ZONING COMMITTEE OF THE PLAN COMMISSION

Wednesday, September 17, 2014
7:00 P.M.
Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Room 2403

AGENDA

1. CALL TO ORDER / DECLARATION OF QUORUM

2. MINUTES: Approval of the May 21, 2014 Meeting Minutes

3. NEW BUSINESS

A. TEXT AMENDMENT TO THE ZONING ORDINANCE
   Office and Financial Institution Uses in B1 and B2 Districts
   Specifically consider a text amendment, pursuant to City Code Title 6, Zoning, to amend the list of permitted and special uses in the B1, Business and B2, Business Districts.

B. TEXT AMENDMENT TO THE ZONING ORDINANCE
   Active Uses in Central Street Overlay District
   Specifically consider a text amendment, pursuant to City Code Title 6 – Zoning, regarding Section 6-15-14-7. Active Ground Floor Uses in Central Street Overlay District to add additional uses to the list of allowed Active Ground Floor Uses.

3. ADJOURNMENT

The next Zoning Committee of the Plan Commission meeting is scheduled for WEDNESDAY, October 15, 2014 at 7 P.M. in room 2403 of the Lorraine H. Morton Civic Center.

Order of agenda items are subject to change. Information about the Zoning Committee of the Plan Commission is available online at: http://www.cityofevanston.org/government/boards-commissions/zoning-committee-of-the-plan-commission/index.php

Questions can be directed to Damir Latinovic, Neighborhood and Land Use Planner, at 847-448-8675 or via e-mail at dlatinovic@cityofevanston.org.

The City of Evanston is committed to making all public meetings accessible to persons with disabilities. Any citizen needing mobility or communications access assistance should contact the Community Development Department 48 hours in advance of the scheduled meeting so that accommodations can be made at 847-448-8683 (Voice) or 847-448-8064 (TYY).
MEETING MINUTES
ZONING COMMITTEE OF THE PLAN COMMISSION
Wednesday, May 21, 2014
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Room 2403

Members Present: Richard Shure, Terri Dubin, Colby Lewis

Members Absent: Scott Peters, Jim Ford

Other Plan Commission Members Present: David Galloway

Staff Present: Damir Latinovic, Neighborhood and Land Use Planner
Lorrie Pearson, Planning and Zoning Administrator
Mario Treto, Assistant City Attorney

Presiding Member: Richard Shure, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chairman Shure called the meeting to order at 7:00 pm.

2. MINUTES

Approval of February 19, 2014 Zoning Committee of the Plan Commission Meeting Minutes:

Commissioner Lewis motioned to approve the minutes as presented.

Commissioner Dubin seconded the motion. A voice vote was taken and the minutes were approved with a voice vote 3:0.

3. NEW BUSINESS

A. MAP AMENDMENT TO THE ZONING ORDINANCE 14PLND-0043
1409 Dodge Avenue and 1825 Greenwood Street
Specifically consider a map amendment to the Zoning Ordinance pursuant to City Code Title 6, Zoning, to rezone the following properties:
1409 Dodge Avenue, PIN 10-13-419-041, and
1825 Greenwood Street, PIN 10-13-419-040
from I2, General Industrial to R4, General Residential district.

Mr. Latinovic presented the staff report memo.

Chairman Shure asked how many people were notified for the rezoning case. Mr. Latinovic stated, per the Zoning Ordinance, staff has notified all property owners within
500 feet of the subject properties based on the tax parcel data the City receives from the County.

Chairman Shure invited the members of the public to speak.

Peggy Gregory, 1419 Brown Ave, indicated she is here because she received a flyer and wanted to find out more about the subject case. Ms. Gregory asked if the units would be for low-income residents?

Tom Heskin, the applicant and property owner of 1409 Dodge Ave and 1825 Greenwood St., stated he does not have a price point at this time, but the units would be market-rate.

Linda Paternosro, 2100 Greenwood St. also stated she wanted to find out if the units would be for low-income residents.

Chairman Shure explained this is the first step in the process of rezoning approval. The case next moves on to the Plan Commission and then to the City Council.

Commissioner Galloway stated he believes this is an appropriate zoning classification for this property. Residential use is more appropriate then an automobile service shop.

Commissioner Lewis stated an automobile service shop in the middle of a residential neighborhood is not appropriate.

At this time additional members of the public joined the meeting. Per Chairman Shure, Mr. Latinovic gave another quick summary of the proposed rezoning case.

Upon a question by Commissioner Lewis, Mr. Latinovic explained the applicant is requesting the rezoning into R4 General Residential because R4 district is intended for multiple-family uses, such as the three dwelling units proposed on this property. The R3, Two-Family Residential zoning district which is located north and east of the subject property only allows single-family and two-family dwellings.

Chairman Shure invited the new members of the public that arrived late to speak.

Charles Booker, 2022 Lake St, asked if there would be any changes to the existing cul-de-sac for Greenwood Street, to which Mr. Heskin stated he is not proposing any changes to the streets.

General discussion followed on the existing traffic pattern in the area.

Commissioner Dubin stated she believes the proposal is an appropriate change for the property.

There being no further discussion Commissioner Lewis made a motion to approve the proposed rezoning from I2 to R4.

Commissioner Dubin seconded the motion

The motion was approved by a voice call: 3-0.
B. TEXT AMENDMENT TO THE ZONING ORDINANCE 14PLND-0044

Notice Requirements
Specifically consider a text amendment, pursuant to City Code Title 6, Zoning, for the notice requirements for all zoning applications requiring approvals per the Title 6, Zoning, of the City Code.

Mr. Latinovic presented the staff report memo.

Chairman Shure noted Commissioner Peters has submitted a memo with certain changes to the proposed text. Mr. Latinovic stated that staff has received the Memo and City’s legal staff is reviewing the proposed clarifications. Mr. Latinovic also noted that he received an email from Commissioner Ford in response to the Memo from Commissioner Peters. Staff will evaluate the comments and include them in the proposed text amendment if appropriate.

Commissioner Galloway asked for a clarification on what happens if there is no quorum to hold the initial public hearing that is scheduled for a case. Mr. Latinovic said that if there is no quorum, the meeting is cancelled. In that instance, any cases scheduled for that meeting are automatically rescheduled for the next regularly scheduled meeting and the notices are again provided to all surrounding property owners and in the newspaper as well as by posting of the sign on the property advertising the new hearing date. If however, the public hearing is held and it needs to be continued to a date certain, the date certain is announced at the initial public hearing and then for the continued hearing the notices are not provided. Mr. Latinovic clarified this is the practice right now and staff is not proposing to make any changes.

Chairman Shure asked how people can find out about the continued hearings. Mr. Latinovic indicated that the first notice provides residents with contact information at the City where they can follow up. The City also posts notices on its website, at the Civic Center and an email is sent out to the residents subscribing to the City notifications regarding zoning matters.

Commissioner Dubin asked for more clarification about the email subscription. Mr. Latinovic explained when an individual is looking to subscribe they can check off which types of topics they would like to get updates on. But he does not have a number of how many individuals have subscribed for the email notification list.

Commissioner Lewis asked for confirmation that the agendas are posted on the website, to which Mr. Latinovic confirmed stating that the agendas are usually posted by Friday before the meeting.

Chairman Shure asked if anyone that is in the audience that would like to speak on this matter.

Peggy Gregory, 1419 Brown Ave, asked how any interested residents can find out if they are on the mailing list.
Mr. Latinovic stated they can contact him or someone else in the planning and zoning division of the Community Development Department and staff can check the database that is generated based on the latest tax bills received from the County.

There being no further discussion, Commissioner Lewis made a motion to approve the proposed text amendment regarding the notice requirements as recommended by staff.

Chairman Shure asked that the motion incorporate comments and suggestions provided by Commissioners Peters and Ford.

Commissioner Dubin seconded the motion.

The motion was approved by a voice call: 3-0.

C. TEXT AMENDMENT TO THE ZONING ORDINANCE 14PLND-0045

B1, B1a and B2 Districts
Specifically consider a text amendment, pursuant to City Code Title 6, Zoning, to amend the list of permitted and special uses in the B1 - Business, B1a-Business and B2-Business districts.

Mr. Latinovic presented the staff report memo.

Commissioner Galloway stated the proposed amendment is a great idea. Retail uses would activate the areas and would make the districts more attractive.

Chairman Shure brought up the case from a few years about nail salon uses in the B3 district. He confirmed the proposal would promote uses that activate foot traffic.

Commissioner Lewis asked what if a neighborhood grocery store cannot survive in a market place with only local residents. Why should the City prevent some uses that may be able to fill in the vacant storefronts? He asked if an office use on the second floor still needs to get a special use?

