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EVANSTON PLAN COMMISSION

ZPC 09 PLND-0056

1 CITY OF EVANSTON
2 PLAN COMMISSION MEETING

3 Case No.: ZPC 09 PLND-0056

4 Re: To consider amendments to the Zoning Ordinance as
5 part of the Zoning Ordinance Strategic Improvement
6 Program, Phase 1-C

7 Transcribed Report of Proceedings of a public
8 meeting, held August 12, 2009, at the Evanston Civic
9 Center, 2100 Ridge Avenue, Council Chambers, Evanston,
10 Illinois, at 7:08 p.m. and presided over by Stuart
11 Opdycke, Chair.

12

13 PRESENT:

- | | | |
|----|-------------------|-------------|
| 14 | S. OPDYCKE, CHAIR | D. GALLOWAY |
| 15 | J. NYDEN | C. STALEY |
| 16 | J. WOODS | R. SHURE |
| 17 | S. PETERS | |

18

19 STAFF:

- 20 BILL DUNKLEY - Zoning Administrator
- 21 DOMINICK ARGUMEDO - Zoning Planner
- 22 SUSAN GUDERLEY
- 23 CRAIG SKLENAR

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1 CHAIRMAN OPDYCKE: The Plan Commission is now
2 called to order. We do in fact have a quorum, so we can
3 proceed. First item is approval of the July 8th
4 Planning Commission Meeting minutes. Is there a motion?

5 MR. STALEY: I would move approval.

6 CHAIRMAN OPDYCKE: Is there a second?

7 MS. NYDEN: Second.

8 CHAIRMAN OPDYCKE: All those in favor say aye.

9 (Chorus of ayes.)

10 CHAIRMAN OPDYCKE: Opposed? Motion carries.

11 Next item is continuation of a Zoning
12 Ordinance Text Amendment Public Hearing ZPC 09 PLND-
13 0056. To consider amendments to the Zoning Ordinance as
14 part of the Zoning Ordinance Strategic Improvement
15 program, Phase 1-C. Mr. Dunkley.

16 MR. DUNKLEY: Good evening, Commissioners.
17 Bill Dunkley your Zoning Administrator.

18 CHAIRMAN OPDYCKE: Good evening, Mr. Dunkley.
19 And we do have a new member that just came, Mr.
20 Galloway. Good evening, Dave. We are under way. He's
21 an old member. to be sure.

22 MR. DUNKLEY: Item 3 is Case No. 09 PLND-0056,
23 and it is a set of proposed updates to the Zoning Code,
24 or Text Amendments, that all relate to, that primarily

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1 relate to variances and what, and eligibility for
2 variances of different types. There is one on special
3 uses and the expiration of, proposed expiration of
4 special uses, and there's also the very first one is
5 really, we really are looking at it as an omission, as
6 really a correction that should have been made at the
7 time the MXE District was added to the ordinance.

8 CHAIRMAN OPDYCKE: Bill, before you go any
9 further, Mr. Shure, do you have a question?

10 MR. SHURE: No.

11 CHAIRMAN OPDYCKE: Okay. I think, is it your
12 light that is on?

13 MR. SHURE: Oh, okay, sorry.

14 CHAIRMAN OPDYCKE: Thank you. Mr. Dunkley.

15 MR. DUNKLEY: Yes. And I'll just take these in
16 order and give a recap of the events in the public
17 hearing at the Zoning Committee.

18 The first item is C-1, correcting omissions
19 relating to the MXE District. When the MXE District was
20 added to the zoning ordinance, intended to replace the
21 MU and MUE Districts, the district itself, the language
22 of the district and the commensurate map amendments or
23 re-zonings, were all handled correctly, as they should.

24 There was an additional task that needed to be

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1 done, actually several tasks, and that was to go from
2 front to back of the zoning ordinance to look for
3 references to the MU and MUE Districts and determine
4 whether they should also be expanded to include
5 references or functional matters related to the new MXE
6 District. It appears that that task was never done.
7 And so C-1 is intended to fix what appears to us to be
8 obviously an error of omission, the most significant of
9 which is the last item listed on the informational page
10 on C-1, which is the Exemption of from Required Spaces,
11 which is given to the, all of the non-residential
12 districts in Section 6-16-1-4, with the glaring omission
13 of MXE, is just not included in the list. And that, if
14 you know, is the 2,000, the exemption of the first 2,000
15 square feet of commercial space requiring residential,
16 requiring on-site parking from those parking
17 requirements. It's one of the ways we implement our
18 policy of allowing smaller spaces, smaller commercial
19 spaces, without having to require on-site parking, which
20 would be pretty much cataclysmic for any adaptive reuse
21 or new construction.

22 So, our policy has been to provide this 2,000
23 square foot exemption, with the exception of MXE. And
24 in looking at the order of events that occurred, we

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1 realized quickly that the MXE District was added after
2 the general exemption. There was really, appears to be
3 no attempt to go back and add it to that list. So, it
4 is not given in the MXE District text itself, it's only
5 given in this one section in Chapter 16, which is the
6 parking regulations. So, the proposal there is to add
7 the add-in MXE as it appears for all of the other non-
8 residential districts and non-downtown districts, to
9 complete that.

10 The other one that is more than really just
11 purely an omission is the next up on the list 6-13-1-8,
12 which allows certain percentages of outdoor storage in
13 the MU and MUE Districts, but not MXE. And again, same
14 situation applies, is the MXE District was added after
15 this, after 6-13-1-8 was added to the ordinance. And we
16 didn't go back to update that, to ask if it should be
17 added. The discussion the Zoning Commission centered
18 around whether it was closer to 15 percent, which is the
19 amount of outdoor storage allowed in MU, or 25 percent,
20 which is the MUE. MXE is really modeled more over an
21 MUE, it's more of an employment district and the
22 recommendation was to model the MXE addition to, against
23 the MUE. So, the proposal is to add MXE to the list of
24 allowed, districts allowing outdoor storage area to the

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1 percent of 25 percent of the land area, of the lot area.

2 The remainder, 6-4-4-5, 6-4-4-6, 7, 6-4-5-3,
3 6-4-5-4, 6-4-6-7, and 6-4-9, area really, they're just
4 purely errors of omission. They are cross references to
5 districts that, to which these items pertain and they
6 are missing the MXE District. So, we propose to add
7 those in, merely to complete the list. And most of
8 these are very infrequently referred to areas, however,
9 since we're going and doing this work, we felt we should
10 do it completely. And we feel that this list really
11 kind of cleans up the addition of MXE throughout the
12 ordinance.

13 CHAIRMAN OPDYCKE: Mr. Dunkley, perhaps I
14 should say for the benefit of the public, that all of
15 these proposed recommendations emerged from the Zoning
16 Committee, with unanimous approval, save for Item B
17 which is Townhouse Orientation, if memory serves, it was
18 four in favor and one in opposition. But apart from
19 that, all the other proposals were accepted unanimously.

20 I also notice we have a number of people,
21 citizens in the chamber tonight, and if any one of them
22 would like to address any of the items that are on the
23 agenda, please just raise your hand and I will invite
24 you to come forward, state your name and your address

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1 for the record, and you will be free to make any
2 inquiries or comments that you wish.

3 Yes, sir, come forward. If it isn't on an
4 item that we are discussing presently, I want the
5 comments to be contemporaneous with the items that Mr.
6 Dunkley is addressing.

7 AUDIENDE MEMBER: It is Item C-6.

8 MR. WOODS: We're talking about C-1 right now.

9 CHAIRMAN OPDYCKE: We're talking about C-1,
10 yes. Thank you, thank you very much. Mr. Dunkley.

11 MR. DUNKLEY: Yes. Would you like to continue
12 on?

13 CHAIRMAN OPDYCKE: Yes, please.

14 MR. DUNKLEY: Item C-2 concerns the --

15 MR. STALEY: Could I make a suggestion.
16 Obviously the people are here for C-6. Why don't we,
17 well, a suggestion. Why don't we go to C-6 so that
18 people don't have to sit here. We're all on the Zoning
19 Committee, so we've all been through this once. If you
20 want to hear all this, you know, all right. But if
21 you'd rather just go to the one you're interested in, I
22 think we should.

23 CHAIRMAN OPDYCKE: Well, let me take a poll
24 here of those in attendance, members of the public. How

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1 many would like to speak on the issue of, presented in
2 C-6? Raise your hands. Two? All right. What other
3 items would the remaining members like to address? So
4 everyone is not here on C-6, is that correct?

5 MR. DUNKLEY: I think they just don't want to
6 speak.

7 CHAIRMAN OPDYCKE: Oh, okay.

8 AUDIENCE MEMBER: We are here for C-6, but we
9 don't want to speak.

10 CHAIRMAN OPDYCKE: Okay, all right. That
11 being the case, Mr. Dunkley, perhaps we should move
12 ahead to Item F, which is C-6, Expand the Eligibility of
13 Certain Requirements of the Central Street Corridor
14 Overlay. Would that be all right with you, Mr. Dunkley?

15 MR. DUNKLEY: Absolutely, absolutely.

16 CHAIRMAN OPDYCKE: All right.

17 MR. DUNKLEY: Item C-6 is a proposal to add
18 two requirements of the CSC, the Central Street
19 Corridor, Zoning Overlay District, which as you all
20 know, or could imagine, is almost the entirety of
21 Central Street, with adjoining cross streets, portions
22 of adjoining cross streets. Many of us worked together
23 on putting this ordinance together. And those two
24 items, well actually, there are no specific items in

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1 Central Street that are unique to the Central Street
2 ordinance that are eligible for variances.

3 There are several new zoning concepts that
4 have been introduced with Central Street, the idea of a
5 required pedestrian area, being a sidewalk and parkway
6 and any space between the facade of the building and the
7 property line. Before Central Street we had no
8 designation of a minimum area that needs to be set aside
9 for pedestrians.

10 And the other is, the other that's the topic
11 of this proposal is the idea of a minimum, a depth of
12 active uses at street level. This is actually not
13 unique. It does appear in the downtown districts. But
14 the requirement is that there be in certain segments,
15 certain parts of the district, that there be at least 50
16 feet deep of active use, and those are defined in the
17 ordinance. You can imagine they are retail restaurant
18 and the like.

