5/13/09    Evanston Plan Commission

ZPC 09 PLND-0014

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CITY OF EVANSTON

PLAN COMMISSION

CASE NO.: ZPC 09 PLND-0014

RE: Zoning Code Updates Group A. To consider amendments to the Zoning Ordinance as part of the General Zoning Ordinance Updates, Phase 1-A.

Transcribed Report of Proceedings of a public hearing on the above captioned matter, held May 13, 2009 at the Evanston Civic Center, 2100 Ridge Avenue, 2nd Floor, Evanston, Illinois, at 7:04 p.m. and presided over by S. Opdycke, Chair.

PRESENT:

S. OPDYCKE, Chair  S. PETERS
S. FREEMAN  R. SCHUR
D. GALLOWAY  C. STALEY
J. NYDEN

STAFF:

B. DUNKLEY, Zoning Administrator
D. ARGUMEDO, Zoning Planner
S. GUDERLEY, Interim Asst. Director for Planning

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CHAIRMAN OPDYCKE: The Plan Commission is now called to order, quiet in the gallery. The Plan Commission is now called to order, we do have a quorum. The first order of business is approval of the February 11th and March 11th meeting minutes.

COMMISSIONER NYDEN: Motion to approve.

COMMISSIONER GALLOWAY: Second.

CHAIRMAN OPDYCKE: All those in favor?

(Chorus of ayes.)

CHAIRMAN OPDYCKE: Opposed? Motion carries.

We do have two members, happily two new members of the Plan Commission, Rich Schur and Scott Peters. Welcome aboard, gentlemen, it's very nice to have you here.

I do have a short bio from Scott Peters which I will read. Scott Peters is a Senior Lecturer and Director of Chinese Programs in Public Administration at the Stewart School of Business of Illinois Institute of Technology. He began practicing law in 1976 and received his PhD in Urban Planning and Policy in 1991. Since 1993 he has been teaching at IIT. Prior to that he practiced law in Chicago, specializing in energy and local government and constitutional law.

Much of his work involved advising local government and
developers about zoning, subdivision, and other land use
issues and economic development.

Since operational, financial, I'm sorry.

Recently, most of his teaching has been
directed to teaching management, urban planning,
transportation, urban design, governmental law, economic
development, international trade, and a variety of law-
related and security positions. He also teaches land
use law at IIT Law School, Chicago Kent College of Law,
and occasionally teaches urban-related courses at the
IIT School of Architecture.

He has lived in the Northshore area since
1959, and in Evanston since 1976. Since coming to
Evanston he has served on the Economic Development
Commission and the Zoning Board. He is married to
Suzanne Torri, an attorney, and has two children who are
in graduate school. Welcome.

Mr. Schur, I don't have an equivalent bio from
you, but if you would be so kind just to tell us a
little bit about yourself?

COMMISSIONER SCHUR: Sure. The last 30 some
years I've worked in the, actually the scrap metal
industry, in a very niche part, dismantling abandoned
railroads.
For the last 10 years I've been working as a consultant to various dismantling contractors, lawyers that have to deal with issues related to rail, and banks that loan money to shortlines.

I have an interest, a very strong interest in public policy, and have lived in Evanston since '76, and I think it's about time I got more involved. If I have any strength at all hopefully it's from a business perspective, but softened to the public side.

CHAIRMAN OPDYCKE: Thank you very much. I don't think we'll be dealing too much with railroads at the Plan Commission, but one never knows.

COMMISSIONER SCHUR: But if you do you know where to come.

CHAIRMAN OPDYCKE: Very good. And I understand, Mr. Schur, that you have not been formally voted on, is that correct, by the City Council?

MR. DUNKLEY: I don't know, I don't know.

CHAIRMAN OPDYCKE: You have been proposed, but I don't know if it has been an action item. Is that right?

MS. GUNDERLEY: I've got a, the letter says, congratulations on your appointment to the Plan Commission. Evanston is greatly enriched by your
talents.

I've got a letter saying that he has been appointed.

COMMISSIONER NYDEN: Susan, I believe it's --

MS. GUNDERLEY: I've got a letter from Rodney Green congratulating him on his appointment.

COMMISSIONER NYDEN: Susan, I think when, the concern from City Alderman were that he was appointed when there wasn't a vacancy, because Colleen didn't resign, I guess, until earlier this week. So when she went back and looked it wasn't, his name had only been read once. It was, like, for introduction and there wasn't that thing that --

MS. GUNDERLEY: Okay.

COMMISSIONER NYDEN: -- second round. I think that was the concern from a couple --

CHAIRMAN OPDYCKE: That pertains to Mr. Peters? Is that right, Johanna?

COMMISSIONER NYDEN: Oh, I think it is Mr. Schur.

CHAIRMAN OPDYCKE: Oh, Mr. Schur, I'm sorry, okay.

MR. DUNKLEY: I didn't attend the first, the recent Council meeting, I don't know if there were any,
I'm sorry.

Bill Dunkley, your Zoning Administrator. I'm not sure if there were any items that were up for action, there weren't, I didn't think there were.

However, an appointment takes two meetings, it has to be introduced and then action can only be taken at the next regular meeting. So the appointments were all introduced at the meeting before the 11th, the last meeting in April.

If they were not, if action wasn't taken on them then they are not formal, they're not, there's no action.

CHAIRMAN OPDYCKE: Well, if that's the case they cannot vote tonight.

MS. GUNDERLEY: I believe, I've got the letter from March, so that was March 24th when, you can --

CHAIRMAN OPDYCKE: So, Susan, it's your opinion that they have met all the --

MS. GUNDERLEY: I don't know about -- I wasn't aware that there was a second meeting that was involved in that. But Mr. Peters, just a minute, Mr. Peters' letter was in March, the end of March. So that would have given him both April meetings to have --

You know, if you want to be extremely
conservative I suppose you can hold off but I've got the
same identical letters for both of them, and the Mayor's
secretary has assured me, has given me the -- time of
their appointment.

CHAIRMAN OPDYCKE: Okay, all right. You have
letters in hand, that being the case then I think we'll
consider them voting members of the Plan Commission.
All right? Is there any discussion on that?
All right, then welcome aboard, as I've said
once before.

The next item on the agenda is committee
assignments. First of all, I would ask everybody on the
Plan Commission to take a look at the sheet that Susan
has distributed, which reflects the names of all the
members, their phone numbers, addresses, fax numbers, e-
mail, so on, and their committee assignments.

Would you take a look at that, everyone, and
see if it squares with your recollection and squares
with your understanding as far as committee assignments
is concerned?

COMMISSIONER BURNS: Excuse me. Do you have
to re-sign up for committees? So, for instance, I have
not been attending any rules committee meetings, don't
know if we've even had any recently.
CHAIRMAN OPDYCKE: That's sort of an ad hoc committee to begin with so it's convened as circumstances require.

MS. GUNDERLEY: I have not attended any either since Tracy has left. I believe the last ones were late last year, maybe in Mr. Staley can tell us --

COMMISSIONER STALEY: There have been none this year because I was just back in January and we didn't meet then, and in March there was nothing. So it was last December, I think, or November.

COMMISSIONER FREEMAN: I am on quite a few, and if it was possible I would like to drop Rules. We do have two new members, so maybe they can pick up one, but --

CHAIRMAN OPDYCKE: Well, if you'd like to drop Rules that will certainly be allowed. I mean, these are voluntary --

COMMISSIONER FREEMAN: I just, you know, I have, that's three plus this and it's --

COMMISSIONER NYDEN: I think the one, everyone has to be on at least one committee.

COMMISSIONER FREEMAN: Right.

COMMISSIONER NYDEN: Or be a liaison to something.
COMMISSIONER FREEMAN: Well, I'm on the Zoning and I'm on Economic Development. So I'd take, I'd switch David Parking for Rules.

CHAIRMAN OPDYCKE: Well, David says no to that. But you're dropped, consider yourself dropped from Rules.

COMMISSIONER FREEMAN: Thank you.

COMMISSIONER NYDEN: And if nobody objects I'd like to take Colleen's spot on the Community Development Committee.

CHAIRMAN OPDYCKE: Okay. Any discussion as far as that particular committee assignment is concerned? Community Development Committee, Johanna would like to serve in that capacity. All those in favor say aye.

(Chorus of ayes.)

CHAIRMAN OPDYCKE: Opposed? Okay, Johanna, you're the Economic Development Committee. All right. Anything else as far as committee assignments is concerned?

