CITY OF EVANSTON

PLAN COMMISSION

CASE NO.: ZPC 09 PLND-0014 & ZPC 09 PLND-0015

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

Transcribed Report of Proceedings of a public hearing on the above captioned matter, held July 8, 2009 at the Evanston Civic Center, 2100 Ridge Avenue, 2nd Floor, Evanston, Illinois, at 7:07 p.m. and presided over by S. Opdycke, Chair.

PRESENT:

S. OPDYCKE, Chair     S. FREEMAN
J. NYDEN             D. GALLOWAY
S. PETERS            C. STALEY
J. WOODS             L. WIDMAYER, Associate

STAFF:

C. SKLENAR, General Planner
B. DUNKLEY, Zoning Administrator
CHAIRMAN OPDYCKE: The Evanston Plan Commission meeting is now called to order. We do, in fact, have a quorum. Our first order of business is the approval of the May 13 minutes. Is there a motion?

MR. GALLOWAY: Motion to approve.

MR. PETERS: Second.

CHAIRMAN OPDYCKE: All those in favor?

(Chorus of ayes.)

CHAIRMAN OPDYCKE: Opposed? Motion carried.

The minutes are approved. I do notice, however -- Widmayer --

MR. WOODS: His other passport.

MR. FREEMAN: Stuart, could I ask a question? Were packets sent out or is it just e-mail?

CHAIRMAN OPDYCKE: Just e-mail.

MR. FREEMAN: Okay, so you must have --

CHAIRMAN OPDYCKE: I mean, I didn't receive -- on e-mail.

MR. SKLENAR: -- requested packet --

MR. FREEMAN: Oh, you requested a packet, oh, okay --

MR. SKLENAR: -- you like an e-mail in the future or --

MR. FREEMAN: Not if I have to use up my
printer ink.

MR. GALLOWAY: I absolutely won't print it at home. If you send something that needed to be printed I will not do that.

MR. SKLENAR: If there's something that needs to be printed we will actually send things out and if it's something to this effect we'll just e-mail --

CHAIRMAN OPDYCKE: What do you mean by that?

I mean, I don't think we have to, I don't think you have to pass out hard copy of the transcript --

MR. SKLENAR: No, no, I mean things like -- in the future, reports, anything beyond that sort of thing.

MR. FREEMAN: Books.

MR. SKLENAR: Books, yes.

CHAIRMAN OPDYCKE: Yeah, okay, very good.

Item Number 3, Continuation of Zoning Ordinance Text Amendment Public Hearing

MR. SKLENAR: We're actually --

CHAIRMAN OPDYCKE: Are we waiting for Mr. Dunkley?

MR. SKLENAR: I can actually go look right now.

MR. FREEMAN: We must be because he's not here.
MR. SKLENAR: I could actually --

CHAIRMAN OPDYCKE: Yeah, I would have thought he would be here --

Mr. Dunkley is not here but I think these, these matters are pretty straightforward. The first one is Group A Zoning Update Recommendations, Air Conditioners, and we all received a memo on that. Are there any, has everybody had a chance to read that memo and are there any questions that we have about it?

I will read for the record, Craig, is that okay or do you --

MR. SKLENAR: Yes, that's fine.

CHAIRMAN OPDYCKE: Well, I don't have to read this into the record but it's all set out there in the memo with the modified wording. And this has all been covered in committee. Well, perhaps I will read it.

The air conditioning equipment is, the proposed amendment, and I'll read that. Air conditioning equipment, subject to Section 6469 of this chapter, special regulations applicable to air conditioning equipment.

Air conditioning equipment shall not be permitted to be located A, in the front yard; B, within 10 feet of any property line with the following
exceptions:

1. Permitted within 10 feet of the rear property line if that property line abuts a non-residential district in its entirety.

2. Permitted within 10 feet of the street side property line if a, the equipment is located within two feet of the principal structure and b, landscaping is planted around the unit to obscure from public visibility.

3. Permitted within 10 feet of an interior side property line if a, that property line abuts a non-residential district or an alley of at least 10 feet in width in its entirety and b, the equipment is located within two feet of the principal structure and c, landscaping is planted around the unit to obscure from public visibility.

