3/25/09  ZONING COMMITTEE

OF THE PLAN COMMISSION

Items A-1 - A-8

RE: To consider amendments to the Zoning Ordinance as part of the General Zoning Ordinance Updates, Phase 1-A. Phase 1-A will include updates to correct errors and reorganize and/or reformat existing zoning regulations in order to increase clarity and comprehension, reduce errors of interpretation and misunderstanding, and increase user-friendliness to the Evanston community.

Transcribed Report of Proceedings of a public hearing on the above captioned matter, held March 25, 2009 at the Evanston Civic Center, 2100 Ridge Avenue, Council Chamber, Evanston, Illinois, at 7:03 p.m. and presided over by J. Woods, Chair.

PRESENT:

J. WOODS, Chair   S. OPDYCKE
R. CREAMER   C. STALEY

STAFF:

D. ARGUMEDO, Zoning Planner
B. DUNKLEY, Zoning Administrator
CHAIRMAN WOODS: I'll call to order the Zoning Committee Meeting of the Plan Commission for Wednesday, March 25, 2009, 7:00 o'clock p.m., and we have a quorum. And we're going to cover new business, and Dominick, can you tell us what we got here?

MR. ARGUMEDO: Thank you, sir. What we're looking at is the first part of the process for the Zoning Code Update. Now again, this is not a Zoning Code overhaul, we don't want to scare the citizens of Evanston with that.

CHAIRMAN WOODS: It's pretty obvious we haven't done that.

MR. ARGUMEDO: Which is good, which is good. This first part, we were trying to deal with specifically either typos, errors, poor language, basically cleaning up to try to learn about, one, to clean up these errors, but also as we go forward where we talk about more substantive matters when we start re-defining, when we start coming up with definitions we currently do not have. For example, car rental, truck rental, things we will need but think, that will prompt discussion, we know how the process will flow as we go forward.

So we've listed up an agenda of eight
different items that we would like to discuss and
possibly correct with your input right there. I have
one other handout I'd like to give to you, it is just a
spreadsheet that we will be giving you throughout the
process detailing where each of these proposals are,
some comments we have received about this, and also just
the last part is a discussion on air conditioners, which
is, the zoning department hasn't thought on where we
would want to go with that. So I'll pass these out and
then, I guess, motion to move the order around if you
would.

    COMMISSIONER OPDYCKE: Thanks.
    COMMISSIONER CREAMER: Thank you.
    MR. ARGUMEDO: One thing I do want to call
your attention to, I believe it is the second page of
the comments, it is an e-mail from Alderman Moran where
he expresses his lack of enthusiasm for any kind of
change to the air conditioner ordinance. So perhaps
these weren't as sugary, these first eight, as we
thought. But that's why we left it open for some
discussion, some flexibility. So, thank you. And, of
course, I'm here for any questions or anything.
    CHAIRMAN WOODS: Okay. So I guess, I think I
need a motion to re-order the agenda items to put Item 8
COMMISSIONER STALEY: So moved.

COMMISSIONER OPDYCKE: If that's a motion, I second.

CHAIRMAN WOODS: Okay. All in favor?

(Chorus of ayes.)

CHAIRMAN WOODS: All right. Let's deal with H, Item A-8, Air Conditioners. Bob, you have thoughts?

COMMISSIONER CREAMER: Yes. Well, I have some background, and some thoughts, and suggestions, mostly for homework for Dominick to do.

And as it, as the memo indicates we did a lot of business with the ZBA on air conditioner matters. As they point out, one of the difficulties we have is that in order for us to grant a variation the applicant has to meet seven standards.

Standard No. 4 is that the property owner has to demonstrate a particular hardship or practical difficulty in order to qualify for a variation. Another standard which has been problematic for us is the requirement that the proposed solution be the minimum change necessary to alleviate the particular hardship or practical difficulty.

So with those two standards, first that you
have to show a difficulty, and secondly, even if you
have a difficulty that your proposal be the minimum
change necessary to alleviate it, we've had some members
of the Board who have been, shall we say, strict
constructionists on that and have turned down
applications that I at least thought were reasonable
because of one or more Board Members thought that, well,
you could put it here or some other place and what
you're asking for is not the minimum change. And so
that's been a difficulty.

Another difficulty we have is simply with the
notion that it's 10 feet. I don't know, but I assume
that the 10-foot setback requirement is a proxy for
noise abatement. And at some point somebody must have
assumed, or at least the drafters must have assumed that
10 feet was enough to insulate people from the noise of
an air conditioner.

But one thing I've learned too is that there
are air conditioners and then there are air
conditioners. And 10 feet might be plenty for one model
and not nearly enough for another. So that's a problem
we have with the ordinance.

Another problem we have is that some of these
things are big and ugly. And we don't have any way, at
least in the ordinance, to deal with screening.
Sometimes we make a condition of the variation that
there be some kind of screening, but it's usually after
the fact and the people haven't thought about it when
they come before us, and so it's something that's tacked
on at the end at the last minute.

So this isn't something I think we can resolve
tonight. But some of the things I would like staff to
give us some suggestions on would be how other
communities have dealt with this. We can't be the only
city in the galaxy that has air conditioner issues.

I am told, but I don't know for sure, that the
City of Chicago, for example, tries to regulate this by
measuring decibels at the lot line rather than setting
an arbitrary number of feet. That would be one
approach.

I also would agree with staff that giving both
the staff and the ZBA some increased flexibility in this
area would be helpful, because I think some of the
current Board Members feel that their hands are tied by
the literal language of the ordinance and they simply
have to turn requests down even though maybe they would
be inclined if they thought they had more discretion to
grant them.
I know Bill may have something to add.

MR. DUNKLEY: Do I have to speak into the mic or could I talk from, okay. Could we bring the mic over here? I guess it's our mic.

For the record, Bill Dunkley, Zoning Administrator. I do apologize for being late tonight.

Regarding the decibel sound, or noise measurement, we have actually attempted to do that. And the original intent of the requirement, of the regulation was for noise purposes.

It is, as it turns out, an extremely difficult and extremely costly thing to do to actually measure noise levels. It is something that has to be controlled based on ambient noise, the equipment that's necessary to actually do the measurement is very costly.

And it turns out that in, well, several staff members have told me it's just not a possible thing to do. It's a scientific measurement and something which is, should be undertaken with knowing what you're getting yourself into.

So it is, unfortunately, that avenue is, I don't ever want to say closed, but it's a difficult one.