MR. DUNKLEY: I don't know if it makes a substantial difference but I would like to point out that the Zoning Committee actually meets on the third Wednesday of each month in the note at the bottom of the
MS. GUNDERLEY: -- the new members --

CHAIRMAN OPDYCKE: Oh, yes, the new members should automatically be on Zoning, you know, really.

MS. GUNDERLEY: We have only really two standing committees, one is the Neighborhood Committee, which is on a hiatus right now, we're not really doing any neighborhood planning. But we have the Zoning Committee, which is the other one.

And actually, the last assignments, and the members, its membership made up basically the entire Plan Commission minus one member.

We can talk a little bit before you make a decision as far as that. So that is an option. There is the Rules Committee also, and that, for the most part, reviews the By-laws, talks a little bit, not only about just the formal rules and procedures but also just practices and, practices of the Plan Commission.

I think their latest topic, and Mr. Staley can elaborate on this, was talking about how to improve the public participation experience in the City. So, and they had kind of a list of things to do in that. So those are the two formal committees that we have right now.
COMMISSIONER STALEY: Hasn't that been informally presented to the Plan Commission? Because when I was looking through minutes I saw, I think you actually, or someone, because we had three or four things, you know --

MS. GUNDERLEY: I think I --

COMMISSIONER STALEY: We talked about a separate, you know, a separate place where the people to seat in a way so that people didn't stand up like cattle, and then, what, three to five. I thought that had been presented at some level to the --

MS. GUNDERLEY: That was kind of off the top of the head at one meeting because we didn't have the formal --

COMMISSIONER STALEY: Right.

MS. GUNDERLEY: I think that was the hand-off meeting. And so if that summarizes the gist of what it was we can do that.

COMMISSIONER STALEY: No, no, I just know we need more --

MS. GUNDERLEY: You know I'm just, Chairman, I was thinking that if the two members would like to chat a little bit more, think about it in terms of what they, you know, if they wanted to chat with me they're
certainly welcome to do that and, as they make up their mind.

CHAIRMAN OPDYCKE: Okay, thank you. My suggestion would be to the new members that you sign on to the Zoning Committee, because that's a real working committee and it lies at the heart of much of what we do here. But the choice is up to you, but I would strongly recommend that you sign onto that particular committee in addition to any other ones that you would like. All right?

So perhaps you can tell us at the next meeting, or you can call Susan during the week and indicate your preferences. All right?

Now we go to Item No. 4, Continuation of the Zoning Ordinance Text Amendment. Mr. Dunkley?

MR. DUNKLEY: Good evening everyone. Tonight we have what appears to be two items, each corresponding to the two groups of Zoning Ordinance Text Amendments that were presented to the Zoning Committee.

And they kind of run together now at this point because we, the Zoning Committee took action on both items, I should say subsets of both items, as a single motion and I believe that we will move them forward in terms of a Text Amendment Ordinance as a
single item.

And those pieces that were voted favorably in the Zoning Committee are identified as in the, on the agenda tonight. However, if you'd like to take them separately for consideration this evening that would work as well.

The additional information that has been handed out to you tonight is the draft ordinance text to implement each of the recommended changes. And I'd like to start of by giving you a few notes about how this was put together.

The two agenda items, A-1, which is correcting a typo and error in the B-1 District Setback Regulations. And Item A-4, which is reformatting all of the parking setbacks sections of all districts. Those have been combined into one section of the proposed ordinance text because they both deal with the same actual text, and especially in the B-1A District.

The same, I'll skip to the last, to the third note here. The same note but it considers, it has to do with item B-1, which is car and truck rental definitions, and B-4, which is altering the Rooming House Definition. Those are both combined into one section, being Section 6 of the proposed ordinance
because they both make changes to Chapter 18 the Definitions chapter.

The second note is concerning the Item A-4 and that is parking setbacks. No, it's A-4 on your agenda, Parking Setbacks in All Zoning Districts. And that includes in the draft text only the changes to the residential districts in Chapter 8. Those, that will be expanded to include all districts.

It's just a heck of a lot of work, and we would beg your indulgence on that. We think we've given you a good understanding of what it is and the formatting changes we'd like to make. But that section is incomplete as far as the total subject matter and we will continue to expand that certainly before it gets reviewed by our law department.

The last note is that Item A-3, which concerns the reformatting and representing the text that is in Appendices A and B of the Ordinance. Appendix A being called Use Matrix and B being called the Bulk Matrix. And re-titling those appendices to more useful, more intuitive titles does not require a Text Amendment, because those appendices are not formally part of the Zoning Ordinance.

There are other appendices that are, but it
would do us no good to put together a Text Amendment because that there is no text to amend as far as the Ordinance is considered. However, we may move those forward as a resolution, which may make sense. But it's really, I'm sorry?

COMMISSIONER FREEMAN: You just confused me.

MR. DUNKLEY: It's a confusing situation. The Zoning Ordinance itself, Chapters 1 through 18, we all agree are part of the Zoning Ordinance. They are codified, they are made to put online, we have to go through many, many steps to change those.

If you look at the appendices --

COMMISSIONER FREEMAN: They're not part --

MR. DUNKLEY: No, that's not true. Part of the appendices are part of the Zoning Ordinance, part of them are not, Appendices A and B are not. That's part of the reason why they are not correct. They have not been updated as parts of the Zoning Ordinance have been updated.

COMMISSIONER FREEMAN: I recall --

MR. DUNKLEY: Yes. Some of the others, such as the filing or application requirements, those are part of the Ordinance. Although, I believe that in a meeting in the near future we may have proposed taking
them out, removing them from the Zoning Ordinance because frankly our requirements change fairly often as our processes change.

And having to submit a Text Amendment so that we can add or subtract or change anything that's in that list is onerous. And because it also opens ourselves up, opens any case up to minute scrutiny in terms of what's been submitted and what is not.

So those are the prologue notes. The remainder of the document, it proposed implementation through Text Amendment text for each of the items that was proposed, that was voted at of the Zoning Committee meeting last month.

Some of them are pretty voluminous, those that have to do with widespread formatting changes, some of them are nicely concise. Nothing in here, I believe, is any different from what we've discussed at the Zoning Committee.

If you have, I'm sorry, there is one, there is one change. In implementing Section 7, which has to do with defining parking requirements based upon pew seating or bench seating for religious institutions. That originally was proposed as a separate subsection in Chapter 16. And in consultation among staff we thought
it would be much more noticeable if it were put directly
in the parking requirements table.

And that, so that now would read, for
religious institutions one parking space for each 10
seats, or for each 18 inches of pew or bench seating in
the main auditorium. That's what would be the only
required change.

CHAIRMAN OPDYCKE: We don't have to take that
back to committee, do we, to get that one change in
there?

MR. DUNKLEY: No.

CHAIRMAN OPDYCKE: Okay.

MR. DUNKLEY: I'm sure, as you know, the Plan
Commission is free to adopt, reject, change a
recommendation from a committee as it sees fit.

With that I'd --

COMMISSIONER STALEY: Stuart, and this is not
facetious and is no way, but does that 18 inches come
from some study or something, because it seems small to
me?

MR. DUNKLEY: We had lots of discussion about
that.

COMMISSIONER STALEY: Just looking at the
public, as I do, I'm wondering how 18 inches is going
COMMISSIONER FREEMAN: That's standard.

COMMISSIONER STALEY: That's standard?

MR. DUNKLEY: Believe it or not, most every seat you sit on is at most 18 inches. And that also is a standard width in, among the building, all the building codes we've identified. In the building code that we use it is, 18 inches is a standard seat width. That is also the standard for every Zoning Ordinance that I've seen at, that does, that makes such a definition.

COMMISSIONER STALEY: You would make it, I'm sure anybody else --

CHAIRMAN OPDYCKE: First Presbyterian Church, I think, would go for 20 inches, maybe the Unitarian 16.

MR. ARGUMEDO: Just a quick note on that, we got that from the International Building Code. And also I did go around the office and measured all our chairs, they all were 18 inches.

COMMISSIONER FREEMAN: I'm glad that's what you were measuring.

COMMISSIONER STALEY: You measured all the seats? Is that what you said?

MR. ARGUMEDO: Yes, our office chairs, because
18 inches sound small to me too. But then I was like, no, they're coming out at 18 inches. So just to add some more background to that right there.

