has not.

Commissioner Freeman motioned to approve the text amendment, and was seconded by Commissioner Ledesma. The motion was approved 6-0.

6. OTHER BUSINESS

Commissioner Freeman nominated Commissioner Shure as Vice Chair to the Plan Commission. Commissioner Shure was approved as Vice Chair 8-0.

7. ADJOURNMENT

Commissioner Freeman motioned for adjournment. Commissioner Shure seconded the motion.

The meeting adjourned at 7:33 P.M.

Respectfully Submitted,
Melissa Klotz
Zoning Planner, Community and Economic Development Department

The next regular Plan Commission meeting is scheduled for WEDNESDAY, APRIL 10, 2013 at 7:00PM in COUNCIL CHAMBERS of the Lorraine H. Morton Civic Center.
Text Amendment

Landscape Waste Recycling Transfer

13PLND - 0015
Memorandum

To: Chair and Members of the Plan Commission

From: Dennis Marino, Manager, Planning & Zoning Division
       Melissa Klotz, Zoning Planner

Subject: Discussion of Draft Text Amendment 46-O-13 for Landscape Waste
         Recycling Transfer, 13PLND-0015

Date: April 3, 2013

Proposal Overview
The Zoning Ordinance does not currently allow landscape waste recycling transfer
facilities within the City of Evanston. An application for a text amendment has been
initiated by a party interested in operating a business that includes a landscape waste
recycling transfer facility. The applicant proposes to amend the Zoning Ordinance to
allow landscape waste recycling transfer facilities as a special use in the I3 General
Industrial District. Landscape waste includes grass clippings, leaves, tree prunings and
woody wastes, weeds, brush, and other compostable landscape type material. The
only I3 District in Evanston is surrounded by I1 and C1 Districts, with the nearest
residential area over 400 feet away from the closest portion of the I3 District.

Recommendation
Following the March 20, 2013 Zoning Committee meeting, the Zoning Committee of the
Plan Commission and staff recommend approval of landscape waste recycling transfer
facilities as a special use in the I3 General Industrial District, and the implementation of
a zoning definition for such use.

Summary
Applicants Jim Seckelmann and Scott Scholler of J&S LLC have applied for a text
amendment to the Zoning Ordinance to allow landscape waste recycling transfer
facilities as special uses in the I3 General Industrial District. The applicants plan to
operate a facility at 2535 Oakton Street that features landscape material sales, which is
a permitted trade contractor use, as well as landscape waste recycling transfer, which is
currently not a listed use in the Zoning Ordinance. The applicants are currently moving
forward with the permitted use to operate the landscape material sales, with plans to
obtain a special use for the landscape waste recycling transfer as soon as possible.
The proposed Zoning Ordinance change would apply to all properties located within
Evanston’s only I3 District, which is located on the far west side of the city adjacent to
the canal, and along the north side of Oakton Street. The applicants’ specific site at
2535 Oakton Street would be discussed in the special use process with the Zoning
Board of Appeals.
The proposed landscape waste recycling transfer facility would provide smaller landscape contractors a location within the city where they could drop off landscaping waste such as grass clippings, branches, trimmed greenery, etc. and then purchase wholesale landscape materials at the same site. All landscape waste would be transferred to off-site recycling and composting facilities. This use requires an Illinois EPA permit that specifies the duration the waste materials may stay at the transfer site – typically to 24 hours during the week and 36 hours on weekends so that the landscape waste does not sit at the transfer site for an extended period of time. There are multiple off-site recycling and composting facilities that the waste would be transferred to outside of the city.

All landscape waste at any landscape waste recycling transfer facility would be covered and secured daily. A truck would remove the waste once or twice per day, as necessary, to transfer to an off-site recycling and composting facility. For the duration the materials would remain on-site awaiting transfer, the landscape waste would be treated with a misting deodorizer as necessary such as Odor Sergeant and Odor Major, which are biodegradable products that assist in the breakdown of the bacteria in the landscape waste to minimize odors. The applicants have committed to all preventable measures to insure strong odors do not emanate off-site.

Proposed Regulations
The Zoning Committee of the Plan Commission and City staff recommend allowing landscape waste transfer facilities, which are currently not permitted as they are not specifically listed in the Zoning Ordinance, by special use only in the I3 District. The I3 District is the most intense industrial district in the City and permits other uses of similar intensity, including automobile body and service repair establishments, automobile storage lots, wholesale and warehousing establishments, heavy manufacturing, and pharmaceutical manufacturing. The Zoning Ordinance states:

The I3 general industrial district is intended to provide sites for manufacturing and industrial uses under controls that minimize any adverse effects on property in nearby residential, business, and commercial districts.

The special use process would allow the City to condition any special use for the proposed use to address site-specific concerns including hours of operation and potential nuisance issues. The special use process also allows all property owners within 500 feet to voice their concerns in a public hearing. The only I3 District in Evanston is surrounded by I1 and C1 Districts, with the nearest residential area over 400 feet away from the closest I3 area. Due to the high intensity and potential issues of such use, it is not recommended to allow landscape waste transfer facilities in any other zoning district.

The Illinois EPA defines landscape waste as:

Landscape Waste – All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees. (415 ILCS 5/3.270)
City staff proposes the following zoning definition to describe landscape waste recycling transfer facilities under the term “Yard Waste Transfer Facility” because yard waste is currently defined in the City Code under Title 8, Health and Sanitation. The proposed zoning definition is:

Yard Waste Transfer Facility – A non-governmental facility that accepts yard waste, as defined in City Code Section 8-4-1, as amended, and/or landscape waste, as defined in 415 ILCS 5/3.270, as amended, for sorting and/or consolidation prior to transfer to an off-site recycling and/or composting facility. Yard/landscape waste shall remain on-site before such transfer no longer than twenty-four (24) hours or other time period designated by 415 ILCS 5/39.2(o), as amended. Composting on-site is prohibited. Any mechanical facilities used for the processing of such yard/landscape waste must be incidental in nature.

The addition of a zoning definition for the proposed use is necessary in order to create the land use regulations for the proposed use as a special use in the I3 District.

Attachments
Draft Ordinance 46-O-13
Text Amendment Application – Submitted December 16, 2012
Noncompliant Zoning Analysis Determination of Use
I3 District Zoning Regulations
Illinois EPA Landscape Waste Fact Sheet
Zoning Committee of the Plan Commission Meeting Minutes – March 20, 2013
46-O-13

AN ORDINANCE

Amending Portions of the Zoning Ordinance to Create the “Yard Waste Transfer Facility” Use

WHEREAS, on April 10, 2013, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 13PLND-0015 to consider various amendments to the text of Title 6 of the Evanston City Code of 2012, as amended (the “Zoning Ordinance”), relating to the creation of the Use known as “Yard Waste Transfer Facility;” and

WHEREAS, the Plan Commission received testimony and made written findings pursuant to Section 6-3-4-5 of the Zoning Ordinance that the proposed amendments met the standards for text amendments, and recommended City Council approval thereof; and

WHEREAS, at its meeting of April 22, 2013, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 13PLND-0015 and recommended City Council approval thereof; and

WHEREAS, at its meetings of April 22 and May 13, 2013, the City Council considered and adopted the records and recommendations of the Plan Commission and the Planning and Development Committee,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:
SECTION 1: The foregoing recitals are hereby found as fact and incorporated herein by reference.

SECTION 2: Section 6-18-3 of the Zoning Ordinance, "Definitions," is hereby amended to include the following:

YARD WASTE TRANSFER FACILITY: A non-governmental facility that accepts yard waste, as defined in City Code Section 8-4-1, as amended, and/or landscape waste, as defined in 415 ILCS 5/3.270, as amended, for sorting and/or consolidation prior to transfer to an off-site recycling and/or composting facility. Yard/landscape waste shall remain on-site before such transfer for no longer than twenty-four (24) hours or other time period designated in 415 ILCS 5/39.2(o), as amended. Composting on-site is prohibited. Any mechanical facilities used for the processing of such yard/landscape waste must be incidental in nature.

SECTION 3: Subsection 6-14-3-3 of the Zoning Ordinance, "Special Uses" in the I3 District, is hereby amended to include "Yard Waste Transfer Facility."

