1. CALL TO ORDER / DECLARATION OF QUORUM

Chair Lewis called the meeting to order at 7:06 P.M.

Chair Lewis then made a statement confirming that he read the minutes and watched the video of the previous meeting and was able to Chair and participate in the evening’s continued hearing. He then read the guidelines regarding ex parte communication, as stated in Article XI of the Plan Commission’s Administrative Rules and Procedures.

2. APPROVAL OF MEETING MINUTES: April 10, 2019 and May 29, 2019

Commissioner Goddard made a motion to approve the minutes, seconded by Commissioner Isaac. The Commission voted unanimously, 8-0, to approve the minutes of April 10, 2019.

Chair Lewis suggested minor edits to the minutes of May 29, 2019 related to which Commissioner spoke. Commissioner Halik made a motion to approve the minutes of May 29, 2019 as amended, seconded by Commissioner Isaac. The Commission voted, 7-0 with one abstention, to approve the minutes of May 29, 2019 as amended.

3. NEW BUSINESS

A. Text Amendment
Office Use in Residential Districts 19PLND-0041

Page 1 of 9
Plan Commission Minutes 6/12/19
A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to Chapter 8, Residential Districts of the Zoning Ordinance, to allow office uses and revise special conditions for office uses within Residential Districts.

Chair Lewis opened the public hearing to testimony from the public, inviting Marcia Kuhr who requested the continuance for the case up to speak first. Ms. Kuhr then introduced Joan Safford. Ms. Safford read a statement opposing the proposed amendment, saying the proposed amendment affects established properties and equates to spot zoning. She added that the change to a text amendment vs a map amendment for the library parking lot is shown by the lack of people and lack of notice sent to affected properties. Additionally, posting in the Evanston Review is insufficient notice.

Alderman Fiske spoke, clarifying that because the amendment affected a project under review of City Council review, she was advised not to attend the April 10, 2019 meeting. Due to the project contract expiring, she was able to speak regarding the text amendment. Alderman Fiske then referenced the affected properties and what was on those lots, emphasizing she was not speaking on just one parcel. She then referenced the 1920’s zoning ordinance including an effort to recognize the downtown hotels and the development of the downtown and understanding that commercial buildings would exist on the periphery of the downtown. The proposed text amendment is a nod to that as well as a way to acknowledge mixed-use within the area. Alderman Fiske then added that there are some properties with uses that could be considered special uses. She is looking at the text amendment as more of a housekeeping issue that will help some existing uses work in the area and be more compatible in the zoning districts. She then asked the Commission to think about if the proposed amendment makes sense to fit some of the uses into residential that is intended to be high intensity residential and keep office uses at a reasonable height. She added that she and other Council members have discussed making broader changes to the downtown plan and zoning. There is a demand for more office space and this text amendment also provides a way to address that need.

Chair Lewis opened the hearing to questions from the Commission to the Alderman. Commissioner Pigozzi asked if there is any evidence of people wanting to build office and if Alderman Fiske would support the proposed amendment if the Library Parking Lot was not affected. Alderman Fiske responded that office use is in demand, citing the new office building proposed at 601 Davis. She added that the library parking lot is within her ward and the current use is not consistent with the R6 zoning, she is not asking for the library parking lot to something that is consistent with R6 zoning. She then voiced concern over some uses within other buildings being expanded within buildings in that block, specifically the WCTU building, that would make the use inconsistent with the current zoning. The proposed text amendment would actually protect uses within those buildings.
Chair Lewis asked if this is the best way to go about creating more office space. Alderman Fiske responded that the King Home site is an example of possible repurposing of existing space as the owners have considered different uses. She then stated that a subcommittee of the Council will meet to discuss the downtown plan and what may need to change, boundaries, etc. 811 Emerson has pushed the northern border north. She added that Council depends on and one of the key tasks of Plan Commission is to provide more thought on long term plans.