19 During the course of the Central Street
20 creation, our putting this together, we conjectured on
21 what are those items that we might want to be able to
22 vary. And we ended up not including any additional in
23 it to what is already specified in or allowed in the
24 ordinance.

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1 We have some experience with the district and
2 it's working fairly well. However, we did run into a
3 situation where we had a particular proposal on Grosse
4 Point Road, it was where the gas station is, that
5 actually was, and we believe it would be a very
6 beneficial development, a re-development of a, actually
7 it was a non-contributing site, since it's really been
8 closed, in the spirit that the Central Street corridor
9 was, should be promoting. However, it was on a corner
10 lot and the requirements in that sub-area were for wide
11 pedestrian areas, and they could not be varied, it
12 reduced the developable area of the site so that it
13 could not be developed. And because these requirements
14 were uneligible for variances, there is nothing we can
15 do about it. You either develop with these, the
16 sidewalks as specified, or you don't develop new
17 construction on that site. Not an enviable position to
18 be in.

19 CHAIRMAN OPDYCKE: Touch for a moment on what
20 those requirements were.

21 MR. DUNKLEY: It's a 30 foot total width of
22 sidewalk and parkway and flex area. And that would be,
23 that is possible in the, it's in sub-area 6, which is
24 the Grosse Point, Crawford area. In the plan it's

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1 identified as a gateway area. It is one of the best
2 opportunities for redevelopment in the corridor and it
3 is particularly pedestrian unfriendly. There is the
4 opportunity to provide wider sidewalks, however, the
5 situation particularly for a corner lot that gets hit on
6 both sides by that requirement, turns out to be quite a,
7 turns into a diminution of the amount of developable
8 area. And in this case it was so much so, that the
9 project just couldn't, it just couldn't work.

10 CHAIRMAN OPDYCKE: And there was a 50 foot
11 depth as I recall, as well.

12 MR. DUNKLEY: No, that's the pedestrian area,
13 the sidewalk requirement. The depth actually, depth
14 requirement comes into play as well, because of the 50
15 foot, mandatory 50 foot. It's 50 foot or more. For
16 shallower lots, for instance, that could be a real
17 challenge to provide.

18 CHAIRMAN OPDYCKE: Excuse me for just one
19 moment, Mr. Galloway, you have a question?

20 MR. GALLOWAY: Well, maybe Bill's getting
21 there, but do I understand that as a result of the 30
22 foot required depth for sidewalk and parkway, et cetera,
23 that the first floor area could not achieve the 50 foot
24 depth requirement for development?

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1 MR. DUNKLEY: That could be possible.

2 MR. GALLOWAY: Or the first floor area was not
3 of sufficient size to qualify?

4 MR. DUNKLEY: I couldn't tell you for certain
5 if that is the case, but that certainly is a possibility
6 for corner properties that are fairly shallow.

7 MR. GALLOWAY: Right.

8 MR. DUNKLEY: Which would be ironic. So,
9 these, and in my experience in working with regulations
10 such as these, fairly, actually very similar to these,
11 these two areas are appropriate for variances, to allow
12 variances. We proposed that they be brought in right,
13 within the existing structure of minor, of major and
14 minor variances, which makes them fairly straightforward
15 to administer. The active ground floor uses, of course,
16 because it would not apply to single and two family
17 uses, which is a requirement for being eligible for
18 minor variances. That would only be eligible as a major
19 variance, which would make sense.

20 In addition, well, the pedestrian area
21 requirements could, for single and two family uses which
22 are not that prevalent actually within the corridor,
23 they could be eligible for minor variance if they only
24 were asking for a 35 percent or less variation. But we

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1 would anticipate that they would be mostly major
2 variances, which again we think makes sense, they would
3 have that level of scrutiny.

4 We don't propose any additional standards for
5 granting those variances. The existing standards appear
6 to be perfectly capable of the type of requirements we'd
7 like to see. They all relate to the lot itself, they
8 are, have to do with cumulative effect, not being self-
9 created. It seems like it would work just fine without
10 creating, for instance, new standards, such as only
11 corner lots being eligible for the pedestrian area.
12 There may very well be other circumstances, other lot
13 configurations where meeting the requirement of the
14 zoning ordinance is just not practical or even possible.

15 So we propose that they be included in the list of
16 eligible variances, and that really would be the extent
17 of the Text Amendment, that would be in Chapter 3 under
18 eligible variances, listing them with the others, the
19 other requirements.

20 CHAIRMAN OPDYCKE: Does, any members of the
21 Commission have any questions so far? Mr. Galloway?

22 MR. GALLOWAY: You may have said this and I
23 may not have caught it, but the situation you described
24 is specific to this Central, Grosse Point, Crawford

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1 situation, but you're proposing that the variance
2 that's, whose needs have been brought upon by this
3 specific condition, be allowed for the entire Central
4 Street Corridor?

5 MR. DUNKLEY: That's correct.

6 MR. GALLOWAY: Okay.

7 MR. DUNKLEY: Particularly small corner lots,
8 for instances, would have the same issue, even with the
9 more modest requirements.

10 CHAIRMAN OPDYCKE: Mr. Hughes?

11 MR. HUGHES: Hi. My name is Jim Hughes. I
12 live at 2518 Hartsell Street, and I'm speaking as an
13 individual here tonight. Thanks for this opportunity.

14 I would like to comment on Item C-6 and I
15 recognize that previous discussion has taken place on
16 that and we do have some questions, and that was one
17 question we had about whether this applies to the whole
18 of Central Street or just that sub-area. So, it wasn't
19 clear to us. We thought it was just area 6, and when
20 that question came up it became very clear that we need
21 to be a little more poignant in these comments.

22 The Central Street master plan recommended
23 retail depths of at least 50 feet along the Central
24 Street Corridor. This was done in part to assure a

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1 viable and robust retail district. I would encourage
2 the Commission to continue the requirement in keeping
3 with the recommendations developed by many neighbors and
4 merchants participating in the plan process, lasting
5 over a year in 2006 and 7.

6 Recognizing that there needs to be some
7 flexibility, I would, however, encourage the Commission
8 in crafting any variances to one, include an absolute
9 minimum, say 40 feet, in the depth of retail space, as a
10 limit to the variance. Assure variances are always
11 considered major variances in the review process. The
12 question tonight, about the availability of these
13 variances to residential, which would be minor
14 variances. There shouldn't be any lack of clarity in
15 that that this should be considered, fully considered as
16 a major variance.

17 I'd also encourage to limit the availability
18 of retail depth variances to specific sub-areas that
19 have this problem of lot depth, instead of making it
20 available all up and down the street.

21 Regarding the pedestrian area requirement in
22 sub-area 6, and having straightened that out that it is
23 intended to be for the whole street, we, me, I feel
24 opposed to that because we started out to improve a

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1 gateway streetscape that was lacking in hospitality.
2 These pedestrian requirements also were to improve
3 access, which is lacking in an area of very high auto
4 thoroughfare, and also to improve driver visibility in
5 that area. I know if you go through there, it's a high
6 traffic multi-corner situation.

7 And also, we considered, as it became clear
8 tonight, there's one site involved here. There was a
9 development being considered at that site in the plan, a
10 multi-use development with condominiums that included
11 retail on the first floor. So I felt that was
12 appropriately considered in the plan and the
13 recommendations reflected that.

14 For all these reasons, I feel it's not a good
15 solution to allow this. And also at the time of plan
16 development, there was some discussion of the height of
17 buildings in this sub-area. Added height was viewed as
18 a possibility, if the streetscape setbacks were in
19 place. Trading streetscape at this juncture would also
20 warrant revisiting the building heights, which we
21 discussed thoroughly at the time of the plan.

22 So, thank you very much for your
23 consideration.

24 CHAIRMAN OPDYCKE: Any comments from members

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1 of the Commission with regard to those comments from Mr.
2 Hughes?

3 Mr. Wright.

4 MR. WRIGHT: Yes, my name is Richard Wright.
5 I'm from 2603 Hartsell Street and I apologize for not
6 being at the Zoning Committee, where I know these things
7 are worked out more easily. I was destroying myself in
8 the High Sierra's in my old age hiking.

9 But I remain confused about the proposal
10 because, as I saw it in the notice of the Zoning
11 Committee, and even the notice tonight, it's different
12 that's what's been talked about now. We have no
13 specific language, so it's hard to know exactly what
14 we're aiming at or talking about here. The proposal as
15 it's been described for the first one, on Central Street
16 C-6, supposedly applies only to area 6, I mean, is that
17 no longer true?

18 MR. DUNKLEY: I do apologize. We should have
19 updated that based upon our conversation in the Zoning
20 Committee. We just, we missed that, that it was felt
21 that if we stay within the existing framework of
22 variances in the ordinance, it would be easier to
23 administer and would, really didn't open us up for much
24 additional risk, and would capture other situations

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1 where that may very well be an issue. It's the first
2 time we've included required pedestrian areas. We don't
3 know specifically that it will always be possible to
4 meet the requirement. And if you have a situation where
5 it's not possible to meet the requirement because of the
6 configuration of the lot, and someone can tell a
7 compelling story as to why that is not possible, we're
8 in a difficult situation because you cannot, we have no
9 way to vary that requirement. Either you meet it or you
10 don't which sometimes means not doing something that may
11 very well be beneficial.

12 MR. WRIGHT: Thank you. I appreciate that.

13 And on the second one, maybe again, I notice
14 coming up, it was defined even for tonight as a proposal
15 to only allow less than 50 feet active area use for
16 shallow lots. And there's a proposal to define shallow
17 lots tonight. Is that no longer the case?

18 MR. DUNKLEY: Yeah, again, the example is that
19 we think is pretty understandable, fairly common on
20 Central Street, is the case of the shallow lot. That
21 may not be the only --

22 CHAIRMAN OPDYCKE: I'm sorry, what did you
23 say, Bill?

24 MR. DUNKLEY: The example is pretty ubiquitous

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1 on Central Street, is the shallow lot. If you have a
2 shallow lot, it may not be possible to provide 50 feet
3 of retail, and provide the on site parking that's
4 necessary, and all of the setbacks that are required, et
5 cetera. But that may not be the only situation that
6 gives rise to a need for a variance. For instance, we
7 have variances available on building lot coverage, and
8 impervious surface coverage. And generally those are
9 given to small or substandard lots. But that's not a
10 requirement, and that also means that you don't have to
11 define what a substandard lot is. It's left to the
12 judgment of public scrutiny of reasonable people, which
13 is generally how our variances have worked fairly well
14 to date. Obviously we're making some adjustments.