COMMISSIONER BURNS: Well, I'd like those airplane seats to be a little wider myself.

CHAIRMAN OPDYCKE: Well, Bill, do you want to take us through these various items?

MR. DUNKLEY: Certainly.

CHAIRMAN OPDYCKE: Schedule A, and B, and so on? Start out with A.

COMMISSIONER FREEMAN: These are to the changes and everything that we agreed to in the meeting last month. Correct?

MR. DUNKLEY: That's correct.

CHAIRMAN OPDYCKE: Right.

COMMISSIONER FREEMAN: I didn't see anything that really stuck out.

MR. DUNKLEY: We've reviewed all of these proposals. What you're finding in front of you is just, is the zoning text that we promised you that would, it would implement them. But I'll be glad to walk through them.

CHAIRMAN OPDYCKE: I should mention to the new members that each one of these recommendations has been
v vetted through the Zoning Committee, and it comes now
for formal endorsement by the Plan Commission, which is
the required protocol.

But, nevertheless, I do have some questions on
some of them. So if you could go through them one at a
time?

MR. DUNKLEY: I'd be glad to.

COMMISSIONER FREEMAN: Which document are we
looking at?

MR. DUNKLEY: The one that was delivered to
you this evening.

COMMISSIONER FREEMAN: The one that was
tonight?

MR. DUNKLEY: Yes, it says 2009 Zoning
Ordinance Update, Proposed Text Amendment 1, that will
gain a number --

CHAIRMAN OPDYCKE: Well --

COMMISSIONER FREEMAN: Okay. So not the thing
that came in our packet?

MR. DUNKLEY: No, its additional material to
the packet materials.

COMMISSIONER STALEY: I don't know if I have
that.

CHAIRMAN OPDYCKE: There should be --
COMMISSIONER STALEY: I think we need another one. Do we have another copy?

MR. DUNKLEY: Yes.

CHAIRMAN OPDYCKE: There should be about a six-page supplement to this that says at the top Zoning Ordinance Updates Phase 1. And it starts at the very top with A-1.

COMMISSIONER FREEMAN: -- package, right?

CHAIRMAN OPDYCKE: That's what came in the packet.

MR. DUNKLEY: Yes, that was delivered --

CHAIRMAN OPDYCKE: And that explains the various changes.

COMMISSIONER FREEMAN: -- which one, the one that was given to us today, right?

MR. DUNKLEY: Yes. That explains the changes in layman's terms. And the supplement that you got tonight takes that a step further towards Zoning Ordinance text, and shows you the sections that we will be proposing for the actual Text Amendment.

COMMISSIONER GALLOWAY: Excuse me, Bill, is your microphone on?

MR. DUNKLEY: Hello? Yes.

COMMISSIONER GALLOWAY: Okay. I'm not hearing
you very well, so maybe you need to --

MR. DUNKLEY: I can speak up.

COMMISSIONER GALLOWAY: Yes, thanks.

MR. DUNKLEY: I don't see a volume control there.

MR. ARGUMEDO: No, there's no volume.

MR. DUNKLEY: Okay, let's try it now. So, Mr. Chair, would you care to go, which material would you care to step through?

CHAIRMAN OPDYCKE: Well, I'd like to go through the, the text changes, you know, it's really something that we should study. I haven't had an opportunity to look at the text because it was given to me tonight as I walked in. So I'm not prepared to ask any questions about the text changes. But I am prepared to ask some questions perhaps about the six-page supplement that was in our packet that I had had a chance to review.

COMMISSIONER STALEY: Okay. Then I'll be glad to --

CHAIRMAN OPDYCKE: So perhaps if you would just go through these various recommendations. I don't think you have to go into a lot of detail, but if you would just describe them generally I think that would be
sufficient, and we'll take whatever questions there are.

COMMISSIONER FREEMAN: What is the outcome of
going through these? Are we supposed to voting on this,
or are we voting on this tonight?

MR. DUNKLEY: I would propose to you that they
are both the same, it's a different format. I'd be glad
to actually go through them both in parallel so you can
see what we have reviewed, and it's the same material
that you've seen in Zoning Committee, and what that
corresponds to in the zoning, the Text Amendment
proposal that you saw, that you have tonight.

COMMISSIONER GALLOWAY: That seems to be
efficient.

MR. DUNKLEY: Efficient, yes.

Okay. Item A-1, very straightforward,
correcting an error in the B-1A Business District
Setback Requirements.

We have a situation where the text actually as
included, and we checked the original Ordinance, the
original Text Amendment, is self-conflicting. And that
occurs in the yard requirement specification Section 6-
9-5-7. And it identifies for the rear yard requirements
subsections G and H.

Subsection G refers to the rear yard
requirement when abutting a residential district. And H refers to the rear yard requirement when not abutting a non-residential district.

COMMISSIONER FREEMAN: And we caught it --

MR. DUNKLEY: We've gone for a few years actually with not having an issue. But recently we actually ran into this.

So we would propose that in fact the, when abutting a non-residential district generally our yard, no, I would say ubiquitously our yards requirements are larger. So, I'm sorry, it's the other way around. When abutting a residential district the yard requirement is larger for the non-residential district.

Therefore, we propose removing the word, not, from Subsection H and making all, making it all, well, we would propose that that would be correct.

CHAIRMAN OPDYCKE: Where does one find that now in the supplement that was given to us tonight?

MR. DUNKLEY: That is on the, in Section 1, which is the, which is page two. I'm sorry, if I refer back to my own notes that will be, that has been combined into --

Okay, Items A-1 and A-4 have been combined in the same section, which is Section 2 of the Ordinance,
of the proposed Ordinance. Section 2 begins on page
four. This section reformats all of the yard
requirement sections in all of the zoning districts.
Rather than specifying a change to the content of B-1A
yard requirements and then further on in the same
Ordinance reformating that very same section it would
seem to be more efficient to do everything in one place.

However, as noted, this draft code includes
only sections, Districts R-1 through R-6 and will be
expanded to include all other districts including the
B's, C's, D's, I's, M's, et cetera, et cetera. And that
change, that rather meager change will be identified as
part of the B-1A District Update.

COMMISSIONER STALEY: Where is that meager
change on this?

MR. DUNKLEY: It is not yet here because we
only have the suggesting reformating for the R
Districts. It turns out this is a lot of work to pull
this together, and we have been working diligently on
it. However, having it prepared for you tonight for all
districts --

COMMISSIONER FREEMAN: it's just repeating it
by district.

COMMISSIONER STALEY: I see.
MR. DUNKLEY: Yes, it's one of those that has the, it's a rather straightforward change repeated for every district in the code.

CHAIRMAN OPDYCKE: But you want us to approve all the text change tonight for all these recommendations. Is that right?

MR. DUNKLEY: Normally we wouldn't even have text until this matter got to the Planning and Development Committee. Normally that, our Ordinance is written by the legal department after an item leaves the Plan Commission. And we forward to them all of the, everything including the notice, all of the transcripts, any of our, all of our materials, and they actually write the Ordinance.

We are actually ahead of the cycle by having text here to review. We really would like for this to move fairly smoothly, and we thought that having that text here for you to refer to, or to make a motion upon, would help things.

CHAIRMAN OPDYCKE: I mean, personally I trust your judgment on this. But --

COMMISSIONER PETERS: The problem is that the statute requires that there be a hearing on the text prior to its being amended. And --
MR. DUNKLEY: That's a big kettle of fish you're opening there.

COMMISSIONER PETERS: If we're called to have a hearing on the text without the text. I'm not criticizing you or the law department. I'm just noting that the statutory requirement is that you have a hearing on the text change.

MR. DUNKLEY: Is that on the verbatim, in the verbatim text change, or is it on, the format that that's taking, I think, is what you're going to question.

COMMISSIONER PETERS: I'm not, I think it wouldn't be, you know, it's not about reformatting, it's about the text.

CHAIRMAN OPDYCKE: Well, what would you have us do, Bill, as far as these text changes?

MR. DUNKLEY: I would have you take action on the materials that were sent out in your packets, which describe the content change of each of the items.

CHAIRMAN OPDYCKE: Okay, okay.

MR. DUNKLEY: So at this point I would have you throw this away, it seems to be complicating the issue.

CHAIRMAN OPDYCKE: Okay.
MR. DUNKLEY: The one we handed out tonight, yes.

CHAIRMAN OPDYCKE: Okay. Is there any questions on that from anyone? Okay.