COMMISSIONER OPDYCKE: Couldn't the burden be on the applicant to provide a --
MR. DUNKLEY: Whether we put the burden on the applicant, something that is really not a reasonable thing to ask, is still not reasonable. And I think this, and this was --

COMMISSIONER OPDYCKE: From a technical point of view, sure.

MR. DUNKLEY: From a technical point of view.

COMMISSIONER OPDYCKE: Yes, sure. Okay.

MR. DUNKLEY: But I'm not sure that's, that would really accomplish that much if it's just not really within the realm of possibility for most average homeowners.

As in other parts of the ordinance we have to compromise and find what is a, what we think is a reasonable solution. And in some ways, well, in many ways the 10 feet has been reasonable in a good percentage of the cases.

But there are also some circumstances that we found that come up time and time again where almost everyone agrees, why are we, why do we have the 10-foot rule in this case? Rear yards are one of them, street side yards are another when there are no, and there's no possibility of an adjoining neighbor who is going to be affected by the sound.
And so we do have some recommendations for specific flexibilities, specific exceptions that we think would make projects easier, would certainly decrease our caseload for cases that don't necessarily have to undergo extensive scrutiny, and I think would be more responsive to what we are actually seeing.

And I'm not sure if I've responded to all of your inquiries, Bob, but --

COMMISSIONER CREAMER: Well, I just --

MR. DUNKLEY: -- from memory.

COMMISSIONER CREAMER: I would like to see --

MR. DUNKLEY: Oh, certainly, yes.

COMMISSIONER CREAMER: -- what some other communities have done. And I also, I'm curious, am I wrong that the Chicago Ordinance is based on decibels, and if so how do they administer it?

MR. ARGUMEDO: I'm not sure about the Chicago, we will definitely look at it. And, of course, all best practices, I know in a quick look at, scan around in neighboring counties, Skokie and Wilmette both have the same 10 feet from any lot line air conditioner requirement that Evanston did.

So, but again, that doesn't naturally limit us, we will go with best practices for towns that, towns
of these villages that are very similar that have a lot of single-family, but to finding the best practice. And I will definitely look into the Chicago one as well.

COMMISSIONER CREAMER: Okay, I appreciate that.

Well, I, maybe I missed it in my packet but I didn't see any, we have that to hand out, any specific language.

MR. ARGUMEDO: No, it was not in your packet, it was passed out, it was what I just passed out, it was, it's the last page in the --

COMMISSIONER CREAMER: Oh, I see.

MR. ARGUMEDO: -- supplemental packet that we just passed out, and it was the last box on that page where we had three kind of suggestions in terms of to incorporate in through the air conditioner regulations we think would serve the zoning intent for air conditioners and still allow greater flexibility and not so much permit, necessitate major variances for this.

MR. DUNKLEY: All right. If we could briefly walk you through these, the first is a exception or a enhancement to, that would allow, actually allow placement of the units within 10 feet of the rear property line, so excepting the rear property line. In
all cases except where the rear property line abuts another residential side yard.

Technologically, until recently, it really wasn't that practical to even put a compressor in the rear yard, that's changing in some instances has changed where there, your compressor line run is not that, not that long.

If the, certainly a principle structure is, almost in all cases, 30 feet from the rear property line. Placement within 10 feet of the rear property line of an air conditioner unit certainly doesn't allow it to get anywhere near someone's dwelling.

And if we are rear yard to rear yard abutting, what is our usual configuration, I don't think we've found anyone that's found an exception where that would be a problem, except where you have a turned corner lot where you have a side yard that's actually abutting that rear yard, that's a different situation, and that shouldn't be an exception, we should still stick with the 10-foot rule there.

The second is corner lots where we have a street side yard that is along a street. There is a, obviously, there's a street by definition in between that yard and any adjoining properties.
We've found general agreement among staff and there was some others that we've talked to in other organizations that they didn't see any problem with that placement if there was some sort of abatement of the potential aesthetic impact of having a clunky A/C unit visible from the street. And landscaping surrounding or hiding the unit was felt to be adequate to handle that.

CHAIRMAN WOODS: I have one question. Is there a technical definition of adjacent?

MR. DUNKLEY: There actually, there is. Adjacent is next to, including an intervening alley.

The official definition from --

CHAIRMAN WOODS: Actually, I'm more interested in the, and it is adjacent to the house.

MR. DUNKLEY: Oh, I'm sorry. In other words, if the unit was to placed we would rather not have it floating in the required yard, we'd rather have it tucked up next to the structure, which is usually where it would be.

CHAIRMAN WOODS: I'm just wondering if we shouldn't just say within some number of feet.

MR. DUNKLEY: That would be more specific and would certainly --

COMMISSIONER OPDYCKE: I mean, it's also
better than tucked up.

MR. DUNKLEY: Tucked up to, yes, snuggled against maybe.

Yes, actually, I think that a specific distance would probably serve better. We have had some, that's we defined adjacent and abutting.

COMMISSIONER OPDYCKE: Bill, a short question. Where does the City property begin? Is it beyond the sidewalk, or is it in the middle of the sidewalk, or?

MR. DUNKLEY: It has nothing to do with the sidewalk, it begins after your property line.

COMMISSIONER OPDYCKE: Wherever the property line is.

MR. DUNKLEY: Well, it begins where the City property beings. It's --

COMMISSIONER OPDYCKE: Is that the sidewalk? Is City property the sidewalk?

MR. DUNKLEY: In the most cases the sidewalk is on City property but that is not universal by any means.

COMMISSIONER OPDYCKE: Okay, okay.

MR. DUNKLEY: A lot of the sidewalks along Central Street, for instance, are on private property.

COMMISSIONER OPDYCKE: Okay.
COMMISSIONER STALEY: Could I ask about the phrase, street side property line? It's seems to me like it'd be read several different ways, or maybe I just, maybe I'm just trying to find something to say too, that could be.

MR. DUNKLEY: Yes, that's why we put this issue in here so we could --

COMMISSIONER STALEY: Couldn't something in the front yard be, I mean, this, are you trying to say, side property line, or is it street? If it's a street side property line, I mean, the front street --

MR. DUNKLEY: There's actually a simple answer, there's a very simple answer because it's precisely defined for our purposes. And that is there are two types of side yards, there's an interior side yard and a street side yard. An interior side yard is next to an adjoining lot, and a street side yard is next to a street. It's always a corner property, and it is, it's their second front yard really, or their, the side yard that is directly along the street.