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 6: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 7: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.
Introduced:______________, 2013

Adopted:______________, 2013

Attest:

Rodney Greene, City Clerk

Approved:

_____________________, 2013

Elizabeth B. Tisdahl, Mayor

Approved as to form:

_____________________, 2013

W. Grant Farrar, Corporation Counsel
Applicant's name: J and S LLC (The Mulch Center of Evanston)
I am filling this application in relationship to the use of the property at this address or location (if no address):
(At This Time Text Amendment Only) __________________________ Zip: _____ (This may not apply.)

1. Please, complete the following table indicating the specific sections of the Zoning Ordinance for which you are seeking a text change, or which new sections of the Zoning Ordinance you are seeking for the City to add to the text.

<table>
<thead>
<tr>
<th>Zoning Ordinance Section #</th>
<th>This section presently states the following (this does not apply to a new section):</th>
<th>I request the Zoning Ordinance text to be amended in the following manner:</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-14-4-3</td>
<td></td>
<td>Add &quot;Landscape materials sales yard with accessory landscape waste recycling transfer facility&quot;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Note: Final phrasing language to be determined in conjunction with City Staff.)</td>
</tr>
</tbody>
</table>
2. The Zoning Ordinance states that the "amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy." (§6-3-4-1) The Ordinance establishes standards that "the City Council should ... consider, among other factors." (§6-3-4-5) Please, explain how your proposed amendment relates to or satisfies each of the following standards.

(A) Is the proposed amendment consistent with the goals, objectives, and policies of the Comprehensive General Plan, as adopted and amended from time to time by the City Council? (Copies of the 2000 Plan are available from the Zoning Division or the Planning Division of the Community Development Department.)

Yes.

For over twenty (20) years, the Applicant, Scott Schoeller of J and S LLC, has been the owner of the property at 2533 Oakton Street (PIN 10-24-300-044; shown on the City's GIS maps as 2535) within the only designated I3 General Industrial District in the City. Previously used by landscape and concrete contractors for over ten (10) years, the property has been vacant and absent of a use for over two (2) years. As part of his due diligence process to utilize the property in line with his existing business, Contour Landscaping, Inc., as a landscape materials sales yard with an accessory landscape waste recycling transfer facility, the Applicant filed a Zoning Analysis Application and Administrative Interpretation Application with City Staff who responded that his potential proposal would require a Text Amendment to the I3 District for a new Special Use to be listed that would allow a "landscape waste transfer use". As such at this time, the Applicant is submitting this Text Amendment Application for potential opportunity to apply for a Special Use to operate a mulch center sales yard with accessory landscape waste recycling transfer facility at his property.

The proposed Zoning Ordinance Text Amendment only addresses the uses of the I3 General Industrial District. As stated above, there is only one (1) limited area within the City that is zoned as an I3 District, and that particular area is also designated in the City's Comprehensive General Plan (Map 2: General Areas of Future Redevelopment Revitalization and Land Use Modification) for future industrial use. Per the Comprehensive Plan, the "Industrial" land use designation is for properties to be used for "Manufacturing uses, warehousing, and large areas devoted to transportation yards and other utilities", and furthermore, the Comprehensive General Plan includes this designated areas as part of the "Industrial Areas Where Expansion or Adaptive Reuse may Occur; Employment Retention is Encouraged." In general, these designated industrial areas are intended as places that provide places for material and bulk sales and use activities, allow spaces for outdoor storage, and support employment activities.

In addition to being consistent with these particular industrial goals and objectives, the proposed Text Amendment is consistent with the overall vision statement of the City's Comprehensive Plan where "The primary theme of the Comprehensive General Plan is the recognition that Evanston must allow growth to occur while enhancing the community's special character." The proposed Text Amendment will expand the available uses in the I3 District which in turn will allow growth to occur in the I3 District, specifically only in that limited portion of the Village already designated for this zoning district. Continued growth of the I3 District in appropriately designated areas is crucial since the uses of the I3 District support a very specific and unique element of the community's special character. In and of itself, the I3 District's character is defined by its listed Permitted Uses, such as recycling center, trade contractor, and industrial service establishment, and Special Uses, such as heavy cargo and freight terminal and open sales lot. Each of these types of uses provide services needed by the community as a whole. Similarly, a mulch center sales lot with an accessory landscape recycling transfer sales facility is a use that provides goods that allow landscape contractors to continue to enhance the character of the City through landscape improvements on both residential and business properties while also assisting in the City's sustainability and waste management stream by providing a convenient location for landscape contractors to drop off landscape materials to be recycled.

Page 2 of 4 Text Amendment Application
(B) Is the proposed amendment compatible with the overall character of existing development in the immediate vicinity of the subject property, if so, how so?

Yes.

The proposed Zoning Ordinance Text Amendment is only for the I3 General Industrial District that currently has Permitted Uses, such as heavy manufacturing, outdoor storage, ready mix/concrete, recycling centers, and vehicle salvage, and Special Uses, such as heavy cargo and freighter terminals and open sales lots. The proposed use of the Text Amendment is "compatible with the overall character and of existing development" of those uses listed for the I3 District in terms of hours of operation, traffic generation, on-site storage, performance standards, and other such factors, and with respect to a number of listed uses in I3 District, it is actually a significantly less intense use in terms of those factors.

(C) Will the proposed amendment have an adverse effect on the value of adjacent properties, if not, how not?

No.

As pointed out above in Item B, the proposed use of the Text Amendment is limited to a use similar and compatible to other uses in the I3 District. Since the I3 District is presently designated for only one limited area in the City, the proposed use, if approved, would be ideally located away and buffered from any other less intense use in the City. Furthermore, the Text Amendment is to list the proposed use as a Special Use, which by the virtue of the requirements of its very approval process any perceived adverse effects on the value of adjacent properties can be addressed as part of that process and within the text of the final Special Use Permit.
(D) Are public facilities and services adequate to serve the effects the proposed amendment may have, if so how so?

Yes.

The Text Amendment is for a proposed use that will not require any additional public facilities to be provided by the City then already available and provided. The proposed use of the Text Amendment will not require any public sanitary sewer or water facilities, which can be provided through on site tanks and portable facilities. Presently, the site owned by the Applicant in the existing I3 District does not have public sewer or water on site, which has made it difficult to find uses that do not require those facilities.

I certify that all of the above statements and all statements, information and exhibits that I am submitting in conjunction with this application for relief from the requirements of the Zoning Ordinance or for an appeal from the Zoning Administrator's decision are true to the best of my knowledge.

[Signature]
12/14/12
Applicant's signature

[Signature]
12/14/12
Applicant's signature
City of Evanston

DISCLOSURE STATEMENT

FOR ZONING HEARINGS

The Evanston City Code, Title 1, Chapter 18, requires any persons or entities who request the City Council to grant zoning amendments, variations, or special uses, including planned developments, to make the following disclosures of information. The applicant is responsible for keeping the disclosure information current until the City Council has taken action on the application. For all hearings, this information is used to avoid conflicts of interest on the part of decision-makers.

1. Address or location of property for which zoning relief is sought, if applicable:
   Text Amendment Only At This Time

2. Name of applicant for zoning relief: J and S LLC (The Mulch Center of Evanston)

3. If applicant is an agent or designee, list the name, address, phone, fax, and any other contact information of the proposed user of the land for which this application for zoning relief is made: ☐ Does not apply.

   Scott Schoeller  3501 Jarvis Ave., Skokie, IL 60076  Ph: 847-673-5149  Email: scott@callcontour.com

4. If a person or organization owns or controls the proposed land user, name, address, phone, fax, and any other contact information of person or entity having constructive control of the proposed land user. Same as number X above, or indicated below. (An example of this situation is if the land user is a division or subsidiary of another person or organization.)

5. Name, address, phone, fax, and any other contact information of person or entity holding title to the subject property. Same as number above, or indicated below.

6. Name, address, phone, fax, and any other contact information of person or entity having constructive control of the subject property. Same as number above, or indicated below.
If Applicant or Proposed Land User is a Corporation

7. Any corporation required by law to file a statement with any other governmental agency providing substantially the information required below may submit a copy of this statement in lieu of completing a and b below.

a. Names and addresses of all officers and directors.