15 But, we didn't see that there was really a
16 need to specify that this is only available for shallow
17 lots, because then you have to define what a shallow lot
18 is, and that's a difficult situation. I'm not sure how
19 we would do that. It could be an absolute measurement,
20 but does that really meet what the function of a
21 variance is. It could be in relationship to the
22 surrounding lots, to the improvements on the property.
23 You very quickly get into a situation that's very
24 complicated to try and make an absolute determination,

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1 or absolute definition of a shallow lot.

2 CHAIRMAN OPDYCKE: Mr. Wright?

3 MR. WRIGHT: Again, thanks. You know, I
4 understand, I think we all understand the need for
5 flexibility and I think the one thing I would want to
6 make sure I don't miss is emphasize what Jim said, is
7 that understanding the need for flexibility insofar as
8 there are variances on this plan, they should all be
9 major variances. You know, these are things that were
10 put into place to try and maintain and even enhance the
11 streetscape on Central Street. So, Bill mentioned, for
12 example, when maybe compared to the neighboring lots,
13 that wouldn't seem quite right. Well, the idea was to
14 kind of actually kind of, as these things are
15 redeveloped, to kind of make them step back a bit more
16 in some areas than they are now. Not to kind of say
17 because the one next to it is already out this far,
18 we'll keep a very narrow sidewalk space. the idea was
19 to try and, as the future as we develop, have these
20 things maintain a better sidewalk space that's more
21 consistent.

22 So, I would be very opposed and I can't speak
23 for Central Street neighbors group as a whole, I haven't
24 really been very active in it lately, but I'm sure the

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1 Central Street neighbors group as a whole, if we asked
2 them, would be very opposed to having this, any of these
3 particular things occur as opposed to, you know,
4 impervious or something like that perhaps, occur as
5 minor variances. It can be done without any public
6 hearing, as far as I understand. These things should be
7 ventilated if they're going to be departures from the
8 Central Street plan that was strongly negotiated. And
9 even the people who developed the plan, they're the ones
10 that kind of put in this sort of 30 foot requirement in
11 area 6, and now it's any area, which is a particularly
12 troublesome area. I think you all know out there by
13 CVS. All the intersections coming in and Bill
14 mentioned, this development which was already in the
15 plans, was, I know they were here at the time
16 complaining, you know, we oppose this 30 feet setback.
17 They were here complaining about that at that time. And
18 we pointed out, well, yeah, you've got a 30 foot
19 setback, but you have a lot more buildable space because
20 you have greatly increased the height. You've changed
21 from whatever it was a C-1 or a C-2, to a B-2 or a B-3,
22 whatever it was, bigger than we wanted. They got much
23 more height. They have much more buildable space than
24 before. And there is no problem, as far as I know on

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1 this lot they're talking about, about a 50 foot depth.

2 This is not a shallow lot. There are shallow lots.

3 We understand the need to kind of have
4 variances, you know, for shallow lots that really are
5 shallow like the symphony area. I think they're only
6 about 75 feet depth, right. So you need to have
7 variances for those. But to kind of give a blanket,
8 sort of minor variance approach, would gut the Central
9 Street plan. It would kind of pretty much wipe out all
10 the effort we put into it and all the effort you put
11 into it. And that was, the idea was to strengthen these
12 controls and not to wipe them out.

13 So I think, that at the very least, these have
14 to be major variances. I think that there also should
15 be some restriction, I think as Jim says, on how far you
16 can reduce that 50 foot active use requirement. We all
17 know that if you go too low, you don't get an active
18 use. That building on Prairie still has nothing sitting
19 in it. It was approved with, you know, a very small
20 front area. It's not going to, you know, so there has
21 to be some minimum.

22 Again, we're not opposed to flexibility, but
23 we don't want to have the plan gutted by turning
24 everything into minor variances.

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1 CHAIRMAN OPDYCKE: I take it you would be
2 reasonably content were these all major variances?

3 MR. WRIGHT: That would make it, you know,
4 much more suitable, yes. And I think, I think even
5 then, well, speaking for myself, I think I would be, I'm
6 not sure about Central Street overall, I think I'd
7 probably be, you know, that would solve a lot of the
8 problems. Maybe you can explain to me, a major variance
9 requires what sort of process? It requires some sort of
10 public hearing before the Board of Zoning Appeals, is
11 that what goes on?

12 CHAIRMAN OPDYCKE: Mr. Dunkley, you want to
13 address that.

14 MR. WOODS: Bill, could you review minor and
15 major?

16 MR. DUNKLEY: As far as the thresholds between
17 the two and the process?

18 CHAIRMAN OPDYCKE: Yes.

19 MR. DUNKLEY: Minor variances, there are
20 specific regulations that are eligible for minor
21 variance, but the blanket restriction is that minors are
22 only available for single and two family uses, which is
23 a lot of Evanston. However, they're not available for
24 commercial uses, or non-residential uses, or multi-

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1 family uses. And the requirements are eligible only up
2 to 35 percent of that requirement, either plus 35 or
3 minus 35, depending upon whether it's a not to be
4 exceeded or a minimum required, if you know what I mean.

5 For instance, a minimum five foot side yard
6 setback, which we have across the city, if you are
7 proposing a setback of, from 3.25 to 5 would qualify for
8 a minor variance. Anything smaller than 3.25 feet
9 would, by definition, only qualify for a major variance.

10 And it works fairly well. It's very clear what's major
11 and what's minor. The processes are different. A minor
12 variance is intended to be an administrative process,
13 however, it's subject to meeting, the proposal meeting
14 certain specified findings, to there being a public
15 notice. All property owners within 250 feet of the
16 application site are notified of the application,
17 there's a mandatory ten business day public comment
18 period. We also post the notice at the Civic Center.
19 And after that public comment period, then we render a
20 determination, but it is done administratively, and we
21 consider not only precedent, but the specifics, of
22 course, of the proposal and, of course, the findings,
23 the required findings.

24 Major variances, as you can imagine, a much

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1 higher level of scrutiny. Five hundred feet is the
2 notification of property owners. There's a public
3 hearing in front of the Zoning Board of Appeals.
4 There's also a notice requirement in a major
5 publication, we use the Evanston Review, and a yard sign
6 has to be posted so it's clearly visible at least ten
7 business days before the hearing. And that's the basics
8 of the difference in the process. There are certain
9 exceptions that go all the way to Council. And they
10 also, all major variances get a recommendation from the
11 Site Plan and Appearance Review Committee as well.

12 CHAIRMAN OPDYCKE: Is there any Council
13 involvement in major --

14 MR. DUNKLEY: There's Council involvement for
15 all, well, we're talking about variations, so it would
16 be those that have to do with on-site parking and
17 loading and height of 50 feet, which turn out to be a
18 surprisingly large percentage. They go to City Council,
19 those are all implemented as ordinances and they follow
20 the standard Council procedure for ordinances, they get
21 an initial recommendation from the Planning and
22 Development Committee, and potentially an introduction
23 at Council the same night. However, action cannot be
24 taken until the next regular Council meeting, usually

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1 two weeks following. So, there's a fairly high degree
2 of scrutiny and public input throughout the process.

3 I'd like to say, the level of scrutiny of a
4 major variance, I think, is perfectly appropriate for
5 these types of elements. And I think that would give us
6 the level of protection and deliberation, to be able to
7 determine those projects that require a variance, from
8 those that are merely seeking a relaxation of the
9 regulations.

10 CHAIRMAN OPDYCKE: Any comment from the
11 Commissioners? Any further comment from citizens, Mr.
12 Wright?

13 MR. WRIGHT: I guess the other thing besides
14 making them all major variances, I do think there should
15 be a minimum required depth for these active uses that
16 they're all -- Jim suggested 40 feet. It's hard to
17 imagine one that would be, you know, allowed that would
18 actually work. And I think even the shallowest lots,
19 I'm aware of the ones near Symphony, I think are 75
20 feet, you know, so there's no reason they couldn't use
21 40 feet for that. In fact they probably already do,
22 more than that.

23 CHAIRMAN OPDYCKE: Jim?

24 MR. WOODS: A quick question. Seventy-five

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1 foot lot at Symphony and Central Street, just as an
2 example, combining 30 foot pedestrian way, 50 foot
3 depth, how far, well, how far would the pedestrian way
4 actually go into the lot?

5 MR. WRIGHT: It's not 30 feet required
6 there --

7 MR. WOODS: Okay.

8 MR. WRIGHT: It's from the curb, not from the
9 property line.

10 MR. WOODS: I know, now I'm trying to figure
11 out approximately how wide that sidewalk currently is.

12 MR. HUGHES: We did a map of the lot at the
13 gas station. That is 107 feet deep at that point. So
14 30 feet out there plus 50 feet retail leaves, what, 30
15 feet roughly, 27 feet.

16 MR. WOODS: And Bill, I assume that all these
17 lots have rear and side yard setbacks as well?

18 MR. DUNKLEY: Yes.

19 I'd like to kind of expound upon two, really
20 two things that come from experience that variances
21 speak to. One is the specific development proposal.
22 And we had the opportunity, over several months, to work
23 in detail with administering the ordinance for this
24 particular site and in going through that you go through

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1 an endurative process with the applicant. And the
2 culmination of different requirements all acting
3 together, produced a situation where what was being
4 proposed or even a reasonable amount of what was being
5 proposed wasn't possible and had to do with location of
6 loading, with setbacks, with the required setbacks, all
7 of those acting together, we tried to work something out
8 ten days till Sunday, and it was just not possible to do
9 with what we had to work with.

10 There could have been a variance on any of
11 those and the obvious one was the sidewalk because it,
12 on a corner lot, that did seem to be fairly
13 unreasonable, almost on the verge of taking. However,
14 with working through in detail with folks who know the
15 ordinance and what can be done and what can't be done,
16 it was a situation where it couldn't be done.

