Planning & Development Committee Meeting
Minutes of January 13, 2014 – 7:15 p.m.
Council Chambers - Lorraine H. Morton Civic Center


STAFF PRESENT:  D. Latinovic, M. Masoncup, M. Muenzer, B. Newman, M. Treto

PRESIDING OFFICIAL:  Ald. Wynne

I. DECLARATION OF QUORUM
A quorum being present, Chair Wynne called the meeting to order at 7:34 p.m.

II. APPROVAL OF REGULAR MEETING MINUTES OF DECEMBER 9, 2013

Ald. Grover moved approval of the minutes of the December 9, 2013 P&D meeting, seconded by Ald. Fiske.

The Committee voted unanimously 7-0 to approve the December 9, 2013 minutes.

III. ITEMS FOR CONSIDERATION

(P1) Ordinance 12-O-14, Granting Special Use for a Type 2 Restaurant, Harold’s Chicken Shack
The Zoning Board of Appeals and City staff recommend adoption of Ordinance 12-O-14, granting a special use permit for operation of a Type 2 Restaurant, Harold’s Chicken Shack, at 337 Howard Street.

For Introduction

Ald. Tendam moved to recommend introduction of Ordinance 12-O-14, seconded by Ald. Grover.

At Ald. Rainey’s inquiry, proprietor Kelly Roberts explained that ventilation would be through the hood which vents through ducts to the roof and out. It will be inspected as part of the permit process. Ald. Rainey welcomed her and advised her that she is in a problematic location. Ms. Roberts said she is cognizant of the problems and has very few seats in order to prevent loitering.

The Committee voted by unanimously 7-0 to recommend introduction of Ordinance 12-O-14.
(P2) Ordinance 13-O-14, Granting Special Use for a Type 2 Restaurant, 
DMK Burger Bar and Fish Bar
The Zoning Board of Appeals and City staff recommend adoption of 
Ordinance 13-O-14, granting a special use permit for operation of a Type 2 
Restaurant, DMK Burger Bar and Fish Bar, at 815 Noyes Street.

For Introduction
Ald. Grover moved to recommend introduction of Ordinance 13-O-14, 
seconded by Ald. Rainey.

Proprietor David Morton, a 3rd Ward resident, introduced himself and noted 
that his partner, Michael Kornick was not present. At Ald. Fiske’s inquiry, Mr. 
Morton explained that ventilation would be through the hood he has replaced 
and through the roof and assured her it is not directed towards the adjacent 
residential buildings. At Ald. Fiske’s further inquiry, Mr. Morton explained that 
they have separate grease traps, the same type that has been installed in their 
other 7 restaurants, and they have had no incidents of odors or 
inconveniences to neighbors from any of their 7 restaurants, and that they 
have a track record of being good neighbors.

At. Chair Wynne’s inquiry, Mr. Morton said they expect to open in the next 4 
weeks.

The Committee voted unanimously 7-0 to recommend introduction of 
Ordinance 13-O-14.

(P3) Ordinance 14-O-14, Granting a Special Use for a Retirement Home 
and Major Zoning Relief for a One-Story Addition at 1300 Oak Avenue
The Zoning Board of Appeals and City staff recommend the adoption of 
Ordinance 14-O-14 granting a special use permit for a Retirement Home, 
Evanston Nursing Home, at 1300 Oak Avenue, and major zoning relief for a 
one-story addition. The requested special use permit will bring a legally-
nonconforming use into compliance and allow for the proposed expanded 
floor area.

For Introduction
Ald. Rainey moved to recommend introduction of Ordinance 14-O-14, 
seconded by Ald. Holmes.

There were no questions for Mr. Josef Meystel.

The Committee voted unanimously 7-0 to recommend introduction of 
Ordinance 14-O-14.

(P4) Ordinance 2-O-14, Amending Various Portions the City Code of Bed 
& Breakfast Establishments
The Plan Commission and City staff recommend amending the Zoning 
Ordinance to establish Type 1 and Type 2 Bed and Breakfast Establishments.
A Type 1 Bed and Breakfast Establishment would be considered a moderate impact use that would require special use approval, be limited to no more than two rentable bedrooms, and require 33% owner-occupancy but not require a distance from other Bed and Breakfast Establishments. A Type 2 Bed and Breakfast Establishment would be considered a higher impact use that would allow for up to five rentable bedrooms. It would require special use approval, 33% owner occupancy and would have a distance requirement between such establishments.

For Introduction

Ald. Fiske moved to introduce Ordinance 2-O-14, seconded by Ald. Wynne.