Mr. Latinovic said staff debated if office uses on floors above the ground floor should still be allowed as permitted uses. Staff is open to that modification. The reason staff did not differentiate between 1st and 2nd floor office uses is because we found that most mixed use buildings in the B districts only have residential uses on floors above the ground floor. If there is a building with commercial offices on the 2nd floor then that building is typically entirely devoted to offices from the ground floor up.

Commissioner Galloway stated he thinks it could be a good idea to make the second floor office uses as permitted. He also stated it is important to understand that the City is not excluding them on the first floor. They just have to jump through some hoops to make sure they are appropriate within the context.

Commissioner Lewis cautioned not to regulate too much to discourage some uses and make them go away that could otherwise fill in vacant spaces. But he is in favor of moving the proposal through to the Plan Commission. He asked how can we notify these business owners to get their input?
Mr. Latinovic stated the notice was provided via newspaper and via the email blast. He noted that staff can try to identify merchant associations and notify them to get their input.

Chairman Shure asked if the City has a list of all property owners whose properties are zoned B district. It would be good to notify all of them. He also asked why the B3 district was excluded from the proposal.

Mr. Latinovic explained that the B3 district is different than other B districts and is more closely associated with the C districts which are located along busy arterial roads and cater to the automobile oriented uses. The B3 district is only located along the very far east end of Howard St. near the Howard St. transit stop. The nature of that commercial area is very different from other neighborhood nodes zoned B1, B1a or B2. The uses permitted in B3 district cater to much larger residential area of the whole city not just the immediate neighborhood.

Commissioner Galloway also added that it is arranged in more of a linear fashion along a busy roadway similar to other C zoning districts.

Chairman Shure stated the area is starting to change. The desire is for more retail services. He believes there would be a lot of support on the City Council to include the B3 in this proposal.

Chairman Shure also confirmed that any existing office use will be able to remain in their existing locations.

Commissioner Dubin agreed that B3 district should be looked at.

There being no further discussion, Commissioner Dubin made a motion to approve the proposed text amendment with conditions to allow the office and financial uses as permitted uses on the floors above ground level and also to include the B3 district in the proposed amendment.

Commissioner Lewis seconded the motion

The motion was approved by a voice call: 3-0.

Chairman Shure asked if the City can notify the property owners in those districts prior to the Plan Commission hearing, to which Mr. Latinovic stated the list would be substantial but staff will do their best and will discuss with legal department so as not to set a bad precedent.

4. **ADJOURNMENT**

Commissioner Lewis motioned for adjournment and Commissioner Dubin seconded the motion. With all commissioners in favor, the meeting was adjourned at 8:02 pm.

The next meeting of the Zoning Committee of the Plan Commission is scheduled for **Wednesday, June 18, 2014** at 7:00pm., in room 2403 of the Lorraine H. Morton Civic Center, 2100 Ridge Avenue.
Respectfully Submitted,
Damir Latinovic
Neighborhood and Land Use Planner
Community Development Department
Zoning Committee
of the
Plan Commission

CASE # 14PLND-0045

Zoning Ordinance Text Amendment

Office and Financial Institution Uses
in
B1 and B2 Districts
Memorandum

To: Zoning Committee of the Plan Commission

From: Mark Muenzer, Director of Community Development
Lorrie Pearson, Planning and Zoning Administrator
Damir Latinovic, Neighborhood and Land Use Planner

Subject: Zoning Ordinance Text Amendment
Amendment to Office and Financial Institution Uses in B1 and B2 Districts
14PLND-0045

Date: September 9, 2014

Request
Staff recommends amending the Zoning Ordinance to allow office and financial institutions on the ground floors of properties in B1 and B2 districts with frontage along Dempster Street between Elmwood Avenue and the north-south alley east of Chicago Avenue and those properties with frontage along Main Street between Elmwood Avenue and Hinman Avenue as Special Uses. Office and financial institution uses on floors above the ground level would continue to be allowed as Permitted Use.

Notice
The Application has been filed in conformance with applicable procedural and public notice requirements.

Analysis

Zoning Committee of the Plan Commission Review
The Zoning Committee of the Plan Commission first reviewed a similar proposal at its May 21, 2014 meeting. Staff initially proposed allowing office and financial institution uses as Special Uses in B1, B1a and B2 districts. Based on the discussion at the May 21, 2014 meeting, the Zoning Committee determined that allowing such uses as special uses only on the ground floor would encourage more retail uses and would make the areas more vibrant and active. The Committee noted that office and financial uses on floors above the ground floor should be encouraged rather than discouraged by the Special Use approval process. As a result, the Committee unanimously forwarded a positive recommendation to the Plan Commission to allow office and financial institution uses as Special Uses only on the ground floors of all B districts (including the B3 District).
Plan Commission Review
The Plan Commission reviewed the proposed text amendment at its June 11, 2014 meeting. The Commission heard testimony from the owner of the property located at 1319-1321 Emerson Street (zoned B1) who expressed concern that not all B districts in the City are the same and should not adhere to the same restrictions for office uses on the ground floor. The Commission also noted that many uses which are currently classified as office uses, including yoga studios and real estate offices, do not necessarily present a detriment to the pedestrian character of the districts. The Commission unanimously recommended to return the proposed text amendment to the Zoning Committee for further refinement.

B-Districts Overview
The Business districts are older established commercial districts found primarily near the intersections of minor and major arterial roadways and near the train stations (map attached). The districts represent the City’s oldest shopping areas characterized by their pedestrian character and established physical pattern with buildings typically built to or near the front lot line.

The B districts primarily serve daily shopping needs for the surrounding neighborhood. They are surrounded by residential areas and often include less intense uses than the Commercial (C) districts such as drugstores, cleaners, corner grocery stores and restaurants. Due to the scale of the developments in these areas, the commercial storefronts can also attract specialty goods stores that serve a larger market area.

The District regulations were established to promote and preserve the small scale, limited shopping and business uses that serve the needs of the people who live in the surrounding neighborhood. The size of the commercial storefronts are encouraged to stay small, with a 7,500 square-foot size limit for permitted uses in the B1 district and 20,000 square foot limit for permitted uses in B1a and B2 districts. Larger spaces in these districts are only allowed as special uses.

Over the past several years, the City has experienced an influx of office and financial institution uses into the B districts, especially along Dempster Street and Main Street. Examples of such uses include professional offices such as attorneys, architects, engineers, financial and tax advisers, banks, short-term loan businesses and other similar office uses. These types of office uses do not depend on the pedestrian traffic from the surrounding neighborhoods. As such, they do not contribute to the vibrancy of the district and instead use space that could otherwise be occupied by retail establishments better suited to cater to the surrounding residents. Members of the Dempster Street and Main Street Business Associations have approached the City requesting assistance to limit the influx of office uses and reestablish the districts as neighborhood centers of commerce.

Summary of Research Analysis
In order to enhance the B districts, staff has researched ways the Zoning Ordinance can play a role in minimizing the impact of office uses while promoting the small scale limited shopping and retail uses. Based on staff’s research, the following are possible ways the Zoning Ordinance could enhance the pedestrian-oriented business districts:
1. **Overlay districts**
   An overlay district can be created in those B Districts where there is a concern about too many office uses and lack of retail establishments (such as for Main Street and Dempster Street). An overlay district is placed over an area with multiple underlying districts without the need to rezone each property. The overlay district supersedes the underlying district and can include any type of use or bulk regulations.

2. **Limit uses based on size/location on the ground floor**
   a. Office uses could be limited based on the square footage of the ground floor. For example, up to 25% of total ground floor commercial space of a building can be leased to office uses as a Permitted Use. Beyond that, Special Use approval would be required.
   b. Office uses could be limited based on the amount of street frontage they occupy. For example, up to 25% of building’s street frontage can be leased to an office use as a Permitted Use. Beyond that, Special Use approval would be required.
   c. Office uses could also be allowed as Permitted Uses only in those locations where they do not have direct frontage along a street (i.e. rear units on ground floors). Beyond that, Special Use approval would be required.

3. **Limit office uses based on size**
   Small office and financial uses up to a certain size could be allowed as Permitted Use. Larger office uses would require Special Use approval.

   Both options 2 and 3 could include a distance separation provision that would require office uses to be a certain minimum distance apart from each other to avoid undesirable congregation of passive pedestrian uses.

4. **TOD overlay districts**
   Incorporate the office and financial institution uses restriction within TOD overlay districts that will include other unique restrictions such as relaxed parking requirements, increased height and density allowances, etc.

5. **Define separate Office uses**
   Definitions for different types of office uses could be developed and then assigned as permitted or special uses in all districts (not just B districts), i.e. inpatient medical service, outpatient medical service, trade contractor offices, professional offices, health/fitness facilities (yoga studios and other type of fitness studios), etc.

6. **Establish a maximum number of Office Uses within certain districts**
   A maximum number of allowable office and financial institutions can be defined for any B district. Up to that maximum, proposed office uses would be allowed as by-right permitted uses. Office uses in excess of the defined maximum for any district would then be allowed only as a Special Use.