Scott Schoeller, Partner 3501 Jarvis Ave., Skokie, IL 60076
Jim Seckelmann, Partner 21457 Milwaukee Ave., Deerfield, IL 60015

b. Names, addresses, and percentage of interest of all shareholders, if there are fewer than 33 shareholders, or shareholders holding 3% or more of the ownership interest in the corporation, if there are more than 33 shareholders.

Scott Schoeller (50%) 3501 Jarvis Ave., Skokie, IL 60076
Jim Seckelmann (50%) 21457 Milwaukee Ave., Deerfield, IL 60015

If Applicant or Proposed Land User is not a Corporation

8. Name, address, percentage of interest, and relationship to applicant, of each partner, associate, person holding a beneficial interest, or other person having an interest in the entity applying, or in whose interest one is applying, for the zoning relief.

I certify that all of the above statements and all statements, information and exhibits that I am submitting in conjunction with this application for relief from the requirements of the Zoning Ordinance or for an appeal from the Zoning Administrator's decision are true to the best of my knowledge.

Applicant's signature: [Signature]
Date: [12/14/12]

Applicant's signature: [Signature]
Date: [12/14/12]
ADMINISTRATIVE INTERPRETATION
APPLICATION

1. PROPERTY
Address: 2532 & 2533 Oakton Street
Submitted As A Supplement To A
Permanent Zoning Analysis Application
PIN 1: 10-24-300-042 for 2532
PIN 2: 10-24-300-042 for 2533

2. APPLICANT
Name: J and S LLC
Organization: The Mulch Center of Evanston
Address: 3501 Jarvis Ave.
City, State, Zip: Skokie, IL 60076
Phone: Work: 847-673-5149 Home: __________ Cell/Other: __________
Fax: Work: 847-673-5655 Home: __________
E-mail: scott@callcontour.com & jim@mulchcenter.com

What is the relationship of the applicant to the property owner?
☐ same ☐ attorney ☐ lessee ☐ other: Part of J and S LLC
☐ builder/contractor ☐ architect ☐ real estate agent

3. PROPERTY OWNER (required if different than applicant)
Name(s) or Organization: Scott Schoeller, Contour Landscaping, Inc.
Address: 3501 Jarvis Ave.
City, State, Zip: Skokie, IL 60076
Phone: Work: 847-673-5149 Home: __________ Cell/Other: __________
Fax: Work: 847-673-5655 Home: __________
E-mail: scott@callcontour.com

"By signing below, I give my permission for the Applicant named above to act as my agent in all matters
concerning this application. I understand that the Applicant will be the primary contact for information and
decisions during the processing of this application, and I may not be contacted directly by the City of Evanston.
I understand as well that I may change the Applicant for this application at any time by contacting the Zoning Office
in writing."

Property Owner(s) Signature(s) Date

4. SIGNATURE

"I certify that all of the above information and all statements, information and exhibits that I am submitting in
conjunction with this application are true and accurate to the best of my knowledge."

Applicant Signature Date
5. REQUIRED DOCUMENTS AND MATERIALS

You must submit the following:

☑️ (This) Completed Application Form

Submitted As A Supplement To A Zoning Analysis Application

* Additional information may be required depending on the nature of request.
6. PROPOSED USE

A. Proposed Use(s): Mulch Center Sales Yard with Accessory Landscape Waste Transfer Use

B. Describe the proposed use(s) for the site.

Describe the activities that will take place, the hours of the day and days of the week that those activities will be undertaken, the products and/or services provided, the materials used, the tools and/or machinery that will be used, the customers or clients served (number, duration and frequency of visits, type of customers), suppliers (number and frequency of deliveries), loading activities, types of structures needed, impacts on the immediate neighborhood and on the environment, number of full-time and part-time employees, storage or warehousing needs, security requirements, and any other descriptive information that is essential to understanding the nature of the proposed use.

The subject site is proposed to be used for a landscape materials sales yard with an accessory use area for the transfer of landscape waste for off-site composting. The attached Sketch Plan, dated 08/20/12, details the conceptual site layout. In general, the use will be made available to landscape contractors and the wholesale public for the purchase of bulk landscape materials and for dropping off of landscape waste to be transferred off site for composting. No composting of landscape waste will occur on site. The use will entail approximately 8 storage bins for sales material, 1 bin for material to be processed, and 1 bin for landscape waste to be transferred. Landscape waste will be covered and secured daily. Machinery to be used will include loaders and mobile wood processing equipment (saws, grinders, etc.). The existing structure on site will be used for storage with a new trailer installed as an office. General hours of operation will be Monday-Friday 6:30 AM - 4:30 PM, Saturday 6:30 AM - 3:30 PM, and Sunday 7:00 AM - 2:00 PM. 1 to 4 full and part time employees are anticipated to be on site at any one time. It is anticipated that 20 to 35 contractors may come to the site on a daily basis to purchase landscape materials or drop off landscape waste to be transferred off site. A landscape waste transfer truck is anticipated to come to the site one to two times a day or as may be needed to pick up landscape waste for transfer off site. An IEPA Permit will be obtained for the landscape transfer operation prior to commencing operations of the transfer facility use.

C. Multiple Uses. If there are multiple uses proposed for the property, please provide a breakdown of the approximate floor area used by each:

<table>
<thead>
<tr>
<th>Use</th>
<th>Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td></td>
</tr>
<tr>
<td>b.</td>
<td></td>
</tr>
<tr>
<td>c.</td>
<td></td>
</tr>
<tr>
<td>d.</td>
<td></td>
</tr>
<tr>
<td>Common Space</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
</tr>
</tbody>
</table>

square feet
D. Similar Uses. Is there a similar use in the area? Give the location, description, and any contact information you may have.

For a Landscape Materials Sales Use - The Mulch Center, 21457 Milwaukee Avenue, Deerfield, IL 60015 - Jim Seckelman, President (Ph: 847-459-7200)

For a Landscape Waste Transfer Use Example - Buy the Yard, 2215 Main Street, Evanston, IL 60202

E. Use Definitions. To which defined uses is the proposed use similar? For each defined use, state why the definition given is not appropriate for the proposed use. Defined uses are listed in Zoning Ordinance, Chapter 18 DEFINITIONS.

<table>
<thead>
<tr>
<th>Defined Use</th>
<th>Why this definition is NOT appropriate</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Trade Contractor</td>
<td>Per definition under Ch. 18, use includes &quot;landscaper’s showrooms, construction supplies and storage..., materials, sales, and other uses similar in nature and impact&quot;. This is the closest listed use, but does not fully encompass the proposed use.</td>
</tr>
<tr>
<td>(Permitted in I3)</td>
<td></td>
</tr>
<tr>
<td>Wholesale Goods</td>
<td></td>
</tr>
<tr>
<td>b. Establishment</td>
<td>Use not defined under Ch. 18. Proposed use will provide for the bulk sales of material. Does not fully encompass proposed use.</td>
</tr>
<tr>
<td>(Permitted in I3)</td>
<td></td>
</tr>
<tr>
<td>c. Recycling Center</td>
<td>Use not defined under Ch. 18. Proposed use will provide for the recycling and transfer of landscape waste. Does not fully encompass the proposed use.</td>
</tr>
<tr>
<td>(Permitted in I3)</td>
<td></td>
</tr>
</tbody>
</table>

Please refer to the Zoning Ordinance or the City Code which are available, in their entirety, online at http://www.cityofevanston.org and follow the City Code link at the top of the page.

To find out which zoning district a property is located in, click the Resident link on the City’s home page, then click on About My Place from the drop-down menu. Enter the house number in the field provided and select the street from the drop-down menu. Press the “Get Info” button. This will either take you directly to the information for property OR, if the property contains more than one tax parcel, the screen will instruct Click to Use for the various constituent tax parcels.
Travis, Martin

From: Scott Schoeller [Scott@callcontour.com]
Sent: Tuesday, September 25, 2012 3:29 PM
To: Travis, Martin; jim@mulchcenter.com
Cc: Al M. Maiden
Subject: FW: LANDSCAPE WASTE TRANSFER USE (2532 OAKTON STREET)
Attachments: AVG Certification.txt

Mr Travis, sorry it took us a while to get back to you. Jim was out of town until early this week. We answered the questions below. Please feel free to contact us if there are any more questions.

