



MEETING MINUTES

ZONING COMMITTEE OF THE PLAN COMMISSION

Wednesday, October 21, 2015

7:00 P.M.

Evanston Civic Center, 2100 Ridge Avenue, Room 4802

Members Present: Carol Goddard, Colby Lewis, Terri Dubin, Belisle

Members Absent: Jim Ford

Other Plan Commission Members Present: none

Staff Present: Meagan Jones, Neighborhood and Land Use Planner
Damir Latinovic, Planning and Zoning Administrator

Presiding Member: Colby Lewis, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

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

2. MINUTES

Approval of September 16, 2015 Zoning Committee of the Plan Commission Meeting Minutes:

Commissioner Goddard made a motion to approve the minutes.

Commissioner Belisle seconded the motion. A voice vote was taken and the minutes were approved with a voice vote 4-0.

3. NEW BUSINESS

A. TEXT AMENDMENT TO THE ZONING ORDINANCE

15PLND-0080

Impervious Surface

A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to consider modifications to the maximum impervious surface coverage calculation and building lot coverage.

Ms. Meagan Jones, Neighborhood and Land Use Planner presented the staff report memo.

Chairman Lewis invited comments or questions from the committee members.

Chairman Lewis clarified that this regulation would mostly affect R-1 and R2 districts. Ms. Jones replied that this regulation applies to all residential districts but single and two

family residences would mostly be affected. It would affect any modification to decks in excess of maximum impervious surface requirements.

Chairman Lewis then inquired as to why gravel was listed as both an impervious surface in the definition and as an acceptable pervious surface to be placed beneath proposed decks. Ms. Jones responded that the initial thought was that gravel is listed as impervious in other portions of the code but that if preferred, staff can remove that portion. There were also several other cities which listed gravel as an impervious surface. Ms. Goddard mentioned cases where some homeowners place a weed barrier down beneath the gravel. In cases such as that the surface would be considered impervious.

Chairman Lewis asked if there is a standard that could be adopted that will dictate how a demonstrable level of porosity can be administered. Ms. Jones replied that there are some surfaces which are assumed to be pervious but that staff would likely need to consult with Public Works for a more detailed listing of recommended pervious surfaces and, over time, update that list as new materials are created.

Commissioner Belisle suggested that if an industry standard exists, staff could utilize it in determining which surfaces are pervious or impervious. Commissioner Dubin asked if there was a listing that specifies what surfaces are permeable. Commissioner Belisle then stated that a specific listing within regulations is something that staff and the committee were trying to avoid.

Commissioner Dubin mentioned pavers as an example of surfaces that allow for grass to grow between them but there can be an impervious surface beneath the ground level. She also asked for clarification on the term “maintains” as it refers to maintaining a level porosity. Ms. Jones responded that if, for example, there is a surface that over time begins to break down and becomes compact and more impervious, that would be a surface that has not maintained an acceptable level of porosity. It is on the property owner to maintain porosity of the material. Commissioner Goddard stated that she felt it was important to keep the language that speaks to maintaining a demonstrable level of porosity.

Commissioner Belisle asked for clarification as to why the proposed amendment went from counting all decks as impervious to counting decks as pervious if they have a permeable surface beneath them. He then inquired if a middle ground had been considered. Ms. Jones replied that initial proposal was to simplify current practice and interpretation that all types of decks are impervious. Based on the discussion at the last meeting it became clear that the Committee perceived certain types of decks as pervious, so the revised proposal is an attempt to capture that. It was difficult in finding a middle ground that allowed for flexibility but still enabled some kind of regulation and enforcement. Staff had considered options similar to that for porches and pavers that includes only a percentage of the surface in the impervious calculation (i.e. 80% of paver surface is calculated as impervious). Ms. Jones then emphasized that with the proposed amendment, staff is also proposing to include decks as part of building lot coverage which would enable regulating how much of a lot is covered by decks.

Chairman Lewis clarified the 20% permeability for pavers as they relate to lot coverage. Mr. Latinovic stated he was uncertain how the percentage was determined with regards to the 20% discount on the impervious surface with regards to pavers.

Mr. Latinovic then explained that the wording of “maintains a demonstrable level of porosity” goes towards giving ability to staff to revisit how permeable surfaces are and make adjustments as needed. As an example, he explained that gravel when first laid out is more permeable but as time goes on, will become more compacted and less permeable which then puts responsibility on the homeowner to maintain the gravel in a way that keeps the level of porosity where it was when initially installed.

Ms. Jones reiterated a point of discussion during the previous meeting in which the committee warned against becoming too specific and placing too much of a time and financial burden on the homeowner in proving a level of porosity. She stated that this is why staff was trying to keep some flexibility in the code.

Chairman Lewis suggested adjusting Section 6-8-2-10(C)-3 with regards to paving block use. He suggested that edits to other portions of the Impervious Surface subsection could be proposed for staff to consider being that clarifying the code and lessening the effect of stormwater runoff are goal of the amendment.

Commissioner Belisle questioned the use of pavers under a deck as a pervious surface yet having them count as only 20% pervious as a driveway. Mr. Latinovic stated that staff could eliminate that section referring to paving blocks, though there is a level of porosity.

Commissioner Belisle then expressed that the updated amendment is much clearer than the initial text amendment proposed at the previous committee meeting.

Chairman Lewis opened the public participation portion of the hearing.

Mr. Andrew McGonigle, resident, introduced himself and agreed that the current revision is a better document than what was previously proposed by staff. He then referred back to the use of gravel, stating that the amount of porosity would depend on where the gravel is located and its use. For example, a gravel walkway’s porosity would be different from a gravel driveway’s porosity.