17 The other is the value of policy and policy
18 derived through experience. I'll give you an example,
19 fence variances. I handle all applications for fence
20 variances, and they're a lot more complicated than you
21 may think. And over the years we have developed a
22 policy that fences to be allowed in the front, or street
23 side yards, that they will, we only will consider those
24 for corner lots, unless there is a truly compelling

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1 situation that amounts to hardship. And even so, we'll
2 only grant a variance for fences that are no more four
3 feet high and no greater than 70 percent opaque. So
4 there has to be some transparency. And that's a policy
5 that works, it's been developed over time. It can be
6 changed, if necessary, but it's not a regulation, it's
7 not part of the ordinance which can't be varied if
8 necessary. It does come down to, you know, policy
9 versus ordinance, but that's the point of a variance is
10 that we can't foresee situations where it is not
11 possible to meet the requirements of the ordinance
12 without, you know, in any kind of reasonable way. It's
13 understanding that we can't be all, we can't foresee all
14 possible situations, and in those cases we leave it up
15 to reasonable people to make reasonable decisions.

16 CHAIRMAN OPDYCKE: Do you have any thoughts on
17 whether a major variance in all instances here would be
18 appropriate?

19 MR. DUNKLEY: I think that would be very
20 appropriate. And it would only be a small percentage of
21 cases that might qualify as a minor variance, with the
22 interest in making sure that we do follow the plan, the
23 interest that's in the community, and I think the degree
24 of scrutiny that's required to maintain the benefits

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1 that this corner has. I have no problem with allowing
2 them only as major variances.

3 CHAIRMAN OPDYCKE: But you're opposed to
4 absolute limits.

5 MR. DUNKLEY: Our absolute limits --

6 CHAIRMAN OPDYCKE: Or absolute minimums.

7 MR. DUNKLEY: Our absolute requirements are
8 regulations. That's where we run into unfortunate
9 problems with circumstances that are just different that
10 we haven't been able to foresee. If we knew they were
11 coming and we knew where they were, we would take them
12 into account.

13 CHAIRMAN OPDYCKE: Mr. Peters?

14 MR. PETERS: It's not entire clear to me
15 what's before us because one of the neighbors spoke
16 about a notice of hearing and the proposal he talked
17 about was different than what I see. Are you, is this
18 limited to shallow lots?

19 MR. DUNKLEY: Shallow lots are referenced as
20 an obvious situation where a variance on required active
21 use might be appropriate. But I can't say with any
22 certainty that that would be the only situation where a
23 variance would be appropriate. The notice requirements
24 are actually part of the required procedure for, for

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1 instance, the major variance itself.

2 MR. PETERS: I'm talking about the notice of
3 this proposal, not the notice requirements for a
4 variance, but the notice of what's before us tonight.

5 MR. DUNKLEY: Yeah, uh-hum.

6 MR. PETERS: Did you talk about shallow lots?

7 MR. DUNKLEY: Yes. And it was, as it was
8 discussed in the Zoning Committee as a fairly clear
9 example of why a variation would be necessary on this
10 particular requirement.

11 MR. PETERS: If other, on different basis for
12 a variance, was possible, would that not be something
13 that should be in the notice?

14 MR. DUNKLEY: Again, it's not, it's not
15 proposed as a basis for the variance. The basis for the
16 variance are the standards that are in the ordinance.

17 MR. PETERS: What's being varied? What
18 requirements should be varied here?

19 MR. DUNKLEY: We're proposing that two
20 requirements be eligible for variance in this case. One
21 is the requirement for active ground floor uses and the
22 other is the requirement for minimum pedestrian area.
23 That has several sub-components. For instance, the
24 requirements that are currently eligible for variances

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1 are lot size, they are setbacks in required yards,
2 height, lot coverage, being building lot coverage and
3 impervious surface coverage, off street parking
4 requirements. In no case do we ever say that well,
5 you're eligible for a height variance, but only if
6 you're -- oh, great thanks -- yards and setbacks,
7 height, lot size, lot coverage, off street parking and
8 loading and home occupations, (it's like naming the
9 seven Dwarfs,) is eligible for major variances. We
10 don't say height, but only up to ten feet then, or ten
11 percent higher than the requirement, than the regulation
12 or lot size, but only up to ten percent less than what's
13 required in the district.

14 CHAIRMAN OPDYCKE: Mr. Staley.

15 MR. STALEY: It was handed to me, and actually
16 I had it in front of me too, the notice, I guess the
17 problem is are we, I think the problem is, are we
18 limited really as to what we can do here, because the
19 notice that went out does refer specifically, the second
20 part, to projects for shallow lots. This is this
21 notice.

22 MR. DUNKLEY: Yeah, that's not the notice.

23 MR. STALEY: That's not the notice?

24 MR. DUNKLEY: No.

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1 MR. STALEY: Well, what is the --

2 MR. DUNKLEY: That was the packet, the
3 explanatory materials. The notice identifies the
4 specific sections of the code that are being proposed
5 for variance, and has a description of the type of
6 amendment that's being proposed.

7 MR. STALEY: I was told that this was the
8 notice that was on the internet.

9 MR. DUNKLEY: Yeah, we make it available to
10 the internet to provide background on why this proposal
11 makes sense, the examples in which, the cases in which
12 it would make sense, the specific sections it would
13 apply to and other information so that we can all come
14 with a background on the issue.

15 MR. STALEY: I guess the point though, is, did
16 someone not come tonight because, after looking at this,
17 they figured well, it's just dealing with shallow lots
18 and I could care less about shallow lots. But if they
19 thought they were going to open everything up to
20 variations, be they major, that they might have shown
21 up. I guess that's the issue.

22 CHAIRMAN OPDYCKE: Mr. Wright, Mr. Wright,
23 please, if you have something to say, come up here so
24 you're on the record.

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1 MR. WRIGHT: I'm only commenting because it
2 was raised. I mean, again, I personally don't care
3 about being a stickler on this, you know, but the public
4 notice did refer, which I indicated at the beginning of
5 my comments, the public notice referred on the first
6 issue only to Area 6 for the pedestrian area changes.
7 And on the second referred only to shallow lots. And we
8 only learned tonight when we got here that it's much
9 broader than that. Again, you know, I'd like to see a
10 reasonable resolution, you know, if it's not sort of a
11 legal problem for the Committee, it's not a problem.

12 CHAIRMAN OPDYCKE: Thank you. Thank you, Mr.
13 Wright. Can we clear up this notice question.

14 MR. DUNKLEY: We're fetching a copy of the
15 public notice.

16 CHAIRMAN OPDYCKE: Okay. My inclination is to
17 have you articulate exactly what it is that you are
18 proposing, and then we will use that as a basis for a
19 motion. And in your articulation, if you would refer as
20 well together these constitute major variations.

21 MR. DUNKLEY: Would you like me to do that
22 now, right now?

23 CHAIRMAN OPDYCKE: I think we should get the
24 notice issue resolved first. But perhaps we could go on

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1 to something else, some other -- do you want to go on to
2 C-2, Townhouse Orientation?

3 MR. DUNKLEY: Yeah, that would be fine.

4 MS. NYDEN: So, going forward, Bill will bring
5 us back something for next, for September with C-6?

6 MR. DUNKLEY: No, we're hoping to resolve this
7 now. We're just waiting for a copy of the notice, which
8 we just don't happen to have.

9 MS. NYDEN: Oh, okay, sorry.

10 CHAIRMAN OPDYCKE: David?

11 MR. GALLOWAY: I was trying to recall the
12 genesis of this requirement for related to optimal first
13 floor usage, and I know that we in the Plan Commission
14 have seen a number of proposals that have come forward,
15 a couple of, actually two of them that I recall, on
16 Central Street, where there was a retail area, it was
17 like 20 feet deep. Not it may have been 200 feet long,
18 but it nevertheless was 20 feet deep and a number of us
19 sort of cringed like, well, what kind of merchant could
20 make use of that. I have no experience in developing
21 those kinds of spaces. I am certain that some creative
22 merchant, in a unique situation, could probably make use
23 of them, but I don't know. So, I wondering what other
24 people's experiences have been, number one. And number

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1 two, another thought was, I wouldn't want to penalize a
2 merchant who has a irregularly configured space, wherein
3 a portion of it might be, say, 35 feet deep and the
4 other portion might be 70 feet deep. So I don't know
5 whether we want to entertain a median or mean depth
6 through all that or not. I'm generally more comfortable
7 with putting this up to the wide review of a body of
8 relatively intelligent individuals to discern whatever
9 case comes before us, is appropriate to require, or
10 appropriate to achieve the variance requirements.

11 MR. DUNKLEY: Frankly, the ordinance is, and
12 we are not proposing any change to the minimum 50 foot
13 active use requirement. We're not proposing a by right
14 exception to that. That is the requirement. What we're
15 proposing is the possibility of a variance for those
16 that feel that they cannot meet the requirements of the
17 zoning code and the standards, the specific standards
18 that have to be met for any variance to be granted. So
19 it is a case by case basis.

20 Again, the requirement still is 50 feet. In
21 my experience, that's quite a bit. Twenty feet is too
22 little. There is an average optimum depth that, like I
23 say, somewhere in there, but I couldn't tell you what
24 the absolute minimum would be. And the applicant for

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1 the variance has to show that they can't meet what's
2 required. That's item number one. And it can't be of
3 their own making.

4 MR. GALLOWAY: Why don't we look at the notice
5 requirements. Let me speak to the policy, and I would
6 support allowing a variation from the requirements in
7 each of the two sections. And that's based on sitting
8 for ten years on the Zoning Board of Appeals, when all
9 kinds of strange things make lots unbuildable, and the
10 Board watches, watched, continues to watch for the
11 interest of neighbors. I would also support limiting
12 this to a major variation procedure so that the
13 neighbors have better notice and an opportunity to come
14 in and respond to the proposal. But, I agree with your
15 conclusion, that there may well be unforeseeable,
16 unbuildable lots with this rigid requirement.

17 CHAIRMAN OPDYCKE: Where are we, excuse me,
18 where are we on the notice?

19 MR. DUNKLEY: We're still looking, yes.

20 CHAIRMAN OPDYCKE: It's coming, all right.
21 Then let us move on to Townhouse Orientation and we will
22 just hold in abeyance C-6 until we have some
23 confirmation on notice and then we will return to it.