Scott Schoeller
President

Contour Landscaping, Inc.
3501 Jarvis Avenue | Skokie | Illinois 60076
Office 847.673.5149 | Fax 847.673.5655
scott@callcontour.com | www.CallContour.com

Facebook
"The best compliment I can receive is a referral from a friend, client, or family member!"

Please consider the environment before printing this e-mail

Sent: Thursday, September 20, 2012 4:51 PM
To: jim@mulchcenter.com; Scott Schoeller
Cc: Travis, Martin; Klotz, Melissa; Marino, Dennis
Subject: LANDSCAPE WASTE TRANSFER USE (2532 OAKTON STREET)

Good afternoon Mr. Seckelmann,

As we continue to examine the correct and proper use (s) to apply to your Landscape Waste transfer business, it has become apparent that we need further clarity with respect to how the business will run on a day-to-day basis. If you could be a bit more specific to the following questions, it will assist us greatly in making a final determination.

1. Approximately (on a % basis) how much of the TOTAL business will be the actual collection, loading, dispensing and hauling away of landscape waste  50% plus

2. Approximately (on a % basis) what other uses will also be operating as accessory to the principal use? ...We are expecting this area to grow in time and possibly making up 50% of our business. This would consist of bulk material

10/29/2012
sales (mulch, topsoil, sand, stone etc.)

3. Will the MAJORITY of your clients be your “standard” residential landscape contractors? It will be a mix but the majority will be smaller residential landscape contractors working for homeowners, businesses etc local to our communities (Evanston, Skokie etc)

4. What other possible entities (clients) will be retaining The Mulch Center? For what purpose? This will be a location that services contractors. I do not see other entities at this time.

5. In detail, please explain the time intervals that the “collection and hauling away” process will operate. Will it be late at night?
   First thing in the mornings? How will the pick-up and hauling service work on weekends? Is the mulch/compost situated in the open, or will it be covered? Logistics of hauling away start first thing in the morning and at the end of the day, collection would be throughout the day – Saturday haul away would take place at the end of the day, - Mulch products and bulk material would not be covered (except pulverized topsoil) but landscape waste would be.

6. In detail, explain how the “sprinkler” system of hosing the waste to minimize odor spreading to adjoining neighborhoods will work. Is there a chemical(s) that is used? A mister would provide a deodorizer as necessary for the landscape waste. This product would be is specifically used (approved by the ILEPA) and is manufactured for this process. Two solutions mixed w/ water called Odor Sergeant and Odor Major will be applied as necessary. The biodegradable products are used as a deodorizer and assists in the breakdown of the bacteria in the landscape waste. For more info see www.nwci.com

7. How many employees does it take to run the business? 1-4 depending on the workload and the time of the year. As the business grows we would add employment opportunities to handle our administrational, marketing and sales needs and align ourselves with local Chambers of Commerce, business and civic organizations.

Thank you for your time

Martin P. Travis
Zoning Officer
Former Auto Towing Storage Yard - Vehicles Have Been Removed
Zoning Analysis

Summary

Case Number: 12ZONA-0226  
Case Status/Determination: Non-Compliant

Proposal:
Establish Landscape Waste Transfer use (dba The Mulch Center).

Site Information:

<table>
<thead>
<tr>
<th>Property Address:</th>
<th>2535 OAKTON ST</th>
<th>Zoning District:</th>
<th>I3</th>
</tr>
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<tbody>
<tr>
<td>Overlay District:</td>
<td>None</td>
<td>Preservation District:</td>
<td>Not Within</td>
</tr>
</tbody>
</table>

Applicant: Scott F. Schoeller
Phone Number: 8476735149

Signature: [Signature]
Date: 11/16/2012

Zoning Section

Comments
THE PROPOSAL, A LANDSCAPE WASTE TRANSFER STATION WILL REQUIRE A TEXT AMENDMENT IN ORDER FOR SAID USE TO BE LISTED AS A SPECIAL USE IN THE I3 (INDUSTRIAL) DISTRICT.

Recommendation(s): Click on the link(s) below to access online application(s)
## City of Evanston
### ZONING ANALYSIS REVIEW SHEET

**APPLICATION STATUS:** Closed/Non-compliant  
November 16, 2012  
**RESULTS OF ANALYSIS:** Non-Compliant

**Z.A. Number:** 12ZONA-0228  
**Purpose:** Zoning Analysis without Bid Permit App  
**Address:** 2535 OAKTON ST  
**District:** I3  
**Applicant:** Scott F Schoeller  
**Overlay:** None  
**Reviewer:** Martin Travis  
**Preservation:** Not Within  
**District:**

### THIS APPLICATION PROPOSES (select all that apply):

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<thead>
<tr>
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<th>Change of Use</th>
<th>Sidewalk Cafe</th>
<th>ANALYSIS BASED ON:</th>
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<tr>
<td>New Principal Structure</td>
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<td>Plans Dated: 06/20/12</td>
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<tr>
<td>New Accessory Structure</td>
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<td>Prepared By: The Mulch Center</td>
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<tr>
<td>Addition to Structure</td>
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<td>Survey Dated: 07/12/2012</td>
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<tr>
<td>Alteration to Structure</td>
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<td>Existing Improvements: outdoor storage</td>
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<td>Retention of Structure</td>
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**Proposal Description:**  
Establish Landscape Waste Transfer use (dba The Mulch Center).

### ZONING ANALYSIS

#### PLANNED DEVELOPMENT THRESHOLDS

- Does not apply to I1, I2, I3, OS, UI, or Excepted I1 & I2 Properties. See Section 6-8-1-9(D) for K’s; Section 6-8-1-9(D) for K’s; Section 6-10-1-8(D) for C’s.
- Section 6-11-1-4(D) for D’s; Section 6-13-1-4(D) for R’s; Section 6-14-1-4(D) for MU & MU’s; Section 6-15-1-4 for D1, T1, U1, U2, 24, 24E, & 24F.
- Does Not Apply

1. Is the request for construction of substantially new structures or substantial rehabilitation or substantial addition as defined by increasing floor area of principal structure by 35% or more? If not, skip to 2 & 4 below.
- Does Not Apply

2. Does the zoning lot area exceed 30,000 sqft?
- Does Not Apply

3. Does the proposal entail more that 24 new residential, commercial, business, retail or office units in any combination?
- Does Not Apply

4. Does the proposal entail the new construction of more than 30,000 sqft of true gross floor area at or above grade including areas otherwise excluded from defined gross floor area?
- Does Not Apply

#### PRINCIPAL USE AND STRUCTURE

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<tr>
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**Comments:** PROPOSED LANDSCAPE WASTE TRANSFER USE REQUIRES A TEXT AMENDMENT.

#### Minimum Lot Width (LF)

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**Comments:**

#### Minimum Lot Area (SF)

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**Comments:**

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**Comments:**

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<tbody>
<tr>
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<td>same</td>
</tr>
</tbody>
</table>

**Comments:**
**Standard** | **Existing** | **Proposed** | **Determination**
--- | --- | --- | ---
Front Yard(1) (FT)  
Direction:  
Street: Oakton Street  
Comments:  

Interior Side Yard(1) (FT)  
Direction:  
Comments:  

Interior Side Yard(2) (FT)  
Direction:  
Comments:  

Rear Yard (FT)  
Direction:  
Comments:

**ACCESSORY USE AND STRUCTURE**

| Use (1) | Standard | Existing | Proposed | Determination |
--- | --- | --- | --- | ---
Permitted Districts:  
Open Off-street Parking  
Comments:  

Permitted Required Yard:  
Building Envelope  
Comments:  

Interior Side Yard(1A) (FT)  
Direction:  
Comments:  

Interior Side Yard(1B) (FT)  
Direction:  
Comments:  

Rear Yard (FT)  
Direction:  
Comments:  

**COMMENTS AND/OR NOTES**

Analysis Comments

PROPOSAL REQUIRES A TEXT AMENDMENT THAT WILL ALLOW A LANDSCAPE WASTE TRANSFER USE TO BE LISTED AS A SPECIAL USE IN THE 13 (INDUSTRIAL) DISTRICT.

