

ZONING COMMITTEE OF THE PLAN COMMISSION

Wednesday, October 16, 2019
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 April 10, 2019 Meeting Minutes

3. NEW BUSINESS

A. TEXT AMENDMENT

Municipal Use Exemption

19PLND-0077

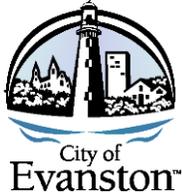
A Zoning Ordinance Text Amendment pursuant to City Code Title 6, Zoning, to Section 6-7-4. Municipal Use Exemption, to revise language related to the process and noticing of municipal use exemptions.

4. ADJOURNMENT

Order of agenda items is subject to change. Information about the Plan Commission is available online at: <http://www.cityofevanston.org/plancommission>. Questions can be directed to Meagan Jones, Neighborhood and Land Use Planner, at 847-448-8170 or via e-mail at mmjones@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 (TTY).

La ciudad de Evanston está obligada a hacer accesibles todas las reuniones públicas a las personas minusválidas o las quines no hablan inglés. Si usted necesita ayuda, favor de ponerse en contacto con la Oficina de Administración del Centro a 847/866-2916 (voz) o 847/448-8052 (TDD).



DRAFT

MEETING MINUTES
ZONING COMMITTEE OF THE PLAN COMMISSION

Wednesday, April 10, 2019

7:00 P.M.

Evanston Civic Center, 2100 Ridge Avenue, James C. Lytle Council Chambers

Members Present: Terri Dubin, Jennifer Draper, Peter Isaac, Colby Lewis

Members Absent: Carol Goddard

Other Plan Commission Members Present: none

Staff Present: Scott Mangum, Planning and Zoning Manager

Presiding Member: Peter Isaac, Chairman

1. CALL TO ORDER / DECLARATION OF QUORUM

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

2. MINUTES

Approval of March 27, 2017 Zoning Committee of the Plan Commission Meeting Minutes:

Commissioner Lewis suggested minor edits to the minutes. Commissioner Lewis then made a motion to approve the minutes. Commissioner Dubin seconded the motion. A voice vote was taken and the minutes were approved, 4-0.

3. ADJOURNMENT

Commissioner Lewis made a motion for adjournment and Commissioner Dubin seconded the motion. With all commissioners in favor, the meeting was adjourned at 7:03 p.m.

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



Memorandum

To: Chair and Members of the Zoning Committee

From: Johanna Leonard, Director of Community Development
Scott Mangum, Planning and Zoning Manager
Meagan Jones, Neighborhood and Land Use Planner

Subject: Zoning Ordinance Text Amendment -
Municipal Use Exemption
19PLND-0077

Date: October 7, 2019

Request

Staff recommends amending Section 6-7-4 of the Zoning Ordinance, Municipal Use Exemption, to revise language related to the process and noticing of municipal use exemptions.

Notice

The Application has been filed in conformance with applicable procedural and public notice requirements and was published in the September 26, 2019 Evanston Review.

Analysis

Background

At the July 8, 2019 Planning & Development Committee meeting, the Committee discussed the existing Municipal Use Exemption and what, if any, changes should be made. The Committee expressed support for revising the code as it relates to the noticing requirements for these uses and referred the topic to the Plan Commission for further review.

Section 6-7-4 of the Zoning Ordinance allows the establishment of certain governmental or proprietary uses owned or operated by the City regardless of the Zoning District. The Municipal Use Exemption provision of the Zoning Ordinance allows flexibility in the location of municipal facilities. For example, the Lorraine H. Morton Civic Center and Service Center would not be allowed at their current locations under the Zoning Ordinance without the Municipal Use Exemption because a Government Institution is neither permitted nor a special use in the R4, General Residential Zoning District. Additional municipal facilities that are not permitted uses within their respective zoning districts are the Water Treatment Plant, Water Tower and Pump Station at 2350 Gross Point Road, many of the City's Commercial Parking Lots, and Fire Stations #1, #2, #3, and #4. More recently, the Municipal Use Exemption has been utilized to allow the

construction of the Water Pump Station at 2525 Church Street (OS Zoning District) and Fire Station #5 at 2830 Central Street (B1a Zoning District). This exemption is similar to Section 6-7-3 which exempts certain non-municipal essential utilities.

Currently, Section 6-7-4. Municipal Use Exemptions, calls for Design and Project Review (DAPR) Committee and City Council to review proposed City projects. This section does not require mailed notices to be sent out nor for legal notices to be published prior to their review.