7. **Limit based on location**
Office uses within properties along certain streets (Main Street, Dempster Street, etc.) could be allowed as Special Uses, while office uses in properties not fronting on such streets would be allowed as Permitted Uses.

8. Keep previous proposal
Move forward with the proposal to allow all office uses on ground floors in all B districts as special uses, while office uses on floors above the ground floor would continue to be allowed as permitted uses.

Proposal Summary
Based on our research, Staff has determined that limiting the office and financial institution uses based on their location is the most effective option to address the increased number of office uses in the B districts along Dempster Street and Main Street. Specifically, staff is recommending amending the Zoning Ordinance to allow office and financial institution uses on the ground floors of properties in B1 and B2 districts with frontage along Dempster Street between Elmwood Avenue and the north-south alley east of Chicago Avenue and properties with frontage along Main Street between Elmwood Avenue and Hinman Avenue as Special Use. Office and financial institution uses on floors above the ground level would continue to be allowed as Permitted Use.

The proposed text amendment is summarized in the table below:

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<tr>
<th>Use:</th>
<th>Zoning District</th>
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<tr>
<td></td>
<td>B1</td>
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<tr>
<td><strong>Existing Uses</strong></td>
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<tr>
<td>Office</td>
<td>P</td>
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<tr>
<td>Financial Institution</td>
<td>P</td>
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<tr>
<td><strong>Proposed Uses</strong></td>
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<tr>
<td>Office –ground floor for lots with frontage on Dempster Street between Elmwood Avenue and north-south alley immediately east of Chicago Avenue and lots with frontage on Main Street between Elmwood Avenue and Hinman Avenue</td>
<td>S</td>
</tr>
<tr>
<td>Office –excluding ground floor for lots with frontage on Dempster Street between Elmwood Avenue and north-south alley immediately east of Chicago Avenue and lots with frontage on Main Street between Elmwood Avenue and Hinman Avenue</td>
<td>P</td>
</tr>
<tr>
<td>Financial Institution - ground floor for lots with frontage on Dempster Street between Elmwood Avenue and north-south alley immediately east of Chicago Avenue and lots with frontage on Main Street between Elmwood Avenue and Hinman Avenue</td>
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<td>Financial Institution - excluding ground floor for lots with frontage on Dempster Street between Elmwood Avenue and north-south alley immediately east of Chicago Avenue and lots with frontage on Main Street between Elmwood Avenue and Hinman Avenue</td>
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P-Permitted Use; S-Special Use

Allowing office and financial institution uses as Special Uses on the ground floors of properties within Dempster Street and Main Street business districts requires review by the Plan Commission and the City Council for compliance with the standards for approval of Special Uses. Both the Plan Commission and the City Council can evaluate each use and its proposed location to assure the use is consistent with the surrounding area, the Comprehensive General Plan and general policies of the City Council. Each application must demonstrate that it will not cause a cumulative negative effect when it is considered in conjunction with other existing special uses in the area. In other words, a small number of appropriately dispersed office uses on ground floors may be approved. However, a concentration of such uses in one area is not desirable and may not be consistent with the intent and character of the B districts.

Additionally, Staff has investigated incorporating incentives within the Zoning Ordinance to encourage more retail uses locate within targeted B districts. The following are possible changes to the Municipal Code that were identified and could encourage retail uses in B districts:

1. Allow more commercial signage for retail uses in specific B-districts.
2. Allow office uses in more districts so that they do not concentrate in B districts.
3. Reduce off-street parking requirements for retail uses in B districts.

Staff, however, has determined that such zoning changes are not feasible. The City’s commercial sign ordinance is already permissive and most businesses do not capitalize on all Sign Ordinance allowances. Office uses are already allowed as a Permitted Use in the RP, O1, and all C, D, I and M districts. Finally, reducing the parking requirement to encourage new retail developments in the B districts would have little impact. The B districts contain primarily very small commercial lots and the Zoning Ordinance already allows an exemption from the parking requirements for first 2,000 square feet of commercial space and for existing buildings.
Nonconforming Uses
If the proposed amendment is approved by the City Council, any existing office or financial institution uses on the ground floors in the Dempster Street and Main Street Business districts will be considered legal nonconforming uses. The following conditions apply for the nonconforming uses:

1. Each nonconforming use may continue to operate in its existing location.
2. Any proposed expansion of such uses or structures that hold the uses cannot be approved unless a Special Use approval for such use is obtained and the proposed expansion meets all other zoning requirements.
3. If a structure that is currently occupied by a nonconforming office or financial institution use is damaged or destroyed by a fire, the property owner may obtain a Certificate of Zoning Compliance from the Zoning Administrator to rebuild the structure and re-establish the use.
4. If a structure that is currently occupied by a nonconforming office or financial institution use becomes vacant for more than one year, the structure can then be occupied only by a conforming use which includes office and financial institution uses that receive special use approval.

Standards of Approval
The proposed Zoning Ordinance Text Amendment to allow office and financial institution uses as Special Uses on the ground floors of properties in B1 and B2 districts with frontage along Dempster Street between Elmwood Avenue and the north-south alley east of Chicago Avenue and properties with frontage along Main Street between Elmwood Avenue and Hinman Avenue meets the standards for approval of amendments per Section 6-3-4-5 of the City Code. The proposal is consistent with the General Comprehensive Plan’s goal to enhance the neighborhood business districts of the City. The amendment is in line with the Plan’s specific call for action/policy to encourage new uses that complement the existing neighborhood character and pedestrian environment. By limiting the ground floor office and financial institutions as Special Uses within the Dempster Street and Main Street Business Districts, the amendment will encourage more retail establishments which are more desirable in these districts. The proposal will not have any adverse effect on the property values of the adjacent properties.

Recommendation
Staff believes the proposed text amendment to allow office and financial institution uses as Special Uses on the ground floors within Dempster Street and Main Street Business Districts is necessary to preserve the City’s oldest shopping areas for primarily neighborhood oriented commercial and retail uses. The intent of the proposal is to encourage more retail establishments which will have a positive effect on the character of the neighborhood. The office and financial institution uses on the ground floors within these districts may still be allowed provided the proposed use meets the standards for approval of special uses. Office and financial institution uses on floors above the ground floor will remain to be allowed as permitted uses.
Staff recommends the Zoning Committee make a positive recommendation to the Plan Commission regarding for the proposed text amendment.

**Attachments**

- Plan Commission Meeting Minutes 06.11.2014
- Zoning Committee of the Plan Commission Draft Meeting Minutes 05.21.2014
- Zoning Map of Dempster Street Business District
- Zoning map of Main Street Business District
- B1, B1a, B2 and B3 Zoning Districts Map of City of Evanston
- Goods’ Letter of Support
MEETING MINUTES
PLAN COMMISSION
Wednesday, June 11, 2014
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Council Chambers

Members Present: Scott Peters (Chair), Jim Ford, Terri Dubin, Kwesi Steele, Carol Goddard, Lenny Asaro

Members Absent: Andrew Pigozzi, Colby Lewis, Richard Shure

Associate Members Present: David Galloway

Associate Members Absent: Seth Freeman, Stuart Opdycke

Staff Present: Damir Latinovic, Neighborhood and Land Use Planner
            Lorrie Pearson, Planning and Zoning Administrator
            Mario Treto, Assistant City Attorney

Presiding Member: Scott Peters, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

Chairman Peters called the meeting to order at 7:00 P.M and explained the general meeting procedure, schedule, agenda items, time limits on public testimony and opportunities for cross examination of witnesses. Chairman Peters concluded the opening statement by saying that the Plan Commission forwards a recommendation to the City Council which makes the final determination on any matters discussed by the Plan Commission.

…

C. TEXT AMENDMENT TO THE ZONING ORDINANCE 14PLND-0045

B Districts - Office and Financial Institutions
Specifically consider a text amendment, pursuant to City Code Title 6, Zoning, to amend the list of permitted and special uses in the B1- Business, B1a-Business and B2-Business districts.

Mr. Latinovic summarized the staff report pertaining to the proposed text amendment. It proposes to amend the list of permitted and special uses allowed in Business Districts related to Office and Financial Institutions. The case was presented to the Zoning Committee at the May 21, 2014 meeting. Mr. Latinovic showed a map of the City with the four business districts—B1, B1a, B2 and B3. The districts were originally established as neighborhood nodes to service the surrounding neighborhoods with their immediate daily commercial needs. The physical character of these districts is with the buildings built to the front lot line, with more of a pedestrian character. The types of uses you would
typically see here are corner convenience stores, restaurants, cleaners and similar uses. However, recently there has been an influx of office uses in these districts such as banks, accounting offices, financial institutions like H&R Block or title loan offices, that do not necessarily cater just to the surround area but draw customers from the entire city. They do not strive on the pedestrian environment. This has resulted in the lack of general retail establishments in the district. So staff was approached by some business owners in these districts to do something to encourage retail uses and limit some of the office uses. The proposal, outlined in the memo based on input from the Zoning Committee, is to designate office and financial institutions, which are currently permitted by right in all business district, to allow them on the first floor only as a special use and the floors above as a by-right permitted use. Initially, staff did not include the B3 District along Howard Street east of Ridge Avenue since staff was felt that B3 district was a bit different from the others. However, after input from the Zoning Committee, this area was included in the proposed amendment based on the most recent trend in development along Howard Street with uses that cater to pedestrians and to the surrounding area.

