Planning & Development Committee Meeting  
Minutes of March 11, 2013  
City Council Chambers – 7:15 p.m.  
Lorraine H. Morton Civic Center

MEMBERS PRESENT: J. Fiske, D. Holmes, A. Rainey, D. Wilson

MEMBERS ABSENT: M. Wynne

STAFF PRESENT: W. Bobkiewicz, G. Farrar, S. Griffin, D. Marino, B. Newman, C. Ruiz

PRESIDING OFFICIAL: Ald. Fiske

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

II. APPROVAL OF REGULAR MEETING MINUTES OF FEBRUARY 25, 2013.

Ald. Holmes corrected the minutes in the last paragraph of item P2 to read that “Ald. Holmes said she was the Director of Family Focus when this program first started.”

Ald. Holmes moved approval of the minutes as amended, seconded by Ald. Wilson.

The minutes of the February 25, 2013 P&D meeting were approved unanimously 4-0.

III. ITEMS FOR CONSIDERATION


The Evanston Preservation Commission and City staff recommend City Council adoption of Resolution 11-R-13 authorizing the Law Firm of Winston & Strawn, LLP to represent the City of Evanston at no cost as Amicus Curiae in the case of Albert C. Hanna and Carol C. Mrowka v. City of Chicago, et al., in support of the City of Chicago’s Landmarks Ordinance.

For Action

Ald. Rainey moved to recommend approval, seconded by Ald. Holmes.

At Ald. Rainey’s request, Dennis Marino, Manager of the Planning & Zoning Division, explained that in a case between the City of Chicago and a plaintiff who is claiming that certain elements of Chicago’s Preservation Ordinance are not legal, the attorneys representing the City of Chicago are asking for “friends of the court” of several municipalities whose preservation ordinances are similar. The case is in
appeal by the plaintiff who is claiming that the standards were inappropriately used to deny his request.

Ald. Wilson moved that approval of 11-R-13 be conditional upon the Legal Department’s review of the brief before the City of Evanston agrees, seconded by Ald. Rainey.

The Committee voted unanimously 4-0 to recommend approval 11-R-13 with the condition.

(P2) Ordinance 26-O-13 Granting a Special Use for Commercial Indoor Recreation Facility at 739 Main Street
The Zoning Board of Appeals recommends adoption of Ordinance 26-O-13 granting a special use permit with conditions to mitigate the possible noise impact for a commercial indoor recreation facility at 739 Main Street, a vacant storefront, for a boxing studio.

For Introduction

Mr. Marino explained that the Zoning Board of Appeals (ZBA) recommended approval of Ordinance 26-O-13 with the condition that there is no sound amplification. Their main concern was potential noise.

Chair Fiske called the public who wished to speak to the podium.

Peggy Tarr of 907 Sherman said she is not opposed to a boxing studio, but this location has had constant problems from the noise caused by Revolution Spin. She said she admires Mr. Rivera’s (the owner’s) work with high school students but she is concerned about this particular location for a boxing studio.

Martha Moser of 929 Washington asked that Council not approve the special use because noise comes with an exercise facility: it is the rah rah background and the instructor using a microphone as well as the noise the spinners make. She said high school students will cheer and yell while they are working out. She said the people who live near Revolution Spin do not deserve a noisy studio near them and suggested a better location would be Dodge and Dempster. She said if exercise studios next to living quarters are getting complaints, they should be required to move or install expensive sound-proofing material. She added that the Main Street retailers will not benefit from a boxing studio.

Chair Fiske opened the discussion to the Committee.

Ald. Wilson, who’s ward the proposed boxing studio is in, acknowledged that there have been many complaints about another exercise business in the neighborhood but he said this studio will not have amplified music nor will the instructor’s voice be amplified. He said Mr. Rivera has met with the area merchants and himself several times. Ald. Wilson said he is not opposed to the special use, he respects Mr. Rivera’s work with youth and the community and he said he hopes the Committee will vote their approval.
Ald. Holmes said she believes the studio already is soundproofed.

Chair Fiske called Hernando Rivera, the proposed boxing studio owner, to the podium.

Mr. Rivera explained that the studio is not a boxing gym. There will be no fights, contact or competition there. He works with families and community members, no professional boxers. He said the landlord has told him that the wall adjacent to the bank is soundproofed but the punching bags will be mounted on the opposite wall. Since they are mounted on the wall and not hanging from the ceiling, they will not cause vibration to the units above. He said the studio will not have the impact of a professional boxing gym. He said the only music will be background music and he will not be yelling instructions. He said the place is very small so there is no need to yell, and he writes the routines on the wall so he doesn’t need to tell people what to do while they are working out.