The difference is that the street side yard extends for the full length of the property to the rear property line. And in interior lot where you have two interior side yards, those side yards stop when you
reach the 30-foot setback from the rear property line. So the yards are configured a little bit differently.

COMMISSIONER STALEY: Well, if it weren't, is it usually initial capped whenever it's defined or?

MR. DUNKLEY: We certainly could do that, yes.

COMMISSIONER STALEY: But, because I don't know, I mean, I could look at that in an extreme situation for a client and say, well, you know, this property line is on the street side and it's in the front yard, it'd be a strain but it isn't, you know. And I'm just, and I think you ought to look at it to make sure that, you know, it says it the best way really.

MR. DUNKLEY: We don't want to subvert the existing regulations that are working. For instance, we don't want to allow A/C compressors in the front yard, and we'll make sure that none of the text, for instance, allows that as a loophole.

But we can, we would certainly either add the definition or refer to the definition if there's any ambiguity at all.

The last exception was to allow placement within 10 feet of an interior side property line if there is an intervening alley of at least 10 feet in
width. We do have mid-block alleys that separate properties. Those side yards are considered interior side yards, but you have a 10-foot buffer there that's built in. And so having an additional 10 feet seems like extra regulations for lots of that particular location.

So, again, if the unit is landscaped, and if it is within X reasonable amount of feet from the house it's generally felt that that was, that that was acceptable, that it met the intent of the Ordinance.

COMMISSIONER CREAMER: Okay. Well, Mr. Chairman, I'd suggest that we defer this item until we get some additional language and --

CHAIRMAN WOODS: Yes, and I'd also like to just get some, see if there's anybody who wants to comment on this item right now, so that while you're momentarily here.

MR. DUNKLEY: Okay.

CHAIRMAN WOODS: Andrew?

MR. McGONNIGAL: Andrew McGonnigal, 2526 Princeton.

A couple of observations that I've been faced with, when you have the side yard requirement for a property, I think it's five feet?
MR. ARGUMEDO: Interior side yard.

MR. McGONNIGAL: Interior side, you have ability to put a window shaker in that window. And a window shaker, and often is louder than the compressing unit.

CHAIRMAN WOODS: A what?

MR. McGONNIGAL: A window shaker, a window mounted air conditioner. So the noise that that's putting out in multiple windows is actually louder than the compressor.

So I'm sitting here going, well, if you've got a five-foot wall that you can actually make more noise at, and you're putting something that's quieter further away. You got a dichotomy there which doesn't make sense in any way. So that's something I'd want zoning to look at before they actually say 10 feet is the maximum distance or the minimum distance.

Secondly, once you put one of these units close to a property you have a circulation of air requirement. You have a minimum distance that you can actually put them next to a structure, and that varies from unit to unit, each manufacturer. So to limit that you're going to have a problem.

Decibel readings are feasible, we do them all...
the time. You take the machine, you take it, you
measure DBA, you take the ambient noise level, you look
at it and you can tell what it is easily. Now I would
put it on the applicant, because manufacturers should be
publishing that data and that should be the use that you
should actually take. It's empirical data and it's
already published, so that's that.

The other thing that's not included in this
ordinance, which I doubt wouldn't run foul of, is
emergency generators for residential, and I talked to
City staff about that.

That, I think, should fall under the same set
of criteria because Evanston's power supply is so great
and, you know, well provided for that I was actually
forced to put one in, and then I was limited to the
distance away from the property that I can actually
place the unit. And they actually put it somewhere that
we shielded that was not obtrusive but also effective in
terms of the house.

So I think if you're going to use air
conditioners then you need to go to emergency generators
as well, and limit it to residential, and limit the
scale that you're actually talking about. If you're
talking about a two-flat or a six-flat then sometimes a
generator is obviously much larger and generates much more noise.

I would limit it to a single occupancy so that you can actually look at the zoning code and see very carefully and understand what your criteria is for working things out.

CHAIRMAN WOODS: Does anybody else want to comment on this issue?

COMMISSIONER OPDYCKE: We got your memo, Ed.

AUDIENCE MEMBER: Oh, did you?

COMMISSIONER OPDYCKE: Yes. And we're talking about air conditioners right now. Ed, you want --

AUDIENCE MEMBER: You know, this has been a thing that's really difficult to deal with from my perspective. We get a lot of these and I don't know what the general trend has been, but for a long time the trend was if somebody was going to buy one of these things, and where they were going to put it is they were going to put it as close to my back door as they could get it, and as far away from their back door as they could it.

COMMISSIONER STALEY: Human nature hasn't changed, you know.

AUDIENCE MEMBER: And you know what, I wasn't
happy. I mean, you know. And it seemed to have been
kind of a repetitive pattern of, you know, I'm going to
get this thing that hums, you know, especially when you
have your doors open, you know, it's warm now so you
open your back door and there's the thing humming away
like crazy. And their back door is over here.

And, you know, I just think if somebody's
going to ask for, you know, a grace point like this they
should be able, they should be required to kind of take
the heat along with, you know, their cooling, you know.

Let it be situated in a way where, you know, it impacts
the people who are benefitting from it more than their
neighbors who are not, it's only a detriment.

COMMISSIONER STALEY: So the ordinance should
say something if you're going to have an air
conditioning compressor it must be in the worst possible
position for you? Is that, how would it --

AUDIENCE MEMBER: Well, something like that.

COMMISSIONER STALEY: Something like that?

AUDIENCE MEMBER: It probably would need to be
fashioned a little bit more artfully than that, but that
would be the general idea, yes. Thanks. Thank you for
your --

CHAIRMAN WOODS: Thank you. Carl?
MR. BOVETTE: Just a related question, somewhat, but it may not be applicable for actual development on property. But my name's Carl Bovette, 1322 Rosalie Street.

Anyway, the V-Rad units apparently have caused some problems, and those would impact the side yards adjacent to alleys. And apparently some of these units are being placed, at least in one case, one complainant within six feet of their building.

MR. DUNKLEY: I'm sorry. The V-Rad?

MR. BOVETTE: The V-Rad, the boxes for AT&T just like outside the building here. And they apparently have fan or a compressor of some kind and it makes a lot of noise, but they're on public property.

Oh, good, okay, that's good, excellent, that solves that problem. Okay, thanks.

COMMISSIONER STALEY: What was the solution there? I missed that. They're taking them out or what? They're eliminating the --

AUDIENCE MEMBER: I was just coming to observe, but I'll talk.

