MEETING MINUTES
PLAN COMMISSION
Wednesday, August 28, 2019
7:00 P.M.
Evanston Civic Center, 2100 Ridge Avenue, James C. Lytle Council Chambers

Members Present: Colby Lewis (Chair), Peter Isaac (Vice-Chair), Terri Dubin, John Hewko, Jane Sloss

Members Absent: Jennifer Draper, Carol Goddard, George Halik, Andrew Pigozzi

Staff Present: Scott Mangum, Planning and Zoning Manager
Meagan Jones, Neighborhood and Land Use Planner
Hugh DuBose, Assistant City Attorney

Presiding Member: Chairman Lewis

1. CALL TO ORDER / DECLARATION OF QUORUM

Chair Lewis called the meeting to order at 7:13 P.M.

2. APPROVAL OF MEETING MINUTES: August 7, 2019

Commissioner Dubin then made a motion to approve the minutes, seconded by Commissioner Isaac. The Commission voted, 4-0, with one abstention to approve the minutes of August 7, 2019.

3. OLD BUSINESS

A. Text Amendment
Special Events in the U2 District 19PLND-0032
A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to Section 6-15-7-2 of the Zoning Ordinance, to revise permitted uses of the U2 University Athletic Facilities District.

Chair Lewis stated that though there is a quorum for the meeting, there is not a quorum for this agenda item due to a new commissioner not being fully up to date on previous hearing information; therefore no action could be taken and the hearing would need to be continued.

Commissioner Isaac made a motion to continue this item to the September 11, 2019 Plan Commission meeting. Commissioner Dubin seconded the motion.
voice vote was taken and the motion passed, 4-0, with one abstention.

Ayes: Dubin, Halik, Isaac, Lewis, Sloss
Nays:
Abstentions: Hewko

4. NEW BUSINESS

A. Text Amendment
   Accessory Recreational Cannabis Use 19PLND-0078
   A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to create definitions for recreational and medical cannabis related uses, establish any applicable general provisions for such uses, establish any applicable parking requirements for such uses, and amend the permitted and special uses in the Business, Commercial, Downtown, Research Park, Transitional Manufacturing, Industrial, and Special Purpose and Overlay zoning districts.

Commissioner Isaac made a motion to continue this item to the September 11, 2019 Plan Commission meeting. Commissioner Dubin seconded the motion. A voice vote was taken and the motion passed, 5-0.

Ayes: Dubin, Hewko, Isaac, Lewis, Sloss,
Nays:

B. Text Amendment
   Municipal Use Exemption 19PLND-0077
   A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to Section 6-7-4. Municipal Use Exemption, to revise language related to the process and noticing of municipal use exemptions.

Mr. Mangum provided an overview of the proposed text amendment, explaining existing regulations and stating that the impetus for it was a referral from the Planning & Development Committee.

Commissioner Isaac stated that there are items in the language that are contradictory and asked if a project is permitted in any district, under what circumstances subsections B or C would be needed. Mr. Mangum responded that sections B and C relate to the new construction of buildings or structures. If there is new construction with a permitted use, it would be noncompliant with underlying district regulations and the proposed procedures would follow with DAPR and City Council review. Commissioner Isaac summarized that it is the difference between use and the actual structure, Mr. Mangum replied that that is the most likely outcome. Commissioner Isaac clarified that a use allowed through Section A can be in any district and would not have to come before the
Plan Commission, however in B, if City purchased an existing building to put in a new use, would the City need to seek approval at that point. Mr. Mangum stated that it would not unless there is some other change being made to the space that triggers a noncompliance with the code.

Commissioner Isaac then asked if, under B where “noncompliance is necessary” is there a situation where it may not be necessary but instead be favorable to the City. It seems the “necessary” standard is too high. Also, with regards to the wording referencing minimizing impact to surrounding properties, impact is minimized from what? Mr. Mangum responded that it depends on what the potential impact is; there could be some design treatment provided to mitigate it. He then added that the sections referenced are currently within the Zoning Code but could also be amended.

Chair Lewis clarified that there is no substantial difference between the existing code language and the proposed subsection A. Mr. Mangum responded that is correct. The current language could be read as unclear as to whether Council approval is required for the first instance of a particular proposed use.

Commissioner Sloss inquired if there was a circumstance that brought this text amendment about. Mr. Mangum replied that the water pump station constructed on McDaniel Avenue and Church Street lead to a closer look at noticing requirements due to it not having the same requirements as other non-municipal projects.

Chair Lewis asked if there is any affected scale for this, for example, if the building is 20,000 square feet would it go through a planned development process or would it be by right. Mr. Mangum stated that the intent was not to change regulations regarding that. Chair Lewis stated that the existing regulations permit for large buildings to be built without going through a planned development process. Mr. Mangum responded that the use would otherwise be a special use, if the use does not require a special use then a planned development would not be necessary. There is some interpretation there. He then gave an example of the Robert Crown Center which went before the Zoning Board of Appeals.

Chair Lewis opened the hearing to questions from the public. Hearing none he then opened the hearing to public testimony. One person, Janet Steidl, spoke on behalf of Joan Safford who supports the proposed amendment but expressed that it should be stronger, requiring a 1,000 foot distance requirement for municipal uses and should also be reviewed by the Plan Commission since it permits questions and testimony from the public. It also meets at a time that is more accessible to members of the public.

Chair Lewis closed the public hearing and the Commission began deliberation.

Commissioner Isaac stated that he believes Chair Lewis’s questions and Ms. Safford’s suggestions are well taken. He added that proposed subsection C could be made much
simpler by requiring the City to follow the same process as any other proposed project. If the proposed use goes outside the bounds of a zoning district it should go through the same process.

Commissioner Sloss asked if there were any other municipalities that were researched for this particular item. Mr. Mangum stated that he does not believe so but that during the Planning & Development Committee meeting, Ms. Safford referenced several other communities that have some kind of procedure.

Chair Lewis stated that the Commission can move to approve the proposed amendment, to ask for a modification to the proposal, reject the proposal or refer to the Zoning Committee as the change is substantial enough to warrant additional discussion. Mr. DuBose confirmed that referral was an option.

The Commission reviewed the standards for approval of text amendments. There was discussion that the proposed amendment meets the spirit of the first standard of meeting the goals of the Comprehensive Plan but may not go far enough in enforcing those standards. There was some disagreement on the second standard of compatibility with surrounding developments and whether or not it applied to the proposed amendment and if it does there is potential for it not to depending on the project. The final two standards were seen as project specific.

Commissioner Isaac made a motion to refer this item to the Zoning Committee for further review and discussion with respect to strengthening the noticing requirements as it relates to the scale of variance of the development proposed by the City. Commissioner Sloss seconded the motion. A roll call vote was taken and the motion passed, 5-0.

Ayes: Dubin, Hewko, Isaac, Lewis, Sloss
Nays:

4. PUBLIC COMMENT

There was no public comment.

5. ADJOURNMENT

Commissioner Isaac 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 5-0. The meeting was adjourned at 7:55 pm.

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