Staff believes standards have been satisfied for the proposed text amendment. It is consistent with the Comprehensive Plan, which calls for new uses that complement the existing neighborhoods. At the Zoning Committee meeting, it was brought up to notify all property owners zoned as a B District. Based on the determination by the legal counsel, that would set a precedent considering that text amendments to multiple zoning districts are done very often. Then the notice would have to be provided to owners of all those properties, which may not be feasible. Instead, staff has reached out to the Economic Development Department to notify the merchant associations in these districts, which has been done. Following that notice, staff received a total of four letters of support. Staff recommends approval of the text amendment.

Commissioner Ford asked if the existing uses would become legally non-conforming. Mr. Latinovic answered that yes, the established office uses on the ground floor would become legal non-conforming. If they move out, the property owners have one year to reestablish similar office uses without further approval necessary. And if an existing use wanted to expand, then a special use would be required.

Commissioner Asaro asked about concerns with vacancy if retailers are not interested in the spaces. He comments because he lives in the area and tries to frequent the businesses when he can. However, there is a lot to be desired as far as what can go there. He spoke to one of the business owners one day who noted that there is not a lot to draw people to the area. He is concerned that there is not enough outside demand for retail in that area and that changing the zoning will not address that. He did not see the tension in use between retail and office to warrant a change in zoning. Mr. Latinovic found that to be a valid point and noted that it was discussed internally. This “dead zone” has been described by area business owners based on property owners who are looking to lease to more stable financial institutions rather than other retail establishments. But the proposed change is based on feedback from the business community who have been there 15 to 20 years. Because the office uses will still be a special use, in the case of a vacancy, City Council can still approve them. Chairman Peters noted that it is fairly common for office uses to go to retail. However, in this case there is not a definitive study. Still allowing office as a special use is important to minimize the vacancy concern.
Commissioner Ford seconded Commissioner Asaro’s concern. This works when there is competition between retail and non-retail uses for a property; however, alone it does not provide an incentive for retail to come in. He questioned if it would have the desired impact. He noted that he lives near a commercial space with a recent retail vacancy. An office use would be preferable to a vacancy when retail is not an option. Commissioner Goddard reminded everyone that with the special use it would still be allowed. Commissioner Ford agreed but still felt the change is less than perfect.

Commissioner Galloway stated he would welcome other recommendations or improvements from staff and others that are within the norms of zoning law. If this prevents retail turnover for office use, he would be content. The spaces should be occupied with the types of uses that serve the area. As staff noted, many of these institutions bring in clientele from other areas of the city that park in the neighborhoods, use the facilities and leave without a vested interest in the neighborhood in that area. These uses do not effectively activate the street as well as retail or restaurant spaces would. Once again, the designation of these office uses as a special use on the ground floor would not prevent them from occurring at all and may suggest they move to the second floor or not locate there at all. However, this change to special use allows for best judgment to be used, which would address market conditions.

Commissioner Asaro stated he agrees with the comments made by the other Commissioners. He still wonders about the effect this change would have on the owners of the properties who have to generate income to continue to own and operate the properties. Having to apply for a special use permit to some extent is a barrier to enter, even if it will likely get approved. He said he was particularly curious about development at the southeast corner of Main St. and Chicago Ave. and why TIF funding was not used to build a parking structure where both a CTA and Metra station are nearby. Echoing Commissioner Galloway, if you can provide parking, people from both the area and outside of the area or even outside of Evanston will come in when there is convenience. This location does not have the parking needed for a dense area, which would help businesses in that area. The TIF has allotted a substantial amount of money to go towards parking. Chairman Peters welcomed the suggestion and consideration from staff, agreeing that parking is essential if that is to become a neighborhood retail area both for commercial uses on the second floor and retail uses on the first floor. This is true for several areas in Evanston. It is a bigger problem than this amendment. Regarding returns to landlords, however, zoning’s purpose is to ensure appropriateness of uses in an area, and these areas could use retail.

Commissioner Steele commented that as written, the change does not seem restrictive. If a property were vacant for a long period of time, approval could be sought through special use. He pointed out questions raised in an email by a business owner, such as how do we attract people to that particular strip? Chairman Peters noted that comments related to making the area more attractive to retail can be attached to any recommendation. Commissioner Steele thought it was fair as it was proposed. However, someone needs to look at the business owner’s question.

There being no further comments, Chairman Peters invited comments from the public. David Roberts, an Evanston business/property owner at 1319-1321 Emerson Street, came forward and promised to tell the truth. He stated he was disappointed to hear that staff determined they could not notify property owners in business districts of the
proposed changes. He continued that perhaps more people would have attended the meeting or sent emails with comments had they been aware of it. Had it not been for someone who told him about it based on his involvement with other city related issues, he would not have known about it. He comes both as a property owner and business owner in Evanston. He has owned the Emerson Street property for ten years. He asked if an architecture and construction company, yoga studio and massage therapy company would be restricted under special use categories.

Mr. Latinovic responded if the proposal is approved, the architect and construction office would not be allowed by right on the first floor, and the other uses would require him to look at the list to see if those specific uses are listed. If the specific uses are not listed, staff would determine which listed use is most similar.

Mr. Roberts responded that the current uses in his buildings with the current tenants, which he has spend half a million dollars improving and converting from what used to be a school. And the business and residential neighbors have commented on these efforts revitalizing the area. To the foot traffic comment, today he counted 45 people walk past his buildings and enter them. Therefore, foot traffic and office uses can coexist. He also acknowledged that a group of business owners were supportive of this change; however, he questioned how many were in favor and for which specific area, noting that each commercial area is unique. Mr. Roberts listed a number of existing spaces, such as the NAACP office and the former alderman’s office, that would require a special use permit. He also shared that on a two block stretch east of his property, there were four vacant storefronts, plus the entire former Masonic temple. He felt that further restrictions will not encourage people to come in and enhance and invest in the area as he has, especially outsider entry-level businesses. Mr. Roberts’ architecture and construction business has been in Evanston for ten years, working on Evanston homes with $1.6 million worth of construction, much of which is spent locally supporting other Evanston businesses. Businesses do operate on other retail. He questioned if it was about sales revenue.

Chairman Peters responded no, it was not about revenue but about having retail.

Mr. Roberts asked if it is only about office and retail difference.

Chairman Peters responded that perhaps the description of uses and language used needs to be revisited, particularly hearing that each commercial area has a different character. He also confirmed what Mr. Roberts was saying that finding that balance between retail and business must not affect the businesses.

Commissioner Asaro clarified that the proposal is not designed to affect existing businesses or uses. Mr. Roberts stated that he understood that. Commissioner Asaro gave an example if the proposal is approved then if a non-retail use prospective tenant came to Mr. Roberts, he would explain to them that this business district would require them to go to City Hall to request a special use permit. Staff works very hard and would explain in detail to the businesses owner and walk them through the process. Then they contact the alderman, file the application and send the notices. If the alderman, on behalf of his/her constituents, and the property owner support the business and there are no objections, more likely than not, the special use permit will be granted. Commissioner Asaro spoke from his experience as a zoning attorney, having presented special uses before. He repeated that the intent behind the proposal is to improve how uses are
regulated not discourage businesses. The planning and zoning division has a difficult job to foresee the needs for uses and direct them accordingly. He stated that he understands and agrees with Mr. Roberts’ point that not all office uses are incompatible with retail uses. Commissioner Asaro also noted that regarding the notices, because text and map amendments occur frequently it would be a considerable cost to send notices every time and not feasible. However, that information is always available on the website.

Chairman Peters clarified that for map amendments that deal with specific properties, everyone within 500 feet including rights-of-way are notified. The Zoning Ordinance does not require notices for text amendments because that could potentially be to everyone in the city. He agreed that it would not be feasible to do so.

Mr. Roberts responded that he understands how the special use process works and because of that knows that there is never complete certainty. He also stated that he came to the meeting not to discuss the procedures of text amendments but rather the proposal. He continued that when he first moved into his place, it was lifeless. It now has much more foot traffic and the area has been transformed since then. He wonders if some part of this text amendment is being directed by a small group of business owners that are not representative of all business owners and is not accurate. Each district is unique.