COMMISSIONER FREEMAN: I do have a question, Bill, concerning the side driveway parking. We had a conversation in the Zoning Committee and I thought we were, that that was one issue that was --

CHAIRMAN OPDYCKE: Well, let's take it A-1, let's take it A-1 all the way through to A-7.

COMMISSIONER FREEMAN: That's, okay. That was the first thing we're talking here, right, parking and on the side residential R-1?

MR. DUNKLEY: B-1A is Item A-1.

COMMISSIONER FREEMAN: Wrong B-1, sorry, okay.

MR. DUNKLEY: No, we're on A-1.

CHAIRMAN OPDYCKE: Okay. So let's, then let's scoot along with A-1.

MR. DUNKLEY: And I thought this would be --

CHAIRMAN OPDYCKE: It's just eliminating a double negative essentially, isn't it?

MR. DUNKLEY: Yes, sir.

CHAIRMAN OPDYCKE: Okay. Any questions on that?
COMMISSIONER STALEY: Do it, do it.
CHAIRMAN OPDYCKE: And we'll have a motion at the end of all this approving, I suspect approving these recommendations in --

All right, Item A-2.

MR. DUNKLEY: A-2 has to do with a section regarding Office Use in Residential Districts, that is we would propose it is placed, it is put in Section 4 or Chapter 4 of the Zoning Ordinance, which is reserved for items that affect all zoning districts citywide. This item only affects residential districts.

We propose that it's also mis-named or confusingly named as office. It took me about six months to even realize this section of the code was even there. It's fairly important, especially when you consider office as a special use in residential districts,

We propose to move that from Chapter 4 to Chapter 8, which is the residential districts chapter of the code, and to re-title this section, which is boilerplate text, really it's repeated verbatim in four of the residential districts, R-4, R-4A, R-5, and R-6. To change the title from Office to Special Conditions for Office Uses.
We've also proposed to remove the double cross reference that exists currently that has left one of the, has actually left the current Section 6-4-9 incomplete, or incorrect, because it does not refer to the R-4A district, which was added after Section 6-4-9 was added to the Ordinance.

So we propose to remove that and have, that'll only be a one-way cross reference, thus removing any possibility of it becoming in error in the future.

So what does that mean? That means we would like to move Section 6-4-9 from Chapter 4 where it doesn't belong to Chapter 8 where it does belong. It would then be Chapter 6-8-11. Removing it from Chapter 4 is easy because it's the last subsection of that chapter.

We'd like to re-title the section from Office to Special Conditions for Office Uses. And we would like to remove the cross reference from that section where it explicitly refers to the zoning districts R-4, R-4A, R-5, and R-6. To remove that and have it make a general reference that states, in districts where it is listed as a special use office use may occur based on the following conditions.

If you look at the original text you can see
it specifically refers to R-4, R-5, and R-6 erroneously excluding R-4A. So we think that would clean things up.

CHAIRMAN OPDYCKE: Any questions?

MR. DUNKLEY: Item A-3 --

CHAIRMAN OPDYCKE: Yes.

MR. DUNKLEY: -- refers to the current Appendices A and B which are titled Use Matrix and Bulk Matrix. And we'd propose to change the formatting of those appendices, they don't actually contain any new content at all, they are reformatting of existing content. But they are very, very useful and feel that they are not used because the titles don't draw your attention to the actual subject matter, they don't let you know that there is useful material in here, or when you might want to refer to them.

They are also incorrect currently because they have not been updated because of what I mentioned before, they're not actually part of the Zoning Ordinance. We also would like to be able to hand these out as standalone documents because they are so useful.

In the previous packets we distributed what we'd proposed. I have received comment on them, and in your last packet you should have received the proposed update to Appendix A. We now call it Allowed Uses by
Zoning District. And we have actually included, they said it couldn't be done, but we actually included all of the uses that have definitions that are referenced in this table as in this document.

So we would like to make this available again through our website, through our collateral materials for the Zoning Office. And we would hope that that would lead to enhanced user-friendliness and fewer questions and fewer, less misinformation.

Appendix B we propose to exchange the current bulk matrix, which is the equivalent, or the analog of Appendix A rather than identifying the uses which are allowed and which are, sorry, which are permitted and allowed by special use. It identifies the bulk requirements for each district.

And we propose that those would be replaced by what we call our Reg Sheets, our one-page double-sided summary of district regulations for each district.

We've generally found we've gotten good what we call traction on those items, they seem to be very useful, they're getting a lot of, folks are referring to the ones that we have published so far. It was suggested that we include those items to cover all zoning districts, we agreed to that, and we still agree
to that. And we are generally adding them as I can assign staff to get those tasks done.

CHAIRMAN OPDYCKE: Well, Bill, let me ask you, what's your, what do you intend, you've got excerpts from the definitions chapter 18. Do you have any plans for a definition section? I mean, these are excerpts.

MR. DUNKLEY: These are all of the uses that have definition in the Ordinance. It's generally every use that is identified in the Zoning Ordinance generally does not have a definition because many of them are left up to the reasonable interpretation of that definition.

CHAIRMAN OPDYCKE: Okay, all right.

MR. DUNKLEY: Those items where we have had questions, where we've had concerns, where we have definitions that are no longer useful, we have and will continue to propose updates to those definitions. We have some new ones that are in this pack of changes, and there will be others as we move forward that are maybe more challenging.

CHAIRMAN OPDYCKE: I notice that some of the definitions are not complete.

MR. DUNKLEY: Yes, okay. Many of the definitions include at the very end examples of what that, what is included and what is not included or
specifically excluded from that definition.

We have not included those here. It would probably not double, but it would certainly add I'd say about 50 percent to the amount of space we use. If this Commission feels that that would be in error or misleading we would --

COMMISSIONER FREEMAN: Bill, do you define anywhere where they can get the full definitions?

MR. DUNKLEY: Chapter 18, it's in the title, Use Definitions Excerpts from Chapter 18 of the Zoning Ordinance.

COMMISSIONER FREEMAN: Well, why don't you put in here, please refer to Chapter 18 for complete definitions.

MR. DUNKLEY: We certainly can do that.

CHAIRMAN OPDYCKE: Yes, I think that's a good idea.

MR. DUNKLEY: Absolutely.

COMMISSIONER FREEMAN: We've got a lawyer down there, but --

COMMISSIONER PETERS: It would be customary to have that reference. And it's also customary that the matrix like this is not part of the Ordinance to avoid the situation where someone comes in and the matrix says

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one thing and the Ordinance says another, and the
Village is in trouble. So it makes sense to have the
cross references clear.

MR. DUNKLEY: Yes.

COMMISSIONER PETERS: And maybe even make the
introductory language just a little sharper to tell
people this isn't the Ordinance.

MR. DUNKLEY: Yes. We've tried to do that at
the end of the text there. It says, I'll read it for
you, this chart is provided as a summary of the
regulations found in the Ordinance but is not a
substitute for the Ordinance. And --

COMMISSIONER PETERS: There's an awful lot of
work in here and I appreciate what I see tonight.

COMMISSIONER FREEMAN: It does clearly say in
bold there always consult a current copy.

MR. DUNKLEY: Yes, well, we can see if we can
find a way to really make that clear to users.

COMMISSIONER PETERS: It's very nice, it's a
lot of work.

CHAIRMAN OPDYCKE: Yes, your effort has not
gone unnoticed.

MR. DUNKLEY: Thank you. I will pass that
along to staff.
CHAIRMAN OPDYCKE: Are we still working on a recreation center definition? I think we are, or we didn't leave that for another time? Remember we had a go-around on the definition of a recreation center, committee meeting, or community center.

COMMISSIONER FREEMAN: Community Center.

CHAIRMAN OPDYCKE: Is that what it was? A community center, I guess it was a community center.

MR. DUNKLEY: Yes, that will be before you very soon.

COMMISSIONER FREEMAN: That's right, that's Zoning Committee.

CHAIRMAN OPDYCKE: Fine. Any further questions on this? All right, moving right along.

MR. DUNKLEY: All right. Item A-4 is the largest section, I think, of the supplemental materials. And that is reformatting the yard requirements section of all of the zoning districts.

We have a situation where parking requirements, particularly where parking is allowed and not allowed is included right within the language of the yard requirements, and is very difficult to interpret, particularly in cases where parking isn't referenced. That then begs the question of if there is no text is
parking allowed or is it not allowed in that required yard.