Chair Lewis then opened up the public hearing to public comment. A total of 4 people spoke with the following comments:

- Vickie Burke with WCTU stated that the organization was not alerted about this possible change and has not met with the Alderman. She added that the Women’s Center has some office use and has an archival library that draws visitors as does the museum. There is some rental possible to similar-use organizations. The proposed text amendment would affect properties built in the late 1800’s with the Frances Willard House being the most protected.

- Betty Ester stated that clarification was needed on what properties would be affected. Staff referenced the map provided and stated, given the proposed language, the proposed amendment would not affect property in the 5th ward.

- Ray Friedman stated that he became involved in politics due to the HOW development at Pitner Ave. and Dempster St. and asked why this was not a zoning change instead of a text amendment.

- Kiera Kelly pointed out that the referral occurred between the Library Parking Lot project review and the reconsideration of that contract. The vote was held and the contract lapsed. The proposed text amendment could affect that project site. She then read a portion of the Code relating to approval of text amendments that states, “not to confer special privileges...” and that this amendment is conferring special privileges to the Alderman. Ms. Kelly then referenced the Evanston Now article related to the text amendment. She added that the text amendment should be fully vetted and involve stakeholders and there is an office project proposed at 601 Davis. She hoped that the Commission votes against the text amendment.

Chair Lewis then opened the hearing up to general questions from the Commission. Commissioner Pigozzi asked staff if there has been any interest in building in these areas. Ms. Jones responded that staff fairly regularly gets general questions regarding developing sites, some projects viable, others not. There have been some that included one or two properties that would be affected by the proposed text amendment.

Chair Lewis asked what the purpose of residential districts designation is and what uses are permitted, additionally what are the purposes of special uses. Mr. Mangum referenced the district purpose statements mentioned during the presentation. Chair Lewis asked if permitted uses could be categorized in any way. Mr. Mangum responded that permitted uses are more in-line with the purposes of the district while a special use may have additional impacts to a residential area and must go through the process of
obtaining a special use permit.

Chair Lewis then asked how existing historic structures would be characterized. Mr. Mangum responded that there are a number of legally nonconforming uses that can continue as such, specific properties would need to be researched further. Chair Lewis clarified that if the text amendment were passed that it would allow current multi-family buildings to be office buildings; would parking be counted in the height and would loading be the same? Mr. Mangum responded that uses outside of downtown would have parking count towards height and parking requirements are based on the use. Loading requirements would be the same.

Chair Lewis asked for clarification on how bulk is controlled within residential districts and details on ziggurat setbacks. Mr. Mangum explained that unlike downtown districts, residential districts are not regulated by floor area ratio (FAR) but by building lot coverage. There are no ziggurat requirements within the R5 and R6 districts.

Chair Lewis added that the amendment appears to be allowing a totally different use within a residential area and asked if there are other communities where this is permitted? He then asked for clarification on the process for review through ZBA versus Plan Commission for proposed office. Mr. Mangum responded that there is a range of requirements in other communities but that would need to be researched. With regards to review processes, if a development meets certain thresholds it is required to be considered as a Planned Development, and it would come before the Plan Commission; otherwise it would be reviewed by the ZBA both of which make recommendations to the City Council.

Commissioner Isaac inquired about what process would need to occur if a proposed project would want to exceed maximum lot coverage. Mr. Mangum responded that if the development is a planned development it would need to request a site development allowance, otherwise it would need to request a variance. The minimum threshold for a building to be considered a planned development would need to be 20,000 square feet of floor area. It is possible for a development to not be a planned development and just be required to meet the base zoning requirements for the particular zoning district the site is located in.

Chair Lewis asked for clarification on what would happen to any current applications in process if the proposed amendment is approved. Mr. Magnum responded that any application currently filed with no final decision made would be subject to requirements in place at the time the application was submitted.

Chair Lewis then closed the public hearing then the Commission then entered into deliberation.