Lastly, he stated office versus retail is an old and simplistic way of looking at zoning. Services may fall into several categories. Service economy is different from retail economy which is different from office. It seems to him that the ordinance is trying to address banks, but that you can’t single out one type of use with this proposal.

Commissioner Ford commented that the grain of uses gets fine. He gave the example of his neighborhood with banks, a shoe repair shop, and cleaners etc. The bank probably generates just as much traffic as others. Brokerages and real estate agents generate less. If foot traffic is the end goal, whether local traffic or not, we may need to think about this more and how we classify uses. Office versus retail distinction is too crude. He proposed that the Board think about this more before approving the text amendment if it is not addressing a specific burning issue. He and Chairman Peters agreed that each business district is very different from one another. Both of them, along with Commissioner Goddard and Commissioner Galloway also agreed that the distinction in uses need to be more fine grained. Commissioner Galloway continued that the ordinance must address the street activation element more than the broad based use definition. All were appreciative of the perspective Mr. Roberts presented.

Commissioner Asaro pointed out that the memo does include financial institutions as one of the uses proposed to become a special use. He agreed with Commissioner Ford on tabling this proposal and perhaps limiting it only to financial institutions. Chairman Peters suggested the proposal go back to the Zoning Committee for further study. He thanked Mr. Roberts for his useful comments.

Commissioner Ford made a motion be returned the proposed text amendment to the Zoning Committee for refinement.

Commissioner Asaro seconded the motion.
A voice vote was taken and the motion was approved by voice call 6-0.

...

2. ADJOURNMENT

There being no further discussion, Commissioner Goddard made a motion to adjourn the meeting, and Commissioner Asaro seconded the motion.

The meeting was adjourned at 8:40 pm.

Respectfully Submitted,
Damir Latinovic
Neighborhood and Land Use Planner
Community Development Department
MEETING MINUTES
ZONING COMMITTEE OF THE PLAN COMMISSION
Wednesday, May 21, 2014
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, Room 2403

Members Present: Richard Shure, Terri Dubin, Colby Lewis

Members Absent: Scott Peters, Jim Ford

Other Plan Commission Members Present: David Galloway

Staff Present: Damir Latinovic, Neighborhood and Land Use Planner
Lorrie Pearson, Planning and Zoning Administrator
Mario Treto, Assistant City Attorney

Presiding Member: Richard Shure, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

With a quorum present, Chairman Shure called the meeting to order at 7:00 pm.

2. MINUTES

Approval of February 19, 2014 Zoning Committee of the Plan Commission Meeting Minutes:

Commissioner Lewis motioned to approve the minutes as presented.

Commissioner Dubin seconded the motion. A voice vote was taken and the minutes were approved with a voice vote 3:0.

3. NEW BUSINESS

... 

C. TEXT AMENDMENT TO THE ZONING ORDINANCE 14PLND-0045
B1, B1a and B2 Districts
Specifically consider a text amendment, pursuant to City Code Title 6, Zoning, to amend the list of permitted and special uses in the B1- Business, B1a-Business and B2-Business districts.

Mr. Latinovic presented the staff report memo.

Commissioner Galloway stated the proposed amendment is a great idea. Retail uses would activate the areas and would make the districts more attractive.
Chairman Shure brought up the case from a few years about nail salon uses in the B3 district. He confirmed the proposal would promote uses that activate foot traffic.

Commissioner Lewis asked what if a neighborhood grocery store cannot survive in a market place with only local residents. Why should the City prevent some uses that may be able to fill in the vacant storefronts? He asked if an office use on the second floor still needs to get a special use?

Mr. Latinovic said staff debated if office uses on floors above the ground floor should still be allowed as permitted uses. Staff is open to that modification. The reason staff did not differentiate between 1st and 2nd floor office uses is because we found that most mixed use buildings in the B districts only have residential uses on floors above the ground floor. If there is a building with commercial offices on the 2nd floor then that building is typically entirely devoted to offices from the ground floor up.

Commissioner Galloway stated he thinks it could be a good idea to make the second floor office uses as permitted. He also stated it is important to understand that the City is not excluding them on the first floor. They just have to jump through some hoops to make sure they are appropriate within the context.

Commissioner Lewis cautioned not to regulate too much to discourage some uses and make them go away that could otherwise fill in vacant spaces. But he is in favor of moving the proposal through to the Plan Commission. He asked how can we notify these business owners to get their input?

Mr. Latinovic stated the notice was provided via newspaper and via the email blast. He noted that staff can try to identify merchant associations and notify them to get their input.

Chairman Shure asked if the City has a list of all property owners whose properties are zoned B district. It would be good to notify all of them. He also asked why the B3 district was excluded from the proposal.

Mr. Latinovic explained that the B3 district is different than other B districts and is more closely associated with the C districts which are located along busy arterial roads and cater to the automobile oriented uses. The B3 district is only located along the very far east end of Howard St. near the Howard St. transit stop. The nature of that commercial area is very different from other neighborhood nodes zoned B1, B1a or B2. The uses permitted in B3 district cater to much larger residential area of the whole city not just the immediate neighborhood.

Commissioner Galloway also added that it is arranged in more of a linear fashion along a busy roadway similar to other C zoning districts.

Chairman Shure stated the area is starting to change. The desire is for more retail services. He believes there would be a lot of support on the City Council to include the B3 in this proposal.

Chairman Shure also confirmed that any existing office use will be able to remain in their existing locations.
Commissioner Dubin agreed that B3 district should be looked at.

There being no further discussion, Commissioner Dubin made a motion to approve the proposed text amendment with conditions to allow the office and financial uses as permitted uses on the floors above ground level and also to include the B3 district in the proposed amendment.

Commissioner Lewis seconded the motion.

The motion was approved by a voice call: 3-0.

Chairman Shure asked if the City can notify the property owners in those districts prior to the Plan Commission hearing, to which Mr. Latinovic stated the list would be substantial but staff will do their best and will discuss with legal department so as not to set a bad precedent.

4. **ADJOURNMENT**

Commissioner Lewis motioned for adjournment and Commissioner Dubin seconded the motion. With all commissioners in favor, the meeting was adjourned at 8:02 pm.

The next meeting of the Zoning Committee of the Plan Commission is scheduled for **Wednesday, June 18, 2014** at 7:00pm., in room 2403 of the Lorraine H. Morton Civic Center, 2100 Ridge Avenue.

Respectfully Submitted,
Damir Latinovic
Neighborhood and Land Use Planner
Community Development Department
Dear Mr. Latinovic,

I am writing to express my support for the zoning amendment which will be introduced at the June 9th Planning Commission meeting. I apologize for not attending the meeting in person. Unfortunately, my store’s hours conflict with the timing of the meeting.

The perspective I share is from being the property owner of 710-716 Main Street and as the proprietor of Good’s Fine Picture Framing. Our store has been in South Evanston for over a century and I have spent a good portion of my life involved with the business and its surroundings. I have also been an active member of the Main Street Merchants Association. It’s fair to say that I am very passionate about keeping Main Street a vibrant shopping district.

During my time here, I have seen the positive impact when a new store or restaurant opens. Unfortunately, I’ve also experienced the harm that comes from losing a good business. It has been my contention for a long time that the health of our district is dependant on having a collection of interesting retail businesses. When an office user takes over a storefront that was intended for retail, the collective appeal of Main Street as a shopping destination is greatly diminished.

Our retail base has declined over the years and I believe we are now at a tipping point. Given the new developments in the district, and the considerable resources the City has invested, there is extraordinary potential for our area. However, if the current storefront vacancies are filled with office users, the negative impact will be very difficult to overcome. It is for this reason that I fully support the zoning change that is being proposed.

I greatly appreciate that this change is being considered and truly believe it will have a positive impact on our area. If there is any additional insight I can offer on the topic, or if I can be of any other assistance, please feel free to contact me.

Regards,

Shaun Chinsky
President
ZONING COMMITTEE
OF THE
PLAN COMMISSION

CASE # 13PLND-0120

Zoning Ordinance Text Amendment

Active Uses
in
Central Street Overlay District
Memorandum

To: Zoning Committee of the Plan Commission
From: Mark Muenzer, Director of Community Development
       Lorrie Pearson, Planning and Zoning Administrator
       Damir Latinovic, Neighborhood and Land Use Planner
Subject: Zoning Ordinance Text Amendment
         Amendment to Section 6-15-14-7 Active Ground Floor Uses in Central
         Street Overlay District
         14PLND-0120
Date: September 11, 2014

Request
Staff recommends amending the Zoning Ordinance Section 6-15-14-7 Active Ground
Floor Uses in Central Street Overlay District (oCSC) to add more uses to the list of
allowable active ground floor uses.

Notice
The Application has been filed in conformance with applicable procedural and public
notice requirements.