CHAIRMAN WOODS: We're attempting to cover the air conditioner item just so that, Bob has to leave, and Bob obviously, --
MR. DUNKLEY: Just a quick response to a
number of things that were brought up. The emergency
electrical generators is on our, that's on our task list
for this work. It's, we didn't put it in this group
because it was, it's really an addition to the ordinance
and we just wanted to deal with reformatting and errors
with this one and A/C units.

CHAIRMAN WOODS: And what exists today.

MR. DUNKLEY: And, but it is, that is a top
priority in, say, legitimizing generators. Right now we
treat them as A/C compressors, that's the only way we
could allow them. But they are different, they do make
noise, but they only make noise when they're turned on
which is when you have an emergency or when you're
testing, which is generally once a week. So it's a
different profile when that noise occurs.

And, but they are permanent outdoor, generally
outdoor fixtures, so we will get to that. It's a big
item for us.

Other items were, let's see, the requirement
for the distance that compressors should be closer to
you than it is to your neighbor. I think that is very
reasonable, and there are some situations even with the
exceptions that we suggested that a unit could be put
closer to your neighbor than to you.

And if we could write that in a way that we could administer it, and it's clear and unequivocal, I would suggest that we do that, I think it's a great idea.

I think those were the two items that we had here.

AUDIENCE MEMBER: I won't pass up an opportunity to talk in front of a microphone.

I'm sorry, I missed some of the earlier discussions, I was discussing the CTA viaduct repair though, possibly, so, getting stimulus money for that so we should all hope for that.

I'm an advocate of changing the air conditioner rules, as you all know, because technology has made it possible to not have these noisy condensor units near your home. And, which is why we have never had a central air conditioner, air conditioning in our house because we don't like that noise and we enjoy our back deck.

So I think if people can put them out on their back lot line, as long as it's not closer to their neighbor, and a distance from their home and everyone else's home, I think it would be a real improvement to
be able to do that.

I know my next door neighbor put in the most energy efficient, noise resistant, or quietest unit they could, the only place they could put it was on the side of the house that faces our deck. And it is a constant noise in our house because we don't have air conditioning throughout the summer. And it would, they apologized to us, explained that they had gotten the quietest they could, but that was the only location.

I'm sure if they'd had the opportunity to put it along the back property line they would have taken advantage of that. So I'd just urge you to update our code to the newest technology and that way we all have less noise pollution in our lives.

CHAIRMAN WOODS: Before summer.

AUDIENCE MEMBER: Before the summer? But now I'm going back --

CHAIRMAN WOODS: Thank you.

COMMISSIONER CREAMER: Thank you, Mr. Chairman.

CHAIRMAN WOODS: Thank you. Glad we took care of that.

COMMISSIONER STALEY: So you're going to study this a little further?
MR. DUNKLEY: We will come back to you with
best practices, we're going to find out from Mr.
McGonnigal how they do the measurement and --

COMMISSIONER STALEY: Don't these condensers
get, you know, they're fine when they're new. And if
you're going to measure them then, but let them run for
a year or two and start to, you know, squeak and, you
know, that's when they're really getting --

CHAIRMAN WOODS: Well, at least I recall that
relative to certain projects that were planned
developments in the City of Evanston there were certain
requirements placed on them relative to certain sound at
the property line relative to mechanical systems and
other kinds of things.

And I know that that's been a source of
complaint and other issues because in some cases the
manufacturer's standard data didn't actually reflect the
installed condition.

MR. DUNKLEY: The actual conditions. Also a
consideration, there are two more things that are more
complicated that you would think from a surface reading.

We understand the apparent, how would you call
it, discontinuity between standalone a/c compressors and
window, what do you call them, window shakers?
MR. McGONNIGAL: Yes, window shakers.

MR. DUNKLEY: The window units. But window units, unfortunately, have to go in windows. And with a typically five-foot side yard setback that means having them further away is, reduces the number of candidate windows pretty drastically.

We've looked for an alternative to this that would be more equitable, and it, a solution has just eluded us. So any suggestions that you would have to accommodate both window units to allow them where they're generally needed and whole-house a/c compressors, or central air, we would certainly love to hear them.

We have talked about this, we have researched it, we have looked into it, and it seems that with our very small lots and our small side yards it's a, it would end up penalizing those who only could do window units. There is --

CHAIRMAN WOODS: The most straightforward version of the question would be, if we allow window units at five feet because that's the setback then why don't we allow compressors at five feet?

MR. DUNKLEY: So let's see if we can come back to this and come up with a --
CHAIRMAN WOODS: Feeling lonely up there, Stuart?

MR. DUNKLEY: There is also discussion that we don't want to necessarily penalize through regulations those that can afford the larger, the compressors that are more expensive and quieter. So how much of that are we building into a regulation? I think we need to look at that as we move forward.

CHAIRMAN WOODS: Okay. So let's, could we, I guess, get a quick summary of items A through G and then see who would like to speak on any of those, and then we could have discussion on those?

MR. DUNKLEY: Dominick's handed the mic to me so I guess that means I'll take that, that's all right. Okay. I'd just like to summarize where we are in Item H. We are to come back at our next Zoning Committee Meeting, we will have best practices, we will have comparison of what other communities do, and hopefully a brilliant solution to accommodate window units and make that equitable with compressors, with whole-house compressors.

I believe, were there any other items that you'll be expecting us to provide?

Generally we don't usually see actual
ordinance text until we are past Plan Commission with
most items. We're glad to put together a draft
ordinance text as well if you think that will help move
things forward. I generally don't like to do that right
at first because I'd rather have it in layman's terms
what are we trying to do and then translate it into
zoning speak.

But we certainly can take those steps, and
we'd like to get these things as close to moving forward
as we can.

Okay. Item A-1, this is the quick summary,
I'm sorry, there's an error. There's incorrect text in
the district B-1-A setback requirements. There are the
two conditions, or the two, what do we call them, two
situations, I suppose, contain a, the erroneous word,
not, in the second. This is the rear yard, specifying
the rear yard setback for the B-1-A District.

Item G identifies a situation where the rear
yard setback is 25 feet when abutting a residential
district, and H says exactly the same thing. It says
the rear yard setback is 15 feet when it's not abutting
a non-residential district.

We believe this is a pure scribner's error,
and we would suggest that we remove the word, "not", 
from H. It was in the ordinance this way. The 
ordinance is actually written incorrectly.
I think you all can agree that the, generally 
we would want a larger setback when there is a abutment 
with a residential district. That's consistent with 
our, all of our, the whole ordinance.