Commissioner Pigozzi stated that the Commission has reviewed the proposal and the

Page 4 of 9
Plan Commission Minutes 6/12/19
Alderman’s testimony is unconvincing. He continued, explaining that he does not understand the need for the text amendment and that the perception out now is bad governance and that this games the system. He stated that the Commission is here to review regulations and if this amendment is another way to get approval for the library parking lot project, it is an insult to the Committee.

Commissioner Goddard stated that if a need for office use exists, the least appropriate place is in residential areas. A change in trend may lead to more office as was done for condominiums and then apartment buildings in the downtown. She then stated her opposition to the text amendment.

Commissioner Isaac explained that he was skeptical of the text amendment but that a few things have opened his eyes, specifically Chair Lewis’s line of questioning. He stated that it does not appear that the text amendment would solve problems. Would only be able to construct a smaller building and does not see constructing office in residential as a solution. Concerns lessened after staff’s responses to the Chair’s questions. He then stated that Alderman Fiske’s words opened his eyes to how we will address expanding the downtown and that the Commission should look at the longer term. He suggested sending the item to the Zoning Committee to potentially modify and address concerns.

Commissioner Halik stated that what is proposed appears to be an issue of expanding the downtown. The place for density is in the downtown, incremental expansion is the wrong approach. He continued, explaining that he does not see a need for the amendment and that the response to the library parking lot inclusion question was telling and make him question the intent of the amendment. He intends to vote no.

Commissioner Draper stated that she supports mixed-use development. However, this is not the best way to go about it. If looking at the whole downtown, the matter should go to the Zoning Committee. She added that the Commission did not vote no because of the office use but because of the building itself.

Commissioner Dubin stated she will be a no vote and that there is a different level of scrutiny needed regarding the zoning within the area.

Chair Lewis paused to thank Commissioner Isaac for chairing the previous meeting where this item was introduced and initially discussed. He then welcomed new Commissioner Jane Sloss.

Commissioner Sloss agreed with previous comments. This amendment merits further discussion in a more comprehensive manner and not piecemeal.

Chair Lewis stated that it is not good zoning practice to violate residential use with other uses. The 2000 Comprehensive Plan should be updated as well as the Downtown Plan.
and if looking for a need for office then that discussion should be part of a larger plan. He added that a house worth of office use has a minor impact versus a larger office building in a residential zoning district. He emphasized that there are different paths to take regarding the amendment: recommend approval of the text amendment as is, recommend approval with modifications, recommend denial or refer to the Zoning Committee for further study.

The Commission then reviewed the standards for approval of amendments and found that it was not fully consistent with goals and objectives of the Comprehensive Plan and, in some cases, may not be compatible with adjacent uses and lead to negative impacts on their use.

Commissioner Goddard made a motion to deny the proposed text amendment. Commissioner Isaac suggested that moving the matter immediately to Council may not be appropriate at this time. Commissioner Pigozzi responded that the Commission should vote on the amendment as presented then have a separate discussion on greater changes at a later date.

Commissioner Goddard made a motion to recommend denial of the text amendment as presented by staff. Commissioner Pigozzi seconded the motion. A roll call vote was taken and the motion passed, 7-1.

Ayes: Draper, Dubin, Goddard, Halik, Lewis, Pigozzi, Sloss
Nays: Isaac

B. Text Amendment

Residential Care Homes 18PLND-0094
A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning to modify regulations regarding Residential Care Home uses (Section 6-4-4) including potential related amendments within the Residential, Business, Commercial, Downtown, Transitional Manufacturing, Special Purpose and Overlay Zoning Districts (Sections 6-8 through 6-15).

Ms. Jones provided a brief recap of the proposed amendment, providing definitions and where Residential Care Homes are permitted. She then summarized the discussion that occurred during the March 27, 2019 Zoning Committee meeting.

Chair Lewis opened the hearing up to questions from the Commission. Commissioner Isaac asked if there are any updates on the Springfield, IL vs. Valencia case. Ms. Jones stated that she has not yet seen any updates on that litigation and the City of Springfield’s plans to revise their code as it relates to this use and family definition has not moved forward. Commissioner Halik then asked for clarification if that case related to Fair Housing laws. Commissioner Isaac responded
that the Springfield case relates to reasonable accommodation and not directly just the distance requirement. The issue came in how Springfield applied the distance requirement in that case.