And in an effort to be more consistent and more specific in our regulations we found that pulling the parking requirements out into a separate table immediately following the text that is currently there adds quite a bit of clarity to what the Ordinance is actually requiring.

And we have all of those broken out for the residential districts. And, of course, it will, this will apply to every district where --

COMMISSIONER PETERS: What page are you referring to?

MR. DUNKLEY: It's on page A-4, Item A-4 of this document.

CHAIRMAN OPDYCKE: It's on the back side of, try to conserve paper here by printing on both sides.

MR. DUNKLEY: And if you look at the supplement that was handed out tonight on page four, how about that, it goes through to show the actual change as proposed.

CHAIRMAN OPDYCKE: What page is that on, bill?

MR. DUNKLEY: It's on page four.

CHAIRMAN OPDYCKE: Four, okay.
COMMISSIONER PETERS: On page nine you have, in the supplement, the reference to prohibited parking.

MR. DUNKLEY: On page nine?

COMMISSIONER PETERS: I think so.

MR. DUNKLEY: And that's under --

COMMISSIONER PETERS: -- Text Amendment 1 page nine in the package that was handed out tonight.

MR. DUNKLEY: This one --

COMMISSIONER FREEMAN: That's for the R-6, so it goes through R-1 through R-6 it all repeats itself, right?

MR. DUNKLEY: Yes.

COMMISSIONER FREEMAN: Is that what you're referring to?

MR. DUNKLEY: Yes.

COMMISSIONER FREEMAN: On page nine it's just a repeat.

COMMISSIONER PETERS: So there'll be a separate parking section for each district?

MR. DUNKLEY: For each district, yes.

COMMISSIONER PETERS: You might title those parking in required yard, just to clarify.

MR. DUNKLEY: I think that makes sense.

COMMISSIONER FREEMAN: So, you know, we had a
conversation about my neighborhood and no alleys, and
driveways basically, you know, cutting through the
sides, you have one.

COMMISSIONER SCHUR: Next door to me.
COMMISSIONER FREEMAN: Next door, it's next
door to you, it's not yours?
COMMISSIONER SCHUR: Right.
COMMISSIONER FREEMAN: So, you know, and so
people who have that situation are in violation. Is
that correct? Parking on the side of their house. And
so --

MR. DUNKLEY: Yes.
COMMISSIONER FREEMAN: -- we do it, my
neighbors do it, they share a driveway where, like, two
homes actually park on the side of their home, they've
got four cars lined up, there's no place else to put the
cars.

MR. DUNKLEY: That is what we hope to clarify.
It can be construed currently in the items where if
there is no text that that is, that it is allowed.
There's other parts of the Ordinance that come to play,
for instance, all of your on side parking has to be
within 30 feet of the rear lot line.

COMMISSIONER NYDEN: Would this just be a non-
conforming situation? I mean, --

MR. DUNKLEY: It's possible, it could be if it were, if that situation were legal at one point, at the point in which the lot was developed then it would be a legally non-conforming situation and allowed to continue but not be expanded.

COMMISSIONER FREEMAN: Okay, so, I mean, you know, I know three homes right now that are, you know, and, I mean, --

MR. DUNKLEY: Do you know when the house was built?

COMMISSIONER FREEMAN: 1888.

MR. DUNKLEY: Are you serious?

COMMISSIONER FREEMAN: 1888 was mine, I don't know when the one up the block was. My neighbors was moved here maybe in the '20's.

MR. DUNKLEY: Was there, were there cars then?

COMMISSIONER GALLOWAY: They didn't have cars then.

MR. DUNKLEY: We could research that.

COMMISSIONER PETERS: Do you have any idea how many situations there are like that? I can think if four or five in my neighborhood.

COMMISSIONER FREEMAN: There's quite a few.
MR. DUNKLEY: I'm sure there are quite a few. We have a big zoning eye in the sky that continually finds zoning violations. But, no, if we find three or four there is a lot more.

But if necessary --

COMMISSIONER FREEMAN: If you're walking down Wesley there are, it's all up and down Wesley --

COMMISSIONER NYDEN: It's all over Evanston.

I mean, --

COMMISSIONER FREEMAN: -- where they don't have the back alleys. And --

MR. DUNKLEY: It may not be --

COMMISSIONER FREEMAN: So I'm concerned about, you know, approving ordinance changes to ordinance that already exists that really don't accommodate what is reality on the ground in this town. But reality --

MR. DUNKLEY: That's why we have --

COMMISSIONER FREEMAN: -- reality for, I think, a good percentage of homeowners.

MR. DUNKLEY: That's why we have Chapter 5 that addresses non-conforming and non-complying structures and uses. That, I don't think what we're doing here changes that at all. I think it's an issue if we are not precise in our language and in what the
requirement is because we can't enforce and administer anything.

COMMISSIONER PETERS: But if you have a fire and you lose the residence and there's no alley and no space to bring a driveway to the backyard then the problem is not solved by legal non-conforming use chapter. And that's a foreseeable event.

MR. DUNKLEY: If it were a non-conforming use, and we can go into Chapter 5 here if you'd like, some people never come out of it. We have that problem everywhere. If a structure is destroyed it can only be rebuilt if it is in conformance with the Zoning Ordinance.

The question we bring up here is is it legal non-conforming or is it not? And I believe we need to be unequivocal about that state since it is, since a lot of investment is riding on that very item.

We got a situation here where we don't know what the ordinance specifically states and it's open to all kinds of challenge for parking requirements in certain situations such as side yards. And I believe that we need to be clear about that because --

COMMISSIONER PETERS: Should there be an exception for those places where there is no alley?
MR. DUNKLEY: I don't think I can answer that at this time.

COMMISSIONER PETERS: Therefore, no alley access to the backyard.

COMMISSIONER FREEMAN: My perspective as a home like that, yes. You know, and I, you know, my neighbors that live on Lake there's oftentimes when they can't even park on Lake.

COMMISSIONER PETERS: I'm certainly in agreement that where there's an alley it's not very nice for the City to have a front yard or a side yard filled with cars.

MR. DUNKLEY: May I ask, is this a specific concern over a specific proposal?

COMMISSIONER FREEMAN: We're asking to vote on in any of these from R-1 through, right, you know, the parking, side yard, abutting the street side yard is prohibited parking.

MR. DUNKLEY: I'm sorry, where specifically are you looking? R-1?

COMMISSIONER FREEMAN: Page four, parking, D, if you go to page five, parking D, page six, parking D, page seven, it's under every section for the -- And the only reason I brought it up is because
you referenced --

MR. DUNKLEY: And the current --

COMMISSIONER FREEMAN: -- proposed Text Amendment.

MR. DUNKLEY: And when we have the side yard abutting the street that is, that's the, I believe, the only place where we have a restriction on residential parking.

COMMISSIONER FREEMAN: No, it's on side yards too, isn't it? Oh, for non-residential, okay.

COMMISSIONER STALEY: Point of self-interest, my own house. What happens if you got a situation where you have a garage that is part of your house and it accesses directly off the road and has always.

MR. DUNKLEY: A garage that's part of your house is treated as a residential structure.

COMMISSIONER STALEY: Well --

MR. DUNKLEY: It's part of your residential structure.

COMMISSIONER FREEMAN: You're not allowed to park on the, in the driveway in front of your house?

MR. DUNKLEY: This is open parking, not enclosed parking.

COMMISSIONER STALEY: No, I got a ticket
COMMISSIONER FREEMAN: For parking in the driveway in front of your --

COMMISSIONER STALEY: No, from the sidewalk to the street. No one has ever suggested I can't park in my own yard in the driveway. I mean, that would --

COMMISSIONER FREEMAN: Just us. That would parking in your front yard.

MR. DUNKLEY: No, you can never park in your front yard, that's always been --

COMMISSIONER FREEMAN: Right, even if it's the side. So in your instance, and there are other instances in my neighborhood as well, and not my home, that the garage is attached to the side of the house, you have a driveway in front of that garage which cuts across your front lawn. This Ordinance says you can't park on that driveway.

MR. DUNKLEY: May we, I believe we're going somewhere that is way beyond the item that is in front of us.

COMMISSIONER FREEMAN: Okay.

MR. DUNKLEY: What is in front of us is essentially a reformatting of the information of the requirements that are currently in the Ordinance. We
have not made up anything new.