Analysis
The Central Street Overlay District (oCSC) was created in January of 2008 following the
adoption of the Central Street Master Plan in July of 2007. The intent of the Central
Street Overlay District, along with rezoning of several properties, was to implement
recommendations from the Central Street Master Plan. Specifically, the purpose of the
oCSC was to: preserve the existing character and scale of Central Street Corridor,
encourage a healthy mix of uses along the corridor preserving independent and unique
uses and sustain and enhance the corridor as a location for diverse, unique, small
scale, pedestrian oriented retail shops, services and restaurants, among others.

The Overlay District regulations divide the Corridor into seven subareas (map attached)
based on the underlying zoning district, location and character of the area. Subareas 1
and 2 are based on the properties having base zoning district R4 and R5 respectively,
while Subareas 3-7 cover the commercial sections of the corridor based on the
underlying zoning districts O1, B1a and C2. The Overlay District also defines additional
allowable uses in certain subareas, prohibits drive-through facilities and includes
specific bulk requirements pertaining to height, FAR, development bonuses and
pedestrian area requirements, among others. In case of a conflict between the Overlay District and the underlying zoning district, the regulations of the Overlay District govern.

Section 6-15-4-7 of the Overlay District requires that “Active Uses” occupy the ground floor level of commercially zoned properties along the corridor (Subareas 2, 3, 4, 5, 6 and 7). The Section defines “Active Uses” as one of the following: retail goods establishments, retail service establishments, food store establishments, hotels, restaurants – type 1, restaurants – type 2, specialty food store, indoor commercial recreation, performance entertainment venue and cultural facility. Any other use listed in the underlying zoning district as either Permitted Use or Special Use is not allowed.

As a result some existing uses such as governmental institutions (Evanston North Branch Library), or financial institutions (Chase Bank) are deemed nonconforming and would not be permitted to relocate anywhere along the Corridor. There are a number of other uses, such as convenience store, office use, daycare center, etc. that are allowed by the underlying zoning districts (B1a, O1 or C2) which may be appropriate, compatible and desirable along Central Street, but were left off of the list of allowable Active Uses. Automobile Service Station for example is specifically added as an allowable Permitted Use in Subarea 6 by the Overlay District, but it is not listed as an Active Use. Since Automobile Service Stations only happen on ground floors, this is an apparent oversight in the Overlay District regulations.

Proposal Summary
Staff recommends increasing the number of allowable Active Uses for ground floors of commercial areas in the Central Street Overlay District. The table below includes a list of proposed additional Active Uses that are currently allowed by the underlying zoning districts B1a, O1 or C2. The list of proposed uses does not include every use currently allowed by the underlying zoning district. Rather, it is a selective list of uses that may be desirable and compatible with the existing character of Central Street Corridor.

**Proposed Text Amendment to 6-15-14-7 Active Ground Floor Uses**

<table>
<thead>
<tr>
<th>Uses:</th>
<th>B1A (Subareas 4, 5 and 6)</th>
<th>O1 (Subarea 3)</th>
<th>C2 (Subarea 7)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Current Active Uses:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>retail goods establishments</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>retail service establishments</td>
<td>P</td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>food store establishments</td>
<td>P</td>
<td></td>
<td></td>
</tr>
<tr>
<td>hotels</td>
<td></td>
<td>P</td>
<td>S</td>
</tr>
<tr>
<td>restaurants type 1</td>
<td></td>
<td>P</td>
<td></td>
</tr>
<tr>
<td>restaurants type 2</td>
<td></td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>specialty food store</td>
<td></td>
<td></td>
<td>S</td>
</tr>
<tr>
<td>indoor commercial recreation</td>
<td></td>
<td></td>
<td>S</td>
</tr>
</tbody>
</table>
performance entertainment venue  S  S  S
Cultural facility  P  S  S

Proposed Additional Active Uses:

Dormitory  S
Automobile Service Station  P (Subarea 6 only)  P
Animal Hospital  S  P
Artist’s Studios and accessory dwelling units  P
(provided the accessory dwelling unit shall not front upon any street)
Convenience Store  S  S
Daycare Center - Adult  S
Daycare Center-Child  S  S
Daycare Center - Domestic Animal  S  S
Resale Establishment  S  S
Educational Institution - Private  P  P
Educational Institution - Public  P  P
Financial Institution  P  P  P
Government Institution  P  P  P
Office  P  P  P
Dwelling-Multiple Family  S  S
Micro-Distillery  S  S

Proposed uses listed as Special Uses in the underlying zoning district must be approved through Special Use approval process by the City Council. The City reviews special use applications on a case by case basis based on their location and specific proposal to make sure such uses are compatible with surrounding properties. For example, a small-scale wine distillery with a wine shop and tasting room in the front may be appropriate and desirable in certain locations of the Corridor, while other proposals for a more larger scale distillery focusing more on production rather than retail sales may not be appropriate and could be denied.

Standards of Approval
The proposed Zoning Ordinance Text Amendment to increase the number of allowable Active Uses on ground levels of commercial properties within the Central Street Overlay District meets the standards for approval of amendments per Section 6-3-4-5 of the City Code. The proposal is consistent with the General Comprehensive Plan’s goal to enhance the neighborhood business districts of the City. The proposal is also consistent with the Central Street Master Plan. Specifically, the proposed text amendment is consistent with the following objectives of the Central Street Master Plan:
• Sustain and enhance Central Street as an attractive, mixed-use, pedestrian-oriented street with its own unique character.
• Sustain and enhance Central Street as a location for diverse, small-scale retail shops, service businesses, and restaurants.
• Encourage commercial development, including office uses, in key locations to provide a diverse mix of goods and services to residents and visitors.

The existing list of Active Uses is very limited. The list does not include many uses which are desirable and necessary to serve the surrounding neighborhoods, including uses that are currently located along Central Street such as the Evanston North Branch Library. The proposed uses were selected because there may be a need for such uses in the northwest part of the City and Central Street Corridor represents the only commercial area in the northwest part of the City. All of the proposed uses can function within a pedestrian scale environment of Central Street. They were also selected because they can further contribute to the economic vitality of the Corridor and enhance the vibrancy with a healthy mix of uses Central Street is known for.

The proposal will not have any adverse effect on the property values of the adjacent properties. Rather, it may increase the values of properties through a possible increase in demand for commercial space by a larger number of potential uses eligible to open within the District.

Recommendation
Staff believes the proposed text amendment to increase the list of allowable Active Uses in Central Street Overlay District meets the standards of approval as outlined above. Staff recommends the Zoning Committee make a positive recommendation to the Plan Commission regarding the proposed text amendment.

Attachments
• Central Street Overlay District Regulations (Section 6-15-14 of the Municipal Code)
• The map of subareas of the Central Street Overlay District
• The zoning map of the Central Street Overlay District
6-15-14. oCSC CENTRAL STREET CORRIDOR OVERLAY DISTRICT.  

6-15-14-1. PURPOSE STATEMENT.  

The oCSC district is intended as a primary means to implement the recommendations contained in the Central Street Master Plan (2007). The geographical scope of the plan extended the length of Central Street from Gross Point Road in the west to Ridge Avenue in the east, and includes intersecting portions of Gross Point Road, Crawford Avenue and Green Bay Road. Specifically, this overlay district seeks to:

(A) Preserve existing character and scale.
(B) Encourage a healthy mix of uses along the corridor; preserve independent and unique uses.
(C) Sustain and enhance the corridor as a location for diverse, unique, small scale, pedestrian oriented retail shops, services, and restaurants.
(D) Encourage retail uses close to transit.
(E) Allow a wide, consistent sidewalk width.
(F) Ensure wider, landscaped parkways as a transition between retail frontages and residential side streets.
(G) Provide improved sightlines for motorists.
(H) Ensure consistent building placement and create a pedestrian friendly and human scaled "street wall."
(I) Articulate buildings and reduce the perceived height and mass of new development by using building setbacks at upper stories.
(J) Establish new sidewalk standards for improved sidewalk widths, sightlines, and streetscapes.
(K) Encourage buildings with clearly defined bases, middles, and tops.
(L) Allow the intuitive identification of storefronts through the use of appropriate store windows and fenestration for retail and mixed use buildings.

(Cod. 5-0-08)

6-15-14-2. APPLICATION OF THE DISTRICT.  

Any property that comes to be located within this district shall retain its original zoning district designation, and shall gain the additional designation of the oCSC district. The provisions of this Section 6-15-14 shall serve as a supplement to the zoning district regulations of the underlying district. Where a conflict exists between the provisions of this Section 6-15-14 and those of the underlying zoning district, the provisions of this overlay district shall control.

(Cod. 5-0-08)

6-15-14-3. DESIGNATION OF OVERLAY DISTRICT.  

The Central Street corridor overlay district shall be designated by the City Council and shown as an overlay to the underlying districts with the designation "oCSC" on the City zoning map.