Hearing no more questions, Chair Lewis then opened the hearing up to questions from the public. A total of 2 members of the public spoke including the following:

- Ms. Betty Ester stated that she agrees with the Zoning Committee and hopes the Commission follows that Committee’s recommendation. She then invited the Commissioners to a community meeting on July 12, 2019 in the Parasol Room which will have a lawyer who specializes in Residential Care Home uses that will explain the use, what should be looked at and if a plan should be developed regarding the use.

- Mr. Ray Friedman stated that the text amendment process closes off the public and that he is confused about what is considered a Special Use and not, referencing the nearly constructed HOW development. He then asked if the Inclusionary Housing is the same as permanent supportive housing, whether or not it needs special use permits and what the residential care home definition was. Ms. Jones referenced the Residential Care Home definition she provided earlier. Chair Lewis stated that the HOW development is a separate item not up for discussion this evening and reiterated what the text amendment before the Commission is. Mr. Mangum confirmed that the HOW development is not a residential care home.

Chair Lewis then opened up the hearing to testimony from the public. Ms. Ester stated that she was glad that the amendment was being held which allows for community education and time to see if regulations do need to be changed. She then referenced a 2005 rezoning that made things worse in the 5th Ward and expressed that she is glad that the amendment has been brought up and the community can be educated.

Chair Lewis closed the public hearing and the Commission entered into deliberation.

Commissioner Isaac asked Counsel if an application is submitted, would the City have to make reasonable accommodation for that use, does the proposed change solve the issues raised by the Springfield case. Mr. Hugh DuBose responded that it is difficult to say as that case is still ongoing.

Commissioner Draper added that during the Zoning Committee discussion it was mentioned that there is a shortage of care homes and that they exist within existing buildings. The original proposed text amendment would make the process more difficult, including the cost of entry.

Chair Lewis stated that the distance requirement aspect of the amendment is not necessarily settled. It helps ease clustering and at the State level there are existing
distance requirements. He continued, stating that the Zoning Committee recommended that the Commission wait for a precedent to be set before changes are made. He added that a concern was raised that the use is in areas with affordable housing. Tenants are not different from others and have the same rights.

Commissioner Dubin thanked Ms. Ester and added she was glad that the impacted community and Alderman Simmons are having a discussion.

The Commission reviewed the standards for approval and found that those that applied were not met.

Commissioner Isaac asked if it would make sense to adopt the recommendation of the Zoning Committee and make the same recommendation to City Council. Chair Lewis responded that the Commission could vote no on the amendment as it was presented and address the distance requirement at a later date.

Commissioner Pigozzi asked if the item could be tabled until the Springfield case is settled. Chair Lewis responded that the Committee has essentially recommended that and that the Commission is almost doing so by default and not making suggested text amendment changes. Commissioner Isaac added that rules state that a decision must be made by the Commission within 120 days.

The Commission reviewed the standards for approving text amendments and found that the Comprehensive Plan would not support changes that could violate fair housing laws and that the proposed amendment would not be compatible with existing development since the care homes fit within the neighborhood context and not have negative effects on the value of adjacent properties.

Commissioner Isaac made a motion to approve changes as proposed by the original text amendment 18PLND-0094. Seconded by Commissioner Dubin. A roll call vote was taken and the motion failed, 0-8.

Ayes: Draper, Dubin, Goddard, Halik, Isaac, Lewis, Pigozzi, Sloss

Nays: Draper, Dubin, Goddard, Halik, Isaac, Lewis, Pigozzi, Sloss

4. PUBLIC COMMENT

There was no public comment.

5. ADJOURNMENT

Commissioner Pigozzi made a motion to adjourn the meeting. Commissioner Dubin seconded the motion.

A voice vote was taken and the motion was approved by voice vote 8-0.
The meeting was adjourned at 9:25 pm.

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