

**Planning & Development Committee Meeting
Minutes of December 14, 2009
Council Chambers – 7:00 p.m.
Lorraine H. Morton Civic Center**

Alderman Present: D. Holmes, L. Jean-Baptiste, A. Rainey, D. Wilson, M. Wynne

Staff Present: L. Walker, D. Marino, J. Brownlee, J. Chambers, B. Dunkley, G. Farrar

Presiding Official: Alderman Wynne

DECLARATION OF QUORUM

Chair Wynne called the meeting to order at 7:10 p.m.

APPROVAL OF THE NOVEMBER 23, 2009 MEETING MINUTES

The meeting minutes of November 23, 2009 were approved unanimously.

ITEMS FOR CONSIDERATION

(P1) Ordinance 122-O-09 Amending Various Portions of the Zoning Ordinance Relating to the Creation of the “Resale Establishment” Use

Mr. Dunkley gave a brief explanation of the proposed text amendment to the Zoning Ordinance, which would establish Resale Establishments as a use subject to acquiring a special use permit in the Business, Commercial, Downtown, Research Park and MXE zoning districts. This proposed amendment would create a new use or definition for resale and/or consignment stores as “A building, property, or activity where the principal use or purpose is the resale of donated clothing, furniture or other goods, products, or merchandise directly to the consumer.” This definition use does not include consignment stores or businesses that sell primarily cars, antiques and/or artwork. Mr. Dunkley said that in staff’s opinion, resale establishments have a much greater impact on their surrounding property owners due to the usual customary operation of numerous drop off of merchandise to such businesses. Resale shops do not have regular delivery times or set times for people to make drop offs, therefore many times items are left at the entryways or out in the open alongside the building which results in an unsightly situation and can also be noisy for the neighbors depending on what time drop offs or deliveries are made. Mr. Dunkley said that the Zoning Committee had three concerns which were 1) not to cause consignment shops to be defined as resale establishments, concern with small established stores, and future smaller resale shops. He noted that this proposed ordinance incorporates all the Zoning Committee suggestions. The draft zoning ordinance amendments also delineates between resale establishments under 5,000 square feet, which are a permitted use) and those above 5,000 square feet, which would be considered a special use. This square footage includes storage space needed for this specific use. Mr. Dunkley concluded that this proposed zoning ordinance text amendment was unanimously approved by the Plan Commission.

Ald. Holmes questioned the size of a 5,000 square footage store which seems pretty large in size for a resale shop. She noted that there are not many stores in Evanston that are 5,000 square feet, let alone any one resale shop that she could think of. Mr. Dunkley responded that number was considered to be used as a tool or guide because any retail above that square footage would require a special use permit, also it appears that the larger resale shops have a more negative impact on the immediate area due to their volume of business they create.

Ald. Rainey said that she agrees with having a separate definition for resale shops and this use should be taken out of the retail use. She is concerned with the delineation between consignment and donated resale use because it is confusing and should be defined more specifically. She expressed her opinion of the continuous drop off boxes around town for donated clothing which are very unsightly, disorderly and not well managed at all. She would like to see the discontinuance of such donation boxes. She also feels the Salvation Army Store on Kedzie looks like a flea market and is against their being allowed to operate in the method they have been doing for many years; it is unacceptable. Ald. Rainey also pointed out that it should be especially unacceptable for the use of any not-for-profit organization to operate business in that way since their property is off the tax rolls in commercial and business districts. She feels this is a situation that really needs to be looked at. Mr. Dunkley addressed the concern with the distinction between consignment and resale shop donations. Consignments are the resale of goods where payments are made to the donating party at the time of sale, whereas resale shops are strictly the sale of all donated goods. Ald. Rainey requested that this distinction be clearly worded in the proposed ordinance.

Ald. Wilson said that he is concerned how this text amendment will effect the resale of donations made to the school district #65 organization ESSKA. Mr. Dunkley explained that specific program is considered an accessory use by the school district and would not be affected by this proposed zoning ordinance text amendment.

In conclusion, the Committee agreed that additional language should be added to clearly define consignment resale shops to differentiate from new definition of Resale Establishments. Mr. Ferrer assured that Committee that he would look into the legalities of the two uses and their differences in definitions for clarification. The Committee also requested that staff do a review and analysis of all resale and consignment shops in Evanston and the square footage of each store be provided, especially the Salvation Army which appears to be the largest resale store in town.

Ald. Wilson moved approval for introduction of Ordinance 122-O-09 and be referred back to Committee for further discussion and consideration of the recommended change and requested staff report. Ald. Rainey seconded the motion and the vote was 5-0 in favor.

ADJOURNMENT

With no further business, the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Jacqueline E. Brownlee