4. The fourth exception is window air conditioner units are permitted within 10 feet but not closer than five feet of any side property line. That's the, that's the proposed text changes to, not all of that is, are changes, but that's how the proposal, proposed text will read concerning air conditioning equipment. Any comments?

MS. NYDEN: Can somebody explain to me the
window air conditioner, how that sort of got, those depths got determined? I'm not remembering that.

MR. WOODS: I think that's actually the way it has been.

MS. NYDEN: Oh, okay, it has been that way, but most everybody's probably non-conforming in Evanston.

MR. WOODS: I think that that's true. I mean, if you've got a house within three feet of the property line and you have window air conditioner units, you're in violation, technically.

MS. NYDEN: Right, okay. All right, never mind, that's all.

MR. WIDMAYER: However there are a number of those --

MS. NYDEN: Yeah, go to any apartment, courtyard apartment building.

CHAIRMAN OPDYCKE: Well, I thought, I thought we'd move on to the Group B Zoning Update Recommendations and when we have gone through all of them then we'll ask for approval and then we'll recite the standards and we'll accept the motion that reflects the fact that many of the standards have been set. So, Item Number 4 on the agenda is Continuation of Zoning
Ordinance Text Amendment Public Hearing, Group B Zoning
Update Recommendations. First one on the list here is
the, to clarify the community center, the definition.
Bill, you want to, you want to pick it up?

MR. DUNKLEY: Certainly.

CHAIRMAN OPDYCKE: Okay.

MR. DUNKLEY: I apologize for being late, Bill Dunkley, Zoning Administrator.

CHAIRMAN OPDYCKE: That's okay. We've already
gone through the air conditioners and we're now on the
definition of Community Center, and we all have your
memo.

MR. FREEMAN: And we were going to do the
teacher, the five minute teacher rule, but Stuart
overruled.

MR. DUNKLEY: I'm sorry, you said you were
through with the --

CHAIRMAN OPDYCKE: We're through air
conditioners.

MR. DUNKLEY: Through with air conditioners.

CHAIRMAN OPDYCKE: Unless you want to revisit
that.

MR. DUNKLEY: No, I don't. Actually there is,
there's only one, one change from what we had talked
about, and it just occurred that. Let's see, that is a revised handout for restaurants. This is a slight change -- it has to do with adding one condition to, I believe it's the alley situation.

CHAIRMAN OPDYCKE: Are you reading from your memo now or is this a change to the memo?

MR. DUNKLEY: Yeah, it is, no, it's from the memo, it's in what was distributed.

CHAIRMAN OPDYCKE: Oh. But if none of us have any questions about this, and we've already voted in favor of it.

MR. DUNKLEY: Okay, then I'll leave you to your own minds.

CHAIRMAN OPDYCKE: Wait a minute, are you talking about restaurants?

MR. DUNKLEY: No, I'm talking, I'm going back to air conditioners, one thing that had changed. Well, at the interior side yard property we added, there were two conditions when we discussed it. And we added a third, which is, let's see, the property line abuts a non-residential district, which is something that hadn't occurred to us at the time. So, air conditioners will be permitted 10 feet within an interior side property line if that property line abuts a non-residential
1 district, same as the rear situation, or an alley of at
2 least ten feet in width. So that's the only change
3 there. I thought that was pretty --
4 CHAIRMAN OPDYCKE: Okay.
5 MR. DUNKLEY: Then moving on.
6 CHAIRMAN OPDYCKE: Then moving onto Community
7 Center definitions.
8 MR. DUNKLEY: All of these changes by the way
9 have had the review of our Legal Department staff, and
10 all have gotten the okay, except there was a suggestion
11 regarding restaurant definition which I think we've,
12 we've dealt with, when we get there. If you'll remember
13 when we met as a, the zoning committee, we really I
14 think made some good progress on the Community Center
15 definition.
16 The reason we're focusing on this is because
17 it's currently wide open and allows a lot of potential
18 applications for uses that are really not what you would
19 think of as a community center, and we've had, we've
20 dealt with a couple over the past year.
21 And what we did was we added the community
22 center has to be open to the public, under the
23 jurisdiction of a public or non-profit agency, and is
24 used for the basic purposes of recreation, education and
service. We then added a list of accessory uses that help to define community centers such as auditoriums, multi-purpose rooms, gymnasiums, meeting spaces, open spaces, playgrounds, playing courts, playing fields and swimming pools.