Item A-2, we have this kind of odd duck 
district that's in section, chapter four of the Zoning 
Ordinance which are the general regulations that apply 
to all zoning districts. And that is the conditions 
were actually having an office use in a residential 
district, and this is intended for those transitional 
areas that were, worked well as residential at one point 
but maybe on a larger corridor, maybe a single-family or 
two-family homes aren't economically viable anymore. 
And office space or smaller office space, usually 
professional offices, become more of an economically 
viable use.

That use is allowed under a special use permit 
as long as certain conditions are met. And it took me 
about six months before I ever found this section, it's 
titled, office, that's it. It's the last section of 
chapter four.

It specifically refers to, refers to specific
residential districts R-4, R-5, and R-6. It omits R-4-A, and that's an oversight because R-4-A was added to
the ordinance after these conditions were added and no
one thought that a double-cross reference needs to be
updated from both sides.

So we would propose to actually eliminate that
problem for any future updates.

It's an important section that needs to be in
the residential district general requirements rather
than in the Zoning Ordinance general requirements. So
we would propose that that text in its entirety be moved
to chapter eight, actually section 8-1, we'll add it,
we'd like to add it as 6-8-1-11, which would be the last
subsection of the general requirements.

And we'd also propose to remove the actual
reference, the reference to actual, the districts to
which it applies so that we can have more flexibility in
updating that, the applicable districts if we were to
for instance add another, say, R-5-A.

We'd also propose to slightly change the text
to make it somewhat clearer and less prone to errors in
the future to say just in districts where it is listed
as a special use office use may occur with the
following, under the following conditions.
Other than that we would propose no change to the actual content. We just want to put it where it's noticeable, and where it can be found, and fix the reference to R-4-A, or the lack of reference to R-4-A where office is listed as a special use.

Okay. Item A-3, we have two appendices in the Zoning Ordinance, A and B, and they are extremely useful tools and nobody knows about them. They're also incorrect currently. They're not actually officially part of the code, they're not updated by our codifier, we don't have any ordinances that actually change that information, they are supplemental information that's provided for ease of use.

Also the term, use matrix, doesn't naturally invite people to peruse the subject matter, it sounds pretty darn technical.

Yet, it is one of the most useful parts of the ordinance of the materials, especially if you're looking, if you're locating, trying to locate property for a particular use. Say I want to open a doggy daycare, where can I put that? You either go through every district one at a time, or you go to this matrix and it tells you what districts are appropriate.

We propose that Appendix A be replaced with
the document that you have in your packet, and that we
update the name so it's more understandable, and we call
it allowed uses by zoning district. How about that?

The current use matrix also does not have the
latest districts that have been added, it doesn't have
R-4-A, I believe it doesn't have C-1-A. It's out of
date. We have actually updated this document, we'd like
to distribute it as a separate companion piece as
needed, put it in the rack, let people take copies of it
and let's get it out there, and let's let it be used.

COMMISSIONER OPDYCKE: Bill, I have a
question. I really like this matrix. Is this common
zoning terminology that we see in the left-hand column?
I mean, educational institutions, for example, I don't
see any reference to schools. But is all the
terminology used, is it common zoning terminology?

MR. DUNKLEY: In some cases, yes, but this is
Evanston so we have some idiosyncrasies here.

It is, generally the common meaning of the use
would apply. However, of course, we always encourage
you to consult the definitions. We have, about half of
these uses are defined because they may have some
exclusions, they may slightly overlap what another use
definition.
COMMISSIONER OPDYCKE: Have some of them presented problems in the past?

CHAIRMAN WOODS: Oh, that's why we --

COMMISSIONER OPDYCKE: I mean, are there a couple that come up time and time again as a problem area?

MR. DUNKLEY: Absolutely, yes. That's, you know, it's impossible to define every use, of course, not, you know, a use never fits cleanly into one definition. We have new combinations of uses that pop up all the time.

My favorite example is coffee shop. We don't have coffee shop defined. 15 years ago there weren't any coffee shops, maybe 20 years, and now they're all over the place. Well, are they type one restaurants, or type two restaurants, or are they something else really? So, yes, there's always challenges with the uses.

We also have coming down the road in this effort a more comprehensive look at particularly those uses that have been presented some problems, or uses that we were getting, that we're seeing more activity in that are becoming more common that we should define more precisely.

Community center is one we, has a very loose
definition that's sometimes problematic. We recently, automobile rental and truck rental, it's not defined so we have to either try to find a use that is, that has a similar profile or unfortunately it's not permitted. So that is a high priority for us.

Of course, it's something that will never be resolved because things change constantly, and we don't have haberdasheries anymore and we have coffee shops.

CHAIRMAN WOODS: So, would you agree --

MR. DUNKLEY: So the proposal, I'm sorry.

CHAIRMAN WOODS: -- with Richard Wright's proposed language clarification in that first, or second sentence?

MR. DUNKLEY: Yes. As a matter of fact, that has been updated. That typo has actually been updated.

CHAIRMAN WOODS: Okay.

MR. DUNKLEY: So, yes, the latest version, we actually updated today, we'll distribute that to you at the next meeting, or we'll send it to you over e-mail.

The second appendix, Appendix B are called an equally compelling name, the bulk matrix. It's also a very useful document, but again it's out of date, it's incorrect in some places, and it doesn't cry out to be used. So we'd like to do something similar, although
this is somewhat of a different change. We actually had an effort, which is, we've completed, and that is to put together one page, two sided, summaries of the requirements of each sets of districts.

We initially started out doing one for each district and realized there's so much overlap among the districts that we could easily, for instance, put R-1, R-2, and R-3 together one sheet.

And so we went through that and we have examples for you here, we call these our reg sheets, regulation sheets, and they're handy summaries with a disclaimer, of course, that this is not the entire set of regulations for a district and you have to read the entire Zoning Ordinance from front to back in order to truly understand what's allowed and what's not allowed.

However, this gives the information that is most often, most frequently requested, it puts it in one place in a pretty handy format. So the bulk matrix does the same thing as the use matrix does, except for those, the bulk requirements, such as height, setbacks, FAR is FAR is applicable, lot width, lot depth, more the numerical standards. And that's exactly what these sheets do.

CHAIRMAN WOODS: You're referring to these
MR. DUNKLEY: Yes.

COMMISSIONER OPDYCKE: Where's the bulk --

MR. DUNKLEY: The bulk --

CHAIRMAN WOODS: They're also part of the A-4 item?