Chairman Lewis questioned whether or not to leave gravel in both sections of the proposed text amendment. Mr. Latinovic responded that the key is the phrase referring to maintaining a demonstrable level of porosity. Commissioner Dubin stated that a gravel surface under porches may be more pervious and not compacted as it is for a gravel parking area.

Mr. McGonigle suggested staff look at ASTM (American Society for Testing and Materials) standards which define permeability. He stated that the ASTM standards were put in place by the government for architects to follow and manufacturers use those standards for their products.

A short discussion followed in which it was suggested that staff consider using the ASTM standards as a guide and/or include “as indicated by ASTM standards” to maintain consistency and avoid constant updates.

Mr. McGonigle stated that finding the middle ground is important but it is also important to encourage green practices in the City. Using regulations for Willmette as an example, he then urged staff and the committee to look at lot coverage percentages the City allows owners to build to. This could help get the code in line with the City's green and sustainable goals. Making allowances for pervious materials may encourage the use of more plantings and green space.

Chairman Lewis stated that he believes increasing the bonus actually encourages more building on a lot. He indicated that the regulations for building lot coverage still need to be considered in that case and that lot coverage still cannot exceed that maximum amount.

Mr. McGonigle suggested thinking more about the materials than actual coverage, he indicated that some surfaces typically considered pervious, such as grass is less permeable than some other pervious materials due to grass's density. Commissioner Dubin and Chairman Lewis emphasized that the proposed regulations are dealing more with decks and surfaces beneath them. Chairman Lewis emphasized that the committee is not suggesting comprehensive reform at this time.

Mr. Latinovic asked the committee if staff should consider giving more than 20% incentive for paving blocks. McGonigle agreed with a suggestion to use "permeable paved blocks". Chairman Lewis stated that the surfaces would be covered by pervious paving system and the regulations could eliminate "blocks". He then stated that he believes if there is no bonus or incentive provided, the permeable options would like not be used due to cost. He continued, stating that removing "permeable blocks" would alleviate the issue with pavers being listed in different sections with conflicting levels of porosity.

Mr. Latinovic explained that the code was previously so complicated that staff interpreted all decks as impervious, so the initial idea was to revise the language of the code to be able to match the interpretation. After the last meeting, that idea was revised to allow for decks with certain surfaces beneath to be counted as pervious but count them towards building lot coverage to prevent overbuilding on properties. Additional discussion followed on the progress of changes to this regulation followed.

Chairman Lewis stated that there were two comments, one being defining the permeability of certain types of gravel. Commissioner Dubin stated that, though it needs to be discussed, that would be a different meeting. Chairman Lewis disagreed, stating that demonstrates permeability so it may need to be codified, or interpreted according to ASTM standards and leave a final determination of permeability to staff's judgment.

Commissioner Dubin asked if the city's building code addresses any of these standards. Commissioner Belisle stated that the building code is a separate document that would regulate a different area and buildings themselves. Commissioner Dubin asked if there were any other examples of standard manufacturing metrics being used in the City Code. Mr. Latinovic replied that foot candles as they relate to lighting and decibel levels as they refer to sound have been adopted as standards that are followed in certain policies but they are not defined in the Zoning Code.

Mr. McGonigle stated that it usually is the case that Zoning likes to have clear, specific regulations. Mr. Latinovic agreed due to various interpretations being possible, otherwise. He stated that an Issue is without zoning staff being experts there may be some issues in enforcement. It may be possible to maintain the proposed phrasing and in practice ask about ASTM standards as requests are received by staff. Staff can research the standards.

Mr. McGonigle suggested that staff include language that limits the use of certain surfaces, for example specify a non load-bearing use under certain areas such as walkways, as this would reduce chances of compacting permeable surfaces. Commissioner Belisle replied that in that instance staff can refer back to maintaining the porosity of the surface as stated in the regulations.

Commissioner Dubin pointed out that no other town referred to in the memo codifies ASTM standards. Ms. Jones stated that there are cities that may not codify particular standards but there are standards that exist that are used as guidelines by staff in actual practice. She indicated that this could be something Planning and Zoning staff can do as well.

Mr. Latinovic requested to summarize the suggestions for edits to the proposed text amendment. Commissioner Dubin noted to use “pervious paving systems” and remove “paving blocks”. It was also requested that clarification be provided for the use of pavers under the deck versus using them as another surfaces such as a walkway or driveway.

Commissioner Belisle asked if the paving block edit can be made as one motion and then have a separate motion for other changes. The committee agreed that one motion would be preferred.

Chairman Lewis stated that there are three options for the committee to consider: say no to the proposed amendment and send it back to staff to work on; approve the amendment as is and send it to Plan Commission; or approve the amendment with modifications as suggested and send it on to Plan Commission. Latinovic stated with more commissioners at Plan Commission there can be more discussion and more suggestions could be made.

There being no further discussion, Commissioner Dubin made a motion to accept the new language for zoning code with the addition of change as discussed and send the proposed amendment on to the Plan Commission.

Commissioner Goddard seconded the motion.

The motion was approved by voice vote: 4-0.

Aye: Commissioners Dubin, Goddard, Belisle and Chairman Lewis

Nye: none

4. ADJOURNMENT

DRAFT

Commissioner Goddard made a motion for adjournment and Commissioner Dubin seconded the motion. With all commissioners in favor, the meeting was adjourned at 7:55 pm.

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