**RESULTS OF ANALYSIS**

Results of Analysis: This Application is Non-Compliant

Site Plan & Appearance Review Committee approval is: Not Required

See attached comments and/or notes.

**SIGNATURE**

Date: 11/13/2012
6-14-4. - I3 GENERAL INDUSTRIAL DISTRICT.

6-14-4-1. - PURPOSE STATEMENT.

The I3 general industrial district is intended to provide sites for manufacturing and industrial uses under controls that minimize any adverse effects on property in nearby residential, business, and commercial districts.

(Ord. 43-0-93)

6-14-4-2. - PERMITTED USES.

The following uses are permitted in the I3 district:

Automobile body repair establishment.
Automobile repair service establishment.
Automobile storage lot.
Commercial parking lot.
Funeral services excluding on site creation.
Heavy manufacturing.
Industrial service establishment.
Light manufacturing.
Office.
Outdoor storage.
Pharmaceutical manufacturing.
Public transportation center.
Public utility.
Ready mix/concrete.
Recycling center.
Trade contractor.
Vehicle salvage.
Warehouse establishment.
Wholesale goods establishment.

(Ord. 87-0-09)

6-14-4-3. - SPECIAL USES.

The following uses may be allowed in the I3 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Car wash.
Daycare center—Domestic animal.
Heavy cargo and freight terminal.
Kennel.
Media broadcasting tower.
Open sales lot.

Planned developments (subject to the requirements of Section 6-14-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Restaurant — type 1.
Restaurant — type 2.

(Ord. 43-0-93; asd. Ord. 114-0-02; Ord. No. 67-0-11, § 13, 9-12-2011)

6-14-4-4. - LOT SIZE.

There is no minimum lot size requirement for the I3 district.

(Ord. 43-0-93)

6-14-4-5. - LOT WIDTH.

There is no minimum lot width requirements for the I3 district.

(Ord. 43-0-93)

6-14-4-6. - YARD REQUIREMENTS.

The minimum yard requirements for the I3 district are as follows:

(A) Front Yard: Building, none; parking permitted with appropriate landscaping, as determined by the Site Plan and Appearance Review Committee.

(B) Side Yard Abutting A Street: Building, fifteen (15) feet; parking, permitted with appropriate landscaping, as determined by the Site Plan and Appearance Review Committee.

(C) Interior Side Yard Abutting Nonresidential District: Building, eight (8) feet; parking, five (5) feet.

(D) Side And Rear Yard Abutting Residential District: Nonresidential land uses abutting or across a street or alley from residential zoning districts shall be required to provide a minimum transitional yard equal to ten percent (10%) of the average width of the lot (up to a maximum of thirty (30) feet) or twenty (20) feet, whichever is greater. Such transitional buffer yards shall extend the entire length of the abutting residential zoning district. Transitional buffer yard widths may be reduced as provided for in Chapter 17, "Landscaping And Screening," of this Title; parking, twenty (20) feet.

(E) Rear Yard Abutting Nonresidential District: Building, twenty (20) feet; parking, five (5) feet.

(Ord. 43-0-93)

6-14-4-7. - BUILDING HEIGHT.

The maximum building height in the I3 district is sixty (60) feet or four (4) stories, whichever is less.

(Ord. 43-0-93)

6-14-4-8. - FLOOR AREA RATIO.

The maximum floor area ratio in the I3 district is 1.0.

(Ord. 43-0-93)
Landscape Waste

Is leaf burning allowed in Illinois?

It depends on the local laws or ordinances that affect you. Many local governments prohibit the open burning of leaves and other types of landscape waste. There are no State laws which prohibit leaf burning; however, some restrictions do exist:

*Leaves may be burned only on the premises on which they are produced or at sites provided by and supervised by a local government.

*Local governments may prohibit the open burning of landscape waste or any other material.

*Local governments may regulate burning by specifying times and/or weather conditions during which open burning may occur.

May other types of vegetative waste be burned?

Yes, if the vegetative waste is also landscape waste. Landscape waste is defined as all accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees (415 ILCS 5/3.270). However, the same restrictions apply to the open burning of this type of waste as to the burning of leaves.

When is a tree not landscape waste?

With respect to when vegetative materials would not be landscape waste, that depends on whether the use of the land was changed as a result of its removal. Vegetative materials, especially trees, generated as part of pre-construction or clearing activities are by definition not agricultural or landscape waste, as they are not generated by the same type of activity as lawn maintenance. These materials are more properly categorized as trade waste. For example, if the fruit trees were cut down not for an agricultural purpose, but to ready the land for a housing subdivision, they would be trade waste. Vegetative materials that are also trade waste may be burned, if they are burned in a permitted air curtain destructor. The burning of other types of trade waste is prohibited.

Can burning landscape waste cause harm?

The open burning of leaves and grass can be of particular concern because of its impact on the public's health. Smoke from burning leaves, grass, brush, and most plants contains high concentrations of such pollutants as carbon monoxide, particulates, and photochemically reactive chemicals, some of which are known carcinogens and some that contribute to smog formation. High levels of carbon monoxide are of concern because it can bind with hemoglobin in the blood to reduce oxygen flow. This can be particularly harmful to young children and other sensitive populations. Particulate matter can become embedded in lung tissue and can be harmful to small children and individuals with respiratory disorders. The burning of leaves releases the photochemically reactive chemical, benzo(a)pyrene, a known carcinogen. Benzo(a)pyrene is a concern because it is known to cause cancer in animals and has been linked as the major factor in lung cancer caused by smoking. Additionally, the high moisture content of grass causes low burn temperatures and inefficient burning, resulting in noxious odors and incomplete combustion.
**How can smoke be minimized from open burning?**

To burn with reduced smoke, the fire must be hot. Dry fuel, high temperatures, and plenty of oxygen help reduce the amount of smoke generated during burning. The recommended elapsed time between cutting and burning should be 3 to 6 weeks for vegetative material smaller than 6 inches in diameter and 6 weeks for vegetative material greater than 6 inches in diameter. Stumps greater than 12 inches in diameter should be split and dried for at least 6 weeks prior to burning.

**What are the alternatives to open burning?**

Consider the following alternatives to the open burning of agricultural or landscape waste: chipping, shredding, mulching and composting yard waste. Composting yard waste and using leaves and grass clippings for mulch are alternatives. Composting leaves and grass clippings produces soil fertilizer through decomposition. Compost piles are simple to begin and maintain. Branches and trunks larger than 3 inches can be used for firewood.

**For more information on landscape waste contact:**

Rachel Doctors  
Illinois EPA, Bureau of Air  
Post Office Box 19276, M/C #21  
Springfield, IL  62794-9276  
217/782-5544

**For more information about this or other fact sheets contact:**

Kim Kuntzman  
Public Information Officer  
Illinois EPA, Bureau of Air  
1021 North Grand Ave. East, Box 19276  
Springfield, IL  62794-9276  
217/785-8911  
TDD: 217/782-9143

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the State of Illinois  
Oct-2002  32753  250
MEETING MINUTES

ZONING COMMITTEE OF THE PLAN COMMISSION

Wednesday, March 20, 2013
7:00 P.M.

Evansont Civic Center, 2100 Ridge Avenue, Room 2404

Members Present: Richard Shure, Patricia Ledesma, Stuart Opdycke, Seth Freeman,

Members Absent: Kwesi Steele, Scott Peters, Jim Ford, Dave Galloway

Staff Present: Melissa Klotz

Presiding Member: Richard Shure, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chairman Shure called the meeting to order at 7:00pm.

2. MINUTES

Approval of February 20, 2013 Zoning Committee of the Plan Commission Meeting Minutes:

Commissioner Freeman motioned for approval of the February 20, 2013 meeting minutes. Commissioner Opdycke seconded the motion. A voice vote was taken and the minutes were approved.

3. UNFINISHED BUSINESS

4. NEW BUSINESS

A) TEXT AMENDMENT TO THE ZONING ORDINANCE 13PLND-0015

Consider a text amendment, pursuant to City Code Title 6, Zoning, to discuss the zoning regulations for landscape waste recycling transfer facilities as special uses in the I3 General Industrial District.

Zoning Planner Melissa Klotz presented the proposal.

Applicant Scott Scholler added that the landscape waste materials would be on site for less than 24 hours during the week and less than 36 hours on weekends as regulated by the Illinois EPA.