And then I think what really helped is that we excluded retail services, membership organizations, commercial recreation indoor and outdoor, shelters, treatment facilities and care facilities. And I think that kind of took care of most of the exceptions that we could come up with. Our Law Department thinks it's a much more useful definition and doesn't see that we're really increasing our, our risk.

CHAIRMAN OPDYCKE: Any questions? All right, we'll move onto the next item, the definition of Live/Work Unit.

MR. DUNKLEY: Live/Work we really left as we had initially, as it was again proposed to the zoning committee. The point here is that we are starting to get more and more applications for live/work units, and we don't have a definition for that. It's important to differentiate that from mixed use, which it seems to be becoming in danger of becoming confused with.

A live/work unit is where we have two, two
different categories of use within the same actual unit itself, not within the same development, which is characterized as mixed use. And, the definition is that it combines an allowed, of course it has to be allowed in the district, a commercial or manufacturing activity with the residential living use, residential use per the owner or proprietor of the commercial or manufacturing activity, and that person's household. The important thing is that the person living there has to be responsible for the business, otherwise it doesn't, it's not Live/Work, it's a rental or it's mixed use or it's something else.

Number 2, where the resident owner or proprietor of the business is responsible for the commercial manufacturing activity, as I just said, and 3, where the activity conducted takes place subject to a valid business license or permit, that's associated with the premises. So again, differentiating it from home occupation, which really is a different kettle of fish, much less intensive.

CHAIRMAN OPDYCKE: Any questions? Comments?

Next item is, deals with portable moving containers and dumpsters as a temporary use.

MR. DUNKLEY: This one is a fairly easy change
to make, it's in addition to the temporary uses that are permitted in residential districts, so we're going to add just the number six after the five that are currently permitted, which is the moving, portable moving storage units. We agreed that a period of 21 days was adequate for most, for most any uses we could think of. It also doesn't affect the university and their reliance on PODS or portable outdoor moving containers because their, their functions do not take place in residential districts.

CHAIRMAN OPDYCKE: Questions? Comments?

PUBLIC SPEAKER: Mr. Chairman, does this apply to, we see these big containers by the curb, storage, temporary storage unit, would that apply here?

MR. DUNKLEY: Well, it would apply only on private property. If it were on public property, on the parkway for instance, and that were on the outside of the property line, they would have to obtain a public right-of-way.

PUBLIC SPEAKER: I think I remember seeing something, one of those storage, temporary storage bins by some curbside here in Evanston, and I don't know if it's here anymore, but it just occurred to me, I remembered seeing something like that, and I
thought, hmm.

MR. DUNKLEY: Well, generally it's harder to get on public property, as you can imagine. There's also a fee for usage of that, the bins.

PUBLIC SPEAKER: Okay.

MR. DUNKLEY: As a temporary use, there would be an application fee of $25 but that's pretty nominal.

PUBLIC SPEAKER: Thank you.

CHAIRMAN OPDYCKE: Does that answer your question?

PUBLIC SPEAKER: Yes, thank you.

CHAIRMAN OPDYCKE: Next item, expiration date for special use and plan development.

MR. DUNKLEY: Actually, I misspoke. There is a, there's a significant change to the text, although not a change to the content of what was proposed at the last meeting, at the zoning committee meeting. We thought it would be in our best interest to really just take verbatim the text that currently exists in the special use limitation section and repeat it in the planned development section. That really solves a lot of the problem we were seeing that planned developments do not state at all in these current planned developments, planned development sections of the zoning
ordinance per se, that there's an expiration date. One has to know that it's a form of special use which it does tell you, but then to go to the special use section and see that there is actually an expiration of one year. Nobody felt that there's any risk in duplicating that text. There actually is one small sentence that was taken out and that is, that in the special use section you can, you can obviate the expiration by beginning that use, which really doesn't apply to planned developments.