Mark Muenzer, Director of Community Development, explained that staff and the Plan Commission researched other communities resembling Evanston that have B&B’s and attempted to form an option if Council chooses to further regulate B&B’s. In summary, the Ordinance separates the B&B’s into Type 1 and Type 2:

Type 1:
- includes 2 bedrooms or less
- Would be an accessory to a residence, typically for a situation where a household needs to augment its income
- Would still require a special use
- No distance requirement from other B&B’s
- 33% ownership occupied required*

*Currently the ordinance does not require an ownership percentage related to the fact that it needs to be owner occupied; this ordinance requires that it is 33% ownership interest of someone living on site.

Type 2:
- Would be the higher intensity, more commercial use, up to 5 bedrooms
- 33% owner occupant required
- Would still require a special use
- Would require a distance requirement of a radius of 1,500 feet, or approximately 3 blocks*

*Mr. Muenzer explained that the Plan Commission, despite many attempts and motions, could not come up with an exact distance requirement, though they believed that a distance requirement is needed between other Type 2 B&B’s. In light of that, staff took the highest number considered for a radius of 1,500 feet, or approximately 3 blocks around the site.

Ald. Fiske said this is a reference by Ald. Wynne and the second time at Plan Commission. Ald. Fiske said she attended the Plan Commission meeting and she thought the discussion was very good and that the members clearly
understood the effect that the proliferation of commercial B&B’s might have in particular neighborhoods. She explained that currently in the 1st Ward there are 2 approved commercial B&B’s within 100 feet of one another and an application for a 3rd, scheduled for ZBA on February 4th, 2014 at 1722 Judson, within a block of the 2 approved B&B’s, resulting in a proliferation of B&B’s in that neighborhood. She said the neighbors feel it is time to address this as it was a concern that was raised as the first 2 were before the Council. She said she believes the feeling of Council at that time was that after approval of those, they would wait and see what happened. What they are seeing is that there is interest by other parties to open commercial B&B’s, especially in the lake front neighborhoods. She said after the Plan Commission discussion she held a well-attended ward meeting at which these requirements were supported by the neighbors, who would like to see stricter enforcement, but they will be happy with this. She said she hopes that aldermen in other wards will understand that these commercial uses really are disruptive in some peoples’ minds to the residential character of the neighborhood.

The Committee voted 2-5 with 5 opposed to introduce Ordinance 2-O-14, with Ald. Fiske and Chair Wynne in favor.

Ald. Rainey clarified that according to the rules, the Ordinance can still be introduced on the consent agenda.

Ald. Fiske asked for an explanation, as a courtesy, from those opposed, as it would be helpful for residents to understand:

Ald. Grover said she likes that the proposed Ordinance distinguishes between two Types of B&B’s but she has issues with the 33% owner occupancy requirement and the idea of a distance requirement, given that B&B’s currently require a special use permit and go through the process. She also has questions about how this Ordinance aligns with the City’s short term occupancy licensing ordinance because she expects that there are several already operating and they do not require a special use, and are having perhaps the same impact as a Type 1 B&B would have.

Ald. Wilson said he agrees with Ald. Grover and regarding the ownership interest requirement, he understands it but believes it seems arbitrary. He said he has given this a great deal of thought over the past 1.5 years and he still feels that this should be considered on a case by case basis rather than setting distance requirements. He said there might be an area where no B&B’s would be appropriate and there might be an area where 2 or 3 in a row would be a good idea; it seems to be more appropriate for case by case analysis and that is the purpose of the special use that is in place, which subjects B&B’s to a significant degree of scrutiny.

Ald. Holmes said she watched a recording of the Plan Commission meeting and she saw a great deal of wavering within the discussion. She said her issue is with the owner occupancy requirement because 33% is high. She
said it is too early to determine what kind of impact they are having and since it is a special use, Council always has the option of voting for or against it. Ald. Holmes said she does not believe this Ordinance should be implemented yet.

Ald. Tendam said he agrees and that he cannot conceive of any way of dealing with B&B’s other than as special use. He said there are not many in the pipeline and certainly the cases that come before Council at this point could be dealt with one on one. He said he adamantly disagrees with the radial dimension for proximity to another B&B. There had been a discussion about a linear measure, but the radial dimension casts a big net and several blocks behind a particular B&B could also be restricted, and it could be a totally different neighborhood and situation, which is unfair. He believes the special use is the best way to go and hopes that is what Council will pursue it.

IV. ITEMS FOR DISCUSSION
There were no items for discussion.

V. COMMUNICATIONS
There were no communications.

VI. ADJOURNMENT

Ald. Rainey moved to adjourn, seconded by Chair Wynne.

The meeting was adjourned at 7:52 p.m.

Respectfully submitted,
Bobbie Newman