MR. DUNKLEY: Yes, it's the second part of A-4. The bulk matrix is Appendix B in your Zoning Ordinance, it's a big table, and it lists, it's the same format really as the use matrix but it lists the numerical standards for each district.

COMMISSIONER OPDYCKE: Show me where this is, I'm sorry.

MR. DUNKLEY: That's my point exactly, nobody knows it's there.

CHAIRMAN WOODS: We didn't get what it looks like today.

MR. DUNKLEY: Well, it's in your ordinance.

CHAIRMAN WOODS: Oh, I see, we don't have a copy of it in front of us is what you're saying?

COMMISSIONER OPDYCKE: No, the old one is that thing.

CHAIRMAN WOODS: Oh, okay.

COMMISSIONER OPDYCKE: Which is tucked away in
a place you'd never find it.

CHAIRMAN WOODS: Okay.

COMMISSIONER OPDYCKE: Unless you really do some serious digging.

MR. DUNKLEY: We had thought about reformatting it in matrix format, but we realize we have that, we have just done that, we have just done that in putting these sheets together. And these actually, we think, turn out to be more useful.

So we would suggest, we'd recommend that actually remove the bulk matrix and we replace it with these, the individual district regulation sheets.

It does not cover every zoning district. However, it covers, the ones that we have requested on for 90 percent of the time.

And the, let's say the more, the boutique districts, those that are less often, that are less prevalent, we felt it was not a burden to have those represented in the ordinance. And over time we can put together the clip sheets or reg sheets on those and add then to the appendix.

We want to make the appendix more useful, we want to make them more user friendly and put them into peoples' hands.
Okay. I'm sorry, Item D, sorry, Item D on the agenda. Yes?

MR. McGONNIGAL: Can I make a comment?

MR. DUNKLEY: Yes.

MR. McGONNIGAL: Looking at Appendix B, sorry, it's not that. Looking at Appendix B the concern that I've got, for instance, in the downtown districts, and this is a delicate area, this currently reflects what's in the zoning document what has not recently gone through your committee and gone up through the chain with everything that's happening in the downtown district. That gives me a little cause for concern that, you know, if you're modification, and it looks very easy and it's much easier to read, and I think that's a good thing. But there's a point whereby you have to make a decision as to when you incorporate the new stuff. This currently doesn't jive with what was agreed to in the Downtown Master Plan.

So it's either got to be annotated that there's a difference here or that there's an update to be followed. And I think you'll probably find the same with the Central Street District as well.

So there's a concern that I've got there. I just want to, you know, put that on record.
MR. DUNKLEY: Regarding the Downtown Plan and the zoning regulations for downtown, those are about, I think we can say at least six months in coming, we'll start them next month, and that will be the implementation of the zoning recommendations that are in the plan. But our ordinance hasn't changed, and it won't change until counsel adopts new language. That will be about I'd say six to nine months from now.

And at that point, and on the date at which it becomes effective we will have the updated ordinance and the updated new reg sheets. So it's always a bit of a conceptual problem to have a plan that's not in sync with the ordinance. But we have to --

CHAIRMAN WOODS: That's what happens when you change zoning.

MR. DUNKLEY: Yes.

MR. McGONNIGAL: -- not leave them out. I think that's important, that you're going to have uniformity in your document then you have it across the board, you don't miss out sections and say, well, it's not really applicable, or it's covered by the other bit because you're going to back to the same issue you had previously.

MR. DUNKLEY: It's been suggested and, that we
also add to the use matrix the overlay districts. And I agree, I think that's a good idea. They work a little bit differently but we can still accommodate them. And I also agree with the other remaining districts, they should be represented, and we will do that.

MR. McGONNIGAL: I mean, this simplifies a lot of things in terms of somebody looking through the ordinance trying to find everything in one place and in a pretty reasonable fashion to read. And so the more we can do it the better off I think we will be.

MR. ARGUMEDO: And I'd just like to add that since we've been using these as handouts this has greatly improved communication with the residents, citizens that come in. Especially the use matrix, we used to get that question all the time, well, where can I do something? And it just really does help.

CHAIRMAN WOODS: As long as they can find their use.

MR. DUNKLEY: Item A-4 or Item D on the agenda has to do with parking setbacks and how they're represented in the text of the zoning districts.

We actually have regulations for parking, whether it's allowed or not allowed, that are mixed in with the setback regulations in the required yard
section in each district, the regulations for each
district. That presents some, I think, some conceptual
issues.

When you see the text, for instance, parking
five feet in a section that specifies yard requirements
for structures you don't really know what that means,
and nowhere really is it defined explicitly what does
that mean, parking five feet.

We found that if we break out those
regulations that, the parking piece into a separate
table that specifically addresses parking, and identify
whether parking is permitted or not permitted in the
yard. And if it is permitted what the setback from the
property line needs to be is, that it becomes a lot more
understandable.

So the examples are in the reg sheets, that's
what we've done there. And that's with the exception of
R-1 through R-3, which we'll come back and update.

But we've broken out parking as a separate
table, and we've identified for each of the required
yards where parking is permitted, where it is
prohibited. And then if it is permitted, is there a
setback requirement?

Generally, when you're using the regulations
you're looking for, you have a topic that you're looking up. You're either, you're dealing with parking and its location, you're dealing with the primary structure, you're dealing with an accessory structure. So we're trying to put that information together in one place based upon the way people use the district, the ordinance.

Any questions on that because it's, that may not be clear?

COMMISSIONER OPDYCKE: Why don't you have it in R-1 and R-3? I mean, are you still working on that?

MR. DUNKLEY: We don't have it there because that was the first one we did, and we came up with this good idea after, right after that. So we'll come back and we'll pick it up.

COMMISSIONER OPDYCKE: Yes, okay.

MR. DUNKLEY: It's a little simpler in R-1 through R-3 because you can only park on site within 30 feet of the rear lot line. So it's kind of a, that's an odd duck compared to the rest of the districts. But we will, we'll make it similar to the others.

Okay. Item A-6, letter F, it says minor variance, it's actually much more specific than that. There is identified as eligible for minor variance --
CHAIRMAN WOODS: Just a second. What about Item E?

MR. DUNKLEY: I'm sorry, we skipped over one, yes, a big one. I'm sorry, coming back, yes, our parking requirements, table 16-B in chapter 16, our parking regulations.

It took me several weeks looking through the ordinance to find where we ever specify, when I was brand new to it, where do we specify the parking requirements for new developments in our ordinance?