(Cod. 5-0-08)

6-15-14-4. SUBAREAS.  

(A) Purpose: The Central Street corridor overlay district contains seven (7) subareas that allow
the district to be tailored to the needs and existing conditions of different areas along the corridor.

(B) Subareas Defined: The following subareas are defined as part of the Central Street corridor overlay district:

Subarea 1; multi-family residential A: This subarea is based on properties having a base zoning district of R4.
Subarea 2; multi-family residential B: This subarea is based on properties having a base zoning district of R5.
Subarea 3; office: This subarea is based on properties having a base zoning district of O1.
Subarea 4; mixed use A: This subarea is based on neighborhood commercial properties having a base zoning district of B1a.
Subarea 5; mixed use B: This subarea is based on commercial properties having a base zoning district of B1a.
Subarea 6; Gross Point/Crawford mixed use: This subarea is based on properties surrounding the intersection of Gross Point Road, Crawford Avenue, and Central Street, having a base zoning district of B1a.
Subarea 7; Green Bay commercial: This subarea is based on properties along Green Bay Road having a base zoning district of C2.

(C) Subarea Designation: Subareas will be designated by the City Council and shown on the City zoning map or on a separate detail map that is indicated and referenced on the City zoning map. Subareas shall be indicated by appending the subarea number to the overlay district designation: oCSC-1 through oCSC-7.

6-15-14-5. ADDITIONAL USES.

(A) Uses listed under "additional permitted uses" in Table 1 of this Section shall be permitted in the oCSC district, in the indicated subarea. These uses are in addition to those permitted in the base zoning district.

(B) Uses listed under "additional special uses" in Table 1 of this Section may be allowed in the oCSC district in the indicated subarea subject to the general provisions set forth in Section 6-3-5 of this Title, and the special provisions contained herein.

TABLE 1: ADDITIONAL USES

<table>
<thead>
<tr>
<th>Subarea</th>
<th>Additional Permitted Uses</th>
<th>Additional Special Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>2</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>3</td>
<td>Retail goods establishment (on ground floor only)</td>
<td>Commercial indoor recreation</td>
</tr>
<tr>
<td></td>
<td>Retail services establishment (on ground floor only)</td>
<td>Cultural facility</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dormitory</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Performance entertainment venue</td>
</tr>
<tr>
<td>4</td>
<td>None</td>
<td>Commercial indoor recreation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cultural facility</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Performance entertainment venue</td>
</tr>
<tr>
<td>5</td>
<td>None</td>
<td>Commercial indoor recreation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cultural facility</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Performance entertainment venue</td>
</tr>
<tr>
<td>6</td>
<td>Automobile service station</td>
<td>Commercial indoor recreation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cultural facility</td>
</tr>
</tbody>
</table>
6-15-14-6. PROHIBITED USES.

Uses shown in Table 2 of this Section shall be prohibited in the indicated subarea. This prohibition supersedes any permitted uses identified in the base zoning district.

TABLE 2: PROHIBITED USES

<table>
<thead>
<tr>
<th>Subarea</th>
<th>Prohibited Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Drive-through facility</td>
</tr>
<tr>
<td>4</td>
<td>Drive-through facility</td>
</tr>
<tr>
<td>5</td>
<td>Drive-through facility</td>
</tr>
<tr>
<td>6</td>
<td>Drive-through facility</td>
</tr>
<tr>
<td>7</td>
<td>Drive-through facility</td>
</tr>
</tbody>
</table>

6-15-14-7. ACTIVE GROUND FLOOR USES.

In subareas 3, 4, 5, 6 and 7, active uses shall occupy the ground floor level for a minimum depth of fifty (50) feet along the primary street frontage. "Active uses" are hereby defined as retail goods establishments, retail service establishments, food store establishments, hotels, restaurant - type 1, restaurant - type 2, specialty food store, indoor commercial recreation, performance entertainment venue, cultural facility.

6-15-14-8. BUILDING HEIGHT.

(A) Maximum Building Height: The maximum building height in the oCSC district, without bonuses, is shown under "maximum building height (the shorter of)" in Table 3, "Building Height," of this Section in both feet and number of stories. The maximum height is the shorter of the two.

TABLE 3: BUILDING HEIGHT

<table>
<thead>
<tr>
<th>Subarea</th>
<th>Maximum Building Height</th>
<th>Transitional Height Plane</th>
<th>10% Required Stepback</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(The Shorter Of)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------</td>
<td>-----------------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Feet</td>
<td>Stories</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>35</td>
<td>2.5</td>
<td>None</td>
</tr>
<tr>
<td>2</td>
<td>45</td>
<td>4</td>
<td>R1, R2, R3, R4</td>
</tr>
<tr>
<td>3</td>
<td>52</td>
<td>5</td>
<td>R1, R2, R3, R4</td>
</tr>
<tr>
<td>4</td>
<td>3</td>
<td>3</td>
<td>R1, R2, R3, R4</td>
</tr>
<tr>
<td>5</td>
<td>45</td>
<td>4</td>
<td>R1, R2, R3, R4</td>
</tr>
<tr>
<td>6</td>
<td>45</td>
<td>4</td>
<td>R1, R2, R3, R4</td>
</tr>
<tr>
<td>7</td>
<td>45</td>
<td>4</td>
<td>R1, R2, R3, R4</td>
</tr>
</tbody>
</table>

Notes:
1. Applies to properties adjacent to the districts listed.
2. See Subsection (C) of this Section, regarding the location of the additional 15 percent setback.

(B) Transitional Height Plane: A transitional height plane shall apply in those subareas as indicated under "transitional height plane" in Table 3 of this Section, for properties adjacent to or abutting the districts listed. See Chapter 18 of this Title for details on determining the transitional height plane. This height plane shall be used in place of any transitional height plane height restricting device required by the base district zoning code (for example, the O1 district, Section 6-15-2-9 of this Chapter).

(C) Required Stepback: As indicated under "10% required setback" in Table 3 of this Section, a setback from the required pedestrian area of ten percent (10%) of the lot width or depth, as applicable, is required for upper stories, with a minimum setback of five (5) feet. Ten percent (10%) or five (5) feet of the lot depth is required for building front stepback. Ten percent (10%) or five (5) feet of the lot width is required for building side stepbacks.
1. An additional stepback of fifteen percent (15%) of the lot depth or width is required in subarea 4 from Hartrey Street in the west to the north leg of Prairie Avenue in the east.
2. Buildings with front or side facades of seventy-five (75) feet or more are required to meet this requirement for sixty-five percent (65%) of the second floor front or side facade. Buildings with front or side facades less than seventy-five (75) feet must meet this requirement for one hundred percent (100%) of the second floor front or side facade. The requirements must be met for one hundred percent (100%) of the front or side facade for the third story and above.
3. Stepbacks are required only for building facades that are adjacent to street rights of way.

(D) Prohibition Of Sheet Walls: No more than twenty-five (25) feet of width of any building facade shall from a "sheer wall" from ground level to the topmost floor. A "sheer wall" is defined as a vertical unbroken plane of facade that is unarticulated in depth.

6-15-14-9. FLOOR AREA RATIO.

(A) The maximum floor area ratio in the oCSC district without bonuses is shown by subarea
under "maximum FAR without bonuses" in Table 4 of this Section.

(B) The maximum floor area ratio in the oCSC district with bonuses is shown by subarea under "maximum FAR with bonuses" in Table 4 of this Section.

TABLE 4: MAXIMUM FAR

<table>
<thead>
<tr>
<th>Subarea</th>
<th>Maximum FAR Without Bonuses</th>
<th>Maximum FAR With Bonuses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>2</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>3</td>
<td>1.4</td>
<td>2.0</td>
</tr>
<tr>
<td>4</td>
<td>1.4</td>
<td>2.0</td>
</tr>
<tr>
<td>5</td>
<td>1.4</td>
<td>2.0</td>
</tr>
<tr>
<td>6</td>
<td>1.4</td>
<td>2.0</td>
</tr>
<tr>
<td>7</td>
<td>1.0</td>
<td>2.0</td>
</tr>
</tbody>
</table>

(Ord. 5-1-06)

6-15-14-10. SITE DEVELOPMENT ALLOWANCES.

Sections 6-3-6-5 and 6-3-6-6 and Subsections 6-8-1-10(C), 6-9-1-9(C) and 6-10-1-9(C) of this Title, and Subsection 6-15-1-9(C) of this Chapter notwithstanding, site development allowances for planned developments are not permitted in the oCSC district.