COMMISSIONER FREEMAN: Okay, so --

COMMISSIONER PETERS: Maybe it should be amended. If you have a large number of locations in Evanston --

MR. DUNKLEY: That is a real possibility. But I suggest to you that it is not on the agenda tonight.

CHAIRMAN OPDYCKE: Right, right. Let's confine our comments and suggestions to the narrow issue that is before us.

COMMISSIONER FREEMAN: Which is just --

CHAIRMAN OPDYCKE: And there may very well be a time when we can explore these other issues that you raised.

COMMISSIONER FREEMAN: -- approving the modifications to the existing code regardless of whether or not the code's fair and needs modification.

CHAIRMAN OPDYCKE: Right, that's basically correct.

COMMISSIONER FREEMAN: Okay.

MR. DUNKLEY: Yes, I would stay away from the word modification. We are reformatting it for clarity.

COMMISSIONER FREEMAN: How do we get on the, in the zoning meeting to make modifications?
CHAIRMAN OPDYCKE: Maybe we can deal with that in Phase 3.

COMMISSIONER PETERS: You would put that in your report.

MR. DUNKLEY: It can be a reference, I'll have to look through our rules, I'm not sure if the Plan Commission can make a reference. That would be essentially putting the fox in charge of the henhouse because you folks basically are the gatekeeper for any text amendment. So for you to propose a change is a challenge.

COMMISSIONER FREEMAN: I just asked how.

MR. DUNKLEY: Certainly a reference from the Planning and Development or the City Council, Planning and Development Committee or the City Council as a whole. Any affected, any property owner can petition for a text amendment. Staff can propose, as we are here, updates. So there are ways.

COMMISSIONER FREEMAN: I assume, in general, nobody gets tickets for this today. But I assume that if there is any type of issue such as property damage as a result of a car being parked on the side of a house, I guess, complaints, then it becomes an issue. Correct?

MR. DUNKLEY: It becomes an issue for us when
we receive a complaint.

CHAIRMAN OPDYCKE: Bill, let me ask you a
question. Are these the district regulation sheets?

MR. DUNKLEY: Yes, they are.

CHAIRMAN OPDYCKE: Okay. Now, are these, can
be published as-is?

MR. DUNKLEY: Yes, sir.

CHAIRMAN OPDYCKE: And do they supplant the
existing text?

MR. DUNKLEY: They do not, they have the same
or similar disclaimer on them as the allowed uses by
zoning district, it is a summary of the district
regulations of those district regulations that we find
are referred to all the time --

CHAIRMAN OPDYCKE: Okay.

MR. DUNKLEY: -- it is not a substitute for.

CHAIRMAN OPDYCKE: Okay. Will this be a
standalone document?

MR. DUNKLEY: Yes.

CHAIRMAN OPDYCKE: It's excellent.

MR. DUNKLEY: Thank you.

CHAIRMAN OPDYCKE: Excellent. I mean, if I
were a developer this is something that I would use very
often. Okay, any other questions on this particular
item? If not we'll move on.

MR. DUNKLEY: Item A-5 is similar in that it has to do with the subject of parking. However, this is a reformatting of, I would suggest the most important section, or subsection of Chapter 16. Chapter 16 is the parking requirements chapter of the Ordinance.

However, if you were to actually look for your parking requirements should you be considering a new construction you would be hard-pressed to actually find where those requirements are. They're in something called Table 16-B.

The B would suggest it's somewhere close to the beginning of the chapter. In fact, it's not, it's way back towards the end. It has no relationship to the actual text section that it follows, and it's not formatted as a table. And it --

COMMISSIONER GALLOWAY: Is that in English?

MR. DUNKLEY: And it is in fact in English, and it's usable once you find it. There is actually no text in the Ordinance that refers to Table 16-B and says this is the table of requirements that you are to use, so we'd like to add that as well.

The proposal is to make an addition to Section 6-16-2 right at the beginning of that chapter that
references general off-street parking requirements. And
it's actually, we wanted to actually say that each
principal builder you still have the following minimum
number of parking spaces as identified in Table 16-B, so
it actually tells you you have to use it.

CHAIRMAN OPDYCKE: It's a welcome change. My
only question is why Table 16-G comes before Table 16-B?

MR. DUNKLEY: Mr. Opdycke --

CHAIRMAN OPDYCKE: Okay, I'm sorry.

MR. DUNKLEY: No, no, no. I'd be glad to
explain it because we wondered that as well, and we have
an answer, and it is that the tradition, I guess, of
numbering tables sequentially over time as they are
added to the ordinance, I guess no one thought we would
ever add tables.

If we really start off with Table A and B, and
they are located in let's say appropriate sections that
are easily found, and you come along with another table,
but it occurs in advance in, of an existing table, what
are you going to name it?

So they stuck to the alphabetical numbering,
and so when 16 C and D came along, if they happen to
reference, be referenced by sections that were earlier
in the ordinance they got stuck before previously
numbered tables. That's why we're in the situation we're in now.

CHAIRMAN OPDYCKE: All right. Which raises another question. How current is the online Zoning Code?

MR. DUNKLEY: That's a good question. As a matter of fact if you're referring specifically to this item, if you've been online, the online is current. A reference, and they do a good job of referencing ordinances which have not been codified, so they are not online but they have been adopted, and those are available, there are links in the online text for you to go to the actual ordinance.

It's, I think we get updates at least twice a year to the printed Zoning Ordinance. So it's fairly current.

CHAIRMAN OPDYCKE: All right, thanks.

MR. DUNKLEY: Yes. If you, and a challenge to all of you, if you want to find this table in the online version I'd like, I'd be interested to see how long it takes you to actually find this table, it's there.

CHAIRMAN OPDYCKE: We could assign that to Mr. Schur as his first task as a member of the Zoning Committee. Keep track of that, would you please?
MR. DUNKLEY: As a --

CHAIRMAN OPDYCKE: Okay. Any other questions on this particular item?

MR. DUNKLEY: As extra credit try and find the list of landmarks too, it's in the ordinance, it is online.

CHAIRMAN OPDYCKE: The list of what?

MR. DUNKLEY: Of landmark properties.

CHAIRMAN OPDYCKE: Okay.

MR. DUNKLEY: You did know it's in the ordinance.

Okay, moving on. Item A-6 is a very straightforward proposed change, it has to do with what is eligible for a minor variation.

The list includes currently as number five, lot width and depth, and then specifies in subsections A and B width and depth.

COMMISSIONER GALLOWAY: Would that be the width of the width and depth?

MR. DUNKLEY: And the depth, yes. However, what it is not, and this is why we feel this is important to change, is that listing width and depth does not imply that the lot area is available for a minor variation, that is always a major variation.
However, we have had applicants who have tried, have spent a lot of effort to have that be classified as a minor variation. And it's possible that some Zoning Administrator in the future may actually bend to such crazy implications.

But the fact of the matter is there is no regulation on lot depth at all in the Zoning Ordinance anywhere. Perhaps it was anticipated, but to have depth listed as eligible for a variance and lead to these crazy flights of fancy about lot area is the situation I'd rather not have to spend time on.

So we propose that width and depth be eliminated as Items A and B and that Item 5 be changed to just say lot width.

COMMISSIONER GALLOWAY: Some people's width is depth.

MR. DUNKLEY: It's possible in that same area, I think it's West Evanston we were just talking about where that --

COMMISSIONER FREEMAN: So can you say, should you say --

MR. DUNKLEY: No, we --

COMMISSIONER GALLOWAY: -- or depth?

MR. DUNKLEY: I would respectfully disagree, I
think lot width and depth are precisely defined.
However, what your front yard is is sometimes --
CHAIRMAN OPDYCKE: Any discussion on this, any
further discussion? All right, next item.
CHAIRMAN OPDYCKE: A-7 is actually two items
pulled together because there wasn't enough critical
mass in either one of them.
They are fairly straight, very straightforward
proposals for correcting errors, and they have to do
with the historic preservation cross reference that
identifies in Section 6-15-1-8 it refers to Section 6-
15-10, historic structures, sites, and landmarks
district. That is incorrect, it is actually 6-15-11 is
that section. So that's a correction of a, I think,
obvious error.
The other is Section 6-1-2 which is the
purpose and intent. The very beginning of the ordinance
identifies as one of the purposes of the Ordinance
Subsection H to be regulating and limiting the intensity
of the use of lot areas and regulating and determining
the area of open spaces within the surrounding
buildings, which leads to the thought of courtyards and
plantings inside of lobbies.
We believe that it should, would be more
correct to say, between and among the surrounding buildings, generally that is what Zoning Ordinance concerns itself with.