I know it's in Chapter 16, but you have to go almost to the end of the chapter before you stumble upon a table that, this doesn't look like a table, and it's called 16-B, and it says minimum off-street parking requirements. And in many cases I guess you just assume that that's, those are the regulations. There actually is no text that identifies that as a requirement, you have to actually look in a caption of the table.

We propose to reformat that to make it more noticeable as a table to actually include in the, at the very beginning of chapter 16 the text that identifies that table as specifying the requirements for new development for off-street parking, and start off that whole chapter on the right foot rather than having to
read halfway through it before you stumble upon what
most people go to that section for.

    Fairly straightforward update. We thought
about trying to make it Table 16-A, but the cross
references that would need to be updated were pretty
daunting. So we decided we would settle for leaving it
16-B but we would make it more of the centerpiece of
that whole chapter which is what it needs to be.

    Okay. Then moving on to F, Item A-6, there is
identified in chapter three under the eligible variances
for, eligible situations for a minor variance. One of
them lists lot width and lot depth separately.

    I think the origin of this and the way it was
presented is kind of lost in the mysterious past because
there is no requirement for lot depth in our ordinance.
And in fact we have had, on at least one occasion, an
applicant who argued quite stringently that because lot
width and lot depth were listed as eligible for a minor
variance that lot size should be eligible, it's just
width times depth.

    Lot size is reserved as a major variance and
for good reason. Yet this caused a lot of staff time
and a lot of legal time with our legal department to get
this all sorted out.
3/25/09  

ZONING COMMITTEE 

OF THE PLAN COMMISSION 

Items A-1 - A-8 

1  We propose just removing lot depth as an 
2 eligible variance. There is no requirement so there is 
3 no opportunity to apply for a variance on lot depth. 
4
5 Item A-7 are two errors to, textual errors 
6 that we've put together into one item to make it a 
7 little more beefy. And that is a cross reference in the 
8 historic preservation section 6-15-1-8 refers to the 
9 wrong cross reference. 
10
11 And section 6-1-2 in the intent and purpose is 
12 a slight change in the language where it talks about the 
13 open space between buildings. We'd like to just change 
14 that to the open space among buildings. As currently 
15 written it seems to apply to courtyards and open space 
16 that's within buildings, and that's not the purpose, 
17 that's not the intention of that over-arching section. 
18
19 So those are two fairly small items of 
20 cleanup. 
21
22 And here you have a overview of this 
23 particular package of recommended changes. As you know, 
24 these are intended to be the, what we hope are the low- 
25 hanging fruit, those that have told their own stories 
26 about why they should be done. But, of course, there's 
27 always complications that we maybe haven't seen. 
28
29 CHAIRMAN WOODS: Right. Does anybody, would
anybody like to comment on any of the items A through G? Andrew?

MR. MC GONNIGAL: I just would like to make sure that when you're using the matrix A and B and you put a description of use, that between the two appendices that they are actually the same, and that the definition is actually included in the total document so there is no discrepancy or mis-interpretation as to the verbiage used, be it a coffee shop or a manufacturing facility.

So that if you're putting something out there you've got to have uniformity throughout your document. So wherever you make that reference to that specific use, you don't want people coming back to you and saying, you said it's here but you don't define it. And then you go through the argument of trying to define what that use is. That's the only comment.

CHAIRMAN WOODS: Carl?

MR. BOVETTE: Just two comments. First is, this is, if you're reformatting and cleaning things up this is the best time to do it related to then making it understandable to the layperson when we get into Downtown Plan revisions and what not. So this is really quite good.
The other thing is, where can you find in the zoning code live/work units, because that's obviously becoming a little bit more popular?

MR. DUNKLEY: I don't believe you do. But I would suggest that we hold that for our comprehensive look at our use definitions because we are seeing a lot of live/work and I don't think it's going away.

We're always finding new things there as well.

I found pawnbroker, I didn't know we regulated pawnbrokers, apparently we do.

COMMISSIONER STALEY: I didn't catch the word. What --

MR. DUNKLEY: Pawnbroker, it's a defined use, it's only permitted in one district by special use, but it's there. Pawnbroker, that's my, I go back to my roots.

COMMISSIONER STALEY: Pawnbroker, yes, that's a good business these days.

MR. DUNKLEY: But I agree, in putting the uses, the definitions of the uses actually in that document I think it would be very useful. It'll be a little bit of work but I think it's, I think it would increase the value of that document substantially.

COMMISSIONER OPDYCKE: But won't that sort of
duplicate what you have in the definition section?

MR. DUNKLEY: Yes, it will. And in fact, all of Appendices A and B are duplicates of other material, there is no new material, there's no new content that appears in those appendices.

COMMISSIONER OPDYCKE: So we need to find some information in a much quicker --

MR. DUNKLEY: And more compact.

COMMISSIONER OPDYCKE: -- format?

MR. DUNKLEY: Yes. It is a restatement and a reformatting of information that already exists. So it's by definition, I guess it's more work but we think it's worth it because it will save us from having to answer questions that could be answered without a telephone call.

COMMISSIONER OPDYCKE: So you're going to put the definitions of all these terms right next to the matrix itself, following the matrix?

MR. DUNKLEY: Yes. I believe we can do that.

COMMISSIONER OPDYCKE: As opposed to an asterisk that refers the reader to the index for precise definitions.

MR. DUNKLEY: Yes. Then I guess then we're just sending them back to the code.
COMMISSIONER OPDYCKE: Okay.

MR. DUNKLEY: So if they have to do that we might as well just --

COMMISSIONER OPDYCKE: Okay, okay. You want to make it more user friendly.

MR. DUNKLEY: Yes.

COMMISSIONER OPDYCKE: I understand that.

CHAIRMAN WOODS: And you wanted this independent thing you can hand out.

MR. DUNKLEY: Yes. It could be useful in itself. Keep in mind that only about 50 percent of the uses that are listed are, have definitions at this point.

MR. McGONNIGAL: That's where I have a problem. The defined use and no definition. That, I think, needs to be cleaned up.

MR. DUNKLEY: And certainly all the uses that you feel need specific definitions that don't exist, that's all fair game for the update or use definition section.

MR. HILL: One more little comment. My name is Joe Hill, and I'm from Central Street Neighbors Association. And anytime we see something coming up for action in B-1-A our antenna goes up, because as you are
well aware, and as Bill Dunkley is well aware, we spent
a lot of time hammering out B-1-A for Central Street.
And I'm certainly glad to hear tonight that
you have agreed to accept Richard Wright's proposed
verbiage in these changes, he was very concerned also
about this and began e-mailing, I believe, Bill, right
away on these changes. So I'm glad to hear that you've
accepted his proposal. Thank you.