Ald. Rainey said she has grave concerns and believes it will be a problem but is supporting it because it is in Ald. Wilson’s ward and he approves it and she expects that Ald. Wilson has done his due diligence. Mr. Rivera said he has already worked around the community for 15 years. Ald. Wilson said he has an understanding with Mr. Rivera that there will be no noise and if there is, it will be taken care of.

Mr. Rivera said that the boxing workout clears your mind and releases stress.

Ald. Wilson alerted the Committee that he will be removing the item from the consent agenda so it will be for action in 2 weeks.

**Ald. Wilson moved to introduce Ordinance 26-O-13, seconded by Ald. Holmes.**

The Committee voted unanimously 4-0 to recommend introduction of Ordinance 26-O-13.

**(P3) Ordinance 4-O-13 Amending Portions of the Zoning Ordinance Relating to Certain Legal Non-Conforming Residential Uses**

The Plan Commission and City staff recommend adoption of proposed Ordinance 4-O-13 amending the Zoning Ordinance to permit a process similar to the minor variance process be implemented for one to four-family residential legal nonconforming uses that allows the Zoning Administrator to determine if such nonconforming uses can be expanded by increasing the structures’ bulk.

**For Introduction**


Mr. Marino explained that the proposed amendment grew out of recognition by staff that a number of legal non-conforming 2 flats cannot do any expansion. The proposed Ordinance will allow a process by which 1-4 unit property owners may apply to expand modestly. Mr. Marino cited some examples at 1622 Darrow, 2018
Lake and 309 Davis, who’s owner wants to add a garage. He said in a number of cases, the first phase of the process will be notice, then staff makes a decision whether it should go forward based on meeting the stated standards.

Chair Fiske called the public who wished to speak to the podium.

Michael Low of 1143 Forest said he is in favor of the proposed Ordinance. He has lived in Evanston since 1981 and he provides housing for low and middle income people and he has participated in Leadership Evanston. He said buying a 2 flat and renting half of it allows middle income people who cannot afford an expensive home to move to Evanston. He said he owns 2018 Lake and his back bedroom is 5’ wide, the walls are rotten and he would like to make improvements to it. He said he charges a reasonable rent of $1,300/month and he takes a Section 8 tenant and a working class tenant. He said the proposed Ordinance would provide an important way to give landlords more choices in who they can attract because a good building attracts good tenants. His proposed renovation would require a minor variance and he would like the right to apply for it.

Betty Ester of 2031 Church said she is not clear on how the proposed Ordinance would allow the altering of a nonconforming building. She said it would be nice if zoning amendments were publicized before they are heard. One amendment brought the height back down from the text amendment of 2007, that had provided an overlay allowing buildings to go up higher, and she wished that the community had been noticed first. She said she would like the people in the community to be provided with a detailed explanation of what is proposed. Regarding Mr. Low’s request, she said people like to talk across their yards and if he is building an extension it may prevent that.

Ald. Wilson said he believes legal nonconforming buildings should have a higher standard than a Zoning Administrator decision and for such actions, the community should be allowed to participate in the process through the Zoning Board of Appeals.

Ald. Rainey agreed, saying the Zoning Administrator taking on the authority is her only objection to the proposed amendment.

Chair Fiske said her understanding of legal nonconforming is that when a type of building is moved toward nonconforming use the purpose is to make it conforming or discontinue its use.

Ald. Wilson moved to have staff amend the Ordinance to state that major variances will go through the ZBA for a final decision and to bring Ordinance 4-O-13 back for introduction at the April 1, 2013 P&D meeting.

The Committee voted unanimously 4-0 for staff to amend the Ordinance for introduction at the April 1, 2013 P&D meeting.
(P4) Ordinance 33-O-13, Amendment to Special Use for Tennis Scoreboards at 2250 Sheridan Road

City staff recommends the adoption of Ordinance 33-O-13, amending special use Ordinance 120-O-12 adopted November 12, 2012 for tennis scoreboards at 2250 Sheridan Road to permit an increase in size to the end signs located on the large scoreboard. The new proposal should not increase the view of the scoreboard from Sheridan Road.

**For Introduction**

Ald. Holmes moved to introduce Ordinance 33-O-13, seconded by Ald. Rainey.

The Committee voted unanimously 4-0 to recommend introduction of Ordinance 33-O-13.

**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 Ald. Holmes.

The meeting was adjourned at 8:08 p.m.

Respectfully submitted,

Bobbie Newman