Planned developments is a physical building construction type of activity, it's never just a use, a change of use. So we thought that wasn't necessary.

Other than that, it's exactly the same text as is in the special use limitations.

CHAIRMAN OPDYCKE: Questions? Comments? Our Type 1/Type 2 restaurant definitions?

MR. DUNKLEY: And here the change is only to restaurant Type 1, and this is on recommendation of our, a lot of our staff. We felt that the threshold, just definition of a threshold as it's included, as it separates Type 1 and Type 2, should be kept from the same really point of view. And this is where I'd like to distribute a provision. It's exactly the same
content, although it does get around that somewhat,
hopefully actually realized but potential problem of exactly 40 percent take-outs.

So in this version the threshold is stated in terms of food that is served but not consumed on the premises. In the previous version it was food served and consumed for Type 1 and food served but not consumed on the premises for Type 2, which led to a logical problem.

So, the proposed revision reads that the definition of a Restaurant Type 1 is a restaurant where less than 30 percent of food and beverages served is consumed off the premises, excluding food and beverages delivered directly to the residence or workplace of the consumer. In common language that means less than 30 percent is takeout without considering the, without considering delivery. What's left is food served at table. And where food and beverages are not served at a drive-through facility, we'll have to add that in. That's an immediate qualifier for Type 2.

Restaurant Type 2 is very similar, although expressed in the converse. A restaurant where 30 percent or more of food and beverages served are consumed off premises, excluding food and beverages.
delivered directly to the residence or place of a consumer, or where any food and beverages are served at a drive-through facility.

CHAIRMAN OPDYCKE: Any questions about this? Comments? I don't really understand the change here, but I think it accomplishes the same purpose.

MR. DUNKLEY: It does --

MR. GALLOWAY: It makes more sense to have both of them together, I think.

MR. DUNKLEY: It's unfortunate that the Restaurant Type 1 then becomes defined based upon not being a Restaurant Type 2. But it is, in fact, easier to administer and it does remove a unlikely but undefined situation.

CHAIRMAN OPDYCKE: Okay. Any other comments, questions about this? All right, that takes care of the proposed changes. I would entertain a motion to accept the proposed text changes. Is there such a motion?

MR. WOODS: I'd like to move that we accept the proposed text changes.

CHAIRMAN OPDYCKE: Is there a second?

MR. FREEMAN: Second.

CHAIRMAN OPDYCKE: All those in favor?

(Chorus of ayes.)
CHAIRMAN OPDYCKE: Opposed? Motion carries.
MR. WOODS: What are our standards?
MR. DUNKLEY: Our standards in this case are --
CHAIRMAN OPDYCKE: Well, there's really, there's really four standards but there's only two I think that are applicable here. One is whether the proposed amendments are consistent with the goals, objectives and policies of the comprehensive general plan, and I believe that they are, and secondly whether the proposed amendments will have an adverse effect on the value of adjacent properties, and arguably that is applicable here and I think that is also met. The other two standards are not applicable, they have to do with development and public services.
So, I would move that, that we approve or we realize that the standards set forth have been met as applied to these particular text changes.
MR. WOODS: Second.
CHAIRMAN OPDYCKE: All in favor?
(Chorus of ayes.)
CHAIRMAN OPDYCKE: Opposed? Motion carries.
All right, the last item then, well not the last item, I take that back, Craig, you're up on Evanston Plan2030.
MR. SKLENAR: I'm not going to talk too much about the memo that I sent last month. But, what I wanted to spend the majority of our time discussing today is, C-Net called me a couple weeks ago and needed me to do a, either here or in Skokie, do a vision session with the general public about their Go To 2040 plan. And what I want, I said yes, but I wanted to see the questions that they're going to bring about. It's some kind of visual exercise -- survey. What I'm concerned about is, you know, they're going to ask questions about what our down towns in this home city should look like, I don't want that brought up because we've already addressed that. But if it's overall -- that's appropriate, and I was wondering if the Planning Commission would want to be an active role in that, at least attend the vision session. It's only one day, two hours, and they listed some dates that are open right now, and I'd like to see if you guys have a preference for the dates, that way I can get back to them and finalize this.