24 MR. DUNKLEY: Item B, or Agency Item B, Item

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1 C-2 in the larger program, has to do with Townhouse
2 Orientation. And this is an item which is, this is a
3 requirement for townhouse development that is difficult
4 to find, but it's there and it's unequivocal. It
5 requires townhouses in Zoning Districts R4 and above to
6 be oriented, to have their front facades oriented to a
7 public way or to a public street. Again, a very good
8 planning and development principle, and certainly one
9 that I think is, that type of development has served us
10 well. It keeps us from having cul-de-sac development,
11 and internally focused townhouse developments, and
12 overall has done very good things.

13 However, we have been in the same situation of
14 having a perfectly desirable townhouse development that,
15 for reason of the lot configuration, was not possible to
16 support more than just a small number of townhouses, if
17 they were required to front on the public street. And
18 the solution that was presented, one particular case was
19 a very elegant solution, it was right here on Foster
20 Street, that would make use of an odd lot that had odd
21 egress and ingress and could not work, if that was a
22 strict requirement.

23 The ability to allow a variance in cases such
24 as this, the proposal again is only as a major variance.

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1 This type of variance really requires a high level of
2 scrutiny, to be able to vary that, and the variance
3 would be an allowance of, other than, an orientation
4 other than the facade at the street. And of course in
5 any variance, conditions can be attached, and this would
6 be, I think, a situation where, that in general, good
7 use could be made of conditions to make sure that each
8 instance was done in a way that was overall, that was
9 beneficial, and that met the intent of the particular
10 Zoning District.

11 But again, we found ourselves stuck in saying
12 you can't do it, because they don't face this way.

13 CHAIRMAN OPDYCKE: Any questions from the
14 Commission Members on this? All right, let us return
15 then to Item C-6 and the issue of notice.

16 MR. DUNKLEY: We have, I'm sorry, I'm reading
17 four point type here, it's, it might be six, but I'm
18 over 40. It's been a long day.

19 CHAIRMAN OPDYCKE: Does anybody have a Coke
20 bottle?

21 MR. DUNKLEY: No, I can read it, I'm just --

22 MR. WOODS: He's trying to find the
23 appropriate section.

24 MR. DUNKLEY: Yeah, it's a long one.

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1 Yeah, the bulleted item is, expand the
2 eligible variances to include pedestrian area
3 requirements and active -- let me begin again. Thank
4 you.

5 Expand eligibility of minor variances to
6 include, (now I'm in the wrong place) pedestrian area
7 requirements and active ground floor uses in the Central
8 Street Overlay Zoning District, if such application
9 meets targeted eligibility standards such as corner or
10 shallow lots.

11 So, the intent was to consider the possibility
12 of there being additional standards. When we met and
13 discussed in Zoning Committee, we felt that that was,
14 that was really not necessary. And seeing that
15 throughout the Zoning Ordinance, we don't have such
16 specific standards, other than those that are in the
17 existing requirements for variances of any type. I
18 think we were convinced that that provided adequate
19 safeguards against --

20 CHAIRMAN OPDYCKE: Are we all set as far as
21 the notice requirement has been met?

22 MR. STALEY: Yes.

23 CHAIRMAN OPDYCKE: Okay. That being the case,
24 are there any other questions from Commission Members on

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1 the merits of this item, No. C-6?

2 MR. STALEY: I agree with Mr. Peters,
3 actually.

4 CHAIRMAN OPDYCKE: And what would that be,
5 Chuck?

6 MR. PETERS: That would be that I think that
7 we should, if it were a motion, it would be that we
8 would accept the recommendation of the staff on Item C-
9 6, but clarify that every variation must meet the
10 standards of a major variation.

11 CHAIRMAN OPDYCKE: All right. Well, with that
12 in mind, Mr. Dunkley, would you articulate for me, and
13 for the members of the Commission, the proposal.

14 MR. DUNKLEY: The proposal would be to add to
15 the list of eligible major variations, the requirements
16 for pedestrian area, for minimum pedestrian area, and
17 for minimum active ground floor uses in the CSC Zone, or
18 of the CSC Zoning Overlay District.

19 AUDIENCE MEMBER: Minimum depth --

20 MR. DUNKLEY: Minimum depth, yeah, thank you,
21 of active ground floor uses, and those would come along
22 with citations to the actual code. To list those in the
23 list of eligible major variations in the current code,
24 so that would be Section -- okay, we'd be proposing

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1 changes to, I'm sure we have a citation here.

2 CHAIRMAN OPDYCKE: 6-15-14-12?

3 MR. DUNKLEY: No, that's the requirement that
4 can be varied, but it's 6-3-8-5.

5 CHAIRMAN OPDYCKE: Six, oh, sorry.

6 MR. DUNKLEY: The list of major variance
7 variations.

8 CHAIRMAN OPDYCKE: All right. Is there a
9 motion to accept the proposal as articulated by Mr.
10 Dunkley?

11 MR. WOODS: So moved.

12 CHAIRMAN OPDYCKE: Is there a second?

13 MS. NYDEN: Second.

14 CHAIRMAN OPDYCKE: All those in favor, say
15 aye.

16 (Chorus of ayes.)

17 CHAIRMAN OPDYCKE: Opposed? Motion carries.

18 Now, I suppose we should move on to the
19 standards as to this particular item, and the standards
20 for Zoning Amendments that are listed in 6-3-4-5, there
21 are four standards but only two are applicable. The
22 first one is whether proposed amendments or amendment is
23 consistent with the goals, objectives and policies of
24 comprehensive general plan. I find that it is

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1 consistent. And secondly, whether the proposed
2 amendment will have any adverse effect on the value of
3 adjacent properties, and I find that these proposals
4 will have no adverse effect.

5 Do the Members of the Commission agree with
6 that, with those particular findings. All those in
7 favor say aye?

8 (Chorus of ayes.)

9 CHAIRMAN OPDYCKE: Opposed? We find then that
10 the standards are met as to C-6.

11 All right. Moving back then to Townhouse
12 Orientation, Mr. Dunkley. Are there any questions on
13 this? All right, how about we move on to Special Use
14 Expiration, because what I think we'll do is we'll take
15 C-2, 3, 4, 5 and 1 and we'll just approve those en-mass,
16 when you're finished, Mr. Dunkley.

17 MR. DUNKLEY: Item C, I'm sorry.

18 CHAIRMAN OPDYCKE: Go ahead, we're on C-3
19 Special Use Expiration.

20 MR. DUNKLEY: C-3 obviously is intended to add
21 an additional expiration to the special use permit. As
22 I'm sure you know, a special use permit, if granted
23 through ordinance by Council, expires after one year if
24 it is not, if that use is not commenced or if a building

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1 permit is not granted and if construction is not
2 diligently pursued to completion. That protects us
3 against special uses that are granted that are seen as
4 reasonable, but that are never actually taken advantage
5 of, for any of a number of reasons. These days it's
6 most often because of the state of the economy, and the
7 state of capital availability. And we do allow
8 extensions of that one-year expiration through applying
9 to Council and through the approval of the City Council.
10 And they have been granted for up to two and three
11 years these days.

12 So, there is a precedent for having special
13 uses expire, for having them go away when they are
14 either not taken advantage of, or supposedly not needed,
15 or there is some circumstances that cause them not to be
16 used. However there is no, once it is initiated, you
17 might say, once that expiration is passed, special uses
18 stay with the land. They're explicitly not granted to
19 the owner of the land, nor to that particular business,
20 or that particular use. They are granted to the land
21 and they stay in perpetuity forever and ever, usque in
22 eternum.

23 Now, a special use by its very nature, is
24 intended to respond to the specific circumstances of

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1 that location, and of the location's context. Yet, we
2 don't seem to anticipate in the ordinance that over
3 time, contexts change. Over time, a district that
4 operated in one way, may no longer operate in that way.
5 A special use granted in one year may no longer be
6 appropriate in 50 years. Yet there is no ability to
7 take that into account.

8 The proposal is that a special use, if it is
9 not continually taken advantage of, if for instance, a
10 site is vacant, or is occupied by a permitted use rather
11 than a special use, that after a certain period of time
12 of that non-use, that the special use itself would go
13 away. It would not be available to be taken advantage
14 of.

15 This has been an issue in the past primarily
16 with convenience stores and Type 2 restaurants. Where
17 there once was a special use granted for a particular
18 location, for a particular use, that was initiated, the
19 business has since left, there may be five, six years
20 that another business, a permitted use, operated in that
21 space and after that time, another use of that category
22 that, for which the special use was granted, say a Type
23 2 restaurant, a fast food restaurant, could open in that
24 location, as long as they met the conditions that are

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1 part of the ordinance, essentially by right, forever,
2 that you would have this situation existing as a
3 possibility forever.

4 MR. GALLOWAY: That's a bad thing?

5 MR. DUNKLEY: It can be an issue and it has
6 been an issue in some instances in the past. So, the
7 proposal is to have, in the cases which I enumerated,
8 the special use to wither away, I suppose, to be no
9 longer valid and it would be up to the property owner to
10 show, if necessary, that there was a continuing use of
11 the space that was utilizing that special use. And the
12 proposed period of time, the Zoning Committee saw was
13 reasonable, was two years, and that is our proposal.

14 In addition, we discussed the possibility of
15 having the property owner be able to apply for an
16 extension of the expiration and that seems like a
17 reasonable thing. It certainly works well now with
18 being able to request extensions of the original
19 expiration that comes with every special use, that one
20 year initial expiration. And we certainly are in a
21 situation now where that is necessary and is beneficial,
22 particularly in the case of Planned Developments, which
23 are types of special uses.

24 This proposal, by the way, doesn't have any,

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1 it doesn't mean anything in the context of Planned
2 Developments because Planned Development is either built
3 or it's not. It doesn't become vacant or it doesn't
4 become not used in the future if it is in fact built.
5 So, it wouldn't apply to the Planned Development type of
6 special use.

7 CHAIRMAN OPDYCKE: Johanna?

8 MS. NYDEN: Do we have to define what
9 inactivity, vacancy or occupancy would be? I mean, does
10 the Zoning Code describe that right now, what they would
11 qualify, I mean, something might not be there, but
12 somebody's paying the rent, somebody's maintaining the
13 property?

14 MR. DUNKLEY: And I think that is, well, we
15 didn't propose specific standards for that. It works
16 well in the case of legal nonconforming uses where you
17 lose that status if that use is not continued for more
18 than a year. That works very well. We don't anticipate
19 it would work differently in the case of the special
20 use. Very similar type of inquiry. And we would leave
21 those, I believe we would leave those definitions up to
22 the reasonable and customary definitions of those terms.