Commissioner Freeman asked if the waste can leach into the ground and Mr. Scholler responded that the EPA permit requires an impervious surface such as concrete to protect the ground from any leaching. Mr. Scholler also noted that the landscape waste would be covered and deodorized as necessary.
Mr. Scholler explained that he is interested in exploring the possibility of allowing landscape waste recycling transfer facilities as permitted uses in the I3 District rather than special uses since the use is required to follow extensive Illinois EPA regulations. Ms. Klotz explained that special use ordinances give the City more control over issues including hours of operation and potential nuisance problems such as odor. Commissioner Freeman noted that he is not comfortable with the use as a permitted use, but thinks it is a great idea as a special use. Commissioner Freeman asked City staff what the timeframe is for the applicant’s business opening comparing the permitted use to the special use timeline. Ms. Klotz explained that as a permitted use, the City would allow the business to open after April 22, 2013 at the earliest, but as a special use, the use would not be permitted until after May 28, 2013 at the earliest, which is a 5 week differential.

The Commissioners concurred they were comfortable with the use as a special use rather than a permitted use.

Commissioner Freeman motioned to allow landscape waste recycling transfer facilities as special uses in the I3 District. The motion was seconded by Commissioner Ledesma and recommended for approval to the Plan Commission 4-0.

Ms. Klotz noted that as a new use to the Zoning Ordinance, a zoning definition must be created as well. Commissioner Freeman felt an entirely new definition should be created rather than amending any existing zoning definition to include the proposed use.

The Commissioners discussed the proposed definition created by City staff and its relation to the definition stated by the Illinois EPA.

Commissioner Freeman motioned for City staff to create a definition that utilizes both the definition already proposed by staff and the Illinois EPA definition. The motion was seconded by Commissioner Ledesma and recommended for approval to the Plan Commission 4-0.

5. **DISCUSSION**

6. **ADJOURNMENT**

Commissioner Freeman motioned for adjournment and Commissioner Opdycke seconded the motion. The meeting adjourned at 8:00pm.

The next meeting of the Zoning Committee of the Plan Commission will be **Wednesday, April 17, 2013** at 7:00pm., in room 2403 of the Lorraine H. Morton Civic Center, 2100 Ridge Avenue.

Respectfully Submitted,
Melissa Klotz
Zoning Planner, Community and Economic Development Department
Text Amendment
Indoor Recreation
13PLND-0018
Memorandum

To: Chair and Members of the Plan Commission

From: Dennis Marino, Manager, Planning & Zoning Division
       Melissa Klotz, Zoning Planner

Subject: Discussion of Draft Text Amendment 47-O-13 for Indoor Recreation, 13PLND-0018

Date: April 4, 2013

Proposal Overview
The Zoning Ordinance currently allows commercial indoor recreation facilities as permitted and special uses in the B, C, D, and M Districts. An aldermanic reference for a text amendment has been initiated to amend the Zoning Ordinance so that non-commercial indoor recreation facilities are allowed within the City, and to add land use regulations to allow indoor recreation facilities as special uses in the I2 Industrial District. There are currently two interested parties that hope to establish indoor recreation facilities in I2 Districts.

Recommendation
Following the March 27, 2013 Zoning Committee meeting, the Zoning Committee of the Plan Commission and staff recommend approval of indoor recreation facilities as special uses in the I2 District, as well as modification to the zoning definition so that non-commercial entities may establish such use.

Summary
The proposed text amendment is City-initiated based on an aldermanic reference. The current Zoning Ordinance regulations are as follows, with P (permitted) and S (special use) regulations:

<table>
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<th>B3</th>
<th>C1</th>
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Commercial indoor recreation is currently defined in the Zoning Ordinance as:

Commercial Indoor Recreation – Public or private recreation facilities, tennis ball, racquet or other courts, swimming pools, bowling alleys, skating rinks, or similar uses that are enclosed in buildings and are operated on a commercial or membership basis primarily for the use of
persons who do not reside on the same lot as that on which the recreational use is located. “Commercial indoor recreation” shall include, but not be limited to, health and fitness establishments or any accessory use, such as snack bars, pro shops, and locker rooms that are designed and intended primarily for the use of patrons of the principal recreational use. “Commercial indoor recreation” shall not include cultural facilities, community, and recreation centers, or any use that is otherwise listed specifically in a zoning district as a permitted or special use.

There are currently two parties interested in establishing such use in the I2 District. One potential user plans to establish an indoor recreation facility in an existing warehouse-style building that is located in an I2 District on Dempster Street between Dodge and Hartrey Avenues. The facility would be utilized by the Evanston Soccer Association, which is a non-commercial entity, for practices and matches. The second potential user plans to construct a “bubble” facility on Oakton Street on the far west side of the city. The “bubble” facility would feature multiple indoor sports fields, including soccer, lacrosse, and baseball, which could be rented out to athletic groups for practices and games/matches. Although the party interested in constructing the “bubble” facility is not technically the text amendment applicant, an application is included as supporting documentation to explain the intent and foreseen implications of such a use in an industrial area.

The proposed text amendment would apply to all I2 Districts within the city. With special use approval required for all potential I2 sites, the City would look at such proposed special uses on a case by case basis and determine if the proposed indoor recreation facility fits well with the surrounding land use based on the details of the special use application. Most I2 properties do not feature prime retail spaces, so the proposed text amendment would allow indoor recreation facilities to establish in such areas if deemed appropriate through special use approval to utilize vacant spaces or undeveloped land. The special use process would also give the City the opportunity to ensure any such facility would not be utilized as a different use on a regular basis.

**Proposed Regulations**

The Zoning Committee of the Plan Commission and City staff recommend allowing indoor recreation facilities as special uses in the I2 District, and to amend the zoning definition to allow non-commercial indoor recreation facilities as such uses. The proposed definition change eliminates the word “commercial” and adds clarity to the remainder of the definition, which is proposed as:

Indoor Recreation – Public or private, non-governmental recreation facilities, tennis ball, racquet or other courts, swimming pools, bowling alleys, skating rinks, or similar uses that are enclosed in buildings primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. “Indoor recreation” shall include, but not be limited to, health and fitness establishments or any accessory use, such as snack bars that sell pre-packaged food items, pro shops, and locker rooms that are designed and intended primarily for the use of patrons of the principal recreational use. “Indoor recreation” shall not include Cultural Facilities, Community Centers, and Recreation Centers,
or any use that is otherwise listed specifically in a zoning district as a permitted or special use.

This definition addresses concerns raised by the Zoning Committee of the Plan Commission to ensure community centers are not associated with the proposed definition following the elimination of “commercial”. Community centers are a separately defined and regulated use within the Zoning Ordinance. With the addition as a special use in the I2 District, indoor recreation facilities will be permitted uses in the B3, C, D, and RP Districts, and by special use in the B1a, B2, M, O1 and I2 Districts.

Attachments
Draft Ordinance 47-O-13
Text Amendment Application (not formal applicant)
I2 District Zoning Regulations
Zoning Committee of the Plan Commission Draft Meeting Minutes – March 27, 2013
AN ORDINANCE

Amending Portions of the Zoning Ordinance Related to the “Commercial Indoor Recreation” Use

WHEREAS, on April 10, 2013, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 13PLND-0015, to consider various amendments to the text of Title 6 of the Evanston City Code of 2012, as amended (the “Zoning Ordinance”), relating to renaming and amending the Use known as “Commercial Indoor Recreation” and making it a Special Use in the I2 district; and

WHEREAS, the Plan Commission received testimony and made written findings pursuant to Section 6-3-4-5 of the Zoning Ordinance that the proposed amendments met the standards for text amendments, and recommended City Council approval thereof; and

WHEREAS, at its meeting of April 22, 2013, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 13PLND-0015 and recommended City Council approval thereof; and

WHEREAS, at its meetings of April 22 and May 13, 2013, the City Council considered and adopted the records and recommendations of the Plan Commission and the Planning and Development Committee,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:
SECTION 1: The foregoing recitals are hereby found as fact and incorporated herein by reference.