MS. NYDEN: This would be here or at Skokie?

MR. SKLENAR: Here, I jumped on it as we'll do it here in City Hall.

MR. STALEY: What is it again, more
specifically?

MR. SKLENAR: It's, C-Net is the regional planning entity that, they're doing their 2040 Comp. Plan, and --

MR. PETERS: They replaced NIPSE and CATS.

MR. SKLENAR: Yes.

MR. PETERS: CATS was the Transportation, Technical Transportation Studies and was slightly farther with regional land use, and the two got consolidated.

MS. NYDEN: And this plan determines how the, how like federal funding will be funneled into Northeastern Illinois, everything from transportation dollars to housing, I mean everything. So if everybody goes you know what, let's go build highways way far out in Kane County and McHenry County, but we're all paying the taxes, you know, that happens. We can say, you know, let's center in -- it's a way to sort of vision what the region will look like.

MR. SKLENAR: We've been doing a lot of public outreach at public festivals this summer, they have kiosks all over the city, in Chicago and I know they're setting out in the suburbs as well.

MS. NYDEN: I mean, they get very cool, like
if you go to the website, I don't know if any have gone
before, but it's like, it's like Sim City, like very
cool graphics, you can punch in a bunch of the things
and you get different, I mean, it's like very, very
interesting, it's cool that we'd be involved.

MR. SKLENAR: C-Net's one of the strongest
attempts to have a regional planning -- I think this is
a great opportunity for us at least to figure out what
the citizens are looking for, for a comp plans, because
it concerns Evanston as well. So I was just wondering
if there were any dates that popped out, I know August
is a weird month because everybody's on vacation, but --

MR. PETERS: I'd like to attend and I'd prefer
the last, 18 to 20.

MR. SKLENAR: 18 to 20?

CHAIRMAN OPDYCKE: Of what month?

MR. SKLENAR: August.

MS. NYDEN: Do you know --

MR. WIDMAYER: I think it's like Tuesday
through Thursday.

MS. NYDEN: Like a Tuesday, Wednesday,
Thursday?

MR. SKLENAR: Yeah.

MR. STALEY: We're expected to go to all, how
MR. SKLENAR: There's only going to do one here in the city. So they just gave me a broad range of
dates and I think, I'm going to call them back and say
this is when we want to do it. Hopefully they'll --

MS. NYDEN: Well, what about keeping it on a
Wednesday since most of us are used to Wednesdays?

MR. SKLENAR: Yeah, we can try the 19th of
August which is a Wednesday.

MR. STALEY: My grandchildren are leaving that
day so I'll be all right.

MR. FREEMAN: I may be on vacation.

MR. WIDMAYER: That's when the zoning
committee usually meets, isn't it though?

MR. FREEMAN: All of the meetings are on
Wednesdays, the Zoning's on Wednesday, Economic
Development's on Wednesday, we're on Wednesday, so it's
three Wednesdays of the month shot. So --

MS. NYDEN: We're saying it would be easier
for people, like a Tuesday or Thursday, but that's fine,
we can do --

MR. FREEMAN: Well, if it's Wednesday we're
all on a zoning, right, so --

MR. WOODS: But that's night.
MR. FREEMAN: Is this night or day?

MR. STALEY: This is night.

MR. SKLENAR: They prefer like 5:00 o'clock.

MR. WOODS: Start between 6:00 and 7:00 and will go for two hours.

MR. FREEMAN: Well, why don't we ask --

CHAIRMAN OPDYCKE: The 20th would be good.

MS. NYDEN: 20th, Thursday?

CHAIRMAN OPDYCKE: Yeah.

MS. NYDEN: That's fine.

MR. FREEMAN: 20th is good.

MS. NYDEN: 20th, yeah.