6-7-4. - MUNICIPAL USE EXEMPTION.

Any governmental or proprietary function owned or operated by the City shall be a permitted use in any district. The City Council may approve buildings and structures owned and operated by the City that do not comply with all of the requirements of the underlying district, if they are necessary for the provision of desired City services and if the adverse impact on surrounding properties resulting from such noncompliance is minimized. Adverse impacts may be minimized by design, architectural treatment, screening, landscaping and/or placement on the lot. Such plan for reduction of adverse impact shall be subject to review by the Design and Project Review Committee.

Original Proposal Overview

In the report presented at the August 28, 2019 Plan Commission meeting, staff proposed to amend Section 6-7-4 to revise language related to mailed notice for review of proposed municipal uses. Specifically, staff proposed changes to the zoning ordinance as described below.

6-7-4. - MUNICIPAL USE EXEMPTION.

- (A) Any governmental or proprietary function owned or operated by the City shall be a permitted use in any district.
- (B) Where the construction of buildings and structures owned or operated by the City do not comply with all of the requirements of the underlying district, the City Council may authorize that construction if
 - (a) the noncompliance is necessary for the City to perform the desired services and
 - (b) the adverse impact on surrounding properties resulting from such noncompliance is minimized.
- (C) If City Council approval is required, the Design and Project Review Committee shall review the planned construction prior to City Council taking action and provide recommendations regarding the minimization of potential adverse impacts by design, architectural treatment, screening, landscaping and/or placement on the lot.
 - (a) Prior to the construction, the City will provide notice of the Design and Project Review Committee meeting, through the use of a third party service, by first class mail to all owners of property within a

five hundred (500) foot radius of the property lines of the subject property, inclusive of public roads, streets, alleys and other public ways from the area proposed for development whose addresses appear on the current tax assessment list as provided by the City. The failure of delivery of such notice, however, shall not invalidate any such review process.

The proposed Text Amendment will provide additional notice for projects that are proposed by the City in a manner that more closely resembles non-municipal uses.

At the August 28, 2019 Plan Commission meeting, discussion began with requests for additional information on other municipality actions regarding municipal uses and suggestions to consider revising regulations so that proposed municipal uses would be required to follow the same process and noticing requirements as non-municipal uses.

Other Municipalities

Staff reviewed regulations from bordering municipalities and other comparable communities for research on example ordinances and trends. Wilmette requires approval of a Special Use for the construction of new municipal buildings; interior renovations, maintenance/repair, or replacement of equipment in existing parks are excluded. Variations must also be approved by the Wilmette Zoning Board of Appeals. In Chicago, zoning regulations are applied to both public and private developments “unless expressly exempted or provided for” in the zoning ordinance. In Winnetka, Essential Public Uses (defined as the use of any real property, building or other structure owned and operated by the Village for the purpose of providing an essential public service or for the purpose of providing communications for or between any development of the Village) are permitted by-right while Nonessential Public Uses are considered Special Uses.

In Ann Arbor, the City and the Ann Arbor Downtown Development Corporation are exempt from requirements within their recently adopted Unified Development Code though the Code still applies to other government agencies or public education institutions. In Cambridge, Massachusetts, local government facilities are largely Permitted Uses with the main exception of service facilities which are Special Uses. In some residential districts, government uses are permitted but governed by separate Institutional Use Regulations.

Standards of Approval

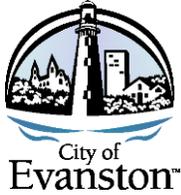
The proposed Zoning Ordinance Text Amendment to revise procedures for municipal use exemptions meets the standards for approval of amendments per Section 6-3-4-5- of the City Code. The proposal is consistent with the goals, objectives, and policies of the Comprehensive General Plan through its promotion of increased efficiency related to application processing and review. The proposal will have no effect on the overall character of existing development, presence of adverse effects on the value of adjacent properties, and adequacy of public facilities and services. The proposed text amendment will not have any adverse effects on the values of the properties in the area and ensure that there is consistency within existing Zoning Code regulations.

Recommendation

Staff recommends the Zoning Committee discuss the facts presented and make a recommendation to the Plan Commission regarding the proposed text amendment.

Attachments

- Plan Commission Minutes from August 28, 2019 Meeting



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. A

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

APPROVED

Neighborhood and Land Use Planner
Community Development Department