EVANSTON PLAN COMMISSION
Wednesday, August 08, 2012
7:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, COUNCIL CHAMBERS

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. APPROVAL OF JULY 11, 2012 MEETING MINUTES

3. PLANNED DEVELOPMENT
   1211 CHICAGO AVENUE (TRADE R JOE'S)  12PLND-0051
   Continued from the July 11, 2012 Plan Commission:
   Scott Gendell, representative for Gendell/WNB, LLC, developer of the proposed project,
   applies for a Planned Development to construct a 13,000 square foot grocery store to be
   operated by Trader Joe’s, on a parcel of land totaling 48,400 square feet in size. 6-10-1-9
   (D-1) of the Municipal Code requires all proposed developments with a zoning lot over
   30,000 square feet to apply for a Planned Development.  The Plan Commission is a
   recommending body to the City Council.  City Council is the determining body in this
   case.

4. ZONING TEXT AMENDMENT  12PLND-0032
   Consideration of the proposed text amendment to the Zoning Ordinance to discuss the
   regulation of Massage Establishments.

5. COMMITTEE REPORTS

6. ADJOURNMENT

The next regular Plan Commission meeting is scheduled for WEDNESDAY, SEPTEMBER
12, 2012 at 7:00PM in ROOM 2200 of the Lorraine H. Morton Civic Center.

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 the General Planner, Craig Sklenar, at 847-448-8683 or by e-mail at csklenar@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).
Memorandum

To: Chair and Members of the Plan Commission

From: Dennis Marino, Manager, Planning and Zoning Division
      Craig Sklenar, General Planner

Subject: Update Planned Development (Trader Joe's),
       635 Chicago Avenue, 12PLND-0051

Date: August 3, 2012

Staff Recommendation
City staff recommends the Plan Commission provides a recommendation at the August 8, 2012 Plan Commission meeting. Since the July meeting of the Plan Commission, Terraco has met with adjacent neighbors to listen and address concerns of the proposed development. Terraco will present proposed revisions to the site plan on Wednesday August 8. The site plan included in this packet is up to date with revised parking layouts and an overlay of delivery truck movements on site. The proposed wall along the alley will be built with sound attenuation material reducing the noise levels from the delivery vehicles and use on site. Alderman Wynne will continue to lead discussion about operational issues (including delivery times) with Trader Joe’s, Terraco, and neighbors along the alley. It is expected management of operational issues will continue through construction and store opening. The proposed changes from the previous site plans submitted with the Planned Development Application still meets the zoning requirements for this property.

Attachments
Revised Site Plan 07.19.12
Massage/Bodywork Establishments
Text Amendment
12PLND-0032
Memorandum

To: Plan Commission Members

From: Dennis Marino, Manager, Planning and Zoning
       Melissa Klotz, Zoning Planner;

Subject: Text Amendment Proposal for Massage Businesses as Principal Uses,
         12PLND-0032

Date: August 8, 2012

Proposal Overview
City staff now recommends making all Massage and Bodywork Establishments permitted uses in the same zoning districts they are currently allowed in as Retail Services Establishments, but requiring State- or City-issued licenses for all workers of such establishments, as well as a general business license for each establishment. A City-issued license for Bodywork workers will be referred to the Human Services Committee for consideration.

Recommendation
With the current recommendation, members of the Plan Commission are only addressing a proposal for a zoning definition for Massage/Bodywork Establishments. The permitted zoning districts for these uses will not change from the current zoning regulations.

Zoning Definition
A definition for all Massage/Bodywork Establishments should be added to the Zoning Ordinance so that such establishments will not be lumped in to the generalized category of Retail Services Establishment. The definition will not change which zoning districts permit or do not permit such businesses, but will be included in the Zoning Ordinance for clarity. The proposed definition is:

MASSAGE/BODYWORK ESTABLISHMENT: Any establishment, the principal use of which is the provision, for any form of consideration, of structured palpation or movement of the soft tissue of the human body, meant to enhance the recipients’ general health and well-being, including, but not limited to, Massage Therapy as defined in 225 ILCS 57/10, as amended. This definition shall not include treatment administered by a physician, chiropractor, acupuncturist, occupational therapist, and/or physical therapist licensed by the State of Illinois. This definition shall not include any educational facility and/or licensed health care facility.
Regulation by Licensure

Licensure of all Massage and Bodyworkers will create an equal playing field for everyone in the industry, and allow regulation that will deter illicit workers from establishing within the City. For Licensed Massage Therapists, such licensure is covered by the State-issued license described in 225 ILCS 57 Massage Licensing Act. All other workers who do not hold state-issued licenses will be required to obtain a City-issued license. A City-issued license would deter illicit workers from establishing within the City, as well as the ability to suspend or revoke licenses in instances where illicit activities occur. The proposed licensing process would likely be considered by the Human Services Committee and City Council, and is not the purview of the Plan Commission.

A general business license will also be required for all Massage and Bodywork Establishments. A general business license gives the City means to permanently shut down a business, if warranted.