23 CHAIRMAN OPDYCKE: Mr. Galloway.

24 MR. GALLOWAY: One scenario is there's a

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1 special use granted for say, for lack of a better
2 description, Type 2 restaurant or fast food restaurant
3 at a certain location. It goes out of business. Is
4 then the special use expire with that business?

5 MR. DUNKLEY: It does not. And it wouldn't
6 for the length of time that this proposal would make.
7 Currently it doesn't expire ever. And we do have the
8 possibility, which is very useful and I think very
9 valuable, we have the allowance of a substitution of an
10 existing special use. There is a defined process for
11 it, it works very well, but that only is allowable when
12 the use has not been discontinued. And it's exactly for
13 circumstances such as this.

14 You have a special use that's been granted for
15 a site, you have change of ownership, is the most common
16 case. Rather than having them go through the whole
17 process of the special use, if they abide by the
18 conditions of the current special use, and they have a
19 lesser impact, equal or lesser impact, which is a
20 determination we have to make all the time, then they
21 can apply for this. There's a public notice period, it
22 is an administrative process, but there is specific
23 standards that have to be met and I think it has worked
24 fairly well. We don't have that many of them, but in

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1 the cases, in similar situations, I think it's made the
2 difference between a, you know, having the site occupied
3 and economically contributing, versus possibly not.

4 CHAIRMAN OPDYCKE: Mr. Hughes? Oh, I'm sorry.

5 MR. GALLOWAY: Well then, what are the
6 standards that come into play in order for the special
7 use to be either non-renewed or revoked?

8 MR. DUNKLEY: That the site is either vacant
9 or unused for two years or it is occupied by a permitted
10 use, not a special use, the special use is not taken
11 advantage of during that period of time. It is very
12 similar to the legal nonconforming uses, if a permitted
13 use happens for more than a year, or if it's vacant for
14 more than a year, you lose that status.

15 CHAIRMAN OPDYCKE: Mr. Shure.

16 MR. SHURE: Bill, do we have something that is
17 active now that's driving this request?

18 MR. DUNKLEY: This has been on our, the
19 docket, I guess, for quite a while, certainly since I
20 started here. It is proposed by the Director of
21 Community Development at the time, and the City
22 Manager's office, in response to, and I know this
23 because I managed to corner Judy Aiello at the current,
24 well, now ex-City Manager's farewell party, to get

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1 exactly the driving force behind this. And it has been,
2 much of it has been in Type 2 restaurants that are able
3 to really, by right, once the ordinance is there, to
4 locate in a spot. It really needs some scrutiny,
5 particularly in terms of cumulative effect. That's just
6 not taken into account. There's no re-evaluation once
7 the ordinance is there and exists. And it has been an
8 issue in the past. I can't name specific instances. If
9 necessary, I certainly will do that.

10 CHAIRMAN OPDYCKE: Mr. Peters.

11 MR. PETERS: My question's been answered.

12 CHAIRMAN OPDYCKE: Is it fair to say that in
13 legal parliaments of special use will lapse, if it goes
14 unused for a period of two years?

15 MR. DUNKLEY: I think that's a very concise
16 and understandable way of stating what we're proposing.

17 CHAIRMAN OPDYCKE: Any other questions?

18 MR. WOODS: Thank you, Stuart.

19 CHAIRMAN OPDYCKE: Okay, next item.

20 MR. DUNKLEY: C-4 is a proposed change of
21 language that affects three places in the ordinance
22 where the standards for variations are specified, and
23 those are minor, major and family necessity variations,
24 the latter of which we don't have, well, as far as I

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1 know, my experience, we don't have any applications for.

2 However, the standard requires the proposal to be the
3 minimum change necessary, and the use of the word
4 minimum is problematic in that it can never actually be
5 proven that what you're proposing is minimum. There can
6 always be something proposed that's smaller than that.

7 So, it means really, almost, well really,
8 every variance is capable of being challenged on those
9 grounds. We don't think that's really what was intended
10 and we tried very hard to craft an alternative that
11 would be more applicable and more defensible. The
12 requested variation requires the smallest deviation from
13 the regulation among the feasible options that have been
14 identified, or that identified. That's something we can
15 work with. The other is a logistical nightmare.

16 CHAIRMAN OPDYCKE: Any questions?

17 MR. PETERS: Let me, let me --

18 CHAIRMAN OPDYCKE: Mr. Peters.

19 MR. PETERS: I would wince at trying to defend
20 feasible options that have been identified because it's
21 not clearly identified by whom to whom,
22 et cetera. And I don't have a better suggestion right
23 now.

24 MR. DUNKLEY: I think a reasonable person

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1 would conclude that they are identified in the course
2 of --

3 CHAIRMAN OPDYCKE: If I may interrupt just for
4 a moment, there is a maroon Subaru Outback with lights
5 on in the parking lot. Sorry, Mr. Dunkley, go forward.

6 MR. DUNKLEY: It puts the standard in the
7 realm of countable items and identifiable items.

8 MR. PETERS: But, you just used, you just had
9 some language that was really good, before you got
10 interrupted.

11 MR. DUNKLEY: No chance I'll remember it.

12 MR. PETERS: That identified in the course of?

13 MR. DUNKLEY: Yes, of the public hearing and
14 deliberations, yes, of the item, yes.

15 MR. PETERS: And deliberations. Add that
16 language. Then it's much more clear what it means.

17 CHAIRMAN OPDYCKE: Is this all of record when
18 these things are discussed? Is it of record, is there a
19 transcript?

20 MR. DUNKLEY: Well, for major variations and
21 family necessity variations, there is a public hearing
22 process. Minor variations don't require that, however,
23 there is specific public input that has to be submitted
24 in a written form.

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1 MR. PETERS: You can just say, just as you
2 did, identified in the course of consideration.

3 CHAIRMAN OPDYCKE: That's good.

4 MR. PETERS: That solves the problem.

5 CHAIRMAN OPDYCKE: Can you live with that, Mr.
6 Dunkley?

7 MR. DUNKLEY: Absolutely.

8 CHAIRMAN OPDYCKE: Okay. Any other questions?
9 Next item, C-5.

10 MR. DUNKLEY: C-5.

11 CHAIRMAN OPDYCKE: Second floor additions.

12 MR. DUNKLEY: We see this all the time and
13 trying to express this in one sentence, what the
14 proposal is, was one of the most difficult things, I
15 think, we've had to do. Allowing second floor
16 additions, and it generally is only second floor
17 additions, because you can only go as high as two and a
18 half floors in any structure that's any use that's
19 eligible for a minor variance. Second floor additions
20 to existing non-conforming residences to be eligible for
21 minor variance. And specifically it's regarding side
22 yard setbacks where the existing first floor is legal
23 non-conforming in that it encroaches into the required
24 now five foot setback and so it's legally non-

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1 conforming, you can't expand the degree of non-
2 conformance, but to build above it, you're putting stuff
3 in the space, in the required yard, which is not
4 allowed. You have to get a variance for that.

5 It's difficult to understand why you have to
6 get that variance, just in general, to your average
7 applicant, and in most cases it's a major variance
8 because it's in that three, believe it or not, three to
9 3.25 feet --

10 MR. PETERS: Exceeding 35 percent.

11 MR. DUNKLEY: That is over 35 percent. And
12 it's generally been seen as a, they are almost always
13 granted, it's very difficult to pull back an upper story
14 by a few feet structurally, aesthetically as they're,
15 I'm sure there's a word for it, but it's not pretty and
16 it's usually just not understandable by the applicant
17 why they have to go through this process. And so the
18 proposal is that we move the threshold for side yard
19 setbacks down to three feet as being eligible for minor
20 variances, when the proposal is to put a second floor on
21 top of an existing legal non-conforming situation, with
22 that regard, in regard to the side yard setback. We see
23 it all the time and yet every time we have to
24 continually send these folks to the ZBA and ask them to

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1 pay for verbatim transcripts and the level of scrutiny
2 just is not seen as being necessary in those cases.

3 MR. PETERS: Having sat in dozens and dozens
4 of these, with long testimony, ending with it's not
5 feasible to have a second story wall that doesn't have a
6 first story underneath, it's unsupported, you know, this
7 should be done in one sentence. I strongly support
8 that.

9 MR. DUNKLEY: I'm sure most of you know, our
10 side yard setbacks up until 1960 used to be three feet.
11 That's why we have all these existing structures that
12 go out to three feet, because you could. Then, now you
13 can't. And that no-man's land between three and 3.25 is
14 the generator of the problem.

15 CHAIRMAN OPDYCKE: I have a little technical
16 question.

17 MR. DUNKLEY: Yes, sir.

18 CHAIRMAN OPDYCKE: If it is exactly 3.25 feet,
19 does it call for a major variation or a minor variation?

20 MR. DUNKLEY: That is handled in the code,
21 3.25 is eligible for a minor variation. Anything over
22 3.25 --

23 CHAIRMAN OPDYCKE: Okay, okay, thank you.

24 MR. DUNKLEY: I'm sorry, anything less than

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1 3.25 currently is eligible for a, it has to be a major.

2 In this case we propose that that line be just shifted
3 down to three. If it's less than three feet, it's legal
4 non-conforming by virtue of something other than the
5 old, the previous zoning code.

6 CHAIRMAN OPDYCKE: But if it's exactly 3.25,
7 it's a minor variation.

8 MR. DUNKLEY: Currently it's a minor variance,
9 yes.

10 CHAIRMAN OPDYCKE: Thank you. Any other
11 questions? Comments from Commission members? All
12 right. I think that takes care of it. We've already
13 dealt with C-6. So, is there a motion to accept the
14 proposals that Mr. Dunkley has articulated with regard
15 to Item C-1, 2, 3, 4 and 5?

16 MR. WOODS: So moved.

17 CHAIRMAN OPDYCKE: Is there a second?

18 MR. SHURE: Second.

19 CHAIRMAN OPDYCKE: All those in favor say aye.

20 (Chorus of ayes.)

21 CHAIRMAN OPDYCKE: Opposed? Nay. Motion
22 carries.

23 Again, we have to apply the standards, which
24 are the same that I have already recited. A, whether

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1 the proposed amendments are consistent with the goals,
2 objectives and policies of the comprehensive general
3 plan and also whether the proposed amendment will have
4 an adverse affect on the value of adjacent properties.
5 I find that the amendments are consistent in fact with
6 the goals and objectives of the comprehensive general
7 plan and that the proposed amendments will have no
8 adverse affect on adjacent properties and I move that
9 the Commission members accept those findings. Is there
10 a second?

