Planning & Development Committee Meeting  
Minutes of April 22, 2013  
City Council Chambers – 7:15 p.m.  
Lorraine H. Morton Civic Center

MEMBERS PRESENT:  J. Fiske, D. Holmes, A. Rainey, D. Wilson, M. Wynne  
STAFF PRESENT:   W. Bobkiewicz, K. Cox, S. Griffin, D. Marino, B. Newman, J. Nyden  
PRESIDING OFFICIAL:  Ald. Fiske

I. DECLARATION OF QUORUM  
A quorum being present, Chair Fiske called the meeting to order at 7:17 p.m.

II. APPROVAL OF REGULAR MEETING MINUTES OF APRIL 1, 2013  
Ald. Rainey moved approval of the minutes of the April 1, 2013 meeting seconded by Ald. Wynne.  
The minutes of the April 1, 2013 P&D meeting were approved unanimously 5-0.

III. ITEMS FOR CONSIDERATION  

(P1) Resolution 28-R-13 Reserving 2013 Bond Volume Cap  
Staff recommends adoption of Resolution 28-R-13, which reserves the City’s right to issue $7,104,575 in tax exempt bonds under the bond volume cap allocation. This Resolution must be adopted by May 1, 2013.  
For Action  
Ald. Rainey moved to recommend approval, seconded by Ald. Wynne.  
The Committee voted unanimously 5-0 to recommend approval of Resolution 28-R-13.

(P2) Approval of Sidewalk Café for Found, 1631 Chicago Ave  
Staff recommends approval of a first-time application for a sidewalk café (SWC) permit for Found, a Type 1 Restaurant located at 1631 Chicago Ave.  
For Action  
Chair Fiske called the public who wished to speak to the podium.  
Raj Rai of 1630 Chicago, Evanston, said he lives across the street from the restaurant with his daughter and wife and he believes it is unnecessary to uproot the flower bed as planned by the restaurant owner. He said the air conditioning load will be increasing their carbon footprint because the door will be opening and closing more often to let the wait staff in and out. He said the impact of pests and rodents will be great. He said as a resident, it is very windy in that area when he walks to
Whole Foods and that this street is different than the street that the other sidewalk cafés are on because it is 2 way. He said the width of the walkway will be decreased and senior citizens from the North Shore Hotel walk by there as their daily exercise and he wants to minimize the impact to them. He asked that the Committee consider his concerns.

Chair Fiske thanked him.

Johanna Nyden, Economic Development Coordinator, explained that the planter is being removed by the restaurant owner but if the restaurant business ceases, the planter will be restored. She introduced the restaurant owner, Amy Morton.

Ms. Morton said the North Shore Retirement Hotel residents frequent her restaurant and that they are pleased that she is expanding. Regarding the carbon footprint issue, she said she will keep the door shut as much as possible and that she has air curtains. She said the right of way will be wider than the required 6’. She feels that the people in the neighborhood are the most important and she has a huge number of customers from the North Shore Hotel and the Mather. Regarding the landscaping, she said she is removing business and 1/3 of the boxwoods in front of the street and she plans to create a spectacular environment that will include herbs and colorful, seasonal flowers on the corners or on the tables. Ms. Morton explained that originally she had looked for a site with a garden and that being one with nature and pleasing to the eye is of the utmost importance to her.

Ald. Rainey said air curtains are environmentally friendly.

**Ald. Rainey moved to recommend approval, seconded by Ald. Wilson.**

The Committee voted unanimously 5-0 to recommend approval of the sidewalk café.

**(P3) Ordinance 38-O-13 Amending the Zoning Ordinance to Increase the Production Limit for Micro-Distilleries**

The Plan Commission and City staff recommend adoption of Ordinance 38-O-13 amending the Zoning Ordinance to increase the allowed production limit for Micro-Distilleries from 5,000 gallons per year to 35,000 gallons per year. The amendment would bring the Zoning Ordinance regulation into agreement with the City’s liquor license classification, which was amended to allow the 35,000 gallon yearly limit by Ordinance 17-O-13, adopted February 11, 2013.

**For Introduction**

**Ald. Holmes moved to recommend introduction, seconded by Ald. Rainey.**

At Ald. Rainey’s inquiry about the amount that had been allowed previous to the proposed Ordinance, Mr. Marino corrected the original amount of 30,000 gallons per year, which is to be increased to 35,000 per the proposed Ordinance.

The Committee voted unanimously 5-0 to recommend introduction of Ordinance 38-O-13.
(P4) Ordinance 47-O-13 Amending the Zoning Ordinance to Allow Indoor Recreation as a Special Use in the I2 District

The Plan Commission and City staff recommend adoption of Ordinance 47-O-13 amending the Zoning Ordinance to allow indoor recreation facilities as special uses in the I2 District, as well as modification to remove the term “commercial” from the zoning definition so that non-commercial entities may establish such use.