MR. SKLENAR: I'll give them a call and then if, in case any comments or as far as what you would like them to ask, I, I would ask some feedback, that way I can channel that to them as far as --

MR. WOODS: Not to ask.

MR. SKLENAR: That too. I kind of have a checklist going on in my head right now based on stories that have been told to me.

MR. STALEY: Do you know the website for this because I haven't looked at it.

MR. SKLENAR: It's, it should be, go to, go to 2040.org, there's a pamphlet that I, or a flyer that I...
attached to the packet that talks a little bit about their -- you can actually go in and use your own model name and print if off and send in your own comments.

MR. STALEY: Are you saying Send City or --

MS. NYDEN: Sim City like the computer game.

MR. SKLENAR: Sim, s-i-m, simulation. Not Las Vegas.

MR. STALEY: I just wanted to understand --

MR. SKLENAR: That's all I wanted to bring up tonight as fast as the plan because that's going to be our next step. I haven't been able to spend much time in the last month I've been a little busy in the Planning Department.

MR. STALEY: Craig, for my benefit, tell me the general outline of this, of this seminar --

MR. SKLENAR: Yeah, so they want to discuss the 2040 vision, C-map will --

MR. STALEY: I guess the reason I'm in the dark is I only picked up two pages on the e-mail and I think everybody else got the full package I didn't, so --

MR. SKLENAR: They did this really quick agenda. They want to briefly discuss the 2040 vision. They want to know who's, actually who's attending in the
room itself, and then what they want to do is get feedback from those people on what they think the 2040 vision for the region, for the, not just Evanston and Skokie but the entire region should look like and where we should place growth and new transportation elements and infrastructure and water and all the elements that go in that.

MS. NYDEN: It's like if we say you know, we say we know a lot of people work in the northwest suburbs so we really need east/west transit or rapid bus lines from Evanston and Wilmette to, you know, Schaumburg, and that would be, you know, we, that would really help with reverse commute stuff. And so that's, I mean, they have, they've been doing this for a long time so they have to do this every few years and they're really good at asking the right questions of people and getting, and like collecting the information. They're very efficient and meaningful.

Like when CATS and NIPSE were separate, they were sort of both doing their own planning process at the same time and it was really sort of backward because you'd have the transportation, doing transportation planning, and the land use people making the land use decisions, so the transportation and the land use
decisions didn't necessarily --

MR. SKLENAR: Coincide.

MS. NYDEN: Right, so they're now together and this is the first time that they're doing this process.

MR. SKLENAR: They will be utilizing a real time preference survey during, during the meeting. Everybody will have a computer control and they'll show pictures up on the screen and you choose which one you like the best, and that's going to help put together idea what this part of the region is actually looking for in development, types of transportation. It could be good, it could be not.

MS. NYDEN: No, it, but it's very, I mean, it's like, it's so sophisticated, I mean, it's just, it's like every round they do this they make it even better. I mean it's like, it's very impressive.

MR. SKLENAR: And I think it's something we can learn from to apply to our comp. plan and elements that we could use. That's why I would like you guys there, or at least part of you guys there to see what's going on and what types of questions they're asking, the tools that they're using.

CHAIRMAN OPDYCKE: Okay, I take it you'll follow this up with a memo or something --
MR. SKLENAR: Yeah, once I get more information from them and I'm hoping to get a list of questions from them, at least some kind of script that we can, I can send out. And if you guys have any red flags to that, we can address that so we can --

MS. NYDEN: Great.

CHAIRMAN OPDYCKE: Okay, anything else in connection with this agenda item that we want to take up? No?

MR. SKLENAR: That's all I have.

CHAIRMAN OPDYCKE: Okay. Item Number 6, committee reports. There being none we'll move onto Item Number 7, adjournment. Is there a motion to adjourn?

MR. FREEMAN: So moved.

CHAIRMAN OPDYCKE: Second?

MS. NYDEN: Second.

CHAIRMAN OPDYCKE: In favor?

(Chorus of ayes.)

CHAIRMAN OPDYCKE: The motion carries.

(Whereupon, the hearing on the above-titled cause was concluded at 7:41 p.m.)

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