CHAIRMAN WOODS: Thank you.

COMMISSIONER OPDYCKE: So what are we going to
do? We're going to refer this now to the Plan
Commission? I mean, A through G? Is that where it goes
next?

MR. DUNKLEY: That would be, yes, that would
certainly be --

CHAIRMAN WOODS: No the zoning.

COMMISSIONER OPDYCKE: Have you reserved, you
just reserve H for another time I suppose?

MR. DUNKLEY: No, we can send H on too, but --

CHAIRMAN WOODS: We've agreed to get more
information. Okay.

COMMISSIONER STALEY: Do we need, do you need
a motion just explaining what kind of action we need to
take here? Do we not have a quorum anymore?
MR. DUNKLEY: We have six members of the zoning --

COMMISSIONER OPDYCKE: Bob Creamer is a non-voting member. But does that, does his presence constitute a, for quorum purposes?

MR. DUNKLEY: Unfortunately not. We need four members, and you had four, yes, --

COMMISSIONER STALEY: Well, who are the four?

COMMISSIONER OPDYCKE: Well what about, is Ms. Schuldenfrei --

MR. DUNKLEY: Ms. Schuldenfrei, I believe, has resigned from the Zoning Committee.

COMMISSIONER OPDYCKE: Yes, so we only have five members then, do we not? So wouldn't three be a quorum?

MR. DUNKLEY: We have, the additional members are Johanna Nyden, Seth Freedman, and Bob Galloway.

CHAIRMAN WOODS: Oh, David Galloway.

MR. DUNKLEY: I think, Dave Galloway.

CHAIRMAN WOODS: So we have three of six.

MR. DUNKLEY: So that's six voting members, a quorum would be four.

COMMISSIONER OPDYCKE: Well, that doesn't, does that prevent us from putting it on the Plan
Commission agenda? I mean, maybe we could meet, like, at 6:30 or something, or 6:45 before the next Plan Commission meeting and --

MR. DUNKLEY: You officially have your hands tied behind your back for right now.

COMMISSIONER OPDYCKE: Okay.

MR. DUNKLEY: So we're asking to take a transcript, or you can take testimony, but you can't take any action.

COMMISSIONER OPDYCKE: Yes, okay.

CHAIRMAN WOODS: So I would move that we meet at 6:30 prior to the next Plan Commission meeting.

COMMISSIONER OPDYCKE: You can't move anything, we don't have a quorum.

CHAIRMAN WOODS: Well --

COMMISSIONER STALEY: You'll suggest that, how about a suggestion?

COMMISSIONER OPDYCKE: No, I don't think we can suggest it even.

COMMISSIONER STALEY: We all show up.

COMMISSIONER OPDYCKE: Well, let's just do it, we'll just be there.

MR. DUNKLEY: Well, our next, the Plan Commission meeting is the, it's early next month, it's
the first --

COMMISSIONER OPDYCKE: The 8th, I think it's the 8th.

COMMISSIONER STALEY: I will not be there, but --

CHAIRMAN WOODS: Can we suspend our rules and --

MR. DUNKLEY: I believe the Plan Commission could move to adopt the testimony given at this meeting into its record and make an official motion based upon that testimony, based upon that testimony. I will confirm that before the next Plan Commission.

I'm sorry. I believe that it's possible for the Plan Commission to move to accept the testimony given tonight into its record, and then make a motion based upon that, and based upon, and with the findings of fact, of course, at that time.

It is important, and I will confirm with our law department that that is, that that's possible, that we won't jeopardize anything that's done subsequent to that. It's important that we keep on schedule because these are the easy ones.

CHAIRMAN WOODS: Yes.

MR. DUNKLEY: They get a lot harder a lot more
quickly, and there's a lot of work involved. And as you know, this is going to overlap the Downtown Plan and Zoning implementation.

So if we can keep things moving I think it, we should try to do that.

CHAIRMAN WOODS: So you check with legal, and I would suggest that as part of the Plan Commission's packets next time that all commissioners receive the standards, which text modifications, right?

MR. DUNKLEY: We can do that, yes. And the transcript. Question for our court reporter, is it possible to have transcripts by, let's see, it would be the --

CHAIRMAN WOODS: The 8th. Wait a second, is the next Plan Commission really the 8th?

COMMISSIONER OPDYCKE: Yes, I think it's the 8th.

CHAIRMAN WOODS: Why in the world did we --

COMMISSIONER OPDYCKE: Because it's the second --

CHAIRMAN WOODS: -- middle of spring break?

MR. DUNKLEY: Yes, it's the second Wednesday.

CHAIRMAN WOODS: I know, but we should have identified that earlier as being the middle of spring
break and done something about that.

MR. DUNKLEY: Yes.

COMMISSIONER OPDYCKE: Well, can we consider moving it back a week? I mean --

MR. DUNKLEY: Well, no, not without notice requirements.

COMMISSIONER OPDYCKE: Okay, yes.

MR. DUNKLEY: Yes, that's not possible.

CHAIRMAN WOODS: You have to postpone it two weeks at least?

MR. DUNKLEY: Yes. You have to be at least three weeks out for a new meeting, it's more than that actually because --

CHAIRMAN WOODS: That's right, we've only got, yes.

COMMISSIONER OPDYCKE: Oh, my gosh, that's right, it's two weeks away.

MR. DUNKLEY: Yes. So I believe this could be done at the Plan Commission. We may not have a quorum, the Plan Commission.

CHAIRMAN WOODS: It's spring break.

MR. DUNKLEY: Spring break.

MR. DUNKLEY: We will figure something out.

CHAIRMAN WOODS: I will be planning on going
early morning.

MR. DUNKLEY: It's between spring break and
the elections.

CHAIRMAN WOODS: It's an amazing thing to me
that --

COMMISSIONER STALEY: Do we need to adjourn
since we were never here or?

COMMISSIONER OPDYCKE: We can, we --

MR. DUNKLEY: Oh, no, you were here.

CHAIRMAN WOODS: I declared a quorum, which we
apparently didn't have.

COMMISSIONER OPDYCKE: We can just walk out.

MR. DUNKLEY: No, I think declaring an
adjournment would be a, I don't think anyone would argue
with that. Thank you.

CHAIRMAN WOODS: So we're concluded.

(Whereupon, the hearing in the
above-titled cause was
concluded at 8:17 p.m.)