SECTION 2: The definition of “Commercial Indoor Recreation” in 6-18-3 of the Zoning Ordinance is hereby renamed “Commercial Indoor Recreation” and amended to read as follows:

Public or private non-governmental recreation facilities, tennis ball, racquet or other courts, swimming pools, bowling alleys, skating rinks, or similar uses that are enclosed in buildings and primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. “Commercial Indoor Recreation” shall include, but not be limited to, health and fitness establishments or any accessory use, such as snack bars that sell pre-packaged food items, pro shops, and locker rooms that are designed and intended primarily for the use of patrons of the principal recreational use. “Commercial Indoor Recreation” shall not include Cultural Facilities, Community Centers and Recreation Centers, or any use that is otherwise listed specifically in a zoning district as a permitted or a special use.

SECTION 4: The use “Commercial Indoor Recreation,” included in Subsection 6-9-3-3 of the Zoning Ordinance, “Special Uses” in the B2 District, is hereby renamed “Commercial Indoor Recreation.”

SECTION 5: The use “Commercial Indoor Recreation,” included in Subsection 6-9-4-2 of the Zoning Ordinance, “Permitted Uses” in the B3 District, is hereby renamed “Commercial Indoor Recreation.”

SECTION 6: The use “Commercial Indoor Recreation,” included in Subsection 6-9-5-3 of the Zoning Ordinance, “Special Uses” in the B1a District, is hereby renamed “Commercial Indoor Recreation.”

SECTION 7: The use “Commercial Indoor Recreation,” included in Subsection 6-10-2-2 of the Zoning Ordinance, “Permitted Uses” in the C1 District, is hereby renamed “Commercial Indoor Recreation.”
SECTION 8: The use “Commercial Indoor Recreation,” included in Subsection 6-10-3-2 of the Zoning Ordinance, “Permitted Uses” in the C1a District, is hereby renamed “Commercial Indoor Recreation.”

SECTION 9: The use “Commercial Indoor Recreation,” included in Subsection 6-10-4-2 of the Zoning Ordinance, “Permitted Uses” in the C2 District, is hereby renamed “Commercial Indoor Recreation.”

SECTION 10: The use “Commercial Indoor Recreation,” included in Subsection 6-11-2-2 of the Zoning Ordinance, “Permitted Uses” in the D1 District, is hereby renamed “Commercial Indoor Recreation.”

SECTION 11: The use “Commercial Indoor Recreation (when located above the ground floor),” included in Subsection 6-11-3-3 of the Zoning Ordinance, “Permitted Uses” in the D2 District, is hereby renamed “Commercial Indoor Recreation (when located above the ground floor).”

SECTION 12: The use “Commercial Indoor Recreation (at the ground level),” included in Subsection 6-11-3-4 of the Zoning Ordinance, “Special Uses” in the D2 District, is hereby renamed “Commercial Indoor Recreation (at the ground level).”

SECTION 13: The use “Commercial Indoor Recreation,” included in Subsection 6-11-4-2 of the Zoning Ordinance, “Permitted Uses” in the D3 District, is hereby renamed “Commercial Indoor Recreation.”

SECTION 14: The use “Commercial Indoor Recreation,” included in Subsection 6-11-5-2 of the Zoning Ordinance, “Permitted Uses” in the D4 District, is hereby renamed “Commercial Indoor Recreation.”
SECTION 15: The use “Commercial Indoor Recreation,” included in Subsection 6-12-2-2 of the Zoning Ordinance, “Permitted Uses” in the RP District, is hereby renamed “Commercial Indoor Recreation.”

SECTION 16: The use “Commercial Indoor Recreation,” included in Subsection 6-13-2-3 of the Zoning Ordinance, “Special Uses” in the MU District, is hereby renamed “Commercial Indoor Recreation.”

SECTION 17: The use “Commercial Indoor Recreation,” included in Subsection 6-13-3-3 of the Zoning Ordinance, “Special Uses” in the MUE District, is hereby renamed “Commercial Indoor Recreation.”

SECTION 18: The use “Commercial Indoor Recreation,” included in Subsection 6-13-4-3 of the Zoning Ordinance, “Special Uses” in the MXE District, is hereby renamed “Commercial Indoor Recreation.”

SECTION 19: Subsection 6-14-3-3 of the Zoning Ordinance, “Special Uses” in the I2 District, is hereby amended to include “Indoor Recreation.”

SECTION 20: The use “Commercial Indoor Recreation,” included in Subsection 6-15-2-3 of the Zoning Ordinance, “Special Uses” in the O1 District, is hereby renamed “Commercial Indoor Recreation.”

SECTION 21: Subsection 6-18-2-1 of the Zoning Ordinance, “Purpose of Generic Definitions,” is hereby amended to read as follows:

Certain terms in this Chapter are defined to be inclusive of many uses in order to eliminate overly-detailed listings of uses in the zoning districts established by this Ordinance. These terms shall be referred to in this Ordinance as “generic” definitions. Examples of generic definitions used in this Ordinance are “Retail Goods Establishment,” “Commercial Indoor Recreation” and “Light Manufacturing.”
SECTION 22: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 23: If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 24: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 25: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: __________, 2013

Approved:

Adopted: __________, 2013

_________________________ 2013

Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

______________________________
Rodney Greene, City Clerk

______________________________
W. Grant Farrar, Corporation Counsel
Randall Mayne of Evanston, and William Kindra of Chicago
Applicant's name: Mission Properties, 2424 Oakton LLC
I am filing this application in relationship to the use of the property at this address or location (If no address): approx 2424 Oakton: Empty lot(s) behind Gordon Foods Zip: 60202 (This may not apply.)

1. Please, complete the following table indicating the specific sections of the Zoning Ordinance for which you are seeking a text change, or which new sections of the Zoning Ordinance you are seeking for the City to add to the text.

<table>
<thead>
<tr>
<th>Zoning Ordinance Section #</th>
<th>This section presently states the following (this does not apply to a new section):</th>
<th>I request the Zoning Ordinance text to be amended in the following manner:</th>
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<tbody>
<tr>
<td>6-14-3-3</td>
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<td>Indoor Recreation as a special use in I2</td>
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2. The Zoning Ordinance states that the "amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy." (§8-3-4-1) The Ordinance establishes standards that "the City Council should ... consider, among other factors." (§6-3-4-5) Please, explain how your proposed amendment relates to or satisfies each of the following standards.

(A) Is the proposed amendment consistent with the goals, objectives, and policies of the Comprehensive General Plan, as adopted and amended from time to time by the City Council? (Copies of the 2000 Plan are available from the Zoning Division or the Planning Division of the Community Development Department.)

[we have been advised that staff may add commentary here]

Not knowing the 2000 Plan, we can only offer that we believe that the indoor field-sports facility we are proposing will:

- fit nicely into the City's general field sports facilities and programs that already happen at James Park
- expand the range of options for Evanston's field sports enthusiasts of all ages
- be a facility that will attract more people (from Evanston and beyond) to the area which should be an economic boost to the retail business in the area
- offer a [previously inconvenient and/or less accessible] high quality facility tailored to enhance the development of Evanston's younger interscholastic and recreational athletes in their journey toward a higher level of competitiveness
(B) Is the proposed amendment compatible with the overall character of existing development in the immediate vicinity of the subject property, if so, how so?

Compatible with neighboring James Park: [note this parcel is separated from James Park by the Pace Bus facility's Oakton St. driveway]

- as an additional, high-quality (albeit limited access) athletic facility that perfectly complements the mission and programs that operate in James Park

This parcel is NOT on Oakton frontage - i.e. NOT particularly attractive as retail space. A Field House business does not need to be located on good retail space, in fact it would not be efficient use of such land...but it is appropriately compatible and complimentary to the retail neighbors (Gordon Foods Grocery store, Subway/Dunkin' Donuts/Shell Station retail strip mall, and Home Depot complex across Oakton).

The traffic to/from our facility would bring more potential customers who would consider the neighboring retail businesses convenient, e.g. parents dropping & retrieving kids from our facility would consider shopping locally while their kids participate in our programs.

This Parcel is not particularly INCOMPATIBLE with: the Self-Storage Business, the Pace Bus facility, or the Gravel processing business (west of Storage business).

It is also a reasonable distance from any residential area who might find a "Bubble" like ours not an aesthetically appealing neighbor.