11 MR. WOODS: Second.

12 CHAIRMAN OPDYCKE: Those in favor?

13 (Chorus of ayes.)

14 CHAIRMAN OPDYCKE: Opposed? Okay.

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EVANSTON PLAN COMMISSION

ZPC 09 PLND-0071

1 CITY OF EVANSTON
 2 PLAN COMMISSION MEETING
 3 Case No.: ZPC 09 PLND-0071
 4 Re: Text Amendment to the Zoning Ordinance: Revision
 5 to I1, I2, and I3 Zoning Districts
 6 Transcribed Report of Proceedings of a public
 7 meeting, held August 12, 2009, at the Evanston Civic
 8 Center, 2100 Ridge Avenue, Council Chambers, Evanston,
 9 Illinois, at 7:08 p.m. and presided over by Stuart
 10 Opdycke, Chair.

11

12 PRESENT:

13	S. OPDYCKE, CHAIR	D. GALLOWAY
14	J. NYDEN	C. STALEY
15	J. WOODS	R. SHURE
16	S. PETERS	

17

18 STAFF:

19 BILL DUNKLEY - Zoning Administrator
 20 DOMINICK ARGUMEDO - Zoning Planner
 21 SUSAN GUDERLEY
 22 CRAIG SKLENAR

23

24

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1 CHAIRMAN OPDYCKE: Next item on the agenda is
2 Evanston Plan 2030. Craig are you up?

3 MR. DUNKLEY: I'd be glad to give the
4 background on this.

5 CHAIRMAN OPDYCKE: Okay, Mr. Dunkley, you're
6 still on, up to bat here.

7 MR. DUNKLEY: This Item 4 on the revised
8 agenda is actually, we would ask that this be handled as
9 an addition to the agenda. The circumstance is that the
10 item which is for a text amendment to the industrial
11 districts, I-1, I-2 and I-3, to alter the permitted and
12 special uses in those districts, was properly noticed,
13 as required, by the ordinance. However, unfortunately,
14 it didn't make it on to the published agenda, for a
15 number of reasons, not one of which, let's say acting in
16 confluence, caused us to drop this off the agenda.

17 The Illinois Public Open Meetings Act requires
18 us to have all agenda items published at least 48 hours
19 in advance of the meeting. That was not possible. It
20 was actually spotted just this morning. So we consulted
21 with our Law Department, and particularly this request,
22 which is from our Corporate Counsel, Jack Seigel, we
23 need to make sure that not only is it a legislatively
24 unsalable in terms of process, but also, unfortunately,

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1 the opposing force is that it happened within an
2 externally determined time frame. We are currently the
3 subject of a lawsuit regarding the 222 Hartree property,
4 which I think all of you except two are intimately
5 familiar with. And the request is to consider removing
6 uses from both the permitted and special designation
7 from the industrial districts, which really don't fit
8 the goals of the industrial districts. In particular
9 those are membership organizations and religious
10 institutions that are larger than 35,000 square feet.

11 I've handed out the straightforward memo from
12 our Corporation Counsel, and I think that really speaks
13 for itself, although we've done some research as to
14 effect.

15 MR. STALEY: I thought you said it wasn't
16 properly on the agenda.

17 MR. DUNKLEY: It is not, and that's, I just
18 want to give you the context of what we're dealing with
19 and why I think, what we're proposing makes sense.

20 We can add this to the agenda and it can be
21 discussed this evening. However, Illinois law does not
22 permit us to take action on it, to vote on it, and
23 that's reasonable. I ask that you do add this to the
24 agenda so that we can propose it and we can introduce it

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1 and it can be discussed and that we defer action until
2 either a special meeting for our next Plan Commission
3 meeting, which by luck of the calendar, occurs on
4 Wednesday before the first Council Meeting in September.

5 So it is possible, if the Commission feels that this
6 should move forward, and because we have a draft
7 ordinance already written, it could actually be on that
8 agenda as planned initially, on the Council agenda for
9 the 14th of September.

10 CHAIRMAN OPDYCKE: You would like a motion, I
11 take it, to place this item on the agenda tonight, as an
12 item for discussion.

13 MR. DUNKLEY: Yes, that's right.

14 CHAIRMAN OPDYCKE: Is there a motion?

15 MR. PETERS: I move.

16 CHAIRMAN OPDYCKE: Is there a second?

17 MR. WOODS: Second.

18 CHAIRMAN OPDYCKE: Those in favor say aye?

19 (Chorus of ayes.)

20 CHAIRMAN OPDYCKE: Opposed? Motion carries.

21 It's now on the agenda. The Text Amendment to the
22 Zoning Ordinance, Revision to the Industrial Zoning
23 Districts.

24 MR. DUNKLEY: The proposal is very, matter of

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1 fact, I've covered the breadth of it. In detail, it's
2 very simple to implement. It's really striking, two
3 uses from the list of permitted or special uses in the
4 three industrial districts. The thing that these uses
5 have in common is that they are primarily, they
6 primarily allow large gatherings of people. That is
7 difficult to imagine how that meets the purpose of the
8 industrial districts. In fact, in doing our research as
9 to why these are there, it's difficult to ascertain
10 because they were there in the '93 ordinance. They were
11 not added. So, we don't have the benefit of
12 deliberations as to why they were there.

13 We've done research on existing uses that meet
14 these use descriptions and we found that, we found no
15 membership organizations, however, they would be
16 difficult to find through the means that we have, and we
17 found two religious institutions that meet the size
18 minimum, and that is the vineyard on, the official
19 address is actually, it's not Hartree, it's a private
20 road. It's just west of the, of 222 Hartree. And other
21 is on Dempster. It's 2201, which is an Apostolic Church
22 that was granted a special use in an industrial
23 district. Obviously they are both large. They have to
24 be large in order to be eligible.

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1 However, Mr. Seigel considers this as an
2 anomaly in our code and also as quite a risk, and fairly
3 difficult to defend. I, myself, can't see a reason why
4 membership organizations, especially religious
5 institutions, would be allowed in industrial districts.
6 Industrial districts are for very specific purposes.
7 And for the life of me, I can't come up with, not even a
8 compelling story, I can't come up with any story as to
9 why they are permitted by right or by special use.

10 CHAIRMAN OPDYCKE: Well, what is it --

11 MR. PETERS: I'd like to speak in favor of the
12 motion, of this proposal. The emerging federal case law
13 involving religious institutions makes it extremely
14 difficult to use techniques such as special uses and
15 variances to craft case by case consideration. And in
16 the absence of those available techniques, I see no
17 reason why these would be permitted uses in industrial
18 districts, because they are incompatible with the
19 permitted industrial use.

20 Further, the recent findings, there is recent
21 literature on these types of uses interfering with
22 adjacent industrial uses. And so, based on those two
23 factors, particularly the second one, I would support
24 this proposal.

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1 The current ordinance is problematic. I
2 attended all of the hearings for the last ordinance and
3 the matter was not discussed. I believe those, I don't
4 know how it got into the prior ordinance, other than
5 perhaps people thinking there were, they could handle
6 these on a case by case basis. But, it was not actually
7 considered. No one spoke in favor of this kind of a use
8 mixture. And more recently that the literature begins
9 to show problems with non-industrial uses interfering
10 with industrial uses. In the 1950's, people didn't
11 think about that problem. Lots of land available, so it
12 didn't come up.

13 CHAIRMAN OPDYCKE: The genesis of this is the
14 pending lawsuit, is that right? And now Mr. Seigel is
15 attempting to change the zoning code, after the lawsuit
16 has been filed?

17 MR. DUNKLEY: Well, I believe that a positive
18 show that it's generally held that these uses are not
19 compatible with the purposes and the goals of the
20 industrial districts, would go a long way towards
21 diffusing one, apparently one of the main arguments that
22 the prosecution is using.

23 CHAIRMAN OPDYCKE: All right. Okay, any other
24 discussion from member of the Commission?

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1 So, what would you like from us. You got a
2 consensus as to whether we go along with the proposal?

3 MR. DUNKLEY: Just our on the record
4 discussion of the items, the introduction of the item
5 and also a statement in the record of the date certain
6 on which we plan, you plan to take action if -- yes, so

7 MR. STALEY: Could I ask one question?

8 CHAIRMAN OPDYCKE: Yes. Mr. Staley.

9 MR. STALEY: I wasn't, you know, I read in the
10 newspapers all this stuff about the vineyards, but I
11 wasn't involved in that. What does doing this, if
12 anything, what impact does that have on the vineyards or
13 their operating religious organization in an industrial
14 area?

15 MR. DUNKLEY: Since they were, they began
16 using the site at a time when this was a special use,
17 and they were granted a special use, although not by the
18 City Council, they would be considered a legal non-
19 conforming use. They would be permitted to continue
20 forever, ad infinitum, unless they discontinued that use
21 for more than a year, or where the site was actually use
22 as a permitted use for that same period of time.

23 They also would not be allowed to rebuild,
24 should there be a disaster and the structure destroyed.

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1 That doesn't hold, there are exceptions to that, and it
2 depends on very labyrinthian, the determinations of
3 Chapter 6, which has to do with combinations of non-
4 conforming buildings and non-complying structures.

5 MR. PETERS: Was there approval by court
6 decree?

7 MR. DUNKLEY: Yes.

8 MR. PETERS: It may not even be subject to the
9 elimination of the permitted use, in that circumstance.

10 MR. DUNKLEY: I do not have the answer to
11 that, but I will gladly bring that up and get an opinion
12 by our Law Department.

13 CHAIRMAN OPDYCKE: So, Mr. Dunkley, do you
14 need a motion to put this on the agenda for September
15 9th?

16 MR. DUNKLEY: Yes. I think that, having that
17 on the record, and also that length of time, meaning we
18 can have a transcript available of this discussion, I
19 think would certainly help make us, have everything done
20 properly.

21 CHAIRMAN OPDYCKE: Are there any other
22 comments on this item?

23 MR. WOODS: I mean, I'd just like to speak in
24 favor of this item. It seems absolutely logical to me

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1 and would certainly simplify, I think, some discussions
2 that had occurred. So, I'd absolutely be in favor of
3 it.