For Introduction


Ald. Rainey said she opposes the removal of the term “commercial” from the zoning definition but she supports indoor recreation as a Special Use in an I2 District. She explained that she does not want to change the definition to allow non-profits other than the allowed special uses, since the City has been through a long, arduous process with a lawsuit of which the results are still not known.

Ald. Rainey explained that she does not want those entities other than commercial entities to undermine the tax base properties in the I2 District and eliminating “commercial” from the definition allows non tax paying not for profit entities to be there and the City needs the taxes.

Ald. Rainey moved to amend the proposed Ordinance to delete the omission of the word “commercial” from the proposed Ordinance seconded by Ald. Holmes.

Ald. Wilson said he did not expect this objection and that many sports-oriented entities are going to be classified as non-commercial so they will have to go to I2 areas. He noted that the litigation concerns a school, which is different from a school use. Ald. Rainey emphasized that tax exempt entities are her only objection.

Dennis Marino, Manager of Planning & Zoning, explained that the evolution of the proposed amendment was from Ald. Braithwaite regarding a private entity along Oakton in this district that wants to do an indoor recreational facility with not-for-profit clubs and associations making use of it and the other is the Team Evanston Soccer League, which is interested in a site on Dempster. Neither expressed the intention to be tax exempt.

Ald. Rainey said it is obvious why they are eliminating the word commercial and there is no indication that the project on Oakton will be off the tax roles. But if a not for profit, which is the opposite of commercial, goes in, they will apply for a tax exemption, which she finds objectionable. She said she did not see how Ald. Wilson could support removing hundreds of thousands of dollars from the tax roles when he will not support financial incentives to tax paying entities. So she said, let’s introduce this eliminating the word “commercial.”

Ald. Wilson said he is not sure of the impact of leaving the word “commercial” in the Ordinance is and asked for a few minutes to review the proposed Ordinance. He
said he understands Ald. Rainey’s point and he is trying to determine whether the language change will have an impact.

At Chair Fiske’s request, Ken Cox of the Law Department, reminded the Committee of the definition of the word “commercial.” Mr. Cox said the definition would be of “commercial purpose” and the definition in Section 6, 18, 3, which is, “Commercial purpose is an occupation, employment or enterprise that is carried on by the owner, lessee or licensee except for activities carried on by a not-for-profit organization that utilizes the proceeds of such activities solely for the purposes for which the it is organized. Ald. Wilson clarified that if for example the soccer league used the proceeds only to operate the soccer league, it would still be considered commercial, which means it does not change anything.

Ald. Rainey asked why the word was omitted. If a Salvation Army store was there, it would still be tax exempt. Ald. Wilson assumed it was an intuitive assumption that soccer leagues are not commercial operations. They are not charging people to use the facilities. Ald. Rainey argued against changing an Ordinance for one entity. Ald. Wilson said omitting the word would not alleviate the problem. Ald. Rainey argued that the vacant properties are paying taxes to the City. Ald. Wilson said he does not have a problem leaving the word “commercial” in the Ordinance. Chair Fiske agreed.

The Committee voted unanimously 5-0 to amend proposed Ordinance 47-O-13 to not remove of the word “commercial.”

The Committee voted unanimously 5-0 to recommend introduction of Ordinance 47-O-13, as amended.

(P5) Ordinance 46-O-13 Amending the Zoning Ordinance to Allow Yard Waste Transfer Facilities as Special Uses in the I3 District.

The Plan Commission and City staff recommend approval of proposed Ordinance 46-O-13 amending the Zoning Ordinance to allow yard waste transfer facilities as special uses in the I3 General Industrial District.

For Introduction

Mr. Marino explained that a property owner in an I3 District proposes to use the property to accept yard and landscape waste and recycle it and sell wholesale landscape materials. The land is currently vacant, west of Home Depot and south of the Sam’s Club parking lot. There is no permitted or special use category in the I3 that such a yard waste facility would fit under. He noted that Scott Schoeller, of Contour Landscaping, and two associates were present. Ald. Rainey asked whether it could qualify for a unique use to which Mr. Marino replied that a unique use is a use that is not contemplated in the Zoning Ordinance. There are landscape uses in town but not quite like the one described here. In I3 there are some sites that might be workable for this and some that might not, so this will allow the City Council to make that discretion. He said the only unique use he was aware of was the former headquarters of District 65.

Chair Fiske called those who wished to speak to the podium.
Ald. Colleen Burrus of 1312 Cleveland requested that the Ordinance be held in Committee to investigate issues that may arise from the yard waste transfer and whether an odor would be present from the waste. She has received numerous comments from residents.