(C) Will the proposed amendment have an adverse effect on the value of adjacent properties, if not, how not?

As described above, it appears to us that our business would have at worst a neutral impact to some adjacent properties (Storage Facility, Gravel processor, Pace Facility), and should have a positive impact on our retail neighbors. Also described is our presumed positive and complimentary effect on virtually-adjacent James Park.

Further, all of the activity at our facility would be contained indoors within the confines of our building, hence there should be no adverse, annoying, or dangerous interaction between our business operations & clientele and adjacent properties.
(D) Are public facilities and services adequate to serve the effects the proposed amendment may have, if so how so?

Our Field House business activities are anticipated to be low-impact with respect to the use of public/city facilities and services.

I certify that all of the above statements and all statements, information and exhibits that I am submitting in conjunction with this application for relief from the requirements of the Zoning Ordinance or for an appeal from the Zoning Administrator's decision are true to the best of my knowledge.

Randall T. Mayne
Applicant's signature

Randall T. Mayne
Date 3/20/2013

William Kindred
Applicant's signature

William Kindred
Date 3/20/13
To accompany our Application for Text Amendment to the I2 zoning of the parcel in this proposal, we were asked to "provide copy of title/ownership"

...OR...

...to explain that, if we are not the current owner of the parcel being considered what is our interest:

We [Randall Mayne, of Evanston, and William Kindra, of Chicago, a.k.a. "Mission Properties, 2424 Oakton LLC"] are in realistic and progressing Good Faith Negotiations with the current owner to purchase this property. Should a contractual agreement to purchase the property be achieved, the approval of this Text Amendment will be a contingent to the final closing of said contract. The current owners will have received a copy of this submitted application.

[Signature]
Randall Mayne, 3711 Lake St. Evanston

[Signature]
William Kindra, 4728 N Manor Ave Chicago

Date 3/20/2013
Date 3/20/13
6-14-3. - I2 GENERAL INDUSTRIAL DISTRICT.

6-14-3-1. - PURPOSE STATEMENT.

The I2 general industrial district is intended to provide sites for light manufacturing and light industrial uses under controls that minimize any adverse effects on property in nearby residential, business, and commercial districts.

{Ord. 43-0-33}

6-14-3-2. - PERMITTED USES.

The following uses are permitted in the I2 district:

Automobile and recreational vehicle sales.
Automobile body repair establishment.
Automobile repair service establishment.
Automobile service station.
Commercial parking garage.
Commercial parking lot.
Funeral services excluding on site creation.
Government institution.
Industrial service establishment.
Light manufacturing.
Office.
Public transportation center.
Public utility.
Trade contractor.
Warehouse establishment.
Wholesale goods establishment.

{Ord. 87-0-06}

6-14-3-3. - SPECIAL USES.

The following uses may be allowed in the I2 district, subject to the provisions set forth in Section 6-3-5, "Special Uses," of this Title:

Automobile storage lot.
Car wash.
Daycare Center—Domestic Animal.
Heavy cargo and freight terminal.
Heavy manufacturing.
Kennel.
Media broadcasting tower.
Open sales lot.
Outdoor storage (when covering more than thirty percent (30%) of an interior side yard or as a principal use).

Pharmaceutical manufacturing.

Planned developments (subject to the requirements of Section 6-14-1-10, "Planned Developments," of this Chapter and Section 6-3-6, "Planned Developments," of this Title).

Recycling center.

Restaurant — type 1.

Restaurant — type 2.

Retail goods establishment.

Retail service establishment.

(Ord. 87-0-09; Ord. No. 67-0-11, § 12, 9-12-2011)

6-14-3-4. - LOT SIZE.

There is no minimum lot size requirement for the I2 district.

(Ord. 43-0-93)

6-14-3-5. - LOT WIDTH.

There is no minimum lot width requirements for the I2 district.

(Ord. 43-0-93)

6-14-3-6. - YARD REQUIREMENTS.

The minimum yard requirements for the I2 district are as follows:

(A) Front Yard: Building, none; parking permitted with appropriate landscaping, as determined by the Site Plan and Appearance Review Committee.

(B) Side Yard Abutting A Street: Building, fifteen (15) feet; parking, permitted with appropriate landscaping, as determined by the Site Plan and Appearance Review Committee.

(C) Interior Side Yard Abutting Nonresidential District: Building, eight (8) feet; parking, five (5) feet.

(D) Side And Rear Yard Abutting Residential District: Nonresidential land uses abutting or across a street or alley from residential zoning districts shall be required to provide a minimum transitional yard equal to ten percent (10%) of the average width of the lot (up to a maximum of thirty (30) feet) or twenty (20) feet, whichever is greater. Such transitional buffer yards shall extend the entire length of the abutting residential zoning district. Transitional buffer yard widths may be reduced as provided for in Chapter 17, "Landscaping And Screening," of this Title; parking, twenty (20) feet.

(E) Rear Yard Abutting Nonresidential District: Building, twenty (20) feet; parking, five (5) feet.

(Ord. 43-0-93)

6-14-3-7. - BUILDING HEIGHT.

The maximum building height in the I2 district is forty-five (45) feet or three (3) stories, whichever is less.

(Ord. 43-0-93)
6-14-3-8. - FLOOR AREA RATIO.

The maximum floor area ratio in the L2 district is 1.0.

{Ord. 43-0-93}
MEETING MINUTES

ZONING COMMITTEE OF THE PLAN COMMISSION

Wednesday, March 27, 2013
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Room 2403

Members Present: Richard Shure, Jim Ford, Stuart Opdycke, Scott Peters

Members Absent: Kwesi Steele, Dave Galloway

Staff Present: Melissa Klotz

Presiding Member: Richard Shure, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chairman Shure called the meeting to order at 7:00pm.

2. MINUTES

Approval of March 20, 2013 Zoning Committee of the Plan Commission Meeting Minutes:

Commissioner Opdycke motioned for approval of the March 20, 2013 meeting minutes. Commissioner Ford seconded the motion. A voice vote was taken and the minutes were approved.

3. UNFINISHED BUSINESS

4. NEW BUSINESS

A) TEXT AMENDMENT TO THE ZONING ORDINANCE 13PLND-0018

Consider a text amendment, pursuant to City Code Title 6, Zoning, to discuss the zoning regulations of indoor recreation facilities as permitted and special uses.

Zoning Planner Melissa Klotz presented the proposal.

Randall Mayne, prospective business owner, explained his business model:
- Construct dome “bubble”
- Big enough for 3 fields – many sports
- Primarily rent field space
- Also run indoor camps/programs

Commissioner Ford asked if there are building codes for such structures. Dennis Marino, Manager of Planning and Zoning, explained that if the structure is not covered by the current building code, regulations will be implemented to ensure the structure is safe.
Andrew McGonigle noted there was one previously approved by Ryan Field.

Chairman Shure asked if there are concerns about indoor recreation facilities being used for other uses such as religious institutions, and Mr. Marino explained that special use conditions could specifically address such concerns.

Commissioner Peters noted that by eliminating the word “commercial” from the definition, there may be a contradiction between the Community Center zoning definition and the proposed definition. Mr. Marino agreed and noted the proposed definition will be adjusted to remedy to contradiction.

Commissioner Steele arrived at 7:22pm.

Commissioner Opdycke asked why the proposed regulation requires special use approval rather than making indoor recreation a permitted use, and Ms. Klotz explained that each proposed business should be seen on a case by case basis to ensure the surrounding uses are compatible with any proposed indoor recreation use, similarly to the regulations in the M Districts.

Commissioner Opdycke motioned for approval of indoor recreation as a special use in the I2 District, and for staff to adjust the proposed definition accordingly to address the contradiction with the Community Center definition. Commissioner Ford seconded the motion, which was approved 5-0.

5. **DISCUSSION**

6. **ADJOURNMENT**

Commissioner Peters motioned for adjournment and Commissioner Ford seconded the motion. The meeting adjourned at 7:29pm.

The next meeting of the Zoning Committee of the Plan Commission will be **Wednesday, April 17, 2013** at 7:00pm., in room 2403 of the Lorraine H. Morton Civic Center, 2100 Ridge Avenue.

Respectfully Submitted,
Melissa Klotz
Zoning Planner, Community and Economic Development Department