4 CHAIRMAN OPDYCKE: Any other comments? Is
5 there a motion to -- then I would move that we put this
6 on the agenda for the next Planning Commission Meeting
7 September 9th.

8 MR. WOODS: Second.

9 CHAIRMAN OPDYCKE: All those in favor?

10 (Chorus of ayes.)

11 CHAIRMAN OPDYCKE: Motion carries.

12 MR. DUNKLEY: Thank you.

13 CHAIRMAN OPDYCKE: Thank you. Craig?

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EVANSTON PLAN COMMISSION

Evanston Plan 2030

1 CITY OF EVANSTON
2 PLAN COMMISSION MEETING
3 Re: Evanston Plan 2030
4 a. CMAP GO TO 2040 Vision Workshop
5 b. Subcommittee
6
7 Transcribed Report of Proceedings of a public
8 meeting, held August 12, 2009, at the Evanston Civic
9 Center, 2100 Ridge Avenue, Council Chambers, Evanston,
10 Illinois, at 7:08 p.m. and presided over by Stuart
11 Opdycke, Chair.
12
13 PRESENT:
14 S. OPDYCKE, CHAIR D. GALLOWAY
15 J. NYDEN C. STALEY
16 J. WOODS R. SHURE
17 S. PETERS
18
19 STAFF:
20 BILL DUNKLEY - Zoning Administrator
21 DOMINICK ARGUMEDO - Zoning Planner
22 SUSAN GUDERLEY
23 CRAIG SKLENAR
24

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EVANSTON PLAN COMMISSION

Evanston Plan 2030

1 MR. SKLENAR: Good evening. Just to start the
2 Plan 2030 conversation, I want to remind everybody I've
3 placed one of these little cards, and you've gotten an
4 e-mail. I'm trying to get as many people this next
5 Thursday, six to eight, as we talked about CMAP will be
6 here, they're staffing the meeting, Plan Department will
7 be there throughout the entire thing. I have to leave a
8 little bit early, I have previous engagements. But,
9 please do come, drag people from your neighborhood to
10 this event. I think it's going to be a great way for us
11 to start understanding where citizens are, gauge their
12 opinion of how they feel the City plans within the
13 region, and then that's also going to dictate how we
14 could start drafting our general plan for next year.

15 So, the other agenda item too is I've placed
16 kind of a quick article underneath your agenda that has,
17 the last page has a list of comprehensive plans from
18 around the nation that I think is something everybody
19 should be looking at. One particular is Youngstown
20 2010, it was done about five years ago. They're kind of
21 converse of us, they've shrunk from about 160,000 people
22 down to 80. So, physically they have a large amount of
23 land, what to do with it. I think it's an interesting
24 way of how they've approached citizen input, getting

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1 volunteers out to do a lot of the work, a lot of the
2 assessment. A lot of the citizens were involved. They
3 have teams of 80 going out and looking at each block,
4 parcel by parcel, and evaluating what was one the land
5 and helping them derive a new general plan.

6 That is pretty much what I have tonight.
7 Beyond that we're going to start the Sub-Committee. I
8 don't know if you guys want to still have a meeting
9 tonight or if we want to propose another time next week,
10 since things ran a little longer than I expected.

11 CHAIRMAN OPDYCKE: Any thoughts from fellow
12 Commissioners on that point, whether you want to take up
13 the issue right now, or do you want to put it on the
14 agenda for September 9th, after we've had the benefit of
15 that seminar. Any thoughts?

16 MR. STALEY: Sounds good to me.

17 MS. NYDEN: Also, if we might be getting
18 another Plan Commission member, a ninth member. Then we
19 can start with that, if that person wants to be on the
20 committee.

21 CHAIRMAN OPDYCKE: Good idea. We'll defer
22 then to September 9th. We'll get it on the agenda for
23 that night.

24 MR. SKLENAR: Okay.

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1 CHAIRMAN OPDYCKE: All right. Any Committee
2 reports? None. I'm sorry, Sue Guderley? Pardon?

3 MS. GUDERLEY: If I could just share some
4 information that we wanted to --

5 CHAIRMAN OPDYCKE: Yes, sure.

6 MS. GUDERLEY: Thanks. I'll try to be brief,
7 given the hour. What we want to do, in light of the
8 discussions of streetscape, and really the involvement
9 of the Plan Commission in streetscapes generally
10 throughout the city, but especially with the downtown
11 and our recent, the downtown plan, we wanted to lift up
12 to you two streetscape projects that are moving along
13 for downtown. They both involve public streetscape,
14 public initiated streetscape projects.

15 The first one involves the sidewalks that
16 surround the main library building at Orrington and
17 Church. There is actually, I don't know if anyone has
18 seen it on the web site, there's actually a meeting next
19 Wednesday, August 19th from six until 8:30 p.m., in the
20 community meeting room of the library. The purpose of
21 the meeting is to present a plan that's been devised by
22 the original architect for the library, which is Nagle,
23 Hartree, Danker, Kagen, McKay and Penny.

24 CHAIRMAN OPDYCKE: Law firm.

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1 MS. GUDERLEY: Pardon me?

2 CHAIRMAN OPDYCKE: Law firm.

3 MS. GUDERLEY: Well, it sounds like it, or a
4 chemical combination. It's NHDKMP. But apparently this
5 has been driven by the fact that in the last year
6 there's been five public falls requiring emergency
7 responses in the area surrounding the library. And I
8 walk by there all the time, and today I took special
9 note. They are in pretty bad disrepair, especially the
10 soldier course right in front. People getting out would
11 just fall down. But it's come to a crisis situation.
12 It's not the silly walks, it's the silly falls, I guess.

13 But, there will be this meeting. We encourage
14 those of you who are interested to go. I know that the
15 library and public works had contacted me for some of
16 the lists of the downtown residents, things that had
17 been generated for the downtown plan for some
18 discussions or focus groups leading up to this. It's
19 next Wednesday, the 19th.

20 MS. NYDEN: I was going to say, if it's
21 Thursday, we have to go to two events.

22 MS. GUDERLEY: No, no, no. We're getting you
23 busy. I know that's your typical meeting. I don't know
24 if you --

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1 I just want to lift up though, in terms of
2 this project, and this will come into play with the
3 second project, what they're proposing right now, the
4 streetscape design is, will not use the paver patterns
5 that are used elsewhere. They're proposing for cost
6 reasons and for, to move ahead, a design that uses
7 concrete with soldier course, three soldier course on
8 the, behind the pavement, and also around the tree
9 wells. They'll still have the decorative tree wells,
10 they'll still have the benches and the other amenities.

11 But they're moving ahead on this as a, proposed as a
12 concrete design. So, I would urge you to go and to
13 understand what they're proposing and why they're
14 proposing it next Wednesday.

15 Another streetscape project is the widening of
16 the Maple Street streetscape, from Church Street up to
17 Clark, which is basically from the corner where there's
18 Borders and Bravo now, up to the corner that is, it's
19 not a complete intersection, but it's Chili's on one
20 side and it's just about where the hotel property begins
21 on the west side.

22 Again, this is something that was called out,
23 I think, for a long time both in terms of discussions
24 around the master plan, but, I mean, the downtown plan,

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1 but also just numerous discussions, just comments we get
2 from citizens about how narrow it is. I know that I
3 walk that all the time from Metra and I can't even keep
4 my umbrella straight, I have to go like this to get
5 through at certain points. So, it's certainly needed.
6 And again, the proposal at this point, this is on an
7 even faster track because this tiff expires this year
8 and the money that we have remaining in the fund balance
9 needs to be expended.

10 Now, again for this project, the proposal is
11 to, north of the corners of Church, in front of the
12 Bravo parking, Bravo Restaurant, and in front of
13 Borders, those will still maintain the full enhanced
14 paver design. But north of that, after it wraps the
15 corner, will again be as proposed as concrete with the,
16 again, paver strips along, something like the Chicago
17 Avenue streetscape, which is again a concrete sidewalk
18 with paver striping behind the curb and around the tree
19 wells.

20 So, that is proposed. That will go to Council
21 on September 14th, on the bills list. If it's approved,
22 they hope to move ahead with all due haste to begin that
23 construction and get it done.

24 Other elements I can think of, there is a mid-

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1 block they're bumping out for a pedestrian crosswalk.
2 They're finding that when the movies let out, people
3 just walk like in beelines across the street, and really
4 that street is designed for rush hour in Schaumburg
5 because it's so wide right now. I like to look at the
6 animated traffic model we have, and you're watching, at
7 rush hour you're watching Ridge just totally packed and
8 Church totally packed, and there's like three vehicles
9 that go down Maple. And it's designed, it's just so
10 over-designed. So, this is good. It'll be one lane in
11 either direction with the turn lanes and a much greater
12 pedestrian area.

13 MS. NYDEN: So the sidewalks will be
14 getting --

15 CHAIRMAN OPDYCKE: Wider.

16 MS. GUDERLEY: Much wider, yes. I'm going to
17 say eight feet in good portions of it. Some portions
18 are less than that.

19 CHAIRMAN OPDYCKE: There's a lot to be said
20 for concrete.

21 MS. GUDERLEY: Pardon me?

22 CHAIRMAN OPDYCKE: There's a lot to be said
23 for concrete.

24 MS. GUDERLEY: And it, you know, no trip

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1 hazards either.

2 CHAIRMAN OPDYCKE: Any other comments from
3 members of the Commission?

4 MS. GALLOWAY: Just to say that, in the
5 Parking Committee, we've seen the proposal for Maple
6 Street evolve over the last, probably half year, easily,
7 and it is a marked improvement. Although it would be
8 hard to do anything that would be worse.

9 I do remember the discussions about the width
10 of Maple Street when that project was under
11 consideration, and as I recall, the fire department
12 insisted on being able to turn a fire truck around or
13 something ridiculous like that.

14 CHAIRMAN OPDYCKE: Is there a motion to
15 adjourn?

16 MR. WOODS: So move.

17 MR. STALEY: Second.

18 CHAIRMAN OPDYCKE: All those in favor?

19 (Chorus of ayes.)

20 CHAIRMAN OPDYCKE: We are adjourned.

21 (Whereupon the meeting was
22 concluded at 8:52 p.m.)

23

24