Clark Chipman of 2007 Seward St. said he and his neighbors are opposed to the yard waste transfer site in the 13th District. He said several years ago the City operated its own recycling site just west of the hill at James Park. There was an obnoxious odor caused by the site. The City tried to address the smell, but it was so pervasive that the neighbors could not enjoy their backyards. It was shut down by the City for many reasons, but initiated by the odor complaint. He said this type of business did not work out well before but if it is approved, it will be allowed as a special use in all districts. Even thought it is up to the Council, you would be hard pressed to say no to one, when you have said yes to another. He said the memo from staff indicated that the waste would be allowed on the site for no more than 24 hours on the weekend and said imagine if it was dropped off on Friday and not picked up until Monday in 90 degree weather. He asked that the Committee consider how much space should be allowed for this use, what kind of cover would be placed over the yard waste and said even if it were maintained, it could cause an odor. He said the conditions should be explicit in the Special Use and a container should be required for the waste and the special use should be rescinded if they do not comply. He said if it is allowed, he and his neighbors are the ones who will have to live with the smell.

Ann Brownelle of 616 Grey and a member of the North James Park Neighbors, and was actively involved in getting rid of the composting site near James Park which emitted the odor. She added that a landscape contractor and neighbor said she is opposed to the use at this site including receiving yard waste as well as selling mulch as some types of mulch have an odor. There is nothing dictating how it will be controlled in the Ordinance. She is also concerned about dust. The site is less than 2 blocks from their homes.

Al Maiden, Director of Planning for Rolf C. Campbell & Associates, 910 Woodlands Pkwy, Vernon Hills, said 75% of his work is for the public sector. He said he took the property owner, Scott Schoeller, as a client with the intention of working with the Plan Commission, Zoning Division and citizens to work together to make it work. He said the City already has some intense uses in I3 such as vehicle salvage and a recycling center. The owner of the property has used it for vehicle storage in the past but he wants to find a win/win situation for the property owner and the City too. Mr. Schoeller would like to pursue the Special Use for the center and clarified that the 24 hour limit is a regulation from the IEPA, from whom he must also obtain a permit, and that it is not a compost site. He said there would be one covered bin, collecting landscape waste from Evanston neighbors and obtain landscape materials for Evanston homes. Ald. Rainey clarified that he is representing the property owner.

Scott Schoeller of Contour Landscaping, who grew up in Skokie, has his business at 3501 Jarvis, Skokie, said he has owned the property owner for over 25 years, originally used the property for landscape storage and he rented it to a concrete contractor that used it for open storage. He explained that there is a distinction
between a landscape waste transfer center and composting. He said he is working within Illinois EPA guidelines and transferring the waste to a compost facility in a rural area.

At Ald. Wynne’s inquiry he said the bins would be conferring with the EPA and they would be required to be covered so rainwater cannot penetrate them. No waste would be obtained that would be too much to be covered. It is covered with a roof and kept dry. Mr. Griffin said the size of the containers would be detailed in the permit application. Ald. Holmes said Viola’s bins are much larger than a dumpster so that is an indication of how large they would have to be.

Jim Seckleman, owner of The Mulch Center in Deerfield and another location, explained that the landscape waste will be taken off the trucks each day and transferred off the site on average about 5 yards. The garbage waste trucks are about 40 yards. The bin the Scott and he have discussed would hold approximately 100 plus yards. They have trucks that hold 80 yards and some that hold 40 yards. Within a phone call they have trucks within an hour and the truck would be dispatched and taken off each day, 7 days a week. Chair Fiske asked Mr. Seckleman to clarify that there would be no waste left on site overnight and Mr. Seckleman replied that they are contemplating whether they’d have enough business to have a pickup on Sunday but he assured her they would be empty on a weekend.

Ald. Holmes moved to hold the item in Committee for further investigation, seconded by Ald. Wilson.

Mr. Griffin clarified that Ald. Burrus had submitted questions regarding some of the materials, how long the material stays and what the odors can be. Ald. Holmes asked for information about the size of the bins and operation hours. This information will be provided to the Committee. Ald. Wilson asked that the applicants meet with neighbors to explain to them what they would be doing, and to alleviate some of their concerns.

The Committee voted unanimously 5-0 to hold the item in Committee.

(P6) Ordinance 35-O-13, Enacting a New Title 5, Chapter 9 of the City Code to Require the Licensing of Vacation Rentals
Ordinance 35-O-13 enacts a new Title 5, Chapter 9 of the City Code to require the licensing of vacation rentals.

For Introduction

(P7) Ordinance 1-O-13, Enacting a New Title 5, Chapter 9 of the City Code to Prohibit Vacation Rentals
Ordinance 1-O-13 enacts a new Title 5, Chapter 9 of the City Code which bans vacation rentals.

For Introduction

Ald. Wilson moved to table Items P6 and P7 at staff’s request until the May 13, 2013 P&D meeting, seconded by Ald. Holmes.
The Committee voted unanimously 5-0 to table items P6 and P7 until the May 13, 2013 P&D meeting.

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 8:44 p.m.

Respectfully submitted,
Bobbie Newman