(Ord. 5-9-08)


Floor area ratio (FAR) bonuses are available and may be approved for developments in the subareas identified in Table 5, "Development Bonuses," of this Section:

TABLE 5: DEVELOPMENT Bonuses

<table>
<thead>
<tr>
<th>Subarea</th>
<th>Extra Parking</th>
<th>Underground Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td>Available</td>
</tr>
<tr>
<td>4</td>
<td>Available</td>
<td>Available</td>
</tr>
<tr>
<td>5</td>
<td>Available</td>
<td>Available</td>
</tr>
<tr>
<td>6</td>
<td>Available</td>
<td>Available</td>
</tr>
<tr>
<td>7</td>
<td></td>
<td>Available</td>
</tr>
</tbody>
</table>
(A) Bonus For Extra Parking:

1. Bonus Formula: A floor area bonus may be approved for qualifying parking in excess of that required, in accordance with the following standards:
   
   Bonus FAR = [(number of qualified parking spaces in excess of requirement × 350 square feet)/lot area] × 0.40

2. Design Standards And Guidelines: A parking space is qualified if it meets the following standards:
   
   (a) It is located on site, specifically identified in the development plan, and legal text indicating that the parking space shall be made available to the general public regardless of whether they are visiting any of the on site uses shall be recorded with the property deed.
   
   (b) It is in excess of the number of on site spaces required by the zoning ordinance.
   
   (c) It is made available for use to the general public, as well as to on site users.
   
   (d) If parking spaces are posted as available for a limited time per user, the time period available to general public users shall not be less than the time period for on site users.
   
   (e) Aboveground parking garages must be concealed from public view.
   
   (f) Pedestrian access to the garage must be provided from the public sidewalk.

(B) Bonus For Underground Parking:

1. Bonus Formula: A floor area bonus may be approved for qualifying underground parking in subareas as shown under "underground parking" in Table 5 of this Section, in accordance with the following formula:
   
   Bonus FAR = [(number of qualified underground parking spaces × 350 square feet)/lot area] × 0.20

2. Standards And Guidelines: An underground parking space is qualified if it meets the following standards:
   
   (a) Parking spaces must be located entirely below the lowest grade level of any adjacent street frontage.
   
   (b) Parking spaces must comply with all parking dimension and access requirements.
   
   (c) Vehicular access to the parking garage must be located off an alley.

(Ord. 5-2-08)

6-15-14.12. PEDESTRIAN AREA REQUIREMENTS.

(A) Location: A pedestrian area shall be located between the front facade of all buildings and the curb along Central Street, Green Bay Road, Gross Point Road and Crawford Avenue and along all intersecting streets for properties occupied by nonresidential uses. Each pedestrian area shall consist of two (2) zones parallel to the curb: a sidewalk clear zone and a parkway/street furniture zone. In addition to satisfying all setback and required yard requirements of the underlying zoning district, each zone shall have a minimum width as specified in Table 6, "Pedestrian Area Requirements," of this Section.

<table>
<thead>
<tr>
<th>Subarea</th>
<th>Minimum Width Along Central, Green Bay, Gross Point, Crawford</th>
<th>Minimum Width Along Side Street Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clear</td>
<td>(A)</td>
<td>(D)</td>
</tr>
<tr>
<td>Parkway/Street</td>
<td>(B) Minimum</td>
<td>Parkway/Street</td>
</tr>
</tbody>
</table>

TABLE 6: PEDESTRIAN AREA REQUIREMENTS

<table>
<thead>
<tr>
<th>Zone</th>
<th>Furniture Zone</th>
<th>Pedestrian Area Width ((A) + (B))</th>
<th>Zone</th>
<th>Furniture Zone</th>
<th>Pedestrian Area Width ((D) + (E))</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5 feet</td>
<td>9 feet</td>
<td>5 feet</td>
<td>9 feet</td>
<td>14 feet</td>
</tr>
<tr>
<td>2</td>
<td>5 feet</td>
<td>9 feet</td>
<td>5 feet</td>
<td>9 feet</td>
<td>14 feet</td>
</tr>
<tr>
<td>3</td>
<td>8 feet</td>
<td>6 feet</td>
<td>14 feet</td>
<td>10 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>4</td>
<td>8 feet</td>
<td>6 feet</td>
<td>14 feet</td>
<td>10 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>5</td>
<td>8 feet</td>
<td>6 feet</td>
<td>14 feet</td>
<td>10 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>6</td>
<td>15 feet</td>
<td>15 feet</td>
<td>30 feet</td>
<td>15 feet</td>
<td>30 feet</td>
</tr>
<tr>
<td>7</td>
<td>8 feet</td>
<td>6 feet</td>
<td>14 feet</td>
<td>10 feet</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

(B) Sidewalk Clear Zone Requirements:
1. The sidewalk clear zone shall be a minimum width as specified in Table 6 of this Section, shall be located immediately contiguous to the parkway/street furniture zone and shall be continuous.
2. This zone shall be hardscape, and shall be unobstructed for a minimum height of eight (8) feet.
3. Building entryway doors shall not open in a manner that causes them to swing into or in any way obstruct the sidewalk clear zone.

(C) Parkway/Street Furniture Zone Requirements: The parkway/street furniture zone shall have a minimum width as specified in Table 6 of this Section. This zone shall be located immediately adjacent to the curb and shall be continuous. This zone shall be landscaped or hardscaped, and may be used for the placement of trees, street furniture, benches, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks and similar elements in a manner that does not obstruct pedestrian access or motorist visibility.

(D) Vehicle Sightlines And Visibility: Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede visibility within visibility triangles at street intersections between the heights of two and one-half (2 1/2) feet and eight (8) feet above grade.

(E) Utilities: Every commercially reasonable effort shall be made to place utilities underground or to the rear of structures to allow for unobstructed use of sidewalks.

(F) Relationship Of Building To Pedestrian Area: Each building with at least one (1) facade adjacent to the pedestrian area shall have a pedestrian entrance located on the ground floor of that facade and opening directly onto the pedestrian area. Such entrance shall be unlocked and accessible during business hours.

(G) Optional Sidewalk Setback Area: Buildings may be set back an additional distance up to ten (10) feet from the sidewalk. The resulting area between the front facade and the sidewalk may be used for landscaping, seating, public art, street furniture, outdoor dining, outdoor display of merchandise during business hours, or other similar uses, provided they are permissible for that location otherwise.

6-15-14-13. MINIMUM BICYCLE PARKING REQUIREMENTS.

(A) All nonresidential developments which provide automobile parking facilities shall provide bicycle parking facilities (bike racks) at a ratio of at least one (1) bicycle parking space for every ten (10) automobile parking spaces.
Multi-family developments shall provide said facilities at a ratio of at least one bicycle parking space for every five (5) multi-family units.

No development, except a one- or two-family development, shall have fewer than three (3) bicycle/moped parking spaces nor be required to exceed a maximum of ten (10) such spaces.

Bicycle spaces shall be located within the parkway/street furniture zone a maximum distance of fifty (50) feet from the building entrance, or shall be located at least as close as the closest automobile space.

Each space shall include a metal anchor sufficient to secure the bicycle frame when used in conjunction with a user supplied lock.

**6-15-14-14. FENESTRATION.**

(A) Ground level retail and office uses that face a public way shall provide a minimum linear fenestration of sixty-five percent (65%), measured along the length of the street frontage. Corner buildings shall continue such fenestration around the corner of the building for at least forty (40) feet or the length of the building, whichever is shorter.

(B) Qualifying frontage shall meet the following conditions:
   1. Lower edge of lite (sill) is no higher than three (3) feet above grade.
   2. Upper edge of lite (header) is no lower than ten (10) feet above grade.

(C) Fenestration shall utilize clear glass. Painted glass, reflective glass or other similarly treated or opaque windows are not eligible. Entrances with glass elements may be counted towards fenestration requirement, as long as qualifying fenestration extends above the entrance to the minimum height specified above.

**6-15-14-15. BUILDING FACADE ARTICULATION.**

For all building facades facing public streets:

(A) The length of facade without intervening fenestration or entryway shall not exceed twenty (20) feet.

(B) Building floors from ground level to third story above ground level shall be delineated through the use of window, belt courses, cornice lines or similar architectural detailing.

(C) Facades wider than twenty-five (25) feet shall be vertically articulated to give the appearance of being composed of multiple buildings. Such articulation shall be accomplished by using projections, recesses, material changes, parapets, cornices, varying roof heights/lines, or other similar architectural features.

**6-15-14-16. ALLEY ACCESS.**

New nonresidential or mixed use construction in the oCSC overlay district on zoning lots that abut a public alley narrower than eighteen (18) feet in width must provide a clear area immediately abutting and parallel to the public alley extending to a depth of eighteen (18) feet from the opposite edge of the existing alley. This area may not be used for parking and is to remain free of all obstructions, including, but not limited to, fences, posts, bollards, retaining walls, dumpsters, garbage cans, etc. Relief from this requirement based on exceptional site conditions or other practical difficulties may be granted by approval of the Zoning Administrator and the director of public works.

EXHIBIT F
Proposed Central Street Overlay District: oCSC
West Corridor