CHAIRMAN OPDYCKE: Any discussion? There is a typo in the second full paragraph which starts, any historic landmark structure located in the special purpose districts, eliminate the S.

MR. DUNKLEY: All right, we go on to Item A-8.

A-8 --

CHAIRMAN OPDYCKE: I'm sorry, we weren't done with this, that's air conditioners.

MR. DUNKLEY: With A we're going, moving onto Item B-1.

CHAIRMAN OPDYCKE: Right.

MR. DUNKLEY: A-8 will come back to Zoning Committee. Car and truck rental definitions, we currently have no definition that is anywhere close to car and truck rental uses.

And we actually have had at least two applications concerning new or relocated facilities of, that rent cars and trucks. And we have identified them as retail services in the past, that's a dangerous precedent because there are different types of, or different models, business models for car and truck or
vehicle rentals.

There's, and we've actually researched this with the applicants. There is the airport model, they generally call it the airport model, and then there's the kind of in-town or urban model or retail model which is very different in terms of its actual use characteristics and its impact.

The airport model is the rental establishment that has onsite surface parking. It has its fleet parked right there onsite. Obviously it consumes a lot of land. We really would, don't want to open ourselves up to allowing that type of model in an urban area, say on Central Street or downtown, it's really not appropriate. And we haven't had a proposal for that, that type, that model, well, certainly since I've been here.

But if we maintain and if we establish a precedent of classifying this type of use as retail services that would mean that all districts that have retail services as a permitted use, which is all the B's, all the C's, all the D's, would all be subject to having as of right the ability for an airport rental model to locate there.

Now the economics of that situation may not
lend itself to that type of use, but it still would be, as a zoning matter, it could be, we could be compelled to actually allow that.

What we would propose to do is to establish a definition for automobile and truck rental, which defines the airport model as having onsite uncovered, or, not uncovered, but surface parking included within it as part of that use, actually defining that.

And then including the retail, or the urban model, within retail services. And so therefore kind of bifurcating those two different possibilities and allowing us to either specify as permitted or by special use or not permitted the airport model. But we can't do that unless we have a definition for that.

COMMISSIONER PETERS: Will there be two definitions then?

MR. DUNKLEY: We've proposed really just one new definition and then an update to the retail sales, retail services definition. And that was further fleshed out in the supplemental materials. So we added a, you know, including but not limited to, we've added to that list.

COMMISSIONER PETERS: What page would that be on?
MR. DUNKLEY: It's on, it's close to the end. Here it is, page 18, where we proposed including the text, automobile and truck rental establishments that do not include storage of vehicles in surface parking lots in the retail services establishment. Thereby allowing us to continue what we've done with the urban model rental facility and separating out the airport model under automobile and truck rental.

We can, if that definition, if that phrase is not specific enough we can certainly look --

COMMISSIONER PETERS: So your proposal is that as a permitted use the vehicles would have to be stored inside?

MR. DUNKLEY: Let me, if I could paraphrase that. We've proposed that the version or the model of the retail establishment that includes vehicles storage in structured parking that that be considered a retail services use, and that it be permitted anywhere where retail services are currently a permitted use.

So it would be continuing what we have done in the past for those types of --

COMMISSIONER PETERS: In terms of the language the phrase on page 18 that do not include storage of vehicles in surface parking lots, is that intended to
exlude all outdoor storage?

MR. DUNKLEY: Only those that are surface parking lots, so a structured parking would not be included.

COMMISSIONER PETERS: Is a structure parking, what is structure parking?

MR. DUNKLEY: A parking deck. I think we call it covered parking.

COMMISSIONER FREEMAN: Covered parking.

MR. DUNKLEY: Yes.

COMMISSIONER PETERS: -- to be enclosed, right?

MR. DUNKLEY: It's partially enclosed, generally. But I think you're right. We do, we have used the term covered parking. I'm going back to a previous life where we called it structured parking.

COMMISSIONER PETERS: Is that defined somewhere? Either surface parking lots or structured parking?

COMMISSIONER FREEMAN: So is this, this excludes then car rentals, cars that are stored outside?

MR. DUNKLEY: Outside in surface parking lots, yes.

COMMISSIONER STALEY: Do they become a --
MR. DUNKLEY: This will take a minute.

COMMISSIONER FREEMAN: So if you have a, let's say a small rental company that has parking spaces behind its building they could not use that to park their rental vehicles, to store the rental vehicles?

MR. DUNKLEY: That's true.

COMMISSIONER NYDEN: Could we limit it by the number of spaces instead of the type of parking?

MR. DUNKLEY: Certainly, yes, that would be appropriate.

COMMISSIONER PETERS: Yes, the other approach might be to make it a special use.

MR. DUNKLEY: That's a possibility, that would be --

COMMISSIONER PETERS: Because the context, the surrounding would determine the impact of that outdoor storage. So you would make the change that you described here, and then for the other model list it as a special use.

COMMISSIONER FREEMAN: The concern I would have is, you know, to, there are appropriate places in Evanston to have rental car leasing or rental facilities that could store the cars outside. Right? We have body shops, as an example that have enclosed yards, that
store the cars they're working on outside and we don't restrict that.

MR. DUNKLEY: Well, we do restrict body shops pretty --

COMMISSIONER FREEMAN: Okay, we restrict where they can be, right?

MR. DUNKLEY: Yes.

COMMISSIONER FREEMAN: Here we're excluding a --

COMMISSIONER PETERS: Well, I'm thinking of an Enterprise on Green Bay which would become a legal non-conforming use. And I don't know if that's good or bad but --

MR. DUNKLEY: That is true.

COMMISSIONER PETERS: -- I can't think of the context but a special use treatment would probably avoid that problem.

MR. DUNKLEY: That is true. So identifying the uses that where the new definition, the airport model, the outside storage model is to use, to identify this as a special use rather than a permitted use?

COMMISSIONER PETERS: Yes, I would think you'd want to add that. Did you find a definition for surface parking?
MR. DUNKLEY: We have a definition --

COMMISSIONER PETERS: I'm sorry to ask these
questions, I don't have the Ordinance in front of me.

MR. DUNKLEY: There's a definition of parking
structure, deck, or garage. And it's pretty concise,
it's a structure use for the parking or storage of motor
vehicles.

CHAIRMEN OPDYCKE: I don't think there's
anything for surface parking, I mean, in the definition
section.

MR. DUNKLEY: It may be here, we continually
find new things in our definition section. But we'll, I
think, I don't believe we have, I have not seen a
definition for surface parking, I think it's left up to
the customary and reasonable definition of parking lot.

CHAIRMEN OPDYCKE: So what do you want to do
on that, Bill? Do you want to remove that from the, you
want to do some more work on that, on B-1 for purposes
of the agenda tonight?

MR. DUNKLEY: Yes, certainly if you're not
done, if there are outstanding questions that, you know,
you feel are substantial then I would recommend holding
it, yes.

CHAIRMEN OPDYCKE: Okay, let's hold that off.
B-4 is the next one.

MR. DUNKLEY: Yes, B-4 is in, okay, that's another definition update, and that is to bring the zoning code definition of Rooming House into line with the property standards definition of Rooming House because we do a lot of work together on this particular topic in terms of enforcement and, you know, review of changes in use and new development, and renovations. We have found that we have different definitions, and we're off by one.

CHAIRMAN OPDYCKE: Right.

MR. DUNKLEY: So we propose updating the Zoning Code definition to, rather than state, rather than, yes, state that it is a, a rooming house is three, accommodates three --

CHAIRMAN OPDYCKE: More than three.

MR. DUNKLEY: I'm sorry, more than three persons who are not related, change that to accommodate, I'm sorry. No, three or more persons, to change that to more than three.

CHAIRMAN OPDYCKE: Okay. Any discussion?

Next item.

MR. DUNKLEY: Okay. The next item is --

CHAIRMAN OPDYCKE: The bench pew?
MR. DUNKLEY: Yes. Right, B-5, and that's the 18-inch bench and pew definition for parking calculations.

COMMISSIONER STALEY: That last word, the calculations again, should it not be requirements or something?

