MEETING MINUTES
PLAN COMMISSION
Wednesday, November 8, 2017
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, James C. Lytle Council Chambers

Members Present: Jim Ford (Chair), Simon Belisle, Carol Goddard, Colby Lewis, Andrew Pigozzi, Jolene Saul

Members Absent: Patrick Brown, Terri Dubin, Peter Isaac

Associate Members Present: none

Associate Members Absent: Scott Peters

Staff Present: Meagan Jones, Neighborhood and Land Use Planner
Scott Mangum, Planning and Zoning Administrator
Mario Treto, Assistant City Attorney

Presiding Member: Jim Ford, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

Chairman Ford called the meeting to order at 7:03 P.M.

2. APPROVAL OF MEETING MINUTES: September 13, 2017

Commissioner Goddard made a motion to approve the minutes from September 13, 2017. Commissioner Saul seconded the motion. A voice vote was taken and the minutes were unanimously approved, 6-0.

The minutes from the August 30, 2017 Joint Meeting with Plan Commission and Zoning Board of Appeals will be approved at the next Plan Commission meeting.

3. NEW BUSINESS

A. TEXT AMENDMENT

Special Education Institution in the I2 District
A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning

17PLND-0095
Ms. Jones provided a brief background for the project and possible text amendment.

Ms. Mary Rodino, Chief Financial Officer for District 202, then provided a general overview of the proposed alternative school, stating that ETHS looked at different locations such as the former Shore School at Church Street and McCormick Boulevard but that the proposed site on Hartrey had a closer proximity to the high school. Currently have 90 students receiving daily services off campus and outside of Evanston. Proposed Special Education Day School would have 20-25 students at the site with 40 being maximum to reach in the future. Students would be transitioned into the high-school which is more difficult to do at locations currently outside of Evanston. One bus would be used for transporting students. Space would be leased. Ms. Rodino pointed out that Hartrey is a dividing line between the I2 General Industrial Zoning District and Residential Zoning Districts (R2 Single-Family and R3 Two-Family). Mr. Brian Crawley, attorney representing District 202, spoke regarding inclusion of the tax condition included in the definition and emphasized that if the District were to purchase the property it would remain on the tax rolls.

Chair Ford opened the hearing to Commissioner questions and comments which included:

- Clarification on the number of options being considered. There are two options: rezoning of the property and the text amendment as proposed by ETHS.
- Possible downside of allowing the use- Some of the concerns would be allowing additional non-industrial uses within an industrial district. Staff explained that many existing uses are legally nonconforming uses that became so with the 1993 rewrite of the Zoning Ordinance.
- Clarification and locations of options considered in addition to the Hartrey location. Other possible sites included the old Shore School and the old Foster School. Property near the school north of Church St. is currently used as practice fields for athletics and a nature center for the school. Shore School was larger than needed and an engineering estimate showed that work needed to tailor the school to ETHS needs would be too expensive. Ms. Rodino also clarified that other spaces in within the ETHS building are currently already programmed due to increase in the number of students.
- Ownership of the space and possible ramifications of including or not including the provision regarding the property being tax exempt.
- The proposed text amendment language narrowing the possible use for the
space.
- How the space will be programmed and students selected for the school. Dr. Laneé Walls stated that the programming aligns with ETHS curriculum and students are chosen based on who is ready for integration into the high school. Curriculum would be similar but with a smaller population.
- What options would there be if expansion is needed. Dr. Walls stated that ETHS does not want to have 90 students in the program and that the target is closer to 35 students. Up to 90 students could be in the school but 40 is within the state target for the program.
- Partnership with private entities and other districts. ETHS works with a co-op entity and would consider bringing in students from other districts, mainly District 214 and would partner with private entities.
- Per pupil cost. Ms. Rodino stated that to start, the cost would be $40,000/student but as student population grows the optimal amount would be $22,000.
- How students will go between ETHS and the proposed school. If needed, a van could be utilized for transport. Also could be utilized for special cases where extra support is needed.
- Requirements for outdoor space. None, however, a multipurpose area will be provided to cover physical education requirements.
- Lease for the Hartrey space would be for 10 years at a total of $80,000.

Chair Ford then opened the hearing to questions from the public regarding the proposal(s) presented. There were no questions from the public nor was there any public testimony.

Discussion among the Commission continued. Commissioner Saul inquired about the previous proposed school and how it differed from what ETHS is currently proposing. Mr. Treto responded that in the current case a text amendment is being proposed where it was not in the previous case, only a map amendment was proposed.

Commissioner Pigozzi stated that he understands the school’s position and the benefits butis troubled by the law department’s memo regarding the proposed use and the previous case.

Commissioner Lewis expressed that the use is a worthy cause and that work should be done to address the issues at hand. The I2 is not an extensive district and he does not see abuse happening but he is bothered by a possible precedent within the district. The proposed use would not have many potential users and the fact that the area has several non-industrial uses works in ETHS’ favor.
Commissioner Belisle stated that it is hard to make a decision based on the building and the number of legally nonconforming uses currently operating within the site. The fact that what is proposed in this case is smaller and contained works in ETHS’ favor.

Commissioner Saul stated that she supports the proposed use but the amendment does not sit well overall for all I2 Districts. She stated that the vocational aspect of the programming is not clear. Commissioner Lewis stated that vocational schools are fairly common within industrial districts.

Commissioner Goddard stated that the narrow use definition lends to it not being abused and that this is an opportunity for one public entity to support another.

Chair Ford commented on the vocational curriculum. He stated that typically there is some certificate offered in general curriculum and what was stated was an extension of the high school curriculum. Dr. Walls stated that an extensive job skills program is part of the general curriculum and that IEP has a post-secondary transition plan.

Commissioner Pigozzi shared, as an example, that Indiana’s definition of public education is becoming harder to define. He stated that he is afraid that a precedent for all kinds of schools will follow. He added that it is great to make a limited case but the definition of public education is harder to pinpoint.

Chair Ford expressed belief that the proposed use is defined narrowly enough to limit abuse and that a “slippery slope” is not necessarily an issue nor is legally non-conforming uses as scary as it is made to be.

Commissioner Belisle posed a question to the Commission, asking if the proposed definition is so narrow that it is specific for this particular use and will not create too restrictive a use or become a greater issue. Also, if the zoning were something else with the same uses, would the same concerns exist.

Commissioner Lewis stated he is more concerned with job generation and providing spaces for small businesses to operate and grow.

Commissioner Saul inquired if there is a difference in Educational Institution – Private and if they are provided in all of the same zoning districts as Public Educational Institutions. Full information was not available at that time, however, there are districts that are more restrictive with regards to private educational institutions.
Commissioner Lewis made a motion to recommend approval of the proposed text amendment creating a definition for a new use, Special Educational Institution- Public, and adding that to the Special Uses within the I2 General Industrial District. Commissioner Goddard seconded the motion.

A roll call vote was taken and the motion was approved, 4-2.

Ayes: Belisle, Goddard, Lewis, Ford.
Nays: Pigozzi, Saul.

4. PUBLIC COMMENT
There was brief discussion regarding upcoming meetings on November 29th and December 6th.

5. ADJOURNMENT
Commissioner Goddard made a motion to adjourn the meeting. Commissioner Belisle seconded the motion.

A voice vote was taken and the motion was approved by voice call 6-0.
The meeting was adjourned at 8:32 pm.

Respectfully Submitted,
Meagan Jones
Neighborhood and Land Use Planner
Community Development Department