Regulation Changes

<table>
<thead>
<tr>
<th>Current Regulations</th>
<th>Proposed Regulations</th>
<th>Comment</th>
</tr>
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<tbody>
<tr>
<td>Retail Services Establishment</td>
<td>Allowed in all B districts, all C districts, all D districts, MXE, RP, special use in I1, I2, and O1.</td>
<td>No change</td>
</tr>
<tr>
<td>Massage &amp; Bodywork Establishment</td>
<td>Classified as Retail Services Establishment (see above).</td>
<td>Define use for clarity and enforcement purposes, but do not alter allowed zoning districts or require special use permits.</td>
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AN ORDINANCE

Amending Portions of the Zoning Ordinance to Create the “Massage/Bodywork Establishment” Uses

WHEREAS, on April 30, May 16, July 18, and August 8, 2012, the Plan Commission held a public hearing, pursuant to proper notice, regarding case no. 12PLND-0032 to consider various amendments to the text of Title 6 of the Evanston City Code of 1979, as amended (the “Zoning Ordinance”), relating to the creation of the Use known as “Massage/Bodywork Establishment;” 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 August 13, 2012, the Planning and Development Committee of the City Council considered and adopted the findings and recommendation of the Plan Commission in case no. 12PLND-0032 and recommended City Council approval thereof; and

WHEREAS, at its meetings of August 13 and September 10, 2012, 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:

MASSAGE/BODYWORK ESTABLISHMENT: Any establishment, the principal use of which is the provision, for any form of consideration, of structured palpation or movement of the soft tissue of the human body, meant to enhance the recipients' general health and well-being, including, but not limited to, massage therapy as defined in 225 ILCS 57/10, as amended. This definition shall not include treatment administered by a physician, chiropractor, acupuncturist, occupational therapist, and/or physical therapist licensed by the State of Illinois. This definition shall not include any educational facility and/or licensed health care facility.

SECTION 3: Subsection 6-9-2-2 of the Zoning Ordinance, “Permitted Uses” in the B1 Business District, is hereby amended to include “Massage/Bodywork Establishment.”

SECTION 4: Subsection 6-9-3-2 of the Zoning Ordinance, “Permitted Uses” in the B2 Business District, is hereby amended to include “Massage/Bodywork Establishment.”

SECTION 5: Subsection 6-9-4-2 of the Zoning Ordinance, “Permitted Uses” in the B3 Business District, is hereby amended to include “Massage/Bodywork Establishment.”

SECTION 6: Subsection 6-9-5-2 of the Zoning Ordinance, “Permitted Uses” in the B1a Business District, is hereby amended to include “Massage/Bodywork Establishment.”
SECTION 7: Subsection 6-10-2-2 of the Zoning Ordinance, “Permitted Uses” in the C1 Commercial District, is hereby amended to include “Massage/Bodywork Establishment.”

SECTION 8: Subsection 6-10-3-2 of the Zoning Ordinance, “Permitted Uses” in the C1a Commercial Mixed Use District, is hereby amended to include “Massage/Bodywork Establishment.”

SECTION 9: Subsection 6-10-4-2 of the Zoning Ordinance, “Permitted Uses” in the C2 Commercial District, is hereby amended to include “Massage/Bodywork Establishment.”

SECTION 10: Subsection 6-11-2-2 of the Zoning Ordinance, “Permitted Uses” in the D1 Downtown Fringe District, is hereby amended to include “Massage/Bodywork Establishment.”

SECTION 11: Subsection 6-11-3-3 of the Zoning Ordinance, “Permitted Uses” in the D2 Downtown Retail Core District, is hereby amended to include “Massage/Bodywork Establishment.”

SECTION 12: Subsection 6-11-4-2 of the Zoning Ordinance, “Permitted Uses” in the D3 Downtown Core Development District, is hereby amended to include “Massage/Bodywork Establishment.”

SECTION 13: Subsection 6-11-5-2 of the Zoning Ordinance, “Permitted Uses” in the D4 Downtown Transition District, is hereby amended to include “Massage/Bodywork Establishment.”
SECTION 14: Subsection 6-12-2-2 of the Zoning Ordinance, “Permitted Uses” in the RP Research Park District, is hereby amended to include “Massage/Bodywork Establishment.”

SECTION 15: Subsection 6-13-4-2 of the Zoning Ordinance, “Permitted Uses” in the MXE Mixed Use Employment District, is hereby amended to include “Massage/Bodywork Establishment.”

SECTION 16: Subsection 6-14-2-3 of the Zoning Ordinance, “Special Uses” in the I1 Industrial/Office District, is hereby amended to include “Massage/Bodywork Establishment.”

SECTION 17: Subsection 6-14-3-3 of the Zoning Ordinance, “Special Uses” in the I2 General Industrial District, is hereby amended to include “Massage/Bodywork Establishment.”

SECTION 18: Subsection 6-15-2-3 of the Zoning Ordinance, “Special Uses” in the O1 Office District, is hereby amended to include “Massage/Bodywork Establishment.”

SECTION 19: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 20: 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 21: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

SECTION 22: 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: _____________, 2012
Adopted: _________________, 2012

Approved: _______________________________, 2012

_____________________________
Elizabeth B. Tisdahl, Mayor

Attest: 

Approved as to form:

_____________________________
Rodney Greene, City Clerk

_____________________________
W. Grant Farrar, Corporation Counsel