MR. DUNKLEY: Yes, requirements, I think, would, does that work? Okay. The last work, instead of saying, for fixed seating each 18-inches of bench or pew shall constitute a seat in the calculation of parking calculations. The suggesting is to say in the calculation of parking requirements. And I think that I'd wholeheartedly --

COMMISSIONER PETERS: It may be required parking.

MR. DUNKLEY: In the calculation of required parking. I'll take either of those.

COMMISSIONER PETERS: Required parking.

CHAIRMAN OPDYCKE: So what are you proposing, Seth?

COMMISSIONER FREEMAN: It was proposed that required parking instead of parking requirements. That was the last suggestion, and it sounds like Obama English to me.
COMMISSIONER STALEY: What did mine sound like to you then, Seth?

COMMISSIONER FREEMAN: I don't know.

COMMISSIONER STALEY: Then was it Bush English?

COMMISSIONER FREEMAN: No, I didn't, I don't know. You know, it just, Obama was, he's know for, like, the proper, it wasn't a dig.

COMMISSIONER STALEY: If it was a dig I would have come back harder, I didn't think it was.

CHAIRMAN OPDYCKE: So, Bill, would you read then for us the proposed change --

MR. DUNKLEY: Yes.

CHAIRMAN OPDYCKE: -- so there's no dispute here.

MR. DUNKLEY: 6-16-2-3 Fixed Bench Pew Seating Calculation, for fixed seating each 18 inches of bench or pew shall constitute a seat in the calculation of parking requirements, or in the calculation of required parking.

COMMISSIONER STALEY: Required parking is fine, I don't care, just as long as it's not calculation of calculation.

MR. DUNKLEY: Is there a general sense that
required parking will be fine moving forward?

CHAIRMAN OPDYCKE: So we have two choices here.

MR. DUNKLEY: There may be more.

CHAIRMAN OPDYCKE: Just pick one. How many are in favor of parking requirements, period, say aye.

(Chorus of ayes.)

COMMISSIONER NYDEN: No, don't we want calculation in there?

MR. DUNKLEY: Calculation is --

COMMISSIONER NYDEN: Okay, I see what you're saying.

COMMISSIONER PETERS: -- for a particular site.

COMMISSIONER STALEY: -- be 20 inches in another year.

CHAIRMAN OPDYCKE: I'm sorry, I'm missing something here. Would you please read again, for my benefit, how this is to read?

MR. DUNKLEY: Well, I believe that's what we're trying to, what we're discussing.

CHAIRMAN OPDYCKE: What's the or? It's parking requirements --

MR. DUNKLEY: Or required parking.
CHAIRMAN OPDYCKE: Or required, where's the 
word calculation come into this?

COMMISSIONER GALLOWAY: We're taking it out of 
the end of the sentence. The only calculation is the 
calculation that precedes the two-word concoction that 
we're debating.

MR. DUNKLEY: Either parking requirements or, 
either choice would be absolutely clear. And from an 
administration point equivocal, equivalent.

CHAIRMAN OPDYCKE: Well, I'll entertain a 
motion then here from whomever.

COMMISSIONER GALLOWAY: I move that we change 
it to calculation of required parking.

COMMISSIONER BURNS: Second.

CHAIRMAN OPDYCKE: All those in favor?

(Chorus of ayes.)

CHAIRMAN OPDYCKE: Opposed? Okay, so that's 
the change.

MR. DUNKLEY: Okay. And the final item is, on 
this set is Item B-6, and that is a re-titling and only 
a re-titling of the subsection that is currently titled 
Garage Door Setbacks that appears in districts R-1, 2, 
3, and 4-A, and has very, very little to do with garage 
door setbacks, whatever that is. Yet it is a critical
part of our regulations implementing our policy of alley
access for residential and non-residential development.

So we have proposed that we change the title
to say Access to Onsite Parking, which we think will be
more noticeable and more useful.

CHAIRMAN OPDYCKE: Any discussion? Okay, you
need a motion from us, do you not, Bill, approving these
recommendations?

MR. DUNKLEY: Recommending the approval of
the --

COMMISSIONER FREEMAN: Except we're excluding
one.

MR. DUNKLEY: Yes.

CHAIRMAN OPDYCKE: Yes, okay.

MR. DUNKLEY: Yes, for all except Item D-1.

CHAIRMAN OPDYCKE: Then I will move that we
accept these recommendations, specifically A-1 as it
appears on our agenda, A-1 to correct an error in the B-
1A District setback requirements, Item A-2 Section 6-4-9
Conditions for Office Use in Residential Districts,
Section A-3, Appendices A which is the Use Matrix, and B
which is the Bulk Matrix, Section A-4 Parking Setbacks
in all Zoning Districts, A-5, Table 16-B Schedule of
Minimum Off-Street Parking Requirements, A-6 Minor
Variance, remove minor variance for lot depth, and A-7
6-15-1-8 Historic Preservation, and Section 6-1-2 Intent
and Purpose.

And the Group B zoning recommendations, B-1
establishing a car and truck rental definition. I'm
sorry, that one is excluded because we're going to re-
work that.

Item B-4 clarify Rooming House definition, B-5
establishing a guideline for bench/pew seating, Item B-6
re-title Section 6-8-2-12 and 6-8-3-11 and 6-8-4-11 and
6-8-6-11 change regulations titled garage door setbacks
in zoning districts R-1, 2, and 3, and R-4A to access
onsite parking.

That's the motion. Is there a second?

COMMISSIONER FREEMAN:  Second.

CHAIRMAN OPDYCKE:  All those in favor?

(Chorus of ayes.)

CHAIRMAN OPDYCKE:  Opposed? Motion carries.

MR. DUNKLEY:  I believe that we need to say
something about findings. And if you'll refer to
Section 6-3-4-5 the Standards for Amendments there are
four standards. And I'd propose that only one is
clearly appropriate and the other three, possibly two,
are not applicable in this situation.
COMMISSIONER STALEY: What was the section?

MR. DUNKLEY: Section 6-3-4-5 Standards for Amendments.

CHAIRMAN OPDYCKE: Do we have a sheet on those standards before us, Bill?

MR. DUNKLEY: We don't, I think you'll find that it's fairly straightforward.

CHAIRMAN OPDYCKE: All right. Will you recite those standards then?

MR. DUNKLEY: I will, yes. Standard A is whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive General Plan as adopted and amended from time to time by the City Council.

Would you like to take a motion on each of these, or an action on each of these, or would you like to --

CHAIRMAN OPDYCKE: Can you read them all?

MR. DUNKLEY: I'll read them all, yes.

B is whether the proposed amendment is compatible with the overall character of existing development in the immediate vicinity of the subject property. I believe that's not applicable because there is no subject property.
Item C is whether the proposed amendment will have an adverse effect on the value of adjacent properties. Again, I would propose that that's not applicable for this Text Amendment.

And D is the adequacy of public facilities and services which may or may not, depending on the view of the Plan Commission, be applicable.

CHAIRMAN OPDYCKE: I guess I would move then that the standards where applicable have been met.

COMMISSIONER STALEY: It's only --

CHAIRMAN OPDYCKE: You've, those are all the standards?

MR. DUNKLEY: Those are all the standards for amendments, yes.

CHAIRMAN OPDYCKE: So I'm saying that my motion is that the standards, that we find that the standards where applicable have been met. Is there a second?

COMMISSIONER PETERS: Can I amend that and add some language? In that the proposed amendments are consistent with the objectives and goals of the Zoning Ordinance and correct errors and ambiguities.

CHAIRMAN OPDYCKE: Is there a second to that?

COMMISSIONER FREEMAN: Second.
COMMISSIONER STALEY: Second.

CHAIRMAN OPDYCKE: Those in favor?

(Chorus of ayes.)

CHAIRMAN OPDYCKE: With that amendment is there a second? That was an amendment, but is there a second now to the motion?

COMMISSIONER GALLOWAY: Second.

CHAIRMAN OPDYCKE: All those in favor?

(Chorus of ayes.)

CHAIRMAN OPDYCKE: Opposed? Motion carries.

MR. DUNKLEY: Okay, thank you.

CHAIRMAN OPDYCKE: I think that's the last item on the agenda, so without, unless there's something else? Committee reports? Is there a motion to adjourn?

COMMISSIONER STALEY: So moved.

CHAIRMAN OPDYCKE: Second? In favor?

(Chorus of ayes.)

(Whereupon, the hearing on the above-titled cause was concluded at 8:28 p.m.)